

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

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Prime Minister's Office

No. 88/PM

VCC, Date 03 June 2008

**Decree**

**On the Implementation of the Land Law**

- Pursuant to the Law on the Government of Lao PDR No. 02/NA, dated 06 May 2003;
- Pursuant to the Land Law No. 04/NA, dated 21 October 2003;
- Based on the proposals No. 169/NLMA, dated 9 April 2007, of the Minister to the Prime Minister's Office, Head of National Land Management Authority.

**The Prime Minister issues a Decree as follows:**

**Section I**

**General Provision**

**Article 1. Objectives**

This Decree is issued for the purpose of implementing the Land Law relating to the management, protection, use and development of land in an efficient, peaceful, and fair manner as well as ensuring the compliance with the set-targets and the uniformity of practice throughout the country.

**Article 2. Definition of Land**

The definitions of Land as specified in Article 2 of the Land Law consist of:

“**Land surface**” refers to all land parcels which consist of trees, NTFPs, bio-diversities, plants and others.

“**Underground land**” refers to all land parcels which consist of minerals, such as copper, mixed-copper mineral, lime stone layers, copper minerals in the form of stone, gold mineral, mixed metallic minerals (tin, lead, silver), precious stones including clay, gravel, underground water and others.

“**Mountains**” refers to all land parcels with mountainous landscape

“**Islands**” refers to all land parcels which are naturally originated in the water body or the newly-formed land in the territory of the water area land.

**“Submerged land”** refers to all land parcels located under the water of water area land, which consist of aquatic animals, aquatic plants, minerals and others.

**“Water space and air space”** refers to the land territory under the sovereignty of the Lao PDR, which consist of living species and un-living species.

Article 3:      Meaning of Terms Used in the Land Law

**“Land Use Rights”** refers to the right of a person or an organization who acquires permanent land use rights through the Land Title which is a document proving evidence of permanent land use rights obtaining through assignment, exchange, sale-purchase, and inheritance. Land use right consists of: land protection right, land utilization right, land usufruct right, right to transfer land use rights, and right to inherit land use rights. Individual or organization being granted the above-mentioned land use rights is entitled to lease out the land to other persons, use the land as collateral, put in capital or share in a joint-venture, and exchange or sale such land use rights.

**“Land Utilization Rights”** [right to use the land] refers to an organization or individual who acquires the right to use the land in accordance with the land allocation plan of the State. Organizations will only have the rights to protect and use, as specified in Articles 55 and 59 of the Land Law. Individual who acquires land utilization rights [right to use the land] will only have the rights to manage, protection, use, usufruct and inherit.

**“Land Certificate”** refers to an official document certifying land utilization rights [right to use the land] of an individual or organization, such as a Temporary Land Use Certificate (TLUC).

**“Land Lease”** refers to the lease of land performed by the state, as specified in Articles 9 and 10 of the Land Law, to an organization, individual, or juridical entity based on a legal contractual agreement.

**“Land Concession”** refers to an authorization for concession granted to individual or juridical entity by giving the right to use the land for a specific purpose based on the conditions and term specified in the legal contract.

The land concession holder shall pay the concession fee, natural resources fee, and other fees as specified in the Law.

**“Family members”** include husband, wife, children, and adopted children of the person whose name is mentioned in the Land Title. In case of adopted children, there shall be an adoption attestation duly certified by the concerned authority.

**“Family Labour Force”** refers to family members with the age of 14 years and over who are able to work physically or intellectually.

**“State Land”** refers to all land parcels, including natural resources, which are available within the territory of the Lao PDR, excluding the land for which the state organization has already issued the land use rights certificate, in the form of legitimate Land Title, to any individual or juridical entity.

**“Collective Land”** refers to all land parcels and natural resources which are available within the territory of the Lao PDR for which the state has granted the right to collectively use by villages, organizations and state organizations concerned, as specified in Article 59 of the Land Law.

**“Person who abandon the land”** According to Article 74 of the Land Law, it refers that person leaving his/her land to live in another places during the period of national liberation shall have no right to claim for the return of land, excluding those who had joined the revolutionary tasks.

**“Land in respect of which the Administrative Authority had assigned land use rights to the people during the period of national liberation”** refers to the case that the state does not recognize any claim for land, which the administrative authority has already allocated to ethnic peoples who have resettled in such area.

**“People who fled to other countries”** refers to person who left the country to live in abroad for over 7 years without authorization or with authorization but being overstay and not being under the supervision of the Embassy of Lao PDR or the Land Consulate Office in the concerned countries, and having no legal relation with the state of Lao PDR for over 10 years, such person is not entitled to reclaim the land, as specified in Article 76 of the Land Law and Article 20 of the Law on Lao Nationality.

**“Land Management”** refers to the process for the protection, allocation, and development of land with effective, peaceful, and fair manner, and to meet the set-targets by collecting land information, setting regulations, and defining measures for the management, inspection and assessment of the impact to the natural and social environment.

**“Protection of Land”** refers to the use and utilization of land based on the plan for allocation, zoning, classification and land use plan to ensure it is in a good condition in which there is no soil erosion, land subsidence, and soil degradation, and in a quality which is suitable to each land category, and shall not have a negative impact on the natural or social environment.

**“Land Development”** refers to the protection and improvement of land through the promotion of investment in labour, equipment, capital, technology, and infrastructure in order to improve the land quality which can be suitably used within each land category, so that the production capacity and value of the land can be increased.

**“Land Use”** refers to the use of land by individual or juridical entity and organization, including to protect, develop, use, usufruct from any category of land which has been granted authorization to use in accordance with the level of slope being allocated and to plan the land use for a legitimate specific purpose.

**“Land Administration”** refers to the tasks of collecting and analyzing land information, land survey and allocation, land registration and registration of land use rights, and land valuation, to ensure that the land management tasks being implemented in an effective, peaceful, and fair manner, and in compliance with the laws and regulations.

**“Land Service”** refers to the service for providing land information, land development, land sub-registration advisory, sale-purchase of land use rights, and public consultancy in order

to facilitate the public society including foreign and domestic investors who engage in business relating to land.

#### **Article 4. Promotion of Land Development**

The National Land Management Authority is charged with coordinating with line sectors and local administrative authorities to create condition for the promotion of land development through:

1. Collecting data and formulating a plan;
2. conducting a study on policies and regulations;
3. Making use of labour, land, material, capital, technique and technology contributed by the state, individuals, or organizations into land development to build infrastructure.

The Government shall establish the Land Development and Service State Enterprise to carry out the function of land development and land services based on the approval of the state. The organization and activities of such enterprise shall be specified in a specific regulation.

#### **Article 5. Granting of Land Use Rights or Land Utilization Rights**

From the date of promulgation of the Land Law, any individual or organization willing to use the land, shall submit an application to the land unit at village level which shall forward to the Land Management Authority of district/municipality for scrutinize such application and, thereafter, submit to the district/municipality administrative authority for consideration within the scope of its jurisdiction.

Those persons who, during the past period, had retained the land, which is not covered by the above mentioned paragraphs 1 and 2 of Article 6 of this Decree, and who have developed the land, but have not yet received the use rights, shall make the declaration to authority concerned for requesting the land use rights.

#### **Article 6. Prohibition of Land Retainment**

All illegal cases of land retainment shall be cancelled, and the court prosecution following the justice process shall be applied for any damages occur.

Illegal land retainments are reflected as follows:

1. Retainment of land in the area of conservation forest, unexploited forest, watershed forest, mining area land, cultural and archaeological sites, natural tourism site, historical sites and state preserved area.
2. Retainment of land without authorization in the forms of digging the land to form the canal, planting trees, building fence, building houses or stalls to mark the boundaries or putting the demarcation along the river flow and natural streams, then using the power to reserve the area for own use or abusing of authority, function and position to encroach the land within the state preserved area and the land which has not yet been allocated by the state.

## **Article 7. Prohibition of Issuing Certificate for Granting the Land Use Rights or Land Utilization Rights**

Local administrative authorities and authorities who possess concerned mandates are not allowed to issue any certificate for granting the land use rights or land utilization rights to individuals or organizations for the following categories of land:

1. Protected forest, preserved forest and un-exploited forest land;
2. land at the area of natural water reservoir;
3. land in the upstream area, land in the river source area, land along the pond, natural marsh and land preserved by the state;
4. state and collective land in prohibited area;
5. land in the mining area;
6. land in the cultural area, archaeological site, historical site, and natural tourism places;
7. land for national defense and security;
8. communication land preserved for building road or other public infrastructures;
9. land preserved for setting up electricity transmission line;
10. land being banned by the provision of the law.

## **Section II**

### **Land Management**

#### **Article 8. General Principle of Land Management**

The state manages the land in a centralized and uniform manner throughout the country by assigning the National Land Management Authority to be in charge of land management tasks, in accordance with its rights and functions specified in Article 10 of the Land Law, and in coordination with other sectors in charge of the management of land use, other line sectors and local administrative authorities, to undertake the research on policies, mechanism, principles and regulations relating to land management and administration.

#### **Article 9. Sectoral Land Management**

The Ministry of Agriculture and Forestry, Ministry of Public Works and Transport, Ministry of Industry and Trade, Ministry of Energy and Mining, Ministry Information and Culture, Ministry of National Defense, and Ministry of Security shall, in coordination with the National Land Management Authority, undertake the research on policies and regulations relating to the management of land use which is under each ministry's responsibilities, in order to submit to the government for approval.

In order to ensure the effectiveness in carrying out the management of land use within each concerned sector, the above-mentioned ministries shall set up a working team to take charge of this work.

Land management sectors, specified in Article 9 of the Land Law, shall provide information on land use situation within their sectors to the National Land Management Authority for making data collection and inspection.

**Article 10. Land Management at Local Level**

Land Management Authority at local level is comprised of:

1. Land Management Authority of province/city;
2. Land Management Authority of district/municipality;
3. Village Land Unit.

Land Management Authority at local level has its own specific regulations concerning the organization and activities set in different levels.

**Article 11. Rights and General Functions of Land Management Authority at Local Level**

The Land Management Authority at local level has the rights and general functions as follows:

1. to carry out land management and administration tasks;
2. to manage land registration, sub-registration and land valuation;
3. to undertake land survey, land allocation, land zoning, land classification and land use planning, give land on lease and concession, to set land census, and to withdrawal land use rights;
4. to issue Land Survey Certificate and Land Title;
5. to collect statistical data and information on land and provide land services;
6. to inspect land use;
7. to gather, and compile statistical data and situation of land use changes within its scope of responsibilities for further reporting to the National Land Management Authority;
8. to implement other rights and functions assigned by the local administrative authorities and in accordance with the technical guideline set out by the National Land Management Authority.

With regards to the detailed division of rights and functions of the Land Management Authority at each level, there shall be a separate regulation specifically issued by the National Land Management Authority.

## **Article 12. Land Information System**

The National Land Management Authority establishes the Centre for Research and Information of Land and Natural Resources with an aim of undertaking the collection and compilation of statistical data and information, situation and specific characteristics of each category of land located in different area in a systematic manner. These are to be used in the formulation of land policies, to ensure land management, land protection, land use planning, land allocation, land zoning, land classification, land development, land tax collection, and to provide data for investment.

The Centre for Research and Information of Land and Natural Resources is responsible for data collection, filing, analysis, use, and development of land. It is also charged with the improvement of land information management system so as to allow it to become modern, standardized, good quality, clear and easy to use, and shall be able to provide information for the land development planning and environment protection. Land information shall be kept at a secure place and shall remain confidential for any data which are not to be exposed.

Changes in data and information may be made only if prior authorization has been received from the National Land Management Authority.

## **Article 13. Land Valuation**

With regards to the land valuation at the central level, the National Land Management Authority, in coordination with line ministries and authorities, is in charge with conducting the valuation of land in each point, each region and each category, to further submit to the government for approval. The purpose of land valuation is to serve in land registration, land acquisition, land lease or concession and the transfer of land use rights. The inspection and re-valuation shall be undertaken within a period of 2 years. At local level, the Land Management Authority at provincial/city and district/municipality level shall be assigned to coordinate with line sectors to undertake the research and to make the proposals for seeking comments from the administrative authority at the concerned level, and thereafter, submit the proposals to the National Land Management Authority for consideration and decision.

Land Management Authority of district/municipality, and village land unit are charged with providing data and may be invited to take part in land valuation work at provincial/city level.

## **Article 14: Land Revenue**

Land revenue refers to revenue received from the collection of land tax, tax on income from land, registration fees, leasing fees, concession fees, income from selling the land use rights, fine, compensation for land conversion, service charges, etc., as specified in the law and regulations.

The Land Management Authority is charged with the collection of land tax, land fees, tax on income from land, registration fees, leasing fees, concession fees, income from selling the land use rights, fine, compensation for the conversion of land and other revenues relating to land, as well as technical service charges on land, such as land survey charge, mapping charge, income from selling standard forms.

The revenue collecting from land shall be contributed to the state budget, as specified in the Law on Budget and the Prime Minister Decree on Technical Service Charges.

#### **Article 15. Land Registration and Registration of Land Documents**

Land Management Authority is responsible for carrying out land registration and the registration of land documents throughout the country, as specified in Article 43 to 51 of the Land Law, and based on the division of tasks as follows:

- The National Land Management Authority is charged with conducting research and formulating mechanism and regulations, and monitoring land registration and registration of land documents;
- Land Management Authority of province/city is charged with carrying out land registration and land documents registration, certifying land use rights and land utilization rights, issuing Land Survey Certificate and Land Title based on the proposal of the Land Management Authority of district/municipality;
- Land Management Authority of district/municipality is charged with conducting the land inspection, land measurement, and preparing documentation for land registration and land documents registration, issuing certificate for provisional land utilization right based on the survey and the allocation plan and the land use plan;
- Village Land Unit is charged with providing data relating to land for the purpose of forming the land file for applying for land, and land documents registration. The land file shall be duly certified by “Nai Ban” (Chief of village) and, thereafter, sent to the Land Management Authority of district/municipality for consideration, management and protection of state land, collective land within the village territory, and for inspecting the land use by individuals and organizations within the village territory.

#### **Article 16. Documents Attesting Land Use Rights and Land Utilization Rights**

Documents certifying the land use rights consist of: Land Title

- Land Title is the highest legal document certifying the land use rights. Only the rightful person (s) whose name (s) is (are) included in the land title shall be considered as owner (s) of the Land Title who shall have the right to use it as collateral, share; for selling, exchanging, leasing out, giving as inheritance. For applying the above-mentioned rights, the holder of the land title has the right to assign another person to act as his/her representative. However, the assignment of right shall be made in written form and shall be duly attested by the court registry or the chief of village.

Documents certifying the land utilization rights consist of: Land Survey Certificate, Land Certificate, Certificate of Original Acquisition of Land, and Land Development Certificate.

- Land Survey Certificate is a document certifying the land utilization rights assigned by the state to individuals or state organizations, political organizations, Lao Front for National Construction, mass organizations, and state economic organizations with a

view to use it for various purposes based on each land category specified in the law. Organization being granted a Land Survey Certificate, shall have no right to transfer, lease out, grant concession, put in share or collateral. Individual being granted Land Survey Certificate shall have only the right to manage, protect, use, usufruct, and inherit. In case that a holder of land survey certificate is willing to use it for leasing out the land or to use as collateral with the bank or financial institution, such person shall request for a Land Title to be used as a legal document certifying the land use rights.

- Land Certificate is a document certifying the provisional land use issued by the district/municipal administrative authority, based on the policy of land management and land-forest allocation. After the period of 3 years of developing land, the holder of the Land Development Certificate shall have the right to apply for the Land Title which is the legal document certifying the land use rights.
- Land Development Certificate is an official document issued by the concerned land use management sector, based on the development plan, in order to prove that the concerned land parcel has been developed. This certificate is required for forming the land file for applying for land registration, as stipulate in Article 18 and 43 of the Land Law.
- Certificate for Original Acquisition of Land is the document certifying the acquisition of land which shows the historical evolution of the protection and use of land.

Each type of such documents listed above shall have a specific standard form with different format.

### **Section III**

#### **Land Classification, Land Use and Change of Land Category**

##### **Article 17: Land Classification**

The National Land Management Authority has the function to coordinate with concerned sectors and local administrative authority in order to undertake land survey, classification of land regions and land categories throughout the country, as specified in Articles 11 and 12 of the Land Law, and shall, thereafter, report to the Government who will present to the National Assembly for approval.

Land classification, classification of land regions and land categories shall be carried out in compliance with the strategic plan for the use of natural resources (land, water, forest, mine, bio-diversity), the national socio-economic development plan and the environment protection plan in each period.

##### **Article 18: The Use of Each Category of Land**

The use of each category of land shall be performed in accordance with the Land Law, Law on Agriculture, Forestry Law, Law on Water and Water Resources, Law on Electricity, Law on Mining, Law on Environment Protection, Law on Urban Planning, Law on National Roads, Law on Processing Industry, and other concerned legal documents.

In case of any region and category of land which has no legal document [or if such legal document is not complied with the actual situation] to be used as the basis for the implementation, the concerned sector shall coordinate with the National Land Management Authority to undertake a research for forming and improving such legal document and to submit the proposal to the Government for approval.

#### **Article 19: Change of Land Category**

The State authorizes the change of land category from one to another category of land if it considers necessary to use the land for another purpose which is in compliance with the socio-economic development plan of the state without detrimental effect on the national security, environment and society.

The Administrative Authority of the district/municipality has the right to make decision with regards to the change of land category for an area less than three hectares, based on the proposal of the Land Management Authority of the district/municipality and the concerned sectors.

The Administrative Authority of the province/city has the right to make decision with regard to the change of land category for an area from three hectares to one hundred hectares, based on the proposal of the Land Management Authority of the province/city and the concerned sectors.

The National Land Management Authority has the right to make decision with regard to the change of land category for an area over one hundred hectares up to ten thousand hectares, based on the proposal of the concerned sectors, the agreement with the local administrative authority, and with the approval of the Government.

The Government has the right to make decision with regard to the change of land category for an area of over ten thousand hectares, based on the proposal of the National Land Management Authority, concerned sectors, and local administrative authority, and with the approval of the National Assembly.

Land for which authorization to change its category has been granted shall be used in compliance with the set-purpose and with the concerned laws and regulations. A person who receives the authorization for the change of land category shall be responsible for paying compensation, natural resources charge, fees and other service charges according to the regulations.

### **Section IV**

#### **Land Use Rights and land Utilization Rights**

#### **Article 20: Transfer of Land Use Rights**

The transfer of land use rights refers to the sale, assignment or exchange of land use rights to another person. The transfer of land use rights may be performed only in case that such land has a legitimate land title. The transferor shall be the holder of the land use rights or the assignee. The transferee shall be a Lao citizen or a Lao organization.

For all transfers of land use right, the transferor shall have a document file comprising of the land title, sale contract, transfer contract or exchange contract, to be used as evidence. The document file shall be registered, and the name shall be transferred to the name of the transferee at the Land Management Authority of the province/city where the land is located, and the fees for the transfer of land use rights shall be paid according to the regulations.

Individual or organization being granted the land utilization rights shall have only the right to protect and use such land, as specified in Article 59 of the Land Law.

#### **Article 21: Land Lease or Land Concession**

The Government, the National Land Management Authority and the Land Management Authority of the province/city, have the right to give state land on lease or concession to other persons or organizations, based on the scope of their rights.

A Lao citizen and socio-economic organization, who have duly acquired land use rights, shall have the right to lease out their land use right to other persons or organizations.

The land lease contract or land concession contract shall determine the purpose, leasing charge or concession charge, actual period of lease or concession. In terms of the concession contract, it is also required to determine the amount of tax on natural resources.

The lessor, other than the state, shall declare the actual leasing charge in order to pay the income tax from leasing out the land to another person.

The lessee or the concessionaire shall use the land in compliance with the lease contract or the concession contract, and in accordance with the law and regulations, and shall be under the control of the concerned authority.

The National Land Management Authority has the function of undertaking the research on detailed regulations governing land lease or land concession.

#### **Article 22: Rights Acquired from Land Lease or Land Concession**

Aliens, apatrids [stateless persons], foreign individuals and organizations of such persons who have been granted the lease or concession by the state or by Lao citizen, shall have the right to use such lease contract or concession contract as capital share or as collateral based on the remaining period of the lease contract or concession contract. However, it is required to have a prior consent by the state or the land use rights holder. With regards to the period of the lease contract or the concession contract, the provision in Article 65 of the Land Law shall be applied.

#### **Article 23: Granting Land Use Right to the Beneficiaries of the State Awarding Policy**

The state implements the policy of granting the land use right of the land with construction facilities or vacant land to the national heroes, war veterans, and senior revolutionary cadres who had made merits for the country, so that they shall have ownership in

such construction facilities and permanent land use rights, in accordance with conditions specified in the Decree No. 343/PM, dated 25 September 2007, on the implementation of privileges towards persons with Outstanding Performance and good contribution to the national revolutionary tasks.

Land and construction facilities for which the land use rights and ownership is definitely assigned to civil servant, army and police officers who have benefited from the state awarding policy shall be considered as initial assets or matrimonial property, as specified in the Family Law.

Regarding the land area for which the land use rights is definitely assigned according to the state policy, it shall be carried out in accordance with the Land Law.

Concerning the transforming of land use rights, the National Land Management Authority shall coordinate with concerned sectors for the actual implementation.

**Article 24: Transfer of Land Use Rights to Person who Has Already Acquired Land Utilization Rights in the Past**

Government officials, cadres, army and police officers who are not covered by Article 23 of this Decree and who, in the past, have received the land utilization rights from the state organizations, army unit, political organizations, Lao Front for National Construction, mass organizations, economic organizations, and collective organizations for a period of over ten years starting from the date of occupying such land without any dispute, or with dispute being already settled, shall receive the benefit from the state policy of selling the land use rights of the concerned land parcel in a definite manner. The assessment of the price shall be reasonably made based on the valuation performed by the Land Management Authority, in collaboration with concerned sectors.

It is prohibited to sell the use rights of land and house in which the state has the plan to use and develop for the public interest, or to preserve them for cultural and historical purpose. Land and houses which are located in the preserved area and are to be used for political, social, military and security purposes, as well as for scientific research and other public facilities.

The National Land Management Authority, in collaboration with concerned sectors, shall consider granting authorization for the sale of such land use rights in according to the regulations.

**Article 25: Transfer of the Use Right of the Land and House of Person who Left for Other Places.**

Land and house of a person who left for other places of which the state has authorized the close relative of the concerned person or other person to protect and utilize peacefully for over ten years. Such land and house shall be allowed to be sold in a definite manner to the person who have safeguarded and utilized it.

The Land Management Agency is charged with the valuation for the sale of land use rights, while the valuation for the sale of state-owned construction facilities shall be assigned to the Ministry of Finance.

**Article 26: Customary Land Utilization Rights**

Customary land utilization rights is the protection and utilization of land through the clearance and development or through the state land allocation plan of the concerned land parcel in a regular, continued and long-term manner until the present time without any documents certifying the land use rights for individual, organization or village communal use.

The state recognizes the customary land use rights of individual, organization, or village community by issuing the Land Survey Certificate or Land Title or Land Certificate on a case-by-case basis, as specified in the land law, through the application for land registration submitted to the Land Management Authority.

The application for land registration shall consist of the following evidences: Certificate for Original Acquisition of Land, witnesses, land use right holder of neighboring land, and the village administrative authority where the land is located.

#### **Article 27: Withdrawal of Land Use Rights and Land Utilization Rights**

Person receiving the land use rights, land utilization rights shall be subjected to the withdrawal of land use rights or land utilization rights in cases specified in Article 62 of the Land Law.

The Land Management Authority is charged with making the decision on the withdrawal of land use rights and land utilization rights as specified in Article 10 (paragraph 4) of the Land Law. Prior to the withdrawal of such rights, the person who is subjected to the withdrawal of land use rights or land utilization rights shall be informed in written form for at least 6 months in advance.

For the actual implementation, it is required to coordinate with concerned sectors and local administrative authority where the land is located.

#### **Article 28: Compensation for the Losses**

Any person or organization causing damages to another person who receives the land use rights and land utilization rights shall be held responsible for the payment of compensation for the damages to the concerned person on a case-by-case basis as follows:

1. In case of necessity to use land for public facility, national defense, national security or using the land for specific development purpose by the state;
2. Use land for the purpose of building passage way, irrigation canal, electric wire track, water supply pipe track, etc. which are the state activities which has caused damages to the owner of requisitioned land; exceptional for the case that the owner of such requisitioned land has also benefited from such activities.
3. Other activities which cause soil erosion, damages for neighboring land. Such activities include the digging of hole, well, fish pond, water evacuation track, digging of soil for selling, etc.,.

The compensation of the losses may be paid in cash or in kind, or by providing land in exchange on a case-by-case basis, based on the mutual consent reached by the two parties and in an appropriate manner.

## **Article 29: Assessment of Damages**

The Assessment of damages shall be made on the basis of the valuation system conducted by the National Land Management Authority, in coordinating with the local administrative authority and concerned sectors.

## **Section V**

### **Inspection and Settlement of Land Dispute**

#### **Article 30: Inspection of the Acquisition of Land Use Right and Land Utilization Right**

The inspection consists of 3 types as follows:

1. Systematic and regular inspection
2. Inspection performed after receiving advance notification
3. Inspection performed without advance notification

The systematic and regular inspection is the inspection which is performed regularly in accordance with the plan and having a certain time period. This inspection is undertaken by the Department of Land Policy and Inspection.

The inspection through advance notification is the inspection which is carried out in case of necessity by sending a notification to the owner of the land use rights or land utilization rights for at least forty-eight hours in advance. This inspection shall be carried out by the Land management Agency.

The inspection without advance notification is the inspection which carries out when the incident of violating of the law and regulations occurs, and shall be immediately performed.

The Government assigns the right to the Land Management Authority to take charge with all the three types of inspection. In case of necessity, the Government shall appoint an ad-hoc committee to undertake the inspection based on the proposal of the National Land Management Authority.

All inspection activities shall be conducted with accurateness and in compliance with Article 79 of the Land Law.

#### **Article 31 Settlement of Land Dispute**

The settlement of land dispute shall be undertaken in compliance with Articles 73, 74, 75, 76, 80, and 81 of the Land Law. With regards to all cases relating to land, the precise and definite decision taken by the court shall be implemented in a rigorous manner.

Any person or organization willing to settle land dispute shall submit the application along with concerned documents to the Land Management Authority, for exploring ways to solve, in coordination with the local administrative authority where the land is located. In the

event that the Land Management Authority is unable to solve the dispute, the case shall be settled through the justice process.

#### **Article 32: Settlement of Excess Land**

The settlement of the problem of land exceeding the rate of each category of land which is determined in the Land Law shall be carried out in the following ways:

1. Transfer the excess of land use rights to relatives or other persons who are eligible to receive such excess land
2. If that person is willing to continue keeping the excess land, he (she) shall pay higher rate of land tax annually, which equals to five times of the normal tariff.

Within a period of 3 years, as from the date on which the Government has officially issued the Instruction for the Settlement of Excess Land, in case of non-compliance with the above paragraphs 1 or 2 of this Article, the use right of the excess land shall fall under the category of state-managed land.

#### **Article 33: Tax Calculation Method for Excess Land**

The method of calculating the tax for excess land consist of subtracting the total area of land with the area determined by the law and, then, multiplying the outcome with the rate of land tax specified in the Presidential Decree on Land Tax, and then multiplying the result by five.

#### **Article 34: Settlement [of Problems] Regarding Land of Aliens, Apatrids [stateless persons], Foreign Individuals and their Organizations**

Aliens, apatrids [stateless persons], foreign individuals and their organizations have no right to acquire the land use right as determined in the Land Law. Those who had received the land use rights during the past period shall make the arrangement for settlement of their land issue within a period of three years, starting from the date on which the Government has officially issued the Instruction on the settlement of land issue of the aliens, apatrids, foreign individuals and their organizations through the transfer to Lao citizen or Lao organization. In case the land is not being transferred within the period of three years as prescribed above, such land shall become the state-managed land. However, the concerned persons are given the priority to apply for land lease or land concession with the state.

If Lao citizens having the land use rights have changed their nationality into a foreign nationality, they shall be liable to act in the same way as the aliens, apatrids, foreign individuals and their organizations, as specified in the 1<sup>st</sup> paragraph of this Article.

### **Section VI**

#### **Policies towards Persons with Outstanding Performance and Measures Against Violators**

#### **Article 35: Policies towards Persons with Outstanding Performance**

An individual or organization that uses the land in conformity with the Land Law in an efficient and effective manner which leading to the increase of land value, shall be entitled to receive a land tax rebate, and shall be facilitated for extending the period of land lease or land concession.

#### **Article 36: Measures Against Violators**

An individual or organization who has undertaken illegal land retainment, he (she) shall be subjected to be educated and to the withdrawal of land for returning back to the state. If such illegal practice has caused any damages, the person concerned shall be fined or prosecuted through the justice process.

An individual or organization that has changed the land category without receiving authorization shall be subjected to receive a fine equaling to the double amount of the damages. In case of agricultural land, the fine shall be amounted to five times of average production yield of the concerned year.

An individual or organization who has not used and utilized the land in conformity with the set-purpose, shall be subjected to be educated. If there is no improvement, he/she shall be subjected to a fine equaling to 2% of the land value based on the valuation carried out at prevalent time and in the concerned local area. Again, if no change has been made, he/she shall be subjected to the withdrawal of land use rights or land utilization rights.

Any official in charge with land management who has taken opportunity to use and abuse his/her function and position, accepted bribe and falsified documents, shall be subjected to disciplinary and punishment in according to the civil servant rules, and shall be prosecuted by the legal process.

An individual or organization, who gives a bribe to officials charged with land management for the purpose of receiving the land use right, land utilization right, land title or other attesting documents, shall also receive punishment in accordance with the law.

### **Section VII**

#### **Final Provision**

#### **Article 37: Implementation**

The National Land Management Authority, ministries, equivalent agencies and local administrative authorities shall be charged with the implementation of this Decree in a rigorous manner.

#### **Article 38: Effectiveness**

This Decree is effective from the date of signature and supersedes the Decree on the Implementation of Land Law No. 101/PM, dated 20 April 2005.

All other provisions and articles of other Decrees and regulations which are in contradiction with this Decree shall be cancelled.

Prime Minister of the Lao PDR