



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No. 61/PO

**DECREE**  
*of the*  
**PRESIDENT**  
*of the*  
**LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**On the Promulgation of the Amended Land Law**

Pursuant to Chapter 6, Article 67, point 1 the Constitution of the Lao People's Democratic Republic regarding the promulgation of the Constitution and of laws adopted by the National Assembly;

Pursuant to Resolution No. 48/NA, dated 21 October 2003, of the National Assembly of the Lao People's Democratic Republic regarding the adoption of the Amended Land Law; and

Pursuant to Proposal No. 24/NASC, dated 27 October 2003, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic  
Decrees That:**

**Article 1.** The Amended Land Law is hereby promulgated.

**Article 2.** This decree shall enter into force on the date it is signed.

Vientiane, 5 November 2003

The President of the Lao People's  
Democratic Republic

*[Seal and Signature]*

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No. 04 /NA  
21 October 2003

## LAND LAW

### Part I General Provisions

#### **Article 1. Objectives of the Land Law**

The objectives of the Land Law are to determine the regime on the management, protection and use of land in order to ensure efficiency and conformity with [land-use] objectives<sup>1</sup> and with laws and regulations[,] and to contribute to national socio-economic development as well as to the protection of the environment and national borders of the Lao People's Democratic Republic.

#### **Article 2. Land of the Lao People's Democratic Republic**

Land of the Lao People's Democratic Republic is the land area which lies within the borders of the Lao PDR and includes the surface of the land, the ground under the surface, mountains<sup>2</sup>, islands[,] as well as submerged land, water space and air space.

Land of the Lao PDR is the main national resource[,] which is where the Lao people live and work[,] and is an important means of production, socio-economic development, national defence and security.

#### **Article 3. (New) Land Ownership**

Land of the Lao PDR is under the ownership of the national community as prescribed in Article 17 of the Constitution in which the State is charged with the centralized and uniform management [of land] throughout the

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<sup>1</sup> Land is classified into regions and categories (see Article 11). Within each category, parcels of land may be assigned to specific uses or objectives.

<sup>2</sup> The Lao word connotes both large mountains as well as smaller rocky outcrops.

country and with the allocation [of land] to individuals, families and economic organisations for use<sup>3</sup>, lease or concession, [the allocation] to army units, State organisations, political organisations, the Lao Front for National Construction, [and] mass organisations for use[, and the allocation] to aliens, apatrids<sup>4</sup>, foreign individuals and organisations of such persons for lease or concession.

#### **Article 4. (New) Promotion of Land Development**

The State promotes all economic sectors<sup>5</sup> and society to contribute to land development by laying down policies, methods and different measures such as: education, training, creation of funds for the conservation and improvement of land, [and the] promotion of investment in labour, equipment, capital, technology, infrastructure and effective administration so that it may become of better quality and increase in value.

#### **Article 5. Protection of the Interests of the Holder of Land Use Rights<sup>6</sup>**

The State protects the legal interests of the holder of land use rights by allowing effective, peaceful, regular and long term use of land and by ensuring the [person's] protection right, use right, usufruct right, transfer right and inheritance right.

#### **Article 6. Protection of Land and Environment**

All individuals and organisations shall have the obligation to protect the land to ensure that it is in a good condition in which there is no soil erosion, land subsidence, and soil degradation and which is suitable to each category of land, and to ensure that the area of each land category is not decreased<sup>7</sup> without due authorization.

Land use shall not have a negative impact on the natural or social environment.

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<sup>3</sup> This is a reference to "land use rights" within the meaning of Article 53.

<sup>4</sup> Readers may wish to refer to the Law on Lao Nationality for the distinction between aliens, apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

<sup>5</sup> "sector" is used here in its common sense. However, readers may wish to note that the word "sector" is often used, in this and other laws, to refer to the cluster of government ministries or agencies engaged in a particular activity.

<sup>6</sup> Part III of this Law sets out the content of various rights in land, including the "land use right" referred to here.

<sup>7</sup> This has the connotation of maintaining a certain proportion of land for different purposes.

## **Article 7. Prohibition of Land Speculation**

Illegal land occupation for the purpose of land speculation performed before or after the promulgation of the Constitution and this law is hereby cancelled.

It is prohibited to speculate on land; any individual or organisation wishing to use land is required to have an authorization from the State.

## **Part II Land Management and Registration**

### **Chapter I Land Management**

## **Article 8. (New) Land Management Organisation<sup>8</sup>**

The land management organisation<sup>9</sup> in the Lao PDR consists of:

- National land management authority<sup>10</sup>;
- Provincial [and]<sup>11</sup> city land management authorities;
- District [and] municipal land management authorities;
- Village land units.

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<sup>8</sup> In the Lao language, the word roughly meaning “the entire organisation of responsible governmental agencies” is capable of being translated as any one of the following English words: “organisation”, “agency”, or “authority”. In choosing which English word to use, the translators have adopted the following convention. Where the governmental agencies in question have in practice adopted an English term for themselves (e.g., the Tax Authority), the translators have used that term. Otherwise, as in this Law, the translators have used the generic term “organisation”. See also next footnote.

<sup>9</sup> Readers should note that, at the time of translation, this Law was recently enacted and the centralised land management organisation contemplated by this Article had not yet been set up. Rather, the translators understand that land management responsibility is currently exercised by several separate governmental agencies. The translators were therefore unable to resolve certain word choices (e.g., whether to use “authority” or “organisation”) based on knowledge of actual practice. Also, the Lao language does not require that nouns contain information as to whether they are singular or plural. To resolve these issues, the translators have adopted the following convention: (i) “organisation” is used to refer to the overall governmental structure responsible for land management; and (ii) “authority” is used to refer to individual governmental agencies (whether at ministerial, divisional, central or local levels).

<sup>10</sup> This is a reference to the contemplated land management authority at central level (as compared to the other contemplated land manage authorities to be established at various local levels). The translators are unable to resolve definitively whether there will be one or more of such central level authorities.

<sup>11</sup> In Lao, a comma is often used, without further elaboration, to mean “and”. Wherever the intended meaning is clear, the translators have translated such commas in one of two ways: (i) by deleting the comma and substituting it with the word “and” in square brackets (i.e., [and]); or (ii) by retaining the comma and adding the word “and” in square brackets (i.e., , [and]). Where the meaning is more ambiguous, the translators have translated the text literally, retaining the comma alone. Here, a comma has been replaced by [and].

The roles, rights and duties of the land management authorities will be determined by the government.

#### **Article 9. (New) Land Management**

The State is charged with the management of land for the whole country in a centralized and uniform manner in which the government assigns management responsibilities to the national land management authority as prescribed in Article 10 of this law and it<sup>12</sup> coordinates with concerned sectors<sup>13</sup> and local administrations, [and also] assigns responsibility for the management of land use to concerned sectors such as the Ministry of Agriculture and Forestry, the Ministry of Industry and Handicrafts, the Ministry of Communication, Transport, Post and Construction, the Ministry of Information and Culture, the Ministry of National Defence, and the Ministry of Security.

#### **Article 10. (New) Rights and Duties of Land Management Authorities**

The land management authorities have the following rights and duties:

1. To study and develop drafts of policies, laws, Presidential edicts, decrees, regulations, and rules and principles on land management;
2. To undertake land survey, land classification and land use planning at the local, regional and national levels;
3. To coordinate with concerned sectors and local administrations to plan the use of land, to protect [and] develop land, to classify land, to assess the quality of land, to define land areas for certain uses, and to monitor such land use;
4. To allocate land use rights, to lease or grant concessions, and to withdraw the right to use land;
5. To develop land registers, make land evaluations, conduct land registration, issue land titles, and collect land statistics;
6. To collect land tax;
7. To settle land disputes;
8. To manage State land and protect the environment;
9. To define policies on the management of its organisation and transactions for the sale and purchase of rights to use land;
10. To develop a data and information system on land;
11. To define policies and regulations to protect people who perform their professions on land such as: land surveyors<sup>14</sup> or valuers, and brokers or representatives of land sellers or buyers;
12. To exercise such other rights and perform such other duties as assigned by the government.

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<sup>12</sup> This is a reference to the national land management authority.

<sup>13</sup> See footnote 5. Here, “sector” is used in its governmental meaning.

<sup>14</sup> The literal translation is a compound word: “measure-survey”.

## **Article 11. (New) Classification of Land Regions and Land Categories**

Land in the whole country is divided into the following regions and categories:

1. Classification of regions: plain regions, plateau regions and mountainous regions consist of:
  - Urban regions;
  - Rural regions;
  - Specific economic regions;
  - Special economic regions.<sup>15</sup>
2. Classification of land categories:
  - Agricultural land;
  - Forest land;
  - Water area land;
  - Industrial land;
  - Communication land;
  - Cultural land;
  - Land for national defence and security;
  - Construction land.

## **Article 12. (New) Determination of Boundaries for each Land Category**

The government is charged with the zoning and demarcation of boundaries for each land category throughout the country and, thereafter, with their submission<sup>16</sup> to the National Assembly for approval.

Local administrations are charged with the determination of land categories which are under their jurisdiction in accordance with the determination of boundaries for land categories made by the State and, thereafter, with their submission to the higher administrative authorities for consideration and approval.

## **Article 13. (New) Lease of Land**

The State authorises Lao citizens to lease land from the State for a maximum period not exceeding thirty years; and this period may be extended depending on each case.

The actual determination of the lease period shall be made on the basis of the characteristics and size of the operations which require the use of land.

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<sup>15</sup> This point sets out two levels of classification: a main classification based on physical geography (plain, plateau and mountainous) and a sub-classification based on social demography.

<sup>16</sup> “Submission” refers to the government’s proposed zoning and demarcation boundaries.

In the case of the lease of land use rights in respect of developed land between Lao citizens, [such lease] shall be made on the basis of the agreement between two parties in a contract which must be certified by the village administration [and] notary office and must be registered at the district or municipal administration<sup>17</sup> where the land is located.

**Article 14. Change in Land Category**

The change of [the use of] land from one category to another category can be made only if it is considered to be necessary to use the land for another propose without having negative impact on the natural or social environment and must have the prior approval of the concerned management authorities.

**Chapter 2  
Management of Agricultural Land**

**Article 15. Agricultural Land**

Agricultural land is land which is determined to be used for cultivation, animal husbandry, and agricultural research and experimentation[,] and for irrigation.

**Article 16. Management of Agricultural Land**

The Ministry of Agriculture and Forestry is charged with managing agricultural land, determining different categories of agricultural land, studying and developing regulations on the management, protection, development, and use of this category of land and, thereafter, submitting [them] to the government for consideration and approval.

**Article 17. (New) Determination of the Scope of Agricultural Land Use Rights**

The State authorises individuals and families to use agricultural land in accordance with the allocation plan and objectives, for the long term and in an effective manner, according to areas determined as follows:

- For those using land for cultivating rice and raising animals, the maximum area is one hectare per labour force in the family;
- For those using land for industrial plantation and growing crops, the maximum area is three hectares per labour force in the family;
- For those using land for fruit tree plantation, the maximum area is three hectares per labour force in the family;
- For those who use unstocked land or grassland and thereafter transform such land by planting crops or grass [suitable for

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<sup>17</sup> This is a specific reference to the local administrations. The translators are aware that there may be an inconsistency between this provision and provisions that assign this power to the contemplated land management authorities.

grazing] livestock, the maximum area is fifteen hectares per labour force in the family.

When granting approval for the use of agricultural land to an individual, the State will consider on a case by case basis by taking into account the characteristics, size, actual capacity to produce, conditions, and allocation plan of the agricultural land in the locality concerned.

A labour force can receive the right to use many categories of agricultural land if he<sup>18</sup> has the conditions<sup>19</sup> and actual capacity to produce.

An individual who wishes to use agricultural land in an area larger than the amount determined for the category of land for which he has land use rights may apply to receive a lease or concession from the State.<sup>20</sup>

When granting approval for the use of agricultural land to an organisation for production purposes, [such approval] shall be based on the actual capacity of the concerned organisation.

#### **Article 18. (New) Allocation of Agricultural Land Use Rights**

The district or municipal administration is charged with considering and approving the allocation of agricultural land use rights in respect of agricultural land that is under its management to individuals and organisations for use by issuing land certificates to them. These land certificates are valid for three years. During this period, if land has been used in conformity with objectives and regulations, and if there is no objection or claim, or those claims have already been settled, then [the individuals and organisations] have the right to apply to the land management authorities at the provincial or city level for the issuance of land titles for long term use rights.

### **Chapter 3 Management of Forest Land**

#### **Article 19. Forest Land**

Forest land is the area of all land parcels which are covered by forest or the land which is not covered by forest but is determined by the State to be forest land as prescribed in the Law on Forestry.

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<sup>18</sup> The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

<sup>19</sup> This has the broad sense of "pre-conditions".

<sup>20</sup> The person may apply for the right to use more land but the legal right that will be granted is that of "lease" or "concession" rather the full "land use rights".



#### **Article 20. Management of Forest Land**

The Ministry of Agriculture and Forestry is charged with managing forest land, determining different categories of forest land, studying and developing regulations on the management, protection, development, and use of this category of land, including environmental protection, and, thereafter, to submit [them] to the Government for consideration and approval.

#### **Article 21. (New) Determination of the Scope of Forest Land Use Rights**

The State authorises individuals and families to use, for the long term and in an effective manner, forest land which is unstocked land or degraded land in conformity with their [respective] objectives in an area not exceeding three hectares per labour force in the family. Any person wishing to use forest land in a larger area has the right to apply to receive a lease or concession from the State.

When granting approval for the use of forest land to an organisation for use, [such approval] shall be based on the actual capacity in production [of the concerned organisation].

#### **Article 22. (New) Allocation of Forest Land Use Rights**

The district or municipal administration, in coordination with the village administration, is charged with considering and approving the allocation of forest land use rights in respect of forest land which is under its management to individuals and organisations for use by issuing land certificates to them. These land certificates are valid for three years. During this period, if land has been used in conformity with objectives and regulations, and there is no objection or claim, or those claims have already been settled, then [the individuals and organisations] have the right to apply to the land management authorities at the provincial or city level for the issuance of land titles for long term use rights.

### **Chapter 4 Management of Water Area Land**

#### **Article 23. Water Area Land**

Water area land is land which is submerged or which surrounds bodies of water such as submerged land, land at river sources, river banks, islands, newly-formed land, land formed when water recedes, or land formed by a change or diversion of waterways.

#### **Article 24. (New) Management of Water Area Land**

The Ministry of Agriculture and Forestry is charged with managing water area land, [and] studying and developing regulations on the management, protection, development, and use of this category of land in co-

ordination with local administrations where the land is located and, thereafter, submitting [them] to the government for consideration and approval.

#### **Article 25. Regulations on the Use of Water Area Land**

The use of water area land shall comply with the following conditions<sup>21</sup>:

1. Not cause erosion;
2. Not cause obstruction to waterways;
3. Not cause water levels to recede or to flood;
4. Not pollute or poison bodies of water;
5. Not cut trees or destroy the forest in water catchment areas;
6. Not dig or take away soil from swamps and wetlands, [except] in the case of necessity with prior authorization from the concerned organisation.

#### **Article 26. (New) Use of Water Area Land**

The village administration where the water area land is located is charged with studying and making proposals to the district or municipal administration concerning the allocation of such land to individuals or organisations for appropriate protection and use.

If water area land is formed within the scope of the right to use [water area land] of an individual or organisation, then if the water and water resource management organisations and the Science, Technology and Environmental Agency have found that the use of such land will not cause negative impacts on the water area land, such land shall be under the right to use of that individual or organisation.

### **Chapter 5 Management of Industrial Land**

#### **Article 27. (New) Industrial Land**

Industrial land is the land area or region which is determined by the State to be the location of workshops [and] factories[,] including the housing places for workers, industrial centres, industrial zones, industrial estates, places for industrial, technical and scientific research, waste-water treatment stations, industrial waste disposal sites, energy sources, electricity transmission lines, energy and gas pipe-lines, pipe-lines for water supply, mining areas, and other land used for industrial purposes.

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<sup>21</sup> The translators are aware that this list of conditions might have been better expressed as applying to “users” of water area land rather than the “use” of water area land.

## **Article 28. Management of Industrial Land**

The Ministry of Industry and Handicrafts is charged with managing industrial land, [and] with studying and developing regulations on the management, protection, development, and use of this category of land, including environmental protection, and, thereafter, submitting [them] to the government for consideration and approval.

In the case of the management of land used for electricity transmission lines, energy and gas pipelines, and pipe-lines for water supply, it is required to coordinate with the transport, post and construction sector and other concerned sectors.

## **Article 29. Regulations on the Use of Industrial Land**

Individuals and organisations using industrial land shall comply with the following conditions:

1. Have been authorised by the industry and handicrafts sector;
2. Have been authorised by the town planning organisations;
3. Cause no harm to any other person, to the public or to the environment;
4. Repair and restore the land to its previous condition after using the land for mining.

## **Chapter 6 Management of Communication Land**

### **Article 30. Communication Land**

Communication land is land which has been used or reserved for making roads, side-walks [and] water channels<sup>22</sup>, [for] road construction, bridge sites, telephone transmission lines, [and] telecommunications stations, as well as airports, harbours, stations for goods and passenger transport, tunnels, railways, warehouses, and other land used for communication and transportation.

### **Article 31. Management of Communication Land**

The Ministry of Communication, Transport, Post and Construction is charged with managing communication land, [and] with studying and developing regulations on the management, protection, development, and use of this category of land and, thereafter, submitting [them] to the government for consideration and approval.

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<sup>22</sup> This is a reference to drains and other channels for the passage of water, rather than to large waterways.

**Article 32. Use of Communication Land**

The use of communication land shall be in accordance with regulations which are specifically issued by the concerned organisation.

**Chapter 7  
Management of Cultural Land**

**Article 33. Cultural Land**

Cultural land is the location of cultural heritage and is related to the historical routes, traditional objects, archaeological sites, temples, natural landscape, cultural buildings, and other places which are determined by the State to be cultural and tourist land.

**Article 34. Management of Cultural Land**

The Ministry of Information and Culture is charged with managing cultural land throughout the country, [and] with studying and developing regulations on the management, protection, development, and use of this category of land and, thereafter, submitting [them] to the government for consideration and approval.

Individuals or organisations using cultural land shall comply with regulations on the management, use, and protection of cultural land.

**Chapter 8  
Management of Land for National Defence and Security**

**Article 35. Land for National Defence and Security**

Land for national defence and security is land used for national defence and security work, such as: military camps[;] the locations of offices, army units, housing places, schools, military and police training fields, and artillery fields[;] military and police airports, harbours, warehouses, hospitals, workshops, factories, [and] recreational places[;] and other land which is used for national defence and security.

**Article 36. (New) Management of Land for National Defence and Security**

The Ministry of National Defence and the Ministry of Security are charged with managing land for national defence and security, [and] with studying and developing regulations on the management, protection, development, and use of this category of land under their management and, thereafter, submitting [them] to the government for consideration and approval.

### **Article 37. Use of Land in Other Categories for National Defence and Security**

In the case of necessity, the national defence and security forces can use other categories of land, whether they are owned by individuals or organisations[,] for national defence and security activities, based on the decision of the government.

After the land is no longer needed, it shall be returned to its former owner. If the use has caused damage to the possessor of the land use rights of developed land, compensation for such damage should be considered in an appropriate manner.

## **Chapter 9 Management of Construction Land**

### **Article 38. Construction Land**

Construction land is land used for the construction of residential places, buildings, workshops, factories, offices, premises of organisations, [and] public facilities.

### **Article 39. (New) Management of Construction Land**

The national land management authority is charged with managing construction land, [and] with studying and developing regulations on the management, protection, development, and use of this category of land and, thereafter, submitting [them] to the government for consideration and approval.

### **Article 40. Categories of Construction Land**

Construction land is divided into the following categories:

- Construction land for public facilities;
- Construction land for residential places;
- Construction land for workshops and factories;
- Construction land for offices and premises of organisations.

Construction land for public facilities is land used for collective benefit, such as public parks, schools, hospitals, markets, children's playgrounds, sports stadiums, and other [facilities] which are for public use.

Construction land for residential places is land used for building places of residence for individuals and families.

Construction land for workshops and factories is land used for industrial production and processing.

Construction land for offices and premises of organisations is land used for building offices and premises of State agencies and organisations, enterprises, embassies, or international organisations.

The allocation of construction land shall be made in accordance with the town plan and with the proportion of construction allocated to each category.

#### **Article 41. Regulations on the Use of Construction Land**

The State shall make a reserve of construction land for public facilities to use for collective benefit. If there is a wish to change the objectives of the use of such land, [such land] must still be used for collective benefit and this requires the prior consent of the concerned agency.

The use of construction land shall cause no harm to the interests of any other person and shall be based on an actual situation. All construction must receive authorization from the town planning organisation, be strictly undertaken in accordance with the town planning regulations, receive authorization from the concerned competent authority, fully conform with technical standards, and ensure the protection of the environment.

#### **Article 42. Determination of Scope of Construction Land Use Rights**

The State authorises individuals and families to use construction land according to its objective, in an effective manner, in peaceful enjoyment, for the long term, and in an area not exceeding eight hundred square meters per person in the family.

When granting approval for the use of construction land to organisations for use, [such approval] shall be based on the actual capacity of such organisation.

### **Chapter 10 Land Registration**

#### **Article 43. (New) Land Registration**

Land registration is the certification, in accordance with the laws, of the land use rights of an individual or organisation in order to avoid the falsification of land use rights, and to facilitate the management and protection of land in a uniform manner throughout the whole country.

Land registration is [carried out] by recording data in the land register book[,] such as names and surnames of the person who has the land use rights, (names of the husband and wife who have received the land use rights if the land is matrimonial property), as well as the land category, land boundaries and area, method of acquisition, and land location.

#### **Article 44. Form of Land Registration**

Land registration consists of two forms which are:

- Systematic land registration;
- Land registration based on request.

Systematic land registration is registration without request which is systematically undertaken in a particular area where the management of land, the classification of land regions, and the classification of land categories for management are necessary.

Land registration based on request is registration which is performed according to the request made by any individual or organisation that requires the certification of land use rights.

#### **Article 45. (New) Request for Land Registration**

An individual or organisation that wishes to register its land shall submit a request, through the village administration and the district [or] municipal land management authority, to the provincial [or] city land management authority.

The request for land registration shall consist of the following documents:

1. Certificate of acquisition of the land such as: certificate of land allocation by the State, [certificate of] transfer or inheritance;
2. The land certificate in the case of agricultural land or forest land<sup>23</sup>;
3. Certificate of land guarantee from the original owner<sup>24</sup> or from the local administrations of the place where the land is located;
4. Other necessary documents.

#### **Article 46. (New) Review of Request for Land Registration**

When the file of the request for land registration has been received by the district or municipal land management authority, this authority shall review the facts and the laws and regulations, in coordination with the village administration where the land is located. Within thirty days, the district or municipal land management authority must give an answer to the applicant.

If it is found that all the information is in conformity with the actual facts and the laws and regulations, the officers at the [land] measurement unit shall undertake a measurement and make a land parcel map which is to be

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<sup>23</sup> This refers to the three-year land certificates.

<sup>24</sup> This refers to a document containing an assurance that the original owner had the right to transfer the land to the current owner.

attached to the request file and then submitted to the provincial or city land management authority for consideration of land registration.

#### **Article 47. The Land Register**

The land register is the book used to record land registration [sequentially] according to serial numbers. The land register has the signature and seal of the head of the land management authority<sup>25</sup> on the first page, and a page number and a seal mark on each page.

The land register shall have the following main contents:

1. Name and surname of the individual or organisation holding the land use right;
2. Date, month and year of birth, nationality, occupation, [and] present address of the holder of the land use right;
3. Names of the father and mother of the holder of the land use right;
4. Lot number of the land;
5. Code number of the land parcel map;
6. Land boundaries, area and land category;
7. Land map<sup>26</sup>;
8. Serial number [of the land use right].

#### **Article 48. Land Certificate**

A land certificate is an official document certifying the temporary use right of agricultural land or forest land which is issued by the district or municipal administration to an individual or organisation that has the right to use such land.

An individual or organisation that has the land certificate has the right relating to inheritance<sup>27</sup> in the land according to the term of the land certificate, but shall not have the right to transfer or use the land certificate as share contribution<sup>28</sup>, or to use it as security or to lease [it].

#### **Article 49. (New) Land Title**

A land title is the only document which is considered as the main evidence for permanent land use rights. It is filled out based on information in

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<sup>25</sup> Due to the ambiguities mentioned in connection with Article 8, it is unclear whether this is a reference to the head of a local land registration authority, the head of a national land registration authority or the head of the overall land registration organisation.

<sup>26</sup> The actual map should be contained in the register.

<sup>27</sup> See Article 58. This refers to the right to have the land pass to one's successors, rather than the right to inherit.

<sup>28</sup> I.e., as a capital contribution into an enterprise.



the land register in one copy only and is handed over to the land owner who shall keep it as long-term evidence until there is a change according to the conditions prescribed in the laws.

Before issuing the land title, the concerned organisation shall post up an information notice at the land management authorities, the district or municipal administration office, [and] the village administration office where the land is located, and shall issue a notification by using the State media, putting a notice in newspapers [or] making an announcement over the radio or television according to the actual situation for a period of ninety days from the date of signature of the [information] notice in order to inform the public. During this period, if no claims are raised, or if the claims are resolved, the land title shall then be issued to the holder of the land use rights.

**Article 50. (New) Issuance of a Copy of the Land Title**

If the land title is lost or destroyed but evidence of certification is kept, the provincial or city land management authority will issue a copy of the land title to the individual or organisation that requests it.

If there is no trace of the lost or destroyed land title which can be used as evidence certifying that it is truly the concerned land title, it is required that before a copy of the land title can be issued, there shall be a decision of the local people's court at the place where the land is located.

In all cases, the issuance of a copy of the land title shall be preceded by an information notification to the public for a period of thirty days in accordance with regulations.

**Article 51. (New) Registration of Legal Transactions Relating to Land**

The registration of legal transactions relating to land is the recording of all the transactions [or] changes in land use rights in the book for registration of legal transactions at the district or municipal land management authority according to the delegation of power from the provincial or city land management authorities to monitor the status of transactions and changes relating to such land.

**Part III**

**Rights and Obligations of the Land User**

**Chapter 1**

**Rights and Obligations of a Lao Citizen Concerning the Land**

**Article 52. Acquisition of Land Use Rights**

An individual or organisation will acquire land use rights on any one of the following bases:

1. Allocation by the State;
2. Transfer;
3. Inheritance.

**Article 53. (New) Rights of the Holder of Land Use Rights<sup>29</sup>**

The holder of land use rights shall have the following rights:

- Right to protect land;
- Right to use land;
- Right of usufruct;
- Right to transfer the land use right;
- Right relating to inheritance of the land use right<sup>30</sup>.

**Article 54. Right to Protect Land**

The right to protect land is the right assigned by the State to an individual or organisation to protect the land with a view to using it for a specific purpose.

**Article 55. Right to Use Land**

The right to use land is the right to use land for certain purposes in order to provide for the needs of the holder of land use rights, in accordance with the land allocation plan of the State.

**Article 56. Right of Usufruct**

The right of usufruct from developed land is the right of the holder of land use rights to collect the usufruct or income from such land, such as from the lease [of land], or from the use [of land] as a share contribution or guarantee<sup>31</sup>.

**Article 57. (New) Right to Transfer Land Use Rights**

The right to transfer land use rights is the right to give land use rights to other persons by sale, transfer or exchange.

**Article 58. (New) Right Relating to Inheritance of Land Use Rights**

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<sup>29</sup> The term of art “land use rights” is used strictly in this translation to refer to the full package of these 5 rights (which are akin to the idea of “ownership”) and should be distinguished from the “right to use land” which is only one of the rights within this package.

<sup>30</sup> See Article 58. This refers to the right to have the land pass to one’s successors, rather than the right to inherit.

<sup>31</sup> This word may also be translated as “security”.

The right relating to inheritance of land use rights is the right to pass land use rights over developed land, in accordance with the laws, to one's husband or wife, children, grandchildren, parents or close relatives upon the death of the holder of land use rights.

If the land received by inheritance when added to the area of the land that the inheritor already uses exceeds the maximum area for the land category as prescribed in the laws, then Article 86 of this law will be applied.

**Article 59. Rights of State Organisations, Political Organisations, the Lao Front for National Construction, Mass Organisations, and Economic Organisations of the State.**

State organisations, political organisations, the Lao National Front for National Construction, mass organisations, and economic organisations of the State that have the right to use land only have the rights to protect and use such land and have no right to transfer, lease or grant concessions or to use land as a share contribution or guarantee.

**Article 60. Obligations of Persons who Have the Right to Use Land and Persons who Hold Land Use Rights<sup>32</sup>**

Persons having the right to use land and persons who hold land use rights have the following obligations:

1. To use the land according to its objective;
2. To not cause damage to land quality and to not cause adverse impact to the natural or social environment;
3. To not violate the rights and interest of other persons;
4. To comply with unavoidable circumstances<sup>33</sup> in accordance with the laws;
5. To pay fees<sup>34</sup> relating to the land;
6. For the person who holds land use rights, to fulfil obligations concerning land on time, such as: payment of land tax, transfer tax, tax on income from leases, inheritance tax, fees for name transfer, fees for registration of legal transactions relating to land;
7. To comply with other regulations relating to land.

**Article 61. Unavoidable Circumstances**

If the land of any individual or organisation is surrounded by the land of other persons and has no access to the road, such individual or organisation

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<sup>32</sup> “Persons who have the right to use land” will be used to refer to persons who only have “the right to use land”. “Persons who hold land use rights” will be used to refer to persons who have the full package of “land use rights”.

<sup>33</sup> See Article 61.

<sup>34</sup> This word may also be translated as “charges”.

has the right to request the holder of land use rights of the land located nearest to the road for an access passage. The holder of land use rights who receives such request shall provide the access passage at the place he considers to be appropriate and has the right to request appropriate compensation for losses caused to crops, construction, or other development on such land where the access passage is required.

If the installation of electricity wires, [or] telephone cables, the digging of water canals, the laying of culverts or public water pipes, and others<sup>35</sup> crosses the land of the holder of land use rights and causes destruction or damage to trees, crops, or construction, the concerned holder of land use rights has the right to request compensation for losses caused by such acts; if the person providing the passage benefits from the acts, he shall not request compensation for the losses, except if the losses are too large. In such case, a calculation<sup>36</sup> of the appropriate compensation for the losses shall be required.

#### **Article 62. (New) Loss of Right to Use Land and Land Use Rights**

Persons having the right to use land and persons holding land use rights will lose such rights in the following cases:

1. They have used the land or have exercised their land use rights not in accordance with the objectives as allocated by the State;
2. They have not paid the land tax consecutively for three years after being warned;
3. They have not used the land or not exercised their land use rights as allocated by the State in accordance with the contract and the land law;<sup>37</sup>
4. Land use rights are lost pursuant to a court decision.

#### **Article 63. (New) Termination of Land Use Rights**

The land use rights of an individual or organisation shall be terminated in the following cases:

1. The land use rights are voluntarily relinquished;
2. The land is requisitioned by the State for public purposes;
3. Transfer to another person;
4. Death without any heir.

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<sup>35</sup> “others” is a literal translation and is not subject to further specificity.

<sup>36</sup> There is a connotation of formal calculation, often by a committee of interested persons.

<sup>37</sup> The distinction between point 1 and point 3 is that in point 1 the land is used in a way that contradicts objectives. In point 3, the land is not used even though certain purposes have been stipulated.

**Chapter 2**  
**Rights and Obligations of Aliens, Apatrids**  
**and Foreign Individuals Relating to Land Leases or Concessions**

**Article 64. The Lease or Concession of Land to<sup>38</sup> Aliens, Apatrids and Foreign Individuals**

Aliens, apatrids, foreign individuals and their organisations living, investing, and conducting lawful activities in the Lao PDR may lease or receive concessions of land from the State.

Aliens, apatrids and their organisations wishing to lease developed land from Lao citizens must get prior approval from the provincial or city administrations where the land is located.

In the case where foreign individuals and their organisations wish to lease developed land from Lao citizens[, they must get] approval from the national land management authority based on the recommendation of the provincial or city administration where the land is located.

**Article 65. (New) Land Lease or Concession Period**

The period of land lease or grant of concession from the State to aliens, apatrids or their organisations shall be based on the characteristics, size, and conditions of the intended operations on the land. The maximum period shall not exceed thirty years, but may be extended on a case by case basis in accordance with the approval of the government.

The maximum period for the lease of developed land by Lao citizens to aliens, apatrids and their organisations shall not exceed twenty years. This period may be extended on a case by case basis as agreed between the contracting<sup>39</sup> parties with the approval of the provincial or city administration where the land is located.

The period of land lease or concession by the State to foreign individuals who come to invest in the Lao PDR shall be based on the characteristics, size, and conditions of the intended operations and project. The maximum period shall not exceed fifty years and but may be extended on a case by case basis as decided by the government.

The period of land lease by Lao citizens to foreign investors in the Lao PDR shall be based on the characteristics, size, and conditions of the intended

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<sup>38</sup> The literal translation is “by” but the context makes it clear that “to” is the intend meaning.

<sup>39</sup> The translators have used the word “contract” (and its variants) when referring to formal documentary contracts that meet the requirements of the Contract Law. The word “agreement” or “agree” is used to refer to terms or arrangements which parties may have agreed to but which have not been formalised in accordance with the Contract Law.

operations and project, and shall not exceed thirty years[,] but may be extended on a case by case basis as agreed between the contracting parties with the approval of the national land management authority, based on the proposal of the provincial or city administration.

In specific economic zones and special economic zones, the maximum period for land lease shall not exceed seventy-five years, but may be extended on a case by case basis with the approval of the National Assembly.

For the lease or concession of land having an area exceeding ten thousand hectares, approval is required from the National Assembly.

The determination of the lease or concession period shall be based on the characteristics, size, and conditions of each intended operation.<sup>40</sup>

Embassies or international organisations wishing to use land in the Lao PDR may lease, exchange, or transfer land based on a contract between the government of the Lao PDR and the government of the concerned country. The lease term for this purpose shall not exceed ninety-nine years.

**Article 66. (New) Rights of Aliens, Apatrids, Foreign Individuals and their Organisations to Receive Benefits from the Lease or Concession of Land**

Aliens, apatrids, foreign individuals and their organisations that lease or receive concessions in land from the State in accordance with laws and regulations shall have the following rights:

1. To sell personal property relating to the contract of land lease or concession. However, the State has the priority to buy such property;
2. To use personal property relating to the contract of land lease or concession as collateral for dealings with banks or other financial institutions in the Lao PDR. The use of fixed assets on the property [as collateral] shall require prior approval from the State;
3. To sublease the land lease right. Such sub-lease must first be approved by the State and the maximum sub-lease period shall not exceed the lease period in the main contract;
4. To [pass on by] inheritance the land lease or concession but only for the limited period of the contract;
5. To use the lease contract or concession agreement as capital contribution<sup>41</sup> with another person, but there shall be the prior approval from the State.

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<sup>40</sup> This standalone paragraph appears to qualify the two immediately preceding paragraphs.

<sup>41</sup> Literally “investment”.

The lease of land by aliens, apatrids, foreign individuals and their organisations from Lao citizens shall [give rise to the same rights]<sup>42</sup> .

**Article 67. (New) Obligations of Aliens, Apatrids, Foreign Individuals and their Organisations Relating to the Lease or Concession of Land**

Aliens, apatrids, foreign individuals and their organisations that lease or receive concessions in land have the following obligations:

1. To use the land in conformity with its objectives;
2. To not cause damage to land quality and to not cause adverse impact to the natural or social environment;
3. To not violate the rights and interest of other persons;
4. To comply with unavoidable circumstances in accordance with the laws;
5. To fully pay lease and concession fees and other fees relating to the land;
6. To fully comply with land regulations and the conditions of the land lease or concession.

**Chapter 3  
Compensation for Losses**

**Article 68. Reasons [Justifying] Compensation for Losses**

Reasons that [justify] compensation for losses consist of the following:

1. Losses caused by the violation of laws and regulations;
2. Losses caused by unavoidable circumstances;
3. Losses caused by land requisition.

**Article 69. Compensation for Losses Caused by Violation of Laws and Regulations**

Any individual or organisation that uses land in violation of laws and regulations and thereby causes damage to another person or to the public shall pay compensation for the losses resulting from its acts.

**Article 70. Compensation for Losses Caused by Unavoidable Circumstances**

[Where] any individual or organisation acquires, as a result of unavoidable circumstances, the right to use the land of other persons who provide access passages or water drainage canals and thereby causes losses to

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<sup>42</sup> Literally “have the same results”.

the crops, [or] construction of such other persons or the public<sup>43</sup>, such individual or organisation shall pay appropriate compensation for such losses.

**Article 71. (New) Compensation for Losses Caused by Land Requisition**

When it is necessary to use the land of any individual or organisation for public purposes, the State shall requisition the land and shall pay appropriate compensation to such individual or organisation.

In order to ensure compensation for losses caused by land requisition, land shall be reserved at the rate of five percent of the total land area of the village, district, municipality, province, or city.<sup>44</sup>

During the time that such reserved land has not yet been used, it may be temporarily leased to individuals or organisations.

**Article 72. Determination of Losses**

Regarding the compensation for losses, there shall be a committee consisting of the representatives of concerned parties which will be charged with determining the valuation of the losses.

**Chapter 4**

**Land in respect of which the Administrative Authority had Assigned Land Use Rights to the People during the Period of National Liberation and Land left by People who have Fled to Foreign Countries**

**Article 73. Land in respect of which the Administrative Authority had Assigned Land Use Rights to the People during the Period of National Liberation**

The State does not recognize the claim for land in respect of which the administrative authority had assigned land use rights to the people during the period of national liberation.

**Article 74. Land Left by People who Moved to Other Places in the Country during the Period of National Liberation**

The State does not recognize the claim for land of individuals or organisations that gave up their land during the period of national liberation.

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<sup>43</sup> There is a connotation of “the people as a whole” (e.g, in the case where the passage or canal must pass through State land).

<sup>44</sup> The implication is that such reserved land is used to compensate for requisitioned land.



**Article 75. Land Given to Become Collective Property**

The State does not recognize the claim for land that individuals or organisations have given to become collective property during the period of national liberation and at the present time.

**Article 76. Land of People who Fled to Other Countries**

The State does not recognize the claim for land left by people who fled to foreign countries.

**Part IV  
Control of Land Use**

**Article 77. Control<sup>45</sup> of Land Use**

The control of land use is the control of the protection, development, and use of land by individuals and organisations in order to ensure compliance with objectives, laws, and regulations and [to ensure] effective use.

**Article 78. (New) Land Use Control Organisations**

The control of land use of each category of land in order to ensure compliance with objectives, laws, and regulations is the responsibility of the organisations charged with the management of the concerned land categories at different levels as prescribed in Article 9 of this law.

Land allocation, land leases, land concessions, and land registration shall be controlled by the national land management authority.

**Article 79. Rights and Duties in the Control of Land Use**

Land management authorities have the following rights and duties in the control of land use:

1. To demand documents that are necessary for the control work from concerned individuals or organisations;
2. To undertake the inspection of land sites;
3. To give advice to persons who have the right to use land and persons who hold land use rights;
4. To issue orders suspending or temporarily stopping<sup>46</sup> operations relating to the land which are unlawful;

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<sup>45</sup> In the Lao language, the same word is used to represent all of the following related (but slightly different) concepts: “control”, “inspection”, “supervision”, “audit” and “monitoring”. As used in Parts IV and VI of this Law, the translators have chosen “control” (and its variants) as the most appropriate English equivalent when referring to general supervisory functions and “inspect” (and its variants) as the most appropriate English equivalent when referring to physical inspections. Readers should note and bear in mind the other meanings that might have been intended.

5. To make proposals to concerned organisations to consider the withdrawal of rights to use land and land use rights;
6. To exercise other rights and perform other duties relating to the control of land use or land use rights.

**Part V**  
**Settlement of Land Problems,**  
**Policies Towards Persons with Outstanding**  
**Performance and Measures Against Violators**

**Article 80. (New) Settlement of Land Problems that have Administrative Characteristics**

The settlement of land problems that have administrative characteristics shall be resolved by the concerned land management authority in coordination with the concerned [local] administration at that level<sup>47</sup> at the place where the land is located. [Such problems] include: using land without authorization, using land in contradiction of its objectives, laws, and regulations, not using land within the determined time period after being allocated [such land], not paying taxes or fees on land as determined by regulations, and other problems having administrative characteristics.<sup>48</sup>

If the person having the right to use land or the holder of land use rights is not satisfied with the decision taken for resolving the problem, he has the right to request the next higher authority to settle the problem.

**Article 81. (New) Settlement of Land Disputes having the Characteristics of a Civil [Case]**

The settlement of land disputes having the characteristics of a civil [case], such as: inheritance of developed land, transfer of land use rights, and [disputes under] other civil contracts relating to land, shall be brought before the people's court to consider<sup>49</sup> according to the laws.

Regarding the settlement of land disputes having civil characteristics, the village administration at the place where the land is located shall first mediate the dispute[;] if no agreement can be reached, then the case shall be submitted to the district or municipal administration to mediate; if settlement fails, then each party has the right to file a claim in court.

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<sup>46</sup> The translators are aware that “suspending” and “temporarily stopping” appear to be duplicative.

<sup>47</sup> “that level” refers to the local administration at a level corresponding to the level of the concerned land management authority.

<sup>48</sup> For readability, the punctuation and sentence structure have been changed.

<sup>49</sup> “Consider” has the connotation that the relevant authority also has the right to render decisions on the matters considered.

## **Article 82. Policies Towards Persons with Outstanding Performance**

An individual or organisation that uses the land or exercises land use rights in accordance with laws and regulations,<sup>50</sup> protects and develops the land in an effective manner shall be rewarded and shall be facilitated in leasing land or receiving land concessions and other policies<sup>51</sup> as determined by the State.

## **Article 83. Measures against Violators**

An individual or organisation that violates the laws and regulations relating to land and causes damage to the public, the environment, property, [or] health or life of others shall be fined or punished depending on the gravity<sup>52</sup> of the case, including [having to] pay compensation for the losses caused.

In addition to the above-mentioned main punishments, the offender may receive additional punishment such as: withdrawal of land certificate, land title, or other certificate concerning land use or land use rights.

## **Article 84. Penal Measures**

An individual who has, while performing work concerning the land, violated the laws and regulations[,] such as: opportunistic use of position, abuse of power, taking bribes, [and] falsifying documents for personal benefit[, and has thereby] caused losses to the interests of the State, collectives or other individuals[,] shall be subject to criminal penalties including compensation of the losses caused.

## **Part VI Final Provisions**

## **Article 85. (New) Implementation**

The government of the Lao People's Democratic Republic has the responsibility to issue decrees and detailed regulations to implement this law and to undertake systematic land control throughout the country, particularly control of the acquisition of land use rights, size of the land, the use of the land, and the exercise of land use rights.

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<sup>50</sup> The translators are unable to resolve whether this comma should be interpreted as “and” or “or”.

<sup>51</sup> “Policies” is used in the sense of “incentives” or “rewards”.

<sup>52</sup> Literally “light” or “heavy”.

## **Article 86. (New) Time Limit for Settlement [of Problems] Regarding Land**

Lao citizens [who received]<sup>53</sup> land in accordance with laws and regulations in the past, but the area [of whose land] exceeds the area prescribed in Articles 17, 21 and 42 of this law, shall arrange for the settlement [of such problem] in order to comply with the provisions of this Land Law within a period of three years commencing from the date of the official notification issued by the government [requiring such person] to settle [such problem] regarding the excess land officially. If that person continues to use the excess land, he has to pay more taxes than the normal tariff; if [he] fails to do so, he shall lose his rights to use that excess land.

Aliens, apatrids, foreign individuals and their organisations that have acquired land in the past are required to make arrangements to comply with this Land Law within a period of three years commencing from the date of the official notification of the government to the public. After this period, the concerned persons will lose the land use rights relating to such land. If they continue to use the land, they shall be given priority to lease or receive a concession of such land [from the State].

Regarding embassies and international organisations, the decision shall be taken by the government.

## **Article 87. Effectiveness**

This law shall enter into force on the date of the promulgating decree issued by the president of the Lao People's Democratic Republic.

This law supersedes the Land Law No. 01/97 dated 12 April 1997.

Regulations and provisions which contradict this law shall be null and void.

Vientiane, 21 October 2003  
President of the National Assembly

*[Seal and Signature]*

Samane Vignaket

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<sup>53</sup>

Literally “having”.