



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Lao Revolutionary People's Party
Central Committee

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Resolution
Of the Party's Central Committee
On the Enhancement of Land Management and Development in New Period

I. Overall Situation regarding the Land Management in the Past

Lao land territory is the most important foundation symbolizing the nation; land is the “ownership of national community” which is the expression of independence and sovereignty of our nation. Land also serves as a place for living and making a living for people of multiple ethnic groups in new period. Land is also a directly important element of national potential which may become a colossal capital as well as an indispensable factor for sustainable and civilized socio-economic development.

Since the country liberation, our Party has always maintained a proper position on and given importance to land issues, laying out policies, issuing laws and regulations on land continuously. People of multiple ethnic groups take ownership over land, protect, use and develop land further in order to bring benefits to their family and country. Our Government and peoples have been using land for different purposes such as: land for agriculture and forestry, industry, construction and others; land organization and management systems have been improved by clearer decentralization between the central and local levels. In the meantime, Party's committee, administration at each level have developed and implemented plans, policies, laws and regulations related to land as set out by the Party and the Government, with creativity, responsibility and in accordance with their local situation.

Nonetheless, in practice up to today it appears that the land management has created several complicated issues especially land conversion not strictly in compliance with laws; development of the master plan for land allocation and plans for land use by sector authorities have not been completed, resulting in the wasting use of land, illegal possession of public land-forest, unlawful granting of land use rights over state land to individuals is wide-spreading, land price keeps increasing especially for urban land areas while good management is still lacking, resulting in the serious leaking of income collected from land-related taxes, transfer and sale-purchase of land use rights; land potential has not been adequately exploited; complaints and cases on land also keep increasing; conversion of land into capital still has no comprehensive legal framework, due to which the Government and peoples have not received as much benefits as they should have; land expropriation to serve development projects are not only a heavy burden but also a sensitive issue, affecting public order. Such shortcomings have not only caused the loss of benefits for the state and society but also led to public discontentment as well

as social negative phenomena leading to lack of public confidence in relevant management authorities and loss of public faith in the general leadership of the Party.

Therefore, the 4th Plenary Session of the Party's Central Committee (of 10th Congress) deems that enhancement for land management in strict compliance with laws becomes an urgent need by indicating that solution to the emerging problems starts by warranting the fulfillment of the state's role in the land management and effectiveness of Land Law, filling gaps of decentralization of rights and duties between the central and local levels, to prevent against and crack-down on violations of Land Law; to continue improving the organizational structure, working method and personnel capacity of relevant authorities in a systematic and robust manner. In the meantime, it is to continue improving laws, regulations governing land of each sector, management, income collection and fulfillment of obligations in the proper management of land use rights; enhancing the enforcement of remedy measures to tackle difficult, sensitive problems and other negative phenomena notably on land-related disputes in compliance with laws and to expedite the finalization of the master plan regarding the national land allocation and use and to implement it in a strict manner.

II. Guidance view regarding land management and development in new period

- 1) Apart from being a decisive foundation and condition for the national existence and development and the ownership of national community, if looking from the perspective of socio-economic development, land is a precious resource, a major vehicle and factor for productivity, a potential and huge source of capital for socio-economic development, that needs to be managed, exploited, used to bring highest benefits to the state and people; negligence in land management would cause direct damages to socio-economic development as well as to national defense and public order and justice in the society.
- 2) As representing the national community in its land ownership, the state manages land in a centralized and consistent manner across the country, involving the allocation, planning of land use and development, granting of land use rights to individuals, entities, families, collectives and organizations for long-term and sustainable use in compliance with the Constitution and laws.
- 3) Land must be adequately allocated and used according to its required purpose efficiently ensuring short and long-term benefits, protecting environment, meeting demand for national development for green growth and sustainability, increasing land quality and ensuring land for agriculture for guaranteeing food security.
- 4) Policies, laws on land must contribute into the socio-political stability, meeting demand for national socio-economic development for each period of time, national security and defense; to supervise and use land potential for highest benefits to develop our country and ensure national interest, interest of land users, investors, organizations, collectives, entities, individuals appropriately by recognizing land use rights, developing land and facilitating the development of real estate market including land market in order to promote strong land development according to market-economy mechanism calibrated by laws, ensuring the way towards socialism; the state effectively use price and tariff tools in the land management aiming to limit and address the issue of inefficient use of land, cumulative land acquisition without development as well as to eliminate negative phenomena in the land development and use.
- 5) To promote roles of the front for national construction, mass organizations, mass media and public to participate in the monitoring and inspection and implementation of policies, laws

and other regulations related to land as well as to promote ownership and direct participation of people in the land management according to laws and regulations.

- 6) Organizational structure and management of land must be commensurate with the actual situation of each period to ensure the centralized and consistent land management among different sector authorities of central and local levels on the basis of clear decentralization supported by thorough mechanism and regulatory framework with adequate budget and equipment to be used in the land management.
- 7) To manage land in strict compliance with laws and maintain the monitoring and inspection as routine work with outreaching scope and follow-up action to ensure that issues identified by inspection are redressed fully and strictly to prevent any shortcomings in the land sector.

III. Main direction for enhancing land development and management in new period

In the market-economy condition and during the phase of our focus on national development as to elaborate further and effectively implement the Party's 10th congress resolution and the 8th five-year (2016-2020) national socio-economic development plan and vision up to 2030, the focus of land management and development must be as follows:

1) Regarding ownership and land use rights

In recognizing that land is the ownership of national community, the state must continue to recognize and protect land use rights held by individuals, entities collectives and land customary rights being: right to protect, right to use, usufruct, and right to transfer and right to inherit according to laws. For state land that is granted to individuals, entities and organizations for use without land use rights, it may not be transferred or sold-purchased. For state land over which land use rights are granted to individuals, it may be transferred, sold-purchased according to law.

2) Land allocation and use planning

To accelerate the creation of the master plan for national land allocation, to determine strategy and plan for use of each land category in a reasonable manner, keeping the 70% forest coverage.

To ensure and protect agriculture land especially rice plantation areas to guarantee food security, commercial production and to contribute to peoples' poverty reduction; the Government is assigned to study and formulate the policy regarding the survey and demarcation for land title issuance and policy on land tax payment for poor families and in prioritized agricultural production zones.

Change of land use from one to another category must comply with the national master plan of land allocation, land use plans of sector authorities and locality as set out by land-related laws and regulations.

3) Land management

The Government manages land in a centralized and consistent manner across the country by assigning the Ministry of Natural Resources and Environment to act as focal point of management with delegation of more responsibilities to local authorities to ensure land management and administration by using a modern and highly effective system in line with best practices, scientific principles and transparency.

The Government must enhance the supervision over land-related transactions such as: sale-purchase of land use rights, trading of land use rights, land contribution as equity in a centralized manner, aiming to ensure effective and efficient collection of land-related incomes. A unit may be created if deemed necessary to be specifically in charge and provide services to people and society according to laws and regulations.

4) Limitation of land areas for use by individuals

The Government must review the limits of agricultural land areas for farmers based on actual condition, particularity and demographic density of each locality.

For the use of land to be more reasonable and in order to promote the land development for production, service...the Government and the National Assembly are to review and improve relevant legislation with view to enable the systemic and strict application of multiplication rate of land tax against land possession without development.

5) Regarding the retaking of land use rights

The state may retake land use rights from individuals, entities, collectives and organizations for the purpose of state activities, public interest including development of infrastructure, national defense and socio-economic development, by allocating to such persons a new land or compensating them with a reasonable price. The state may take action to require restitution of its land unlawfully invaded, possessed and may withdraw the granting for transfer, lease or concession when it deems that the land is not actually used or used for wrong purposes.

The Government is to study and clearly set out rules and measures of enforcement and to ensure interest and justice for all relevant parties.

6) Conversion of land into capital, development of land market and financial policy regarding land

The state may convert land into capital by granting lease, concession, trading of land use rights, limited auction sale or contribution as state equity in other enterprises or development projects in ensuring national security, peace and public order, interest of the state, collectives and peoples.

Such conversion must be under state centralized and uniformed management, to prevent any loss to state land, to ensure creation of added value through transparent auction according to market economy.

State houses and land with historical and political meaning may not be converted into capital in all cases and must be preserved as national heritage, sites for research and must serve as cultural and historical tourist sites.

The Government must research and formulate policies and regulations necessary for ensuring the limits of state land concession or purchase, the capacity to develop new cities, condominiums, apartments with several rooms, housing estate and capacity to sell fully-furnished rooms in such apartments or estate to Lao and foreign consumers who lawfully live and work for a long term in the Lao PDR. In the meantime, the state also recognizes the asset ownership of the buyers of such assets from the sellers within the concession term or limited-term purchase of such land by the sellers; the state must research and formulate regulations regarding the establishment and

management of land market, bidding rules and procedures, land appraisal including fulfillment of tax obligations over land sale-purchase in a systematic manner.

7) Concession and lease of land

The Government must research and improve regulations relating to land lease and concession. First, granting of land lease or concession must comply with the master plan for land use and national and local socio-economic development plans for each period, to comply with auction rules, in coordination and unity with relevant stakeholders at central and local levels and to conduct social and environment impact assessment.

The Government must conduct the monitoring and inspection and evaluation of land use in investment projects such as mineral prospecting and exploitation, plantation of industrial trees countrywide as well as to have measures to be timely and finally applied against violators of contracts, laws or regulations.

8) Resolution of land-related disputes

Based on the rule-of-law principle, the Government in coordination with the National Assembly, must research and determine principles, methods, measures, mechanisms and coordination between legislative body, executive body, people's court, people's prosecutor office, state-party inspection authorities in the resolution process of land-related disputes with administrative, civil and criminal natures in a clear manner, aiming to enable individuals, entities, organizations and collectives to be equal in front of the law and be redressed with transparency and fair treatment.

Houses and land expropriated by the state-party and then granted to individuals or organizations for use, shall be deemed lawful and any claim for restitution by previous owners must not be considered in all cases.

9) Monitoring and inspection

To increase efficiency and strength of the monitoring and inspection by the party committee, ministerial leadership, local administration, executive body, legislative body, audit authority, people's prosecutor office, people's court and state-party organizations, front for national construction and mass organizations regarding the use of land.

To increase inspection on the use of each land category into various activities in order to apply timely remedy measures; problems occur in which organization, that organization must take ownership of solving such problems according to laws; to ensure the strict application of measures against individuals, organizations who violated laws, causing loss of benefits to the state, individuals or organizations.

10) Strengthening of state management-governance of land-related issues

To continue improving state governance in land sector; to segregate roles, duties, rights of each ministry, sector and locality for the management of land in a clear manner to ensure centralized management and consistent coordination to ensure effective and efficient management.

To pay attention to strengthening land management authorities of each level through training of land managing staff for them to have political value, responsibility, ethics, integrity, and upgraded professional knowledge and capacity and to enhance monitoring and inspection over the discharge of their duties on a regular basis.

To pay attention to the management and application of policies towards staff in land sector in order to promote their activeness for those who are responsible and have integrity in discharging their duties; to have measures and disciplinary actions against staff who abuse their duties to seek for illegal benefits from public and investors.

To provide adequate staff, budget and equipment to land management authorities for discharging their duties.

IV. Leadership in the implementation

- 1) Party committee and administration of each level have the duty to advertise, disseminate, conduct education on this Resolution to party members, government staff, public and all state-party organizations for them to acknowledge, understand and profoundly adsorb the content of the resolution and must lead the actual implementation in a proper, strict and effective manner.
- 2) All state-party organizations, front for national construction, mass organizations, mass media and public must actively participate in the prevention against negative phenomena in the management and development of land in a strong and widespread manner through their respective organizations.
- 3) The Government and National Assembly are to consider, develop and implement this Resolution in a concrete manner by improving Land Law and relevant laws, and to complete the master plan for national land use, work plans, detailed projects and other regulations to serve as reference for land management and development nationwide.
- 4) To enhance responsibility and leadership of party committees of all levels to tackle against violations of laws and regulations relating to land management and to prevent illegal occupation of state land, land possession for speculation only without development, in an outreaching and regular manner as part of their direct responsibility.
- 5) The Party Central Committee assigns the Politburo and Secretariat General to further elaborate, guide party committees, Government and administrations of all levels, all organizations to implement this Resolution with ownership and high responsibility.

A. Party Central Committee

[Signed and sealed]

Bounnhang Vorachith