

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister's Office
National Land Management Authority

No. 564/NLMA
VCC, August 6, 2007

Ministerial Instructions
on Adjudications Pertaining to Land Use and Occupation
for Land Registration and Titling

- Pursuant to the Land Law No. 04/NA, dated 21 October 2003;
- Pursuant to the Law on Property No. 01/90/NA, dated 27 June 1990;
- Pursuant to all other laws related to Land;
- Pursuant to the Presidential Decree on Fees and Services Charges;
- Pursuant to the Prime Minister's Decree on Technical Services Charges;
- Pursuant to the Resolution of the Nation-wide Conference on Land No. 06/PM, dated 30 May 2007;
- Pursuant to the Prime Minister's Decree No. 67/PM, dated 18 May 2004 on the organization and activities of the National Land Management Authority.

**Minister to the Prime Minister's Office,
Head of NLMA issues this Instruction as follows:**

Chapter I
General Principles

1.1 Adjudication

Adjudication is the consideration on every details related to land parcel such as: location, shape, size, type, right and obligation of land occupier, as stipulated in the Land Law and other laws related to land. The adjudication is based on legal evidence and the actual occupation of land. There are two types of adjudications such as: Systematic adjudication and sporadic adjudication. This Instruction lay down functioning principles for both types of adjudications.

1.1.1 Systematic Adjudication

Systematic Adjudication is a method for identify land parcel boundary in different area, each type parcel, each plot and to prove the land occupier, which will be started from certain point of the village and process forward systematically to include all land parcels of the village that had been chosen.

1.1.2. Sporadic Adjudication on Request

The method for the sporadic adjudication on request is one way to adjudicate the border of the land in each area, each type, each parcel and the owner occupying [and] use of the land by considering parcel by parcel as many cases. Such an adjudication has to start with the submission of the request of the owner [and] user. The sporadic adjudication on request is a way to conduct publicly and includes steps of informing the pulic to insure the certainty and the correctness of

the real evidence and there is an agreement between the adjudication unit with the administrative authority of the village of the location where the land parcel is located with the population that has the root linked to the land parcel.

The sporadic adjudication on request can be conducted when there is a contract, legal document about the land parcel before the issuance of Land Title, but adjudication must be conducted and the survey has to be done again according to the technique of the issuance of Land Title for a land parcel.

1.1.3. Adjudication method.

Many of the skilled officials will be appointed in the working unit called “adjudication unit”. This unit will do the cadastral survey and to adjudicate systematically within the cluster village that had been proclaimed for the systematic adjudication; and will conduct the cadastral survey and adjudicate land parcels on a case by case basis for the sporadic adjudication.

The adjudication unit will gather various evidence from the Land Office of the province, the Vientiane Capital City, the Land Unit of the district and from the owner occupier user the land [formerly it was used to call “owner of land use right”], the owner occupier user the land adjacent, as well as adjudicating the location and border of each land parcel relating to the rights in the land [parcel to be adjudicate, may be the easeway, etc...] The adjudication of evidences will be conducted publicly by using data about the acquisition of the land with the cooperation of the population within the village. The evidence has to be certified by the Nai Ban or the person assigned by the Nai Ban.

Relating to the systematic adjudication, after the completion of the [required] steps, the adjudication unit will summarise and endorse the results of the adjudication of the evidence about the occupation use of the land for each parcel in the village or in the khet village cluster, including the State land and the collective land. The Adjudication Unit must draw the cadastral map, [for?] each area, each type [of land?] that show the location [and] size of each parcel existing in each village [that had been selected for the adjudication].

Relating to the sporadic adjudication on request, after the completion of the [required] steps, the Adjudication Unit will draw the cadastral map [for] each area, each type [of land?] showing the location and size of each land parcel on a case by case basis and will carry on on request till the completion of all land parcels included in the cadastral map.

After the completion of the adjudication, the Adjudication Unit will do the report and sent it to the Land Office of the province, Vientiane Capital City, for endorsement [and] registration and to issue the Land Title.

1.2 Definition of terminology

The meaning of words used especially in the Ministerial Direction is as follows:

1.2.1 “Person” means the person who has the right in the occupation [and] use of the land [, and this person] is 18 year old, is completely fit mentally, is not mentally sick, except those who are

married according to the laws, but they must not be less than 15 years old as set in Article 9 of the Family Law and those who are working as set in the Labor Law; [1.2.1 mix up heterogeneous ingredients that the authors seem to not digested smoothly]

1.2.2 “Juridical Person” means the business unit organization represented by person in the activities according to its own rules, creating rights and obligations resulting of the activities, has its own assets, is independent in the use of these assets, is able to be the plaintiff and the defendant at the court; it will be considered to the juridical person since the day of the business registration;

1.2.3 “Land Use Right” means the right of a person or of an organization that has received the land use right with a Land Title that is a document evidencing the permanent land use right originating from the transfer, exchange, sale-purchase and inheritance [Art. 52 of Land Law refers only to three types of acquiring the land use right: 1.Allocation by the State; 2.Transfer; 3.Inheritance. The MD 564/NLMA drops the first one that is the Allocation by the State, and adds two: Exchange, and sale-purchase]. The land use right is made up of the right to protect, the right to use the land, the usufruct right from the land, the right to transfer the land use right, and the right to inherit the land use right [This sentence is identical to Art. 53 of Land Law]. The person or organization that has received such a right has the right to lease the land to other person, to use as security, to be used in a joint venture or to be a share, exchange or can sell the land use right [This sentence is duplicating Art. 56 of Land Law]. [All in all this Art. 1.2.3 of MD 564/NLMA is a copy of Art. 2 of Decree 101/PM of 20 April 2005].

1.2.4 “Right to Use the Land” means the organization that has received the right to use the land according to the State land zoning [chatsan] and [is composed only of] the right to protect and use as set in Articles 55 and 59 of Land Law. For the persons who have received the right to use the land, they have only the right to occupy, protect, use, to get usufruct from the land and inherit [This second sentence of Art. 1.2.4 of MD 564/NLMA does not refer to any Art. Of Land Law, while Decree 101/PM of 20 April 2005, in its Art. 2 refers to Art. 48 and 59 of Land Law. MD 564/NLMA adds a new right for the person having the Right to Use the Land, and it is the right to receive usufruct from the land, meaning s/he may lease the land parcel].

1.2.5 “Land Title” is a highest legal document certifying the land use right, [and] only those who have their name [and have] the right on the Land Title, and only at this very condition that they are considered as the owner of the Land Title and can use [the Land title] as security [to get a loan], share, transfer, sale-purchase, exchange, lease, inherit. In the implementation of these rights, the owner of the Land title has the right to assign another person to do at his place with a written assignment and with the certification [of the assignment] by the public notary or Nai Ban.

1.2.6 “LSC” is a document evidencing the right to use the land that the State gives the right to use to a person or a State organization, the political organization, the Lao National Edification Front, mass organizations, and the economic organizations of the State for use in the various purpose according to the type of land as set in the laws. The organizations that have received the LSC have no right to transfer, lease, conceded, to use as share or to be used as security. For the persons who have received the LSC, [they] have only the right to occupy, protect, use, receive usufruct from the land, and inherit. In case those who have received the LSC [have had their

land] to be leased or used as security with banks or financial institutions, they have to request for a land title to be the document certifying the land use right in accordance with the law[s].

1.2.7 “Land Certificate” is a document certifying the temporary use of land that the administrative authority of the district, municipality issued according to the policy of zoning [chatsan] and Land and Forest Allocation when there is a development [of the parcel] for more than three years, the persons who have received the certificate on the development of the land and [sic] have the right to request a Land Title that is a document certifying the land use right according to the laws.

1.2.8 “Certificate on the Development of the Land” is an official document that the sector managing the use of the concerned land had issued according to the land development plan that had been zoned to certify that the land parcel had been developed. This certificate is used for the filing of documents requesting the land registration as set in Art. 18 and 43 of Land Law.

1.2.9 “Certificate on the Origins of the Land” is a document evidencing the acquisition of the land showing the background of the protection and use.

1.2.10 “Declaration of Land Tax Payment” is a document that the concerned organization of the State had issued to those who have the right [of] occupation [and] use of the land or those who have receive the right to use the land as a basis for the monitoring the collection and payment of land tax. But this document is not considered as evidence showing the land use right.

1.2.11 “Receipt of Land Tax Payment” is a bill receiving money that the administration of the State had issued for the Nai Ban or the unit collecting land tax of the district when the land tax is settled. But this document is not considered as a document evidencing the land use right.

1.2.12 “Land [Parcels] Leftout” refers to the land parcel that the SAT cannot adjudicate as the concerned land parcel has problems such as: dispute that cannot be settled or a court case is still in process; when the adjudication took place, the owner [who is] the occupier [and] user of the land had not attended when the adjudication took place in the concerned village and there is a attorney power for someone to represent him/her and there is a border problem.

These Land [Parcels] Leftout when settled completely or the owner occupying [and] use of the land has the need to register the land (issuing the land title) has to be contact with the PLMA, VCCPLMA for the adjudication [and] issue a Land Title according to the regulations.

PART II PREPARATION AND NOTICE

2.1 Area where take place the systematic adjudication

The Director General of Department of Land propose the plan to the Head of NLMA for consideration [and] decide about the are [of the] province, VCC to carry out the systematic adjudication. Afterward, the head of PLMA, VCCLMA in coordination with the DG of DoL, Chao Khoueng or the VCC Governor will determine precisely the district and village that are under their jurisdiction to carry out the systematic adjudication.

After the choosing of the district and of the village to be carried out the systematic adjudication, DoL can expand the systematic adjudication area to other district or other villages, according to the proposal made by the Land Office of the province/VCC.

Within the villages in the systematic adjudication areas, the Land Office will not issue Land Title or LSC by the method of sporadic adjudication on request, except the land parcel that had been left out that had not been adjudicated during the past systematic adjudication, and a Land Title for the parcel can be issued.

2.1.1 Providing data about map and the mapping

DoL must plan and coordinate with NGD to provide sufficient data about map in the area where the systematic adjudication will be carried out, according to the technical methodology of the cadastral survey and the creation of the cadastral map that will be used [for the systematic adjudication].

During the adjudication, the SAT must create the cadastral map and to record detailed data about the border of the land parcel on the cadastral map and to record other data in the Land Parcel Index according to the directive of DoL.

2.1.2 General notification through mass media

On the proposal of the VCC/PLMA, the Governor of the province or VCC will issue a general notification to be advertised in mass media at least 30 days before the starting of systematic adjudication. The general notification will be issued at least three days, this continuously.

2.1.3 Content of the general notification for systematic adjudication

The content must include the following:

- € Name of the district, village and time of the cadastral survey and adjudication; and
- € Others informations that Chao Khoueng or the VCC Governor considers as relevant.

2.1.4 Specific notification

The Head of VCC/PLMA will issue a specific notification that has a particular content and advertised for the population to know at least 30 days before the systematic adjudication. The specific notification will be issued at least three days, this continuously.

2.1.5 Content of the specific notification for the systematic adjudication

The content of this notification will include the following:

- € Detail about the steps of the adjudication and the method used for the adjudication;
- € Place and phone number of the SAT office;
- € Name of the village where the cadastral survey and the systematic adjudication will be carried out;
- € Date and time for the planned adjudication;
- € Rights of the owner that will receive the land use right and the owner of the land use right of the adjacent parcels who will attend the demarcation and certify the border of their own parcel;
- € Expenses and mode of payment of the owner who will receive the land use right; and
- € Others issues that DoL or VCC/PLMA consider as appropriate.

2.1.6 Parties or persons who have to receive the specific notification

The specific notification must be sent to the following parties or person:

- € Nai Ban of the village where will take place the adjudication;
- € Nai Ban of adjacent villages;
- € Chao Muang where the adjudication will take place;
- € Head of Land Office of the district where the adjudication will take place;
- € Province/VCC Head of Management Unit of the Use of State Land and Collective Land;
- € LWU and LNEF at provincial level, VCC, district in the concerned area;
- € The Communication, Transport, Post and Construction Office, [in] case the land parcels to be adjudicated are affected by the road expansion project.
- € EDL, [in] case the land parcel to be adjudicated is affected by high tension line transmission;
- € MAF, [in] case the land parcel [to be adjudicated] is part of the water area;
- € All head of divisions of the concerned VCC/province;

Beside this, the specific notification must be sent to the persons and the State organizations or others private sectors that the head of VCC/PLMA considers appropriate.

All notification and directive implementing this MD will be sent to Nai Ban, the head of Land Unit of the district to be posted in public places, in the village offices, the Muang offices

And other appropriate places.

Besides this the head of Land Office of VCC/province and of the district office has the right to summon a meeting with the villagers at the concerned village to disseminate various details set in the specific notification for the population to be aware of.

2.2 Area where will take place the sporadic adjudication

The head of Land Office of the VCC/province and the Land Office of the district study the technical possibility, and afterward to propose to the VCC/PLMA to precisely determine the district, village to carry out the sporadic adjudication on request.

After the determination of the district, village to be carried out the sporadic adjudication on request, the Land Office of the VCC/province and the District Land Office will be carry out the task in the field in the concerned area.

The area where the sporadic adjudication on request to be carried out has to have [staff and equipments] to meet the technical standards.

The sporadic adjudication on request can be carried out for the land parcels that fallout [of the adjudication process] that had not been adjudicated during the systematic adjudication.

2.2.1 Providing data about map and the mapping

DoL must plan and coordinate with NGD to provide sufficient data about map in the area where the systematic adjudication will be carried out, according to the technical methodology of the cadastral survey and the creation of the cadastral map that will be used [for the systematic adjudication].

During the adjudication, the VCC/PLO, and the Land Authority of the District, Municipality that had been assigned to issue Land Title must create the cadastral map and to record detailed data

about the border of the land parcel on the cadastral map and to record other data in the Land Parcel Index according to the directive of DoL.

The sporadic adjudication on request must be carried out in all villages, but the villages must have the appropriate control points for the cadastral survey, [and] if the control points do not exist, there must be sufficient and appropriate technology for the cadastral survey.

The sporadic adjudication on request cannot be carried out in the area of systematic adjudication, except for the land parcels that fallout that had not been adjudicated in the past systematic adjudication.

2.2.2 Specific notification for sporadic adjudication on request

The Head of VCC/PLMA and the District Land Office will issue a specific notification that has a particular content and advertised for the population to know at least 60 days before the adjudication. The specific notification will be issued at least three days, this continuously.

2.2.3 Content of the specific notification for the sporadic adjudication on request

The content of this notification will include the following:

- € Detail about the steps of the adjudication and the method used for the adjudication;
- € Area where will take place the cadastral survey and the adjudication;
- € Steps and things that must be made in the filing of the request for requesting the sporadic adjudication; [The requests follow the decision to do the sporadic adjudication];
- € Time set for the owner who will receive the land use right to do the filing of the request for a sporadic adjudication;
- € Place and phone number of the VCC/PLO and the District LO;
- € Name of the village where the cadastral survey and the systematic adjudication will be carried out;
- € Date and time for the planned adjudication;
- € Obligations of the owner that will receive the land use right and the owner of the land use right of the adjacent parcels who will attend the demarcation and certify the border of their own parcel;
- € Expenses and mode of payment of the owner who will receive the land use right; and
- € Others issues that DoL or VCC/PLMA consider as appropriate.

2.2.4 Parties or persons who have to receive the specific notification

The specific notification must be sent to the following parties or person:

- € Nai Ban of the village where will take place the adjudication;
- € Nai Ban of adjacent villages;
- € Chao Muang where the adjudication will take place;
- € Head of Land Office of the district where the adjudication will take place;
- € Province/VCC Head of Management Unit of the Use of State Land and Collective Land;
- € LWU and LNEF at provincial level, VCC, district in the concerned area;
- € The Communication, Transport, Post and Construction Office, [in] case the land parcels to be adjudicated are affected by the road expansion project.

- € EDL, [in] case the land parcel to be adjudicated is affected by high tension line transmission;
- € MAF, [in] case the land parcel [to be adjudicated] is part of the water area;

Beside this, the specific notification must be sent to the persons and the State organizations or others private sectors that the head of VCC/PLMA considers appropriate.

All notification and directive implementing this MD will be sent to Nai Ban, the head of Land Unit of the district to be posted in public places, in the village offices, the Muang offices and other appropriate places.

Besides this the head of Land Office of VCC/province and of the district office has the right to summon a meeting with the villagers at the concerned village to disseminate various details set in the specific notification for the population to be aware of.

PART III

FILING REQUEST FOR SPORADIC ADJUDICATION

3.1 Request for sporadic adjudication

A person needing Land Title to certify requesting his/her land use right can propose a sporadic adjudication if the land parcel is located in the area announced as the area that the sporadic adjudication will take place. The owner occupier user of the land must filled the request according to this MD as follows:

- € Use the request forms set officially ;
- € Declaration of evidences about the ownership [,] occupier [, and] user of the land such as: any document about the occupation [and] use of the land, the LSC, the Land Tax Declaration, and explanation [???];
- € Notification of the name of the owner [,] occupier [, and] user of the land, and the name of each person who protect the land that has border abutting the land parcel of the person who made the request [for a sporadic adjudication];
- € Sign the forms while writing down the name, address and signature of three witnesses; and,
- € Payment of the fee set in the request [form].

The person who makes the request has to submit the request to the head of District LO and the VCC/PLMA where the land [parcel] is located.

3.2 Steps in the conducting of sporadic adjudication after the request is lodged

[The following content seems to not match precisely the sub-title]

After the reception of the request for a sporadic adjudication, the concerned Land office will proceed along the following steps:

3.2.1 To issue the request [???receive, accept, ???] as well as record the documents, various letters attached to the request while photocopying these documents [and to give the photocopies] to the person making the request [for the sporadic adjudication].

3.2.2 To give one copy of the notification to the person making the request [for sporadic adjudication] and this notification elaborates about: the consideration of the request, the sending of the notification to the owner occupier user of the land and those who received the land use right of the neighboring land [parcel], the survey of the border and other steps as set in this Ministerial Direction and the obligations of the person making the request to attend all the steps;

3.2.3 Notify the person who made the request the estimated fee and other incurred expenses in the conducting of the adjudication of the land used by the person who made the request.

3.3 Steps in the consideration of the request for a sporadic adjudication

The concerned head of VCC/PLO and District LO will check each request to make sure that the request had been completed according to the required conditions. Especially, the head of PLO, and the concerned head of Municipality/DLMA will check if the person making the request had written down the name and address of the owner occupier user of the land and those who protect the neighboring land [new and funny concept, but future implications as the concept had been introduced here purposely], or not. If the request is correct and complete, the head of VCC/PLO or the head of Municipality/DLMA will sent the notification [overlap 3.2.2 as the person who made the request for a spo. adju. Had already received one copy of such notification] to the owner occupier user of the land and the person who has received the land use right or those who protect the neighboring land.

3.4 Notification to the owner occupier user of the land and the owner of the land use right of the bordering land [parcel]

The head of VCC/PLO and the concerned head of DLO will send the notification to the owner occupier user of the land and the person who protect [the subtitle says: “owner of the land use right of”] the bordering land [parcel]. The content of the notification is as follows:

- € Details of the steps about the sporadic adjudication on request;
- € Time for field-work to set the coordinates [chout thi tang] of the border of the land parcel;
- € Address and phone number of VCC/PLO and of DLO;
- € Others issues that the DG of DoL or the Head of VCC/PLMA has considered.

PART IV

Organizational machinery, role, obligations and rights of Adjudication Unit

4.1 Organizational machinery of the SAT

4.1.1 The SAT is composed of officials who are professional meeting suitable standard appointed by the head of VCC/PLMA on the proposal of the head of VCC/PLO. The SAT includes those who have experience in adjudication of the border of land parcel and the adjudication of the land use right.

4.1.2 Officials of SAT will be under the direction and control of the chief of SAT and these officials have the duty and responsibility in the implementation of tasks according to the direction and directive (written or [verbal] directive] of the SAT chief.

4.1.3 The chief of SAT is under the control and direction in the political and administrative aspect of the head of VCC/PLO and the DLO, and the professional direction of DoL.

4.1.4 The head of VCC/PLMA has to send the appointment to the steering committee in the province, Chao Khoueng/VCC, Head of NLMA and concerned parties for information.

4.1.5 Chao Muang will send to Nai Ban or someone who is under the responsibility of the district to attend the adjudication work of each unit of SAT, to represent in the protection of the rights and interests of the State and her/his own locality beside being witness and to certify the land use right of the concerned person and to certify the border of the land parcel. When attending the adjudication work, Nai Ban or the person who has been appointed will receive a per diem according to the task and time of the implementation.

4.2 Organizational machinery of the sporadic adjudication unit

The unit for sporadic adjudication on request is composed of officials who had been selected from the VCC/PLO and DLO to carry out adjudication to issue Land Title on a sporadic basis on request.

Officials appointed to the sporadic adjudication unit are appointed, moved, and dismissed by the head of VCC/PLMA on proposal of VCC/PLO.

4.3 Role, duties and rights of the adjudication unit

The role of the adjudication unit is as follows:

- € To consider the status of the owner occupier user of the land (private land or State land);
- € To conduct the cadastral survey of each land parcel, and the owner occupier user of the land as well as the owner of the land use right of the adjoining parcel to attend;
- € To do the adjudication about the owner occupier user of the land of this land parcel and various details about the land parcel.

The tasks of those doing the adjudication is to perform the adjudication tasks with loyalty and honesty in conformity with the substance of this Ministerial Direction. If any official does her/his job with the purpose to cover and bias the truth for her/his own interests, for some parties or for some persons and do not tell the truth will be warned and punished according to the laws.

4.4 People that the adjudication unit can be in touch in order to search for evidences

The adjudication unit will consider the adjudication of evidences concerning the land parcel that one person argues to be the owner of land use right.

In the gathering of evidence about the land parcel border or the land use right, the adjudication unit can search for evidences from the following persons:

-the person arguing to be the owner of the land use right [over the land parcel] that is under adjudication.

-The person arguing to be the owner of the land use right over the adjacent land parcel;

-Nai Ban, the administrative authorities of the province and of the district;

-Elders within the village such as the members of the Front for National Edification;

Besides this, the Adjudication Unit has the right to approach other persons to gather the truth about this [the background of the land parcel] situation.

4.5 Various evidences that the Adjudication Unit can take into consideration

In this adjudication, the Adjudication Unit will consider the evidences about the land parcel as follows:

-LSC, Agricultural Land Certificate with the Certificate of the Development [of the land parcel], the Land Tax Declaration, the Receipt from the Payment of the Land Tax;

-Various documents or written records, including the documents that the adjudication Unit had gathered;

-Sketch map, if any;

-Verbal testimony (recorded by the adjudication official and witness);

-Written testimony;

-Evidences from the experienced professionals [?];

-Natural evidence and man-made evidences related to the border of the land parcel and the land use right;

Other form of evidences and other information collected by DoL.

4.6 Right in decision-making of the Adjudication Unit

4.6.1 The Adjudication Unit has the right to adjudicate evidences/data that are evidence and certifies the truth as follows:

-the border line and size of the land parcel; and

-All data related to the background of the accession by the occupier user of the land according to legal documents.

4.6.2 The Adjudication Unit can take the elaboration made by the owner occupier user of the land as evidences in the following conditions:

-the owner of the [land use] right [,] occupier [,] user had given elaboration supported by evidence; and

-the elaboration can be certified from the owner of the land use right over the adjacent parcel and Nai Ban or the person assigned by Nai Ban; if the declaration is certified as correct, the Adjudication Unit will not search for other evidences;

If the Nai Ban or his assignee do not know about the history of the situation [of the land parcel], elders in the village such as members of the Front of National Edification, can certify in the presence of Nai Ban and the Land Management Unit of the village.

If it appears afterward that the evidence is not true, the Adjudication Unit that had operated in good faith will not be responsible.

4.7 Easeway to the public road

If the land parcel under adjudication has to easeway to the public road, the Adjudication Unit must open the opportunity to the owner occupier user of the land to be able to build an easeway according to the reality that must be accepted according to the laws.

The easeway can be built in the following forms:

- the authorization of easeway through the adjacent land [parcel] abutting the road;
- transfer the easeway by cutting off [the land for the easeway] from the adjacent land parcel abutting the road.
- reserve the easeway by cutting off [the land for the easeway] from the adjacent land parcel abutting the road.

Details and method to carry out the easeway have to be based on the reality of the location of the land [parcel].

4.8 Right in the mediation

If there is a dispute or a request to oppose a land use right or about the border demarcation of the land parcel when there is a border demarcation operation and the gathering of evidence, the problem has to be brought to the Mediation Unit of the village. The Adjudication Unit has the right to attend the mediation for all parties can reach an agreement.

4.9 Document filing by the Adjudication Unit and the certification by Nai Ban

After that the Adjudication Unit had completed its tasks, it has to file the documents relating to the data about each land parcel that adjudication had been made.

The filing of land documents included originals or copies, testimony or the written certification, data recorded on the land map sketch of the land parcel and other data that the Adjudication Unit had considered about the border of the land parcel, the land use right and the right of utilization of the land in accordance to the laws and the steps of the implementation of the adjudication process.

The correctness and completeness of the record of the adjudication must be certified by the Nai Ban or the assignee of Nai Ban. Nai Ban or his assignee will certify on the basis of correct evidences. Nai Ban or his assignee must carefully and cautiously gather these data. Nai Ban or his assignee has the role to carry out their work with responsibility.

4.10 Contents of the document filing by the Adjudication Unit

The Adjudication Unit will record detailed information about the adjudicated land parcel on the approved standard forms including others details as follows:

1. Day, month, year of the adjudication;

2. Characteristics of the border of the land parcel (fence, wall, things trespassing the border of not), size of the surveyed land parcel and the adjacent land parcel;
3. features of the occupation use of the land and details of the use of the land in each period
4. name and address of the person arguing to be the owner of the land use right;
5. name and address of the person arguing to be the owner of any land use right;
6. features of the land use right (for instance: rent, security for a loan, easeway right);
7. sufficient and detailed information about the land [parcel] showing that the land [parcel] is a State land, collective land or not. If the case of State land or collective land, the report must provide the name and address of the user and to set [?] the time for the use, and to elaborate on the managing organization (if any), has an authorization title [for use] or any documents to support the use of the land parcel.
8. name and address of the person requiring to re-consider the border demarcation or the person having the right in the use of the land parcel, but the Adjudication Unit had not yet decided;
9. name and address of the person who opposes and details about the dispute or the challenge;
10. if there is a refusal and the inability to adjudicate a land parcel, reasons had to be recorded;
11. to detail about the electricity line affecting the land parcel, if any;
12. the land [parcel] is affected or not by the a plan to extend the road;
13. the land [parcel] is affected or not by irrigation canal?
14. the land parcel is adjacent to water area or not;
15. Is it an enclosed land parcel or not, and in the case the owner of land use right does not need to build an easeway according to the law in the form of building the right of easeway or to definitely buy the easeway [complicated sentence that does not make sense];
16. Other information related to the land [parcel] that the DG of DoL or the Head of VCC/PLMA may provided to supplement.

4.11 Classification of land use right and the right of utilization of the land

The report on the land use right made by the SAT must set the type of owner occupier user of the various land [parcel] according to the laws as follows:

Type of individual land

1.1 Land use right [supported by] complete documents

The land [parcel] that is not managed by the State and the owner of the right has complete and legal documents.

1.2 The owner occupier user of the land has documents, but the documents are not complete and the living peacefully and publicly on [land parcel] and protection and develop for 10 years.

The land [parcel] that is not the State managed land or the collective land of the village [,] and the owner occupier user of the land [parcel] has some documents (complete according to the law

or not), but has not all the documents as in Type 1.1 and in the same time the land user is the owner occupier user of the land [parcel] for or more than 10 years.

The definition of the time for protection and development of 10 years means:

- protection and development by only one person for a full period of 10 years; or
- protection and development by many persons, this continuously but the previous [first?] person who protect and develop had transferred or gave in inheritances his interests to some another person, in total, more than 10 years.

1.3 The owner occupier user of the land [parcel] who has been allocated a resettlement

The land [parcel] that has been protected, developed and used for less than 10 years, but is a land that has been given as compensation or exchange for resettlement.

1.4 The owner occupier user of the land [parcel] according to the customs that is not the State land that a person has peacefully protected and developed and has come out to declare that he is the legal owner occupier user of the land [parcel], but in reality it is a customary right (sale/purchase or inheritance in rural area without any documents) or acquired from the clearing of the land by his own labour or capital, thus has no complete documents or has no documents at all. But in this case, if there is a testimony by Nai Ban or his assignee as well as by the owner of land use right of the adjacent land [parcel] at least 4 persons certifying that the person is the true owner occupier user of the land, this person will be reckoned as the owner of the land use right.

1.5 The owner of land use right from the protection and development, this peacefully and legally, while the land parcel has been [the ownership of] other person that had abandoned it, and the person who protects and develops it and the present [occupier] person had live continuously, legally for more than 20 years, or more than that [?] without anybody coming to claim;

The determination of the protection and development for more than 20 years means:

- the protection and development by only one person for more than 20 years;
- the protection and development by many persons this continuously from the previous transferring or gives in inheritance his interests to another person, in total more than 20 years.

[Regarding] The land with the land use right of the State by evidence, the protection and development in whatever length of time, the land will be State land indefinitely.

Second type [:] Collective land is:

- € Land of cooperatives, collective organizations, village communal land use in common by the community of persons, the various ethnic groups in the villages, the collective land comprises: land that the population had allocated to households for use for agricultural production during the season with nobody being the owner of the use right of the land, the forest for use, the production forest, cemeteries, sacred forests. Land where is hold rituals, land set for cattle raising and other lands that have the characteristics to be collectively used of the village.

- € The collective land is a land managed by the Government but a collective title is issued to the cooperatives, the collective organizations, communities, group of persons, ethnic groups that have the feature of been communally used with nobody having the land use right, [...] the collective land is forbidden for sale, transfer, used as security, lease or given for concession, [...] the collective land must be protected and developed for only the collective interest[s].

Third type [:] State land is:

- € Land that is under the management of the administrative authorities at central, provincial, VCC, district and village level such as: public land, defence land, security protection land, communication land, and others that are of the State.
- € Land of those who abandoned to go to foreign countries.
- € Land ruled by courts as State [properties].

But in the first type of land as set in this Ministerial Decree:

- € That [land parcel] is of person who is not Lao citizen, who has been the owner occupier user of the land [parcel] before the publication of the Constitution of the Lao PDR; or
- € That [land parcel] is of the Lao citizen but the area is an excess of the rate set by the law,

The Adjudication Unit will consider that the land use right belong to individuals. But the Adjudication Unit must record the reality in its report.

Land parcels of Type 1 to 3 as set in Paragraph 4.9 meet the sufficiently the conditions to receive Land Title. In the case the land [parcel] falls into Type 3, the Land Title has to clearly specify that it is a : “State land”.

4.12 Documents about the decision [made by] the Adjudication Unit

The Adjudication Unit will prepare documents [for the?] decision in writing about the land in each area, each type and each parcel and all parcels. The contents of the decision documents will specify the following matters:

- 1.Type of various land use right as set in [Paragraph] 4.11 above. If [the Adjudication Unit is] not able to make a decision about the type of land use right, this [decision] document must specify the reasons why the decision cannot be made about the type of land use right;
- 2.The name of the person that the Adjudication Unit has considered [and] decided to be the legal owner occupier of the land use right over the land parcel;
- 3.Relating to the State land, the name of the person protecting (if any), to determine the time of the protection by this person, the purpose of the use of the land in the present time and the name of the organization that manages (if any);
- 4.Location of the border of the land parcel and size of each land parcel;
- 5.Name of the name of the person [duplicates 2 above] recognized by the Adjudication Unit as the owner of the land use right and the feature of this right;

6.If the owner occupier of the land use right is not a Lao citizen or has area in excess, the informations have to be recorded;

7.Others informations t hat the DG of DoL or the VCC/provincial governor may need additional [may bring upon?].

4.13 Documents about the cadastral survey

The Adjudication Unit will create the cadastral map covering the area that the adjudication will be carried out and create a map for each land parcel. The land sketch map will have the representation of all parcels linked to each other showing the border of each land parcel. The land parcel on the cadastral map will have the code number, in chronological order, of each land parcel, and the code number is the number of the land parcel but it is not the number of the Land Title.

When conducting the adjudication, the Adjudication Unit must create the cadastral unit and record detailed informations about the border of the land parcel on the cadastral map and record others informations on the land register index according to the directive of DoL.

When conducting the adjudication, the Adjudication Unit will record the details about the border of the land parcel, the size and others informations according to the directive of DoL on a separate map for each land parcel. The land parcel map will show the border of the land parcel, the location of the border markers, the numbering of the land parcel and the space [length?] of the border. From there, to record various details about the land parcel map of each land parcel on the cadastral map. The cadastral map will show the border of the land parcel, the border markers and the numbering of the land parcel.

PART V

The Role of the Land Owner [and] User

5.1 The Role of the Land Owner [and] User

The land owner [and] user must cooperate with the Systematic Adjudication Team as specified in this Chapter of the Ministerial Instruction as follows:

5.1.1 Demarcation of Land Parcel:

The land owner [and] user have to:

- Participate and take a lead in the survey and adjudication of land parcel;
- Mark the boundaries of his land parcel in collaboration with the land use right owners of the adjacent plots.
- Place marks at the boundary corners of his land parcel with the agreement of all adjoining owners.

Placement of boundary marks is to mark each side of the boundaries adjoining with the land of one or many land owner, then to place boundary marks with the full agreement of the adjoining land use right owners. The land use right owners of the adjacent plots sharing the boundaries shall have the obligation to sign the document certifying their consent with the location of the boundaries and the boundary marks.

The boundary marks designed by DoL for the use of the owners of land use right can be made of either concrete or hard wood and have the marker number on the top of each marks (if possible).

Once the boundary marks are placed, it cannot be removed or placed in new location without the approval from the parties concerned.

5.1.2 **Adjudication Process**

The land owner [and] user is obliged to:

- Hand in documents by filling out the forms related to the land use rights or the right to use the land and the boundary of his own parcel;
- Answer to the questions asking by the staff of the Systematic Adjudication Team concerning the location of the parcel boundary, the land use rights and the right to use the land;
- Provide background information on the origin of the land when necessary, collect necessary documentation and contribute to the conflict resolution; and
- Sign documents as specified in the Forms designed by the Systematic Adjudication Team.

During the period of carrying out the adjudication for land registration, all documents concerning land which related to the adjudication must be given to concerned staff to manage and follow up. After the issuance of the Land Title, such documents shall be kept in the land file at the Provincial Land Office, VCC or District Land Unit.

Whenever the Systematic Adjudication Team takes the original document of any individual, they should make a document to be used as evidence.

5.1.3 **Land Titling**

The owner of the land use right is obliged to:

- Pay fees in according to the regulations;
- Receive Land Title from Provincial, VCC land office or district land unit;

5.1.4 **Adjudication Concerning State Land or Land Managed by the State**

If any authority or organization under the state is the one who uses or manages the land parcel being adjudicated, a representative of such authority or organization shall have the obligations and roles specified in this Chapter, and other Chapters concerning the method of adjudication for such parcels.

PART VI Declaration of SAT's Decision

6.1 Declaration of SAT's Decision

SAT will issue a Notification as internally agreed within the team for every parcels getting through the adjudication process as follows:

- Any parcels agreed to be categorized as the right to use the land or the land use right
- Any parcels in which SAT cannot make decision.

The notifications will be posted at the office of SAT where is visible for the public.

The Notifications will have the contents as follows:

1. The result of the SAT's Decision including the name of land owner [and] user or the name of the user of state land, the type of land use rights as specified in Par. 4.11, location and surface of the parcel. If the SAT cannot make a decision to categorize the type of right, such condition must be informed in the notification.

2. The duration of posting notification and the method to oppose during the notification period;
3. Fees, technical service charge and the methods for paying the fees and technical charges by the land owner [and] user;
4. For every parcels with conflicts, such parcels will be shown and the conflicts will be identified. The notifications will declare that if the conflict cannot be resolved within the notification period, documents concerning the adjudication will be submitted to the Provincial, VCC, and District Land Office where the conflict resolution will be further processed;
5. The notification should specify that everyone can observe specific parcel map and cadastral plan at the office of SAT or come to the village administration office where the location of the SAT office will be informed and
6. Other additional information which Director General of Dol or Head of Land Management Authority of the province, VCC and District Land Office considered to be suitable.

In the condition that SAT cannot fully complete the adjudication tasks due to the following factors:

1. The complexity of the issue; or
2. Lack of power for decision making

The announcement to declare the actual condition of the issue should be posted for the period of 30 days for the systematic adjudication and 90 days for the sporadic adjudication, as well as to submit the report and adjudication documents to the Head of land office of the province, VCC and district so that problem concerning land titling can be further studied and considered on ways to solve by the committee concerned.

6.2 Problem Analysis by the Committee for Solving Land Titling Issues

Head of the land management authority of the province, VCC will assign suitable staff to be a member of the Committee for Solving Land Titling Issue.

In the condition that SAT has submitted any cases to the Committee for Solving Land Titling Issues through the district land office and, provincial land office and VCC land office, the Committee has all the same right, power, and duties as SAT, and in addition the Committee can also consider new evidence in which is not available at SAT.

In such case, in order to issue a notification on the Decision for problem solving, the Committee for Solving Land Titling Issues shall carry out the process specified in par. 4.12 and 6.1 of this Ministerial Instruction.

6.3 Parties or individuals to be notified on the Decision

Head of land management authority of the province, VCC will notify the Decision of SAT to parties concerned in written form as follows:

- Nai ban of the area where the adjudication was conducted;
- Naibans of villages adjoining to the area where adjudication were carried out;
- District governor of the district where adjudication were carried out;
- All Heads of line divisions of the province/VCC in the area where the adjudication was carried out;

Head of the land management authority of the province/VCC can send the notice to the general public through mass-media in according to the actual condition.

In the case of sporadic adjudication, Head of Land Management Authority concerned must inform the land use right owners of the adjacent plots and other people who are likely to have conflicts arising from the decision of SAT.

6.4 Duration of Posting Notification Before Issuing Land Title

At the end of the 30 days period for the systematic adjudication and 90 days period of the systematic adjudication, beginning from the 1st day of posting notification as specified in para. 6.1, Head of the land management authority of the province/VCC will issue Land Title to owners of the land use rights (or other individuals who have the right to hold the title, such as the creditors who receive land as loan guarantee), except the case that conflicts were still recorded with full details, or SAT did submit the case to the Committee for Solving Land Titling Issues through district land office and provincial/VCC land office to find ways to solve the problem.

PART VII

Way of Sending Request for Re-consideration

7.1 Adjustment of Decision Based on the Unanimity of Both Parties

Any individuals who are not satisfied with the Decision of SAT, can propose for making adjustment in the Decision based on joint-agreement with persons whose names are listed in the notification. However, such measures for changing the type of land use rights (state land or individual land) as specified in para. 4.11 cannot be applied.

The agreement by both parties must be recorded in written form before being submitted to the Head of the land management authority of the province/VCC within the period of 30 days for the systematic adjudication and within 90 days for the sporadic adjudication, starting from the date of announcement of the SAT's Decision.

The approval from the both parties will be considered by head of land management office of the province/VCC and the acknowledgment of both sides will be used as the base for the adjustment of SAT's Decision.

7.2 Re-consideration of the Decision

In the case that individual is not satisfied with the Decision made by the SAT, but cannot solve the problem within the agreement of both sides, such person can lodge the request for the re-consideration of the Decision to the Head of land management authority of the province/VCC within the period of 30 days for the systematic adjudication and 90 days for the sporadic adjudication, starting from the date of posting the notification of SAT.

Head of land management office of the province/VCC will issue the notification officially on the request for re-consideration of SAT's Decision, including the information specified in para. 6.1. A copy of the notification will be attached to the request for re-consideration and will be submitted to the persons who are concerned with the conflicts, and individuals whose names are listed in the SAT's notification and other persons concerned.

Head of the land management authority of the province/VCC will review the Decision of the SAT in order to adjust them to be suitable with the procedures and regulations specified in this Instruction. Head of District Land Management Authority and line sectors will receive a committee which consisted of staff with suitable qualification to double check the Decision.

Based on the objectives of this paragraph, Head of the land management authority of the province/VCC has the same right and functions as the SAT and can carry out the re-consideration in according to paragraph 4.9 and 4.12 of this Instruction.

Head of land management authority of the province, VCC will notify in written form to the district land office and various parties concerned to inform the result of the re-consideration, including all the information specified in paragraph 6.3 of this Instruction. The notifications will specify that if the conflict concerning the decision is occurred, the case shall be lodge to the court within the period of 30 days starting from the date that the notification is posted.

Head of the land management authority of the province/VCC can assign duties and responsibilities as specified in this Article to anyone to perform on his behalf. The person who is assigned can issue a Decision based on the content in the Article and the Decision made by this assigned person shall have the same value as the Decision made by the Head of the land management authority of the province/VCC.

7.2 Petition to the Court

If any individual is not satisfied with the Decision made by Head of the land management authority of the province/VCC, he/she can lodge a petition to the court to further consider the case in accordance with the law concerning such Decision. The petition shall be lodged to the court within the period of 30 days starting from the date the publishing the Decision by the head of the land management authority of the province/VCC.

If any individual wish to lodge the petition to the court for further consider under the law concerning the Decision made by the head of the land management authority of the province/VCC, such individual shall notify in written form to the district land management authority and parties concerned on the above petition within the period of 30 days, as specified in this paragraph.

The court will review the Decision made by the head of the land management authority concerned and will sentence in accordance with the procedures and regulations as specified in this Instruction. However, in case that the court sentence is already existed there would not be necessary to post the notification on the Decision of SAT, as defined in 6.1.

The court has the same rights and functions as SAT, and still can re-consider the case based in new evidence in which the SAT or Head of land management authority of the province/VCC do not have.

In case that any individual, who after receiving the notification on the Decision of SAT or of the head of land management authority of the province/VCC fails to lodge the petition to the court within the period specified in this Instruction, such individual will has no right to oppose the right in land from the one who receives an approval from SAT or from the head of land management authority of the province/VCC.

PART VIII Land Title

8.1 Land Titling

The persons who have the right to put signature on the title and land register sheet are:

- ? Head of land office of the province/VCC or Head of district land office assigned to be in charge of registration or issuing land title.

? Head of the land management authority of the province, VCC, or district for any districts which have been assigned to the registration and issuing land title.

All the mistakes found in the report made by SAT after the issuance of land title and where new land registration document were already made, should be clarified by the head of provincial and district land office.

Head of land management authority of the province, VCC must issue land title immediately after of posting the notification on the Decision of SAT within the period of 30 days for the systematic adjudication and within 90 days for the sporadic adjudication, and after receiving land related documents from SAT, but the land title will be immediately issued in the following cases:

1. Documents concerning the Decision of SAT which specified unresolved conflicts or there are other problems;
2. Head of land management authority of the province/VCC receive written request from persons concerned to reconsider ;
3. The persons concerned lodge a petition to the court concerning the land parcel; or
4. There is court's order for not to issue land title for any parcels having problem.

In the case (1) and (2) specified above, head of the land management authority of the province/VCC will consider and issue a notice concerning the consideration in according to paragraph 7.2. The land title will be issued in suitable time which is the time when all parties concerned with the conflicts are satisfied or their rights for court petition reach the deadline without any sign of opposition at all.

In the case (3) and (4) specified above, head of land office of the province/VCC will not issue the title until receiving the final consideration from the court. The sentence quoting that the issuance of land title is cancelled following the court mandate, while the details of the concerned persons will not be recorded in the land file of the relevant parcel.

Head of land management authority of the province/VCC can order for the re-consideration parcel file. The reason for re-consideration must be specified clearly in details with the signature of the head of land management authority of the province/VCC and will be kept in the relevant land parcel file. In this case, there is the need to follow the re-consideration steps as specified in paragraph 7.2.

8.2 The Distribution of Land Title

The Land Office of the province, VCC or the District Land Office will inform the persons whose names are listed in the land title as their status of land use right owners as soon as the land title is fully certified and ready to distribute. The notification will be processed through Naiban or other appropriate approach.

The notification must specify the place to receive the title and the amount of fees and service charges to be paid.

For the systematic adjudication for issuing land title, if the head of land office of the province/VCC or district land office consider it is suitable to organize the ceremony to distribute land title, then the ceremony should be held in a suitable place.

In addition, the distribution of land title might be carried out as follows:

- ? Distribute at the district land office
- ? District land office to distribute at relevant village administrative offices

Land Title will be given to the persons who have the right to hold it such as: The owners of the land use rights who have already paid the fees and services and have signed for the

acceptance of the title with the name and the date. This document will be kept in the relevant land parcel file.

In the case that the Land Title must be given to the person who holds document proving land use right, such person must bring the document to exchange with the land title and such document should be void and kept in the land file of that parcel.

PART IX

Fees and Service Charges

9.1 Collection of Service Charges

The service charges on land and the parcel measurement for issuing land title should be collected in according to the rate specified in the Prime Minister's Decree on Technical Service Charge.

9.2 Collection of Fees for the Land Parcel Registration and the Registration of Documents Concerning Land (1st and 2nd registration)

The fees for the 1st and 2nd registration should be collected in according to the fees rates specified in the Presidential Decree on Fees.

The management and use of the money receiving from fees and service charges must be strictly handled accurately and in complied with the Law on the State Budget No. 02/NA, dated 26 December 2006.

PART X

Measures Against Violators

10.1 Penalty Exemption for SAT staff

In the case that any staff of SAT has perform his/her tasks honestly, but there is inaccurate report given by the declaring person or land owner [and] user who try to hide the truth from the land official. In this condition, all of the penalties will be under the responsibilities of the declaring person or the owner [and] user of such land.

10.2 Penalty Toward SAT staff

In the case that any staff of SAT misuse of his/her position for his/her personal benefit by performing tasks not in according to the regulations specified in this Instruction, they will be penalized, or in serious case, will be prosecuted following the law.

10.3 Other persons

Any person who hides the truth when reporting the information, if there is any problems occur, such person must take all responsibilities following the law.

PART XI

The Implementation

11.1 Disseminating Education

Director General of DoL, Head of land management authority of the province, VCC, district and line sectors to organize a workshop to educate, disseminate this Instruction to the STA staff, local administrative authority, and population to have knowledge and implement this Instruction effectively.

11.2 Setting Standard

Director of DoL should set a standard for the survey and adjudication in order to facilitate the implementation of this Instruction. All staff in STA and land office must apply these standards into their works.

11.3 The Implementation

The National Land Management Authority, DoL, PLMA, and other parties concerned are assigned to implement this Instruction in accordance with everyone duties and functions in effective manners.

11.4 Effectiveness

This Ministerial Instruction will become effective from the date it is signed onwards. This Instruction will supersede the Ministerial Direction on Systematic Adjudication of Land Parcels, No. 997/MoF, dated 24 June 1998 and to supersede the Ministerial Direction on Sporadic Adjudication of Land Parcels, No. 998/MoF, dated 24 June 1998.

Minister to the Prime Minister's Office
Head of NLMA

Kham-Ouan Boupcha