

Lao People’s Democratic Republic

Peace Independence Democracy Unity Prosperity

President No. 204/P

Vientiane Capital, 01 August 2018

**Decree**

**of the President**

***of the***

**Lao People’s Democratic Republic**

***regarding***

**the Promulgation on the Law on Resettlement and Vocation**

* Pursuant to the Constitution of the Lao People’s Democratic Republic (2015 Amendment) chapter VI, article 67 paragraph 1;
* Pursuant to National Assembly’s Resolution No. 086/NA, dated 15 June 2018 on the Adoption of the Law on Resettlement and Vocation;
* Pursuant to Standing Committee’s Request No. 06/SC dated 13 July 2018,

The President of the Lao People’s Democratic Republic Decrees that:

**Article 1:** The Law on Resettlement and Vocation is hereby promulgated.

**Article 2:** This Decree is effective from its date of signature.

President of the Lao PDR

(signed and sealed)

Bounnhang Vorachith



Lao People’s Democratic Republic

Peace Independence Democracy Unity Prosperity

National Assembly No. 086/NA

Vientiane Capital, 15/06/18

**Resolution**

***of the***

**National Assembly**

**on the Adoption of the Law on Resettlement and Vocation**

* Based on Article 53 Point 1 of the Constitution (2015 Amendment) and Article 11 Point 1 of the Law on the National Assembly of the Lao People’s Democratic Republic regarding rights and duties of the National Assembly (2015 Amendment).

After extensive and in depth discussion and consideration regarding the contents of the Law on Investment Promotion (Amendment) during the 2th Ordinary Session of the Eighth Legislature on 17 November 2016,

The National Assembly’s Session has resolved:

**Article 1:** To adopt the Law on Resettlement and Vocation by majority votes.

**Article 2:** This Resolution is effective from its date of signature.

President of the National Assembly

(signed and sealed)

Pany Yathotou



LAO PEOPLE’S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly No. 45/NA

Vientiane Capital, dated: 15 June 2018

**LAW**

**ON RESETTLEMENT AND VOCATION**

# **Part I**

# **General Provision**

### **Article 1 Objective**

This Law sets out principles, rules and measures regarding the supervision, inspection and monitoring of resettlement and vocation in order to enhance its efficiency, effectiveness, compliance, and to be consistent with locality condition and development to ensure Lao multi-ethnic persons who live in resettlement and vocational area have place to stay, place to earn a living and sustainable vocation which aim to solve illegal relocation problem, reduce poverty, improve livelihood of Lao multi-ethnic persons physically and mentally, develop social discipline, become development village and agglomerate big villages into small town in rural areas therefore contribute to national socio-economic development as well as to safeguard national defense and security.

### **Article 2 Resettlement and Vocation**

Resettlement is an arrangement of place to live and to earn a living for persons in urban and rural areas who have displaced or migrated from their original residence to a new residence, to ensure the balance and consistency with the development.

Vocation is to build facility and capacity to make a living for persons in urban and rural areas who displaced or migrated from their original residence to a new residence, to ensure that they have stable sources of income, have a better livelihood and are graduated from poverty.

### **Article 3 Definitions**

Terms used in this Law have the meaning as specified below:

1. Residence means the location where persons live and make a living;
2. Stable vocation means a certain activity that provides income for a person and household constantly and perpetually;
3. Displacement means to orderly and properly reallocate living place for persons in former village or location;
4. Relocation means the change of initial residence area of families and villages to a new residence area;
5. Project owner means Ministry of Agriculture and Forestry, Government-equivalent organization, relevant administrative authority who is assigned by Government to implement the resettlement and vocation project;
6. Settlement and vocation project means activities that defines categories, zones, approved areas and requirement for resettlement and vocation including procedures, methodologies, budget and timeline for implementation;
7. Project developer means domestic and foreign individual, legal person who are permitted to invest in a project;
8. Development project means investment project or any activities that implemented in the Lao PDR which requires persons resettlement and compensation.
9. Necessary basic infrastructure means basic public service system such as road, electricity, health centre, clean water, school;
10. Host village means any village where persons have been living to date and it is the village receiving other affected person to live in such village;
11. Project Affected person/persons means individual, legal person or entity who affected from development project;
12. Developer means a person who has obtained a certain technical training, experiences, and approved by relevant sectors;
13. Benefit received in the lost opportunity period means compensation for any activity implementation that affected person/persons will receive from resettlement and vocation project for three years period**;**
14. Basic living condition means basic livelihood needs such as food, necessary clothing, permanent residence, ability to access to necessary primary public service;
15. Transition period means the rehabilitation of affected person’s livelihood period within three to five years from resettled date;
16. Compensation means to compensate in the form of land, material or money for the land, constructed facilities, agricultural products, livestock and incomes that are affected by development project resettlement and vocation project based on the compensation value in each timber period;
17. Substitute value means the value that accounts for object, money or land which need to be used for replacing land, construction, agricultural products, livestock and income affected from settlement allocation;
18. Customary land use rights mean that the affected person or village has possessed the land use rights in land clearing, land development which the land has been protected and used regularly, and disclosured continously for greater than or equal to 20 years without holding land use certificate issued by relevant authorities, and the land is not located in conservation area of the State.

### **Article 4 Government policy on Resettlement and Vocation**

Government ensures the right on resettlement and vocation of citizen according to constitution and focuses on implementing the resettlement and vocation as a strategic measure linked to the foundation of construction, rural development and poverty reduction in near and long term to ensure the better livelihood of persons.

Government allocates budget, personnel and materials for resettlement and vocation from time to time base on its condition and ability to do so.

Government encourages and promotes domestic and foreign individuals, legal entity and organization to participate in and contribute fund to resettlement and vocation.

### **Article 5 Principles on Resettlement and Vocation**

Resettlement and vocation activities shall be conducted pursuant to the following principles:

1. To be consistent with policies direction, strategy, law, national socio-economic development plan as well as to safeguard the national defence and security;
2. Centralized and democratized management throughout the country;
3. To protect the right and interest of affected person base on equality, accuracy, transparency, disclosure, promptitude and fairness approach;
4. To have place to live, place to make a living and sustainable vocation, to have better livelihood and graduate from poverty;
5. To resettle within original residence first, then resettle to other selected location by ensuring the balance between number of persons and selected area;
6. To ensure the early coordination, consultation and participation of persons, Government authorities and relevant stakeholders.

### **Article 6 Scope of Application of the Law**

This Law shall apply to natural persons, legal entities and organizations, both domestic and foreign, who relating to resettlement and vocation activities in Lao PDR.

### **Article 7 International Cooperation**

The Government encourages and promotes relation and cooperation with foreign countries, regional and international, regarding resettlement and vocation program by exchanging experience and information, improving technical knowledge development, technology and seeking for supports in order to efficiently and effectively develop such program, and the implementation of international conventions and agreements to which the Lao PDR is a party.

# **Part II**

# **Resettlement and Vocation Strategy**

### **Article 8 Resettlement and Vocation Strategy**

Resettlement and vocation strategy describes policy, direction, plan and project which included in Rural development and poverty eradication plan, related to implementing the supervision of population movement and resettlement and vocation work plan by focusing on resettlement and vocation program to ensure the balance between population or labour force and selected area, to promote sustainable vocation for persons to make available stable source of income and consistent with the development in each period.

### **Article 9 Development of Resettlement and Vocation Strategy**

Ministry of Agriculture and Forestry develops the resettlement and vocation strategy in coordination with Ministry of Home Affairs, Ministry of Planning and Investment, Ministry of Finance, Ministry of Natural Resources and Environment, Ministry of Energy and Mines, Ministry of Public Works and Transport, Ministry of Labor and Social Welfare, Ministry of Education and Sport, Ministry of Public Health, Ministry of National Defence, Ministry of Public Security, National Social and Science Research Institution, National Economic Research Institution, academic institutes, other ministries, organizations and relevant local administrations in order to propose to the Government for consideration, and further propose to the National Assembly for approval.

### **Article 10 Content of Resettlement and Vocation Strategy**

Resettlement and vocation strategy consists of the main content as follows:

1. Evaluation of the previous implementation on resettlement and vocation;
2. General direction, targets and goals for each period;
3. Focus points of resettlement and vocation;
4. Policies, measures and implementation mechanism;
5. Monitoring and assessment systems;
6. Budget.

# **Part III**

# **Resettlement**

## **Section 1**

## **Resettlement Categories, Areas and Eligibility Criteria**

### **Article 11 Categories of Resettlement**

The resettlement is classified into two categories as follows:

1. General resettlement;
2. Specific resettlement.

General resettlement means the allocation of place for persons who live in remote and underdeveloped areas, high risk living area and specific area, to stay and to make a living. Ministry of Agriculture and Forestry and other relevant sectors are responsible for implementing the resettlement in coordination with relevant local administration.

Specific resettlement means the allocation of place to stay and make a living for persons who affected from the development project. Ministry of Agriculture and Forestry, other relevant sectors and project developer are responsible for implementing the resettlement in coordination with relevant local administration.

### **Article 12 Resettlement Areas**

The resettlement areas consist of the following:

1. Areas with difficult access and lacking conditions for development;
2. High-risk living areas;
3. Special areas;
4. Areas affected by development projects.

### **Article 13 Areas with Difficult Access and Lacking Conditions for Development**

Areas with difficult access and lacking conditions for development include:

1. The areas where there are no production activities or very less, producing rice by slash and burn causing environmental harmful and lack of living standard improvement;
2. The remote area with no development condition or having difficulties such as mountain forest area, watershed forest area, and area with difficulties to access to public services;
3. Small scattered villages, unsettled and poor groups of persons.

### **Article 14 High-Risk Living Areas**

High-risk living areas include:

1. The areas where natural disaster occurs frequently such as flooding area, soil erosion area;
2. Crowded area where safety is not guaranteed and may results in having epidemics, pollution, and environmental impact.

### **Article 15 Special Areas**

Special areas are strategic areas for national defence and security, border, Conservation Forest, Protection Forest, toxic or radio-active areas, and archaeological areas.

### **Article 16 Areas affect by Development Projects**

Areas affected by development projects are areas affected by dam construction projects, mining projects, special economic zone, infrastructure construction project and other projects.

### **Article 17 Eligibility Criteria for Resettlement**

Individuals who are eligible for resettlement shall meet the following criteria:

1. Being Lao citizens, residents and stateless persons who permanently and lawfully live in the Lao PDR;
2. Living in the area eligible for resettlement in accordance with Article 12 in this Law;
3. Agreeing to accept the resettlement.

## **Section 2**

## **Resettlement Areas and Requirements**

### **Article 18 Resettlement Areas**

Resettlement areas are including in the followings:

1. Former locations that suitable to build living place where there is land available for production and development;
2. Empty land or abundant land where improvable and repairable for building place to live and to make a living;
3. A location to be developed and reallocated as development focused area, agglomerating big villages into small town in rural areas;
4. Labour needed area such as industrial area, special economic zone, specific economic zone, planting or industrial crops areas;
5. Special designated areas for families and villages who responsible for national defence-security, national assets and resources protection such as cross border areas, conservation forest, high valued mineral resource, archaeological areas.

### **Article 19 Requirements for Resettlement Areas**

The resettlement areas shall follow the following requirements:

1. Having existing village where living and working place can be expanded;
2. Suitable for building habitation and earn a living, and be able to support long-term population growth;
3. Suitable for infrastructure development;
4. Having water source for consumption and production adequately;
5. Be able to facilitate national defence and security activities, It is not a risk living and environmental harmful area.

## **Section 3**

## **Resettlement Process**

### **Article 20 Resettlement Process**

The resettlements shall be conducted as the following steps:

1. Resettlement project study and planning;
2. Compensation for damages caused by resettlement;
3. Building of Infrastructures to support resettlement;
4. Displacement or relocation;
5. Resettlement area development;
6. Livelihood rehabilitation during transition period;
7. Handover of resettlement project;
8. End of resettlement project.

### **Article 21 Resettlement Project Study and Planning**

The resettlement project study consists of initial study, feasibility study and detailed study.

Initial study is the study of information related to economy, culture, society, population and public services system of targeted villages to be displaced or resettled including geographic characteristics of resettlement area in order to move to feasibility study step.

Feasibility study is to comprehensively study technical principles such as conducting survey on land, assets, new village development plan, environmental and social impact.

Detailed study is to study full details and evaluate initial project cost as well as to evaluate effectiveness of the project.

As for the study of general resettlement, the project owner is responsible for proposing to the relevant resettlement and vocation committee within its authority for their approval.

For the study of specific resettlement, the project owner and project developer are responsible for proposing to the relevant resettlement and vocation committee for their approval.

### **Article 22 Compensation for Damages caused by Resettlement**

General resettlement shall be implemented according the resettlement plan as officially and lawfully approved by the resettlement and vocation committee.

Compensation for specific resettlement shall be made as follows:

1. Affected person having lawful documents for the land use rights and who have lost the whole or part of their land where the remaining area is not usable, shall receive full compensation through the allocation of a replacing piece of land at the pre-set substitute value as determined periodically and giving them the land use rights documents for that piece of land and being responsible for all expenses related to the obtaining of such documents.
2. In case the value of land and house of affected person is lower than the one of the allocated land and house, the resettlement and vocation committee shall consider an appropriate solution;
3. Affected person having lawful documents for the land use rights and who have lost the whole or part of their land where the remaining area is still usable, shall receive compensation only for the lost part with the pre-set substitute value. Deed of land use rights shall then be issued for the remaining area of land;
4. Affected person having customary land use rights, but having lost such rights as certified by local administration and relevant authority, shall receive the same compensation as described in Points 1 or 2 of this Article;
5. Affected person without documents for the land use rights as required in Points 1, 2 and 3 of this Article, will not receive compensation for the loss of their land, but for the loss of their buildings, trees and produces according to the pre-set substitute value;
6. The entire or partial loss of buildings shall be compensated with the substitution value of such buildings for the affected person who owns such buildings without any deduction of depreciation or reduction of compensation against remaining construction materials;
7. In case the land or buildings could not be used temporarily, the affected person who is the owner of such land or buildings shall receive compensation on case by case basis and shall ensure that the land or buildings are returned to the affected person in original condition;
8. The loss of trees, crops, livestock or income shall be compensated based on the substitute value;
9. For the loss of infrastructure and other facilities of local communities, the project owner shall responsible for rehabilitation of livelihood and repair to make it better and shall specifically pay attention to the rehabilitation efforts if there are losses of infrastructure concerning culture, religion and traditions of local persons. If the graveyard, cemetery, burial place has been affected, there is a shall to move to new area. The project owner shall responsible for all the cost depends on actual situation and based on the consultation with resettlement and vocation committee and other stakeholders;
10. The implementation of compensation activities for affected person in any cases shall be conducted through coordinating with resettlement and vocation committee of each local authority level to monitor and verify the accuracy of compensation plan;
11. Affected person who voluntarily moves to another place not allocated by the State, but obtaining the approval for such moving, will not be resettled but still receive compensation;
12. Any activities taking place after the date of registration of affected person eligibility for compensation shall not be subject to compensation except for the case that the compensation plans are not implemented within the time frame as defined in Point 13 in this Article;
13. Resettlement and vocation committee shall re-evaluate compensation value in case the compensation plan is not implemented within twelve months;
14. The implementation of compensation plan shall be completed with twenty-four months as from the date that compensation plan is officially adopted. Failure to complete the compensation within the specified timeframe, the project developer shall submit application to the resettlement and vocation committee for consideration of time extension but not exceeding twelve months.

### **Article 23 Building of Infrastructures to Support Resettlement**

The project owner or project developer shall complete the building of necessary infrastructures in advance to support the actual resettlement according to the officially approved plan.

### **Article 24 Displacement or Relocation**

The project owner or project developer shall coordinate with resettlement and vocation committee at each local authority level to operate the actual displacement and relocation and shall do as follows:

1. To ensure the resettlement is implemented in timely manners based on official approved resettlement schedules;
2. Respect the local culture, religion, traditions and believes of affected person;
3. Reduce the impact to host village as well as to ensure that host village is eligible to use the infrastructure of communities allocated by Government or project developer.

In case there is no progress on resettlement as scheduled within twelve months after list of affected person issued, the resettlement shall be implemented as follows:

1. Project developer shall be responsible for occurred impacts
2. The resettlement and vocational committee shall make decision for new project developer. If the existing project developer is willing to continue the implementation, it needs to propose to resettlement and vocational committee for reconsidering.
3. The project developer selected by resettlement and vocational committee shall improve the displacement implementation plan and submit to the committee for approval.

### **Article 25 Resettlement Area Development**

Project owner or project developer shall accurately develop resettlement area in accordance with key principles as follows:

1. To implement official approved resettlement area development plan accordingly;
2. To ensure the infrastructure and facilities development comply with technical standard set by relevant sector;
3. To comprehensively develop resettlement area in order to build developed village and transform large villages into small towns in rural areas.

### **Article 26 Livelihood Rehabilitation during Transition Period**

The project owner or project developer shall rehabilitate the livelihood of affected person during transition period and ensure the followings:

1. To provide assistance during transition period according to livelihood rehabilitation plan to improve living standard of affected person such as provide food, necessary consumer products;
2. To allocate or provide necessary equipment for production to affected person.

The project owner or project developer shall pay special attention to the livelihood rehabilitation for disabled persons to help them overcome poverty.

### **Article 27 Handover of the Resettlement Project**

The specific resettlement project, once the construction is completed, project developer shall propose to the related resettlement and vocational committee to inspect the technical standard and quality of the project for its handover.

Project developer shall pay a guarantee deposit at ten percent of resettlement project value at a bank in the Lao PDR with certification by the project owner.

The guarantee period of resettlement project shall be at least one year from the date of handover. If any defect is found in the project development during this period, the project owner has the right to demand the project developer to remedy such defect.

### **Article 28 End of Resettlement Project**

The specific resettlement project shall end after the project developer has completed the guarantee period. Any damages or losses caused by a technical defect shall be remedied and certified by the relevant resettlement and vocation committee.

The project owner shall issue a certificate upon request by the resettlement and vocation committee and return the deposit as agreed.

# **Section IV**

# **Vocation**

### **Article 29 Categories of Vocation**

The Agriculture and forestry sector authority coordinates with other relevant sector and stakeholders at both central and local levels to review and classify the vocations of targeted groups according to the actual situation of such vocations as follows:

1. Cultivating, livestock farming, fisheries;
2. Tree planting and forest protection;
3. Services, trades, tourism;
4. Industrial production and handicraft;
5. Labour worker in factories or development project, factory production or small enterprise, tools, equipment or materials assembly including assembly production line.

### **Article 30 Areas and Eligibility Criteria for Vocation**

Persons eligible for vocation include individuals or families who live in affected areas and meet the same requirements as for resettlement as described in Article 12 and 17 of this Law.

**Article 31 Prioritization of Vocation**

Vocation for individuals or families affected by the development project shall be prioritized as follows:

1. Families with disabled, handicapped and elderly persons who would potentially become poorer compared to other groups;
2. Families or poor individuals with unstable jobs;
3. Families or individuals whose situation is suitable to become model family in the production, handicraft, trade and service.

### **Article 32 Vocation Procedures**

The vocation shall follow the following procedures:

1. Data collection;
2. Vocation option assessment;
3. Vocational training and development;
4. Support and promotion of technical aspects, access to finance and marketing;
5. Building of onsite developers and model families;
6. Monitoring and evaluation of vocational implementation;
7. End of vocation project.

### **Article 33 Data Collection**

The collection of vocational data of affected persons shall be conducted in parallel with the study of resettlement project.

The project owner or project developer is responsible for collecting vocation data and propose the same to the relevant resettlement and vocation committee for consideration.

### **Article 34 Alternative Vocation Assessment**

The vocation option assessment is the research on locally existing vocation or new vocation opportunities in order to identify appropriate category of vocation for affected persons.

The project owner or project developer is responsible for vocational assessment and propose to the relevant resettlement and vocation committee for consideration.

### **Article 35 Vocational Training and Development**

Once the vocational assessment is completed, the project owner or project developer shall conduct the vocational training for affected persons to develop their capacity in the areas of establishment and management of production group, production techniques, maintenance, harvesting, processing to add value, marketing and environmental conservation including the supervision, protection and sustainable use of natural resources.

### **Article 36 Support and Promotion of Technical Aspects, Access to Finance and Marketing**

The project owner or project developer shall coordinate with related sector or stakeholder to develop and implement technical skill enhancement plan such as cultivating, raising livestock, handcrafting, trade, service includes financial and marketing accessibility through dissemination, introduction of technical skill and guiding affected person on how to do actual practice until they can rely on their own under basic standard living condition.

### **Article 37 Building of Onsite Developers and Model Families**

The project owner or project developer in coordination with related sector or stakeholder shall train the person who has fundamental knowledge, eligible and willing to get a vocation according to technical plan, to become an onsite developer and train a household who has development potential such as cultivating, raising livestock, handcrafting, trade, service to become a model family.

### **Article 38 Monitoring and Evaluation of Vocational program Implementation**

The project owner or project development in coordination with resettlement and vocation committee, and other related stakeholder at its local authority shall monitor, inspect and evaluate the implementation of vocation program periodically in order to improve and strengthen the program to be more efficient and effective.

### **Article 39 End of Vocation Project**

The vocation project shall end after the project developer has completed the implementation of vocation plan and after evaluation by the resettlement and vocation committee that affected persons have stable jobs, higher income and better livelihood.

The agriculture and forestry sector authority shall issue a certificate upon request by the resettlement and vocation committee.

# **Section V**

# **Resettlement and Vocation Projects**

### **Article 40 Resettlement and Vocation Projects**

The agriculture and forestry sector authority is responsible for coordinating with all relevant sectors and other stakeholders to study and develop resettlement and vocation project at the present and long term perspective to be consistent with socio-economic development plan, balancing between population and labour force to fit in selected areas includes activities relating to national defence-security in each local and region.

Resettlement and vocation project is divided into three levels as follows:

1. Central resettlement and vocation project;
2. Provincial resettlement and vocation project;
3. District resettlement and vocation project.

### **Article 41 Central Resettlement and Vocation Project**

Central resettlement and vocation project means the project that involves the displacement or relocation of more than one hundred families up to five hundred families and is subject to the Government’s approval.

The displacement or relocation of more than five hundred families shall be approved by the Standing Committee of National Assembly upon recommendation by the Government.

### **Article 42 Provincial Resettlement and Vocation Project**

Provincial resettlement and vocation project means the project that involves the displacement or relocation of twenty up to one hundred families within a district, or from one district, municipality, city to another district, municipality, city within the same province and is subject to the Provincial People Assembly’s approval upon recommendation by the governor, mayor.

In case of the displacement or relocation of twenty families or less from one to another province shall be approved by the relevant governor, mayor.

### **Article 43 District Resettlement and Vocation Project**

District resettlement and vocation project means the project that involves the displacement or relocation of less than twenty families within a village, or from one village to another village within the same district, municipality, city and is subject to the approval of chief of district, municipality, city upon recommendation by the district agriculture and forestry office subject to consent of the relevant village chief.

In case of the displacement or relocation of less than twenty families or less from one to another district, municipality, city shall be approved by the relevant chief of district, municipality, city.

# **Part VI**

# **Rights and Obligations of Project Developer and Person Receiving Resettlement and Vocation**

### **Article 44 Rights of project developer**

The project developer has the following rights:

1. To receive a cooperation from relevant sector or stakeholder in developing resettlement and vocation project;
2. To self-monitor and self-inspect their own study on resettlement and vocation program includes compensation and livelihood rehabilitation for affected person according to their responsibility;
3. To propose the project owner, relevant sectors or stakeholders to solve the issues concerning the resettlement and vocation program;
4. To exercise other rights as described in the laws.

### **Article 45 Obligations of project developer**

The project developer has the following obligations:

1. Establishing a report concerning environmental and social impact assessment includes management, monitor and inspection plans in compliance with technical standards;
2. Strictly exercising obligations on social and natural environment as stated in the contract;
3. Establishing compensation plan, resettlement plan and livelihood rehabilitation plan for affected person on the basis of ensuring sufficient budget to be covered in the cost of project;
4. Properly and strictly responsible for the implementation of compensation plan, resettlement plan and livelihood rehabilitation plan for affected person;
5. Responsible for the expenses of related effects from the resettlement and vocational allocation project
6. Responsible for the expenses related to hiring or inviting expert, experienced domestic or foreign organization includes the project owner and ministry of natural resources and environment to monitor, inspect and evaluate the completion of the project;
7. Responsible for self-developed data as well as providing and disclosing information related to the implementation of the development project to relevant Government authority and to the public;
8. Paying deposit money by 10 percent of project value
9. Reporting all issues concerning its own project development to project owner and the resettlement and vocation committee periodically;
10. Providing vocational skills and local labor training;
11. Implementing other obligations as stated in the laws.

### **Article 46 Rights of person receiving resettlement**

Person receiving resettlement shall have the rights as follows:

1. To obtain the information related to the development project and its benefits and impact as well as the progress of the resettlement, compensation and livelihood rehabilitation that will be made for affected person during the project implementation term;
2. To receive compensation, the displacement allocation and livelihood rehabilitation according to the official approved plan;
3. To make a written proposal to the project owner, project developer and the resettlement and vocation committee to seek for their consideration on solving issues related to the development project;
4. To participate in the consultation meeting and discuss on the resettlement plan, compensation and livelihood rehabilitation, and to participate in other meetings as invited;
5. To use other rights as stated in the laws.

### **Article 47 Obligations of person receiving resettlement**

Person receiving resettlement shall have the following obligations:

1. Providing clear information in conformity with the reality and be responsible for their proposal by law;
2. Extending cooperation and facilitation to the project owner, project developer, the resettlement and vocation committee and other relevant parties in implementing the resettlement plan, compensation, livelihood rehabilitation and the solution of their requests;
3. Fulfilling other obligations as described in the laws.

### **Article 48 Rights of person receiving vocation**

Person receiving vocation shall have the right as follows:

1. To obtain information concerning the benefits and impacts on their occupation;
2. To choose the job that they have foundation or new job according to their skills;
3. To receive priority for employment under the project
4. To obtain the support on vocational and technical skills development, and the accessibility to finance and marketing;
5. To make a written proposal to the project owner, project developer and the resettlement and vocation committee to seek for their consideration on solving issues related to their vocation;
6. To participate in the consultation meeting and discuss on the vocational allocation plan and participate in other meetings as invited;
7. To use other rights as described in the laws.

### **Article 49 Obligations of person receiving vocation**

Person receiving vocation shall have the following obligations:

1. Providing clear information concerning their vocation in conformity with the reality and be responsible for their proposal by law;
2. Extending cooperation and facilitation to the project owner, project developer, the resettlement and vocation committee and other relevant parties in implementing the vocation;
3. Being dedicated to overcoming the difficulties and working hard to improve their livelihood;
4. Fulfilling other obligations as stated in the laws.

# **Part VII**

# **Prohibitions**

### **Article 50 General prohibitions**

Any individual, legal person and organization is prohibited from conducting any following actions:

1. Provide falsification of information on her/his habitat and vocation;
2. Conducting any action that indicates narrow minded thinking such as discrimination between tribe and religion, merely look out for their own community and tribal interest;
3. Illegal displacement or subscription of habitation;
4. Disseminate against policy direction, manipulate, incite, threatening, withhold, create obstacles or obstruct the implementation of resettlement displacement program and against the project owner or project developer from performing the project;
5. Offer bribery or be bribery agent;
6. Implement the resettlement without approval;
7. Other actions in violation of the laws.

### **Article 51 Prohibitions for staff, project owner and the resettlement and vocation committee**

Staff, project owner and resettlement and vocation committee are prohibited from conducting the following actions:

1. Using their rights, duties and positions to force, threaten, withhold or request for bribery which causes damage to the interest of Government, community, individuals and affected person;
2. Disclose confidential information or official confidentiality of Government, individuals, legal person or organization;
3. Falsifying documents or issue documents without approval;
4. Performing duties in a thoughtless, negligent, insensitive and irresponsible manner which causes damage to the interest of Government, community, individuals and affected person;
5. Other actions in violation with the laws.

### **Article 52 Prohibition for project developer**

The project developer is prohibited from conducting the following acts:

1. Conducting survey or study on resettlement and vocation without approval;
2. Slow down or delay in implementing resettlement, compensation and livelihood rehabilitation plan for affected person;
3. Utilize or notify information on the survey and study of resettlement and vocation project without approval;
4. Offer bribery to staff, project owner, the resettlement and vocation committee, and affected person;
5. Use violence and claim other’ names to threaten staff, project owner, resettlement and vocation committee, and affected person;
6. Violate the rights and duties of project owner, resettlement and vocation committee;
7. Improperly implemented resettlement, compensation and livelihood rehabilitation plan for affected person which inconsistent with what has been agreed with the project owner, and resettlement and vocation committee;
8. Other actions in violation with the laws.

### **Article 53 Prohibition for person receiving resettlement and vocation**

Person receiving resettlement and vocation is prohibited from conducting the following actions:

1. Create obstacles, interrupt the performing of duties of or do not cooperate with relevant official who involved in the resettlement and vocation;
2. Resettle back to the original habitat or new location without approval;
3. Provide inaccurate information on their resettlement and vocation;
4. Inciting, create their own group of persons, build a disagreement within a group of affected person or a host village;
5. Other actions in violation with the laws.

# **Part VIII**

# **Dispute resolution**

### **Article 54 Dispute resolution methods**

The resolution of dispute on resettlement and vocation activities shall be escalated through the following methods:

1. Conciliation or mediation;
2. Administrative dispute resolution;
3. Dispute resolution by the committee for economic dispute resolution;
4. Resolution by the people’s court.

### **Article 55 Conciliation or mediation**

In case there is any dispute arising on resettlement and vocation activities, the involved parties may proceed with consultation, negotiation, conciliation or mediation.

### **Article 56 Administrative dispute resolution**

In case there is any dispute arising on resettlement and vocation activities, the involved parties are entitled to propose to resettlement and vocational authority or other related sectors for consideration in compliance with the laws.

### **Article 57 Dispute resolution by the committee for economic dispute resolution**

In case there is any dispute arising on resettlement and vocation activities, the involved parties are entitled to propose to economic dispute resolution authority for consideration in compliance with the laws.

### **Article 58 Resolution by of the people’s court**

In case there is any dispute arising on resettlement and vocation activities, any involved party is entitled to submit the dispute to the people’s court for consideration in accordance with the laws.

# **Section IX**

# **Resettlement and vocation committee**

### **Article 59 Resettlement and vocation committee**

The resettlement and vocation committee is the temporally authority which is responsible for approving policy and strategies, and coordinate with relevant sector or other stakeholder concerning resettlement and vocation program.

The resettlement and vocation committee has three level as follows:

1. The central resettlement and vocation committee;
2. The provincial resettlement and vocation committee;
3. The district resettlement and vocation committee.

The central resettlement and vocation committee is appointed by the prime minister as proposed by the minister of agriculture and forestry.

The provincial resettlement and vocation committee is appointed by the provincial governor, capital mayor as proposed by the director of DAFO.

The district resettlement and vocation committee is appointed by the city mayor, head of municipality, governor of town as proposed by the head of agriculture and forestry office at the city, municipality, town level.

### **Article 60 Structure of the central resettlement and vocation committee.**

The central resettlement and vocation committee consists of:

1. Minister of agriculture and forestry acts as the chairman;
2. Vice minister of home affairs acts as vice chairman;
3. Vice minister of natural resources and environment acts as vice chairman;
4. Vice minister of energy and mine acts as commissioner;
5. Vice minister of public works and transport acts as commissioner;
6. Vice minister of labor and social welfare acts as commissioner;
7. Vice minister of planning and investment acts as commissioner;
8. Vice minister of finance acts as commissioner;
9. Vice minister of education and sports acts as commissioner;
10. Vice minister of health acts as commissioner;
11. Vice minister of national defence acts as commissioner;
12. Vice minister of public security acts as commission;
13. Vice minister of industry and commerce acts as commission;
14. Vice minister of information, culture and tourism acts as commission;
15. Deputy director of propaganda and training of the party central committee acts as commission;
16. Vice chairman of the central Lao front for national development acts as commission;
17. Vice governor of relevant province, capital acts as commission.

### **Article 61 Structure of the provincial resettlement and vocation committee**

The provincial resettlement and vocation committee is consisting of:

1. Vice governor of province, capital who responsible for the resettlement and vocation acts as chairman;
2. Director of agriculture and forestry department acts as vice chairman;
3. Director of home affairs department acts as vice chairman;
4. Director of natural resources and environment department acts as vice chairman;
5. Deputy director of energy and mine department acts as commissioner;
6. Deputy director of public works and transport department acts as commissioner;
7. Deputy director of labor and social welfare department acts as commissioner;
8. Deputy director of planning and investment department acts as commissioner;
9. Deputy director of finance department acts as commissioner;
10. Deputy director of education and sports department acts as commissioner;
11. Deputy director of health department acts as commissioner;
12. Deputy director of military commanding division acts as commissioner;
13. Deputy director of public security commanding division acts as commission;
14. Deputy director of industry and commerce department acts as commission;
15. Deputy director of information, culture and tourism department acts as commission;
16. Deputy director of provincial, capital training committee acts as commission;
17. Vice chairman of provincial, capital Lao front for national development acts as commission;
18. Vice mayor of relevant city, municipality, town who responsible for resettlement and vocation program at city, municipality, town level acts as commission.

### **Article 62 Structure of the district resettlement and vocation committee**

The city resettlement and vocation committee consists of:

1. Vice district mayor, deputy head of municipality, vice mayor of town who responsible for resettlement and vocation program acts as chairman;
2. Director of DAFO acts as vice chairman;
3. Deputy director of home affairs office acts as vice chairman;
4. Deputy director of natural resources and environment office acts as vice chairman;
5. Deputy director of energy and mine office acts as commissioner;
6. Deputy director of public works and transport office acts as commissioner;
7. Deputy director of labor and social welfare office acts as commissioner;
8. Deputy director of planning and investment office acts as commissioner;
9. Deputy director of finance office acts as commissioner;
10. Deputy director of education and sports office acts as commissioner;
11. Deputy director of health office acts as commissioner;
12. Deputy director of military commanding unit acts as commissioner;
13. Deputy director of public security commanding unit acts as commission;
14. Deputy director of industry and commerce office acts as commission;
15. Deputy director of information, culture and tourism office acts as commission;
16. Deputy director of city, municipality, town training committee acts as commission;
17. Vice chairman of city, municipality, town Lao front for national development acts as commission;
18. Relevant head of village acts as commissioner.

### **Article 63 Rights and duties of the resettlement and vocation committee**

The resettlement and vocation committee has rights and duties under their scope of responsibility as follows:

1. Directing, supervising and implementing the resettlement and vocation plan;
2. Training and educating affected person from the resettlement and vocational project, residents of the host village and relevant parties, to make them understand reasons, needs and direction of resettlement and vocation plan;
3. Approve resettlement and vocation plan and propose to its supervised authority for endorsement;
4. Formulate policies and compensation unit, term of Resettlement Area development, term of transition period and livelihood rehabilitation of affected person;
5. Consider and find solution of the requests concerning compensation, displacement and livelihood rehabilitation of affected person in timely manner;
6. Issue decision, order, guideline or notice to be reference for the implementation of compensation, displacement and affected person livelihood rehabilitation plan;
7. Provide information on development project, benefits and impact of the project includes the progress of project implementation to affected person and stakeholders periodically;
8. Monitor, inspect and report the results of resettlement and vocation implementation to executives regularly;
9. Use other rights and conduct other duties as assigned by executives.

### **Article 64 Resettlement and vocation committee secretariat**

The resettlement and vocation committee secretariat is a standing authority who acts as an advisor for the resettlement and vocation committee at each level, comprises of:

1. At the central level, rural development and cooperatives department, Ministry of Agriculture and Forestry;
2. At provincial level, rural development and cooperatives division, PAFO;
3. At district level, rural development and cooperatives unit, the city, municipality, town office of agriculture and forestry.

### **Article 65 Rights and duties of the resettlement and vocation committee secretariat**

The resettlement and vocation committee secretariat has rights and duties at their scope of responsibilities as follows:

1. Study, summarize and propose to the resettlement and vocational plan to the resettlement and vocation committee at its level for approval;
2. Study the policies, compensation unit, term of Resettlement Area development, transition period and livelihood rehabilitation of affected person from the project;
3. Collecting and summarizing information of affected person and stakeholders concerning the development project includes the progress in implementing development project and report to the resettlement and vocation committee periodically;
4. Use the rights and conduct other duties as assigned by the resettlement and vocation

committee.

# **Part X**

# **Supervision and inspection of resettlement and vocation activities**

## **Section 1**

## **Supervision of resettlement and vocation activities**

### **Article 66 Resettlement and vocational supervisory authority**

The Government supervises the resettlement and vocation in a centralized and uniform manner across the country by assigning the Ministry of Agriculture and Forestry to be in charge and to directly and actively coordinate with relevant ministries, agencies and local administrations.

Resettlement and vocation supervisory authorities are comprised of:

1. Ministry of Agriculture and Forestry;
2. Department of Agriculture and Forestry;
3. Office of Agriculture and Forestry;
4. Agriculture and forestry unit of village economic-finance division.

### **Article 67 Rights and duties of Ministry of Agriculture and Forestry**

The Ministry of Agriculture and Forestry have the rights and duties in supervising resettlement and vocational activities as follows:

1. Research and create policies, strategies, laws and regulations relating to resettlement and vocation and to propose the same to the Government for consideration;
2. Transcribe policies, strategies, laws and regulations on resettlement and vocation into action plans, work plans, projects and implement the same;
3. Disseminate the policy, strategies, law, detailed plan, development project and other legislations relating to resettlement and vocational activities;
4. Draft and amend legislation relating to resettlement and vocational activities;
5. Coordinate with relevant central and local authorities to study and determine the potential zone and area to accommodate the resettlement and vocation and establish as a central resettlement and vocation project;
6. Study, consolidate and prioritize the Government investment projects, development assistance fund, concessional loans from foreign country concerning the resettlement and vocation activities to propose to the Government for consideration;
7. Direct the central resettlement and vocation committee on implementing resettlement and vocation activities;
8. Direct, encourage, monitor, inspect and evaluate the performance of resettlement and vocation activities;
9. Consider issuing certificates after the end of resettlement and vocation projects;
10. Coordinate with Governmental authorities and other authorities regarding the resettlement and vocation activities;
11. Develop, train, enhance the skills of, supervising and utilizing the personnel to be involved in resettlement and vocation activities;
12. Accept and consider the request/proposal relating to resettlement and vocational activities;
13. Cooperate with foreign countries, region and international regarding resettlement and vocational activities;
14. Summarize and report the implementation of resettlement and vocation to the Government regularly;
15. Use the rights and perform other duties in accordance with laws.

### **Article 68 Rights and duties of provincial, capital agriculture and forestry department**

The provincial, capital agriculture and forestry department has the rights and duties in performing their functions as follows:

1. Implement policies, strategies, laws and regulations on resettlement and vocation into action plans, work plans, projects related to resettlement and vocation activities;
2. Disseminate, publicize, direct, monitor and inspect the implementation of laws, action plan, detailed plan and project concerning the resettlement and vocational activities;
3. Study and propose to the governor of province, capital to consider to issue order, decision, recommendation on resettlement and vocation program;
4. Conduct survey, collect information and study on accommodated zone and area to establish as a provincial resettlement and vocation project;
5. Study, consolidate and prioritize the Government investment projects, development assistance fund, concessional loans from foreign country concerning the resettlement and vocation activities to propose to the governor of province or capital for consideration;
6. Developing, training, enhancing the skills of, supervising and utilizing the personnel to be involved in resettlement and vocation activities;
7. Direct, encourage, monitor, inspect and evaluate the performance of resettlement and vocation activities;
8. Coordinate with Governmental authorities and other authorities regarding the resettlement and vocation activities;
9. Accept and consider the request/proposal relating to resettlement and vocational activities;
10. Cooperate with foreign countries, region and international regarding resettlement and vocational activities as assigned by supervised authority;
11. Summarize and report the implementation of resettlement and vocation to Ministry of Agriculture and Forestry and provincial, capital administrative authorities in regularly basis;
12. Use the rights and perform other duties in accordance with laws.

### **Article 69 Rights and duties of city, municipality, town office of agriculture and forestry**

The city, municipality, town office of agriculture and forestry shall have to rights and duties in performing their functions as follows:

1. Implement policies, strategies, laws and other legislations concerning resettlement and vocational activities;
2. Disseminate, monitor and inspect the implementation of laws and regulations relating to the resettlement and vocational activities;
3. Conduct survey, collect information and study on accommodated zone and area to establish a city resettlement and vocation project;
4. Make a proposal on the development, training, skills enhancement of, supervising and utilizing the personnel to be involved in resettlement and vocation activities;
5. Encourage, monitor, inspect and evaluate the performance of resettlement and vocation activities;
6. Coordinate with relevant sectors and other stakeholders in implementing the city resettlement and vocation project;
7. Summarize and report the implementation of resettlement and vocation to provincial, capital agriculture and forestry department and city, municipality and town administrative authorities in regularly basis;
8. Use the rights and perform other duties in accordance with laws.

### **Article 70 Rights and duties of agriculture and forestry unit of village economic-finance division**

The agriculture and forestry unit of village economic-finance division have the rights and duties in performing their functions as follows:

1. Implement the policies, strategies, laws and other legislations concerning resettlement and vocational activities;
2. Disseminate the implementation of laws and regulations relating to the resettlement and vocational activities;
3. Participate in the survey and collection of information relating to resettlement and vocation project;
4. Mobilize residents in the village to cooperate with and facilitate the staff of resettlement and vocation;
5. Participate in the mediation relating to resettlement and vocation activities with their own village;
6. Summarize and report the implementation of resettlement and vocation within their own village to the agriculture and forestry office of city, municipality, and town in regularly basis;
7. Use the rights and perform other duties in accordance with laws.

### **Article 71 Rights and duties of other ministries**

In the supervision of resettlement and vocation activities, other relevant ministries shall have the following rights and obligations:

1. Ministry of Planning and Investment has the right and duty to consider allocating resettlement and vocation projects into the five-year and annual socio-economic development plans for the Government’s consideration; to direct its local subordinate authorities to include resettlement and vocation projects in the five-year and annual socio-economic development plans of province, district levels for the governor, mayor, chief of district, municipality, city’s consideration;
2. Ministry of Finance has the right and duty to allocate budget for resettlement and vocation into the five-year and annual state budget plans for the Government’s consideration; to direct its local subordinate authorities to allocate budget for resettlement and vocation projects into the five-year and annual state budget plans of province, district levels for the governor, mayor, chief of district, municipality, city’s consideration;
3. Ministry of Internal Affairs, Natural Resources and Environment, Public Works and Transport, Labour and Social Welfare, Energy and Mines, Public Security and National Defense have the right and duty to coordinate and cooperate with the resettlement and vocation supervisory authorities according to their roles and responsibilities.

### **Article 72 Rights and duties of local administrations**

In the supervision of resettlement and vocation activities, local administrations shall have the following rights and obligations:

1. Consider and determine areas to receive resettlement and areas to host resettlement and vocation according to conditions and standards as defined in this Law;
2. Direct their subordinate sector authorities, agencies to actively participate in the implementation of resettlement and vocation;
3. Disseminate, promote and educate it local people on resettlement and vocation matters;
4. Accept and redress requests made on resettlement and vocation matters;
5. Coordinate and cooperate with the resettlement and vocation supervisory authorities according to their roles and responsibilities.

## **Section 2**

## **Inspection of resettlement and vocation activities**

### **Article 73 Resettlement and vocation inspection authority**

Resettlement and vocation inspection authority is comprised of internal inspection authority and external inspection authority.

Internal inspection authority is the same authority as resettlement and vocation supervisory authority as described in article 66 of this Law.

External inspection authority consists of national assembly, provincial people’s council, Government inspection authority, state audit organization, Lao front for national development, mass organization, media and citizens.

### **Article 74 Inspection content**

The inspection of resettlement and vocation activities is comprised of the following content:

1. The enforcement of laws and regulations related to resettlement and vocation activities;
2. The execution of function of project owner, project developer and staff or resettlement and vocation project;
3. The development and implementation of resettlement, compensation and livelihood rehabilitation plan for affected person;
4. The utilization of budget and funding in the resettlement and vocation program.

### **Article 75 Inspection methods**

The inspection of resettlement and vocation activities shall be escalated through the following methods:

1. Regular inspection which is inspection conducted according to plan regularly and periodically;
2. Inspection by giving prior notice which is an inspection conducted out of plan when necessary, whereby inspection targets shall be notified in advance;
3. Sudden inspection which is an urgent inspection without giving prior notice to inspection targets.

Each operation thereof shall strictly comply with laws.

# **Part XI**

# **Policy toward persons with outstanding achievement and measures against violators**

### **Article 76 Policy toward persons with outstanding achievement**

Individuals, legal persons or organizations who are outstanding in implementing this Law, e.g. the supervision, monitor and inspection of resettlement and vocation activities shall receive rewards or other bonuses as described by the regulations.

### **Article 77 Measures against violators**

Individuals, legal persons or organizations who are in violation of this Law shall be educated, punished, fined, sentenced to civil measure or criminal offences depending on the severity of the case.

### **Article 78 Educate sanctions**

Individuals, legal persons or organizations who are in violation of this Law, e.g. the prohibition with a minor offence which is not a criminal offence and not caused serious harm to socio-economic and environment but have sincerity to report and confess his/her offence, shall be warned and educated.

### **Article 79 Disciplinary sanction**

The resettlement and vocation staff who violate this Law, e.g. the prohibition with minor offence which is not a criminal offence and not caused serious harm, but do not have sincerity to report his/her offence, shall be subject to disciplinary sanctions according to the regulation such as suspension of level of position, salary or dismissal from Government official without any benefits.

### **Article 80 Fine sanctions**

Individuals, legal persons or organizations who are in violation of this Law, such as its prohibitions, which does not constitute a criminal offence and does not cause any serious losses to other person’s assets, shall be subject to a fine of one-time value of such losses.

The second violation or recidivist shall be subject to a fine of double value of such losses.

### **Article 81 Civil sanctions**

Individuals, legal persons or organizations who are in violation of this Law which is caused harm to the interests of Government, public, social or other person, shall be subject to compensate for the loss occurred.

### **Article 82 Criminal sanctions**

Individuals, legal persons who are in violation of this Law which is criminal offence, shall be punished according to the seriousness of each case.

# **Section XII**

# **Final provisions**

### **Article 83 Budget**

The budget for the implementation of resettlement and vocation activities come from state budget, project developer and from the domestic and foreign assistance includes the contribution from people.

### **Article 84 Implementation**

The Government of the Lao People’s Democratic Republic shall implement this Law.

### **Article 85 Effectiveness**

This Law shall be effective after the date of the promulgating decree is issued by the President of the Lao People’s Democratic Republic and fifteen days after it is published in the official gazette.

Any regulations and provisions that contradict this Law shall be void.

**President of the National Assembly**

[Signed and sealed]

Pany Yathortu