

Study on Urban Land Management and Planning in Lao PDR

Land Policy Study No. 10 under LLTP II

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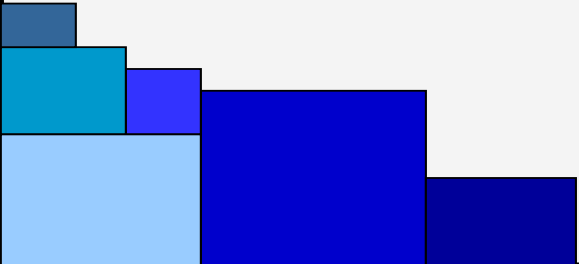
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This Study is part of a series of Land Policy Studies conducted in preparation of a coherent and comprehensive “National Land Policy Statement for Lao PDR”.

The following studies have already been published in this series:

No. 1: Study on Land Allocation to Individual Households in Rural Areas of Lao PDR; December 2004

Authors: Bouakham Soulivanh, Anothai Chanthasay, Phounsavath Souphida, Florian Lintzmeyer, Florian Rock

No. 2: Study on Land Markets in Urban and Rural Areas of Lao PDR; March 2005

Authors: Bouakham Soulivanh, Anothai Chantalasy, Phounsavath Souphida, Florian Lintzmeyer, Florian Rock

No. 3: Study on Land Tax and Fees Policy in Lao PDR; February 2006

Authors: Simon Keith, Pheuiphanh Ngaosrivathana, Bouakham Soulivanh, Onsy Phimsomphou, Chanh Denuthai

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No. 5: Study on Urban Land Markets in Lao PDR; September 2006

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Authors: Noupphanh Mahaphonh, Pheuiphanh Ngaosrivathana, Meena Pimphachanh, Sysaweui Chittasupha, Serntai Pasay, Peter Jones

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List of Abbreviations

ADB	Asian Development Bank
AFD	Agence française de Développement
CRILNR	Center for Research and Information on Land and Natural Resources of NLMA
CPI	Committee for Planning and Investment
DCTPC	Provincial Office of the Ministry of Communications, Transport, Post and Construction
DLMA	District Land Management Authority
DoNLUPAD	former Department of Land Use Planning and Development of the Prime Minister's Office
GPAP	UNDP supported Governance and Public Administration Reform Project
GTZ	German Technical Cooperation Agency
JICA	Japan International Cooperation Agency
LDS	Land Development and Services State Enterprise
LMA	Land Management Authority structure
LTP	Land Titling Project
LWU	Lao Women's Union
LYO	Lao Youth Organization
MCTPC	Ministry of Communications, Transport, Post and Construction
NLMA	National Land Management Authority
NSC	National Statistics Center
NSEDP	National Socio-Economic Development Plan
OCTPC	District Office of the Ministry of Communications, Transport, Post and Construction
PACSA	Public Administration and Civil Service Authority
PLMA	Provincial Land Management Authority
PLO	Former Provincial Land Offices, now located within PLMAs
PSMV	<i>Plan de Sauvegarde et de Mise en Valeur</i> (Heritage Preservation and Development Master Plan for Luang Prabang)

SASEZ	Savan-Seno Special Economic Zone
SAT	Strategic Adjudication Team at provincial level (under the Land Titling Project)
SCOT	<i>Schéma de Cohérence Territoriale</i> (Peri-urban Plan for Luang Prabang)
UDAA	Urban Development and Administration Authority
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Social and Cultural Organization
URI	Urban Research Institute of the MCTPC
VUDAA	Vientiane Urban Development and Administration Authority
VUISP	Vientiane Urban Infrastructure and Services Project

Exchange Rates

Current exchange rates as of the end of September 2007:

Lao Kip 9,600	=	US Dollar 1
Lao Kip 281	=	Thai Baht 1
US Dollar 1	=	Thai Baht 32

Executive Summary

Urbanization in Lao PDR is increasing, albeit from a traditionally low base. Towns and cities are becoming the engines of future growth, as in other countries in the region. As these trends continue, urban planning and land management policies will become ever more important mechanisms to guide development and help protect communities, the environment and cultural resources.

This study analyzes the institutional landscape, processes and track record of urban planning and land management in Lao PDR, and makes recommendations to improve future planning and land management policies in the urban sector. The study was carried out over a period of six weeks during August and September 2007. The Study Team consisted of three persons: two senior government officials, one each from the National Land Management Authority (NLMA) and the Ministry of Communications, Transport, Post and Construction (MCTPC), and one international consultant with a background in urban land management. The Study Team visited thirteen towns and cities in eight provinces across the country. In each town, the Team met with officials from all levels, from Governors to Nai Bans, took an in-depth look at existing urban plans, and recorded available land use data.

The Study Team presents three broad conclusions. First, the NLMA and MCTPC have overlapping roles and responsibilities in the field of planning in urban areas. The Study Team suggests that there is a need for institutional coordination and a division of labor in urban areas that reflects each organization's core competencies. MCTPC's areas of competence cover physical planning and land use planning in urban areas. NLMA's core tasks should focus on land titling; land information systems; land valuation; and land conflict resolution. All other tasks in urban areas should be undertaken jointly.

Second, the NLMA is a newly established organization that has been granted an extensive mandate in land management and planning by the revised Land Law of 2003. However, it does not yet have the capacity to carry out all these prescribed tasks due to a combination of insufficient staff numbers and the lack of land management skills at sub-national level. The mandate of the NLMA in urban areas needs to be clarified and redefined, and the NLMA structure needs to be capacitated to better play its new role.

Finally, the present system of Master Plans in Lao PDR is a necessary but inadequate instrument to guide future urban expansion and protect the public interest. Despite their significant achievements, Master Plans require improvements in their technical quality, and the MCTPC's main plan preparation body, the Urban Research Institute, needs institutional support to enable it to upgrade its methodologies, access more updated land use and mapping data, and invest in new equipment.

Outline of this Report

This report is divided into four sections:

- Section 1 describes the conceptual framework, objectives and methodological approach adopted for this study, and provides a brief historical perspective on urban planning in Laos.
- Section 2 summarizes the legal, policy and institutional frameworks that currently exist for urban planning and land management in Lao PDR.
- Section 3 assesses recent urbanization trends in Lao PDR, and presents the Study Team's key findings regarding the current state of urban planning and land management.
- Section 4 presents the conclusions and final recommendations of the Study Team.

Section 1: Background

1.1 Objectives of the Study

The objectives of the Urban Land Management and Planning study were to:

- Describe the current status of planning, land use planning, and land management in urban areas of Lao PDR;
- Analyze past achievements and impacts of urban planning;
- Assess public participation in elaboration and implementation of these plans;
- Describe the present institutional landscape in the sector; and
- Come up with methodological, institutional and policy recommendations to enhance urban planning and land management in the future.

1.2 Defining “Urban” Areas in Lao PDR

Lao PDR is urbanizing, but it is difficult to get an accurate sense of the rate and scale at which this is occurring because of the ambiguity about the definition of “urban” areas (Mabbitt, 193).

A working definition of “urban” is provided by the National Statistics Center. In its 2005 Population Census, the NSC used five criteria to come up with a definition of “urban” villages. Urban villages are those with:

1. Proximity to district or provincial government offices;
2. A population of more than 600 residents or 100 households;
3. Access roads for motor vehicles;
4. A majority of households with electricity and tap water;
5. A market in the village.

On the basis of these five criteria, NSC claims that there were 962 urban villages in Lao PDR in 2000, with a total combined population of 985,352, representing 20% of the total population. NSC estimates that the “urban” population grew by 26% since 1995. But, as Richard Mabbitt (2006) points out in a recent report on urbanization in Asia¹, these figures do not provide an accurate picture of *truly urban areas* in a physical planning context: some villages may be classified as urban, even though they are not part of a greater settlement area or larger urban area (Mabbitt, 193). Moreover, from a socio-economic perspective, many urban villages might also not qualify as *truly urban*, given that agriculture is the main source of income of the majority of the population in many of these urban villages.

In this report, the Study Team adopts the legal definition of urban areas presented by the Law on Urban Planning (03/99/NA), dated April 1999. Article 3 of this law provides the framework for urban planning activities undertaken by the Ministry of Communication, Transport, Post and Construction, as it determines the areas to be covered by urban planning.

Article 3 defines “cities” very broadly as “community living places”, which possess one or more of the following characteristics:

¹ Mabbitt, Richard. 2006. Chapter 8 in *Urbanization and Sustainability in Asia: Case Studies of Good Practice*. Manila: Asian Development Bank.

- They have the status of capital city, or they are centers of prefectures, municipalities in provinces, special zones and districts, and/or regions with an important socio-economic prospect;
- They are areas with a high population density;
- They are areas provided with infrastructure such as road networks, sewerage systems, hospitals, schools, stadiums, public parks, water supply, electricity and telephone connections, etc.

Article 3 classifies cities according to three administrative levels:

1. Cities under control of the central government: these are considered as large cities;
2. Cities under control of the province, prefecture, or special zone authorities: these cities are medium-sized provincial capitals that do not belong to the first level of cities;
3. Cities under control of district authorities: these are smaller-sized district capitals.

1.3 Methodology

The study was carried out over a period of six weeks during August and September 2007. The study aimed to provide a macro-level overview of the present situation in urban areas in Lao PDR with regard to planning, including land use planning, and land management.

The Study Team attempted to understand the existing legal, policy and institutional framework for urban land management and planning, as well as to uncover the actual institutional arrangements in the towns visited, in cases where the two situations differed. The latter was complicated by the almost complete lack of reliable data on land use, land classification, building permits, and land transactions at the local level.

Data was obtained at central level through desk research and the collection of statistics, maps, plans and policy documents, as well as through interviews with central government and representatives of multilateral development banks, bilateral donor agencies, and relevant international organizations. Data collection at sub-national level was through semi-structured interviews, using questionnaires (see Appendix 5), with government officials at provincial, district, and village levels. In addition, in each town visited, the Study Team obtained and analyzed Master Plan maps, reports and regulations, as well as other available planning documents, and assessed their degree of implementation and enforcement, as well as their relevance in the context of development pressures on the ground.

1.3.1 Geographical Scope

The study covered a total of thirteen urban areas in eight provinces, including towns at all three administrative levels, as classified by Article 3 of the Law on Urban Planning:

1. The Study Team covered all five “large cities” in Lao PDR (cities under control of the central government): Vientiane Capital; Luang Prabang; Thakhek; Savannakhet; and Pakse;
2. In the category of medium-sized provincial capitals (cities under control of the province), the Study Team covered Viengkham (Vientiane province); Muang Xai (hereafter referred to as Oudomxai); Luang Namtha; and Pakxan;
3. In the category of small district capitals (cities under control of the district authorities), the Study Team covered Vang Vieng (Vientiane province); Muang Namo (Oudomxai province); Muang Outhompone (hereafter referred to as Seno, in Savannakhet province); and Paksong (in Champasak province).

1.3.2 Interviewees

In each province, The Study Team met with the Provincial Governor or Vice-Governor, as well as with the Provincial Land Management Authority (PLMA); the provincial office of the Ministry of Communication, Transport, Post and Construction (the DCTPC); and with the Urban Development and Administration Authorities (UDAA).

Furthermore, in each town, the Study Team met with the District Land Management Authority (DLMA) and the district office of the Ministry of Communication, Transport, Post and Construction (the OCTPC), as well as with village level authorities (the Village Chief, or *Nai Ban*, and occasionally the Deputy *Nai Ban*).

1.4 Historical Perspective

Urban planning was introduced in Laos by the French colonial authorities in the late 19th century. During the colonial period several plans and maps were produced of the main urban centers in the country.

The architect Chayphet Sayarath (2005) has documented plans and maps that were produced for the city of Vientiane since the 19th century. These include:

- The Plan of “Vien Tiane” (*Plan de “Vien Tiane”*) of 1895-1898 (1:2,000 scale) was produced by the *Mission Hydrographique du Haut Mékong*, and documents water courses in the city as well as road networks and built structures;

- A city plan of Vientiane (*Plan de la Ville de Vientiane*) produced by the Inspector of the colonial *Garde Civile* in 1905 (1:10,000 scale) provided information on transportation networks, the location of dwellings and property limits, land use, agricultural activities, and the names of villages.
- The Extension Plan of Vientiane (*Plan d'extension de la ville de Vientiane*) of 1920 (1:10,000 scale) outlined six zones, including five extension zones around the historical core of the city. Sayarath argues that the Extension Plan may have been the first example of a Master Plan for Vientiane (Sayarath, 80). The plan documented land tax collection statistics by zone.
- The Plan of Vientiane (*Plan de la Ville de Vientiane*) of 1931 (1:2,000 scale) was prepared by the public works department, and documented water courses and roads, including the names of roads, and included a partial map of built structures;
- An electrification plan of Vientiane (*Plan d'Electrification de la Ville*) was prepared in 1934 (1:10,000 scale) and shows the electricity network in the city, delimited by zone.
- The second Extension Plan of Vientiane (*Plan d'extension de la ville de Vientiane*) was prepared by the French High Commission in Indochina in 1952 (1:5,000 scale), and could be considered the second Master Plan for Vientiane (Sayarath, 82). The plan divides the city into five zones, and distinguishes different building categories (federal buildings, national buildings, community and religious buildings, etc.).

After independence, and prior to 1975, several more urban plans and maps were produced of Vientiane:

- A Plan of Vientiane (*Plan de Vientiane*) was prepared between 1959 and 1963 by the *Atelier du Patrimoine de Vientiane* (1:5,000 scale) and documents the urban structure in the center and periphery of the city, road networks, built structures, and land parcels.
- A 1961 map of Vientiane produced by the U.S. Army Map Service (1:13,000 scale) detailed land use information, the road network, the names of villages and roads, and the location of public and religious buildings. The map was accompanied by an aerial photograph.
- Two detailed maps of Vientiane city and the surrounding area were produced in 1971, one at 1:12,500 scale by the U.S. Army Topographic Command, and another at 1:10,000 scale, by SGN. The first was a topographic map showing infrastructure networks, the density of the city core, and the urban fabric. The second map provided information on the location of public facilities and important organizations, such as ministries and embassies.

1.4.1 The 1991 Master Plan of Vientiane

After 1975, the first urban planning endeavor in the Lao PDR was the Master Plan project for Vientiane (*Schéma Directeur et d'Aménagement Urbain de Vientiane*), which was technically and financially supported by the United Nations Center for Housing and Human Settlements (UNCHS; now known as UN-Habitat). The preparatory phase for this Master Plan was initiated in 1986, and the Plan was completed in 1991.

In terms of its scope and its analysis, the 1991 Master Plan for Vientiane has been used as a model for subsequent urban Master Plans around the country. The Plan divided the prefecture of Vientiane into nine zones, and contained an analytical report on three sets of trends in Vientiane Capital: 1) demographic trends (including population forecasts and their implications for land consumption in the Capital area); 2) socio-economic trends (covering employment, income, housing, and migration); and 3) physical growth trends in the city (covering the evolution of spatial development patterns, the land market, roads and bulk infrastructure, and public facilities).

Section 2: Legal and Policy Framework

2.1 Principles of Urban Planning

The overall framework and legal principles for urban planning in Lao PDR are given by the Law on Urban Planning of 1999. Two sets of regulations were passed to implement this Law:

- Ministerial Order on Construction Management, No. 7681/MCTPC, dated 29 June 2005.
- Ministerial Order on Urban Planning Regulations, No. 1366/MCTPC, dated 26 April 2006.

The Law on Urban Planning (Article 6) identifies four levels of town planning: national, provincial, regional, and urban (*toa muang*)². As of the publication date of this study, town planning activities in Lao PDR take place only at the urban level. There is, as yet, no official, legally sanctioned physical or town planning activity taking place at national, provincial or regional levels.

² In the official English and French translations of the Law on Urban Planning, issued by the MCTPC in 2002, the “urban” level is translated as “district”. In this report the Study Team uses the word “urban” as this comes closest to the Lao term “*toa muang*”, as distinct from “*muang*”, which means “district” in Lao.

The main instrument of national-level planning in the Lao PDR is the five-year National Socio-Economic Development Plan, prepared by the Committee for Planning and Investment. But as its name implies, this is a socio-economic plan, not a physical plan. The goals and targets, as well as the overall development strategy, outlined in the NSEDP represent the framework for planning at urban level. The Law on Urban Planning (Article 7) prescribes that urban planning must comply with broader, national government policies, laws, and plans, including:

the medium-term and long-term general directions for the whole area of the country in terms of land demarcation for the future construction and expansion of cities, zones with socio-economic importance, forest and protected forest, natural resource zones, military and defense zones, road networks, etc.

In addition to compliance with national level plans, the Law on Urban Planning declares that town plans of cities at all levels “should be connected and compatible with each other” (Article 4).

2.2 Definition of Urban Planning

The Ministerial Order on Urban Planning Regulations (Article 4, Section 2) defines “urban planning” as:

An activity defining an area for construction and urban expansion by allocating zones in each area, including the establishment of regulations to implement development in a town.

Article 4, Section 2 of the Regulations also outlines general criteria guiding urban planning:

An urban plan should comply with the policy of the Government and the political party, and should respect the local architecture, socio-economic situation, culture, hygienic conditions and human environment. An urban plan should also respect the natural environment.

There are two types of urban plans in Lao PDR: the town plan, more commonly referred to as the “Master Plan” (*pheng phan muang*), and the detailed plan. In principle, Master Plans are produced for all urban areas in the country, and they represent the main instruments to guide development. Detailed plans, on the other hand, are produced incidentally, on a case by case basis, as needed, and do not exist for all urban areas. For this reason, the Study Team report focuses mainly on the Master Plan as the main instrument of urban planning in Lao PDR.

2.3 The Master Plan

Article 5, Section 2 of the Ministerial Order on Urban Planning Regulations defines a Master Plan as:

a Plan that defines land uses inside a town, and covers construction projects, renovation projects, and expansion activities, including regulations. This plan is used for guidance, and for development and protection of the town, the community and the surrounding area. A Master Plan is concerned with land uses for public infrastructure, which should overlap with national socio-economic development priorities. A Master Plan is valid for a period between five and fifteen years.

Master Plans should consist of three components:

1. A report on the physical, economic and social state of the town; an analysis of weaknesses and strengths in these three areas; and recommendations to address the weaknesses. The latter includes proposed projects for government or donor funding.
2. Regulations on land uses, covering at least the physical boundaries of the planning area; a classification (legend) of land uses; and specific regulations for each zone.

Table 1 presents the eight land use zones prescribed in the Ministerial Order on Urban Planning Regulations for cities under control of central and provincial government (i.e., large and medium-sized cities), and their corresponding land use symbols and colors on the Master Plan location map. Master Plans for smaller-sized district capitals cover only five zones: central zone; development zone; industrial zone; agricultural zone; and forest and natural zone.

No.	Zone of Land Use	Symbol	Color
1	City-center	UA	Red
2	Peri-center	UB	Pink
3	Peripheries	UC	Orange
4	Development Zone	UD	Yellow
5	Industrial Zone	I	Grey
6	Agricultural Zone	NA	Light green
7	Conservation Zone	ZPP	Purple
8	Forest and Natural Zone	NE	Dark green

Table 1: Land Use Zones in the Master Plan for large and medium-sized towns
Source: Ministerial Order on Urban Planning Regulations (2006), Article 7

Table 2 presents the land use requirements and building height and land coefficient (floor-area) regulations prescribed for different zones in the Master Plan, and for the three different administrative levels of cities.

Land Use	Highest Percentage of Land Use (E)			Building Highest Height (H)			Highest Coefficient of Land Use (COS)		
	Cities under Control of:			Cities under Control of:			Cities under Control of:		
	Central	Province	District	Central	Province	District	Central	Province	District
City-center	75%	70%	60%	26m	23m	18m	2.5	2.0	1.8
Peri-center	60%	50%	--	20m	15m	--	1.5	1.2	--
Peripheries	50%	40%	--	15m	12m	--	1.0	0.8	--
Development Zone	70%	60%	50%	23m	18m	15m	2.0	1.8	1.5
Conservation zone	Implement specific regulations for conservation								
Special Economic Zone	Flexibility as appropriate; Propose to MTCPC for Approval								
New Economic Center									

Table 2: General Table on Land Uses
Source: Ministerial Order on Urban Planning Regulations (2006), Article 27

3. Plans at different scales, from 1:20,000 to 1:5,000, including:
 - a. A location plan, with access roads;
 - b. A situation plan, showing vacant land and built-up areas, a plan showing the boundaries and densities per zone; a location plan showing commercial areas; a plan of the infrastructure network; a plan of “wet areas”, showing lakes and ponds; and a plan of the drainage areas;
 - c. A future plan, showing plans for proposed new activities, including new land use proposals; proposals for changes to the road network; and proposals for changes to the drainage network.

The mechanisms of Master Plan approval depend on the level of the urban area being planned. There are three levels of urban areas:

1. Master plans for the five “big cities” of Vientiane Capital, Luang Prabang, Pakse, Savannakhet and Thakhek are approved by the Prime Minister’s Office.
2. Master Plans for the remaining provincial capitals not categorised as “big cities” are approved at central level, by the MCTPC.

3. Master plans for district capitals and other smaller towns are approved at province level, by the Provincial Governor.

2.4 The Detailed Plan

A Detailed Plan (also known as a “Comprehensive Urban Plan”) represents a detailed arrangement of land, infrastructure and public facilities in certain areas of the city, in line with the Master Plan.

The Law on Urban Planning (Article 20) anticipates the need for detailed planning in three types of cases: 1) partial development in urban centers, to improve existing infrastructure and facilities, and to create conditions for new socio-economic activities; 2) rehabilitation and renovation of areas with ancient building sites; and 3) land plotting for new subdivisions.

Detailed Plans comprise the same three components as the Master Plan (report, regulations and maps), but at different levels of analysis:

1. The Detailed Plan report covers:

- The current physical, social, and economic situation [of the plan area];
- A problem analysis and identification of strengths and weaknesses in physical, social, and economic aspects within the scope of the detailed urban plan;
- A detailed presentation on the development approach and determination of land use, infrastructure and public facilities;
- A comprehensive explanation of plans for further implementation.

2. Detailed regulations cover:

- Land use;
- Road area, sewerage, and construction ranging line;
- Architectural aspects of the building;
- Tree planting and green zone;
- The extension, construction of building and the level of floor elevated from the ground surface;
- Land expropriation.

3. Detailed Plan maps are between 1:1,000-1:5,000 in scale, and show:

- Locations and communications;
- The current situation;
- Land use;
- Structural arrangements within the parcel;

- Green zones and vacant zones;
- The road network and sewerage system, including all details;
- The technical infrastructure network in the city.

2.5 Other Types of Plans Covering Urban Areas

In addition to the two types of urban plans prescribed in the Law on Urban Planning — the Master Plan and the Detailed Plan—there are other types of plans that cover urban areas, and which have an important complementary role vis-à-vis the urban Master Plans. Two of the plans mentioned below are specific to Luang Prabang, reflecting that city’s special planning needs given its status as a world heritage site.

2.5.1 Luang Prabang Heritage Preservation and Development Master Plan

After the town of Luang Prabang was declared a World Heritage City by UNESCO in December 1995, the entire historical core of the city, as well as part of the surrounding urban area and portions of the opposite bank of the Mekong river, were declared a special heritage conservation zone, denoted by the land use zoning symbol ZPP (see Table 1, Section 2.3). A Heritage Preservation and Development Master Plan was prepared for the central heritage zone in 2001 (known by its French abbreviation PSMV, for *Plan de Sauvegarde et de Mise en Valeur*).

The Heritage House of Luang Prabang (*La Maison de Patrimoine*) was established as an advisory structure, under the supervision of the government, in order to promote and protect the heritage zone and to implement the PSMV, together with the local authorities (DCTPC and UDAA). The Heritage House is now a service of the Ministry of Information and Culture, under the supervision of the Provincial Governor, and reporting to a Local Heritage Committee at province level.

The PSMV was recognized as law in 2005. Among other documents, the PSMV consists of a zoning plan at the scale of 1:5000; general provisions of the heritage zone; special regulations by zone; and an inventory of the built and natural heritage in the heritage zone.

2.5.2 Luang Prabang “SCOT” Plan

In addition to the PSMV, which covers the heritage zone in and around the city center, Luang Prabang has a regional plan, the so-called “SCOT” plan (*Schéma de Cohérence Territoriale*), prepared in 2004 by the Heritage House, with support from the French development agency AFD.

In an effort to limit future development pressure on the urban heritage zone in Luang Prabang, the SCOT plan proposes medium-term and long-term development scenarios for Luang Prabang city and its peri-urban region, and identifies corresponding infrastructure development requirements. It also proposes measures to protect the natural landscape and agricultural areas surrounding Luang Prabang. Unlike the PSMV, the SCOT is intended solely as a policy guidance plan, and will not be transferred into law.

2.5.3 Sector-Specific Master Plans

An example of a sector-specific Master Plan for an urban area in Lao PDR is currently the JICA-supported Master Plan for Comprehensive Urban Transport in Vientiane Capital. The preparation phase for this project began in 2006, and will be completed in 2008. The Transportation Master Plan will consider future visions and growth strategies for Vientiane up to 2025, and come up with corresponding land use scenarios for the city and the Capital area. The project will result in “models for replication” in other cities of Lao PDR in future.

2.5.4 Socio-Economic Development Plans

In Lao PDR provinces, districts, and even villages and village clusters prepare five-year socio-economic development plans corresponding to the five-year National Socio-Economic Development Plan. The objectives of these plans are to:

- Provide a general overview of the geography and socio-economic situation of the planned area;
- Identify development needs and potentials;
- Present a prioritized strategic plan for the development and management of the area; and
- Propose a budget to implement plan objectives during the five-year period.

District socio-economic development plans cover rural and urban areas in the district, and are based on five-year village and village cluster development plans. The plans are typically prepared using available data and statistics from government line agencies.

GTZ has started supporting the development and improvement of district socio-economic development plans, in selected areas, which build on supplementary data sources from the Lao-German Cooperation Program. The so-called *Integrated Area-based District Development Plans* introduce a range of thematic maps, which are digitized and based on GIS. The first such plan was produced for Sing district in Luang

Namtha province and (in line with the NSEDP) covers the period from 2006-2010³. Two additional plans for the Nalae district in Luang Namtha and the Ngeun district in Sayabouri are nearing completion. Furthermore, it is planned to prepare guidelines on this new approach for a wider replication. As of the publication date of this report, the *Integrated Area-based District Development Plans* are not yet approved as formal planning documents.

2.6 Institutional Roles and Responsibilities in Urban Planning

The Law on Urban Planning of 1999 placed the main roles and responsibilities for urban planning in Lao PDR with the MCTPC and its branches at provincial and district levels. Other actors with specific tasks in the area of urban planning include the new municipalities (when they will be established), the Urban Development and Administration Authorities, the Heritage House (in Luang Prabang), and village authorities.

The Land Law of 2003 gives some land use planning tasks that are currently also being conducted by MCTPC to the new Land Management Authority structure (see section 2.7.1). This duplication and overlap in responsibilities is currently the source of some confusion in urban areas. This issue is addressed in more detail in the conclusions and recommendations of this report.

2.6.1 Ministry of Communication, Transport, Post and Construction

The MCTPC, at central level, is responsible for the overall regulation and supervision of urban management and planning in Lao PDR.

The MCTPC comprises nine departments and three research institutes (see Appendix 7). Within the Ministry, the Department of Housing and Urban Planning is the unit mainly responsible for urban planning. Its overall responsibilities include:

- Outlining strategic plans and town plans at national, regional and provincial levels, and submitting these plans to the government;
- Outlining regulations, technical standards, and instructions concerning urban planning, and public dissemination to facilitate implementation;
- Considering and approving town plans for cities under the control of provincial, prefecture or special zone authorities;
- Inspecting, monitoring and evaluating town planning implementation.

³ *Integrated Area-based Development Plan 2006-2010 for Sing District, Luang Namtha Province*, with support from GTZ/Lao-German Cooperation Program, January 2006.

2.6.2 Urban Research Institute of the MCTPC

The Urban Research Institute (URI) is the main technical agency carrying out physical planning and urban planning in Lao PDR. URI was established in 1982 as a technical institute under the former Ministry of Construction's Integrated Institute for Surveying, Designing and Construction. In 1999, after several name changes, the Urban Research Institute was located as a research institute within the MCTPC, at the same level of a department.

URI's mandate includes planning of urban and rural areas of Lao PDR; research and evaluation related to urban planning and engineering; training for officials of central, provincial and district level in the areas of urban management, planning, and environmental management; and international cooperation.

URI is comprised of five divisions: Town Planning; Engineering and Mapping; Training and Cooperation; Research; and Administration and Personnel. Recently, a Road Maintenance unit was added.

2.6.3 Provincial Departments of Communication, Transport, Post and Construction

The Provincial Departments of Communication, Transport, Post and Construction (DCTPC) are the principal partners of the URI in the preparation of the Master Plans. More broadly, they have the following functions:

- Carrying out town planning designs for cities under the control of district authorities, and submitting these designs to MCTPC for consideration and approval;
- Implementing and inspecting building construction and reconstruction norms;
- Authorizing permits and certifications of conformity;
- Implementing land use regulations in cities that have not undergone planning in collaboration with land management field offices and local authorities.

2.6.4 District Offices of Communication, Transport, Post and Construction

The District Offices of Communication, Transport, Post and Construction (OCTPC) are the main actors responsible for monitoring and inspection of construction, and they have

a supporting function in the plan preparation process undertaken by URI and the provincial-level DCTPCs.

In addition, they are responsible for implementation of decisions and notifications issued by the MCTPC at central level, and they are a principal liaison with village authorities and mass organizations in plan setting and implementation of town planning, village sanitation tasks, as well as construction management tasks within the villages.

2.6.5 Urban Development and Administration Authorities

During the course of the last ten years, Urban Development and Administration Authorities have been established in most major towns of Lao PDR as a separate authority to manage urban areas. The legal basis for the new UDAA is the Prime Minister's Decree No. 177, issued in October 1997.

The creation of UDAA was driven by the Government's expressed aim to more effectively manage the increased demand for urban infrastructure and services, and to reduce the burden on the DCTPCs, which until then were charged with providing basic services and issuing building construction permits in urban areas. But beyond these relatively modest goals, UDAA were set up to introduce a whole new concept of urban governance in Lao PDR, based on decentralization, responsiveness to community needs, and professional planning, budgeting and management standards.

The first Authority to be set up was in 1995: the Vientiane Urban Development Administration Authority (VUDAA) was established as part of an ADB-supported program of rehabilitation and development for the capital city. In 1997, four other UDAA were established, in the four large provincial towns of Savannakhet, Thakhek, Pakse, and Luang Prabang, as part of the ADB-supported Secondary Towns Urban Development Project.

Under the current ADB-supported Small Towns Urban Development Project, which is ongoing until 2009, UDAA have been newly established in a further twelve provincial centers across Lao PDR, in one town per province. These towns include: Vang Vieng, in Vientiane province⁴; Oudomxai in Oudomxai province; Luang Namtha in Luang Namtha province; Sam Neua in Huaphan province; Sayabouri in Sayabouri province; Houay Xai in Bokeo province; Phonsavane in Xieng Khouang province; Pakxan in Bolikhamsay province; Saravan in Saravan province; Lamam in Sekong province; and Saysetha in Attapeu province.

UDAA have the same status and responsibilities as districts. The District Chief is the President of the UDAA in each town. According to the Law on Urban Planning (Article 36), UDAA have the following tasks:

⁴ Vang Vieng is the only town with a UDAA that is not a provincial capital.

- Preparing implementation plans for urban development management;
- Arranging the construction, renovation and maintenance of urban infrastructure and amenities;
- Managing land use controls, including issuing of building permits within the UDAA's area of coverage;
- Providing information, data and technical documents needed for town planning;
- Enlarging revenue sources for urban development;
- Executing any other tasks and duties assigned by the provincial governor.

A challenge for the UDAA's will be to ensure cost recovery for services provided. A key objective of establishing the UDAA's was to help them become financially sustainable and autonomous. However, the Study Team found that user charges for solid waste management are still very low, barely meeting operation and maintenance costs. An ADB technical assistance completion report from 2003 concluded that it is unrealistic to expect that full cost recovery could be achieved in the formative years of UDAA operations. Another challenge for the UDAA's will be to define their future role within the future municipal structure, as municipalities are likely to incorporate the UDAA's (see next section).

2.6.6 The New Municipality Structure

The Government is committed to the establishment of new municipalities in towns across the country. As part of a pilot phase, the new municipalities are expected to be introduced first in Vientiane Capital and Luang Prabang. As of the publication date of this report, it was envisaged that this pilot phase would commence in the last quarter of 2007.

The creation of a new municipal structure in Lao PDR is covered in the revised Constitution (2003) and in the Law on Local Administration (2003). A decree on the establishment of municipalities is still under preparation.

According to the Law on Local Administration (Article 32), a Municipality is defined as:

a local [administrative territory] which is in an urban area. It is the place where the offices of the provincial or city administration are located, or some other urban area that meets the criteria provided in this Law, such as high population density and socio-economic, political, cultural and public service development. A municipality comprises several villages.

Municipalities will be headed by a Chief of Municipality. Municipalities will have equal status as districts, and municipal administration will be at the same level as district administration. In principle, the boundaries of each new municipality will be the same as the boundaries of the one district comprising the urban area. The exception to this principle is Vientiane Capital, where the new municipality will cover four districts.

The responsibilities of municipalities will include:

- Protecting, preserving and utilizing natural resources, the environment and other resources;
- Planning and implementing urban development and public services;
- Ensuring the peace, security and cleanliness of the municipality; and
- Engaging in foreign affairs activities as assigned by the province or city.

The decision as to which urban areas are to be declared municipalities will in part be based on administrative considerations, because the Law on Public Administration (Article 38) declares that municipalities are to be created in all places where provincial or city administration offices are located. Apart from this administrative consideration, municipalities will also be established in urban centers of districts with the following minimum requirements:

- A population of at least 10,000 people⁵;
- A developed economic, social, and cultural area, and a developed infrastructure system; and
- An ability to generate revenue to respond to necessary expenditures.

As of the publication date of this report, there were still a number of institutional, legal and administrative issues to resolve with regard to the introduction of the new municipality structure.

- There are no implementation guidelines yet governing the establishment and the role of the new municipalities, including the level of autonomy of the new municipalities.
- In Vientiane Capital, the amalgamation of four districts into one municipality presents legal problems, given that municipalities have equal status as districts.

⁵ But where deemed necessary, the Law on Public Administration specifies that the Government can decide to make an exception to this criterion.

- Another outstanding issue is that the mandate of the UDAAAs (including VUDAA) is likely to change with the introduction of the new municipal structures. UDAAAs are likely to become the public service arms of the new municipalities, but this is still awaiting further clarification.

2.6.7 Heritage House in Luang Prabang

Within the heritage conservation zone in Luang Prabang, there is an additional—and unique—element of institutional oversight when it comes to urban planning. As part of the Heritage House’s mandate to supervise and protect the heritage zone, it has an advisory role with regard to all public and private development projects within this area.

The Heritage House has two full-time technical staff members working on “urban” issues related to the heritage zone. These staff members coordinate closely with the two agencies in charge of plan implementation and issuance of building permits—the DCTPC and UDAA. The DCTPC and UDAA must systematically request guidance from the Heritage House for all building permit applications for new constructions and demolitions within the heritage zone.

The purpose of this strict, ongoing control is to ensure the value of the built heritage in the conservation zone, in keeping with Luang Prabang’s status of world heritage city. In further support of this mission, the Heritage House also runs skills training programs for central government officials and local stakeholders. These programs address technical, legal, regulatory, and managerial aspects of preserving the heritage zone (Chinon Development and City Planning Agency, 41).

2.6.8 Village Authorities

Village Chiefs, or *Nai Ban*, are elected by eligible voters in each village for a term of three years, and they are approved by the District Chief or the Chief of the Municipality. *Nai Ban* can be re-elected or re-appointed.

Nai Ban and their deputies have a supporting role in the Master Plan preparation process. First of all, they assist the DCTPC and URI planning team to collect any data at village level needed for preparation of the Master Plan. Following that, *Nai Ban*, as representatives of the population, are supposed to give their comments on the draft Plan during consultation sessions organized by the planning team. After the Master Plan has been prepared, the Law on Urban Planning (Article 38) states that village authorities have to assist the OCTPCs at district level to implement urban plans. This, in theory, includes reporting to the UDAA and DCTPC in case there are building construction violations.

2.7 Institutional Roles and Responsibilities in Urban Land Management

Until recently the institutional responsibilities for land management were spread out over several agencies, particularly the Department of Lands and the Department of State Assets Management, both under the Ministry of Finance, and the Department of National Land Use Planning and Development (DoNLUPAD), under the Prime Minister's office.

The Department of Lands was the main agency responsible for the design and implementation of land administration programs. Provincial Land Offices managed the day-to-day operations of the systematic registration and land registration activities. The Department of State Assets Management was responsible for the registration, supervision and maintenance of all State assets in the form of property, land and enterprises. DoNLUPAD coordinated national policy, legislation and regulation in the areas of land use planning and land development⁶.

2.7.1 Mandate of the National Land Management Authority

In the revised Land Law of 2003, the Government announced that it aimed to bring together all responsibilities for land management under one structure, the National Land Management Authority (NLMA)⁷, so that land could be managed in a “centralized and uniform manner” (Article 9).

In 2006 the NLMA was established as an implementing agency of the new Land Law, by merging DoNLUPAD with the Department of Lands and the housing and state land sections of the Department of State Assets Management. The NLMA has the status of a central state organization within the organizational structure of the Prime Minister's Office.

The roles and responsibilities of the new Land Management Authorities were spelled out in the revised Land Law of 2003, and further detailed in two subsequent Prime Ministerial decrees:

- The Decree on the Establishment of the National Land Management Agency (No. 67/PM), passed on 18 May 2004;

⁶ Source: Prime Ministerial Decree 237, 11 December 2001.

⁷ A note on terminology: in translations from Lao to English, the terms “organization”, “agency” and “authority” are sometimes used interchangeably. In an attempt to minimize confusion, in this report the Study Team follows the terminology employed in the Land Law 2003, and therefore refer to the NLMA and its branch offices at sub-national level as Land Management “Authorities”.

- Article 26 of the Prime Ministerial Decree on the Implementation of the Social and Economic Development State Budget Plan for 2006-2007, No. 145/PM, issued 31 July 2006.

Article 10 of the Land Law assigns wide-ranging responsibilities to the land management authorities:

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

2.7.2 Organizational Structure of the Land Management Authorities

According to the Land Law, the new Land Management Authority structure is to be set up at all levels—central, provincial, district and even village level.

Central Level

At central level, the NLMA comprises five departments:

1. The “Cabinet”, otherwise known as the Administration and Personnel department;
2. Land Administration;
3. Land Policy and Inspection;
4. Land Use Planning and Development;
5. Land Information and Mapping.

Each department, in turn, is comprised of several divisions, as illustrated in Appendix 6.

Provincial and District Levels

Provincial Land Management Authorities and District Land Management Authorities are currently being established across the country. When they are fully operational the PLMAs and DLMAs will have five divisions each: these divisions are the same as the departments at national level, except that at sub-national level there is no land policy function, so at provincial and district levels the Land Policy and Inspection Department becomes the Land Inspection and Conflict Resolution division.

The new PLMA departments incorporate the former Provincial Land Offices. Systematic Adjudication Teams located within the Land Administration departments of the new PLMAs are continuing the land titling activities that used to be carried out under the PLOs.

Village Level

The Decree on the Establishment of the National Land Management Agency of 2004 anticipated setting up Village Land Units. However, no such structure exists yet at the present time, and it is still uncertain what (if any) land representation will be introduced at village level in future.

In the meantime, village authorities continue to play the same role they played before the establishment of the new Land Management Authorities. Village authorities are actively involved in recording all kinds of land transactions. By law, the approval of the *Nai Ban* is required for all land sales, leases and mortgage contracts (Chanthasay, Lintzmeyer, Rock et al, 6). The village level is also involved in collecting land taxes. At village level, the *Nai Ban* also chairs the Village Mediation Committee which acts as intermediary to resolve local land conflicts.

2.7.3 Overlapping Mandates of NLMA and MCTPC

The mandate that the Land Law grants to the NLMA covers certain planning functions currently already undertaken by the MCTPC and the provincial-level DCTPCs. This applies particularly to two of the responsibilities outlined:

- The NLMA's authority to "undertake land surveys, land classification and land use planning at the local, regional and national levels"; and
- The NLMA's authority to "plan the use of land, to protect [and] develop land".

There are at least two other areas where the mandate of the new Land Management Authorities overlaps with that of the MCTPC and its branches at provincial and district levels:

- Land Law Article 39 gives the land management authorities a mandate to manage construction land, another function currently performed by the MCTPC and its sub-national branches:

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

- Article 26 of the Prime Ministerial Decree on the Implementation of the Social and Economic Development State Budget Plan for 2006-2007 declares that the NLMA should:

organise land surveys, zoning, classification into type, and create land use planning; to do town planning and planning of residential areas; planning of land, natural resources, water resources, fauna and flora; and eco-system protection and use of the country to be presented to the government for consideration and for the endorsement by the National Assembly in accordance to the Land Law and other relevant laws.

The Land Law (Article 9) specifies that the NLMA should "coordinate with concerned sectors and local administrations" and assign responsibilities for the management of land use to other Ministries concerned with land issues, such as the Ministry of Agriculture and Forestry, the Ministry of Industry and Handicrafts, the Ministry of Communication, Transport, Post and Construction, the Ministry of Information and Culture, the Ministry of National Defense, and the Ministry of Security.

But in the area of urban planning, there are no institutional mechanisms yet for systematic delegation, coordination and collaboration between the new NLMA and MCTPC.

Section 3: Study Team Findings

3.1 Selected Urbanization Trends

Several external developments in urban areas of Lao PDR currently affect the ability of the MCTPC and the NLMA, and other key actors in urban planning and land management, to effectively carry out their mandates. The Study Team identified at least three such developments: 1) the steady rise of private land ownership in and around urban areas; 2) an increase in private investment in selected areas; and 3) a corresponding increase in land prices in these areas.

Local officials in several of the cities visited expressed concern that private sector dominance on the land market would eventually be to the detriment of the wider public interest. In an attempt to “capture” some of the benefits of private investment for the public sector, the government has responded by establishing a special state enterprise to try and facilitate private investment. In addition, the government is planning special economic zones to try and attract greater private investment to certain growth poles.

3.1.1 The Rise of Private Land Ownership

Over the last 10 to 15 years, private land ownership in and around most towns in Lao PDR has accelerated, and the amount of state land has decreased sharply. In Oudomxai, for example, the PLMA claims that land ownership in and around the provincial capital is almost completely in private hands, and that private people are “opening up plots of land by themselves”, without waiting for the authorities to do so. The result is that local authorities have no more concession land to give to investors. In Thakhek, too, officials point out that they no longer have unallocated land for newcomers.

The rise of private land ownership is occurring even in smaller towns. In Seno, district authorities indicated that there is almost no more state land around the town. District officials expressed concern that land transactions only involve private sector buyers and sellers, and not the state. They expressed concern that future expansion of public facilities, such as markets and schools and infrastructure such as roads, would have to be on private land and that the city does cannot access this land because it does not have the budget to pay full compensation.

One reason for the rise in private ownership is the land titling program. The issuing of land titles by LTP focuses on urban and peri-urban areas, and this promotes the rapid rise of private land ownership. Apart from the land titling program, the transfer of state land to private ownership has occurred gradually, on an informal basis, rather than by design. There are three common ways in which this process is taking place:

- Private individuals claim a possession right or use right on a parcel of state land they have been occupying for a long time. After years of making land tax payments, the individuals claim “ownership” on the basis of land tax declarations. Over time, the tax declarations are used as a basis to obtain land use certificates, and finally, land titles.
- Private individuals simply occupy state land, either deliberately or without clearly knowing the status of the land. In either case, after years of making land tax payments as in the case described above, the individuals claim “ownership” on the basis of land tax declarations. The tax declarations are then used as a basis to obtain land use certificates and land titles.
- Government employees receive state land for their private use from their government employers. As in both cases described above, the recipients claim “ownership” of this land on the basis of tax declarations, and over time the tax declarations are used to obtain land use certificates, and finally, land titles. This process has accelerated as many government employees have transferred their plots to other private citizens.

The concept of “ownership” on the basis of tax receipts issued by village authorities is legally ambiguous: officially, with a tax declaration, people acquire a use right, but not the right to sell. Local officials in Oudomxai mentioned that most private citizens do not know, or claim not to know, the legal nuances of ownership. But regardless of the legal situation, land tax declarations seem to be commonly accepted as a sufficient basis for (informal) land transfers.

3.1.2 Private Investment

There is evidence of growing private sector investment in and around the larger cities and in the border areas, partly because secure land tenure through the issuance of Land Titles is only available in the larger cities and towns. Private investors prefer well-serviced urban land, and consequently this type of land is becoming scarce. Statistics for investment in urban areas are difficult to come by, but during the field visits the Study Team identified several developments in the larger cities:

- In the urban periphery of Luang Prabang, foreign investors are planning large-scale private investment projects, including a golf course and resort, and a luxury hotel.
- In Pakse, DCTPC officials say the growth in private investment during the last few years has taken them by surprise. Recent investments include the large Dao Heuang market and the newly rebuilt Champasak Shopping Center. Plans are underway for a large housing development near the Dao Heuang market, and two new hotels on the Mekong river bank.

- In Savannakhet, DCTPC officials point out the rise in small-scale private investment along Route 9 in the direction of Seno. Existing investments include the Kolao automobile assembly plant outside Savannakhet. DCTPC officials expect Savannakhet and Seno to become physically connected during the next five years as private investment in the zone between the two towns increases. This road corridor is the focus of a major new Special Economic Zone (see Section 3.2.2).

Much of this private sector investment activity bypasses public sector planning guidance and controls. First of all, the Study Team found that private investors generally make their own surveys to identify land and investment sites. Second, the issuance of building permits for large-scale private investments is frequently based on top-down administrative decisions rather than the land use zones established in the Master Plan. In Pakse, for example, local officials point out that some recent private development projects are in areas classified by the Master Plan as green zones and non-development areas, but that private investors choose to ignore the Master Plan. In this overall context, the ability and relevance of the Master Plan as an instrument to guide, develop and protect towns, as called for in the Law on Urban Planning, is therefore limited.

3.1.3 Land Price Increases

As private land ownership and investment increase, the larger towns of Lao PDR are witnessing a steady increase in land prices. Land price increases tend to be more gradual in already urbanized areas, and steeper in formerly rural, agricultural areas that are being transformed to peri-urban and urban use.

In a 2006 study sponsored by the Lao-German Land Policy Development Project, Wehrmann et al. indicate that since 2000, land prices in Vientiane Capital have doubled or even quadrupled in prime locations or newly developed areas. In cities visited by the Study Team, some villages that are now rapidly urbanizing are undergoing land price increases that are much more dramatic than in Vientiane. In Seno, for example, land prices along Route 9 in the center of town have increased ten-fold over the last decade, from 10 baht to 1,000 baht per square meter. In Oudomxai, the Chief of Nalao Village claimed that ten years ago land in his village hardly had any commercial value; today, the land is all in private hands, and the average price of a parcel is over 1,000 baht per square meter.

Land valuation maps, prepared as part of the Lao Land Titling Project, show official land values per zone in urban areas. The official land values are usually far lower than the free market values. The land valuation maps are not frequently updated.

The most important factor contributing to land price increases appears to be infrastructure development, such as roads, bridges and markets. Wehrmann et al. point

out that land values usually increase 1 to 2 years before new infrastructure is developed (Wehrmann, Soulivanh and Onmanivong, 9).

Another important reason for increased land values is land titling. However, Wehrmann, Soulivanh and Onmanivong claim that titling by itself does not lead to land price increases: it is only where titling goes hand in hand with infrastructure development that the highest increases are recorded (Wehrmann, Soulivanh and Onmanivong, 9).

3.2 The Government Response to Current Urbanization Trends

3.2.1 The Land Development and Services State Enterprise

In an attempt to capitalize on the growth of private investment and the associated rise in land values, the Government established the Land Development and Services State Enterprise (LDS) in February 2006, under Prime Minister's Agreement No. 11/PM. The LDS sees its role as an official real estate agent, making available land and services for private investors, to "transform land into capital".

LDS offers the following services to private investors, including in urban areas:

- Undertaking contract work for land development in relocation areas, for people affected by large-scale development projects;
- Undertaking contract work for land development in areas to be developed for business or tourism;
- Providing land registration services, in the case of sales, exchanges, and transfers of land use rights, land leases, and concessions;
- Providing general expertise and consultancy services related to land policy, land laws, surveys, and the development of information systems, among others;
- Identifying land for domestic and foreign investors.

The LDS is under the technical guidance of the NLMA, and reports to an Executive Board headed by the Minister of Finance and comprised, among others, of senior government officials from the Committee for Planning and Investment, the Bank of Lao PDR, the Ministry of Finance, the Ministry of Energy and Mines, and the Ministry of Agriculture and Forestry.

At the time of writing, LDS had signed no joint ventures with private investors yet, and it had opened one branch office only, in Vientiane Capital. It expects to open more branch offices in selected areas of the country in the near future.

3.2.2 The Savan-Seno Special Economic Zone

Another government strategy is to attract private investment in special economic zones. The Government's main special economic zone thus far is the Savan-Seno Special Economic Zone (SASEZ), which consists of three sites just north of the city of Savannakhet, and another site just outside the town of Seno. All four sites are located along the newly proclaimed economic corridor of Route 9, which connects with National Route 13 at Seno. The Route 9 corridor is considered by the Government to be a strategic route for the overall socio-economic development of the country, as it provides a vital trade and transportation link to markets in both Thailand and Vietnam. The Route is also part of the broader East-West Economic Corridor linking the mainland Southeast Asia sub-region.

SASEZ was set up by Prime Ministerial Decree No. 148/PM in September 2003. A subsequent Decree No. 177/PM, dated November 2003, provides the zone's regulations and incentive policies. SASEZ has the status of a state administrative organization, placed directly under the Prime Minister's Office, and responsible directly to government. The organization's main duties are to screen, approve, administer and promote domestic and foreign investment in the SASEZ, within the land area allocated by the government.

SASEZ aims to attract investment in high-tech industry, trade, and services, through 100% private-owned domestic or foreign investment or joint ventures. Incentives offered include preferential duties, preferential tax treatment and land leases.

The SASEZ faces a number of challenges, not the least of which is how to attract appropriate private investors. Another challenge is how to ensure adequate bulk infrastructure connections to the four sites, particularly power and water. As in some other provincial capitals in Lao PDR (such as Oudomxai), Savannakhet faces water supply constraints even for the existing urban area. A third challenge concerns the management of expropriation, compensation and resettlement for existing residents of the four sites. According to Article 6.5.1 of Prime Ministerial Decree No. 148/PM, "private land owned by private individuals and organizations shall be reclaimed for expropriation, in accordance with the Land Law and other related legal acts". Provincial and district authorities are to assist the SEZ Authority with the settlement of issues of land acquisition. But budgets for expropriation and compensation are limited, and provincial and district officials have little experience with large-scale and potentially complex land acquisition and resettlement schemes.

3.3 Key Institutional Challenges in Urban Land Management

At the sub-national level, the new Land Management Authorities (PLMAs and DLMAs) are not yet fully functional, and as a result, they are not in a position to fulfill the

extensive list of tasks given to them in the Land Law. The biggest constraints currently facing the provincial and district-level Land Management Authorities are a lack of staff, and particularly, a lack of staff trained in land management; the absence of a fully fledged network of district offices; and the lack of appropriate equipment and facilities required for their new tasks. Underlying all these factors are budgetary constraints at all levels.

3.3.1 Staffing Levels of PLMAs and DLMAs

As of mid-September 2007, one of the main constraints faced by the Land Management Authorities at province and district levels is the lack of staff. Table 3 lists the number of staff of the Land Management Authorities at provincial and district levels in the selected provinces covered by the Study Team. The diagram is based on data collected by the Study Team in August and September 2007.

At provincial level, most of the PLMA offices were set up in early 2007. Of the nine provinces visited by the Study Team, three provinces did not have any district-level offices at all. Three provinces had staff in some (selected) districts, while only three provinces had staff in all districts. However, even those provinces with DLMA offices in all districts had staffing constraints, as these DLMA offices typically have only one staff member (the Head of the DLMA), or else only a very small core staff.

The staff numbers in Table 3 do not give an entirely accurate picture of the staff constraints faced by the PLMAs as they are inflated because they include the Strategic Adjudication Teams (SATs) working for the Land Titling Project. These Teams were part of the former PLOs, and have now been incorporated into the new PLMAs. SAT staff form a majority of current staff of the PLMAs in most provinces covered by the LTP. Only three of the 30 staff of each SAT are government (permanent) staff, including the SAT Head and the two Deputy Heads for adjudication and surveying. The rest of the SAT staff is contracted and therefore temporary. In other words, once the LTP's work has been completed in each province, the PLMAs will lose a majority of their current staff.

The LTP is due to expand to Oudomxai and Luang Namtha provinces shortly. SATs there will have an estimated staff complement of 20 members each (instead of 30 members in the other LTP provinces), of which three members will be permanent (the SAT Head and the two Deputy Heads for adjudication and surveying, as before)⁸.

NLMA intends to replicate all five national departments at provincial level and district levels (see section 2.7.2). According to Ministerial directions, the PLMAs should have a full staff complement by 2010, including approximately 3 government staff per district.

⁸ Source: Lao Land Titling Project, September 2007.

Province	PLMA Staff				DLMA Staff (out of Total)
	Total ⁹	Permanent	Contracted	SAT Staff	
Vientiane Capital	204	71	133	120	No DLMAs in province
Vientiane	140	43	97	90	8 (Not all districts)
Luang Prabang	99	40	59	60	8 (Not all districts)
Oudomxai	60	35	25	No LTP yet	39 (All districts)
Luang Namtha	39	25	14	No LTP yet	20 (All districts)
Bolikhamxay	66	22	44	30	No DLMAs in province
Khammouane	90	41	49	31	No DLMAs in province
Savannakhet	176	55	121	120	8 (Not all districts)
Champasak	218	126	92	90	58 (All districts)
TOTAL	992	358	634	541	141

Table 3: PLMA and DLMA Staff Numbers in Provinces Visited by the Study Team
Sources: PLMA and DLMA offices, August-September 2007 and Lao Land Titling Project (for SAT staff), September 2007.

3.3.2 Staff Capacities

For the most part, current staff capacities are not directly relevant to the Land Management Authorities' new mandate. Within the PLMAs, the majority of current staff has a finance background, given that most people in the PLMAs came from one of two land departments within the Ministry of Finance. There is very little in-house capacity in land management, and almost no capacity in land use planning. A further constraint is that provinces and districts currently lack an operational manual and procedures.

The Government budget for capacity building and training of Land Management Authority staff is limited. Most current training programs for PLMA staff are funded by the Land Titling Project, and occasionally by other donors, and they focus on land surveying and mapping. Thus far no new training programs have been budgeted that are aimed at preparing staff to carry out some of the other new land management tasks that are part of the LMA mandate.

⁹ Total PLMA staff numbers include permanent and contracted staff, SAT teams if any, and DLMA staff, if any. SAT members and DLMAs include both permanent and contracted staff.

Perhaps as a result of the inappropriate technical background of most LMA staff at provincial and district levels, PLMA offices, with few exceptions, were found to have few or no stated land policy objectives, and little vision as to how their organization would begin to implement their land management mandate in the province.

3.3.3 Facilities and Equipment

In provinces covered by the Land Titling Project, the PLMA offices are housed in buildings constructed for the Provincial Land Offices under LTP II. In provinces without a land titling program, the PLMA is typically housed in temporary quarters, with poor, makeshift facilities. There are plans for new quarters for all PLMA and DLMA offices in the future but here, too, budget limitations are likely to constrain these plans for the foreseeable future. Apart from equipment used by the SATs under LTP, the PLMAs have no equipment for land surveying and mapping. The NLMA's Center for Research and Information on Land and Natural Resources of NLMA (CRINLR) has cadastral maps, but little other land information. The Land Management Authorities do not currently use a geographic information system. Updated information on land classifications and land availability is limited.

3.3.4 Current Activities of PLMAs and DLMAs

With the absence of DLMA offices in many provinces, or the small number of staff in the DLMAs that do exist, most activities of the LMA structure at sub-national level are currently taking place at provincial level.

Given the existing budgetary, human resource and equipment constraints, most Directors of PLMA offices pointed out that their offices were not in a position yet to carry out the mandate given to them in the Land Law 2003. Instead, in all nine provinces covered by the Study, the Study Team found that the PLMAs were mainly preoccupied with setting up their own organizational structures, including requesting staff from central level.

In spite of the limited institutional capacities, the PLMAs do manage to engage in some current activities:

- In provinces covered by the Land Titling Project, the most active of the five divisions of the PLMAs are the Land Administration divisions, which comprise the SATs carrying out the land titling work under the Land Titling Project. As this activity is funded under LTP Phase II, it is not affected by the budget constraints affecting the rest of the LMA apparatus.
- Aside from the land titling work, most PLMAs were also found to be engaged in preparatory work for land concessions. In line with the Land Law, activities

include surveying and classifying land for concessions, collecting information on land suitability for different kinds of crops, and reviewing existing concessions. In many cases the preparatory work for concessions is ordered by Provincial Governors. By law, provincial authorities are able to grant concessions under 1,000 hectares, so there is an obvious incentive to have the PLMAs prioritize the preparatory work for land concessions.

- Other activities of PLMAs were found to include: allocating land for civil servants (Viengkham district, Vientiane province, and Luang Prabang); resolving land conflicts (Vang Vieng and Luang Prabang); dissemination activities about the Land Law and regulations aimed at other government departments, Nai Bans and mass organizations (in most provinces); and land acquisition and preparation for resettlement projects (in Savannakhet, in the context of the SASEZ).

3.4 Master Plan Preparation

3.4.1 The Physical Scope of Urban Planning Activities

The principal urban planning instrument in Lao PDR is the Master Plan, as it is the only form of urban plan that is produced systematically for all urban areas in the country. Detailed plans are prepared only on an incidental basis, as needed, or as requested and funded by Provincial Governors. Detailed plans exist primarily for small towns; few detailed plans are produced for larger urban areas.

As of September 2007, 113 out of 139 districts in Lao PDR had Master Plans. This figure includes towns that have had only one Master Plan as well as towns that have had at least one update since the first Master Plan¹⁰.

Master Plans are prepared according to a strategy outlined by the MCTPC. They cover urban areas with (existing) concentrations of populations, as well as areas where population and development are expanding. In principle, a planning area has to have a population of at least 10,000. Priority is accorded first to provincial and district centers, followed by smaller towns. MCTPC's current strategy for the preparation of urban plans (which includes mainly Master Plans, as Detailed Plans are not systematically produced) can be sub-divided into three periods from 2006 to 2020.

From 2006 to 2010, MCTPC's priorities are to:

- Prepare and improve urban plans for 21 priority districts with the poorest conditions;

¹⁰ Some districts have more than one Master Plan, as several large villages in a district may each have their own Master Plan.

- Improve urban plans for provincial capitals (except Vientiane Capital and Luang Prabang);
- Focus on poor districts still lacking urban plans.

From 2011 to 2015, MCTPC's priorities are to:

- Improve urban plans in poor and poorest districts, including in Vientiane Capital and Luang Prabang;
- Prepare urban plans for remaining districts currently without plans.

From 2016 to 2020, MCTPC's priorities are to improve urban plans of all other remaining districts.

3.4.2 Master Plan Approval and Updates

The cost of preparing a Master Plan ranges from 100 million Kip for a small town (not including the cost of producing base maps) to 200 million Kip for a larger town. The MCTPC receives a yearly budget allocation from the National Assembly for the preparation of urban Master Plans. Budget constraints at central level limit the preparation of more Master Plans for all towns and urban villages in the country. Diagram 1 shows the number of Master Plans approved since 1991. Apart from a spike in approvals in 1998, which was related to extra funding for Master Plan completion in that year, the number of Plans approved averages around 7 per year.

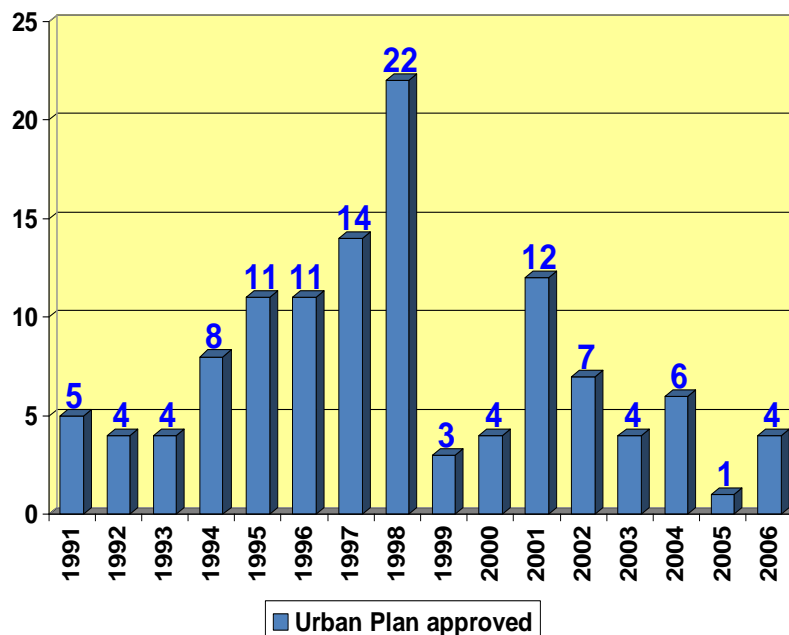


Diagram 1: Number of Master Plan approvals per year, 1991-2006

Source: MCTPC, 2007

Master Plans are supposed to be updated at least once every five years (for small towns) and once every ten years (in the case of larger towns). In practice, however, budget constraints also affect Master Plan updates, and not all plans can be updated as frequently as needed.

3.4.3 Master Plan Preparation and Institutional Capacities

Typically, the preparation of a Master Plan is undertaken by a planning team consisting of staff from the Urban Research Institute and the provincial-level DCTPCs. In planning for small towns, the district OCTPC assists the planning teams with logistical support. Data collection at village level is done with the help of the *Nai Ban* and/or the Deputy *Nai Ban*. Master Plans for small towns might involve 3 or 4 URI staff from central level, whereas Plans for large towns can involve as many as 10 technical staff from URI, working on separate teams, including a socio-economic team, an architect/planning team, an engineering team, and a drafting team.

Up until now, the actual production of Master Plans is done entirely at central level, by the URI. URI does the analytical work, writes the required reports, and produces the maps. In principle, plan preparation work can be outsourced to consultants, but given the low remuneration involved private consultants have thus far shown limited interest to be involved.

Map Production and Distribution

Master Plan maps are drawn manually by URI. Until recently, there were no digital copies of the Master Plan maps. Starting three years ago, URI has started digitizing newly prepared Master Plans, and the maps are now scanned and adjusted using basic photo shop software. But Master Plans are still produced without digital mapping or geographic information system technology.

The relatively low-technology plan preparation process has helped to keep costs down, but the disadvantage is that it has prevented the widespread distribution of Master Plans. Until recently, to limit costs, only three copies of each Master Plan set were distributed to local authorities, through the Provincial Governor. Local distribution of the Master Plan thus depended on the willingness and ability of the Governor's office to make copies of each urban plan and distribute it to the district level. With the digitized Master Plans, districts can now have better access to urban plans, but even so the majority of all districts have no computers and mapping programs, so they still have to rely on hard-copy versions of the plans from the Governor's office.

Planning Capacities

There is very little in-house technical capacity within the provincial-level DCTPCs and OCTPCs. In the planning teams, the contribution of DCTPCs and OCTPCs is their knowledge of the local area. One of URI's tasks is to provide training to the sub-national planning structures in urban planning and development topics. The training programs are funded through the government budget, or by donor organizations.

In certain key areas URI itself lacks technical capacity and access to the basic pre-requisites for planning and mapping. Only two of URI's 25 staff members are trained in geographic information systems. URI has to rely on the regular government budget for its hardware, with the result that it has outdated computers and scanners and insufficient topographical survey equipment. Moreover, URI lacks access to cadastral maps, which are located at the Center for Research and Information on Land and Natural Resources of NLMA. There are as yet no coordination and information sharing mechanisms between URI and CRILNR. Once every five years, URI has to purchase aerial photographs from the National Geographical Department, with the result that the base maps being used for the Master Plans are not very up to date.

3.4.4 The Plan Preparation Process

The complete process to prepare a Master Plan for a small town typically takes approximately one month. For larger towns the process averages nine months, due to the greater number of technical sectors covered and the numerous rounds of consultations required, particularly with technical agencies.

The Ministerial Order on Urban Planning Regulations of 2006 (Article 10) prescribes a sequence of eight standardized steps for the preparation of Master Plans throughout the country:

1. Identifying the scope of town planning. This step includes determining the physical area to be covered by the Master Plan.
2. Collecting and analyzing technical, socio-economic data. Village authorities assist the planning teams to collect socio-economic data at village level. This step includes a topographical survey.
3. Drafting the completed plan;
4. Passing the plan to the public and relevant technical sectors in order to receive comments and feedback. This step is supposed to be undertaken at least twice;

5. Updating the plan and its relevant parts in order to comply with actual local conditions. This step incorporates any comments from the local level.
6. Proposing the Plan to the relevant Town Planning Inspection and Management Authority for consideration;
7. Submitting the Plan to the relevant authority in charge at the concerned level for endorsement and approval;
8. Handing over the approved Plan to the concerned local authority for further dissemination and official publication, in order to ensure effective implementation.

Prior to the issuance of the 2006 Ministerial Order on Urban Planning Regulations there were no mandatory sequence of plan preparation steps, although URI maintained a process that it claims was “broadly similar” to the one outlined above. In practice, however, the planning steps followed varied from one place and one team to another, at least as far as consultation with village authorities is concerned (see next section).

3.4.5 Public Participation in the Planning Process

The urban planning process in Lao PDR involves little true participation by members of the public, in the strict sense of participation as a “*process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them*”¹¹. Urban planning is centralized, at URI, and resource allocation decisions are also made at central level. But the law does mandate public “consultation” during the plan preparation process: the 2006 Regulations on Urban Planning (Article 10) call for at least two rounds of consultation and comment by “public and other concerned agencies”. These agencies typically include representatives of relevant provincial and district departments, *Nai Ban*, and representatives of mass organizations, including the Lao Women’s Union and Lao Youth Organization. In principle, interested private citizens are allowed to attend the consultation sessions, but in practice they are not invited, and very few ever attend.

The objective of the rounds of consultations is to “try and resolve local issues in the Plan”. Two representatives from each village attended these consultation meetings, usually the *Nai Ban* and his or her Deputy, or the village’s Party Secretary. At this time, representatives of local departments and village authorities have an opportunity to make comments on the draft. All “reasonable” comments are then incorporated in the subsequent draft.

For Master Plans prepared before the issuance of the standardized planning steps in the 2006 Ministerial Order on Urban Planning Regulations, the extent of actual

¹¹ Definition of participation as used in the World Bank Participation Sourcebook, 1996.

consultation of village authorities in the plan preparation process appeared to vary from place to place. In some cases, such as Luang Prabang, consultation sessions were held in all villages to present the Plan, and *Nai Ban* claim to have been actively involved in giving comments, particularly as related to local infrastructure issues in their villages (particularly roads, drainage and pavements)—local issues that affect villagers the most directly. But in other cases, such as Vang Vieng, village leaders claim that they were not consulted at all and were merely instructed to implement the plan after it had already been issued.

In most cases, even when the *Nai Ban* and mass organizations are consulted in the planning process, local planning officials claim that they rarely speak out. The two most common explanations that provincial and district planning officials give for this state of affairs are as follows:

- Village authorities do not have much technical knowledge about planning issues, so they just keep quiet.
- Village authorities are happy just to get a Master Plan, so they have no comments.

Following plan submission and approval, the Law on Urban Planning (Article 39) specifies that all types of town development plans must be disseminated and “disclosed to the public”. Most *Nai Ban* and their deputies appear to be aware of the Master Plan and its regulations in their jurisdictions, as a result of their frequent contact with district and provincial authorities. But this level of awareness of the Master Plan, including the prescribed road corridors and development and non-development zones, does not appear to extend very far beyond the *Nai Ban* to private citizens. Even government departments other than the DCTPC and OCTPC do not always appear to be aware of the content of Master Plans in their province or districts.

3.5 Master Plan Implementation and Enforcement

By law, the main functions of town planning in Lao PDR are to guide development and urban expansion and to protect the community, including environmental and cultural resources. But the ability of Master Plans to fulfill these objectives is limited by several factors.

- Planning for urban expansion is made difficult because many Master Plans do not clearly indicate the location of expansion areas. Moreover, planning is not always linked to funding allocations. There is also a lack of coordination between the DCTPCs and the LTP under the NLMA with regard to the issuance of land titles and planning for road corridors.

- Land use zoning to protect environmental and cultural resources is made difficult by the fact that only relatively few private citizens apply for building permits. And (higher-level) administrative decisions often overrule the Master Plan.

3.5.1 The Challenge of Guiding Urban Expansion

One of the eight land use zones established in the regulations of Master Plans for large cities and provincial capitals is the development zone. According to the Law on Urban Planning, development zones are designated for “city expansion and socio-economic activities as a result of population growth”. But in practice many Master Plans merely reflect the current land use situation, and do not make a clear distinction between current built-up areas and development zones or future expansion areas. This limits the ability of Master Plans to act as an instrument of forward planning.

Encroachment on Infrastructure Reserves

According to local officials, the main reason for the lack of implementation of the Master Plans typically has to do with budget constraints. The limited state funding directly affects one of the main instruments of urban expansion: the planning of roads through the establishment of road corridors in the Master Plan. Cities have to request funding to implement their Plans, particularly the infrastructure development proposed in the Master Plans. Many road corridors indicated in the Master Plan are mapped out with boundary markers, but subsequently the roads are not financed.

DCTPC and OCTPC officials and *Nai Ban* in Pakse and Vang Vieng mentioned that one of their main challenges is to get private citizens to respect the road corridors established by the Master Plan. After several years of road corridors lying empty, the local officials have experienced encroachment of these corridors by private land owners who “feign ignorance” of the presence of boundary markers. These land owners pay land tax on an expanded area that includes the road corridor, and then claim a land title for the entire (expanded) plot, using their land tax declaration as a basis for their claim.

Land Titling and Road Corridors

One problem affecting the planning of road networks in many towns concerns the lack of coordination between the land titling program and road construction. Recipients of land titles currently receive title to a plot before their share of the road corridor has been taken out. Thus, recipients of land titles are surprised to discover that they have to give up part of their newly titled land to make way for road construction.

Provincial and district authorities are struggling to cope with the compensation claims by indignant landowners, and the claims are holding up road construction in urban areas. Local authorities point out that they attempt to resolve the conflict in two ways. They

first try to convince the landowners to give up their portion of the road corridor for free, in return for an anticipated future rise in land values as a result of the roadside location of the property. If this approach fails they are forced to resort to compensation, although this does not necessarily mean the compensation is based on fair market value, as the state has only a very limited budget for compensation claims.

3.5.2 Land Use Zoning Challenges

Building Permit Applications

The main instrument of local development control and protection of local resources is currently the building permit. Applications for building permits are a critical factor in the implementation and enforcement of Master Plans. The new Ministerial Order on Construction Management, drawn up by the MCTPC and passed in 2005, is currently the only regulation governing building construction. There is as yet no building code in Lao PDR, although the MCTPC is committed to draw one up in the near future.

The Ministerial Order on Construction Management states that building permits have to be in compliance and in conformity with the relevant urban planning regulations (Article 3 et al). In practice, this means that the issuance of building permits has to be based on the land use zones and regulations contained in the Master Plan.

There are two categories of building permits, depending on the size of the construction. The approval authority differs according to each category¹².

- District Governors or Heads of Municipality (in future, once municipalities are established, see section 2.6.6), or UDAA's (within the UDAA area) are in charge of signing construction permits and certificates of conformity for so-called "Category 1 constructions", which includes the "digging or filling in, renovation, installation and construction of new *small-sized buildings or structures* that have a low impact on the environment and surrounding inhabitants". This category covers constructions lower than 7 meters or under 200 square meters.
- Provincial-level Directors of DCTPCs are in charge of signing construction permits and certificates of conformity for "Category 2 constructions", which includes the "digging or filling in, installation and construction of *large-sized buildings or structures* that have a medium to high impact on the environment

¹² As mentioned in Section 2.6.7, in the special case of Luang Prabang's heritage zone, the DCTPC and UDAA coordinate with the Heritage House in the issuing of building permits within the protected zone. The role of the Heritage House is to advise the DCTPC and UDAA from a technical point of view. The Heritage House and DCTPC/UDAA undertake joint technical controls.

and inhabitants living nearby”. This category covers constructions over 7 meters or over 200 square meters.

Development control by the districts, UDAAs and DCTPCs is generally weak. There is a lot of informal construction and unregulated development, particularly in rapidly growing urban areas. Typically the only applicants for building construction permits are large investors and business owners, who need the permits to obtain credit. Private citizens constructing, extending or repairing a house rarely apply for permits, mainly because they rarely make use of formal credit, and as such they do not need the permits for any subsequent transactions. Moreover, *Nai Ban* report that the further away from the road that people live, the less likely they are to apply for building permits when constructing or extending their houses.

Districts, UDAAs and DCTPCs are more often running after the facts rather than guiding or controlling development: most commonly—if private citizens apply at all—local authorities receive building permit applications after construction has commenced. Moreover, scheduled construction fees are often not being collected, and even when they are, they are not high enough to cover inspection and certification costs.

Even in the strictly controlled heritage zone of Luang Prabang, the Heritage Preservation and Development Master Plan cannot completely prevent unregulated construction. Local officials acknowledge that there is a growing problem of unauthorized small scale construction inside the protected zone. Encroachment by private land owners is a problem on drainage canals as well as in areas included in the PSMV as green space (including on private land).

Local authorities and *Nai Ban* cite several main reasons for the widespread flouting of building construction permit regulations:

- Most private citizens are not aware of building construction regulations. Since the introduction of these regulations in the Ministerial Order of 2005, local authorities have started organizing public awareness campaigns at village level to disseminate the law, and to make people aware of the importance of building permits and development control.
- People living far away from the main road are not aware that construction regulations apply to them.
- When applying for a permit, people have to present construction plans. Many people do not have such plans.

Another important reason for the loss of development control at urban level is that local authorities are powerless to control or guide development in the face of higher-level administrative decisions. Central government typically approves large-scale development projects, and Provincial Governors generally identify land for investors. Local planners remark that officials, particularly Governors, constantly change their

mind about development policy in the town, and frequently overrule or bypass the Master Plan themselves by permitting construction that does not comply with the Master Plan.

Section 4: Conclusions and Recommendations

In the gradually urbanizing environment of Lao PDR, urban planning and land management will assume ever increasing importance. At one level, they are instruments to guide urban expansion and thereby help ensure national socio-economic development, as stated in the Land Law. At another level, they are critical tools to promote equitable development, by helping to protect community, environmental and cultural resources, as stated in the Law on Urban Planning.

In order to meet both sets of objectives, the Study Team proposes three broad recommendations to improve planning and land management in urban areas of Lao PDR. Concrete recommendations are proposed within each of these three broad areas.

1. There is a need to increase institutional coordination between the new Land Management Authorities and the MCTPC, DCTPCs and OCTPCs.
2. The roles and responsibilities of the NLMA in urban areas need to be clarified and redefined, and the NLMA structure needs to be capacitated to better play its new role.
3. The quality of Master Plans needs to be improved, to enable Master Plans to better guide development and protect communities and environmental and cultural resources in urban areas in future.

4.1 Increasing Institutional Coordination in Urban Land Management and Planning

4.1.1 Addressing the Legal Overlaps in Urban Land and Planning

The Law on Urban Planning and the Land Law need to be brought in line with each other. As the Study Team pointed out in Section 2.7.3, the two laws have created overlapping mandates between the NLMA and MCTPC in several areas, including the responsibility for land use planning at local/urban level, and the mandate to manage, protect and regulate construction land.

In addition, there is an overlap between the Law on Urban Planning and Article 26 of the Prime Ministerial Decree on the Implementation of the Social and Economic Development State Budget Plan for 2006-2007, which give both the MCTPC and the

NLMA the mandate to undertake zoning, land use planning, town planning and planning of residential areas.

Broadly overlapping legal mandates need not be a problem in the areas of urban planning and land management, as long as the organizations involved have a clear and consistent division of labor, based on each organization's comparative strengths and experiences. For this reason, the Study Team recommends that the NLMA focus on macro-level planning at provincial and regional levels, while MCTPC and its branches maintain a focus on urban-level physical planning, which has been their traditional mandate (see the Recommendations in Section 4.2).

The division of labor between NLMA and MCTPC should be agreed at high level, in a special forum for this purpose. But there are currently no institutional mechanisms for systematic delegation, coordination and collaboration between the NLMA and MCTPC. Such a mechanism needs to be set up at central government level.

- Recommendation 1: The policy departments of the NLMA and MCTPC should establish a high-level urban planning and land management working group that meets, whenever necessary, to identify, discuss, and resolve overlapping legal mandates between the MCTPC and NLMA, and to agree a division of labor based on each organization's comparative strengths and experience.

4.1.2 Institutional Coordination at Ground Level

At the “ground” level in urban areas, close cooperation between NLMA and MCTPC is recommended in the areas of urban planning and construction, land titling, and land surveying and classification.

Coordination in Urban Planning and Construction

Master Plans are currently the only legally approved urban development plans that exist at sub-national level. Given this fact, and the fact that they have been prepared in almost all districts of the country, Master Plans could provide an indispensable basis for land use planning, land surveying and land classification—three core tasks of the NLMA, as identified in the Land Law.

In practice, however, the NLMA and its offices at provincial and district levels, the PLMAs and DLMAs, are largely unaware of the content and prescriptions of existing Master Plans. And as a consequence, the NLMA does not yet make full use of the potential of Master Plans as a basis for its own activities. The Study Team recommends involving NLMA more with the current Master Planning preparation process, in order to improve overall institutional collaboration and reduce planning duplication at sub-national level.

- Recommendation 2: In order to improve institutional collaboration and awareness of local Master Plans within the NLMA structure, every planning team of the URI and DCTPC should include a representative of the provincial-level PLMA when preparing a Master Plan for a large town or provincial capital. Every planning team of the URI and DCTPC should include a representative of the district-level DLMA when preparing a Master Plan for a district capital or smaller town. The representatives of the PLMAs and DLMAs would act as observers and liaison officers for local land management issues.

In return for joining the Master Plan preparation teams, the NLMA could facilitate the plan preparation process by making available land use data that the MCTPC requires to draw up the Master Plans. Currently, the URI does not have access to cadastral maps that are in the possession of the Center for Research and Information on Land and Natural Resources of the NLMA. The Study Team recommends regular technical data exchanges between the CRILNR and URI: a cooperation agreement should be drawn up that enables URI to have access to cadastral maps and other land use data that the Center possesses (see Recommendation 12).

In addition, the MCTPC and NLMA have to coordinate efforts in the area of construction, which is one sector where they have an overlapping responsibility.

- Recommendation 3: MCTPC and NLMA should work together to produce a uniform building code. There is presently no building code in Lao PDR.

Coordination in Land Titling

A priority area for coordination between NLMA and MCTPC concerns the interplay between the land titling program and road construction. The lack of coordination between the two processes is blocking planned road projects in urban areas and tying local authorities up in compensation claims by private citizens with land titles (see Section 3.5.1).

A resolution to this question is required that balances respect for private citizens' valid pre-existing claims to the full area of their surveyed or titled plot of land with the need for infrastructure networks to be planned and built in the public interest.

- Recommendation 4: In areas where local authorities are currently negotiating with private land owners about the need for a road corridor, compensation must be based on principles contained in the 2005 Decree on Compensation and Resettlement of People Affected by Development Projects, No. 192/PM, which seeks to ensure that project affected people are compensated to ensure that they are "not worse off" than they would have been without a development project intervention. Compensation must be in cash or in kind.

- Recommendation 5: In the case of newly planned areas where there is no human settlement yet, LTP and MCTPC should coordinate to issue land titles that recognize road corridors in an updated Master Plan.
- Recommendation 6: In future, all plans of proposed developments (including infrastructure) that require additional land should be registered in the cadaster at the PLMA (with the former Provincial Land Offices), where possible, and be made known at the village level. This is to ensure that future land title recipients are made aware of land acquisition requirements for infrastructure *in advance of* receiving their land titles.

An alternative technique for consideration in the future is land readjustment, which could help the State to access infrastructure corridors in cases where cash compensation to private land claimants is not a feasible option. Land readjustment would entail local authorities negotiating with land owners to voluntarily cede a portion of their plots for a road or infrastructure corridor, in exchange for future land value increases as a result of the infrastructure to be developed. Pre-requisites for successful land readjustment are good public sector intermediation between the MCTPC and land owners and the LTP, and voluntary participation by land owners in the readjustment process. Moreover, land readjustment is only an interesting option for private land owners if land values along the infrastructure corridors are expected to rise significantly in future.

- Recommendation 7: Training in land readjustment techniques and intermediation skills should be given to technical staff from MCTPC and NLMA at central level, preferably by donors experienced with the application of the technique in other Asian countries.

Coordination in Land Surveying and Classification

Notification No. 1435/PMO on Land Survey/Classification and Land Titling, dated 7 September 2007, declares that land surveys and classification should be done before land titles are issued. This notification risks slowing down land titling work in the eight provinces to which LTP II will expand, given that NLMA currently has little staff capacity or past experience in carrying out land surveys and classifications on its own. The Study Team recommends that MCTPC assist NLMA with the required land surveys and classifications in urban areas, to ensure that land titling can proceed without too much delay.

- Recommendation 8: In order to speed up land surveys and classification, and to ensure that land titling can be implemented without delay, DCTPC staff should work with NLMA and PLMAs to carry out land surveys and classification in urban areas. The existing Master Plans that have already been undertaken in urban areas of the new land titling provinces can serve as a basis for the required land surveys and classification. In rural areas of the new provinces, NLMA could partner with the Ministry of Agriculture and Forestry.

4.2 Capacitating the Land Management Authorities

4.2.1 Redefining and Clarifying NLMA's Role in Urban Areas

The Land Law centralized all land management responsibilities under the new Land Management Authorities, and it gave the new body a long list of tasks. In urban areas, several of these tasks overlap with those already being conducted by the MCTPC.

As the Study Team has discovered (see Section 3.3), the Land Management Authority structure is still in an early phase of its development. The province-level PLMAs are only just getting off the ground and are faced with considerable budget and human resource constraints and inadequate equipment and facilities. Many provinces do not yet have any district level offices at all; those district-level offices that do exist are often staffed only by a Head of office.

Given the difficulties that the NLMA will have to carry out its mandate due to insufficient resources and equipment—at least in the short to medium term—the Study Team recommends that, in urban areas, the NLMA focus on “core land management tasks”, rather than attempt to cover the entire field of land management. Core land management tasks of the NLMA should be those that are not already being successfully undertaken by other organizations.

- **Recommendation 9:** In urban areas, core tasks of the NLMA should include land titling; land information systems; land valuation; and land conflict resolution. The MCTPC and its branches at province and district levels should continue to carry out their core competencies: physical planning (including urban planning) and land use planning in urban areas. NLMA and MCTPC should jointly undertake land surveys, land classification and land use zoning in urban areas. Coordination of these joint activities should be agreed at policy level, within a joint high-level working group, as recommended in Section 4.1.1 (Recommendation 1).

4.2.2 Building Institutional Capacity within NLMA

Most NLMA staff members at the sub-national level have a background in finance, as a result of their previous ties to the Ministry of Finance. In order to support the NLMA to carry out its core land management tasks, the NLMA requires an institutional capacity building program focused on a broader range of land management topics, as well as strategic links with other organizations.

- **Recommendation 10:** Training programs currently exist for NLMA's activities under the SATs, financed by LTP, but there are no regular training programs for NLMA staff focused on the Authority's broader land management tasks, including

such topics as broader social and economic goals, land use planning, land tenure, and conflict resolution.

- Recommendation 11: NLMA's Center for Research and Information on Land and Natural Resources should be capacitated to become a focal point for land information (see Recommendation 12). This requires investments in geographic information systems human resource skills as well as equipment.
- Recommendation 12: The Center for Research and Information on Land and Natural Resources should establish institutional links with URI and the National Geographic Department. This can be the basis for joint technical information sharing with these two organizations. In exchange for digitized Master Plans, the Center should provide URI with cadastral maps, as a basis for urban planning. Cadastral maps are also only available as hand-drawn hard copies and will also need to be digitized for further reproduction and wider dissemination.

4.3 Strengthening Master Plans as Planning Instruments

The current Master Plan is a necessary though insufficient instrument to guide future growth and protect environmental and cultural resources. This is the case particularly in large towns of Lao PDR, which are experiencing growing pressures on their land markets as a result of rising private land ownership and private investment.

The Study Team acknowledges the achievements of the current Master Plan system: at relatively low cost, MCTPC has produced Master Plans in districts nationwide; applied consistent land use zoning categories; and managed to introduce some basic element of forward planning, through the indication of planned road networks. However, the Study Team also recognizes the limitations of the present system: Master Plans are based on base maps that are outdated and therefore not always accurate; the Master Plans are not frequently updated; they do not clearly show the difference between existing built-up areas and planned expansion areas; and there is weak enforcement of the Plans.

The Study Team recommends that the technical quality of Master Plans be improved to enable these Plans to better function as a basis for guiding future growth, rather than merely trying to reflect current events on the ground. This requires interventions in at least two areas: improvements in the technical quality of Master Plans, and capacity building measures within URI.

4.3.1 Improving the Technical Quality of Master Plans

The function of a Master Plan is to present a vision of the future development of a town, within the framework of national socio-economic development priorities. This vision is given physical expression through strategies including the location of different land use

zones and proposed infrastructure. Currently, Master Plans of smaller towns are valid for a period of five years. The Master Plans of large towns are valid for ten years.

- Recommendation 13: Master Plans of larger towns should be updated more frequently if they are to reflect the increasingly rapid changes on the urban land market. In order to reduce costs, the entire planning document need not be updated, but only those portions that are subject to rapid change: the development vision and objectives can be maintained, but proposed strategies and instruments to achieve the vision require more frequent updating. These include land use zones, including expansion zones; proposed infrastructure developments; and proposed projects for government or donor funding.

Master Plans currently tend to cover only a relatively small physical area, usually the most urbanized villages of a town, without including much of the surrounding area. In larger towns this means that some rapidly growing peri-urban areas may be excluded from the planning area.

- Recommendation 14: Expand the physical coverage area of Master Plans (maps, analysis and regulations) to cover less urbanized villages in the surrounding area as well as infrastructure approaches to the town (such as roads, rivers and bridges). An expanded Master Plan area would enable more proactive planning for urban expansion, and would provide a better link to future district development plans.

Master Plans primarily distinguish between development zones and non-development zones. But the distinction between current built-up areas and future expansion areas is not always clear. This also applies to the distinction between existing infrastructure and planned infrastructure projects.

- Recommendation 15: Master Plan maps should clearly distinguish between current built-up areas and areas planned for development and urban expansion. Moreover, planned developments that require additional land, including infrastructure developments, should also be well indicated in the Plan. This will provide the basis for better coordination with land titling activities, as proposed in Recommendation 5: plans of proposed developments (including infrastructure developments) should be made public as early as possible in the Master Plan, and registered in the cadaster at the PLMA, to minimize the potential for future conflict over infrastructure corridors between private land owners and the MCTPC and local authorities.

4.3.2 Capacity Improvements within URI

More fundamental reform of the Master Planning system can only occur as part of structural support to improve planning capacity within MCTPC, and particularly within the Urban Research Institute, which is currently in charge of producing all urban plans in

Lao PDR. This support should take two forms: capacity building support to improve staff capacity, and support to upgrade URI's systems.

URI trains DCTPC and OCTPC staff in urban planning and development, but it acknowledges that its own capacities are relatively weak.

- Recommendation 16: URI staff members need training of trainers to upgrade their planning methodology and mapping skills—and to impart these new skills to the DCTPCs and OCTPCs. In addition, they require training in geographical information systems, to prepare for the introduction of new forms of data into the urban planning process in future. It could be helpful to first prepare a manual or guidelines on the standard planning method and mapping activities which would be used for the training.

Support to upgrade URI's systems is needed to improve the accuracy of Master Plans, and to enable greater dissemination of Master Plans at the district level.

- Recommendation 17: Increase the accuracy of Master Plans by enabling URI to have greater access to updated aerial photographs at the National Geography Department. This requires setting up special institutional arrangements between MCTPC and the National Geography Department, and/or funding to enable URI to purchase aerial photographs more frequently than is currently the case (once every five years). In addition, up-to-date satellite images (i.e., Quickbird) could be a useful tool, as aerial photos are only produced every couple of years and are meanwhile more expensive than satellite images.
- Recommendation 18: Enable better and more widespread distribution of Master Plans at the district level by supporting URI's efforts to digitize its plans. URI has already started digitizing selected Master Plan maps, but these efforts are constrained by poor and inadequate equipment at central level, including computers and scanners. The digitization and more widespread distribution of Master Plans will help to make urban planning regulations and information on land use zones more widely available at the level of local government and village authorities.

Appendix 1: Terms of Reference

TERMS OF REFERENCE

for a

Study on Urban Land Management and Planning

Background

Urban areas in Lao PDR, such as the Capital City of Vientiane and the major Provincial Capitals are rapidly expanding and growing in population, same as in all neighbouring countries of South-East Asia. In order to guide this growth and to prepare for a planned development of infrastructure, settlement areas and industrial estates, a number of town planning exercises have been conducted in these urban and peri-urban areas. Most of these endeavours have been funded by donors and supported by various development agencies.

In Lao PDR the administration is organized in Village Authorities, Districts and Provinces. Even the city of Vientiane consists of 100 separate villages with their own village administration and 3 urban districts. In view of a better coordination and administration of the city, the Vientiane Urban Development and Administration Authority (VUDAA) has been set up some years ago. More recently, it is planned to create a municipality level with support by UNDP in Vientiane (comprising 192 villages) and in the town of Luang Prabang. A corresponding Decree is under elaboration. Nevertheless, the overall institutional responsibility for urban planning in each Province or future Municipality lies with the Urban Planning Division under the Ministry of Communication, Transport, Post and Construction (MCTPC). The Urban Planning Division of MCTPC claims that urban planning exercises have already been conducted and documented for 105 district capitals out of the total of 139 districts in the country.

In July 2006, the new National Land Management Agency (NLMA) has been officially created to coordinate and supervise all aspects of land management and land administration in Lao PDR. The role and functions of the NLMA are defined by the amended Land Law (2003), the Implementation Decree to this Law (PM Decree 101) and the Decree on the creation of the NLMA (PM Decree 67). The responsibilities of NLMA and the subordinate PLMA and DLMO also include the coordination of land use planning and land management in urban areas.

The Lao-German Land Policy Development Project supports NLMA in the elaboration of a consistent and comprehensive land policy for Lao PDR. In its first phase this project will fund up to 15 land policy studies which will help to collect relevant data, describe the present status and analyze policy matters in various aspects of land management and administration. This study on Urban Land Management and Planning is one of these land policy studies.

Objective

The objective of this study and policy reform proposals is to describe the current status of urban planning and land use planning in urban areas of Lao PDR, analyze past achievements and impacts of urban planning, assess public participation in elaboration and implementation of these plans, describe the present institutional landscape in the sector and come up with

methodological, institutional and policy recommendations to enhance urban land management in future.

Methodology

The study would acquire data and information from the various involved line agencies, authorities and institutions. This will include statistics on urban development in Lao PDR, urban land use plans and maps, urban development plans, guidelines for planning, as well as an assessment of institutional responsibilities, staffing and capacities. Furthermore, the study team should interview directors of departments and divisions, technicians, foreign advisors and consultants and local authorities (at provincial, district and village level). The decision on whether to proceed by using semi-structured interviews or fixed questionnaires for the various interview partners is left to the team.

Expected Outputs

There will be a number of outputs from this study:

- 1) an outline of the methodology of research and a tentative workplan including the draft interview guidelines or questionnaires, which will be submitted to the German teamleader of LPDP by the end of the first week of mission,
- 2) a draft structure of the report at the end of the third week of mission,
- 3) a short presentation (30-40 Minutes) of findings and recommendations for procedural and regulatory/legislative reforms to improve the efficiency of urban land management and planning at the end of week five, and
- 4) a final report of 30-40 pages (excluding annexes) presenting the main findings and recommendations and any policy reform proposal in English language.

Specific Tasks and Scope

- Analyze the present legal framework for governing town planning and land use planning in urban/peri-urban areas; study legal texts such as laws and decrees, guidelines and available drafts of documents under preparation;
- Analyze available literature, any reports or methodological documents;
- Collect statistics on all urban areas in Lao PDR, assess on-going urbanisation and infrastructure development;
- Investigate and analyze current methodologies/processes applied in urban planning and land use planning in urban areas; assess current and planned funding mechanisms for such planning mechanisms as well as donor involvement and technical assistance provided;
- Assess coverage of current urban planning efforts and look at finished plans and all available planning documents for the towns visited during the study;
- Assess current institutional roles and responsibilities and coordination between the various organizations; this includes the analysis of staff numbers and capacities, past human resources development efforts as well as the assessment of current institutional structures;
- Assess mapping facilities and capacities in the urban planning divisions;
- Find out to what degree villagers, their local administrative committees and heads (Nai Ban) have participated in the elaboration of the plans and how communication among

and cooperation between the various stakeholders involved in the planning process is organised and facilitated;

- Investigate how and to what degree the plans have been implemented or enforced and what degree of participation in this implementation has been achieved;
- Draw conclusions and make recommendations on methodological, institutional and policy aspects of urban land use planning and development planning; a particular focus of the recommendations should be on the future collaboration and coordination between the main institutional stakeholders, such as NLMA, MCTPC, VUDAA and the Districts and Municipalities; options for increased public participation in future planning and implementation processes should be described;
- An ideal framework for future land use planning and management in urban areas of Lao PDR should be designed, taking into consideration the present set-up and institutional responsibilities; major human resources development needs should be described in the report.

Timing

This study will commence on 13 August 2007 and will be concluded by 21 September 2007 (6 weeks in total or up to 40 working days).

Team Composition

The study team will consist of three consultants:

- 1 international consultant with specific experiences in urban land management and planning
- 1 Lao consultant from NLMA
- 1 Lao consultant with a professional background in urban planning

Remarks

These TOR refer to the tasks and outputs of the entire team. The individual sharing of tasks and responsibilities is left to the team members.

GTZ will pay all consultancy fees for this study and provide transport to the provinces and within Vientiane.

The team will start working in Vientiane city and the towns of Phonehong and Vangvieng (Vientiane Province) and then visit the urban and peri-urban areas of Luang Prabang, Oudomxai and Luang Namtha in the North. In the South the team will visit the towns of Pakxan (Bolikhamxay Province), Thakek (Khammouane Province), Kanthabouli and Seno (Savannakhet Province) and Pakxe (Champassak Province).

Appendix 2: Overview of Selected Legal Documents Relevant to Urban Planning and Land Management

Laws

Law	Approval Authority	Number/Date
Revised Land Law	National Assembly	04/NA 21 October 2003
Law on Local Administration of the Lao PDR	National Assembly	47/NA 21 October 2003
Law on Urban Planning	National Assembly	03/993/NA April 1999

Decrees and Agreements

Decree	Issuing Authority	Number/Date
Notification on Land Survey/Classification and Land Titling	Prime Minister's Office	1435/PMO 7 September 2007
Agreement on the Establishment of the Land Development and Services State Enterprise	Prime Minister's Office	11/PM 10 February 2006
Decree on the Implementation of the Law on Land	Prime Minister's Office	101/PM 20 April 2005
Decree on Compensation and Resettlement of People Affected by Development Projects	Prime Minister's Office	192/PM 7 July 2005
Decree of the National Land Management Agency	Prime Minister's Office	67/PM 18 May 2004
Decree on the Management Regulations and Incentive Policies Regarding the Savan-Seno Special Economic Zone	Prime Minister's Office	177/PM 13 November 2003
Decree of the Prime Minister on Savan-Seno Special Economic Zone	Prime Minister's Office	148/PM 29 September 2003
Decree on the Implementation and Activities of MCTPC	Prime Minister's Office	66/PM 20 May 1999
Decree on the Establishment of UDAA's	Prime Minister's Office	177/PM 22 October 1997

Regulations

Regulation	Issuing Authority	Number/Date
Ministerial Order on Urban Planning Regulations	MCTPC	1366/MCTPC 26 April 2006
Regulations for Implementing the Decree on Compensation and Resettlement of People Affected by Development Projects	Prime Minister's Office, Science, Technology and Environment Agency	2432/STEA 11 November 2005
Ministerial Order on Construction Management	MCTPC	7681/MCTPC 29 June 2005

Appendix 3: Bibliography

Asian Development Bank. 2003. *Technical Assistance Completion Report for TA-3331-LAO: Capacity Building for Urban Development Administrative Authorities*.

Chanthalasy, Anothai, Florian Lintzmeyer, Florian Rock, Bouakham Soulivanh, and Phounsavat Suphida. 2005. *Study on Land Markets in Urban and Rural Areas of Lao PDR*. Vientiane: Lao-German Land Policy Development Project, Land Policy Study No. 2.

Chinon Development and City Planning Agency. 2005. *Ten Years of Decentralized Cooperation between the Cities of Chinon and Luang Prabang*. Paris: UNESCO.

Committee for Planning and Investment. 2006. *National Socio-Economic Development Plan 2006-2010*. Vientiane: Government of the Lao People's Democratic Republic.

Mabbitt, Richard. 2006. Chapter 8 in *Urbanization and Sustainability in Asia: Case Studies of Good Practice*. Manila: Asian Development Bank.

National Statistics Center. 2005. *National Population Census 2005*. Vientiane: Government of the Lao People's Democratic Republic.

Roberts, Brian and Kanaley, Trevor (Eds.). 2006. *Urbanization and Sustainability in Asia: Case Studies of Good Practice*. Manila: Asian Development Bank.

Sayarath, Chayphet. 2005. *Vientiane, portrait d'une ville en mutation*. Paris : Les Cahiers de l'Ipraus/Editions Recherches.

United Nations Development Program. 1989. *Vientiane: Rapport Final du Schéma Directeur et d'Aménagement Urbain*. Vientiane : UNDP.

Wehrmann, Babette, Bouakham Soulivanh and Khamdeng Onmanivong. 2006. *Urban Land Markets in Lao PDR*. Vientiane: Lao-German Land Policy Development Project, Land Policy Study No. 5.

World Bank/International Bank for Reconstruction and Development. 1996. *Participation Sourcebook*. Washington, DC: The World Bank Group.

Appendix 4: List of Meetings and Study Visit Schedule

Interviews in Vientiane Capital

Name and Position	Organization	Place and Date
Mr. Noupanh Mahaphon <i>Director-General</i>	Department of Land Policy and Inspection, National Land Management Authority	14 August 2007
Mr. Khonesavanh Xaymoungkhoun, <i>Chargé de projets</i>	Agence Française de Développement	14 August 2007
Mr. Singkeo Saysouk, <i>President and Managing Director</i>	SMED Consultants Ltd.	15 August 2007
Mr. Buahom Sengkhamyong, <i>Urban Planner and Deputy Team Leader</i>	Vientiane Urban Infrastructure and Services Project, now at SMED Consultants, Ltd.	
Mr. Mel Jones, <i>Attaché, Economics and Reforms</i>	Delegation of the European Commission, Vientiane	Telephone interview, 16 August 2007
Mr. Tatsuyuki Sakurai <i>Team Leader</i>	JICA Project for the Study of Master Plan on Comprehensive Urban Transport in Vientiane Capital	17 August 2007
Mr. Bounta Onnavong <i>Senior International Liaison Officer</i>	Department of Transport, Ministry of Communication, Transport, Post and Construction	
Mr. Lindsay Davison <i>Team Leader</i>	Vientiane Urban Infrastructure and Services Project, VUDAA	17 August 2007
Mr. Keophilavanh Aphaylath <i>Director General</i>	Urban Research Institute	17 August 2007
Mr. Phouthasenh Arkhavong <i>Deputy Director</i>		
Mr. Matthias Meier <i>Program Analyst</i>	United Nations Development Program	17 August 2007
Mr. Yo Saysoulin <i>Director</i>	Provincial Land Management Authority, Vientiane Capital	21 August 2007
Mr. Sounthone Silaphet <i>Director</i>		
Bryan Holford <i>Process Advisor</i>	Governance and Public Administration Reform Project	22 August 2007
Mr. Khammoune Viphongxay <i>Vice-Chairperson</i>	PACSA	3 September 2007
Mr. Peter Logan <i>Senior Project Implementation Specialist</i>	Asian Development Bank	3 September 2007
Ms. Nopakane Bouaphim <i>Project Implementation Officer (Infrastructure)</i>		

Name and Position	Organization	Place and Date
Dr. Phoumy Vongleck <i>General Director</i>	Land Development and Services State Enterprise	13 September 2007
Mr. Toui Thammavongsa <i>Acting Director</i>	Land Planning and Development Department, National Land Management Authority	13 September 2007
Dr. Somphone Dethoudom <i>Director-General</i>	Department of Housing and Urban Planning, Ministry of Communications, Transport, Post and Construction	13 September 2007
Mr. David McDowell <i>Land Registration Adviser</i>	Lao PDR Land Titling Project	20 September 2007
Mr. Keophilavanh Aphaylath <i>Director General</i>	Urban Research Institute	20 September 2007
Mr. Phouthasenh Arkhavong <i>Deputy Director</i>		
Mr. Ge Thao <i>Director of Town Planning Division</i>		
Mr. Bouavanh Luangsay <i>Technical Staff</i>		

Field Visit Interviews and Schedule

Vientiane Province, 22-23 August 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Khammeuang PHONGTHADY	Governor
DCTPC	Mr. Khampeng PHANHDALA	Vice-Director
DCTPC	Mr. Phongsavanh BANNAVONG	Head of Administration
PLMA	Mr. Somdy PRACHOMPHON	Director
PLMA	Mr. Phousy SYPHANITH	Land Planning and Development Division
UDAA	Mr. Sisomphou PHIMMEUANG	Vice-President
DLMA Vang Vieng	Mr. Bounma NAMVILAY	Technical staff
Viengkaew Village	Mr. Bouyou OUDOMSAK	<i>Nai Ban</i>
Viengkaew Village	Mme. Chanpheng PHOMMAVONG	Village LWU representative
Viengkaew Village	Mr. Phouxaythong VONGSAMPHAM	Village Finance Officer

Luang Prabang Province, 24-26 August 2007

Organization or Level	Name	Position
Provincial Administration	Dr. Khampheng XAYSOMPHENG	Vice-Governor
DCTPC	Mr. Fasananh THAMMAVONG	Vice-Director
DCTPC	Mr. Somkith MEUANGPAK	Head of Housing and Urban Planning Division
PLMA	Mr. Soukanh BOUNYONG	Director
PLMA	Mr. Sithonh DALASENE	Vice-Director
PLMA	Mr. Sompheth SAYADETH	Land Planning and Development Division
UDAA	Mr. Chanthalangsy VONGLATH	Vice-President

Oudomxai Province, 27 & 29-30 August 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Bounsavath CHANTHALOUN	Governor Representative
DCTPC	Mr. Kasy NANTHALATH	Director
DCTPC	Mr. Khampheth KETTAVONG	Head of Housing and Urban Planning Division
PLMA	Mr. Somchanh BOULASINH	Director
PLMA	Mr. Khamxay SENGMEUANG	Vice-Director
PLMA	Mr. Thongchanh SOUKSAKDA	Vice-Head of Land Planning and Development Division
UDAA	Mr. Sivankham INTHABOUPPHA	President
UDAA	Mr. Xaysomphanh Liteng BIACHEU	Vice-President
Namo District Administration	Mr. Bounthanh VANNACHAY	District Chief, Namong
DLMA Namong District	Mr. Bounpheng PHONGMACHAK	Head
OCTPC Namong District	Mr. KHAMPEUK	Technical staff
OCTPC Namong District	Mr. CHANTHASEUM	Technical staff
Nalao Village	Mr. Kamseng SIRIPHONG	<i>Nai Ban</i>
Nalao Village	Mr. Somneuk SISAKETH	Village Finance Officer

Luang Namtha Province, 28-29 August 2007

Organization or Level	Name	Position
Provincial Administration	Mr. ALOUN	Governor
DCTPC	Mr. Souvanpheng VONGXAY	Director
DCTPC	Mr. La YANG	Head of housing and urban planning division
DCTPC	Mr. Bounleuame VONGPRACHANH	
DCTPC	Mr. Samly SISOMPHONE	Vice head of administration
PLMA	Mr. Chanthy KEOSOUPHONE	Director
PLMA	Mr. Seng SAOKHAMKEO	Head of Land office
PLMA	Mr. Kham song APHIBONH	Vice-head of Land planning and development division
UDAA	Mr. Vanno LUANGVISETH	Vice President
UDAA	Mr. Khamla THANSANA	
Nahom Village	Mr. Bounchak SAYATHY	<i>Nai Ban</i>
Nahom Village	Mr. Kham seng LEKFAY	Deputy <i>Nai Ban</i>

Bolikham say Province, 4-5 September 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Leuame SOMSVILAY	Vice-Governor
DCTPC	Mr. Daenpy MOUNTHADY	Director
DCTPC	Mr. Thonglith FONGSINUANH	Head of Housing and Urban Planning Division
PLMA	Mr. Khankeo VONGSAVANHTHONG	Director
PLMA	Mr. Khampasong PHOUMINITH	Head of Division of Information on Land
PLMA	Mr. Bounkong PHIMMAVONG	Head of Inspection and Policy Division
UDAA	Mr. Khamlanh PHUANNAVONG	Vice-President
Phonxay Village	Mr. Bounpheng VONGSEDONH	<i>Nai Ban</i>
Phonxay Village	Mr. Boun-Ome SINGSAVATDY	Vice <i>Nai Ban</i>
Phonxay Village	Mr. Duangchanh VORACHAK	Lao Front of Village

Organization or Level	Name	Position
Phonxay Village	Mme. Manolom VONGSALIKA	Village LWU representative
Phonxay Village	Mr. VIENGKHEO	Village LYO representative

Khammouane Province, 5 & 11 September 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Ouday SIDAPHANDONE	Vice-Governor
DCTPC	Mr. Nou VONGPHOUTHONE	Vice-Director
DCTPC	Mr. Daddavong MIANMANY	Head of Housing and Urban Planning Division
PLMA	Mr. Sikhay KHAMSAVATH	Director
PLMA	Mr. Phouvieng KHANTHAVONG	Vice- Director
PLMA	Mr. Keomanivanh PADTHANA	Head of Land Planning and Development
PLMA	Mme. Phonesavanh NUANMANY	Vice-head of Land Office
PLMA	Mr. Soukhamanatham KONGLA	Head of Administration Office
UDAA	Mr. Chanpheng PHILACHANH	Vice-President
UDAA	Mr. Duangmala BOUTCHALEUN	Head of Technical Division

Champasak Province, 6-8 September 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Sonxay SIPHANDONE	Governor
Provincial Administration	Mr. Somsanith BOUTTIVONG	Vice-Governor
Provincial Administration	Mr. Boualy PHETSONGKHAM	Vice-Head of Administration
DCTPC	Dr. Koung SOUK-ALOUN	Vice-Director
DCTPC	Mr. Bounxay HOLANOUPHAB	Vice-Head of Housing and Urban Planning Division
DCTPC	Mr. Khamhoung NOUPRAXAY	Head of Road and Bridge Division
PLMA	Mr. Khamlao DUANGPANYA	Director
PLMA	Mr. Norkham KHOUNSAVANH	Head of Division of Information on Land

Organization or Level	Name	Position
PLMA	Mr. Bounsay SAPHANGTHONG	Head of Inspection and Policy Division
UDAA	Mr. Bounsuan KEOSAVANG	Vice-President
UDAA	Mr. Bounlone VONGDY	Technical staff
Phonkoun Village	Mr. Si-amphone SISAMOUTH	Deputy <i>Nai Ban</i>
Phonkoun Village	Mr. Bounheuang CHOUNLAVONG	Village Party Secretary
DLMA Paksong District	Mr. Bounsom MAYKEO	Vice-head of Administration of District
DLMA Paksong District	Mr. Khammo KHAMVONGSA	Head
OCTPC Paksong District	Mr. Vandy KEOBOUAPHA	

Savannakhet Province, 9-11 September 2007

Organization or Level	Name	Position
Provincial Administration	Mr. Vilayvanh PHOMKHÉ	Governor
DCTPC	Dr. Sengthong VANGKEOMANY	Vice-Director
DCTPC	Mr. Phomma VONGVICHITH	Head of Housing and Urban Planning Division
DCTPC	Mr. Sayasene KEOVILAYSAK	Head of Transportation Division
PLMA	Mr. Khamphone TONHMANY	Director
PLMA	Mr. Kongsy PRASISOMBATH	Head of Administration Office
PLMA	Mr. Sivilayphone SISOUVONG	Head of Land Planning and Development Division
PLMA	Mr. Somxay KHAMKHAYMANY	Technical staff
PLMA	Mr. Saysongkham KHEMMANY	Vice-Head of Land Office
UDAA	Mr. Bountheung PHONGSAVATH	Vice President
Sayaphoum Village	Mr. Soubanh PANYAMING	<i>Nai Ban</i>
SASEZ	Mr. Thongsay SAYAVONGKHAMDY	Vice-governor and Director
SASEZ	Mr. Khamphone Tonmany	Director
SASEZ	Mr. Khammeuane Akkhamoungkhoun	Director of Administration

Appendix 5: Questionnaires

Questionnaire for DCTPCs & OCTPCs

Interview Procedure: DCTPCs should answer the following questions. Additional questions may be asked, depending on the local situation. Each interview should last no longer than 45 minutes. Time should be left over for additional comments and discussion.

Documents to be collected from DCTPC:

- Current Master Plan;
- Maps;
- Statistics on number of building construction permits issued per building category;
- Staff numbers of DCTPC and OCTPC

Characteristics of Master Plan

D1	Does your city currently have a Master Plan?
D2	Who prepared the Master Plan?
D3	When was the first Master Plan prepared?
D4	How many times has the Master Plan been updated since then?
D5	How many villages does the plan cover?
D6	What was the reason for covering this particular area?

Participation in the Master Plan Process

D7	Who participated in the preparation of the Master Plan?
D8	Did you get inputs from the Nai Bans and the population? If yes, what was the process for seeking their comments?
D9	Was there adequate participation from the Nai Bans? If not, what are the main problems?
D10	Was there adequate participation from ordinary people? If not, what are the main problems?
D11	Is there any difference in the level and type of participation between urban and rural populations?
D12	When the final plan was presented, were there many comments? What kind of comments? By whom?
D13	Were these comments incorporated in the final plan?

Urbanization and Infrastructure Development Trends

D14	In what direction is your town or planning area expanding, and why?
D15	Does urban expansion follow the Master Plan? If not, why not?
D16	Please list major new development projects; infrastructure projects; and donor assistance projects in your city.
D17	Are the new development projects in compliance with the Master Plan, in terms of zoning, height regulations, or other regulations?
D18	If they are not in compliance, why are they given permission to proceed?

D19	How many cases are there of land users not applying for a building construction permit prior to construction? Please estimate number or percentage of cases in the past years.
D20	How many cases are there of land users not registering their land transactions (sales, transfers)? Please estimate number or percentage of cases in the past years.
D21	What are the reasons for these informal land practices?
D22	Please estimate what the market land values are in different areas of your village.
D23	What do you consider to be the main development priorities in this town or planning area?
D24	What are your main development challenges in this town or planning area, and how can DCTPC or OCTPC respond?

Questionnaire for PLMAs and DLMAs

Interview Procedure: PLMAs should answer the following general questions. The objective of these questions is to find out what NLMA/PLMA is doing in this city and province.

Documents to be collected from PLMA and DLMA:

- Staff numbers of PLMA
- Number of land titles and certificates given
- Data on land ownership

Institutional Responsibilities and Coordination

L1	Have provincial and district land management authorities already been set up in this province? Since which year?
L2	What are the current activities of the land management authorities (PLMA and DLMA)?
L3	How many of the land management tasks listed in the Land Law 2003 and Article 26 of the Prime Minister's Decree of 2006 are being implemented now by the PLMA or DLMA?
L4	How many staff members does the PLMA have? And the DLMA?
L5	Where did these staff come from?
L6	Which other government agencies do PLMA and DLMA work with? On which issues?

Land Management

L7	<i>If applicable:</i> Are you familiar with the Master Plan in your planning area? Do you use the Master Plan as a framework in your daily activities?
L8	What are your land management objectives at provincial and district level?
L9	Please estimate: How many parcels of land are public land, and how many parcels are private land in your town or planning area?

Urbanization and Infrastructure Development Trends

L10	In what direction is your town or planning area expanding, and why?
L11	Please list major new development projects; infrastructure projects; and donor assistance projects in your city.
L12	What do you consider to be the main development priorities in this town or planning area?
L13	What are your main development challenges in this town or planning area, and how can the PLMA or DLMA respond?

Questionnaire for Nai Ban in Urban Planning Area

Interview Procedure: Nai bans should answer the following questions. Additional questions may be asked, depending on the local situation. Each interview should last no longer than 30 minutes. Time should be left over for additional comments and discussion.

Documents to be collected from Nai Bans:

- Any documents the nai ban has prepared for the planning process in the village (only if applicable).

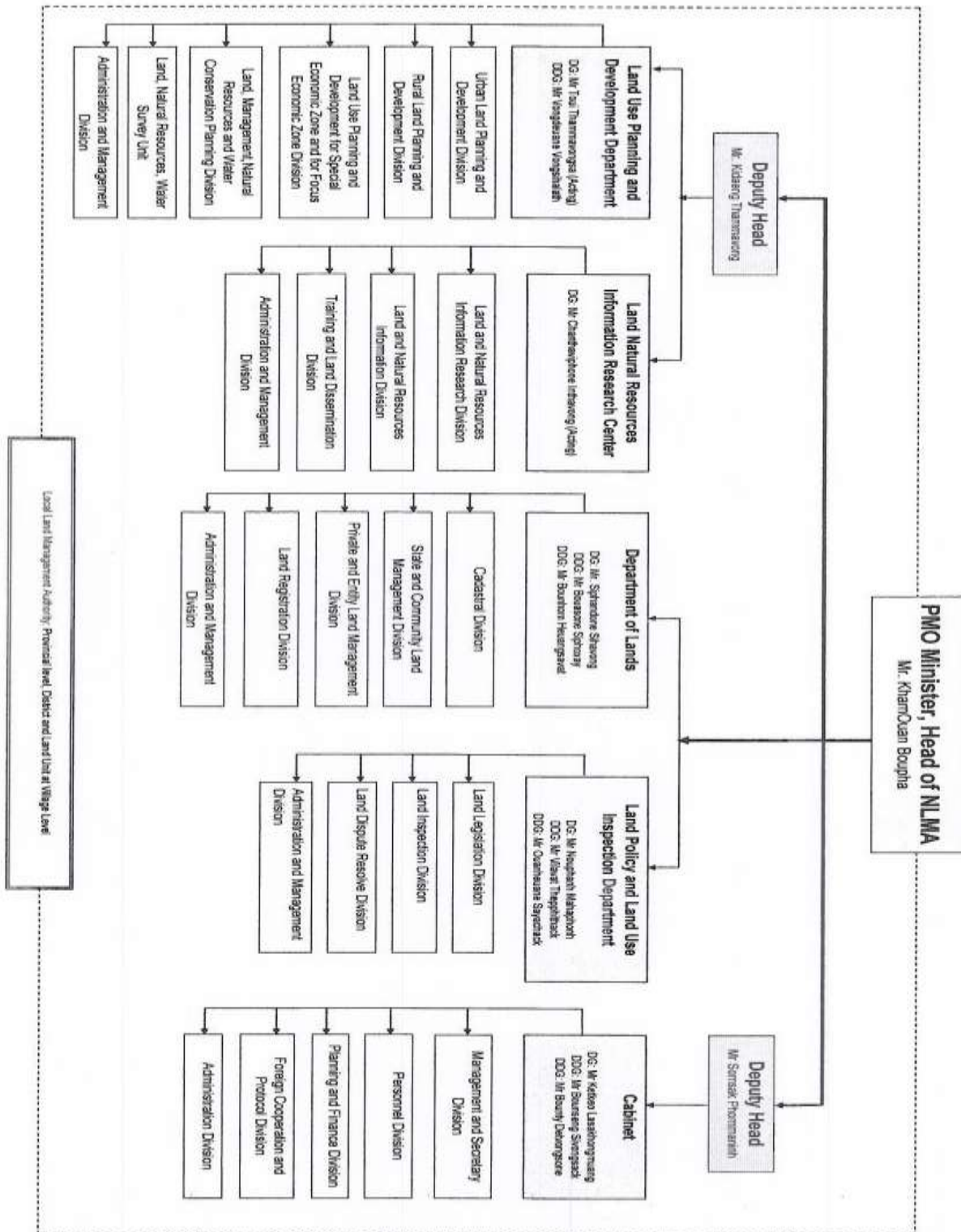
Participation in the Planning Process (If Applicable)

N1	Are you familiar with the Master Plan in your town or planning area?
N2	Did you participate in the preparation of the plan? If so, what was the procedure?
N3	Did any of your villagers participate in the plan preparation process? If so, what was the procedure?
N4	Did you feel like your views—and the views of your villagers—were taken into account in the preparation of the Master Plan?
N5	If not, what are the main problems?
N6	When the final plan was presented, did you or your villagers make many comments? What kind of comments? By whom?
N7	Were these comments incorporated in the final Master Plan?
N8	Are villagers in your area familiar with the Master Plan?

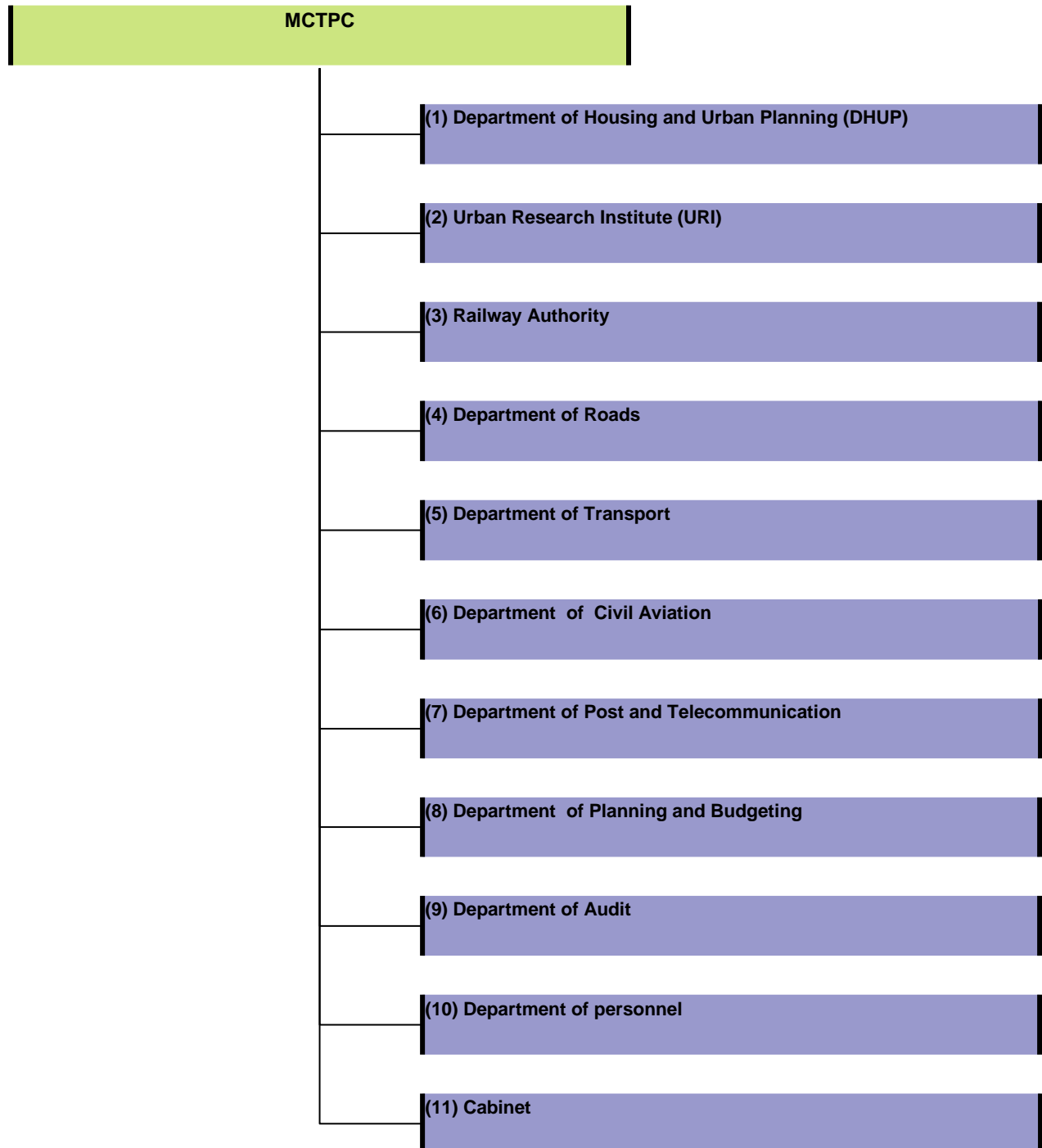
Urbanization and Infrastructure Development Trends

N9	In what direction is your village expanding?
N10	Please list any major new development projects; infrastructure projects; and donor assistance projects in your village.
N11	How many cases are there of land users not applying for a building construction permit prior to construction? Please estimate number or percentage of cases in the past years.
N12	How many cases are there of land users not registering their land transactions (sales, transfers) with the Nai Ban? Please estimate number or percentage of cases in the past years.
N13	What are the reasons for these informal land practices?
N14	Please estimate what the market land values are in different areas of your village.
N15	What do you consider to be the main development priorities in your village?
N16	What are your main development challenges in your village, and how can you respond?

Appendix 6: Organization Chart of NLMA



Appendix 7: Organization Chart of MCTPC



Appendix 8: Urban Plans in Pictures

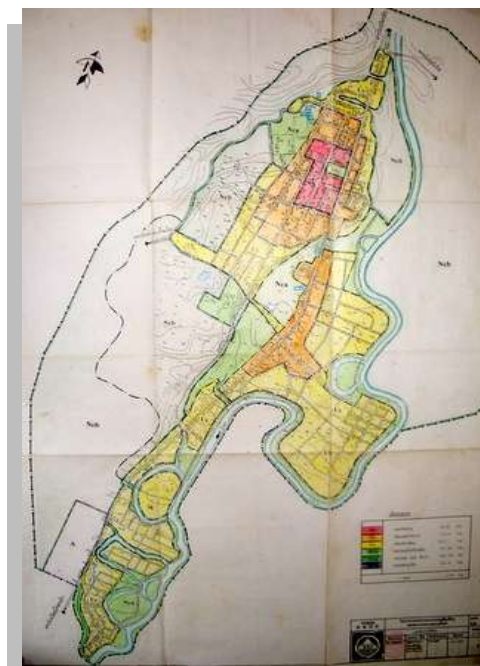


Upper left: Master Plan Report
Master Plan Update of Oudomxai



Upper right: Detailed Plan Map
Detailed Plan for Natheuy, Luang Namtha Province

Bottom left: Land Use Zoning Map
Master Plan of Luang Namtha



Bottom right: Land Use Zoning Map
Master Plan of Pakse



