

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

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LAW ON STATE ASSETS

CHAPTER 1

GENERAL PROVISION

Article 1: Function of the Law on State Assets

The law on state assets has a duty to indicate of: type, controlling, usages, projection, and development of the state asset to ensure productivity, correctly with the purpose and objectives, law and regulations, for aiming contribution to the national socioeconomic development including the projection of the national resource and environment.

Article2: State Assets

The state asset is an property that existing from the natural or/and creating by the human being which the ownership belong to the nation, consist movable assets and fixed assets exist or the ground, under the ground, surface water, under water and in the sky which is through out the boundary of the Lao PDR including with Lao PDR's assets in foreign countries.

Article 3: Acquisition of the State Assets

The state assets that receiving from the natural resources such as land, island mountain, cliff, forest , mines water source, wildlife , aquatic animals, and the other natural resources that indicated in the law.

The state assets are created by the human being :

1. The assets are the national heritage and ancient items,
2. The assets are having from the national budget, duty collection, taxes, fees dividend, an exchange, aid, transfer the ownership to the state, re-transfer the ownership to the state (nationalization), seize from the court decision, ownerless property and the heritage without heirs including all the assets that state owns owns by other ways, which is indicated in the law.

Article 4: The ownership of the State Assets

State assets of the Lao PDR is owned by the national community which state centralized controlled , government offers the right to the organization or individual control and use, for rental or concession, maintenance and sustainable development according to the laws and regulations.

Article 5: Protection of Right on Controlling and Using the State Assets

The state protects the beneficially right of the organization or individual, who received the right to control and use of the state property according to the law and regulations.

CHAPTER 2

TYPE OF STATE ASSET

Article 6: Type of the state Asset

The state assets of the Lao PDR are divided into two type: public assets and state asset;

The State indicates each type of public asset or state property pursuant to the usage purpose in each period to comply with the law and regulations.

Article 7: Public assets

The public assets is the state property which is from the natural and the state property that the organization or individual created in order to use in public or for providing service to public including the assets belong to the state accordance with the laws and regulations.

Article 8: State Assets

The state asset is the state property that not in the list of public assets which are including the movable assets and immovable assets that the state offers to the organizations or individual to control and use.

CHAPTER 3

CONTROLLONG AND USING THE STATE ASSETS

Article 9: Controlling the State Asset

The Lao PDR government centralized controls the state asset is in the country and oversea. The government assigns to Ministry, the equivalence of ministry, the administrative offices and organizations, which is used the state budget to control and use.

The governments assigns to the Ministry of Finance as its representative for the centralized control by having the lists, registration and issue the regulation regarding the control and use the state property.

For the state asset that is going to use, transfer, for lease or concession, to contribute as a share or for the joint venture, the government will make decision of agreement. If the assets that having high value or big size (big investment? Must be adopted by the National Assembly accordance with the laws and regulations.

Article 10: Making the List of State Asset

Ministry, equivalence of ministry, all local authority levels and organization which use the state budget from the central to the local must be made the list of asset which under its control and use, then refers the list to be listed in the central finance in its level accordance with the law and regulations.

Article 11: Registration of State Asset

Ministry, equivalence of ministry, all local authority levels and organization which use the state budget from the central to the local must be brought the lists of the assets under its control and use to centralized register in the central finance in its level accordance with the law and regulations.

The state assets must be registered included: land, housing, ancient, equipments, vehicles and other assets with high value, for the detail the government will determine .

In case having the assign-transfer the ownership from the private to be the state assets or between the state organizations or from the state to the private sector, all the relevant parties must taken the transfer ownership agreement and other related documents concerning with the assets to register the transfer of the ownership accordance with the laws and regulations.

Article 12: The Concept of Registration

Registration of the state assets must be clearly indicated the name, the mark of the asset, specific technique, value, acquisition (the asset), the purpose of use, and start using period, if (the asset) it is the land or house must be declared the position, shape and area.

Article 13: Using the state Assets

Using the state asset must be conducted accordance with the purpose and objective of each type of state asset as following:

Using the public assets is for the proposal of public use. The organization and individual can be received the right of possessing and the right of use of the public asset by rental or make a concession accordance with the laws and regulations. The public assets is prohibited using as goods or to be the private of ownership, no seize or grab (capture). The public assets have no restrict time for the litigation.

Using the state asset is for the proposal of administration, technician and for the state investment, which can be transferred the right of possessing and the right of use, transfer the ownership, can be goods, can be seized, can take hold of or grab and has the limited of time for the petition accordance with the law and regulation.

Using each type of the state assets must be right for the purpose and objective in economically, using the state assets for the private purpose is prohibited except the case that has mentioned in the law and regulations.

Article 14: Changing the right of Possessing and the Right of Use of the State Asset

Organizations or individual that received the right of possessing and the right use of the state asset, including the assets belongs to the projects that the government receives from domestic aid and from oversea, after the project has finished, completed or conducted must be transferred all the assets to the state, which the Ministry of Finance, Finance department or finance officer together with related organization to inspect, estimate, make the list, transfer or take it back.

In case that have to remove, renovate or rebuilt again must have priority inspected and agreed by the related authorities, Ministry of Finance, Finance department or the Finance office. For the material still have the value after removing or renovating must announce for the auction sale then fully, correctly bring money to the national budget in accordance with the law and regulations.

CHAPTER 4

MAINTENANCE AND DEVELOPMENT OF THE STATE ASSETS

Article 15: Maintenance of the State Assets

Organization or the individual that received the right of possessing and the right of use of the state asset has the obligation to maintain, repair (the asset) in good conditional, no loss, keep appropriately the quantity and quality in the technical standard of each type of assets.

The state assets that under control and use by the organization or individual if it's broken, devalue cannot use it or did not want to use it any more, then must organize for the auction sale and must be agreed by the authority and finance department of its own level.

For the assets that discovered (found) in the ground, under ground, water surface, under water, ownerless property (any asset with no owner), the seized asset, grab and or withdraw back, which is indicated as the state asset according to the Ownership law, if the assets are goods and easy to devalue or broken, the organization is without back, the organization that execute the court decision or the organization that received the right of possessing that asset must make a list and estimate, then make an urgently auction sale. All the revenue from the sale of state must fully give to the national budget and correctly accordance with the law and regulation.

Article 16: Planning for Maintenance, Renovation and Repair the State Property

Organization or individual is received the right of possessing and use the state asset in the field of administration, technical has a duty to make the budget plan for maintenance, renovation and repair of the state asset that under control and use of its organization, then submit for the approval from the authority of its level in order to put it in the budget plan accordance with the regulation and laws.

Article 17: Development of the State Assets

The state mobilizes and promotes for development of the state asset by issuance the policy, regulation, instruction and measurements to appropriate of each type of the asset.

Organization or individual is using the state asset has the obligation to develop that asset to be good quality, to be productive and sustainable aims to be nation vital interest and to be used for long period.

Article 18: Planning for Development of the State Assets

Organization or individual is received the right of possessing and use the state asset in the field of administration, technical has a duty to make the budget plan for developing state asset that under control and use of its organization, then submit for the approval from the authority of its level in order to put it in the budget plan accordance with the regulation and laws.

CHAPTER 5

INSPECTION OF THE CONTROLLING AND USING THE STATE PROPERTY

Article 19: The Organization Inspections the Controlling and Using the State Asset

The organization inspection inspects the controlling and using the state asset included:

1. Ministry of Finance, the government gives the right to be the representative on centralized and unity inspection of the controlling and using the state asset

- throughout the country.
2. Ministry, equivalence ministry, all level of local administrative authorities and organizations that use the national budget, which is the inspector for controlling and using the state asset that under controlled by it organization.

Article 20: The Right and Function of the Ministry of Finance

The Ministry of Finance is the representative of the government has the following rights and functions to inspect the controlling and using the state asset:

1. Study the regulation regarding the inspection the controlling and using the state asset in order to propose (submit) to the government for consideration;
2. Inspect the account list and the registration of the state asset through out the country.
3. Coordinated with other organizations and the local administrative authority regarding the inspection of the controlling and using the state assets.
4. Evaluation and report of the result of inspection of controlling and using the state asset to the government by time to time.
5. To build, train, improve and upgrade the technical level for he inspection of controlling and using the state assets to the official-civil servants who works on the field of inspection.
6. Executed the rights and other functions regarding the inspection of the controlling and using the state property accordance with the law and regulations.

Article 21: The right and the functions of the Ministry, the equivalence ministries, all levels of the local administrative authorities and all the organizations that use the national budget.

Ministries, equivalence ministry, all level of local authorities and organizations that use the national budget have the right and function for the inspection the controlling and using the state asset as below:

1. Inspection the list and registration of the state assets that under control and use by its organization.
2. Inspection on controlling and using the state assets that under control and use by its organization accordance with the law and regulation.
3. Executed the right and function regarding the inspection of the control and use of the state asset that stipulated in the law.

Article 22: The Inspection for the controlling and Using the State Assets.

The inspection of the state asset is the monitoring regarding controlling, using, maintenance and developing the state asset that the organization or individual that received the right of possessing and using in order to perform the objectives, goal and law and regulation.

The organization or individual is inspected and other related authorities must fully cooperate with the state asset inspections.

Article 23: Type of Inspecting the State Assets

There are three types of inspection of the state asset as following:

1. Inspection with the regular procedure
2. Inspection by notifying in advance
3. Urgent inspection

The inspection with the regular procedure is inspection according to the plan and have been indicated the exactly time.

Inspection by notifying in advance in inspection without plan when necessary to inspect and notify to the person who will be inspected in advance.

The urgent inspection is the urgently inspect without notice in advance to the person who will be inspected.

During the inspection of the state assets, the state asset inspector must perform his duty correctly, strictly accordance with the law and regulations.

Article 24: The Concept for Inspection

The inspection of the state asset is consisted the concept as following:

1. Implementation the laws, regulations, the objective and goal regarding the controlling and using the state:
2. Performing the obligation of the contract and other concept of the agreement including the documentation for the controlling and using the state asset.
3. Executing according to plan regarding the maintenance, development and the productivity of the controlling and using the state asset.

CHAPTER 6

DISPUTE RESOLUTION, POLICY TOWARD FOR PRODUCTIVE PERSONS AND MEASURE AGAINST VIOLATORS

Article 25: The Dispute Resolution

There are two types of disputes regarding the state asset: the dispute which is of an administration and the dispute which are of a civil or criminal character.

To resolving the dispute of the state asset in the administration such as: possessing and using the state assets without an approval, not in the objective, goal or regulation law is the function of finance department coordinated with administrative authorities and relevant agencies to be considered and resolved.

The dispute resolution relative to state asset which are of a civil or criminal character such as: fault (improper of the contract), making false documentation or

embezzling of the state assets is the duty of the People's Court to make the judgment accordance with the law and regulation.

Article 26: Policy forward for Productive Persons

The organization or individual that properly control and use the state assets according to the objectives, goal and regulation, maintenance and development the state asset in productivity will receive award or other policy which is determined by the government .

Article 27: The Measure Against Violators

The organization or individual who violets this law will be warned, re-educated, to civil liability or penalty depending on the case.

In addition to the major penalties mentioned above, the violator may be additionally punished such: suspense for operating business, withdraw the permission of using the state asset or confiscation (seize) the vehicles and equipments used in the wrongdoing.

Article 28: The Measure for Warning and re-education

Organization or individual has violated this law, but not really serious such: possess, using the state asset without any permission, misappropriate maintenance or development the state asset according to the objectives, goal or regulation, which not really serious damage will be warned be warned, re-educated and must be stopped for such doing violation.

Article 29: The Measure for Compensation of Damages

The organization or individual has damaged the state because of breach the law and regulation must take responsible for such damages.

Article 30: The Criminal Measure

Individual violated the criminal case relating to the state asset such as: falsifying document, steal, swindle, embezzle, destroy the state asset, exploit or remove the national resources that not appropriate with the law and regulation, the related official can seize and takeover those assets in order to conduct the trial accordance with the law and regulations.

The official or state employee, who disclosing state secretes regarding the state asset, will be disciplined or punished according to the laws and regulations. In case that (the official) is wrongly doing such as: abuse of title and position, abuse of authority, accepting bribes, collecting the national income then does not deposit into the state treasury whatsoever how for person benefit, causing damage to the state interest, cooperative or individual. These (activities) shall be criminally punished according to the seriousness of the case while also having to compensate for damages which one creates.

CHAPTER 7

FINAL PROVISION

Article 31: Implementation

The government of Lao PDR is authorized to implement this law

Article 32: Effective

This law will be affected after sixty (60) days from the date of the Present of the Lao PDR issues the Presidential Decree for promulgating it.

All regulations and provisions that contradict with this law are hereby repealed.

President of the National Assembly
Namane Viyaket