

Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity



Government

No.159/G

Vientiane Capital, 4 June 2013

Decree

On Declaration of Asset

- Pursuant to the Law on the Government of the Lao People's Democratic Republic, No.02/NA, dated 6 May 2003;
- Pursuant to the Law on Anti-Corruption, No.27/NA, dated 18 December 2012
- In reference to the request of the State Inspection Authority and Head of the Anti-Corruption Authority, No.31/SIA, dated 15 March 2013.

The government decrees:

Chapter 1

General Provisions

Article 1. Objective

The Decree on Declaration of Asset defines principles, regulations, and measures on asset and income declaration of officials, soldiers, police officers working under the Party-State organizations, the Lao Front for National Construction, Mass organizations, State Enterprises, State-Mixed Enterprises, State-Partnerships [as so they] perform duties with high sense of responsibility, with effectiveness and transparency, aiming to prevent and combat corruption in the Party-State institutional organizations and the aforementioned organizations; thus, contributing to the national development towards prosperity and civilization.

Article 2. Declaration of Asset and Income

The declaration of asset and income is the detailed declaration of asset and income made out in writing as contemplated in the document of asset declaration.

Declaration of income is interpreted as the declaration of amount of money or valuable materials derived from inheritance, salaries and so on.

Article 3. Objects of Declaration of Asset and Income

Asset and income required to be declared are defined as follow:

1. Land, house, inheritance, and other buildings; automobiles, technical supply for industrial production purposes, valuables such as gold-silver, bonds, shares, bank deposits inside and outside the country; other assets such as account receivable and account payable worth over 20,000,000 kip.

2. Types of Income to be declared: Salaries, allowance, pension, incomes deriving from running a cottage industry, business, from a sale, lease, granting of loans, interest earned from bank deposits, gifts, rewards (gift and reward worth over 5,000,000 kip), and other incomes earn from hospitality, and intellectual property.

Article 4. Principles of Declaration of Asset and Income

The Declaration of Asset and Income shall be undertaken under the following principles:

1. Ensuring clarity, completeness, objectivity, no concealment or falsifying any contents (objects) of declarations of asset and income;

2. Ensuring the confidentiality of all contents of the declarations of asset and income;

3. Subjects of declaration of asset and income are obliged to give cooperation, create favorable conditions, and facilitate the agencies collecting declarations, and inspection of asset and income [in their exercise of function].

Article 5. Subjects of Declaration of Asset and Income

Subjects of declaration of asset and income consist of the following persons:

1. High-level leading officials;

2. Administrative leading officials;

3. Civil servants in the Party-State organizations;

4. Civil servants in the Lao Front for National Construction and Mass organizations;

5. Employees in the State Enterprises, State-Mixed Enterprises and State-Partnerships;

6. Officials in the armed forces, soldiers, police officers who holds a rank of Sub-Lieutenant and higher, and officials working in the economic and financial sectors.

Officials described above are required to declare assets, liabilities and income of his/her own, including that of his/her spouse, children and other dependent individuals.

Chapter 2

Procedures, Methods and Term of Declaration of Asset and Income

Article 6. Procedures of Declaration of Asset and Income

The Declaration of Asset and Income shall be undertaken under the following procedures:

1. The asset and income declarations collecting agency introduces the document of declaration of asset and income to the subjects of declaration;
2. Subjects of declaration of asset and income subsequently fill the document [form] of declaration and submit to the agency collecting declarations;
3. The asset and income declaration collecting agencies consolidate and examine the declarations. In the event that the filing of declaration is not correct or incomplete as stipulated in the document of declaration, the agency collecting declarations shall immediately advise that particular declarant to improve or redo, and resubmitted it within 15 days, starting from the date the declarant is advised to do so.
4. The document of each declaration shall be made into two copies. One copy to be submitted to the agency collecting declarations; while the declarant keeps another copy. The submission of declaration document shall be recorded, signed between the declarant and the collector.

Article 7. Method and Term of Declaration of Asset and Income

Officials contemplated in Article 5 of this decree shall declare asset and income under the following term:

1. The first declaration must be completed within one year, starting from the opening date of declaration of asset and income;
2. Following the first declaration, subjects of declarations are obliged to file declarations every two years;
3. Other declaration includes:
 - + A new civil servant who just receives permanent staff status is required to make declaration of asset and income within 30 days;
 - + Make declarations before and after taking a new office, before standing for an election and upon termination of such elective post in an organization within 30 days;
 - + Make declarations before retiring or resigning in all forms within 30 days;

- + Make declarations when inspection and auditing have been conducted, when reports, claims emerge concerning a nontransparent act.

Chapter 3

Asset and Income Declaration Collecting Agency

Article 8. Asset and Income Declaration Collecting Agency

Asset and Income Declaration Collecting Agency is interpreted as the state inspection bodies at various levels which are: State Inspection Authority (Central), Department of State Inspection of line ministries-organizations and in armed forces, Division of Party-State Inspection of Capital, province, and Office of Party-State Inspection of District and Municipality.

Article 9. Duties of Asset and Income Declaration Collecting Agency

Asset and Income Declaration Collecting Agency at each level has the following duties:

1. To research, study, implement policy, direction, plan, legislation, regulation, method, and measures pertaining to asset and income declaration;
2. To perform one's own duty objectively, transparently, correctly, and subject to the oversight by Party Committee and authority at its own level;
3. To collect declarations of asset and income of officials under its own responsibility;
4. To oversee, inspect, and participate in the examination of declaration of asset and income within its scope of responsibility;
5. To conduct training, introductory session, and upgrade skills of officials working in relation to collecting declarations of asset and income;
6. To liaise, cooperate with foreign countries and international organization to exchange lessons related to collecting declarations of asset and income;
7. To maintain confidentiality of the contents of declarations of asset and income;
8. To summarize the collection of declarations of asset and income and report to higher authority;
9. To perform such other duties as stipulated in the regulation and law.

Article 10. Powers of Asset and Income Declaration Collecting Agency

Asset and Income Declaration Collecting Agency has the following powers:

1. The higher level State Inspection Authority supervises lower level State Inspection Authority in the declaration of asset and income;
2. To monitor and inspect when there is a denunciation, request, notification, and corruption case emerged;
3. To make a proposal to the higher authority to consider and approve an inspection operation and imposition of measures against violators of regulation and law;
4. To notify relevant organization to invalidate the use and management rights of an individual over the proceeds of corruption upon discovery;
5. To notify competent organization to issue an order to seize or freeze asset and income of the declarant which were acquired illegally;
6. To perform such other rights as stipulated in the regulation and law.

Article 11. Duties of Officials Performing Asset and Income Declaration Collection

Officials performing asset and income declaration collection has the following duties:

1. To explain about regulations concerning the asset and income declaration to the declarants;
2. To collect and examine the contents of documents of declarations of asset and income;
3. To summarize and report the outcomes of declarations of asset and income to the Head of Asset and Income Declaration Collecting Agency on a regular basis;
4. To upkeep the documents of declarations of asset and income;
5. To perform such other duties as stipulated in the regulations and law.

Article 12. Rights of the Officials Performing Assets and Income Declaration Collection

Officials performing assets and income declaration collection have the following rights:

1. To propose the declarants of asset and income to explain about the contents of declarations that are obscure and incomplete;
2. To have declarants of asset and income improved the declarations when it is found to be incomplete as stipulated in the document of declaration;
3. To carry out an inspection of asset and income declaration as assigned by the higher authority;
4. To maintain the documents and copies of declaration of asset and income;
5. To perform such other rights as contemplated in the regulation and law.

Article 13. Division of Responsibility in Asset and Income Declaration Collection

The Asset and Income Declaration Collecting Agency at each level has the following responsibilities:

1. The State Inspection Authority is responsible for collecting declarations of asset and income of officials at central level organizations;
2. The Departments of Inspection of line ministries-organizations is responsible for collecting declarations of asset and income of officials under the management of Party committee and its own organization;
3. Provincial, Capital Divisions of State Inspection are responsible for collecting declarations of asset and income of officials under such authority;
4. District, Municipality Offices of State Inspection are responsible for collecting declarations of asset and income officials under such authority;
5. Inspection committee in the armed forces is responsible for collecting asset and income of officials holding a rank of Sub-lieutenant and officers working in the economic and financial sectors.

Article 14. Duties of Subjects of Declaration of Asset and Income

Subjects of Declaration of Asset and Income have the following duties:

1. To correctly comply with the principles and regulations of declaration of asset and income;
2. To declare assets and income completely, correctly, and timely in conformity with the increase or decrease of asset and income in comparison with the latest declarations;
3. To explain about the asset and income when the competent agency has demanded to do so;
4. To give cooperation and compliance correctly in accordance with the request of competent organizations or departments in order to facilitate an inspection and verify one's own asset and income;
5. To be accountable before the law in his/her declaration of asset and income.

Article 15. Rights of Subjects of Declaration of Asset and Income

Subjects of Declaration of Asset and Income have the following rights:

1. To provide explanation, verification related to the contents of asset and income declaration, and post-inspection recommendations made which one believes that it is not correct;
2. To request, complain, and prosecute an organization or individual who violate this decree;
3. To get protection, rehabilitation of honour, reputation, belief or be compensated over the damage caused by an action originated from violating this decree;

4. To provide information, evidence, and documents related to the contents of declarations of asset and income under inspection;
5. To provide comments over an outcome of inspection report of asset and income.

Article 16. Management of Documents of Declaration of Asset and Income

The Management of Documents of Declaration of Asset and Income shall be carried out as follow:

1. The document of declaration of asset and income shall be assorted, restored or copied, and maintained in accordance with the regulation of document management and of biographical profile of officials;
2. To not increase, decrease, falsify, and tear documents of declarations; to not make the document dirty or lost;
3. No an individual or organization is allowed to consider and use documents of declaration of asset and income without an approval from the Head of State Inspection of that level;
4. The confidentiality of the contents of asset and income declaration must be maintained;
5. In the event that a subject of declaration leaves office or retires, the document of declaration of asset and income of such person shall be retained at the organization;
6. In case a subject of declaration is transferred to a new office, his/her documents of declaration of asset and income, personal profile and other relevant documents must be transferred to the new office for further control;
7. State inspection authority has the duties and power to manage asset and income declaration documents of officials under its own authority.

Article 17. Utilization of Documents of Declaration of Asset and Income

Utilization of Documents of Declaration of Asset and Income shall be carried out as follow:

1. To be utilized for assessing, electing, appointing, transferring, discharging of officials, implementing policies and imposing disciplinary sanctions against officials; inspecting, resolving complaints, and investigating corruption cases;
2. To be utilized for considering purpose as requested by a relevant organization and approved by the Head of State Inspection authority of such level;
3. The consideration and utilization of documents of declaration of asset and income must be carried out at the agency collecting declarations. In case it is required to be done at other location, it must be approved by the Head of such State Inspection authority and the handover of such document must also be recorded;

4. The person needing to consider documents of asset and income declaration shall act in conformity with the purpose of stated request for utilization and provisions of this decree.

Chapter 4

Prohibitions

Article 18. Prohibitions for Subjects of Asset and Income Declaration

Subjects of Asset and Income Declaration are prohibited from performing the following acts:

1. To exhibit any acts that impedes the declaration of asset and income, and obstructs an inspection of asset and income declaration;
2. To conceal or hide, split, alter, and transfer one's own asset in order to avoid declaring assets and incomes of all types.

Article 19. Prohibitions for Officials Collecting Declarations of Asset and Income

Officials Collecting Asset and Income Declaration are prohibited from performing the following acts:

1. To lend documents of asset and income declaration to an organization and other individual without an approval from the Head of such level of State Inspection authority;
2. To disclose or disseminate information, evidence, documents of asset and income declaration without an approval from the Head of such level of State Inspection authority;
3. To conspire with the subject of declaration of asset and income or with other individual in order to falsify declarations of asset and income;
4. To abuse of duties, position that contradicts with regulation and law, while on duty.

Chapter 5

Inspection of Declaration of Asset and Income

Article 20. Causes Leading to an Inspection

Causes leading to an inspection shall consist as follow:

1. When firm information, evidence that constitute corrupt acts have been found;

2. When there is a notification, request, report, claim regarding corruption;
3. When a subject of asset and income declaration, husband or wife, children and other individual under such declarant's charge appears to be unusually rich.

Article 21. Inspection Procedures

An inspection shall be operated under the following procedures:

1. Consider notices, notifications, request, report or claim, and collect information and evidence as necessary;
2. Prepare and make a field inspection plan;
3. Examine documents of declarations of asset and income, and conduct actual asset and income inspection;
4. Summon declarant of asset and income to provide explanation and clarification;
5. Assess, summarize, and report the outcome of an inspection to the Head of Asset and Income Declarations Collecting Agency in order to further propose to a higher authority for consideration over the result of an inspection.

Chapter 6

Measures Against Violators

Article 22. Measures Against Violators

Measures such as education, disciplinary sanctions, compensation of damages caused shall be imposed on an individual or organization that violates this decree; or subject to penal measures based on the severity of the offence.

Article 23. Education Measures

Upon inspection operation, if asset and income reported were found to have been incompatible with the document of declarations submitted, with the value of asset lower than 20,000,000 kip; however, the declarant confess to the inspection committee, he/she shall be reeducated, criticized, and warned over an offence;

The asset and income found to have been incompatible with the documents of declarations submitted shall be dealt with in conformity with the law and regulations.

Article 24. Disciplinary Measures

Upon inspection operation, if asset and income reported have been found to have been incompatible with the document of declarations submitted, with asset and income

values 20,000,000 kip to 50,000,000 kip and that the person in question hides [them] intentionally, he/she shall be disciplined as follow:

- To be warned of the offence by recording [such offence] into his/her biographical profile;
- To be suspended from a promotion, salary scale upgrade, and other policies;
- To be discharged or transferred to take a new post lower than the previous one;
- To be dismissed without entitlement to receiving any policies [compensation];

The asset and income found to have been incompatible with the documents of declarations submitted shall be dealt with in conformity with the law and regulations.

The organizations concerned shall consider the imposition of disciplinary measures within 30 days upon receiving notifications from inspection committee regarding the incorrect and incompatible submission of declarations of an offender who is under one's own charge.

Article 25. Penal Measures

Upon inspection operation, if asset and income reported are found to have been incompatible with the document of declarations submitted, with the value of asset and income exceeds 50,000,000 kip and that the person in question conceals or hides deliberately, he/she shall be prosecuted in accordance with the Penal Law.

Chapter 7

Final Provisions

Article 26. Implementation

State Inspection Authority at each level are to actively direct and coordinate with Party-State organizations to rigorously disseminate, study, and advise the implementation of this decree.

Party-State organizations, the Lao Front for National Construction, Mass organizations and local administration authority at each level shall actively implement, study, and disseminate this decree in a deeply and extensively manner.

Article 27. Entry into Force

The declaration of asset and income in compliance with this decree shall enter into force from 1 January 2014.

Any regulation and provision that contradicts with this decree is null and void.

Government of the Lao PDR

Prime Minister

[Seal and signature]

Thongsing THAMMAVONG