



Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

Ministry of Home Affair

No. 05/MOHA

Vientiane capital, Date 11 October 2017

Instruction

On Implementation Decree on Association

Pursuant to the article 80 of Non-Profit Association decree No.238/LG, date 11 August 2017, Ministry of Home Affair issue the following instruction of decree on association:

I. Objective

1. To expand, determine the detail, clarify some article in decree;
2. For the approval authorities, register organization and the association to acknowledge, understand, agree and be the ownership for the implementation of decree, efficient governance of association and accurate to the condition.

II. Content

1. Definition of establish principle and the implementation of association
 - 1) **Principle of regular implantation** means the association have the staff operating during office working hours and coordinate with relevant partners, ensure regular implementation and responsibility of association aligned with association's annual work-plan and objective.
 - 2) **Principle of governance and self-legal accountability** means the member of association agree on the arrangement and the management of association, follow the regulation of association. The successful or unsuccessful operation of association shall responsible to the law.
 - 3) **Principle of self-financial management** means the association responsible to raising fund for project's activity. Main income of association are from the contribution of member, donation from citizen, donation from enterprise and possibly from internal and foreign governments.
 - 4) **Transparency** means all expenditure of association must be accurate, report to the member, citizen or organization that interested can inquire and review.
 - 5) **Principle of equivalent** means the association, member of association have law equality and the regulation of association to contribute and benefit from association as well as to recommend to the operation of association.

2. Change association's name

In the case of change the name of association shall agree by the member of association and as outline in the regulation of association, and ensure that there is official agreement. After officially agree, the association shall report and submit proposed document to the approval authorities within fifteen (15) days. Once, the approval authorities receive the proposed document the authority shall issue the agreement certification or disagreement certification within fifteen (15) days. In the case of agree to change the name, the association shall report to Ministry of Home Affairs in order to change the name on association's registration certification. In addition, new association's name shall officially certify by approval authorities in order to be active.

3. Change association's office

Association shall inform new office's location or branches office as well as the contact detail of association to approval authorities within thirty (30) days.

4. Association with special operation

Association with special operation means the association working in the significant area, sector or vocational, priorities, government policy accessible such as: in the sector of Research Science and Technology, Education, Health, Environment, Poverty reduction. In the register application, the number of association's member no need to be complete as determine.

5. Condition to establish economic association

Apart from the condition of establish association indicate in article 7 of decree 238/PM, the economic association shall follow regulation and special condition below:

1. Promote business activities that are set in the propose of the association
2. Promote the quality of the products or meet the standard of trace, promote research and improve producing process and trace.
3. Promote the quantity of the products to meet the demand both locally and oversea.
4. Support the member on negotiation fix the problem as well as to negotiate with external parties for the benefit of business's operation as indicate on association's objective.
5. Negotiate on conflict solution between members and external parties
6. Cooperate with government to promote economic

6. Association operating in more than two sectors

Meaning the association working and coordinating with various sectors, do not under specific supervision of any ministry or association. Incorporate objective on economic, vocation, social welfare and development for instance the community development association, environment association and community, farmer association and cultural association etc.

7. Consideration to appoint mobilization committee of association

After minister of ministry, director of equal ranking agencies receive the application from the founder about nominating mobilization committee of association, the documents will be send for examination and certify the background histories of the mobilization committee by Ministry of Public Security within seven (07) days. The Ministry of Public Security shall examine background histories and notify relevance agencies within forty-five (45) days. Minister of Ministry, director of equal ranking agencies shall notify the certified or uncertified of appoint mobilization committee within eight (08) days after the notification from Ministry of Public Security. In the case of uncertified of all committee or one of the mobilization committee, the ministry, equal ranking agencies shall explain in writing to the founder of association.

The main responsibility of mobilization committee:

- 1) Gaining association's member, in the case of need for announcement in the meeting that have a lot of participants. The association shall submit the letter for approval from provincial governor or major capital; on the letter, should indicate the objective, content, process of mobilization and ensure for the social order.
- 2) Draft the regulation of association
- 3) Draft the request letter to establish the association
- 4) Complete names and form with the list of member referring to the regulation of establish association;
- 5) Request for approval to organize the meeting to establish association
- 6) Organize the meeting to establish association

8. In the case of postponement of establish association meeting

The approval authorities able to consider the postponement of establish association meeting only one time and the postponement is not more than sixty (60) days. In the case of unable to organize the meeting by mobilization committee, the request of establish association will be terminate or unable to establish. The approval authorities much remove the name of association from the database.

9. Consideration of accepting the regulations and board committee of association(article 26)

9.1. Consideration of accepting the regulations and board committee of association from establish association meeting

The approval authority consider to accept or deny the regulation and board committee base on the report of establish association, the comment from ministries, equal ranking agencies (in case of revising the regulation), result of background histories examination of mobilization committee.

In the case of deny to accept the regulation and board committee, approval authorities shall notify the association in writing with explanation of unaccepted to establish association.

9.2. Consideration of accepting the regulations and board committee of association from general assembly.

Procedure and determine the date to accept the regulation and board committee is indicate in article 19 of decree. For resolution meeting of establish association is change to resolution of general assembly

10. Accepting supporters and senior member

The economic association permit to have supporters and senior member from foreign company or cooperate partnership.

The recruitment or obligation of supporters or senior member is indicate on regulation of association.

11. General Assembly

The general assembly or extraordinary general assembly shall approve in official writing from approval authorities, once receive the approval, in the case of elect the new board committee, the association shall submit background histories of elected voters to approval authorities in advance within thirty (30) days before the association organize general assembly in order to submit to Ministry of Public Security for examination. Once the condition are meet the requirements and suitable, the approval authorities going to issue approval agreement to organize general assembly of association. The agreement will be effective and valid for sixty (60) days.

In the case of unable to organize the general assembly as define on regulation of association, the association shall send the letter to postpone the meeting from approval authorities before the deadline thirty (30) days. The approval authorities able to consider the postponement meeting only one time and the postponement is not more than ninety (90) days. In the case of unable to organize the general assembly, the association will be dissolution and remove the name from the database by Ministry of Home Affair.

The voting can be open or display base on the resolution of the meeting or the regulation of association.

12. Opening branches offices in local rural locality.

There are two step to open branches offices in local rural locality

1. Request the comments from provincial governor or major capital at rural locality where to establish.
2. Request approval from approval authorities

1. Request the comments from provincial governor or major capital

The board committee shall submit complete documents to provincial governor or major capital for consideration as following:

- 1) Proposed letter
- 2) Copy of certify regulation
- 3) Copy of accepting board committee
- 4) Copy of association's registration
- 5) Copy of association's regulation
- 6) The certification of establish branches office that authorizes by village authority and the location.

After the provincial governor or major capital received complete documents, the authority shall consider to agree or disagree to establish branches office of association in writing within thirty (30) days to Ministry of Home Affair.

2. Approval for establishment

After the agreement from provincial governor or major capital, the board committee shall submit the letter of establish branches office to approval authorities for approval.

The approval authorities receive complete documents shall consider to accept or deny in writing within fifteen (15) days.

13. Responsibility of Ministry of Home Affaire on Association

Addition to article 61 of decree, the responsibility are following:

- 1) Advise, provide training, and strengthen on association's works to the responsible government officer at ministries, equal ranking agencies and local authority.
- 2) Create forms and guideline in order to manage association
- 3) Monitoring and support all type of establish associations to be able to implement base on the regulation.

14. Penalties and Measures against offenders

Approval authorities take an ownership or together with ministry, equal ranking agencies and local authority in considering and measuring against offenders of association.

Following are the breaching and measuring against offender

- 1) Association that change or move the office, branch office to the new location as well as change the contact detail without informing relevant authority within the deadline.
- 2) Spend more than 25 percent on administration cost of annual spending.

- 3) Spend funding, improving association cost, funding from the campaign with not align with the objective, goal as indicate on regulation of association
- 4) Operate in the sector or area of disagreement as indicate on the regulation of association and affect to society.
- 5) Against the restrictions as indicate in article 31 of decree on association, Law and government regulation.

Base on the heavy or light of offense, suitable consideration are: Offense at first time (I) will be warned; Offense at second time (II) will received the order to discontinue any operation for temporary. In case of continue, the association will be dissolve. Breaching affect to society and nation, aside from dissolve of association, the association will be fines or legal action.

The dissolve association or order to discontinues for temporary period, approval authorities have permission to take certification on regulation of association, certification on board committee, certification of association registration and the stamp as well as the registration of stamp until the association improve or adjust their operation, then the authority will return the documents.

III. Implementation

- 1) Ministries, equal ranking agencies, local authority and non-profit association in the country shall acknowledge and strictly implement base on this instrument
- 2) In case of any difficulty to implement based on actual operation, indistinct content, missing or unnecessary, the result can be propose to Ministry of Home Affair for consideration.
- 3) This instrument take effect from its signature date

Minister

Ministry of Home Affair

Stamp

Khamman Sounvilerth