



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY  
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Ministry of Home Affairs

No. 05/MOHA  
Vientiane Capital, date 11 October 2017

## GUIDELINE

### On the Implementation of the Decree on the Association

In compliance with Article 80 of the Decree on the Association, issue No. 238/Gov, dated 11 August 2017, the Ministry of Home Affairs issued guideline on the implementation of the decree on association as follows:

#### I. Purpose the Expectation Level

1. To enhance, defined in detail, clear content on some article of the decree;
2. To let the organization that approves establishment, the notary office and association to acknowledge, understand, having fairness and implementing the decree with high responsibilities, manage the association to effective and up to date.

#### II. Content

1. Definition of terms in establishing principle and activities of the association.
  - 1) The **regular activities principle** means the association having a person on standby in the office during official hour to work and coordinate with relevant sectors, ensure the performance of roles and duties of the association regularly to reach expectation of the annual plan and purpose of the association.
  - 2) **Management principles and self-responsibility to the law** mean the association member mutually agreed on form and methods of management within the association by through its regulations and all activities of the association to be completed or defective then the association will solely be responsible to the law.
  - 3) **Self-financing principles** mean how the association to seek budget each year shall be the responsible of the association. The main income resource of the association that received form the contribution of the association members, from people's donation, from enterprise's foster and may receive from the government support domestic and foreign country.
  - 4) **Transparency and disclosed principles** mean all activities, income-expense of the association shall be cleared, having a report to the association member, people or all organization interested then shall be accessible, query and auditable.

- 5) **Equality principles** mean all association, association members are having a fair right, equal to the law and the association regulations in contribution and receive benefits from the association as well as provide feedbacks to the association.

**2. Change of name of the association.**

Change of name shall be performed according to the voluntary awareness principles of the association members and according to the regulations of the association set out but shall ensure fairness within the association after the official agreement, the association shall report and propose to the organization that approves establishment and to adopt within fifteen (15) days. When the approval organization received the proposal shall issue the agreement to adopt or not adopt for name change within fifteen (15) days. In case of adoption of the new name, the association shall be reported to the Ministry of Home Affairs to acknowledge to change in the registration book record of the association. The new name of the association can be used when the approved organization issue the official adopt agreement letter to adopt.

**3. Change of the association location.**

The association that changes or relocate the office location, branch office to the new area including change the contact information shall giving notice to the approved organization to acknowledge within thirty (30) days.

**4. The association with special features**

The association with special features means the association that actively in the area, sector or profession that is significant, having priority features, the government have supported the policy, promote such as in the area of technology-science research, education, health, environmental, poverty reduction. In proposing for approval to establish the association in these aspects, the association member who voluntary to be the members may not need require a number of members as defined.

**5. Specific condition in establishing the economic association**

Beside the establishment condition that set out in Article 7 of the Decree No. 238/Gov, the economic association establishment shall perform according to regulations and conditions as follows:

1. Promote the business operation according to defined in the purpose of the association;
2. Promote the quality of the produced goods or distribute with standard as well as the analysis and improve of the production methods and commerce with better results;
3. Promote the production for sufficient amount of goods according to the demand of domestic and foreign market;
4. Assist members in resolving obstacles including negotiate internally for the benefits with the business operation according to defined in the association purpose;
5. Conduct the dispute resolution on business between members together which is with the external;
6. Cooperate with the government sector to promote the business development.

## **6. The association that actively covering for more than two sectors**

This means the association with purpose to actively cooperate with many sectors which is not under the supervision of any ministry or the association with intentional to actively with the area in economic, profession, social welfare and development such as the community development association, environmental conversation association and community, rice farmer community and culture conservation and others.

## **7. The consideration to adopt on the appointment of the association establishment campaign committee**

After the minister, the head of state organization equivalent to ministry received the proposal of the initiative to establish the association on requesting to have the association establishment campaign committee then shall submit all documents to check and certify the association establishment campaign committee with the Ministry of Public Security within seven (7) days. The Ministry of Public Security shall check the biography and reply to relevant sector within forty-five (45) days. The minister, the head of state organization equivalent to ministry shall reply to adopt or not on the appointment of the campaign committee within eight (8) days after received reply letter from the Ministry of Public Security. In case unable to adopt to all committee or any of the campaign committee, the ministry, the state organization equivalent to ministry shall explain a reason in writing to the initiative person to establish the association to acknowledge.

The main duties of the association establishment campaign committee have as follows:

1. Campaign the association member, in case necessary to advertise the campaign, a form of meeting with many participants attend then the proposal for approval from the provincial or capital authorities shall be made; the proposal that clearly mentioned on the purpose, content, procedure in campaigning and shall ensure the orderly tidy of the society;
2. Draft of the association regulations;
3. Draft of the proposal on hosting the meeting to establish the association;
4. Draft of activities plan or plan on the association conduction;
5. Summary name list and fill the form of name list for member completely according to the association establishment terms and conditions;
6. Propose for approval to host the meeting on the association establishment;
7. Conduct the association establishment meeting.

## **8. In case the term of extending the association establishment meeting expired**

The organization that authorized to approve for establishment will consider the approval of extending time to host the association establishment meeting only for one time and maximum extending time not more than sixty (60) days. In case such term expired, each association establishment campaign committee still unable to host the association establishment meeting then the agreement to adopt the establishment of the association establishment campaign committee and this proposal to establish the association shall be cancelled or unable to establish. The organization that authorized to approve for establishment shall delete the association name from the list of association.

## **9. Consideration to adopt the regulations and the association board of management (Article 26)**

### **9.1. Consideration to adopt the regulations and the association board of management from the association establishment meeting**

The organization that authorized to approve for establishment will consider adopt or reject the adoption of regulation and the association board of management base on the report of outcome of the establishment meeting, feedback of the ministry, the relevant state organization equivalent to ministry (in case there is an update regulation), the biography check result of the association board of management.

In case of reject the adoption of regulation and the association board of management, the organization that authorized to approve the establishment shall give notice to the association to acknowledge in writing as well as explain a reason that unable to adopt the association establishment.

### **9.2. Consideration the adoption of regulation and the association board of management from the general meeting**

Procedures and terms in adopting the regulation and the board of management shall perform the same as adoption of the regulation and board of management in the association establishment meeting.

Documentation to request for the adoption of regulations and board of management is to perform according to Article 19 of the Decree. For the meeting resolutions in establishing the association shall be changed to the general meeting resolution.

## **10. The adoption of the supporting members and honorable members**

For the association with economic features, it is allowed to accept the supporting members and honorable members which is a foreign enterprise or shareholder enterprise with foreign country.

For the accepting or obligations of the supporting members and honorable members shall perform according to the association regulations.

## **11. The general meeting**

The ordinary or extraordinary meeting will be hosted when receive approval in writing form the organization that authorized to approve, when received approval then in case the general meeting will have to the elect of the new association management, the association shall send biography of the targeted candidates to be elected as the board of management to the organization that authorized to approve in advance for thirty (30) days prior the association to open the general meeting, as to send to the Ministry of Public Security to check. When qualified and appropriate, the organization that approve to establish will issue an agreement to open the association general meeting. This agreement will be effective within the time of sixty (60) days.

In case reached the due date to open the general meeting according to the association regulation but the association unable to open the general meeting then shall be proposed

for extension of the meeting from the organization that approved to establish for extension prior the due time thirty (30) days. The organization that approved to establish enable to consider for extension one (1) time only and the due date not over ninety (90) days, in case reached such due date but the association still unable to open the general meeting, the association shall be abolished by the ministry, the state organization equivalent to the ministry that approved to establish and shall be removed from the association registration list form the Ministry of Home Affairs.

Form of voting shall be voted publicly or undisclosed according to the meeting resolution or the association regulations set out.

## **12. Establishment of the association office branch at local area**

Establishment of the association office branch have 2 procedures as follows:

1. Request feedback from the governor or mayor where the office branch located;
2. Request approval from the organization that approve for establishment.

### **1. Request feedback from the governor or mayor**

The association board of management shall have complete documents to propose to the governor or mayor to consider as follows:

- 1) Proposal letter;
- 2) Copied of the agreement to adopt the regulations;
- 3) Copied of the agreement to adopt the board of management;
- 4) Copied of the association registration;
- 5) Copied of the association regulations;
- 6) Certificate of office branch location that certified form the chief of village and map.

After the governor or mayor received it completely then shall consider agree or disagree to the proposal to establishment of the association office branch in writing within thirty (30) days.

### **2. Request approval from the organization that approve for establishment**

After received feedback from the governor or the mayor, the association board of management shall submit the proposal for the office branch establishment to the organization that approve for establishment to consider approval.

The organization that approves for establishment received complete document shall consider adopt or reject in writing within fifteen (15) days.

## **13. Specific duties of the Ministry of Home Affairs on the association**

Other than defined in Article 16 of the Decree, there are also other duties as follows:

- 1) Guide, training, upgrade the association activities to civil servants' who responsible to such activities of those ministries, state organization equivalent to ministry and local authorities;
- 2) Create forms and manual apply in the association management;
- 3) Follow up and support the association establishment in all type to conduct properly according to regulations set out.

#### **14. Form of infringe and measurement toward the violator**

The organization that approves for establishment shall act as host or cooperate with ministries, state organization equivalent to ministry and relevant local authority to consider and perform measurement to all infringe of the association.

Form of infringe and measurement to the violator have as follows:

- 1) The association that has changed or relocated of the office, office branch to the new location including the changes of contact information but not giving notice to the relevant organization to acknowledge according to the terms.
- 2) Utilizing management fund exceeded 25% of the annual expense plan.
- 3) Utilizing aids fund, the association allowance, donation which mobilize and campaign which not according to the purpose, targeted which defined in the association regulation.
- 4) Activities exceeded the scope of work and area which defined in the association regulations which make damage to the society.
- 5) Violate the prohibitions that defined in Article 31 of the Decree on the association, laws and government regulations;

Base on serious or compromise of the violations shall consider according to appropriate measurement such as the first violation shall subject to warning and training, second violation shall subject to temporary suspension. In case continuously violate then shall be ordered to be abolished. The violation that makes severe damage to society and national, rather than to be ordered for abolished then shall subjected to additional proceeding according to the law and regulations.

The association that subject to suspended or temporary stop the activities, the organization that approve for establishment shall subject to withdraw the agreement to adopt the regulations, the agreement to adopt the board of management, the association registration and seals as well as seals usage registration of the association until the association changed and resolved properly prior the return.

#### **III. Implementation**

- 1) Ministries, state organization equivalent ministry, local authorities and domestic social organization shall be acknowledged and perform this guideline strictly;
- 2) Perform in actual event if deem that there is any difficulty, unclear content, incomplete or deem that to propose to the Ministry of Home Affairs for consideration;
- 3) This guideline is effective from the date of signature.

**The Minister of Home Affairs**

*[Department sealed and  
signed by Khammunt Sounvilert]*