

JOINT CIRCULAR No. 1646/2000/TTLT-TCDC-TGCP OF OCTOBER 30, 2000 GUIDING THE GRANTING OF LAND USE RIGHT CERTIFICATES FOR LAND AREAS BEING USED BY RELIGIOUS ESTABLISHMENTS

Pursuant to Article 51 of the July 14, 1993 Land Law and the December 2, 1998 Law Amending and Supplementing A Number of Articles of the Land Law;

Pursuant to the Government's Decree No. 34-CP of April 23, 1994 on the functions, tasks, powers and organizational structure of the General Land Administration;

Pursuant to the Government's Decree No. 37-CP of June 4, 1993 on the tasks, powers and organizational structure of the Government Religion Committee;

Pursuant to the Government's Decree No. 26/1999/ND-CP of April 19, 1999 on religious activities;

Pursuant to the Prime Minister's Official Dispatch No. 542/CP-NN of June 1st, 2000 regarding the policy on land used for religious purposes;

The General Land Administration and the Government Religion Committee hereby jointly guide the management and use of land for religious purposes, as follows:

1. The granting of land use right certificates

The religious establishments shall be assigned by the State the land areas they are currently using (including land on which religious works have been constructed, land under agricultural and forestial production), without any readjustment thereof.

The religious establishments mentioned at this point are religious establishments whose operations are permitted by the State (having registered their operations and being recognized by competent State bodies).

The People's Committees of the provinces and centrally-run cities (hereinafter collectively referred to as the provincial People's Committees) shall grant land use right certificates for pagodas, churches, shrines, chancels, sanctuaries, Buddhist temples, Buddha-praying places, chapels, abbeys, monasteries, cemeteries, statues, monuments, steles, towers, religious training schools and religious organizations' head offices with the appellations of religious works and specific place names.

The religious establishments granted the land use

right certificates shall appoint their lawful representatives to be responsible to the State for the use of their land in the localities.

The religious establishments which use land being in dispute shall be granted the land use right certificates only after the disputes have been settled; land being used by the religious establishments through the land use right transfer or land lease contrary to the land legislation shall be considered and decided by the competent State bodies and only after the relevant procedures prescribed by law are completed shall the land use right certificates be granted.

Where the lawfully operating religious establishments are permitted by the competent State bodies to construct new places of worship, the provincial People's Committees shall consider and decide on the construction areas. The procedures to apply for land allocation shall comply with current regulations and the approval of the provincial-level bodies that exercise the State of management over religion is required.

2. Financial obligation of religious establishments once granted the land use right certificates

Once granted the land use right certificates, if the religious establishments currently using land have all valid papers on such land, they shall not have to pay land use levy but the land administration fee only.

The religious establishments allotted land by the State for use for religious purposes in accordance with law provisions shall not have to pay land use levy.

3. Rights and obligations of religious establishments

3.1 Rights:

- The religious establishments currently using land shall be granted land use right certificates;

- They shall be protected by the State when other persons infringe upon their lawful land use rights;

- They may complain and/or denounce acts that damage their lawful land use rights.

3.2. Obligations:

- The religious establishments shall have the obligation to use their land for the right purposes stated in their land use right certificates; when they wish to change the land use purposes, the permission of the competent State bodies is required as provided for in Article 23 of the Land Law;

- The religious establishments which are assigned land by the State without having to pay land use levy shall not be allowed to exchange, assign or lease the land use rights, mortgage or contribute capital with the land use right's value.

- The religious establishments must not be the land

use right assignees.

4. Settlement of cases where the land use right has been exchanged or assigned

The religious dignitaries or priests who wish to be assigned the land use right must satisfy the conditions specified in Article 711 of the Civil Code and the Government's Decree No. 17/1999/ND-CP of March 29, 1999.

For religious establishments which had exchanged their land use right with households or individuals before the date the Government issued Decree No. 26/1999/ND-CP (April 19, 1999) on religious activities, they must complete the land use right exchange procedures at the competent State bodies. After these procedures are completed, the competent State bodies shall grant the land use right certificates to such religious establishments.

For religious establishments that had been assigned the land use right before the date the Government issued Decree No. 26/1999/ND-CP (April 19, 1999) and if they really need to use such land, they must carry out the land use right assignment procedures according to the provisions of the land legislation. After completing the land use right assignment procedures, they shall be granted the land use right certificates.

For land areas permitted for assignment by the competent State bodies, the religious establishments must not exchange, assign or lease the land use right, mortgage or contribute capital with the land use right's value.

5. For land with folk religious works thereon:

The provincial-level People's Committees shall grant the land use right certificates to folk religious works in urban areas;

The district-level People's Committees shall grant the land use right certificates to folk religious works in rural areas.

The land areas with the above works thereon shall be determined on the basis of the actual status. The population communities using land with folk religious works shall appoint their representatives to take responsibility to the State for the use of such land.

6. Organization of implementation

The General Land Administration and the Government Religion Committee request the People's Committees of the provinces and centrally-run cities to direct the branches and levels in their respective localities to strictly implement this Circular. Any problems arising in the course of implementation should be notified to the General Land Administration and the Government Religion Committee for study and

settlement.

This Circular takes effect 15 days after its signing.

President of the Government
Religion Committee
LE QUANG VINH

General Director of Land
Administration
BUI XUAN SON