

I . Safeguarding system & policy

1. National Law

The “intangible cultural heritage” means the practices representations expressions, knowledge, skills - as well as the instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

The “intangible cultural heritage” as defined in paragraph 1 above, is manifested inter alia in the following domains:

(a) Oral tradition and expressions, including language as a vehicle of the intangible cultural heritage.

1. “Folk tales” mean stories that are transmitted from generation to generation. Included in this domain are, for example, myths, religious tales, didactic tales, fairy tales,

romantic tales, legends/sages, explanatory tales, animal tales, ghost tales, jokes/humorous anecdotes, formula tales.

2. "Oral history" includes stories about the birthplaces or origins, the migration, local heroes.
3. Incantations that are chanted during the various rites and rituals, for example, religious prays, Kham Soma(incantation of asking forgiveness), Kham wen Than(incantation for transferring the merit), incantation for traditional healing ritual, blessings, wishes.
4. "Folk verbal scripts" include lullabies, courtship ritual dialogues, local singings.
5. "Idioms and adages" mean words or expressions transmitted which mostly rhyme or play on words, for example, phrases, epigrams, aphorisms, metaphors, slogans, mottos, swear words/vows, curses/spells, eulogies, slangs.
6. " Riddles" mean the wordplays in the form of questions which are inherited through generation, for example, riddles, trick question.
7. "Treatise" means knowledge recorded in Ancient Documentary, for example, books of astrology, book related to the human and animal's physiology, pharmacopeias.

(b) Performance Arts.

1. “Music” means the sound that sound that makes up a tune and/or rhythm that entertains or induces emotion of love, sadness, or joy, for example. The role and the function of music are to entertain, to accompany rites and ceremonies, or performances.
2. “Performance” means expression through body movement, postures, gestures, dance steps, hand gestures, the act of dancing, hand gesturing, manipulating [the puppets] etc, all of which expresses emotion, feelings, or tell stories. A performance might be accompanied by music and singing.
3. “Music and performance in rituals” means the traditional play activity, such as festival drama, folk dance, and ritualistic dance drama, which features in a ceremony or rite and forms a part of the belief system, away of life, malady treatment and healing, heartening rite, vocational rites, for example.
4. “Folk song” means the song of folk origin in its form or style, with a simple tune and lyric that aim to entertain during the various occasion or festivities or during a collaborative labor or work.

(c) Social practices, rituals and festival events.

1. “Beliefs” means the acceptance of the truth of something or of a proposition, either through wisdom and reason or through faith and lack of reason, by an individual, a group, or an ethnic group, for example, the belief in ghosts and spirits and the supernatural, fate, omens, predestination, talisman, taboo and so on.

2. “Custom” means a way of behaving or a belief which has been established for a long time in the community, such as the act of Nop (polite greeting or respect – paying gesture by joining the palms of the hands together), the Haek Siao rite (a kind of blood – brother vow ceremony), the Somma or the Khama ceremony (forgiveness-asking ceremony), the social manners and etiquettes etc.

3. “Tradition and ceremony or rite” means a belief, principle or way of acting which people in a particular society or group have continued to follow for a long time that they have become a pattern of behaviors, activities or procedures, such as the professional traditions, health care traditions, the various rites of passage, religious rites and tradition, the annual rites or the twelve – month’s rites, the festivities and so on.

(d) Knowledge and practices concerning nature and universe.

1. “Settlement” is the body of knowledge for choosing the location or site for the community, home building and so on.

2. “Gastronomy and culinary” is the art and knowledge involved in producing, preparing, cooking, preserving and eating good food, which has been passed on from generation to generation , for example, the food cycle, food processing, food preservation, food preservation, food in the rites and ceremony, kitchen utensils and so on.

3. “Health care” is the knowledge in managing traditional healthcare in the community, which is embraced by the community, become a part of the way of life of its people, and is associated with its belief, rite, culture, tradition, and resources, which are different in each community, for

example, the healthcare practice and treatment of illness, belief and system of relationship in healthcare and so on.

4. “Natural resources management” is the knowledge of the local people and the community, which has been passed on from generation to generation, in managing, taking care of, preserving, and making use of the resources. For example, soil, mineral, forest and water management and so on.
5. “Astrology and astronomy” is the knowledge of how to make predictions and forecasts, fortune-telling, soothsaying and knowledge of the horoscope, astrology, the universe, and the supernatural phenomenon; or the art of making forecasts by studying the constellation and the movements and position of the stars such as the art of naming, of making prediction, of finding propitious time, and so on.

(e) Traditional craftsmanship.

1. “Textile and textile product making” means the making of fabric by weaving, dying, knitting ,embroidering, adding extra weft threads and pulling weft thread technique , printing motifs. It is used for making clothes and to show the status of the wearer. Lao textile materials are not broad and the motifs are associated with folk myths, beliefs, and nature. The motifs are usually made by the weft threads. In the traditional use, Lao people prefer to use the whole of the cloth shoulder bags, tube skirts, without cutting, for example, the pha khao ma, traditional cloth shoulder bags, tube skirts, and sarong. For skirt, Lao people prefer cloth with decorative motifs and designed, but for shawls, they prefer plain cloth.

2. “Basketry” means the making of household objects by weaving together thin strips of wood, which are in use in the Lao people’s house, such as baskets, Kata (low baskets with a wide rim and narrow base), kabung (high basket with a round shape and square base), which are made from local materials such as bamboo, rattan. These are split or “jak” into long, thin strips before they are weaved or “san” hence the name “Kan jak San” (“split and weave objects” basketry). There are several weaving methods, such as knitting, tying, fastening, binding, stringing. Strips of bamboo or rattan are used for weaving, which are durable and the objects their shape for along time.

3. “pottery” is the handicraft work that uses clay as the principal raw material. Pottery comes in glazed and unglazed version. The clay must be mixed with fine sand from the river, which helps to make the cry dry well and prevent cracking. Different types of clay from various sites give the different color to the pottery.

4. “Metal work” is the use of iron, brass, or copper as the principal raw material. Ironwork is well known for making handicraft objects, mostly for household use and agricultural work. Iron-based material ten it before and it is beaten into shape. Brass work is mode by heating brass work is mode by heating brass until it becomes molten before poring it into a mould. After cooling down and taken out of the mould, it is chased and dressed. Copper is mostly used as the principal composite in the silver alloy jewellery.

5. “Woodwork” means the making of handicraft objects from logs or planks of wood for use as a building material in the Lao Diem house (house built by wooden joints, without using metal nails), furniture, altar offerings, altar set, costume accessories, tools, weapons, musical instruments,

toys, vehicle. Techniques used are carving, sculpturing, chopping, digging, piercing, turning, on the lathe, planning, scraping, and polishing.

6. “Leatherwork” means the making of folk handicraft objects from animal raw hides and skins that are soaked in alkali solution and tanned to prevent petrify and to soften them and making them flexible. In the performing arts, leather is used in the production of musical instruments such as in various kinds of drum, for example. Shadow puppets are also made from leather-folk shadow puppet, grand puppet, besides, many other objects also use leather as a component.
7. “ornamentation” is the making of handicraft accessories to decorated the body for beauty. At first easy-to-find, local materials are used, but later gems and precious stones are used.
8. “folk art” means the making of art objects that concretely express emotions through the craftsmanship. Created for making a living or for fulfilling the aesthetic value, folk art includes painting, sculptures, carving, and casting for example.
9. “other kinds of craftsmanship” means other traditional craftsmanship that cannot be classified in the aforementioned eight categories. Other kinds of craftsmanship may involve handicraft works made from local materials or waste materials.

❖ **Law on national Heritage (particular article to ICH).**

• **Section in charge.**

During the entire of 1975 to 1981, while the Lao government focusing on culture development aimed at improving the material and moral living standard. In this period, the cultural sector for heritage management was established and under responsible of the Department of library, Museum and Archaeology, Ministry of Education. However, during this period there not many actions such as law or act that concerning to culture management.

To develop and prepare its function to support promotion and restoration of national cultural heritage, in 1982, the government has reformed the Department of Library, Museum and Archaeology by moving its into the responsible of ministry of Information and culture, under the name of Department of Museum and Archaeology which responsible for heritage management specially the intangible cultural heritage and rename as Department of Heritage in 2008.

Under effects of the New Economic Mechanism in 1986, the Lao was ratified the World Heritage Convention in 1987 by recognized its responsibility for conservation of national cultural and natural heritage, This have been given a legal basis by series of laws and decrees at centre level and local level.

To coordinate, promote and develop activities of both privates and public sectors at national and international levels, in 1990 the Nation Commission for UNESCO has established under the responsible of Ministry of Education.

To provide the special legal for protection cultural heritage, the Lao government has drafted Tourism Law and the first National Heritage Law in 2004 and the national Assembly has adopted in 2005. Tourism Law specified principles, rules and

measures to promote and develop of the national heritage as the tourism sites, National heritage protection and it also becoming the main legal to guide the protection of national heritage in Laos in nowadays.

2. National Policy

As a nation Laos traces its origin back to the foundation of the Lane Xang kingdom in 1353 CE by King Fa Ngum who succeeded in unifying a series of rival chiefdoms and installing a centralised government. At that time, the population was composed of the Lao and the indigenous people, who spoke Lao and Mon-Khmer languages, respectively. Under the monarch system, Lao culture was dominant and that of the other ethnic groups, inferior. However, the Kasak ethnic group was recognised as the first inhabitants of the Laotian land, and for that, they were called the elder brothers and were invited to participate regularly in some rituals such as the coronation of a king and the celebration of traditional New Year at the Luang Prabang court. These ceremonies were opened by the chief of the Kasak and his delegation who presented *Mak Manh Mak Yune* to the king; this was a ritual gift made of fruits and were meant to signify the fruits of prosperity and longevity.

The majority of Lao lived in the flat alluvial plains, cultivating rice, while the other ethnic groups occupied the mountainous areas, practicing slash-and-burn cultivation. Despite their different lifestyles, the two main groups were interacting with each other, and they actively participated in the same economic system. For this, the ethnic groups provided the Lao with labour and many valuable forest products, and in return, they bought salt, textiles, medicine, and other processed products from the Lao. This mode of economy enabled both parties to live in peace and to exchange goods and ideas, and sometimes intermarriage occurred. No ethnic quarrels broke out. From the nineteenth century onwards, other ethnic groups migrated from south China and settled in northern and central Laos. In particular, these groups included the Yao and the Hmong of the Miao-Yao linguistic family and the Pounoy and Akha who belong to the Tibeto-Burman linguistic family. Nowadays, migrants of Chinese and Vietnamese origins are also found in urban areas of Laos; they are mostly engaged in commerce. These Chinese and Vietnamese are considered as specific diasporas. This brief introduction aims to retrace the peopling of Laos and more importantly to highlight the multi-ethnic culture and multi-confession of the Lao culture.

The government policy on culture, including cultural heritage, is a result of recent history. In 1893, the French colonial power established its administration over Laos; this generated a series of protests and struggles throughout the country and within the three major ethnic groups. All movements claimed sovereignty over the land and democratic rights for the people; some of these movements lasted more than thirty years. The French colonialists used arms to crack down on these protest movements, but the killing did not discourage the people. On the contrary, it increased patriotism and unity amongst the oppressed people.

During World War II, the Lao people fought against French colonial power while also under Japanese occupation. Soon after the Japanese surrendered, patriotic movements seized power and established an independent government, but this lasted only a couple of years as the French returned with force and re-established their power, overthrowing the independent Lao government in 1946. Many members of that government took refuge in many remote areas of the country, and from there, they worked with many different ethnic groups to organise a national independence movement. In 1955, the various movements grouped themselves under the same leadership and formed the Neo Lao Hakxat or the National Patriotic Front. Until 1973, all ethnic groups were fighting under Neo Lao Hakxat against the Vientiane government, which was backed by the US government. The massive destruction caused by US air bombing from 1968 to 1973 increased resolve amongst the multi-ethnic people. In 1975, the royalist government was abolished, and the republic regime representing the people power was established. Since then, the multi-ethnic people have had a legal basis for realising their long-awaited aspirations—unity, democracy, and prosperity. The national policy on economy and culture is to bring wealth and welfare to people of all ethnicity. Culture is considered (1) an expression of identity, (2) a resource of the nation, and (3) a matrix for socio-economic development. The policy that has been adopted is based and directed towards these three concepts. Cultural heritage is also directed to the respect, the conservation, and the promotion of traditions and customs of all ethnic groups.

To ensure that there is no discrimination and that all cultures are equally represented, respected, conserved, and promoted, the national assembly has adopted a series of laws, including, above all, the national constitution, which guarantees equal rights amongst all citizens regardless of their ethnic origin. The law on national heritage, particularly the parts that concern material culture and intangible cultural heritage, clearly stipulates the significance and importance of each ethnic culture. Other laws on education, public health, and economy also reflect equal treatment for all ethnic groups.

The organisation mandated to implement the policy on culture and cultural heritage is the Ministry of Information and Culture. The Department of Heritage is assigned to work towards conserving, preserving, and promoting the cultural heritage of ethnic groups. Affairs relating to ethnicity are handled by the Department of Ethnic Affairs at the Front for national construction. The Institute of Social Sciences conducts research on ethnic culture. The National University of Laos teaches and trains personnel engaged with implementing national policies on culture.

Activities aiming to document and record cultural heritage have been conducted as independent initiatives. The National Library has recorded music and songs of different ethnic groups, and documentation on legends and myths were recorded by the former Institute of Research on Culture and Arts of the Ministry of Information and Culture. Foreign scholars have also studied and documented cultural heritage of several ethnic groups. For example, Michel Ferlus has done work for the Mon-Khmer linguistic family and Jacques Lemoine for the Miao-Yao for linguistic family. Under Environmental- and Social Impact Assessment, cultural heritage of many ethnic groups has been documented by Dr. Jim Chamberlain and others for the Nam Theun 2 Hydropower Project and for the Sepon Gold and Copper Mining Project.

Currently any comprehensive plan on documenting Lao ICH has not been implemented despite the government signed the 2005 Convention of UNESCO on November 2009. However, a plan for a systematic survey and inventory has been drawn up, and a budget plan for the 2011 and 2012 fiscal years has already been submitted. We aim to establish a system to survey and record the rich ICH of Laos.