

Annex 1 | ***Law on National Heritage***

Law on National Heritage

Translation endorsed by the Law Committee of the National Assembly of the Lao PDR



LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

No. 138/PDR

DECREE *of the* PRESIDENT *of the*

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on National Heritage

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic and the laws adopted by the National Assembly;

Pursuant to Resolution No. 52, dated 9th November 2005, of the 9th Ordinary Session of the National Assembly regarding the adoption of the Law on National Heritage; and

Pursuant to Proposal No. 15/SCNA, dated 18th November 2005, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic Decrees That:

Article 1. The Law on National Heritage is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 9 December 2005
The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDO



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 08/NA

9 November 2005

LAW ON NATIONAL HERITAGE

Part I
General Provisions

Article 1. Purposes

The Law on National Heritage determines the principles, regulations and measures for the administration, use, protection, conservation, restoration, [and] rehabilitation of the national heritage, and also determines the rights and duties of the State, social organisations and individuals to preserve the value of the national cultural, historical and natural heritage, with the aims of educating citizens with a conscious love for their nation and fine national traditions that is deeply embedded in their hearts¹ and of assuring the elements for prosper sustainability of the nation.

Article 2. National Heritage

National Heritage [refers to items]² produced by mankind or formed by nature that have outstanding cultural, historical or natural value, thereby

¹ The literal translation is “conceptual basis”.

²The Lao word translated as “heritage” has, embedded in it, the meaning of “a thing or item of heritage”. It is wide enough to cover sites, ideas, practices and objects. The Lao word is therefore a concrete, count noun unlike the English abstract noun. Where possible, the translators have translated this term in the singular form as “heritage” without further qualification but in some places it has been necessary to add

becoming precious assets [and] property of the Lao national community, some of which are adopted as regional and world heritage.

National heritage consists of cultural, historical and natural heritage existing in the form of tangible objects, intangible items, moveable or immovable property, and living or non-living organisms, reflecting³ the history of the Lao nation [and] the Lao people in each different era.

National heritage includes items existing in the country and abroad.

Article 3. Use of Terms

The terms used in this law shall have following meanings:

1. National cultural and historical heritage means tangible objects, intangible items, moveable property and immovable property which are of high outstanding value from the point of view of culture, history, science or technology, thereby becoming national property, and which have been inherited from generation to generation in different eras;
2. National natural heritage means the heritage formed by nature which is of outstanding value from the point of view of landscape scenery, biodiversity of a pure, original nature, [and] aesthetics.
3. National icons means tangible objects, intangible items, moveable property and immovable property which are special, rare, and unique to the nation from the point of view of culture, history, and nature;

a qualifier such as [items] or [locations] to make sense of the text. Readers should, in any event, always note that the Lao word has a different semantic and grammatical structure from its English counterpart.

³The literal translation is “identifying”.

4. Historical trails ⁴ means the sites, architectural works, and archaeological sites with archaeological objects, which are of high outstanding value from the point of view of culture, history and science;
5. Archaeological objects means the tangible products created by mankind evidencing the historical evolution of mankind's society;
6. Sources of archaeological objects means the places where the archaeological objects and historical evidence are found in a homogeneous group;
7. Replica means a newly created object which is copied from an ancient object, which has similar characteristics, features, dimensions, colours, patterns, decorations and other specifications that are identical to the original pattern;
8. Architectural works means artistic structures, which are outstanding from the point of view of culture and history, relating to ethnic livelihood practices, ancestors and national heroes;
9. Protection of the national heritage means the protection from theft, destruction, burning, natural causes of damage or illegal use;
10. Conservation of the national heritage means preserving the cultural, historical or natural value, the trails, [and] the colours of national heritage against loss or deterioration;

⁴This term appears to refer not just to physical trails or tracks but to the abstract sense of “links to the past”.

11. Restoration of the national heritage means the process of maintaining [and] protecting the forms, patterns and original details of buildings, [and] structures in accordance with a certain era by adding or recovering the missing parts to the originals;
12. Rehabilitation of national heritage means restoration, [or] new construction in order to return historical cultural objects or structures, [or] natural scenery to its original condition and unique character;
13. Heritage sites means archaeological, anthropological, monumental, natural, and architectural places, which are of outstanding value from the point of view of culture, history, science or technology, [and] scenery, which have been inherited from generation to generation;
14. Anthropological places means places, which are sacred to the people, relating to their religions, traditions and historical trails;
15. Monuments means places that are memorials to glorious ancestors and the heroic liberation movements and struggle of the multi-ethnic Lao people in the protection and development of the nation, [serving to remind] future generations;
16. Museums means places for restoring, conserving and exhibiting articles relating to culture, history, nature, science and society for domestic and foreign research, education, study tours, [and] tourism;
17. Precious property means highly valuable, outstanding and rare property.

Article 4. State Policy on National Heritage

Socio-economic development shall proceed side by side with protection and conservation of the national heritage.

The State promotes and creates the conditions for individuals, [and] organisations within the country and abroad to participate in the protection, conservation, restoration and rehabilitation of the national heritage in a sustainable manner.

The State promotes research, innovation and advancement regarding national heritage, and publicises⁵ the national and public value of national heritage, meanwhile restricting [and] eliminating obstructions to the advancement of the multi-ethnic people and the forward movement of the nation.⁶

The State recognises property constituting national heritage that belongs to organisations and individuals and that has been lawfully registered.

Article 5. Obligations of Citizens

Lao citizens, aliens, and apatrids⁷ residing in the territory of the Lao PDR shall have the obligation to participate in the protection, conservation, restoration and rehabilitation of the national heritage.

Foreigners, [and] tourists entering the Lao PDR shall have the same obligation to participate in the protection and conservation of the national heritage.

⁵The literal translation is “disseminates”.

⁶The sentence structure has been changed for readability.

⁷ Readers may wish to refer to the Law on Lao Nationality for the distinction between aliens, apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

Article 6. International Cooperation

The State has a policy to promote international relations and cooperation regarding national heritage in the exchange of lessons, information, scientific research, [and] technical training, in the dissemination of culture, in exhibitions, in attracting funds and in other activities.

Part II

National Heritage

Chapter 1

Cultural Heritage

Article 7. Types of Cultural Heritage

Cultural heritage consists of:

- Cultural heritage in tangible objects;
- Cultural heritage in intangible items.

Article 8. Cultural Heritage in Tangible Objects

The cultural heritage in tangible objects refers to [items of] tangible heritage which are of high outstanding value from a cultural point of view, including in the form of moveable or immovable property with unique character, namely: antiques, handicrafts such as: weave patterns (such as laichok [and] matmee⁸), artistic works, consumer goods, foods such as: sticky rice, [and] fermented fish, traditional music instruments such as: khean...⁹ production tools, ancient inscriptions, archaeological sites, anthropological sites and others.

⁸ These are two specific examples of weave patterns, which are listed in the law. The spelling of many of these transliterations of Lao words can vary. The translators have adopted the English translations used by the Lao Tourism Organisation where these are available. In other cases, the translators have attempted to provide transliterations that are as close to the Lao word as possible.

⁹ In Lao, using three dots in punctuation implies “etc.” or “and others”.

Article 9. Cultural Heritage in Intangible Items

The cultural heritage in intangible items refers to [items of] intangible heritage which are of high outstanding value from a cultural point of view, such as: local innovation, knowledge, public philosophies, beliefs, fine traditions which are expressed in livelihood practices, social behaviour, languages, alphabets, numbers, scripts¹⁰, legends, novels, proverbs, poems, traditional music, traditional dances, songs, melodies, folk songs, formulas of traditional medicine and others which are inherited from generation to generation.

Chapter 2 Historical Heritage

Article 10. Types of Historical Heritage

Historical heritage consists of two types:

- Historical heritage in tangible objects;
- Historical heritage in intangible items.

¹⁰ The Lao word translated as “scripts” refers to longer texts than the word previously described as “inscriptions”. Inscriptions may be on physical objects (e.g., in caves or on rocks).

Article 11. Historical Heritage in Tangible Objects

The historical heritage in tangible objects refers to [items of] tangible heritage which are of high outstanding value from a historical point of view, including in the form of moveable or immovable property, namely: places of worship, sacred buildings, military equipment, tools, foods, consumer goods, documents of record, historical sites such as: places of liberation and struggle of the people, heroic ancestors and revolutionary leaders, battle fields, and monuments ...¹¹

Article 12. Historical Heritage in Intangible Items

The historical heritage in intangible items refers to [items of] conceptual¹² heritage which are connected with the history in different eras and generations, such as: ideas, theories, ideologies which express love for the nation and unyielding bravery¹³, innovative knowledge, capability, strategies, martial arts and tactics, warfare lessons, [and experiences gained from] the leadership, administration and development of the nation.

¹¹ The three dots at the end of the sentence implies “etc.” or “and others”.

¹² The Lao term connotes non-physical, mental, conscious and spiritual.

¹³ The literal translation is “brave fight without surrender”.

Chapter 3

Natural Heritage

Article 13. Types of Natural Heritage

Natural heritage consists of two types:

- Natural heritage having scenic value;
- Natural heritage having scientific [or] ecological value.

Article 14. Natural Heritage Having Scenic Value

Natural heritage having scenic value refers to heritage [areas] which have outstanding aesthetic value, [or] are pure in biodiversity, namely: national conservation forests, biodiversity conservation areas, natural caves, waterfalls, rapids, cascades¹⁴, streams, islands, mountains, cliffs, aquatic and wild animals, lakes, marshes, canals, ponds, and others...

Article 15. Natural Heritage Having Scientific, [or] Ecological Value

Natural heritage having scientific or ecological value refers to heritage [areas] which have precious natural value, and which are significant, [and] outstanding from the point of view of geology, biology, [and] geography.

¹⁴The Lao terms translated as “waterfalls” and “cascades” have the meanings of “waterfalls from tall cliffs” and “waterfalls along rivers” respectively.

Part III

Levels of National Heritage

Chapter 1

Levels of Cultural and Historical National Heritage

Article 16. Levels of Cultural and Historical National Heritage

The cultural and historical national heritage is divided into three levels:

- Local level;
- National level;
- World level.

Article 17. Local Level

Cultural and historical heritage at local level refers to [items of] heritage which are of outstanding local value situated in that local area, such as: Prabat Phon San, That Phone.

Article 18. National Level

Cultural and historical heritage at the national level refers to [items of] heritage which are of outstanding national value located in any area of the Lao PDR, and which have become the heritage of the national community, such as: That Luang, Wat Xieng Thong, Viengxay district, Lumvong dances, Seosavath and Sang Sinh Say novels, and others.

Article 19. World Level

World cultural and historical heritage refers to [items of] Lao heritage which are of the outstanding world value located in any area of the Lao PDR, and which have been adopted by the United Nations Educational, Scientific and Cultural Organisation, such as: Luang Prabang City, Wat Phou Champasack and others.

Chapter 2 Levels of Natural National Heritage

Article 20. Levels of Natural National Heritage

The natural national heritage is divided into four levels:

- Local level;
- National level;
- Regional Level;
- World level.

Article 21. Local Level

Natural heritage at local level refers to heritage [areas] which are of outstanding local value from the point of view of aesthetic scenery and biodiversity located in that local area, such as: Tat Lo, Tat Kouang Xi.

Article 22. National Level

Natural heritage at national level refers to heritage [areas] which are of outstanding national value from the point of view of aesthetic scenery, which are located in any area of the Lao PDR, and which have become the heritage of the national community, such as: Phou Bia, Khon Phapheng, Xepiane National Conservation Forest, Phou Hin Poun, Nakai-Nam Theun National Biodiversity Conservation Area, dinosaur fossil site and others.

Article 23. Regional Level

Natural heritage at regional level refers to Lao national heritage [areas] which are of outstanding regional value from the point of view of regional aesthetic scenery, which are located in any area of the Lao PDR, and which have been adopted by concerned regional organisations, such as: national conservation forests, hot springs and others.

Article 24. World Level

Natural heritage at world level refers to Lao national heritage [areas] which are of outstanding world value from the point of view of aesthetic scenery, which are located in any area of the Lao PDR, and which have been adopted by the United Nations Educational, Scientific and Cultural Organisation.

Chapter 3

National Icons

Article 25. The Importance of National Icons

National icons include [items of] national heritage which are special, rare and unique to the nation, which the State shall pay attention to protect [and] conserve for sustainable¹⁵ existence with the country¹⁶.

Article 26. Types of National Icons

National icons are classified into tangible objects, intangible items, moveable property or immovable property, such as: That Luang Vientiane, Haw Pha Keo, Wat Xieng Thong, Prabang, Khunbulom inscription, Sang Sinh Say novels, Xiang Miang novels and others.

¹⁵The literal translation is “prosper”.

¹⁶The connotation of the Lao text is that these national icons should prosper or flourish as long as the country does.

Part IV
**Administrative Regulations, Use, Protection, Conservation, [and]
Restoration of Cultural and Historical National Heritage**

Chapter 1
Administrative Regulations on National Cultural and Historical Heritage

Article 27. Administrative Regulations

The State centrally and uniformly administers the national cultural and historical heritage throughout the country, including those [items] in the representative offices of the Lao PDR abroad, by registering, and by dividing [responsibility for their] administration among sectors¹⁷ and local administrations¹⁸.

The State protects the property [and] copyright [subsisting in items of] Lao national cultural and historical heritage which are outside the territory of the Lao PDR, which are in the illegitimate possession of other countries, or [in respect of which foreign countries have illegitimately asserted] copyright.

Article 28. Registration

[Items of] national cultural and historical heritage which are possessed by individuals or organisations shall be registered.

¹⁷The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity.

¹⁸The same Lao term may be translated as both “local administrations” and “local administrative authorities”. The translators have generally applied the following convention: (i) if the term is used in a sentence in juxtaposition to a reference to some specific agency within the line ministries, the term has been translated as “local administrations”, referring only to the bodies responsible for local administration discussed in the Law on Local Administration; and (ii) if the term is used alone in a sentence, it has been translated as “local administrative authorities” to indicate that it may be wide enough to cover local administrations as well as local divisions, offices or units of line ministries. However, the reader should note the alternative meaning that may have been intended.

The State conducts surveys, and collects the [items of] heritage to evaluate, classify and register [them], while encouraging possessors of heritage [items] to propose them for registration in accordance with the following regulations:

1. National heritage at the local level shall be registered with the information and culture divisions at provincial or city level;
2. National heritage at the national level shall be registered with the Ministry of Information and Culture;
3. National heritage at world level shall be registered with the concerned international organisations based on the proposal of the government of the Lao PDR;
4. National heritage that is in the possession of the representative offices of the Lao PDR abroad shall be registered with the Ministry of Information and Culture and the concerned sector;
5. National heritage which are national icons shall be registered with the Ministry of Information and Culture.

After registration, the State recognises these [items of] heritage as national heritage, and also recognises the right of possession of the owners of these [items of] heritage.

In the event that the [items of] heritage are not registered, the owners of these [items of] heritage are not entitled to conduct any activities relating to these [items of] heritage, such as: displaying them in exhibitions, making replicas and others.

National heritage [items] at national level which have high value, are rare and are of unique national character shall be considered and proposed for registration of ownership and copyright in the name of the nation with international organisations.

Article 29. Maintenance, Restoration and Rehabilitation

The State promotes individuals and organisations to participate in the maintenance, restoration and rehabilitation of the national cultural and historical heritage.

The maintenance, restoration and rehabilitation of [items of] national heritage shall be approved by the organisations with which they are registered.

Article 30. Replicas

A replica is a new object created by copying the pattern, colour, [and] design of the original heritage [item].

The replication of [items of] national heritage which are national icons and national heritage at the national level shall be approved by the Ministry of Information and Culture. For the national heritage at the local level, the approval of the information and culture divisions at the provincial and city level shall be obtained.

Article 31. New Creations

Individuals and organisations intending to create monuments or sculptures of their ancestors, leaders, [or] national heroes, shall obtain approval from the government.

For the creation of religious places, approval shall be obtained from the provincial governor or city mayor, in coordination with concerned authorities.

For the sculpting of Buddhas, [and] the sculpting of monuments of an individual's ancestors, approval shall be obtained from the information and culture sector.

Article 32. Exhibition

There are three main types of exhibition of national heritage:

- Exhibitions open to the public;
- Exhibitions for the purpose of obtaining contributions for the protection and restoration [of the national heritage];
- Exhibitions for commercial purpose.

The exhibition of national heritage may be conducted within the country or abroad.

The exhibition of national heritage within the country shall require the approval of the information and culture sector, after coordination with the concerned local administrations.

The exhibition of national heritage abroad shall require the approval of the government, by a proposal through the Ministry of Information and Culture.

Article 33. Seen and Discovered

Individuals or organisations that, during the conduct of any activities, see any national heritage shall immediately report to the local administrations and the concerned information and culture sector, and shall suspend such activities until approval for continuation is granted.

Individuals or organisations that have discovered sites, received information on existing sites, or suspect that any [item of] national heritage or holy relic exists, shall immediately report to the local administrations and the information and culture sector, and shall be prohibited from exploring them prior to obtaining the approval of the information and culture sector.

Article 34. Research and Analysis

The State promotes domestic or foreign persons or organisations to conduct research and analysis on the national cultural and historical heritage by granting different policies¹⁹.

The research and analysis of such national heritage shall require approval from the information and culture sector. The person or organisation intending to cooperate with foreign countries to conduct such research and analysis shall obtain approval from the Ministry of Information and Culture, after coordination with the Ministry of Foreign Affairs.

The original record of the data and the results of such research and analysis shall be handed over to the information and culture sector for storage and publication, in accordance with regulations.

Article 35. Export for Analysis

The export to other countries for analysis of parts or objects that are the national cultural and historical heritage that are of high value, shall require the approval of the government. For parts or objects that are other national heritage, approval from the Ministry of Information and Culture is required.

¹⁹ The term “policies” is often used as an indirect way of referring to “incentives” or “privileges”. In this context, it is unclear whether that use is intended or whether “policies” is being used in the sense of “strategies and measures of governance”.

Article 36. Import, Display or Distribution

The importation, display or distribution of cultural products of other countries shall be examined and approved by the information and culture sector.

Tangible cultural products of other countries, especially Buddhas, or intangible items that contradict the culture, [or] fine national traditions of Laos will not be permitted to be imported, displayed or distributed.

Article 37. Transfer

The ownership of [items of] national cultural and historical heritage which are registered may be transferred or licensed to other people, but the transferee shall notify the information and culture sector where the [item of] heritage is registered within thirty days from the date of transfer.

Article 38. Purchase and Sale

Any individual or organisation intending to purchase or sell²⁰ any [item of] national cultural and historical heritage shall obtain approval from the information and culture sector. In the case where such national cultural and historical heritage [item] has high outstanding value, the State shall have priority to buy such heritage at an agreed price.

The State does not permit the sale of national heritage out of the country. For the exchange [of national heritage] between states, prior approval of the government shall be obtained.

²⁰The Lao word is a compound word: “buy-sell”.

Article 39. Succession

[Items of] national cultural and historical heritage which are registered may be transferred by inheritance, provided that the successor shall notify the information and culture sector where the [item of] national heritage is registered within sixty days from the date of succession. In the event that there are many successors, one person shall be assigned in writing as the representative to make such notification.

Chapter 2

Regulations on the Use of Cultural and Historical National Heritage

Article 40. Purpose of Use

The use of national cultural and historical heritage has the following purposes:

1. As the basis for national prosperity, as the driving force for social expansion, and for the development of a strong and wealthy nation;
2. To educate citizens to love their nation, to be unified and proud of historical efforts, to be creative, to bravely struggle, and to be united as one with the multi-ethnic Lao people in the protection and development of the nation;
3. To increase the wealth of the store of national cultural and historical heritage;
4. To promote the tourism industry;
5. To integrate with world conservation activities and [world activities] that extend the value of the national cultural and historical heritage;
6. To conduct research on archaeological science, history and others.

Article 41. Regulations on Use

The use of national cultural and historical heritage shall comply with the following provisions:

1. the use shall be in accordance with the purpose, and shall be in an effective and sustainable manner;
2. it is prohibited to use heritage areas, heritage sites, and historical sites for any purpose that may cause changes to their original conditions;
3. a suitable portion of the revenue from the [use of] national heritage shall be used for the development of such heritage.

Chapter 3

Regulations on the Protection, Conservation, Maintenance and Restoration of National Cultural and Historical Heritage

Article 42. Protection and Conservation of National Cultural and Historical Heritage in Tangible Objects

The protection and conservation of national cultural and historical heritage in tangible objects shall be carried out as follows:

1. Individuals or organisations that are responsible for the national heritage [object] shall assess the effect of damage to the national cultural and historical heritage and determine preventive measures, including immediate and proper solutions;

2. Individuals or organisations intending to pursue socio-economic development, in particular industrial, agricultural and infrastructural development, in [national cultural and historical heritage] areas or in places where it is suspected that there is any national cultural and historical heritage shall obtain prior approval from the Ministry of Information and Culture, including determination of measures to protect such heritage from damage;

3. Individuals or organisations are prohibited from causing damage to national cultural and historical heritage, such as: destroying Buddhas, archaeological sites and anthropological sites; encroaching onto historical sites; occupying land in national heritage conservation areas; changing the original condition of any heritage to another condition; and changing history.

Domestic and foreign persons are prohibited from receiving concessions of any national cultural and historical heritage²¹ at the national level unless there is necessity, in which event approval shall be obtained from the government based on the proposal of the Ministry of Information and Culture.

²¹The connotation is of a grant of concession in the heritage itself, e.g., granting someone the right to operate a historical site.

Article 43. Protected Area of Heritage Sites

The protected area of heritage sites is generally divided into three zones:

- Zone 1 is the central area, where the heritage is located, which must be protected in its original circumstances and where no construction is permitted;
- Zone 2 is the area surrounding the central area, where some activities are permitted to increase the value of zone 1, provided that no damage shall be caused to that surrounding area;
- Zone 3 is the administrative area where construction is permitted to serve zones 1 and 2 for the accommodation of tourists.

The detailed determination of each zone will be in specific regulations.

Article 44. Protective Measures for Heritage Sites

The responsible authorities shall pay attention to monitor the cases where it is discovered that the national heritage has been encroached on, destroyed or damaged by human or natural causes, for which immediate protective measures shall be laid down in coordination with the local administration where the heritage is located, followed by notification to the information and culture sector for an immediate solution.

Article 45. Procedures for Maintenance, Restoration and Rehabilitation

The maintenance, restoration and rehabilitation of national cultural and historical heritage shall be carried out as follows:

1. There must be a specific enterprise or enterprises, which are lawfully registered and meet the conditions to perform the maintenance, restoration and rehabilitation of national cultural and historical heritage;
2. The performance of work shall be approved by the heritage administrative agency where the [items of] heritage are registered. For national cultural and historical heritage at the national and world levels, approval shall be obtained from the Ministry of Information and Culture;
3. The original character of the [items of] heritage shall be maintained.

Article 46. Protection and Conservation of National Heritage in the Form of Intangible Items

The protection and conservation of national cultural and historical heritage in the form of intangible items shall be carried out as follows:

- The protection and conservation of national cultural and historical heritage shall be undertaken simultaneously with its promotion, publication and wide use in domestic and foreign contexts;
- The nature of research [and] creation shall be national, public and advanced;
- Expatriates and foreigners, including their organisations, and international organisations intending to conduct research and

analysis on the national heritage shall perform [such research and analysis] in accordance with the reality of that heritage and shall obtain approval from the Ministry of Information and Culture;

- It is prohibited to copy, [or] assemble the results of research, [or] innovation of other people regarding any national heritage by pirating the copyright or publication without obtaining the prior consent of the copyright owner and of the concerned authorities;
- It is prohibited to disseminate or publish any national heritage which constitutes national secrets.

Part V
**Regulations on the Administration, Use, Protection, Conservation,
Restoration and Rehabilitation of National Natural Heritage**

Chapter 1
Regulations on the Administration of National Natural Heritage

Article 47. Regulations on the Administration of National Natural Heritage

The State centrally and uniformly administers [areas of] national natural heritage within the country by registering them, and dividing [the responsibility for their] administration among sectors and concerned local authorities.

The State protects the property [and] copyright [subsisting in items of] Lao national natural heritage which are outside the territory of the Lao PDR, which are in the illegitimate possession of other countries, or [in respect of which foreign countries have illegitimately asserted] copyright.

Article 48. Registration of National Natural Heritage

[Areas of] national natural heritage shall be registered, in particular the areas which contain heritage of high value [and] outstanding things, such as: biodiversity protected areas, conservation forests, wetlands, [and] caves that have natural value, and shall be regulated as follows:

1. National natural heritage at the local level shall be registered with the information and culture division at the provincial or city level, in coordination with concerned sectors;
2. National natural heritage at the national level shall be registered with the Ministry of Information and Culture, in coordination with the concerned sectors;

3. National natural heritage at the regional level shall be registered with the concerned regional organisations by the proposal of the government;
4. National natural heritage at world level shall be registered with the United Nations Educational, Scientific and Cultural Organisation by the proposal of the government.

Article 49. Regulations on the Administration of Sources of Biodiversity

Sources of biodiversity which are national natural heritage, such as: wetlands, ponds and marshes, shall be administered by inspection and registration, as proposed by the concerned sectors.

Article 50. Regulations on the Administration of Conservation Forests

Conservation forests that have been registered as national natural heritage shall be administered for the purpose of protecting nature in a sustainable [and] rich manner.

Article 51. Regulations on the Administration of National Parks

National parks, which are full of richness in respect of the ecosystem and their clean and aesthetic attraction, and which have become national natural heritage shall be administered as places for relaxation and for domestic and foreign tourists.

Article 52. Regulations on the Administration of Natural Landscape Scenery

Areas with natural landscape scenery, which are of value from the point of view of natural and aesthetic scenery and are outstanding, including mountains, cliffs, forests, rivers, streams, waterfalls and others, shall be registered as national natural heritage and shall be administered for the purpose of the sustainable preservation of their aesthetic nature.

The administration of the natural heritage defined in articles 49 to 52 of this law shall be regulated in separate regulations.

Chapter 2

Regulations on the Use, Protection, Conservation and Restoration of National Natural Heritage

Article 53. Purpose and Regulations on Use

The use of national natural heritage has the following purposes:

1. As the basis of national prosperity, and as the basis and potential for socio-economic development;
2. To create awareness in citizens to love the natural environment, in particular, forests, water resources and biodiversity;
3. To promote the tourism industry;
4. To integrate with world and regional conservation activities and [with world and regional activities] that extend the value of the national natural heritage;
5. To conduct research on nature, biodiversity and others;
6. To increase the wealth of the store of national natural heritage.

Use of national natural heritage shall:

1. Be consistent with the socio-economic development plan;
2. Be effective, [and] sustainable, and cause no harmful effects to the natural environment or to society;
3. Be in accordance with laws and regulations.

Article 54. Regulations on the Protection and Conservation of National Natural Heritage

The protection and conservation of national natural heritage shall be carried out as follows:

1. Individuals or organisations intending to pursue socio-economic development in any national natural heritage area, in particular industrial, agricultural and infrastructural development, shall obtain prior approval from the Ministry of Information and Culture and other concerned sectors;
2. Individuals or organisations that are responsible for the national natural heritage [area] shall assess the effect of damage to such national natural heritage, and determine preventive measures, including immediate and proper solutions;
3. National natural heritage shall be preserved for its aesthetic scenery and richness of biodiversity;

4. Individuals or organisations are prohibited from causing harmful effects to national natural heritage, such as: destruction of forests[;] surface or underground exploration of natural resources in any national natural heritage area[;] encroaching on or occupying land in biodiversity protected areas, conservation forest areas, national parks and areas of natural aesthetic scenery[;] including changing the original conditions of any natural heritage.²²

Article 55. Regulations on the Restoration of National Natural Heritage

The restoration of national natural heritage shall comply with the following:

1. There must be a specific enterprise or enterprises, which are lawfully registered and meet the conditions to engage in the restoration of national natural heritage;
2. The restoration shall be approved by the heritage administrative agency where the heritage [areas] are registered. For national natural heritage at regional and world levels, approval shall be obtained from the Ministry of Information and Culture in coordination with concerned sectors;
3. The original character of the heritage shall be maintained;
4. The restoration shall aim to return the national natural heritage [areas] that have deteriorated, been damaged or been destroyed to their original conditions.

²²The punctuation in this paragraph has been changed to give a better sense of the breaks in ideas.

Article 56. Development Goals

The development of national natural heritage aims to make the heritage sustainable, abundant and richer as the basis for national economic development, [and] for research and study, [and] to promote the maximum value of such heritage, while at the same time extending the potential of the heritage, serving to protect the environment and tourism throughout the country, and contributing to national protection and development.

Part VI

Museums

Article 57. Types of Museums

Museums are divided into three types as follows:

- State museums;
- Collective museums;
- Private museums.

Article 58. The Meaning of Museum

1. State museums are places for storing, exhibiting, and preserving precious and outstanding objects of the State, consisting of:
 - The national museums, which are places for storing, exhibiting, and preserving precious and outstanding objects throughout the country;
 - The sectoral museums, which are places for storing, exhibiting, and preserving precious and outstanding objects relating to the concerned sector;
 - The local museums, which are places for storing, exhibiting, and preserving precious and outstanding objects existing in that local area.
2. Collective museums are places for storing, exhibiting, and preserving precious and outstanding objects of the collectives in that area;

3. Private museums are places for storing, exhibiting and preserving private articles.

Article 59. Regulations on the Establishment of Museums

The establishment of museums shall meet the following conditions:

- There shall be adequate numbers of articles that are of precious value in culture, history, nature, science, [or] technology for exhibition;
- Places for exhibition and storage must be secure;
- There shall be knowledgeable experts on that national heritage, as regulated.

The establishment of museums shall be approved in the following cases:

- National museums shall be approved by the President of the State, based on the proposal of the government;
- Sectoral and local museums shall be approved by the Prime Minister, based on the proposal of the Ministry of Information and Culture;
- Collective and private museums shall be approved by the provincial governors or city mayors, based on the proposal of the information and culture divisions.

Part VII

National Heritage Fund

Article 60. Sources of National Heritage Fund

To assure the protection, conservation, restoration and rehabilitation of national heritage in a sustainable and better-developed manner, it is necessary to establish the national heritage fund, which shall be derived from:

1. The State budget;
2. The assistance of foreign countries and international organisations;
3. The contribution of individuals and organisations within the country and from abroad;
4. The revenue from the use of national heritage such as: entrance fees, publications, research and analysis of national heritage, from the tourism business, from fines of violators and others;
5. Compensation²³ for activities that affect the national heritage;
6. Income from activities relating to national heritage and others.

²³The literal term is “obligations”.

Article 61. Administration and Use of the National Heritage Fund

The administration and use of the national heritage fund shall comply with the purposes stipulated in the first paragraph²⁴ of article 60 of this law, and shall be in accordance with the Law on State Budget and other relevant laws.

The administration and use of such fund shall be specifically regulated.

²⁴The translators are aware that it is awkward to speak of “the first paragraph” of Article 60, which has only one paragraph (with several points, point 1 of which does not appear to set out any purpose). Instead, this reference in Article 61 appears to be a reference to the lead-in language at the start of Article 60.

Part VIII

Administrative and Inspection Agencies²⁵

Chapter 1

Administrative Agencies

Article 62. Administrative Agencies

The State centrally and uniformly administers the national heritage throughout the country by assigning tasks to the Ministry of Information and Culture as the focal point, in coordination with concerned sectors and with concerned local authorities.

The national heritage administrative agencies are divided into four levels as follows:

1. The Ministry of Information and Culture;
2. The information and culture divisions at the provincial and city level;
3. The information and culture offices at the district and municipal level;
4. The village administrations.

²⁵ In the Lao language, the word roughly meaning “the entire organisation of responsible governmental agencies” is capable of being translated as any one of the following English words: “organisation”, “agency”, or “authority”. In choosing which English word to use, the translators have adopted the following convention. Where the governmental agencies in question have in practice adopted an English term for themselves (e.g., the Tax Authority), the translators have used that term. Otherwise, the translators have used the generic term “organisation” or, as in this law, “agency”.

The administration of [items of] Lao national heritage that have become world heritage or regional heritage shall be administered by special organisations, such as: the committee for national heritage, the local heritage committees and the office of world heritage, the establishment and activities of which shall be separately regulated.

Article 63. Rights and Duties of the Ministry of Information and Culture

In the administration of the national heritage, the Ministry of Information and Culture shall have following main rights and duties:

1. To conduct research, lay down policies and strategies, and issue legislation on the national heritage, in particular, on the cultural and historical heritage;
2. To conduct surveys, gather data, analyse, [and] explore each type of national heritage;
3. To disseminate and educate on the policy directives, laws and regulations relating to the national heritage;
4. To supervise, encourage, monitor, [and] inspect the information and culture divisions in their implementation of laws, regulations, plans, [and] projects on the national heritage;
5. To supervise, [and] encourage the offices of regional and world heritage in their implementation of laws, regulations, plans, and projects on regional and world heritage;
6. To register and issue licenses relating to national heritage within its responsibility;

7. To build up human resources relating to national heritage;
8. To be the focal point, in coordination with other concerned sectors, in administering and implementing²⁶ the national heritage;
9. To extend relations and cooperation with foreign countries and international organisations on activities relating to national heritage;
10. To summarise reports and provide evaluations on the implementation of activities relating to national heritage to the government and Prime Minister;
11. To exercise other rights and perform other duties as regulated by laws and regulations.

Article 64. Rights and Duties of the Information and Culture Divisions

In the administration of national heritage, each information and culture division at the provincial or city level shall have following main rights and duties:

1. To elaborate on the laws, regulations, plans, [and] projects of the Ministry in its own regulations, plans, projects and implementation;
2. To conduct surveys, [and] gather data on the national heritage within its area of responsibility;
3. To disseminate [and] educate on the policy directives, laws and regulations on national heritage;

²⁶ This is a literal translation. The translators are aware that it is awkward to speak of “implementing national heritage”. It is possible that this is a reference to implementing “activities” regarding national heritage. A similar provision in Article 64(4) spells this out. However, this Article 63(8) does not contain the word “activities”.

4. To register and issue licenses relating to the national heritage within its responsibility;
5. To supervise, [and] encourage the information and culture offices at district and municipal level in their implementation of administrative activities relating to national heritage;
6. To be the focal point, in coordination with other concerned sectors, in the administration and implementation of activities relating to national heritage;
7. To summarise reports and provide evaluations on the implementation of activities relating to national heritage to its higher authority;
8. To exercise other rights and perform other duties as regulated by laws and regulations.

Article 65. Rights and Duties of Information and Culture Offices at the District Level

In the administration of national heritage, each information and culture office at the district or municipal level shall have following main rights and duties:

1. To implement laws, regulations, plans, [and] projects on national heritage;
2. To conduct surveys, gather data, [and] create lists of the national heritage within its area of responsibility;
3. To disseminate, [and] educate on the policy directives, laws and regulations on national heritage;
4. To issue licenses relating to the national heritage within its responsibility;

5. To coordinate with other concerned sectors in the administration and implementation of activities relating to national heritage;
6. To summarise reports and provide evaluations on the implementation of activities relating to national heritage to its higher authority;
7. exercise other rights and perform other duties as regulated by laws and regulations.

Article 66. Rights and Duties of the Village Administrations

In the administration of national heritage, each village administration shall have following main rights and duties:

1. To perform tasks relating to national heritage in the administration, protection, conservation, rehabilitation and use of the national heritage within its area of responsibility;
2. To conduct surveys, and create lists of the national heritage within its area of responsibility to propose to higher authorities for adoption;
3. To summarise reports on the implementation of activities
4. relating to the national heritage to its higher authorities.

Article 67. Rights and Duties of Other Concerned Agencies

Other concerned agencies [involved in] the administration of national heritage at central and local levels shall have the right and duty to coordinate with the information and culture sector in accordance with their roles and responsibilities.

Chapter 2 Inspection Agencies

Article 68. Inspection Agencies

The inspection agencies are the same agencies as the administrative agencies defined in Article 62 of this law.

The inspection agencies shall have the following rights and duties:

1. To inspect the implementation of plans, projects, laws and regulations relating to the administration of national heritage, including contracts and international conventions that the Lao PDR has signed and or to which it is a party;
2. To inspect the resolution of proposals by individuals or organisations relating to national heritage;
3. To exercise other rights and perform other duties as stipulated by laws and regulations.

Article 69. Types of Inspections

There are three types of inspections of national heritage:

1. Regular systematic inspections, which are carried out based on the operational plan, on a regular basis and at a specified time;
2. Inspections with advance notification, which are inspections outside the operational plan in the event of necessity and of which notice shall given in advance²⁷ to the person inspected;
3. Emergency inspections, which are emergency inspections without advance notice to the inspected person.

²⁷The literal translation is “of which prior notice shall be given in advance”.

Part IX

Policies and Measures²⁸

Article 70. Policies

Individuals or organisations with outstanding performance in the administration, protection, conservation, restoration and development of national heritage will receive awards and other appropriate policies.

Persons who have seen, discovered, researched or given useful information on national heritage, in addition to receiving awards, will receive other benefits in accordance with the laws and regulations.

Article 71. Measures

Individuals or organisations that have violated the provisions of this law shall be re-educated, fined, or subject to civil liability or criminal punishment, as determined on a case by case basis.

²⁸See footnote 19. In the context of this Part, the term “policies” takes the meaning of “privileges” and the term “measures” takes the meaning of “sanctions”.

Part X

Final Provisions

Article 72. Implementation

The government of the Lao PDR is entrusted to implement this law.

Article 73. Effectiveness

This law shall enter into force sixty days after the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

All regulations and provisions that contravene this law are null and void.

Vientiane, 9 November 2005
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET