



LAO PEOPLE'S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Presidential Decree

No. 03/PR

**DECREE OF THE PRESIDENT OF THE LAO PDR
ON THE PRESEVATION OF CULTURAL, HISTORICAL AND
NATURAL HERITAGE**

- Pursuant to Article 17, 19 and 53.2 of the Constitution of the Lao PDR;
- Pursuant to the Forestry Law No. 01-96/NA of 11/10/1996;
- Pursuant to the Water and Water Resource Law No. 20-96/NA of 11/10/1996;
- Referring to the proposal of the National Assembly Standing Committee No. 19/NASC of 12 June 1997 on the preservation of the national cultural, historical and natural heritage.

The President of the Lao People's Democratic Republic decrees:

Chapter I
General Provisions

Article 1 Objects of this Presidential Decree:

The Presidential Decree on the Preservation of the Cultural, Historical and Cultural Heritage outlines the regulations and measures for the management, conservation, preservation and use of the national heritage, including for the upgrading of movable and immovable assets with historical or cultural or natural value into national heritage with the view of raising the spirit of patriotism, people's democracy, awareness and ownership of the fine national and ethnic cultures.

Article 2 National Heritage:

National cultural, historical and natural heritage refers to the public, collective or personal assets holding cultural importance or historical importance and constituting evidence of the Lao country, ancestors and the general origin of the Lao people, including artifacts with historical, artistic value and of over fifty (50) years old and natural sites represent the national heritage according to the definition provided by this Presidential Decree.

Article 3 Management of the National Heritage:

The Government promotes the management, conservation, preservation and development of the fine national and ethnic cultures, as well as the restoration of historical and archeological sites representing national historical traces.

Article 4 Citizens' Obligations in the preservation of the National Heritage:
Persons and entities have the obligation to contribute to the management, conservation, preservation and restoration of the national heritage and the national cultural, artistic and cultural values.

Chapter II Categories of National Heritage

Article 5 Classification of National Heritage:
The national cultural, historical and natural heritage is classified as follows:

- Immovable national heritage;
- Movable national heritage
- Natural national heritage.

Article 6 Immovable National Heritage:
The immovable national heritage is composed of artifacts, archeological ruins, national historical ruins which may not be removed, such as the That Luang Stupa, Phakeo Temple, in Vientiane, Xiengthong Temple in Luang Prabang, the Plain of Jars and others.

Article 7 Movable National Heritage:
Movable national heritage is composed of artifacts, which may be removed, such as Buddha statues, bronze drums, spears, swords, bracelets, ancient pottery and others.

Article 8 Natural National Heritage:
Natural national heritage is comprised of the beautiful environment, including natural scenery occurring naturally, panoramas of natural sites and constructions, and architectures of high historical, artistic, scientific, technical, ethnological or environmental value and which should be preserved as national heritage, such as Khon Phapheng, Tat Kuangsy waterfalls, Ting Cave in Luang Prabang and others.

Chapter III Management of National Heritage

Article 9 National Heritage Management Authority:
The national heritage management authority is assigned to the Ministry of Information and Culture, the Province, Municipality and Special Zone Information and Culture Services, the District Information and Culture Offices and Village Administrative Authorities.

To ensure the efficient management, conservation and preservation of the national heritage, an agency may be established to provide consultations or opinions on such activities.

Article 10 Authority and Duties of the National Heritage Management Agencies:
The national heritage management agencies have the following authority and duties:

1. Research guidelines, plans and regulations on the management, conservation and preservation of the national cultural, historical and natural heritage.

2. Establish the inventory of immovable, movable assets and natural sites constituting the national heritage or deserving to become a national heritage for their adoption as local, national or world heritage.
3. Bring solutions to issues and differences within their authority and duties.
4. Entertain relationship of cooperation on the management, conservation and preservation of the national heritage with foreign agencies;
5. Mobilize local and foreign sources of funds for use in the management, conservation and preservation of the national heritage;
6. Perform other authorities and duties prescribed by law.

Article 11 Survey:

The survey of national heritage refers to the collation of technical information related to national heritage, such as locations, dimensions, weight, quantity, features and value as basis for the establishment of an inventory to take place every five years.

Article 12 Inventory of National Heritage:

The inventory of the national heritage refers to the recording and listing of the immovable assets, natural sites, historical and revolutionary ruins discovered on the surface of the land, under the ground or water within the territory of the Lao PDR taking place every 5 years.

Article 13 Removal:

Any removal within the country or export of movable assets constituting a national heritage shall require the approval of the Ministry of Information and Culture and any import of cultural materials and artifacts shall similarly require approval from the Ministry of Information and Culture.

Article 14 Maintenance:

Any maintenance, repair or modification to the features of a national heritage, whether immovable, movable or natural, shall require approval from the Ministry of Information and Culture.

Article 15 Prohibition of Destruction to National Heritage:

Persons or entities are forbidden to damage artifacts, artistic construction sites, whether immovable, movable or natural, constituting the national heritage, whether by committing a willful offence or out of negligence.

No construction, restaurant or entertainment premise may be established within archeological or natural sites of national heritage value, except when authorized by the Ministry of Information and Culture.

The use, maintenance or modification of immovable, movable assets or natural sites of national heritage value under the ownership of persons or entities and listed as national heritage shall require approval from and compliance with the regulations outlined by the Ministry of Information and Culture.

Article 16 Transactions of Artefacts of National Heritage Value:

Persons or entities are forbidden to sell, purchase or transfer artifacts of national heritage value, except when specifically authorized by the Ministry of Information and Culture.

Persons or entities desiring to sell or transfer owned artifacts reserved, as national heritage shall apply to the Ministry of Information and Culture. Such application shall be submitted to the Ministry of Information and Culture one month before the actual sale or transfer of ownership. After the sale or transfer, the Ministry of Information and Culture shall be notified within three months from the sale or transfer.

Where such artifacts are considered as holding important cultural significance, the State shall have the pre-emptive right to purchase them at an appropriate price.

The sale and purchase of ancient artifacts not listed, as national heritage shall abide by the regulations specifically outlined by the Ministry of Information and Culture.

Article 17 National Heritage Conservation Fund:

To ensure the efficient management, conservation and preservation of national heritage, the Government will establish a National heritage Conservation Fund. The National Heritage Conservation Fund will be supplied by the national budget, contributions from persons, collective entities, social organizations, international organizations and other sources.

Chapter IV
Discovery and Search of Artefacts

Article 18 Discovery of Artefacts:

Persons or entities discovering artifacts, archeological sites, ancient historical sites of high historical, artistic and cultural, and archeological value shall notify the relevant administrative authorities, District Information and Culture Office, or Province, Municipality and Special Zone Information and Culture Services, or the Ministry of Information and Culture Services, or the Ministry of Information and Culture within three days from such discovery.

Article 19 Excavation:

Persons or entities are forbidden to exploit for artifacts or objects of historical, artistic, scientific, technical or archeological value, whether within the land under their own or other possession, without approval from the Ministry of Information and Culture.

The excavation of artifacts may take place only for the purpose of conducting scientific, historical research or for the conservation and preservation of such artifacts.

Article 20 Application for Artefacts Excavation:

Persons or entities desiring to excavate or search for artifacts shall apply to the Ministry of Information and Culture and their application shall clearly indicate the site, importance and timeframe of excavation.

Where such excavation would take place within a land area under the possession of other persons, a certificate of consent from the relevant landowner shall be attached to the application.

Article 21 Excavation Activities:

Excavation activities shall unfold in compliance with the conditions and measures outlined by the Ministry of Information and Culture. The licensee shall perform such excavation by himself and assume all responsibilities for such excavation.

During the conduct of excavation activities, the licensee shall report to the Ministry of Information and Culture on a permanent basis.

At their discovery, important artifacts or archeological sites shall be preserved and reported in full to the Ministry of Information and Culture at once for their examination, consideration and purchase.

At the completion of excavation activities, a full report of the results attached with other documents, such as: drawings, pictures and records, shall be made.

Within three years from the excavation's completion, the scientific and historical results of such search shall be made public by the searcher. If the period of three years is exceeded and no publication has yet been made by the searcher, the Ministry of Information and Culture will be entitled to disclose the scientific and historical discoveries resulting from such search.

Article 22 Ownership of discoveries:

All immovable or movable assets discovered during any search are the ownership of the State. At the search's completion, the searcher shall hand over all discovered objects as well as all relevant documented information to the Ministry of Information and Culture.

Landowners may not own discovered objects, but will be appropriately compensated by the State.

Article 23 Removal of Artefacts from the List of National Heritage:

Immovable, movable assets or natural sites constituting the national heritage, when their national archeological, artistic, literature or historical value has devalued, may be removed from the list of national heritage by decision of the Government at the proposal of Minister of Information and Culture.

The removal of local heritage from the list will be decided by the Minister of Information and Culture at the proposal of Province, Municipality or Special Zone Information and Culture Services pursuant to coordination and unanimous agreement with the relevant local administrative authorities.

Article 24 Cancellation of Excavation:

The Ministry of Information and Culture may cancel an excavation license and instruct the termination of excavation in any of the following cases.

1. The excavation or preservation of artifacts fail to abide by the technical standards or regulations outlined by the State.
2. The premises authorized for excavation bears utmost importance and necessitates that the excavation be performed by the Ministry of Information and Culture itself.

From the receipt of a notice from the Ministry of Information and Culture for the termination of excavation activities, such activities shall be ceased at once.

Article 25 Compensation of Incurred from Excavation:

Persons or entities whose license is cancelled due to the failure to abide by outlined technical standards or regulations as provided under Article 24 here above may not claim any compensation or reimbursement of costs incurred in the excavation. Where the license's cancellation arises from the importance of the excavation premises, necessitating the Ministry of Information and Culture to perform the search itself, the excavating party will be reimbursed the costs incurred in the excavation but may not claim any compensation.

Article 26 Authority of the Ministry of Information and Culture:

The Ministry of Information and Culture is entitled to organize and perform archeological excavation throughout the territory of the Lao PDR.

Where an excavation is conducted within a land area possessed by other persons or entities, such excavation may unfold only with the prior consent of the land owner and shall be completed within five years at the latest from its commencement.

Article 27 Rehabilitation of Excavated Land:

Persons or entities, at the completion of archeological excavation, shall rehabilitate the land to its original conditions such as by filling land, planting trees and others.

Chapter V
Awards and Sanctions

Article 28 Awards:

Persons or entities efficiently managing, conserving and preserving the national cultural, historical and natural heritage will be awarded and benefit from other policies as outlined by the Government.

Article 29 Sanctions:

Persons or entities violating the provisions of this Presidential Decree will be warned, educated, fined or subjected to penalties prescribed by law according to the nature of the offence.

Chapter VI
Final Provisions

Article 30 Implementation:

The Government of the Lao People's Democratic Republic shall have the duty to implement this Presidential Decree.

Article 31 Effective Date:

This Presidential Decree is effective from the day it is signed by the President of the Lao People's Democratic Republic.

All regulations inconsistent with this presidential Decree are superseded.

Vientiane, June 20, 1997
President,

Signed and stamped:
Nouhak Phoumsavan.