

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

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Ordinance of the President
of the Lao People's Democratic Republic
On the Preservation of National Cultural, Historical, and Natural Heritage

- Pursuant to Articles 17, 19 and 53 point 2 of the Constitution of the Lao People's Democratic Republic;
- Pursuant to the Law on Forestry No. 01-96/NA, dated 11 October 1996;
- Pursuant to the Law on Water and Water Resources No. 02-96/NA, dated 10 October 1996;
- Pursuant to Proposal Letter of the National Assembly Standing Committee No. 19/NASC, dated 12 June 1997 on the Preservation of National Cultural, Historical, and Natural Heritage.

The President
of the Lao People's Democratic Republic hereby issues an Ordinance:

Chapter 1
General Provisions

Article 1. Objective

The Ordinance of the President on the Preservation of National Cultural, Historical, and Natural Heritage outlines the principles, regulations, and measures regarding the management, preservation, protection, and use of national heritage, including the conversion of immovable and movable properties with cultural, historical, or natural value into part of the national heritage in order to promote patriotism, the people's democratic regime, and goodwill toward and the cherishing of fine national and ethnic Lao traditions.

Article 2. National Heritage

National cultural, historical, and natural heritage consists of national, collective, or individual treasures having cultural value or historical meaning and serving as

evidence to identify the Lao nation and the ancestors who originated and established the Lao nation, including antiques and antiquities fifty years old or more with a high historical or fine art value. Natural sites are also part of the national heritage as defined in this presidential ordinance.

Article 3. National Heritage Management

The Government has policies on the management, preservation, protection, and enhancement of national and ethnic fine culture, including the renovation of antiques, antiquities, and archaeological sites which are remnants of our national history.

Article 4. Obligations of Citizens in Preserving and Protecting National Heritage

Individuals and organizations are obliged to contribute to the management, preservation, protection, and renovation of national heritage in order to sustain and preserve the unique cultural, historical, and artistic values for the nation.

Chapter 2
Types of National Heritage

Article 5. Categorization of National Heritage

National cultural, historical, and natural heritage is categorized into three types:

- National immovable property heritage;
- National movable heritage;
- National natural heritage.

Article 6. National Immovable Heritage

National immovable heritage includes antiquities, archaeological sites, and national historical remnants that cannot be moved such as: Thatluang Stupa in Vientiane Capital, Phrakeo Temple, Xiengthong Temple in Luang Prabang Province, the Plain of Jars, etc.

Article 7. National Movable Heritage

National movable heritage includes movable antiques and antiquities, such as: Buddha images, gongs, spears, swords, bracelets, ancient pans and jars, etc.

Article 8. National Natural Heritage

National natural heritage refers to sites with a beautiful environment and natural views that were naturally created, natural views in combination with buildings, and architecture possessing high historical, artistic, cultural, scientific, technical, ethnic, scientific, or environmental value which are worth preserving as national heritage, such as Khone Phrapheng Waterfall, Kuangsy Waterfall, Ting Cave in Luang Prabang Province, etc.

Chapter 3

National Heritage Management

Article 9. National Heritage Management Authorities

The National Heritage Management Authorities includes the Ministry of Information and Culture, Provincial and Vientiane Capital Information and Culture Divisions, District Information and Culture Offices, and village authorities.

To make the management, preservation, and protection of the national heritage effective, organizations to provide consultation or contribute comments on these activities may need to be established.

Article 10. Rights and Duties of the National Heritage Management Authorities

The National Heritage Management Authorities have the following rights and duties:

1. To research guidelines, plans, and regulations on the management, preservation, and protection of the national cultural, historical, and natural heritage;
2. To survey and register immovable properties, movable properties, and natural sites that are or are agreed to be part of the national heritage, in order to propose their listing as part of local, national, or world heritage;
3. To resolve problems and disputes based on its rights and within its areas of responsibility;
4. To cooperate and exchange experience with foreign countries on the management, preservation, and protection of national heritage;
5. To source funding from domestic and foreign resources for use in national heritage management, preservation, and protection work;
6. To perform obligations and other duties outlined in the law.

Article 11 Survey

Survey of national heritage is the survey every five years of academic information about items of national heritage, such as location, size, weight, amount, description and value, before registering such heritage.

Article 12 Registering National Heritage

Registering national heritage is done by taking note of the number and amount of national immovable and movable properties, including natural sites and national historic and revolutionary remnants which are found on the surface, underground, or underwater within Lao territory. Such registration will be carried out every five years.

Article 13 Movement

All movements of national movable property heritage, both internally and externally, must have been permitted by the Ministry of Information and Culture. The importing of antiques and antiquities must also be allowed by the Ministry of Information and Culture.

Article 14 Renovating and Repairing

Renovating, repairing, or modifying the appearance of items of national immovable property heritage, national movable heritage, or national natural heritage must have been permitted by the Ministry of Information and Culture.

Article 15 Prohibition from Damaging National Heritage

Individuals or organizations are prohibited from damaging antiques or antiquities, fine art, immovable properties, movable properties, or natural sites that are listed as national heritage, whether intentionally or not.

Construction of buildings, restaurants, or entertainment facilities is prohibited in archaeological areas or natural sites listed as national heritage unless permitted by the Ministry of Information and Culture.

Utilizing, repairing, or modifying items of national immovable property heritage, national movable property heritage, or national natural site heritage by owners must be carried out in compliance with regulations administered by the Ministry of Information and Culture.

Article 16 Trading of Antiquities Listed as National Heritage

Individuals or organizations who wish to sell or transfer antiques or antiquities preserved as national heritage which are in their ownership must request permission from the Ministry of Information and Culture. The permission proposal should be sent to the Ministry of Information and Culture one month before the trade or transfer of ownership. After selling or transferring ownership, the seller or transferor shall notify the Ministry of Information and Culture within three months of the sale or transfer.

In the case of antiques or antiquities which are considered to have cultural importance, the government has priority to purchase them at an appropriate price.

The trading of other antiques or antiquities that are not listed as national heritage must also follow particular regulations administered by the Ministry of Information and Culture.

Article 17 National Heritage Preservation Fund

To guarantee the effectiveness of the management, preservation, and protection of national heritage, the Government will set up a national heritage preservation fund. The resources for the fund will be derived from the state budget and contributions from individuals, unions, social organizations, international organizations, etc.

Chapter 4
Discovering and Excavating Antiques and Antiquities

Article 18 Discovering Antiques and Antiquities

Individuals or organizations who discover antiques, antiquities, archaeological sites, and historical remnants which have a high historical, cultural, artistic, or archaeological value must notify the relevant authorities, the District Information and Culture Office, or the Provincial or Vientiane Capital Information and Culture Division about where the antiquities are located or notify the Ministry of Information and Culture within three days of the date of discovery.

Article 19 Excavation

Individuals or organizations who have no permission from the Ministry of Information and Culture are prohibited from excavating antiques, antiquities, or any objects of historical, artistic, scientific, technical, or archaeological value regardless of where they are located.

Excavating antiques and antiquities can be done for the purpose of education, scientific research, historical research, or preservation and protection.

Article 20 Request for Permission to Excavate Antiques or Antiquities

Individuals or organizations who wish to excavate or search for antiques or antiquities must send a letter of request to the Ministry of Information and Culture. The letter must clarify the location, importance, and duration of the excavation.

If the excavation is to be operated on another person's land, the agreement of the landowner must be attached.

Article 21 Excavation Operations

Excavations must follow the conditions and regulations administered by the Ministry of Information and Culture. Individuals or organizations who are permitted to excavate must operate the excavation themselves and must be completely responsible for the excavation.

During the excavation, permitted individuals or organizations must make reports and send them to the Ministry of Information and Culture regularly.

Once the excavation has been completed, permitted individuals or organizations must make a report on the outcome of the excavation with attached documents, such as a drawing plan, photographs, etc.

Within three years of the excavation being completed, the excavators must print and publicize the scientific and historical outcomes of the excavation. Where excavators fail to do this in the time period required, the Ministry of Information and Culture has the right to publicize the scientific and historical outcomes of the excavation in print.

Article 22 Ownership of Discovered Objects

All objects that are immovable properties or movable properties discovered in the process of excavation shall belong to the state. After completion of the excavation, excavators must return all excavated objects together with relevant documents to the Ministry of Information and Culture.

By law, a landowner does not have the right to keep possession of excavated objects. They will, however, be appropriately compensated by the state.

Article 23. Removing Antiques and Antiquities from the National Heritage List

When movable properties, immovable properties, or natural sites listed as national heritage lose their antique, cultural, fine art, literary, or historical value, they may be removed from the national heritage list by the state upon the proposal of the Minister of Information and Culture.

For local heritage, the Minister of Information and Culture may remove items from the list based on a proposal from the Provincial or Vientiane Capital Information and Culture Division after discussion and agreement with the local authorities.

Article 24 Withdrawing an Excavation License

The Ministry of Information and Culture has the right to withdraw an excavation license and order an excavation to be stopped in the following cases:

1. The excavation or the protection of antiques and antiquities is not being carried out in compliance with academic standards or regulations administered by the state;
2. The permitted excavation site is very important and it is necessary for the excavation to be continued by the Ministry of Information and Culture itself.

The excavators must stop excavating from the date of receiving a notification from the Ministry of Information and Culture.

Article 25 Compensation for Excavation

Individuals or organizations whose excavation license is withdrawn because they do not follow the academic standards or regulations mentioned in Article 24 have no right to request any compensation. If the withdrawal is carried because it is very important that the Ministry of Information and Culture perform the excavation itself, excavators will be compensated. They do not, however, have the right to request a commission fee.

Article 26 Rights of the Ministry of Information and Culture

The Ministry of Information and Culture has the right to arrange an excavation to search for antiques or antiquities in any place in the territory of the Lao PDR.

If an excavation is carried out on lands belonging to individuals or other organizations, the agreement of landowners is needed. The excavation must be completed within five years from the date of beginning the excavation.

Article 27 Repairing Excavated Land

After the completion of excavating for antiques or antiquities, excavators must return the excavated site to its original condition, such as refilling holes, replanting trees, etc.

Chapter 5

Awards for Good Performance and Measures against Violators

Article 28 Awards for Good Performance

Individuals or organizations who are active in the management, preservation, and protection of national cultural, historical, and natural heritage will be rewarded and received policies outlined by the government.

Article 29 Measures against Violators

Individuals or organizations who breach this Ordinance will be warned and educated, fined, or punished, depending on the severity of their violation as regulated by laws.

Chapter 6

Final Provisions

Article 30 Implementation

The Government of the Lao PDR has a duty to implement this Presidential Ordinance.

Article 31 Effectiveness

This Presidential Ordinance is effective from the date of signature by the President of the Lao PDR.

Any regulations that contradict to this Presidential Ordinance shall be canceled.

Vientiane, date 20 June 1997
President

[Signature and seal]

Nouhak PHOUMSAVANH