

Annex 2| *Overview of ICH
Safeguarding in Laos*

An Overview of ICH Safeguarding in Laos

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1. Introduction to the Department of Heritage

The Department of Heritage falls under the Ministry of Information, Culture and Tourism (MoICT). It is composed of four sections and four autonomous organs.

The four sections are Antiquities, Museums, Monuments and Intangible Cultural Heritage. They are based at the Heritage Department Headquarters, and they mainly deal with countrywide management matters regarding legislation, policy, capacity building, and decision making as well as implementing some pilot activities

The four autonomous organs are the Division of Archaeology, the National History Museum, the Luang Prabang World Heritage Management Office, and the Vat Phou World Heritage Management Office. These organs mainly act as task forces on implementing domain-specific activities.

The Division of Archaeology is in the same building as the Heritage Department. It deals with scientific research, and its main duty is to carry out archaeological excavations, surveys, site inventories and documentation, archaeology impact assessments, and salvage operations.

The National History Museum occupies its own building, which is located in the heart of the capital, Vientiane.

The two specialised world heritage management offices are located in Luang Prabang and Champassack respectively.

2. Laos as State Party to UNESCO Conventions

Right now, Laos is a signatory to three UNESCO Conventions.

- Signed in 1987: The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)
- Signed in 2007: The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)
- Signed in 2009: The Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

3. National Legislation

Between 1975 and 1996, decrees of the Minister's council and ministerial ordinances have served as legal tools to cover the cultural heritage protection.

- The First Presidential Decree Concerning the Preservation of Cultural, Historic and Natural Heritage (1997)
- Law on National Heritage (2005)

4. Basic Legal Text Regarding Intangible Cultural Heritage Mentioned in the National Heritage Law

- National heritage produced by humankind or formed by nature that has outstanding cultural, historical, or natural value are deemed precious assets and property of the Lao national community; some of these assets 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 that reflect the history of the Lao nation and the Lao people.

State Policy on National Heritage (Article 4 of the National Heritage Law)

- Socio-economic development shall proceed side by side with the protection and conservation of national heritage.
- The State promotes and creates the conditions for individuals and organisations within the country and abroad to participate in protecting, conserving, restoring, and rehabilitating national heritage in a sustainable manner.
- The State promotes research, innovation, and advancement regarding national heritage and publicises the national and public value of national heritage while restricting and eliminating obstructions to the advancement of the multi-ethnic people and the forward movement of the nation.
- The State recognises property constituting national heritage that belongs to organisations and individuals and that has been lawfully registered.

Article 9. Cultural Heritage in Intangible Items

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

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, assemble, or use the results of research or innovation of other people regarding any national heritage without obtaining the prior consent of the copyright owner and of the concerned authorities;
- It is prohibited to disseminate or publish any national heritage that constitutes national secrets.

5. ICH Safeguarding Mechanisms at the National Level

- Create an ICH section under the Heritage Department
- Create the National Committee for Safeguarding of ICH
- Identify the wider public and community counterparts
- Develop a curriculum at academic institutions
- Create an ICH expert working group

6. Cooperation and Counterparts

- ICHCAP
- Cultural Heritage Administration of Korea
- UNESCO and its affiliated offices
- National University of Laos
- Lao Front for National Edification
- Institute for Cultural Research
- Departments within MoICT: Performing Arts, Fine Arts, Mass Culture, etc.
- Bilateral or regional cooperation

7. ICH-Related Activities

- National folklore ethnic festivals
- Elephant Festival in Sayabuly Province
- Buddhist Related Calendar Festivities
- In the World Heritage Sites:
- Promotion and revitalisation the traditional festivities:
- Lao New Year (or water festival) in Luang Prabang
- Boat racing
- Alms possessions
- Shadow puppets
- Ramayana dance

8. Intervention to Mitigate Negative Impacts within the Affected Development Project Area

The environmental and social impact assessment (ESIA) is reinforced, so at the relocated villages should be maintained the ICH elements as have been practices in their former area. In some cases, a kind of learning centre, local museum, or heritage centre was required to be set up to assure the sustainable development. Examples include the NT-2 Project, the Sepon Mining Project, and the Hongsa Power Project.

9. Future Plan

- Elaborate the legislation tools
- Build capacity at the national and local levels
- Identify and Document ICH elements
- Build a national inventory
- Prepare nominations for the ICH Urgent Safeguarding List
- Prepare nominations for the ICH Representative List