

## 2011 Field Survey Report

### Intangible Cultural Heritage Safeguarding Efforts in Lao People's Democratic Republic

In collaboration with the Ministry of Information, Culture and Tourism



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Field Survey Report

**Intangible Cultural Heritage Safeguarding Efforts  
in the Asia-Pacific  
2011**

**International Information and Networking Centre for  
Intangible Cultural Heritage in the Asia-Pacific Region  
under the auspices of UNESCO**

In collaboration with Ministry of Information, Culture and Tourism, Lao PDR

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## *Preface*

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The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region proposed by the Korean government was finally approved as a category 2 centre under the auspices of UNESCO at the 35<sup>th</sup> session of the UNESCO General Conference last October. Over the course of the next year, the Centre and the Korean government prepared for the establishment of the UNESCO category 2 centre which is intended to become a hub for the safeguarding of intangible cultural heritage in Asia and the Pacific region.

As a well intentioned objective for the future activities of this centre, ICHCAP initiated the 2009 Field Survey Project of the Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific Region.

In 2011 ICHCAP worked in collaboration with institutions from seven countries which include: Cook Islands, Kyrgyzstan, Lao People's Democratic Republic, Marshall Islands, Pakistan, Sri Lanka, and Tonga to carry out the field surveys. The purpose of the field survey project was to obtain a grasp on the current situation of ICH safeguarding, along with specific details on each country's efforts in inventory making and relevant policies, laws, organisations, etc. The centre will continue this project over the next several years to cover all of the countries within the Asia-Pacific region.

The centre will serve Asia-Pacific Member States as an information and networking centre for the safeguarding of ICH. The final report from the project will serve as a resource that will help determine particular needs and provide direction for new cooperative projects for the safeguarding of intangible cultural heritage. It will also be used as a resource for states within the region to strengthen their understanding of intangible cultural heritage of other countries in the region.

Lastly, I would like to express my sincere gratitude to the institutions and researchers who actively cooperated with ICHCAP on the field survey project.

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Intangible Cultural Heritage in the Asia-Pacific Region  
under the auspices of UNESCO





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## ***Introduction***

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Asia and the Pacific region is an area rich with various elements of intangible cultural heritage. Intangible cultural heritage has been handed down from generation to generation and has contributed to the development of cultural diversity and the creativity of humanity. Intangible cultural heritage for social development is well recognised as it represents the evolution of historical traditions and the cultural identity of a society embodied in creative expression.

Over time, the form and substance of intangible cultural heritage has become vulnerable to deterioration. In particular, rapid social change and globalisation have made this situation even more pressing. Fortunately, there has recently been an increase in global awareness in relation to the value of intangible cultural heritage and its safeguarding.

In this regard, ICHCAP has created a survey study plan to collect all the necessary information related to current safeguarding systems for intangible cultural heritage in the region. ICHCAP has been preparing this survey since 2008, and 2010 is the second year of the implementation of this project.

ICHCAP has collected relevant data from reports, workshop books, meeting resolutions, internet databases, etc. While the information is valuable, in many cases, the data is neither accurate, nor up to date. This is the reason ICHCAP has prepared a new survey to accumulate more current pertinent data.

The field survey was carried out by respected researchers in each country. For this project, ICHCAP developed a questionnaire to guide the research teams conducting the field surveys in each country. The questionnaire encompassed topics pertaining to safeguarding the present system & policy; intangible cultural heritage inventory; information regarding relevant conferences, symposiums and workshops; national and local pending issues and urgent needs within the field of intangible cultural heritage safeguarding.

Lastly, the information and data may be open to the public and ICHCAP will share necessary data with other Member States to support the implementation of the most effective and appropriate practices for the safeguarding of intangible cultural heritage. We expect the project will assist in strengthening regional capacity and solidarity as well as international cooperation for the safeguarding of ICH in the region.





# ***Field Survey Report***

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# I . Safeguarding system & policy

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## 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.

## II. Intangible Cultural Heritage Inventory

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### 1. National inventory

#### ❖ Objectives

1. To record the background history, wisdom and identity of the intellectual cultural heritage;
2. To provide important database on intellectual cultural heritage
3. To enhance the crucial role and the pride of the communities, groups, or individuals that own the intellectual cultural heritage;
4. To promote and develop the rights of communities to conserve, perpetuate, restore, and safeguard the local and national intellectual cultural heritage;
5. To implement the duties to become as a state party to UNESCO's conventions for the safeguarding of the intangible cultural heritage.

❖ **Expected benefit from the Intangible Cultural Heritage Designation**

It is expected that people will appreciate more the value and identity of their intellectual cultural heritage, become proud of their intellectual cultural heritage and community, and realize that intellectual cultural heritage reflects the nation's prestige. The intellectual cultural heritage designation will enhance the diversity of Intangible Cultural heritage in Lao PDR, promote learning and better access to designated Intangible Cultural Heritage, and contribute to the tourism promotion. Laos's Intangible Cultural Heritage designation significantly prepares the groundwork for Lao as a state party to the UNESCO's Conventions for the safeguarding of the Intangible Cultural Heritage.

❖ **Operational Directives for Intangible Cultural Heritage Designation.**

To facilitate Laos's Intangible Cultural heritage management in systematic and continuous manner, to trigger an awareness in the communities of the value and identity of their Intangible Cultural heritage, to enhance the period in their Intangible Cultural Heritage, and to promote the younger generations to learn and perpetuate the Intangible Cultural Heritage in their communities, the MICT has therefore laid down the operational directives and regulated the designation procedure for the project to designate the Intangible Cultural Heritage in 2011 as follows:

❖ **Operation procedures for the MICT:**

1. Set up Committees on Criteria Preparation for Intangible Cultural Heritage Designation in 2011 shall be appointed.



2. Brainstorm sessions in preparation of the criteria for Intangible Cultural Heritage in performing arts and Orel traditional domains shall be organized and the Intangible Cultural Heritage categories to be included in the pilot project for Intangible Cultural Heritage designation in 2011 shall be approved.
3. A handbook of guidelines for best practices for the provincial cultural offices, relevant agencies and communities for Intangible Cultural Heritage designation in 2011 in the performing arts and Orel traditional domains shall be published;
4. An Executive committee to be responsible for approving the items to be designated as Intangible Cultural Heritage in 2011 shall be appointed.
5. Documentation shall be provided to provincial culture offices in the project in order to facilitate their cooperation with relevant agencies and networks associated with the data collection and inventory filing of the Intangible Cultural Heritage in the performing arts and Orel tradition domains in 2011 with the participation of community members in identifying the items to be designated as Intangible Cultural Heritage.
6. Experts shall be appointed to act in an advisory capacity during the Intangible Cultural Heritage designation processes and to examine the inventories in the performing arts and Orel traditional domains after prepared and submitted the data and inventories to the MICT.

7. The committee of Experts shall be assigned to examine the Intangible Cultural Heritage data and inventories in the performing arts and traditional craftsmanship domains submitted by researchers and the MICT Secretary – General shall be informed of the experts' selection;
8. Announcement shall be made and media event shall be organized by the MICT regarding the Intangible Cultural Heritage listed items in the performing arts and Orel traditional domains in 2011;
9. Promotional media and printed materials for publicity of the Intangible Cultural Heritage listed items in the performing arts and Orel traditional domains through various media channels shall be prepared by the MICT.

❖ **Procedures for data collectors and inventory makers for Intangible Cultural Heritage designation (Provincial Cultural office)**

1. A committee at the provincial level shall be appointed to collect data and prepare inventories of items to be designated Intangible Cultural Heritage in the performing arts and Orel traditional domains in 2011 by inviting the participation of experts in relevant fields of knowledge in the government and private sectors, such as local artists, local culture experts and other stakeholders as appropriate.
2. Inventories and data collection shall be prepared with the participation of the community and supported by the

operational from the MICT through the relevant provincial culture offices.

3. Report on the result of the operation and implementation shall be prepared and submitted to the MICT;
  
4. Coordination and cooperation with the holders of the designated Intangible Cultural Heritage items in 2011 shall be made to request permission for use in the promotional media, printed materials, demonstrations, exhibitions and media events in the public relation campaign regarding the designation of the Intangible Cultural Heritage in the performing arts and Orel traditional domains in 2011 on the date, time and venue chosen by the MICT.

❖ **Criteria for nomination of items for Intangible Cultural Heritage designation.**

Committees on Criteria Preparation for Intangible Cultural Heritage Designation shall provide the criteria for Intangible Cultural Heritage designation in accordance with the guidelines for the Intangible Cultural Heritage designation in the performing arts and Orel traditional domains for year 2011 as the following guidelines:

1. Specific characteristic that attest to the cultural uniqueness and identity of the community.
2. Elements that corresponds to the performance genre.
3. Explicit presentation format.
5. Historical of transmission and owner.
6. Spiritual value and value to the community's way of life.
7. Other characteristics that the committee of experts consider appropriate such as the community's acceptance, the risk of appearing etc.

## III. Relevant Organisations

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### 1. Governmental organisations

1. To development and prepare its function to support, promotion, preservation and restoration of national culture heritage, in 2011 the Government has reformed the Ministry of information and culture and national tourism Authority by Amendment as the name of Ministry of information, culture and tourism.
2. Ministry of Information, Culture and Tourism is one of the 18 Ministries in the Lao Government structure. Lao Government also devise to administration for 4 groups: political group, security group, economic group and social culture group.
3. To implement for field work of ICH there are 6 Departments related in charge of intangible cultural heritage:
  - Department of Heritage.
  - Department of Mass Media.
  - Department of Mass Culture.
  - Department of performance Art.
  - Department of film.
  - Department of fine Art.

Ministry of Information, Culture and Tourism (MICT) is lay in social culture group.

4. To manage in systematic and continuous manner. The ministry of information, culture and tourism has laid down the operational directive and regulated the advisory committee And intangible Cultural heritage:

- Advisory Committee of Intangible Culture Heritage. Composes of 11 people which long experience related in intangible culture heritage specify for performance Art, fine Arts, film, social science, Anthropology and national heritage experts. This Committee has responsible to conduct and Monitor about intangible culture heritage inventory in LAO PDR also advice and provide research to local level.
  
- Intangible culture heritage expert committee compose 6-7 people of Governor private organization and NGO organizations staffs this committee have duty to work for field survey, collecting data and complete report to advisory committee.

**❖ Need to enhance the process of development.**

The Lao government considers culture as an important factor of political stability, a matrix for development and the basis of the national cultural identity. Its policy on culture has thus emphasized on the preservation of both material and intangible cultural heritage while nurturing the culture of each ethnicity within the nation. Work plans and budgets have been implemented to encourage the conservation of traditional culture and the transmission to next generations the best traditions of each community. At present the Lao government has signed three main international conventions of UNESCO; the convention of world cultural Heritage (1972) on 23 March 1987, the convention on the protection and promotion of the Diversity of cultural Expressions (2005) on 5 November 2007 and the convention on Intangible Cultural Heritage (2003) on 26 November 2009.

The Luang prabang Town and the Wat Phu and its associated ancient settlement within the Champasak cultural landscape are the two sites that have been inscribed on the world heritage list of UNESCO.

The implementation of the two others convention is ongoing and their texts have been translated into Lao language. The expression of cultural diversity and the preservation of cultural traditions are stipulated in a number of legal text such as the national constitution, the law on education, the law on nationality, the law on cultural heritage. The law on cultural heritage covers the material culture, the intangible cultural heritage, the natural heritage, the museums and the national fund for the preservation on cultural heritage. The preservation of and the nurturing of our national cultural are addressed in every five year plan of socio – economic development. The main organization mandated for the implementation of the law and the national policy on cultural is the Ministry of Information and culture which is composed of a number of departments dealing with cultural heritage, fine arts, performing arts, folklore, cultural products well as newspapers, magazines, radio, television and internet.

The Department of Heritage is instrumental in implementing the work plan and the budgets plan that are directed to cultural heritage. This department is composed of several divisions such as Intangible cultural heritage, monuments and sites, museums, antiquities and archeology. As for human resource, The National University of Laos upon the request from the Ministry of Information and Culture created a curriculum on archaeology and cultural resources management two years ago and is now teaching students at Bachelor Degree level.

The Department of Heritage is task force for basic activities aiming to survey, study, inventory, and encourage the preservation and the promotion of both material and intangible cultural heritage. Scholars from other institution have expressed their availability to participate in such activities after they have been contacted and notified on national program on cultural

heritage; they are currently affiliated to several organizations such as the national committee of social sciences, the faculty of social sciences of The National University of Laos, the committee of ethnic affairs, the committee of religious affairs of the national front for the nation edification.

Until now a national plan of survey and inventory of Intangible cultural has yet been conducted; only punctual projects have undertaken by consultancy services as part of Environmental Impact Assessment (EIA) for example for the Nam Theun2 hydro power project and Sepon gold mining project. The department of Heritage took part on the last survey conducted within the area that is impacted by the Sepon mining project in the Vilabuly district Savannakhet province.

Recently the department of heritage signed a Memorandum of Understanding with the Korean creation of a system of management of ICH are included within this program. At the same a substantial budget plan has been submitted for the fiscal year of 2009-13. It is expected that with the government plan that will be assisted by Korean co-operation will provide us with an appropriate start in implementing the convention of ICH. For our endeavor, we hope also top benefit from experts and scholars from international organizations as well as from any friendly country. Their support and kind co- operation are most welcomed.



## Organigram of the Ministry of Information and Culture

1. Minister
  
2. Vices Ministers; 2 persons 1 is responsible for Information and the other for Culture
  
3. Departments under Culture are:
  - Heritage
  - Fine Arts
  - Performing Arts
  - National Library and Publishing
  - Mass Culture
  
4. Departments under Information:
  - Media Information
  - National Radio
  - National TV
  - Press (Lao and Foreign Languages)
  - Lao News Agency (KPL)
  
5. Department for General Affairs
  - Cabinet of Ministers (Administration, legal affairs, International Relations)
  - Personnel
  - Finances
  - Control and inspection

6. The Department of Heritage is composed of:

- Direction of Cultural Heritage
- Direction of Intangible Cultural Heritage
- Direction of Antiquities
- Direction of Museums
- Division of Archeology
- National Museum of Vientiane (office at Vientiane)
- National Museums of Ho Prakeo, Wat Sisaket and That Luang (office at Vientiane)
- National Palace Museum at Luang Prabang (office at LPB)
- Direction of World Heritage Site of Luang Prabang (office at LPB)
- Direction of World Heritage Site of Wat Phu (office at Wat Phu)
- National Museums at different provinces (office at their respective province)

## IV. ICH Preliminary Field Survey

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1. **Title:** ICH Preliminary Field survey of the Intangible Cultural Heritage

### 2. **Background**

Laotians have a long history through which their society and cultural heritage have grown. Today, the Lao PDR consists of seventeen provinces with forty-nine ethnic tribes. Each ethnic tribe has its own unique characteristics.

Vilabouly, located in the middle of Lao PDR, is one of the fifteen districts of Savannakhet Province. The area is made up of mountains, forests, streams, and rivers, and there is an abundance of natural resources, including various species of wildlife and mineral ores, such as gold and copper. Vilabouly has ancient roots, and residents have migrated to the area over many centuries. Vilabouly became known as a heroic district while the nation was fighting for national liberation and against imperialist invaders. Most people living in Vilabouly make up two major ethnic groups: Brou and Phou Tai, with 70 per cent of the population belonging to the Phou Tai ethnic tribe and the remaining 30 per cent to the Brou ethnic tribe.

The government of the Lao PDR, always having considered socio-economic development along with safeguarding cultural heritage, ratified the 2003 ICH Convention on 19 October 2009. Furthermore, to recognise the importance of safeguarding intangible cultural heritage, the Vilabouly District conducted a preliminary field survey that was funded by Lane Xang Minerals Company Limited.

The survey was divided into two phases.

Phase 1: Collecting data in ten Brue ethnic villages for one month. The collected information includes

- 1) local folktales
- 2) the art of singing local songs
- 3) traditional rituals

Phase 2: Collecting data in eleven Phou Tai ethnic villages for one month. The collected information includes

- 1) local folktales
- 2) courting poems
- 3) the art of singing local songs
- 4) traditional rituals

The intangible cultural heritage is manifested in the following domains.

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage
- (b) performing arts
- (c) social practices, rituals, and festive events
- (d) knowledge and practices concerning nature and the universe
- (e) traditional craftsmanship

### **3. Purpose:**

- To record the background history, wisdom and identity of the intellectual cultural heritage;
- To provide important database on intellectual cultural heritage
- To enhance the crucial role and the pride of the communities, groups, or individuals that own the intellectual cultural heritage.

- To promote and develop the rights of communities to conserve, perpetuate, restore, and safeguard the local and national intellectual cultural heritage.
- To implement the duties to become as a state party to UNESCO's conventions for the safeguarding of the intangible cultural heritage.

**4. Duration:** May – December 2011

**5. Venue:** Angkham village, Vilabouly district, Savannakhet province.

**6. Convenience in survey for surveying**

- With the cooperation of the people and authorities of the Vilabouly District, the survey team was provided convenience in transferring information. People eagerly participated, and they were well received.

**7. Problems and obstacles for surveying**

- Villagers did not have comprehensive knowledge of ICH.
- Some people were not forthcoming with information.
- Some people requested high remuneration.
- Local language also became the barrier between the team and the villagers.
- The low-quality tools used in collecting the data did not yield satisfactory output.
- Since socio-economic problems still existed, negotiation for compensation was a main problem.

**8. Challenges and basics for ICH safeguarding in the Lao PDR**

- ICH safeguarding is new work.
- Social awareness and responsibility is still low. Work was done based on familiarity, and it caused negative effects on ICH.
- The organisation was not strong, and the number of technical staff was inadequate.
- Funds and technical knowledge were still limited.
- Legal acts were newly formed.

## **9. Required measurement for ICH safeguarding, development, and support**

- Adopt general policy aiming to support and integrate ICH safeguarding and data collecting in a set strategic plan.
- Assign or form one or more organisations with proper capacity to undertake safeguarding activities.
- Support scientific research, technique, and skill.
- Approve appropriate legal measures.

## **10. Outcome**

The Phou thay's history and origin are similar to other ethnic group of the Lao – Tai language group. They migrated from south China in the late 17<sup>th</sup> and early 18<sup>th</sup> century, following the Mekong, Salavan and Red rivers. The group that migrated into the red river area later broke up into two groups: Tai Dum and Tai Mour. These two groups later settled in many places such as Saybangfai, Hinboun, Saynamnoy river and the Huaxanghai Mountain area.

Presently, The Phou Thay live in the central province, mostly in Nongbok, Mahaxay, Hinboun, and Boualapa district of Khammuan province, plus they live in Pin, Sepone and Vilabouly district of Savannakhet province. Their population around twenty thousand people in Laos.

- Name and language.

Phou Thay has always been most common name of this group. They come from the words: Thay phou which has an obscure meaning of those who migrated along the mountain. Their language is an Astro-Tai language and is in the Tai – Kadai group. They do not have a written alphabet.

- Society, believe, ceremonies and myths.

The Pou Thay adopted Buddhism during their migration through Laos, Before this time they were followers of their own style of animism. However, they had combined Buddhism with some of their ancient animistic practices and beliefs.

They belief in some spirits of the area(phi muang) and the spirit of the village (phi ban). They also believe in other spirit such as spirit of the river and forest, They believe ancestral spirit can protect those in the household from harm.

Every Phou Thay village will have shamans, who are always female, These are call moi yau or phi fa. They are believed to have magical power allowing them to cure illnesses, After the harvest, the Phou Thay will sacrifice chicken, sticky rice, fruits and other items to the spirit of the rice.

Phou Thay family are basically nuclear, but with perhaps three generations living under one house. Men are monogamous and do not practice polygamy like other groups.

Phou Thay marriage is a complex affair, as when a girl marries, she must be cut off from her ancestral spirit and these take many ceremonies and sacrifice to perform correctly. When a young man in interested in a girl, he will give her a gift of money or cloth. Later a dowry must be paid to her family, which today about a half kilogram of silver, plus a buffalo, a pig, some sticky rice and some cash.

After marriage, the husband will move into the wife's house. He will be expected to work hard, carrying water, pounding rice, finding and picking firewood, searching for food and so on. Later couple were inherit this house or move into their own.

When the women is pregnant, there are certain taboos she must follow. Some of these include not eating banana flowers, horse, fatty meals, or the meat of the pregnant buffalo. Also, she may not nap during the day, nor her husband may not cut the neck of a domestic

animals for slaughter. These beliefs are to prevent the baby from being born deformed or seriously ill.

The baby will be born in the house. After birth, the mother will eat rice with ginger root for three days, then later progress to kitchen and other meats, this is to ensure the mother's strength.

Phou Thay cremate their dead, either at their village temple or outside the village. If the family has money, then a ceremony is held for three nights at the house of the deceased. Those who are younger than fifteen or died in accidents are buried. If an outsider dies in the village, then the deceased's family must sacrifice a buffalo to the village spirit.

#### -Village and house

Before building a new village or house, the villager will bury some rice seed in the spot they wish to build. If it germinates successfully, then they will proceed to build in that spot.

The Phou Thay live in small villages with houses on stilts, the walls of woven bamboo and roofs made of thatch. A ladder leads to a small porch.

The house is divided into two rooms, one is the living room with a small hearth for cooking, the other room is a small sleeping room. They will keep their animals under the house during the night.

#### - Costume

According to the Phou Thay in Laos. They no longer wear their traditional clothing, as they have sold their costume to the Phou Thay in other places. Today Phou Thay women will wear a traditional sarong (phaa sin) that is black or dark blue with a long-sleeved vest. If there is a special occasion, then they will wear more colorful phaa sin with a wide sash that is red or white. Today, they wear little jewelry, but used to wear a lot of silver jewelry several generations ago.



For special occasions the males will wear wide blue trousers and short sleeved blue vest with red hems and fringes. For daily wear, they will wear commercial clothing bought from Lao traders. They will also be tattooed, but this is becoming less common.

#### -Agriculture and livelihood

The Phou Thay's main crop is glutinous rice, which is grown in wet paddies. They also grow vegetables, fruits, tobacco and some cotton. Animals they raise are buffalo, cow, poultry, dog and small horses. They also hunt small game and fish in the rivers. The women will weave phaa sin and other items. The men will make items from bamboo for trade. These include mats, baskets, fish traps and other household items.

## V. Pending issues & urgent needs regarding the safeguarding of ICH

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Presently, it is evidence that intangible cultural heritage is gradually threatened by various factors, globalization, right infringement and violation, misuse, appropriation and lack of respect for traditional cultural itself or for the individuals or communities. That are owners of the cultural heritage, the factor also include social, cultural and environment change, disproportionate growth and up surge of industrialization, tourism and immigration etc.

This changing context adversely affect practitioners and transmission of intangible cultural heritage. Especially the fast disappearing of oral tradition and performance arts.

The Ministry of Information, Culture and Tourism (MICT), therefore, has plan to designate the intangible cultural heritage, the objective of which are the raise awareness in importance of inherited intellectuals, to promote cultural dignity and identify 49 ethnic groups in Lao PDR.

To serve as the key testimony of ownership of the intangible cultural heritage found in the country. Including to keep up with the global dynamism and trend to safeguarding intangible cultural heritage. This will pave the way for systemic and sustainable conservation, creation, development and transmission of intangible cultural heritage.

Through this field survey also have some problems encountered as the study case:

#### - Language – Translation

The primary research was first conducted and written in Lao and afterwards, transcribed and translated in English. It was not ideal for Lao researchers to have their work translated in English as they could not proof – reach the material and provide any additional comment subtleties in translation for changing in meaning also posed a risk .

propose spelling of phonetic terms was time consuming for it had to be checked and verified, the text therefore, underwent many stages of editing.

#### -Selection

Due to limitation in funding and time lines, no study can be comprehensive on intangible cultural heritage. The central premise thus come down to : what element form are selected over others, this involves the politic of representation this process was decided by whom.

So in this case Lao need some helps from international society in training more researchers in intangible cultural heritage and intellectual property rights, now there are many artists that are perform, not researchers, they are importance resource people that are masters in their arts. Training local researchers in this field is essential. Education institution can initiate course work involving the collection data, interviewing and documentation of intangible cultural heritage ,

This field work would not have been a success if it have not been for the enthusiasm and commitment to produce and research such as documents, it not only funds to produce a publishing document in this field but paid tribute and commendation to artists, that dedication to the future in Laos.

## *List of co-researcher*

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<b>Name</b>	<b>Responsibility</b>	<b>Affiliation</b>
<b>Mr Viengkeo souksavatdy</b>	Researcher	Ministry of Information, Culture and Tourism
<b>Mr Thongsa Sayavongkhamdy</b>	Researcher	Ministry of Information, Culture and Tourism
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<b>Mr Anousack Inthirath</b>	Researcher	Ministry of Information, Culture and Tourism



## Annex 1 | *Law on National Heritage*



# Law on National Heritage

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

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## LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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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 9<sup>th</sup> 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 18<sup>th</sup> 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**

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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 hearts<sup>1</sup> and of assuring the elements for prosper sustainability of the nation.

**Article 2. National Heritage**

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

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<sup>1</sup> The literal translation is “conceptual basis”.

<sup>2</sup>The 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, reflecting<sup>3</sup> 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;

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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.

<sup>3</sup>The literal translation is “identifying”.

4. Historical trails <sup>4</sup> 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;

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<sup>4</sup>This 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 publicises<sup>5</sup> 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.<sup>6</sup>

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 apatrids<sup>7</sup> 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.

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<sup>5</sup>The literal translation is “disseminates”.

<sup>6</sup>The sentence structure has been changed for readability.

<sup>7</sup> 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] matmee<sup>8</sup>), artistic works, consumer goods, foods such as: sticky rice, [and] fermented fish, traditional music instruments such as: khean...<sup>9</sup> production tools, ancient inscriptions, archaeological sites, anthropological sites and others.

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<sup>8</sup> 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.

<sup>9</sup> 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, scripts<sup>10</sup>, 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.

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<sup>10</sup> 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 ...<sup>11</sup>

## **Article 12. Historical Heritage in Intangible Items**

The historical heritage in intangible items refers to [items of] conceptual<sup>12</sup> 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 bravery<sup>13</sup>, innovative knowledge, capability, strategies, martial arts and tactics, warfare lessons, [and experiences gained from] the leadership, administration and development of the nation.

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

<sup>12</sup> The Lao term connotes non-physical, mental, conscious and spiritual.

<sup>13</sup> 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, cascades<sup>14</sup>, 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.

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<sup>14</sup>The 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 sustainable<sup>15</sup> existence with the country<sup>16</sup>.

#### **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.

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<sup>15</sup>The literal translation is “prosper”.

<sup>16</sup>The 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 sectors<sup>17</sup> and local administrations<sup>18</sup>.

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.

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

<sup>18</sup>The 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 policies<sup>19</sup>.

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.

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<sup>19</sup> 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 sell<sup>20</sup> 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.

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<sup>20</sup>The 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 heritage<sup>21</sup> 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.

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<sup>21</sup>The 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.<sup>22</sup>

### **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.

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<sup>22</sup>The 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. Compensation<sup>23</sup> for activities that affect the national heritage;
6. Income from activities relating to national heritage and others.

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<sup>23</sup>The 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 paragraph<sup>24</sup> 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.

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<sup>24</sup>The 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 Agencies<sup>25</sup>**

#### **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.

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<sup>25</sup> 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 implementing<sup>26</sup> 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;

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<sup>26</sup> 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 advance<sup>27</sup> to the person inspected;
3. Emergency inspections, which are emergency inspections without advance notice to the inspected person.

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

## **Part IX**

### **Policies and Measures<sup>28</sup>**

#### **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.

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<sup>28</sup>See 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



Annex 2| ***Overview of ICH  
Safeguarding in Laos***





# An Overview of ICH Safeguarding in Laos

Viengkeo SOUKSAVATDY  
Acting Director General, Heritage Department

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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

## Annex 3|*Photograph*







A phakhouan for wedding ceremony



Basi soudkhouan wedding ceremony



The men are wished luck with a basi before entering the priesthood





Novice monks are wished luck with a basi after leaving the priesthood



Basi soudkhouan ceremony for moving into a new house



Basi before a family member leaves for a long journey

The art of singing traditional folk songs of the Phoutai ethnic tribe





The art of singing traditional folk songs of the Phoutai ethnic tribe





Religious ritual, ordaining a Buddha statue







Boun Bangfai (Rocket festival)



Boat race

Traditional Dance Performance





Ipok Marionettes



Phra Lak Phra Lam



Wat Xienthong Temple







Worshippers in the Tam Ting caves

Sculptures of Bhdda in the Tam Ting caves





Sculptures of Bhdhha in the Tam Ting caves



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