



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

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Environmental Protection Law

Chapter I General Provisions

Article 1. Function of the Environmental Protection Law

The Environmental Protection Law specifies necessary principles, rules and measures for managing, monitoring, restoring and protecting the environment in order to protect public, natural resources and biodiversity, and to ensure the sustainable socio-economic development of the nation.

Article 2. Environment

Environment means any organic and inorganic feature, existing naturally or created by mankind and surroundings such as people, animals, plants and others, and the positive and negative interactions and impacts between them, either restrictive or favourable for human and natural life.

Environment includes soil, water, forests, plants, animals, bacteria, mountains, rocks, minerals, air, which constitute the ecosystem. Archeological artifacts, historical heritage, urban and rural settlements, buildings, vibrations, radiation, colors, and odors that are created by humans are important elements of the environment.

Article 3. Environmental Protection

Environmental protection consists of all activities that contribute to the protection of the environment and do not cause damage to the environment, which ensure a clean and pollution-free environment, and which do not cause negative impacts to human, animal, plant and ecological health.

Article 4. Obligations to protect the environment

The Government directs and supports environmental protection by providing relevant data and information, raising public awareness and providing education to the citizens to see the importance of the environment for their daily life, and support a strict adherence to the environmental policy and legislation of the Lao PDR.

Lao citizens, resident aliens, stateless persons and residing foreigners, engaged in any production or service have obligation to protect the environment.

Article 5. Basic Principles of Environmental Protection

The basic principles of environmental protection are:

1. Environmental protection shall be the priority consideration, and environmental mitigation and restoration are considered to be less preferable, but also important activities;
2. The national socio-economic development plan shall include provisions to protect the environment and natural resources;
3. All persons and organizations residing in the Lao PDR shall have an obligation to protect the environment;
4. Whoever causes damage to the environment is responsible for the impact under the law;
5. Natural resources, raw materials and energy shall be used in an economical manner, which minimizes pollution and waste and allows for sustainable development.

Article 6. International Relations and Cooperation

The Government supports international relations and cooperation on environmental protection and development.

Chapter II

Prevention of Environmental Degradation

Section 1

Prevention of environmental degradation

Article 7. Prevention of environmental degradation

Prevention of environmental degradation refers to the restriction of any actions that cause or could cause damage to or reduce the quality of the social and natural environment.

Article 8. Environment Impact Assessment

Environmental impact assessment is process of estimating impacts on the environment by development projects and activities. It also identifies methods and measures for mitigating and reducing such anticipated impacts on the social and natural environment.

1. The Science, Technology and Environment Agency shall issue general regulations on procedures and methods for environmental impact assessment.
2. Each sector that is responsible for the development projects and activities shall issue its own regulations on procedures and methods for environmental impact assessment, based on the general EIA regulation issued by the Science, Technology and Environment Agency.
3. Development projects and activities that have or will have the potential to affect the environment shall submit a EIA report according to paragraph 1 and 2 above to the concerned authority in charge of environment management and control for issuance of an environment compliance certificate before starting the project.
4. Development projects and activities operating prior to the enactment of this Law that have caused damage to the environment shall propose measures, procedures and actions to mitigate such damage to the concerned environment management and control agency for issuance of an environment compliance certificate.
5. Environmental Impact Assessment shall include the participation of the local administration, mass organizations, and population likely to be affected by the respective development project or activity.

Article 9. Application of technologies

Production processes and business activities shall use advanced technologies which are appropriate for the socio-economic situations, and which are minimizing harm to the environment, and shall strictly comply with the technical standards issued by the concerned sectors.

The import and transfer of all technologies related to environmental protection, shall be authorized by the responsible sector and the Science, Technology and Environment Agency

Article 10. Construction and Repair

Persons or organizations engaged in construction or repair works such as: roads, bridges, water supply systems, repair, high pressure cleaning, communication networks, electricity grids, and other structures have to safeguard the security of their undertakings as well as to apply measures to prevent or minimize nuisances such as smoke, dust, vibrations, noise, radiation, discoloration, odors, waste and obstructions by strictly complying with the standards, and regulations issued by the responsible line agencies and the environment management and control organization.

Section 2

Protection, Exploitation and Use of Natural Resources

Article 11. Natural Resources

Natural resources are organic and inorganic objects originating from nature such as land, water, air, forests, bio-diversity, minerals, and stones, and which are important conditions for people's livelihood and national socio-economic development.

Article 12. Types of Natural Resources

Natural resources can be divided into two types:

1. Renewable natural resources including: land, water, air, forests, and bio-diversity are resources which, when properly managed, preserved, exploited and used according to plan and technical knowledge, will sustain themselves forever.

2. Non-renewable natural resources, such as mineral deposits and stones are resources, which shall be extinguished. However, if properly managed, preserved according to plans, exploited or used efficiently, they can last many generations.

Article 13. Obligation to protect natural resources

All persons and organizations have an obligation to protect natural resources. Persons or organizations that witness any event which leads to losses of natural resources, have an obligation to report the event to the responsible agency for timely action and protection.

Article 14. Measures for the Management of Exploitation and Use of Natural Resources

Persons or organizations engaging in exploitation, transportation, storage, manufacturing or use of natural resources shall strictly comply with the laws on land, forestry, water and water resources, mining, and agriculture, as well as other related regulations and laws.

Article 15: Bio-diversity Resources Protection

Bio-diversity is the multiplicity of the ecosystems; species and classes of living organisms such as plants, animals, insects and micro-organisms which inhabit any part of nature.

The Science, Technology and Environment Agency shall issue general regulations and measures on bio-diversity management.

The local administrative authorities administrations, and the concerned line agencies shall allocate bio-diversity protection areas, and shall designate protected and unprotected species in order to protect, and increase the population of the species in question.

Any import and export of bio-diversity resources such as plants, seeds, animal breeds and microorganisms shall strictly comply with the regulations and measures on bio-diversity management.

Article 16. Protection of Cultural, Historical and Natural Conservation Sites

Any persons or organizations engaged in production, business, service or other activities that cause negative environmental impacts to cultural, historical and natural heritage sites, such as archeological sites, traditional, historic vestige, tourism sites natural panorama sites or forest reserves shall strictly comply with the regulations and measures issued by the relevant sectoral and local administrative authorities.

Section 3

Natural Disaster Prevention and Combating the Disaster

Article 17. Disasters

Disasters are phenomena or events caused by nature or humans that affect the health, life, and property of the people, and the environment. Disasters include floods, droughts, land slides and erosion, fires, typhoons, pestilence , epidemics, earthquake, major oil spills or others.

Article 18. Obligations for Preventing and to Taking Action Against Disasters

All persons and organizations have an obligation to protect and take action against disasters. In the event of witnessing the foreboding or start of a disaster, they shall immediately inform local administration. or the nearest organization. These local authorities or organization shall cooperate with other State organizations and of society in order to determine methods to protect and take action against such disasters, and shall mobilize the population and various organizations to contribute initiative, labor, funds, transport vehicles and other necessary tools to protect and timely take action against such events. .

When disasters occur in several locations in a particular area, the concerned local administrative authorities shall cooperate with each other in order to find out the method to protect and take action against the disasters.

Article 19. National Disaster Prevention Committee

The Government shall establish a National Disaster Prevention Committee. The National Disaster Prevention Committee shall cooperate with agencies and concerned local administrative authorities in area where the disasters tend to occur, or have occurred, or will occur , to develop plans, determine measures for prevention, take action against, and restore the area suffering from such disasters. At the same time they shall regularly monitor the threatened areas in anticipation of future disasters.

Chapter III Pollution Control

Section 1

Pollution

Article 20. Pollution

Pollution is defined as any change in the environment that leads to an increase in the chemical, biological, or physical constituents in water, soil, or air exceeding the ambient standards as defined in the regulations, or that causes the environment to become poisonous and leads to negative impacts on human health, human life, animals, plants and the environment.

Article 21. Pollution Types

Pollution types include: water pollution, soil pollution, air pollution, chemical pollution, radio-active pollution, pollution from waste, vibrations ,noise, , glare, discoloration and odor.

Water, soil, or air pollution is the contamination of water, soil, or air caused by an increase in the physical, biological and chemical, constituents exceeding their respective prescribed standards, and leading to negative impacts on human health, human life, animals, plants and the environment.

Pollution from wastes is pollution from toxic or non-toxic solid, liquid and gaseous waste exceeding their respective prescribed standards, and leading to negative impacts on human health, human life, animals, plants and the environment. Waste means material that has not been used for the production or by society.

Pollution from toxic chemicals is the pollution from poisonous materials or poisonous compounds in the environment over their prescribed standards, leading to negative impacts on human health, human life, animals, plants and the environment.

Pollution from radio-active substances is pollution originating from elements emitting continuously radio-active radiation exceeding the prescribed standards and harming on the body or cells of living organisms.

Pollution from vibrations, noise, glare, discoloration and odor is considered a nuisance when these things exceed their respective prescribed standards and lead to negative impacts on human health, human life, animals, plants and the environment.

Section 2

Obligations and Pollution Control Measures

Article 22. Obligations for Pollution Control

All persons and organizations have an obligation to engage in pollution control. Persons engaging in production, industry, services, agriculture- forestry, handicrafts and other businesses generating pollution shall utilize technologies and install the necessary pollution control facilities to meet the prescribed environmental quality standards.

Article 23. Prevention Measures and Pollution Control

Environmental management and monitoring agency at all levels shall issue regulations and determine environmental quality standards for environmental protection and pollution control according to their roles and duties in coordination with the concerned sectors.

Persons or organizations engaged in all kinds of activities must strictly prevent and control water, soil, air, waste, chemical, radio-active, vibration, noise, glare, discoloration and odor pollution .

It is forbidden to discharge waste water, or water that exceeds the prescribed standards into canals, natural water bodies or other places without proper treatment.

It is forbidden to release hazardous smoke, gases, odors, chemicals, or dust in excess of the prescribed air standard.

The production, import, usage, transport, storage and disposal of hazardous chemicals and radioactive substances shall be done in strict accordance with the prescribed regulations and standards.

It is forbidden to emit vibrations, noise, glare and odors in excess of the prescribed limits.

All kinds of littering are forbidden. It is required to allocate waste disposal sites, and to separate waste before its disposal, incineration, burying or other methods of disposal. Technologies for waste processing, recycling of waste into the production process, and re-use must be supported.

It is forbidden to import, or transport all kinds of hazardous waste through land, water, and sky border of the Lao PDR.

Part IV Environmental Mitigation and Restoration

Section 1 Environmental Mitigation

Article 24. Environmental Mitigation

Environmental mitigation means the prevention or response to the occurrences, together with restoration and improvement of the impacts of the environment to its former, undisturbed state by establishing and fulfilling environmental quality standards, regulations and measures.

Article 25. Obligations for Environmental Mitigation

Persons and organizations shall be primary contributors to environmental mitigation.

All persons or organizations shall have the right to send petition about any undertaking that can cause negative environmental impacts affecting human health, human life, animals, plants and environment.

Petition or complaint about any undertakings that cause negative impacts to the environment shall be sent to the local authority or the environmental management and monitoring unit of the area where the damage occurs, which shall consider the issue within 30 days from the date of receiving the complaint. Urgent issues shall be addressed immediately.

When local authorities or responsible sectoral agencies cannot resolve the issues, they have to report the complaint to the next higher level in their chain of command or to the higher environment management and monitoring organization within seven days. The responsible agency shall resolve the petition or complaint within 30 days, and shall notify the petitioner of the result.

Section 2 Restoration of environment

Article 26. Restoration of the environment

Restoration of the environment is the reconstruction of the damaged or degraded area into a better condition, which naturally balances within the ecosystem.

Article 27. Obligations for environmental restoration

Persons and organizations shall have an obligation to actively participate in environmental restoration by providing initiative, labor, funds, and equipment to improve the damaged or degraded environment.

Article 28. Restoration of areas destroyed by disasters

Any person or organization engaged in commercial production, service or other undertaking that causes a disaster is obligated to mitigate the damage and to restore the affected area under the supervision of the local administrative authority or the concerned sectoral agency.

In cases when a natural disaster happens, the local authority and the concerned sectoral agency shall cooperate to determine the method for restoring the affected area.

Article 29. Restoration of cultural, historical and natural heritage sites

Structures and architectural features of historical, cultural and national importance shall be preserved, reconstructed and restored in order to retain their cultural and historical value for the nation.

Sites of visual amenity and scenic beauty that have been destroyed by disaster shall be restored and preserved.

Chapter V **The Environment Protection Fund**

Article 30. Environment protection Fund

The Government supports the establishment of an Environment Protection Fund to support activities in the field of research and study, preservation, mitigation and restoration of the environment, including the protection and preservation of natural resources.

For the establishment and management of the Environment Protection Fund, separate regulations shall be issued.

Article 31. Source of Environment protection Funds

The Environmental protection Fund shall be funded from the following sources:

1. Government budget,
2. Development projects and related activities,
3. Contributions from international and local agencies,
4. Contributions from the private sector and individuals,
5. Interest and profit accruing from the fund.

Article 32. Use of Funds

The Environmental Protection Fund shall be used for the following activities:

1. Mitigation of urgent and pressing environmental issues;

2. Projects related to scientific and technologic research on environmental protection, the management, monitoring and the implementation of other environmental protection legislation;
3. The promotion of education, training, and environmental awareness raising;
4. Supporting campaigns for environmental preservation such as the World Environment Day, the National Arbor day, and the National Fish Release Day;
5. Management of the Fund.

Chapter VI

International Relations and Cooperation on Environment

Article 33. International Relations and Cooperation on Environment

The Government supports international relations and cooperation with other countries and international environmental protection agencies, attracting assistance, exchange of technical knowledge, capacity- building activities for its research employees and application of progressive science and technologies; and participating in the international activities for the environmental protection and mitigation, and shall implement all international or bilateral conventions or treaties on the environment to which the Lao PDR is a party.

Article 34. International Conflict Resolution on Environment

Disputes between countries in the environment field that emerge and negatively impact the environment of the Lao PDR shall be resolved on the basis of existing treaties and agreements ratified or signed by the Lao Government.

Chapter VII

Environment Management and Monitoring

Article 35. Institutions for Environment Management and Monitoring

The Institutions for Environment Management and Monitoring are:

1. The Science, Technology and Environment Agency;
2. Environment Management and Monitoring units at the ministerial level;
3. Environment Management and Monitoring units at the provincial, municipal or; special zone level;
4. Environment Management and Monitoring units at the district levels;
5. The village administrative authorities.

Article 36. Rights and duties of the Science, Technology and Environment Agency

The Science, Technology and Environment Agency (STEA), being the environmental management and monitoring organization at the central level, has the following rights and duties:

1. To act as a secretary to the Government in making and translating environment strategies and policies into plans, detailed projects and relevant regulations for the management and monitoring of the environment;
2. To implement management and monitoring activities, and to report the situation of the environment of the country regularly to the Government;
3. To act as the coordinating center between the concerned sectors and local administrative authorities for managing and monitoring any environment activities;

4. To conduct research and identify methods to protect, mitigate, and restore the environment by using appropriate advanced science and technology;
5. To monitor and control the implementation of strategic plans, programs, projects, regulations, and laws relating to the environment;
6. To issue or revoke licenses of any organization engaging in environment related services;
7. To instruct development projects and activities to prepare environment impact assessment reports according to the regulations on environmental impact assessment;
8. To receive and response petitions from the population and other parties regarding environmental issues;
9. To co-operate with authorized concerned sectors in giving orders to adjust, suspend, remove or close down any activities that cause adverse impacts to human health, human life, animals, plants and the environment;
10. To train and upgrade the skills of the environment technical staff, and to educate and raise environmental awareness for all strata of the population in the country in close cooperation with the sectoral agencies and local administrative authorities
11. To disseminate, collect and analyse data concerning the environment and natural resources for use as inputs in the national socio-economic planning process;
12. To promote international relations and cooperation related to environmental issues;
13. To perform other rights and duties assigned by the Government, or as stipulated in the regulations and laws.

Article 37. Rights and Duties of Ministerial Environment Management and Monitoring Units

If a ministry is required to establish its environment and monitoring unit, it has to cooperate with the Science, Technology and Environment Agency.

The ministerial environment management and monitoring unit has the following rights and duties for conducting its sectoral activities:

1. To make and implement plans and regulations about environmental protection concerning its sector based on the general plans and regulations issued by the Science, Technology and Environment Agency;
2. To research, analyse and identify methods to protect, mitigate, and restore environmental problems concerning its sector by using advanced science and technology;
3. To instruct the development projects and activities in its sector to prepare environment impact assessment reports;
4. To monitor and control the implementation of the environment protection regulations and law ;
5. To recommend the authorized authority to issue orders to adjust, suspend, remove or close down any activities in its sector that have caused negative impacts to the human health, human life, animals, plants and environment;
6. To report, participate in discussions and exchange experiences with the Science, Technology and Environment Agency, the local administrative authorities, and other concerned parties for mitigating environmental impacts;
7. To train and upgrade the skills of its environmental technical staff and to educate as well as to raise the environmental awareness of all parties in its sector;
8. To disseminate, summarize, and analyze environmental and natural resource information;

9. To promote international relations and cooperation with international organizations on environmental protection issues;

10. To perform other rights and duties for protecting the environment, as assigned by the ministry or as stipulated in regulations and laws.

Article 38. Rights and duties of Environment Management and Monitoring Units at Provincial, Municipal, and Special Zone Level.

Provinces, municipality and special zone shall establish their own environmental management and monitoring units in cooperation with the Science, Technology and Environment Agency.

The provincial, municipal and special zone environment management and monitoring units have the following rights and duties in conducting activities in their areas:

1. To make and implement plans and regulations about environmental protection at the provincial, municipal or special zone level, in accordance with the national environmental protection plans and regulations;

2. To research, analyze, and identify methods to protect, mitigate and restore the environment in their respective locality by using advanced science and technology

3. To report, participate in discussions and exchange experiences on environmental activities with the Science, Technology and Environment Agency, administrative authorities and the sectoral agencies in their respective locality for mitigating environment impacts;

4. To monitor and control the implementation of laws, decrees, regulations, and rules on environmental protection;

5. To receive and consider the petitions of the population and other parties on environmental problems;

6. To recommend the authorized authorities to issue orders to adjust, suspend, remove or close down any activities in their areas that have caused negative impacts to human health and human life animals, plants, and the environment;

7. To collect, summarize, analyze, and disseminate environmental and natural resource information;

8. To train and upgrade the skills of the environment technical staff, and to educate as well as to raise the public awareness on environmental protection issues;

9. To perform other rights and duties assigned by the Governor, Mayor, and the special zone chief, or as stipulated in regulations and laws.

Article 39. Rights and duties of Environment Management and Monitoring Units at District Level.

Districts shall establish their own environmental management and monitoring units in cooperation with the environmental management and monitoring units at the provincial, municipal and special zone level, in which they are located.

The district environment management and monitoring units have the following rights and duties in conducting activities in their areas:

1. To make and implement plans and regulations about environmental protection at the district level, based on the provincial, municipal and special zone environmental protection plan and regulations; ;

2. To research, analyze and identify methods to protect, mitigate and restore the environment in their respective district by using advanced science and technology ;

3. To monitor the implementation of laws, decrees, regulations, and rules on environmental protection;

4. To report, participate in discussions and exchange experiences on environmental activities with the provincial, municipal or special zone's environmental management and monitoring units, local administrative authorities and concerned district sectors for mitigating environment impacts;

5. To receive and consider complaints of the people and other parties concerning the environment;

6. To recommend authorized authority to issue orders to adjust, suspend, remove or close down any activities that have caused adverse impacts to human health, human life, animals, plants and environment ;

7. To collect, summarize, analyze, and disseminate environmental and natural resource information;

8. To train and raise the people's and other parties in their district awareness of environment protection issues;

9. To perform other rights and duties assigned by the district chiefs, and the environmental management and monitoring units of the province, municipality and special zone, or as stipulated in regulations and laws.

Article 40. Rights and Duties of the Village Administrative Authorities on Environmental Management and Monitoring

The village administrative authorities have the following rights and duties with regard to environmental management and monitoring:

1. To make and implement plans and regulations on environmental protection based on plans, provisions , rules, and instructions of the district;

2. To disseminate, educate ,and mobilize the village people to participate in activities related to protection, mitigation and restoration of the village environment;

3. To monitor and control the implementation of plans, regulations, rules and instructions on environmental protection;

4. To report, participate in discussions and exchange experiences on environmental activities with the district administrative environmental management and monitoring units, district authorities and other concerned parties for mitigating environment impacts;

5. To perform other rights and duties assigned by the district or the district environmental management and monitoring units or as stipulated in regulations and laws.

Article 41. Environmental Inspection

Environmental inspection means the monitoring and the supervision of the environmental protection, mitigation, restoration activities, and exploitation and use of natural resources, and pollution control activities in accordance with the legislation for ensuring effective environmental protection.

Article 42. Types of Inspection

There are three types of inspection:

1. Regular inspection;

2. Inspection by advance notice;
3. Surprise inspection.

Regular inspection is the inspection at certain intervals in accordance with plans.

Inspection by advance notice is inspection in addition to existing plans, after it is found necessary and after advance notice is given to the inspected party.

Surprise inspection is inspection without prior warning to the inspected parties.

When performing their task to inspect the environment, the environment officials have to strictly comply with the law..

Chapter VIII

Privileges [Granted to] to Productive Persons and Measures Against Violators

Article 43. Privileges for Productive persons

Persons or organizations which have remarkable accomplishments in environmental or natural resources protection shall be awarded or receive other forms of privileges as appropriate .

Article 44. Measures against violators

Persons or organizations which have violated this law or other legislation on environmental protection shall be subject to : warning, fines, civil compensation and criminal punishment, according to the severity of their case.

Article 45. Warning

Persons or organizations that commit minor violations of this law and related legislation on environmental protection shall be warned and reeducated.

Article 46. Fines

Persons or organizations shall be fined if they:

1. Were warned and reeducated, but did not change their behaviour
2. Littered or discharged waste causing pollution and affecting public order and beauty of the city;
3. Caused deterioration to water, soil air quality below the prescribed levels;
4. Used or discharged excessive amounts of vibrations, noise, , glare, colors, odor, toxic chemicals or radioactive substances, thus violating established standards or other legislation and causing hazards to human health and life, to animals, plants and the environment ;
5. Did not comply with the mitigation measures outlined in their respective Environmental Impact Assessment reports;
6. Denied or refused to cooperate with the concerned environmental inspection officers.

Detailed regulations on fines will be established separately.

Article 47: Civil measures

Persons or organizations that have violated this law and related legislation on environmental protection, and so doing cause damage to State, collective, or individual property will be held financially responsible for such losses.

Article 48: Criminal measures

Persons found guilty of criminal violations of this law or other related environmental legislation by: forging environmental license or certificates or violating environmental standards or other acts related to environment detrimental to health, leading to in capacity, loss of life, will be punished according to the criminal act.

Article 49: Additional punitive measures

In addition to the principal penalties applicable for violations, mentioned under article 45, 46, 47, and 48, guilty persons or organizations may be subject to additional measures such as: suspension of activities, withdrawal of license, closing of enterprise and confiscation of equipment and vehicles that were used in the violation.

Chapter IX
Final Provisions

Article 50. Implementation

The Government of the Lao PDR shall implement this law.

Article 51. Effectiveness

This law shall be effective from the date the President of the Lao PDR. issues a decree to promulgate it. Provisions and rules conflicting with this Law are hereby canceled.