

1.2 Environment Protection Law (Existing Law)

Source: WREA

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



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 09/PO

DECREE
of the
PRESIDENT
of the

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Environmental Protection Law

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 02-99/NA, dated 3 April 1999, of the 3rd Ordinary Session of the fourth legislature of the National Assembly regarding the adoption of the Environmental Protection Law; and

Pursuant to Proposal No. 04/SC, dated 6 April 1999, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic
Decrees That:**

Article 1. The Environmental Protection Law is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 26 April 1999

The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDON

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LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 02-99/NA
3 April 1999

ENVIRONMENTAL PROTECTION LAW

**Part I
General Provisions**

Article 1. Function of the Environmental Protection Law

The Environmental Protection Law specifies necessary principles, regulations and measures for managing, monitoring, restoring¹ and protecting the environment in order to protect human health, including the protection of natural resources and the richness of nature², and to ensure the sustainable socio-economic development of the nation.

Article 2. Environment

Environment means any organic or inorganic feature, existing naturally or created by mankind, and its surroundings [such as]: people, animals, plants and others³, that have positive and negative⁴ interactions with and impact on each other, whether detrimental or favourable to the life, sustainability and development of humans and nature.

Environment includes soil, water, forests, plants, animals, bacteria, mountains, cliffs, minerals, [and] air, which constitute the balance of the ecosystem. Archaeological artefacts, historical heritage, urban and rural

¹ The same Lao word may be translated as "restoration" or "rehabilitation".

² The Lao term connotes the fullness, abundance or wealth of nature and may include both living and non-living things. It is not the same word as biodiversity.

³ The term "and others" is a literal translation and is not subject to further specificity.

⁴ The same Lao word literally meaning "non-positive" may be translated as "adverse" or "negative". In this article, because the word is juxtaposed with "positive", the translators have chosen to translate the word as "negative". In all other instances, the slightly more formal term "adverse impact" has been chosen.

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settlements, buildings, vibrations, radiation, colours, and odours that are created by mankind 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, that ensure a clean and pollution-free environment, and that do not cause adverse impact⁵ to the health of humans, animals, [or] plants, [or]⁶ to the balance of the ecosystem.

Article 4. Obligations to Protect the Environment

The government directs and promotes 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, including encouragement and support of the strict implementation of policies, laws and regulations on the environment.

Lao citizens, aliens, apatrids⁷, and foreigners, undertaking operations or activities⁸, have the 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 remediation⁹ and restoration are considered to be less preferable, but also important activities;
2. The national socio-economic development plan shall include a programme to protect the environment and natural resources;
3. All persons and organisations residing in the Lao PDR shall have an obligation to protect the environment;
4. Whoever causes damage to the environment is liable under the laws for such damage;

⁵ The Lao word translated as “impact” has, embedded in it, the meaning of “an instance or event causing a certain impact”. The Lao word is therefore a concrete, count noun unlike the English abstract noun. The translators have translated this term in the singular form as “impact” without further qualification. Readers should note that the Lao word has a different semantic and grammatical structure from its English counterpart.

⁶ Here, the literal translation is “and”, but it is clear that the disjunctive “or” meaning is intended.

⁷ The reader may wish to refer to the Law on Lao Nationality for the distinction between aliens and apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

⁸ The implication is that these operations and activities are carried out in the Lao PDR but this is not spelt out.

⁹ The Lao term is “solving the environmental problem”.

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5. Natural resources, raw materials and energy shall be used in an economical manner, which minimises pollution and waste and [supports] sustainable development.

Article 6. International Relations and Cooperation

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

**Part II
Prevention of Environmental Degradation**

**Chapter 1
Prevention of Environmental Degradation**

Article 7. Prevention of Environmental Degradation

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

Article 8. Environmental Assessment¹⁰

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

1. The Science, Technology and Environment Agency shall issue general regulations on procedures and methods for environmental assessment;
2. Each sector¹¹ that is responsible for development projects and operations shall issue its own regulations on procedures and methods for environmental assessment, based on the general regulations on environmental assessment issued by the Science, Technology and Environment Agency;
3. Development projects and operations that have or will have the potential to affect the environment shall submit an environmental assessment report in accordance with the regulations mentioned in paragraphs 1 and 2 of this article to the agency¹² in charge of

¹⁰ The Lao term is the more general “environmental assessment” rather than “environmental impact assessment”. Regulations clarify that environmental assessment includes several stages: environmental screening, initial environmental examination and environmental impact assessment.

¹¹ The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity.

¹² 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

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- environmental management and monitoring for issuance of an environmental compliance certificate before starting the projects;
4. Development projects and operations 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 environmental management and monitoring agency for issuance of an environmental compliance certificate;
 5. Environmental assessment shall include the participation of the local administrations, mass organisations, and the people likely to be affected by the development projects or operations.

Article 9. Application of Technologies

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

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

Article 10. Construction and Repair

Persons or organisations engaged in construction or repair works, such as: roads, bridges, water supply systems, repair shops, 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 minimise nuisances, [such as]: smoke, dust, vibrations, noise, radiation, colours, odours, waste and obstructions, by strictly complying with the standards and regulations issued by the responsible line agencies and the environmental management and monitoring agency.

Chapter 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, biodiversity, minerals, and stones, and which are important conditions for the livelihood of the multi-ethnic people and for national socio-economic development.

adopted an English term for themselves (e.g., the Tax Authority), the translators have used that term. Where, as here, the organisation in question has a predominant role of co-ordination and setting of standards, rather than direct control, the term "agency" might be used instead of "authority". Readers should also note that the Lao language does not require nouns to contain information as to whether they are singular or plural. The translators have translated terms as singular in most provisions (e.g. referring here to a single "agency"), except in Part VII where the context allows the translators to resolve whether specific references are in the singular or the plural.

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Article 12. Types of Natural Resources

Natural resources can be divided into two types:

1. Renewable natural resources are resources which, when properly managed, preserved, exploited and used according to plans and technical knowledge, will sustain themselves forever[. These] include: land, water, air, forests, and biodiversity;¹³
2. Non-renewable natural resources, such as mineral deposits and stones, are resources which can be extinguished. However, if properly managed, preserved according to plans, [and] exploited or used efficiently, they can last many generations.

Article 13. Obligations to Protect Natural Resources

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

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

Persons or organisations 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 laws and regulations.

Article 15. Protection of Biodiversity

Biodiversity (or diversity of biology) means the diversity of the ecosystem, types and species of living creatures, [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 the management of biodiversity.

The local administrations¹⁴, and the concerned line agencies shall allocate biodiversity protection areas, and shall designate protected and

¹³ For readability, the punctuation of this paragraph has been modified.

¹⁴ 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.

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unprotected species in order to protect, develop and increase the population of the species in question.

Any import and export of any type of species of plants, animals, insects and micro-organisms shall strictly comply with the regulations and measures on the management of biodiversity.

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

Any person or organisation engaged in production, business, services or other operations that cause adverse impact to cultural, historical and natural heritage sites, such as archaeological, traditional, historical, tourism, and natural panorama sites or forest conservation areas, shall strictly comply with the regulations and measures issued by the relevant sectoral agencies and local administrative authorities.

Chapter 3 Preventing and Countering¹⁵ Disasters

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 floods¹⁶, droughts, fires, land slides and erosion, insect infestations, epidemics, earthquakes, oil spills or others.

Article 18. Obligations to Prevent and Counter Disasters

All persons and organisations have an obligation to prevent and counter disasters. In the event that [they] witness the foreboding or start of a disaster, they shall immediately inform the local administration or the nearest organisation. These local administrations or organisations shall cooperate with other State and social organisations in order to determine methods to prevent and counter such disasters, and shall mobilise the population and various organisations to contribute initiatives, labour, funds, vehicles and equipment necessary to prevent and counter such events in a timely manner.

When a disaster occurs in an area covering several localities, the concerned local administrations shall cooperate with each other in order to find methods to prevent and counter the disaster.

Article 19. National Disaster Prevention¹⁷ Committee

The government establishes a National Disaster Prevention Committee. The National Disaster Prevention Committee shall cooperate with agencies

¹⁵ The Lao term is simply “anti” or “against”.

¹⁶ The Lao word has the connotation of not only floods but also of typhoons, hurricanes and other storms that cause flooding.

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and concerned local administrations in areas where disasters will occur, are occurring or have occurred, in order to develop plans and determine measures to prevent and counter disasters, and to restore the area suffering from such disasters. At the same time they shall regularly monitor vulnerable areas or locations in anticipation of future disasters.

Part III Pollution Control

Chapter 1 Pollution

Article 20. Pollution

Pollution refers to the state of any environment that [has suffered] physical, biological [or] chemical change because of substances or other contaminants in water, soil, or air exceeding the ambient standards as defined in the regulations, or that cause the environment to be polluted [or] cause adverse impact to the health and life of people, animals, plants and the environment.

Article 21. Types of Pollution

Types of pollution include: water pollution, soil pollution, air pollution, chemical pollution, radioactive pollution, [and] pollution from waste, vibrations, noise, radiation, colours and odours.

Water, soil, or air pollution is the contamination of water, soil, or air that [has suffered] physical, biological [or] chemical change because of substances or other contaminants exceeding their respective prescribed standards, and leading to adverse impact on the health and life of people, animals, plants and the environment.

Pollution from waste is pollution from solids, liquids and gases, whether toxic or not, that are discarded from production and consumption by society, that are in the environment [in amounts] exceeding their respective prescribed standards, and leading to adverse impact on the health and life of people, animals, plants and the environment.

Pollution from toxic chemicals is pollution from poisonous materials or poisonous compounds in the environment exceeding their respective prescribed standards, leading to adverse impact on the health and life of people, animals, plants and the environment.

¹⁷ The full Lao name for this committee is “National Disaster Prevention and Countering Committee” but it is usually translated in English in the way set out in the text.

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

Pollution from vibrations, noise, radiation, colours and odours is considered a nuisance when these things exceed their respective prescribed standards and lead to adverse impact on the health and life of people, animals, plants and the environment.

Chapter 2

Obligations and Measures for Pollution Control

Article 22. Obligations for Pollution Control

All persons and organisations have an obligation to engage in pollution control. Persons engaging in production [or] business, such as industries, services, agriculture and forestry, handicrafts, and other operations that cause pollution shall utilise technologies and install the necessary pollution control facilities to meet the prescribed environmental quality standards.

Article 23. Measures for the Prevention and Control of Pollution

Environmental management and monitoring agencies 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 organisations engaged in all kinds of operations must strictly prevent and control water pollution, soil pollution, air pollution, waste, chemical pollution, radioactive pollution, and pollution from vibrations, noise, radiation, colours and odours.

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

It is forbidden to release hazardous smoke, gases, odours, chemicals, or dust in excess of the prescribed air quality standards.

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

It is forbidden to emit vibrations, noise, radiation, colours and odours 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, burial or

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disposal by any other methods. Technologies for waste treatment, 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 airspace of the Lao PDR.

Part IV Environmental Remediation and Restoration

Chapter 1 Environmental Remediation

Article 24. Environmental Remediation

Environmental remediation means the prevention and countering of occurrences, together with restoration and rehabilitation of the damage caused by such occurrences, [in order to restore] the environment to its former, undisturbed state, by establishing and fulfilling environmental quality standards, regulations, and measures.

Article 25. Obligations for Environmental Remediation

Persons and organisations shall be primary contributors to environmental remediation.

All persons or organisations shall have the right to submit requests or claims¹⁸ regarding any undertaking that can cause adverse environmental impact affecting the health and life of people, animals, plants and the environment.

Requests or claims regarding any undertaking that can cause adverse environmental impact shall be sent to the local administration or the environmental management and monitoring agency in the area where the undertaking is located, which shall consider the issue within 30 days from the date of receiving the request or claim. Urgent issues shall be addressed immediately.

When the local administration or environmental management and monitoring agency cannot resolve the issues, they have to submit [the request or claim] to the next higher level in their chain of command or to the higher environmental management and monitoring agency within 7 days. The responsible agency shall resolve the request or claim within 30 days, and shall notify the person submitting the request or claim of the result.

¹⁸ The reader may wish to refer to the Law on the Handling of Petitions for definitions of "requests" and "claims".

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Chapter 2 Restoration of the Environment

Article 26. Restoration of the Environment

Restoration of the environment refers to returning any damaged or degraded environment to its original, or a better, condition, and to a state of balance within the ecosystem.

Article 27. Obligations for Environmental Restoration

Persons and organisations shall have an obligation to actively participate in environmental restoration by providing initiatives, labour, funds, and equipment to restore the damaged or degraded environment.

Article 28. Restoration of Areas Destroyed by Disasters

Any person or organisation engaged in production, business, services or other operations that cause a disaster is obligated to remediate the damage and to restore the affected area under the supervision of the local administration or the concerned sectoral agency.

In the event that a natural disaster occurs, the local administration 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, repaired 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.

Part V Environmental Protection Funds

Article 30. Environmental Protection Funds

The government promotes the establishment of environmental protection funds to support activities in the field of research and study, preservation, remediation and restoration of the environment, including the protection and preservation of natural resources.

For the establishment and management of environmental protection funds, separate regulations shall be issued.

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Article 31. Source of Environmental Protection Funds

Environmental protection funds shall be funded from the following sources:

1. Government budget;
2. Development projects and operations;
3. Assistance 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

Environmental protection funds shall be used for the following activities:

1. Remediation of urgent and important environmental issues;
2. Projects relating to scientific and technological research on environmental protection[;] management, monitoring and implementation of other environmental protection legislation;
3. Promotion of education, and training, and raising of environmental awareness;
4. Supporting campaigns for environmental protection such as the World Environment Day, the National Arbor Day, the National Fish Release Day, and others;
5. Management of the funds.

Part VI

International Relations and Cooperation Relating to the Environment

Article 33. International Relations and Cooperation Relating to the Environment

The government supports international relations and cooperation with other countries and international environmental protection agencies, in order to attract assistance, exchange technical knowledge, [and] train and upgrade the capacity of employees in the area of advanced scientific and technological research[; the government also] participates in international activities in the prevention and remediation of environmental problems, and implements obligations under international conventions and agreements on the environment to which the Lao PDR is a party.

Article 34. International Conflict Resolution Relating to the Environment

Disputes between countries in the environmental field that emerge and adversely impact the environment of the Lao PDR shall be resolved on the basis of existing conventions to which the Lao PDR is a party or agreements that it has signed with other countries.

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**Part VII
Environmental Management and Monitoring**

Article 35. Environmental Management and Monitoring Agencies

The environmental management and monitoring agencies are:

1. The Science, Technology and Environment Agency;
2. Environmental management and monitoring units at the ministerial level;
3. Environmental management and monitoring units at the provincial, municipal or special zone level;
4. Environmental management and monitoring units at the district levels;
5. The village administrations.

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

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

1. To act as the secretariat to the government in making and elaborating environmental 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 regularly report to the government on the state of the environment of the country;
3. To act as the coordinating centre between the concerned sectors and local administrations in managing and monitoring any environmental activities;
4. To conduct research [and] analysis and to identify methods for the protection, remediation and restoration of the environment by using advanced science and technology;
5. To monitor and inspect the implementation of strategic plans, programmes, projects, regulations, and laws relating to the environment;
6. To issue or revoke licenses of any organisation engaging in environment related services;
7. To instruct development projects and operations to undertake environmental assessments according to the regulations on environmental assessment;
8. To receive and respond to requests from the people and concerned sectors regarding environmental issues;
9. To cooperate with concerned sectors that have the power to give orders to adjust, suspend, relocate or terminate any operations that cause adverse impact to the health or life of people, animals, plants and the environment;

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10. To train and upgrade the skills of the environmental technical staff, to educate and raise the environmental awareness of all strata in the society, and to organise environmental protection campaigns throughout the country in cooperation with the concerned sectoral agencies and local administrations;
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 coordinate and cooperate at the international level in the field of environmental protection;
13. To exercise such other rights and perform such other duties relating to environmental protection, as assigned by the government, or as stipulated in the laws and regulations.

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

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

The ministerial environmental management and monitoring unit has the following rights and duties in 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 conduct research [and] analysis and to identify methods for the protection, remediation and restoration of the environment in its sector by using advanced science and technology;
3. To instruct the development projects and operations in its sector to prepare environmental assessments;
4. To monitor and inspect the implementation of the laws and regulations on environmental protection;
5. To make recommendations to the authority with the power to issue orders to adjust, suspend, relocate or terminate any operations in its sector that have caused adverse impact to the health or life of people, animals, plants and the environment;
6. To report, participate in discussions and exchange experiences with the Science, Technology and Environment Agency, the local administrations, and other concerned parties in connection with the remediation of environmental problems;
7. To train and upgrade the skills of its environmental technical staff, and to educate and raise the environmental awareness of all parties in its sector;
8. To disseminate, summarise, and analyse environmental and natural resources information;
9. To coordinate and cooperate at the international level in the field of environmental protection;

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10. To exercise such other rights and perform such other duties relating to environmental protection, as assigned by the ministry or as stipulated in the laws and regulations.

Article 38. Rights and Duties of Environmental Management and Monitoring Units at the Provincial, Municipal, and Special Zone Level

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

The provincial, municipal and special zone environmental 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 plans and regulations on environmental protection;
2. To conduct research [and] analysis and to identify methods for the protection, remediation and restoration of the environment in their respective localities 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, local administrations and sectoral agencies in their respective localities in connection with the remediation of environmental problems;
4. To monitor and inspect the implementation of laws, decrees, regulations, and rules on environmental protection;
5. To receive and deal with the requests of the people and other parties on environmental problems;
6. To recommend to the authority with the power to issue orders to adjust, suspend, relocate or terminate any operations in their localities that have caused adverse impact to the health or life or people, animals, plants, and the environment;
7. To collect, summarise, analyse, and disseminate environmental and natural resources information;
8. To train and upgrade the skills of the environmental technical staff, and to educate and raise the environmental awareness of the people and other parties;
9. To exercise such other rights and perform such other duties relating to environmental protection, as assigned by the provincial governor, municipal mayor, and special zone chief¹⁹, or as stipulated in the laws and regulations.

¹⁹ The reader should note that the organisation of local administration has undergone change over time and that the administrative divisions and titles used in this older law do not conform to those used in newer laws such as the Law on Local Administration.

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Article 39. Rights and Duties of Environmental 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 levels in which they are located.

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

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, analyse and identify methods to protect, mitigate and restore the environment in their respective districts by using advanced science and technology;
3. To monitor and inspect the implementation of laws, decrees, regulations, and rules on environmental protection;
4. To report, participate in discussions and exchange experiences on environmental activities with environmental management and monitoring units at the provincial, municipal or special zone level, with local administrations and with concerned sectors at the district level, in connection with the remediation of environmental problems;
5. To receive and deal with requests of the people and other parties on environmental problems;
6. To recommend to the authority with the power to issue orders to adjust, suspend, relocate or terminate any operations within their respective districts that have caused adverse impact to the health or life of people, animals, plants and the environment;
7. To collect, summarise, analyse, and disseminate environmental and natural resources information;
8. To educate and raise the environmental awareness of the people and other parties within their respective districts;
9. To exercise such other rights and perform such other duties relating to environmental protection, as assigned by the district chiefs and by environmental management and monitoring units at the provincial, municipal and special zone levels, or as stipulated in the laws and regulations.

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Article 40. Rights and Duties of the Village Administrations Relating to Environmental Management and Monitoring

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

1. To make and implement plans and regulations about environmental protection, based on the plans, regulations, rules, and instructions on environmental protection of the district;
2. To disseminate, educate, and mobilise the people in their respective villages to participate in activities relating to the protection, remediation and restoration of the village environment;
3. To monitor and inspect 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 environmental management and monitoring units, with district administrations and with other concerned parties in connection with the remediation of environmental problems;
5. To exercise such other rights and perform such other duties, as assigned by the district or the district environmental management and monitoring units, or as stipulated in the laws and regulations.

Article 41. Environmental Inspection

Environmental inspection refers to the monitoring and inspection of activities relating to the protection, remediation and restoration of the environment, the exploitation and use of natural resources, and pollution control, in accordance with the laws and regulations, with the aim of ensuring effective environmental protection.

Article 42. Types of Inspection

There are three types of inspection:

1. A regular inspection;
2. An inspection following an advance notice;
3. An inspection without advance notice.

A regular inspection refers to an inspection which is carried out according to plans, on a regular basis and at a specified time.

An inspection following an advance notice refers to an inspection which is not performed according to plans, [but only] when deemed necessary and of which the person to be inspected is notified in advance.

An inspection without advance notice refers to an emergency inspection of which the person to be inspected is not notified in advance.

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In performing inspections, the environmental officers shall strictly comply with the laws and regulations.

Part VIII
**Policies towards Persons with High Achievement
and Measures Against Violators²⁰**

Article 43. Policies towards Persons with High Achievement

Persons or organisations that participate actively in the protection of the environment or natural resources shall receive awards or other policies as appropriate.

Article 44. Measures against Violators

Persons or organisations that violate this law or other regulations on environmental protection shall be re-educated²¹, fined, or subject to civil liability or criminal punishment depending on the severity of the case.

Article 45. Re-education Measures

Persons or organisations that commit minor violations of this law or other regulations on environmental protection shall be warned and re-educated.

Article 46. Fines

Persons or organisations shall be fined if they:

1. Have been warned and re-educated, but do not change their behaviour;
2. Litter or discharge waste causing dirtiness and affecting public order and beauty of the city;
3. Cause the quality of water, soil, [or] air to deteriorate below the prescribed quality standards;
4. Use or discharge excessive amounts of vibrations, noise, radiation, colours, odour, toxic chemicals or radioactive substances, thus violating established standards or other regulations and being hazardous to the health of people, animals, plants and the environment;
5. Do not comply with the provisions in their respective statements of environmental assessment;

²⁰ The term “policies” in this context takes the meaning of “privileges” and the term “measures” in this context takes the meaning of “sanctions”.

²¹ Here, “re-educated” does not mean the same as “re-education without deprivation of liberty” referred to in the Penal Law.

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6. Deny or refuse to cooperate with the concerned environmental inspection officers.

Detailed regulations on fines will be established separately.

Article 47. Civil Measures

Persons or organisations that violate this law or other regulations on environmental protection, and in so doing cause damage to the property of the State, collectives, or individuals, shall be subject to civil liability for such losses.

Article 48. Penal Measures

Persons who commit violations of this law or other regulations on environmental protection that constitute offences²² [such as]: falsifying or forging²³ environmental licenses or environmental certificates, violating environmental standards, or other acts relating to the environment that damage the health of other persons, [or that cause other persons] to become invalids or to lose their lives, will be punished according to the Penal Law.

Article 49. Additional Punitive Measures

In addition to the principal penalties applicable for violations, as mentioned in Articles 45, 46, 47, and 48, persons or organisations that violate this law may be subject to additional measures [such as]: suspension of activities, withdrawal of licenses, termination of operations and confiscation of equipment and vehicles that were used in the violation.

Part IX Final Provisions

Article 50. Implementation

The government of the Lao PDR shall implement this law.

²² The term “offence” is used here, as in the Penal Law, to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 8 of the 2005 Amended Penal Law and Article 7 of the 1989 Penal (translations of both these laws are available in this series).

²³ The Lao word is a compound word: “falsify-forged”.

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

Article 51. Effectiveness

This law shall enter into force after 90 days from the date of the promulgating decree issued by the President of the Lao PDR.

All provisions and regulations that contravene this law are null and void.

Vientiane, 3 April 1999

President of the National Assembly

[Seal and Signature]

Samane VIGNAKET

1.3 Draft of New Environmental Protection Law (Unofficial Translation)

(Note)

The Environmental Protection Law (EPL) was issued in 1999. This draft is the revision of EPL and was sent to the National Assembly in the middle of 2009. But the bill is presently still under the discussion by the National Assembly and now it is expected to be approved in 2011.

Part I: General Provisions

Article 1. Objective

The Environmental Protection Law determines general principles, regulations and measures for managing, monitoring, restoring, and protecting the environment in order to control, monitor and reach an objective of sustainable development.

Article 2. Environment

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

Article 3. Definition

1. Environmental Protection: Environmental protection consists of all activities that contribute to the protection of the environment and do not cause damage to the environment. The activities also ensure a clean and pollution-free environment and do not make negative impacts on humans, animals, plants and the balance of the ecosystem.
2. Environmental Management: Environmental Management is defined as all activities that manage environmental protection and preservation by using natural resources and its power appropriately.
3. Environmental Prevention: Environmental prevention means preventive actions that include the protection of the environment in order not to destroy the environment by damage which causes environment, social and natural degradation.
4. Environmental Restoration: Environmental restoration is defined as the restoration of damaged or degraded areas into a better condition, which can be naturally balanced within the ecosystem.
5. Strategy of Environmental Assessment: Strategy of environmental assessment is the estimation process of environmental impact that may occur during the implementation of environmental plans, work plans and other environmental management plans.
6. Environmental Protection Plan: Environmental protection plan is meant to designate specific areas that will be arranged for land use planning aiming at the environmental protection and the restoration of environmental quality, especially, specific areas for residence, agriculture, future industrial zones and a huge investment project.
7. Environmental Impact Assessment: Environmental Impact Assessment consists of the process of studying, surveying, and analyzing positive or negative environmental impact, both

short- and long- term impact, and the process of imposing appropriate preventive measures to minimize the environmental impact.

8. Biodiversity: Biodiversity is defined as the diversity of the ecosystem, species, and other organic species such as plants, animals, insects and bacteria which are inhabited in any part of the nature.
9. Discharge of Pollution: Discharge of pollution means discharge of hazardous chemical pollution, vibration, heat, noise, and glare directly or indirectly from some sources emanating into air, water or land.
10. Pollution: Pollution is the release directly or indirectly of hazardous substances created by mankind including vibration, heat, noise emitting to the air, water or land, which affects human health, environmental quality and causes damage to properties or impacts on the environment.
11. Polluter: Polluter is a person or a legal entity which causes pollution directly or indirectly.
12. Environmental Quality Standard: Environmental quality standard means a set of parameters that defines the standard for the environment such as soil, water, air, and noise.
13. Pollution Discharge Standard: Pollution discharge standard is a set of parameters which certifies pollution discharge from some sources to be acceptable.
14. Sustainable Development: Sustainable development is a concept that the socio-economic development and environmental protection should go together and ensure that present generation is able to meet their needs and at the same time it must ensure that new generation will be able to meet their needs too.
15. Environmental Work Plan: Environmental work plans consist of specific measures, methods and time schedule in order to conduct all the concerned activities in the Environmental Protection Areas.
16. Waste: Waste is some substances or something that the owner has to dispose and has the intention to throw away, discharge, and release if necessary.
17. Environmental Inspection: Environmental inspection consists of monitoring of preventive actions, pollution mitigation, environmental restoration, exploitation and use of natural resources, and pollution control in accordance with regulations and laws to enable environmental protection to be effectively conducted.

Article 4. Obligation of Environmental Management, Protection, Restoration, Control and Monitoring

Environmental management, protection, restoration, control and monitoring are duties to all persons, families, and organizations.

Persons, families and organizations have obligations to administer, protect, restore, control and monitor the environment in accordance with the laws, and not to cause any negative environmental impact, pollution, degradation and discharge exceeding the standard given.

Article 5. Environmental Protection Policy

Government has a policy to develop policies, laws, institutional improvement, and capacity building to manage, protect, restore, control, and monitor the environment. Government promotes persons and organizations to administer, protect, restore, control, and monitor the environment in order to achieve the best quality of the environment and sustainable development.

Article 6. Regulations to Administer, Protect, Restore, Control, and Monitor the Environment:

1. Lao populations, aliens, foreigners, and persons without citizenship who resident in Lao PDR have obligations to protect the environment;
2. National Socio-economic Development Plan shall be implemented in parallel with Strategic Environmental Assessment.
3. Top priority shall be put on environmental prevention; environmental mitigation and restoration activities shall be implemented if necessary.
4. National Socio-economic development Plan shall contain environmental protection and natural resource plan;
5. Person who causes damage to the environment shall be punished by the law;
6. Natural resources, raw materials and power shall be used effectively to minimize waste and pollution for sustainable development;
7. Decision making on the environmental issues has to be consulted with people and the public concerned.

Article 7. International Cooperation on Environment

Government promotes to have international relations and regional relations in order to share experience in environmental technical lessons learned, new technology and data-information, and capacity building. Besides it promotes to attend the international activities for the environmental protection and mitigation which relates to multilateral and bilateral conventions, treaties and agreement on which the Lao PDR is one party.

Part II: Sustainable Environmental Management

Section 1: Environment

Article 8. Method of Environmental Management

Sustainable socio-economic development in Lao PDR shall be carried out with environmental protection and management and undertaking the following tasks of:

1. Integrated Environmental Management Plan
2. Strategic Environmental Assessment
3. Environmental and Social Impact Assessment
4. Pollution Control

Article 9. Environmental Management Plan

Environmental Management Plan formulates a plan for exploitation of natural resources in project areas, or activities to establish the following framework for land use, forestry use, water use and use of water resources areas by zoning for project development as well as by measures for protection and restoration of natural resources and the environment.

1. National socio-economic development plan shall be consistent with National, Provincial and District Environmental Management Plan.
2. Environmental Management Plan shall be consistent with the potential ability of Province and District.

Article 10. Strategic Environmental Assessment

1. In the process of policy making, strategy, National Socio-economic Development Plan, and Strategic Environmental Assessment shall be conducted.
2. Environmental Management Committee is a coordination centre of collaboration with other concerned authorities to conduct Strategic Environmental Assessment.

Article 11. Environmental Work Plan

Water Resources and Environmental Administration shall coordinate with other concerned authorities in order to make Environmental Action Plan to be incorporated completely in the National Environmental Strategy and shall amend it in every 5 years.

Article 12. Environmental Report

Environmental Report shall consist of environmental quality report, which shall be issued in every 3 years, and environmental management report, which shall be issued every year, and it shall be referred to in decision making on the process of Socio-economic Development and environmental management.

Section II: Public Participation

Article 13. Access to Data

Persons and organizations shall be able to access to data related to the environmental activities which has been certified by the authorities concerned.

The Environmental Management and Inspection Committee shall ensure to provide the environmental data to the public by setting up a centre for environmental management and public information service.

Article 14. Public Participation

It shall be ensured that local authorities, media organizations and people be involved in the formulation of Integrated Environmental Management Plan, Strategic Environmental Assessment, Environmental and Social Impact Assessment, pollution control, and other processes related to the environment issues.

Part III: Environmental Protection

Section 1: Environmental and Social Impact Assessment

Article 15. Environmental and Social Impact Assessment

1. WREA shall issue environmental regulations to define the method of Environmental and Social Impact Assessment process;
2. All development projects and activities shall carry out the Environmental and Social Impact Assessment before implementing them in order to ensure that measures for mitigation and impact minimization are conducted.
3. All development projects and activities, which have been implemented before this Environmental Protection Law is promulgated, shall carry out EIA and it shall be submitted to WREA for approval.
4. Local authorities, governmental agency, and a person who are directly or indirectly affected by a development project and its activities shall be involved in EIA process.

Article 16. Obligations of Project Developers and Activities

A person or a legal entity which is the owner of a project and its activities has the following obligations:

1. To conduct all steps of EIA process established by issuing from WREA accordingly.
2. To present certified data and information in EIA report;
3. To undertake a project and its activities strictly under the condition determined in EIA Certificate;
4. To take additional responsibility if any problem occurs, which is not defined in preventive and mitigation measures against environmental and social impact.

Article 17. Issuing Environmental Certificate

1. WREA issues Environmental Certificate in collaboration with other parties concerned in order to consider and certify the conformity under the Decree of EIA;
2. Development projects and other activities concerned shall not conduct any EIA before getting EIA Certificate;
3. Development projects and activities, which have been conducted before this Law is promulgated, shall introduce methods and measures for environmental mitigation, which shall be reported to WREA to consider issuing environmental Certificate;

Article 18. Condition and Standard of Environmental and Social Impact Consultation Company

A person or a legal entity, who has an intention to conduct some business in environmental and social impact assessment consultation of the development activities, can apply to WREA for Environmental and Social Impact Assessment Permission Certificate, which lasts for 2 years.

A person or a legal entity which has an intention to conduct business in environmental and social impact assessment consultation shall fulfill the following conditions:

1. It shall establish a company under Lao laws;
2. It shall have good experience in EIA Study and EIA evaluation;
3. It shall have technicians or consultants who have good knowledge on the environment and society;
4. It shall have technicians, consultants and staff who are not government officials;
5. It shall have a sufficient capital, equipment, tools and vehicles to be used for its work;
6. It has not caused any damage or negative impact on the environment;
7. A person or a legal entity which conducts EIA study and evaluation shall be responsible for the correctness of EIA data;

Article 19. Monitoring

Implementation on mitigation and restoration of environmental and social development projects and other activities shall be monitored by the following parties:

1. WREA
2. Local authorities
3. Nominated authorities responsible for the Project, which is authorized to issue Environmental and Social Certificate;
4. Project owners;
5. Independent monitoring committee

Roles and responsibilities of monitoring agencies have been set in detail under the Decree of Environmental and Social Impact Assessment.

Section 2: Environmental Prevention

Article 20. Surety for Environmental Restoration

Project owners shall provide some surety to restore, mitigate and prevent the environment problems that may occur during project operation and closure.

Surety funds shall include the expenses for installation, operation, and closure of projects and any extra payments subsequent to the project closure. The surety funds will be used for environmental restoration, mitigation, cleaning and other compensations for damage and loss of properties which have been provided in the environmental law and concession agreement.

Article 21. Technology in Use

New technology, used in production processes and business operations, shall be appropriate for real environmental and social situation and shall have less impact than the standard given by the environmental authorities concerned.

Article 22. Construction and Repair

A person or a legal entity, conducting construction and repair works such as construction and maintenance of roads, bridges, water supply systems, telecommunication networks, electricity infrastructures, and other buildings, shall have safety arrangement to prevent negative impact from occurring and other mitigation measures for smoke, dust, vibration, noise, glare, colour, smell, waste, and other pollutants as defined by the authorities concerned.

Section 3: Exploitation of Natural Resources

Article 23. Natural Resources

Natural resources are organic and inorganic substances naturally existing in the nature such as land, water, forest, biodiversity, minerals, and stones which are necessary for livelihood and national socio-economic development.

Article 24. Type of Natural resources

There are two types of natural resources:

1. Renewable natural resources are: land, water, air, forest, and biodiversity. If there are proper management measures for protection and exploitation, and if they are appropriately used in accordance with planning and technical methods, they will not disappear from the nature.
2. Non-renewable natural resources are: minerals stones and so forth. If there are proper management measures for protection and exploitation, and if they are appropriately used, they will be sustainable resources for many generations.

Article 25. Obligation of Natural Resources Protection

Persons and organizations are responsible for natural resources protection. When one finds any impact affecting natural resources, an urgent report must be made to the authorities concerned in order to exert preventive measures on time.

Article 26. Management and Exploitation Measures and Natural Resources in Use

A person or a legal entity, engaging in exploitation, transportation, storage, processing or use of natural resources, shall conduct one's operations strictly in accordance with the laws concerning land, forest, aquatic animals, wild animals, water and aquatic resources, minerals, agricultural products and other regulations concerned.

Article 27. Biodiversity Protection

Biodiversity (or diversity of biology) means the diversity of ecosystem, types and species of living creatures, such as plants, animals, insects, and bacteria inhabiting in any part of the nature.

Ministry of Agriculture and Forestry shall be in charge of the mentioned planning, work plans, strategies, regulations and biodiversity management measures, shall work in close collaboration with authorities concerned, local authorities, and relevant divisions, and shall designate specific areas for biodiversity reservation and specify protected and unprotected species in order to protect and enrich various species.

All plants, animals, insects, and bacteria species shall be imported or exported strictly in accordance with regulations and biodiversity protection measures.

Article 28. Reservation of National Cultural, Historical, and Natural Heritages

A person or a legal entity, who conducts any production, business activities and services, or some businesses that may cause any damage to cultural, historical and natural heritages such as historical sites, archeological sites, historical ruins, recreation areas, scenic sites and protected forest, shall operate strictly in accordance with rules and regulations of local and concerned authorities.

Section 4: Prevention and Countermeasures against Disaster

Article 29. Disaster

Disaster is a natural phenomenon or some event, which occurs in the nature or is created by mankind, that causes damage to human health, lives, properties, people and the environment; such as flood, fire, landslides, outbreak of insects, pandemics, earthquakes, leakages of chemicals, gas, and oil and others.

Article 30. Obligation of Prevention and Countermeasures against Disaster

Persons and organizations shall have their duties to prevent and act against disaster. When someone witnesses the foreboding or start of a disaster, he/she shall inform local authorities and concerned parties nearby. These local authorities and parties shall collaborate with government agencies and the public concerned in order to seek the way together to prevent the mentioned events and to mobilize people and other public organizations. People shall participate in different ways such as labor force, fund, vehicles, and necessary materials to prevent the disasters.

Article 31. Committee of Prevention and Countermeasures against Disaster

Government shall nominate Committee of Prevention and Countermeasures against Disaster. The nominated committee shall collaborate with authorities concerned and local authorities of the areas where a disaster is going to occur or has occurred in order to develop plans and measures to prevent and counter disasters and to restore areas suffering from disasters. At the same time, they shall regularly follow up and monitor areas where disasters may occur in the future. (Due to the climate change)

Part IV: Pollution Control

Section 1: Pollution Control, Obligation and Pollution Control Measures

Article 32. Type of Pollution

The pollution exists in land, water, and air, including chemicals and radioactivity. It is caused by waste, vibration, noise, color, and smell.

Article 33. Obligation of Pollution Control

Persons, consumers, developers, and organizations shall have obligation to protect the environment and to control pollution, which may cause negative impact to the health of human beings, animals, and plants and the balance of ecosystem.

Article 34. Protective Measures and Pollution Control

Persons, consumers, developers and organizations shall ensure to control pollution in accordance with the environmental quality standards; Pollution includes those in land, water, and air, and those from wastes, chemicals, radioactivity, vibration, noise, glare, color, and smell.

Persons, consumers, developers and organizations who exercise activities which produce wastewater shall treat wastewater exceeding the standard before discharging into water channels, natural water resources and anywhere else.

Persons, consumers, developers and organizations who exercise activities which produce dust, smoke, steam, smell and chemical wastes shall control those which exceed standard of pollution discharge.

Person, consumers, developers and organizations who exercise business of production, importation, utilization, transportation, store house, and dispose the polluted chemicals or radiation substances shall conduct correctly with the regulations given.

Persons, consumers, developers and organizations who exercise activities shall have responsibility that all of their productions of vibration, noise, glare and color shall not exceed the standard for releasing.

Article 35. National Environmental Quality Standard

WREA shall issue Environmental Quality Standard and regulations which relate to pollution control and prevention according to their roles and responsibilities and shall coordinate with concerned authorities of other divisions.

Article 36. Certificate for Pollution Release

Environmental Protection Committee may issue certificate to persons, consumption goods distributors and organizations which apply for releasing or discharging pollution. Subsequently, the committee shall oversee pollution discharge plans and shall confirm whether applicants meet the determined conditions.

The Certificate for pollution discharge or release lasts for 2 years and can be extended if project developers have satisfied the condition which is mentioned in the Certificate.

Section 2: Waste and Hazardous Chemical Management

Article 37. Waste Management

Persons, consumers, developers and organizations which carry on business which requires disposing wastes shall conduct waste management for all type of wastes produced or shall conduct treatment appropriately in accordance with the regulations issued by authorities concerned.

Article 38. Obligations of Producer and Possessor of Wastes

Environmental Law determines the obligations of producers and possessors of wastes as follows:

1. Persons, consumers, developers and organizations which produce wastes shall be responsible for the treatment of the wastes generated by their operations. They shall also bear the cost of design, construction, installation of equipments and facilities for pollutant treatment. In addition, they shall set aside sufficient budget for monitoring, sampling as well as analysis in order to ensure that their operation do not impact negatively on the environment, human health, animals and the ecological system.
2. Persons, sellers of consumption goods, developers and organizations shall use modern and suitable technologies in the operation to manage the environment.
3. Persons, sellers of consumption goods, developers and organizations shall allocate sufficient budget to prepare for emergencies or accidents in their operations.
4. Persons, sellers of consumption goods, developers and organizations shall be approved by the environment management authorities to transfer hazardous wastes.

Article 39. Hazardous Chemical Management

Hazardous chemical management shall be conducted in accordance with the rules or regulations about the management of chemicals and ingredients of hazardous chemicals of concerned sectors.

Part V: Restoration of the Environment

Article 40. Obligations for Environment Restoration

Persons and organizations shall have an obligation to actively participate in environmental restoration by providing ideas, labour, funds, and equipments in order to restore the environment which is damaged or degraded.

Article 41. Restoration of Area Affected by Disaster

Persons and organizations, which operate business, services or any activities that causes a disaster, shall be responsible for mitigation of the disaster and restoration of the damaged areas specified under the monitoring by WREA and concerned sectors.

In case a natural disaster occurs, local authorities and concerned sectors shall cooperate to restore the area.

Article 42. Rehabilitation of Cultural, Historical and Natural Heritage

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

The natural scenery and beautiful landscapes that have been affected by the disaster shall be rehabilitated, restored and conserved.

Article 43. Restoration of Destroyed Area

Under the monitoring by WREA and concerned sectors, persons or organizations, which operate any activities and cause any damage to the environment, shall be responsible for mitigation of damages and restoration of the area in order to reproduce conditions or to balance the ecosystem.

Part VI: Environmental Protection Fund

Article 44. Environmental Protection Fund

The government shall promote to establish Environmental Protection Fund which is used for research, prevention, protection, mitigation and restoration including conservation of natural resources. For implementation and management of Environmental Protection Fund, specific rules shall be established.

Article 45. Sources of Environmental Protection Fund

Environmental Protection Fund shall be funded from the following sources:

1. Government budget,
2. Projects and other activities,
3. Grant aid from domestic and international organizations,
4. Private sectors and individuals, and
5. Interest and profit accruing from the fund.

Article 46. Use of Environmental Protection Fund

This fund shall be used for the following activities:

1. Remediation activities to solve urgent and significant environmental issues,
2. Research program of technology to be used for the environmental protection, management, monitoring, and other activities concerning the environment,
3. Protection and management or pollution treatment project of which pollution is limited to air, water, soil, glare, color, noise, smelt and others,
4. Education, training and awareness raising on the environment,
5. Promotion activities for the environmental protection such as the world environmental day, the arbor day, the national fingerling release day, the biodiversity day, the world water day and others, and
6. Fund management.

Part VII: Relation and International Cooperation concerning the Environment

Article 47. Relation and International Cooperation concerning the Environment

The government shall promote international cooperation and relations with international organizations regarding environmental protection issues in order to get aid and share experiences and to train and upgrade capacity of staff so that they can apply advanced technologies for environment protection activities and can solve environmental problems. At the same time, the government shall act in line with regional, multilateral and bilateral conventions and international agreements on the environment.

Article 48. International Conflict Resolution Relating to the Environmental

The environmental problems which occur and cause significantly negative impact on the environment of Lao PDR shall be resolved by the best way based on the regional and international conventions and international agreements. The implementation of problem solution shall be based on fairness, suitability, equality, and respect for sovereignty and territorial borders of each other.

Part VIII: Environmental Inspection and Management Authorities

Article 49. Management and Inspection

The government mainly manages the environment for the whole country by appointing WREA (Water Resource and Environment Authority) as a cooperation center to work closely with other concerned sectors from the central to local authorities. Environmental Management Authorities consist of :

1. WREA
2. Province and Municipality Water Resources and Environment Department
3. District Water Resources and Environmental Office

Article 50. Duties and Responsibilities of WREA.

WREA, which manages the environment in the central level, shall have the following duties and responsibilities:

1. To serve as the secretariat of the government in order to create and amend strategied on the environment and to develop detailed plans, programs and rules for managing and monitoring the environment,
2. To monitor, inspect and report implementation status of policies, strategies, work plans, laws and rules on the environment,
3. To manage implementation and monitoring on the environment and to regularly report to the government on the social- environmental condition of the country,
4. To conduct monitoring and inspection on the environmental- social condition in the projects and investment activities in cooperation with the concerned sectors and local authorities if necessary,

5. To assess and evaluate environmental condition based on the environmental standard and to report to the government on a regular basis,
6. To advise and inform large project owners and other businesses to carry out through and strategic environment impact assessment in case where they utilize a large quantities of natural resources that may have cumulative impact on society and the environment,
7. To advise and inform project owners and other investment enterprises to carry out ESIA in accordance with all relevant decrees and regulations,
8. To issue Environmental Certificate to project owners or enterprises,
9. To report to responsible authorities with regard to shutdown of business and suspension or revocation of the Environmental Certificate in case of violation or breach,
10. To receive all complaints and grievances from affected persons or communities,
11. To carry out research in order to develop appropriate and up-to-date technologies and to take effective measures for prevention and mitigation of social and environmental damages as well as improvement,
12. To carry out research in order to utilize the unique potential of the environment that can be contributed to sustainable development,
13. To improve the quality and to increase the quantity of environmental and technical staff as well as to promote and organize training for all sections for raising awareness of environmental protection nationwide in cooperation with relevant governmental departments and local authorities,
14. To set up an information office to collect, evaluate and disseminate information on environmental and social economic development,
15. To cooperate and associate with international organizations with respect to environmental protection, and
16. To carry out all duties and responsibilities with regard to environmental protection in accordance with the relevant regulations and assignment given by the government.

Article 51. Province and Municipality Water Resources and Environment Department

Province and Municipality Water resources and Environment Department is a provincial environment management unit which is under control of the central Water Resource and Environment Authority. It shall have the following roles:

1. To establish and implement strategies, policies, operations, integrated environmental management plans, strategic environmental impact assessment, environmental impact assessment, pollutant management and design of the environmental management,
2. To monitor and inspect implementation of laws, rules on the environmental management,
3. To monitor and inspect implementation of EMP (environmental management plan) of projects which are approved by WREA,

4. To make a report to WREA regularly on the environment,
5. To receive and solve complaints, lawsuits, reports and petitions about environmental problems from people and relevant sectors,
6. To recommend suspension and revocation of the environmental licenses of projects or business activities under the control of their responsibility, (in reference to the environmental impact assessment report),
7. To collect, summarize, analyze and disseminate data on the environment,
8. To serve as a secretariat for the committee of a provincial environment unit, and
9. To provide technical staff with training for advancing their knowledge on the environment and to provide people and relevant sectors with education for raising awareness of the environment.

Article 52. Rights and Roles of District Water Resource and Environment Office (WREO)

District WREO is a unit for district environmental management in coordination with Municipality and Province Environmental Management on which the unit depends.

District Environmental Monitoring and Management unit shall have rights and roles to conduct activities within its district as follows:

1. To implement plans and issue rules on the environmental management of its district,
2. To study, analyze and search for measures to prevent and solve problems and to restore the environment of its district,
3. To monitor and inspect implementation of laws, decrees, regulations, rules on the environment.
4. To report and discuss issues on the environment with Municipality and Province Environmental Management unit, local authorities and relevant sectors in its district in order to solve environmental problems,
5. To receive and solve proposals of people and other sectors on environmental problems within the scope of its roles and responsibilities,
6. To recommend the relevant sectors amending, suspending, relocating or canceling any activities in its district which cause negative impact on the health of people, animals, vegetation and the environment.
7. To collect, summarize, study and disseminate data and information on the natural environment and natural resources, and
8. To train people and sectors in its district to develop awareness of the environment.

Article 53. Types of Inspection

There are 2 types of inspection:

1. Internal inspection.
2. External inspection

Article 54. Internal Inspection

The internal inspection consists of 3 types as follows:

1. Regular inspection,
 2. Inspection with notice in advance, and
 3. Inspection without notice in advance
- A regular inspection is an inspection which is carried out according to plans on regular basis.
 - An inspection with notice in advance is an inspection which is not predetermined in plans. It is essential to inform developers in advance.
 - An inspection without notice in advance is not informed in advance to developers.
 - Implementation of inspection concerning the environment by environmental staff members shall be conducted strictly in accordance with the laws.

Article 55. External Inspection

The objective of external inspections is to investigate whether the operations of the environmental management authorities are effective, transparent and fair or not.

An external inspection is as follows:

1. An inspection by the national assembly as prescribed by the law,
2. An inspection by the state inspection authorities in accordance with the law on the state inspection, and
3. An inspection by Lao people, organizations and local persons, offices, authorities, technician units and state enterprises on the activities of management staff, and subsequently the environmental inspection authorities shall recommend the relevant sectors to re-inspect the affected area.

Part IX: Policies toward Persons with High Achievement and Measures against Violators

Article 56. Policies toward Persons with High Achievement

Persons or organizations who work actively to protect and manage the environment or natural resources shall be appropriately rewarded, receive reward certificate or any other form of recognition.

Article 57. Measures against Violators

Persons or organizations who violate this law or other regulations on the environmental protection and management shall be re-educated, fined, or subject to civil liability or criminal punishment depending on the severity of cases.

Article 58. Educational Training

Persons or organizations who commit minor violations of this law or other regulations on environment protection shall get warning and educational training.

Article 59. Fines

Persons or organizations shall be fined if they:

1. Have got warning and educational training, however still he/she will not stop violating the law and rules,
2. Litter wastes which make areas dirty and affect the order or beauty of the country,
3. Degrade the quality of water, air, or soil referring to the determined standards,
4. Produce vibration, noise, light, color, odor, hazardous chemicals or radioactive substances exceeding the standard or determined rules. It is dangerous to the health of people, animals, vegetation and the environment.
5. Omit activities prescribed by the report of environmental-social impact assessment and other relevant laws, and
6. Refuse or disobey staff members of the environmental inspection.

For the rule and regulation of the fines will be specifically determined.

Article 60. Civil Liability

Persons or organizations who violate this law and rules on the environmental protection and management, which causes damage to the assets of state, groups or individuals, shall be subject to civil liability for such losses.

Article 61. Criminal Punishment

Persons or organizations who violate this law and rules on the environmental protection and management shall be treated according to the criminal law if they commit a violation such as: counterfeiting licenses or environmental certificates, violating environmental quality standards, and any other activities that damage the health of people or cause someone disability or death.

Article 62. Additional Punishment

In addition to the principal punishment mentioned in the above article 57, 58, 59, 60, and 61, additional punishment shall be imposed.

Persons or organizations, who violate this law, may be subject to additional punishment such as: suspension or revocation of the licenses, shutdown of business, and confiscation of equipments used in the violation.

Part X: Final Provisions

Article 63. Budget

The budget for the activities on the environment shall be provided by the government and the environmental protection funds.

Article 64. Implementation

The government of Lao PDR shall implement this law.

Article 65. Effective enforcement

This law shall enter into force 60 days after the President of Lao PDR promulgates enforcement decree. This law shall replace the Law on Environmental Protection No. 02/99/ NA, dated 03/04 /1999.

Vientiane, date

1.4 Decree of Environmental Impact Assessment (Unofficial Translation)

Source: WREA



Unofficial Translation

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

PRIME MINISTER'S OFFICE

No. 112/PM.

VIENTIANE CAPITAL, 16 FEBRUARY 2010

**DECREE
ON ENVIRONMENTAL IMPACT ASSESSMENT**

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

Prime Minister's Office

No. 112/PM.
Vientiane Capital, 16 February, 2010

DECREE ON ENVIRONMENTAL IMPACT ASSESSMENT

- Pursuant to the Law on Government of the Lao People's Democratic Republic, No. 02/NA, dated 06 May 2003.
- Pursuant to the Law on Environmental Protection, No. 02/99/NA, dated 03/04/1999.
- Based on a Request from the Minister to the Prime Minister's Office, Head of the Water Resources and Environment Administration, No. 2843/PMO.WREA, dated 21 December 2009.

The Prime Minister decrees:

Part I

General Provisions

Article 1: Objectives

This Decree has the following objectives:

To implement Article 8 of the Law on Environmental Protection, in relation to Environmental Impact Assessment;

To define principles and rules, and adopt measures on establishment, functions, management and monitoring of environmental impact assessment;

To ensure that all public and private investment projects, both domestic and foreign, operating in Lao PDR (hereafter called 'investment projects') which create or may create adverse environmental and social impacts, are designed with the correct and appropriate environmental and social impact prevention and mitigation measures or environmental

management and monitoring plans (EMMP) and social management and monitoring plans (SMMP);

To effectively prevent, minimise and resolve adverse environmental and social impacts derived from investment projects;

To contribute to and make national socio-economic development sustainable.

Article 2: Scope of Application

This Decree is applicable to all investment projects which are divided into two categories, with the Water Resources and Environment Administration undertaking coordination with concerned agencies in identifying the list of projects periodically:

Category 1: small scale investment projects with minor environmental and social impacts, for which initial environmental examination is required;

Category 2: Large scale investment projects which are complicated or create significant environmental and social impacts, for which environmental impact assessment is required.

Article 3: Terminological Interpretation

The terms used in this Decree have the following meanings:

Initial environmental examination (IEE) means studying, surveying, researching and analysing data to estimate initial environmental and social impacts, including impacts on health which may arise from investment projects in Category 1, as provided in Article 2 of this Decree, as well as identify measures to prevent and mitigate possible environmental and social impacts.

Environmental impact assessment (EIA) means studying, surveying, researching-analysing and estimating of possible positive and negative impacts on the environment and society, including short and long term impacts on health created by the investment projects classified in Category 2, Article 2 of this Decree, as well as offering appropriate alternatives, environmental management and monitoring plan (EMMP), and social management and monitoring plan (SMMP) to prevent and mitigate possible impacts which are likely to happen during construction and operation of the investment projects.

Project screening means study and analysis of data contained in an investment project (document) to determine whether the proposed investment project requires initial environmental examination or environmental impact assessment or not.

Scoping of the study means the process to determine the scope of the environmental impact assessment and the data needed to be collected and analysed, to assess the impacts of the investment project on the environment, in which, such study requires terms of reference (TOR) to prepare a report on environmental impact assessment.

Terms of reference means all works needed to be done when carrying out environmental impact assessment, in accordance with the scope of the study for assessing environmental impact.

An environmental management and monitoring plan (EMMP) means a plan formulated in a report on environmental impact assessment which defines main environmental activities, measures on prevention, minimisation and mitigation of environmental impacts, as well as organisational structures and responsibilities, schedule and sufficient budget for implementation of the environmental management and monitoring activities, during a project's construction, operation and termination period.

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A social management and monitoring plan (SMMP) means a plan formulated in a report on environmental impact assessment which defines main social activities, measures on prevention, minimisation and mitigation of social impacts, as well as measures on compensation, resettlement and restoration of living conditions of the people who are (will be) affected by the investment project, organisational structures and responsibilities, schedule and sufficient budget for the implementation of social monitoring activities, during a project's construction, operation and termination period.

A project developer means any person, legal entity or organisation, from the public or private sector, who/which is licensed to undertake study, survey, design, construction and operation of an investment project.

Stakeholders mean any person, legal entity or organisation who/which are interested in, involved in or have interests in an investment project, in an activity or a matter (related to the project) because they are involved in or (are likely to be) affected by the investment project.

Involvement means process of consultation, dissemination of information on an investment project to collect comments from those who are likely to be affected by or gain benefits from the investment project, as well as from those who are interested in the investment project, to be used as references in preparing and deliberating a report on initial environmental examination or a report on environmental impact assessment, an environmental management and monitoring plan (EMMP), and a social management and monitoring plan (SMMP). Involvement can be in the form of participation in all level meetings of the stakeholders, as well as of those who are (likely to be) affected by the investment project, during the project construction and operation period.

The project affected people means a natural person, legal entity, or organisation who/which are directly or indirectly affected by the investment project (or are likely to be affected) due to legally requisition of lands or real estate, changes of land category, and impacts on the ecological and environmental system in the their settlement areas.

The host village means a village which accepts migration of the project affected people by an investment project.

Migration and restoration of living condition means:

- Measures to minimise negative impacts on the society, as well as on the project affected people who are wholly or partially affected by the investment project, including payment of compensation to those who lose their property and incomes, by restoring rights, providing direct assistance in preparing (pioneering) 'new production areas basis' in the newly allocated settlement area.
- Assistance to those who are severely affected, due to the loss of assets, residences, cultivation land, incomes and jobs, required to be compensated those losses appropriately, including provision of facilities to further improve living standard, or at least, not worse than before the existence of the investment project.

An environmental compliance certificate means a legal document which approves a report on initial environmental examination or a report on environmental impact assessment, an environmental management and monitoring plan (EMMP), and a social management and monitoring plan (SMMP).

An ongoing project refers to a project which is under construction or has commenced exploring, or commenced operating.

A complicated project refers to an investment project which has substantial impacts on the environment and society, including impacts beyond the border or accumulative impact on other investment projects, and in which complicated technology is applied.

Article 4: General Principles

In assessing the impact on the environment, ones must follow the following principles:

- (1) In relation to investment projects classified in Category 1 and Category 2, including projects provided in Article 6(2) of this Decree, the project developer must, first, obtain an environmental compliance certificate, before signing any Concession Agreement, Mineral Exploration and Production Agreement (MEPA) or starting construction works, or before any operating permit can be issued;
- (2) An initial environmental examination or an environmental impact assessment must be conducted only by a Consultant Firm or by a Consultant who is registered at the Water Resources and Environment Administration. The initial environmental examination or the environmental impact assessment must be designed with study of several options, so that the best option can be selected, study on impacts on antiquities, culture, and custom-tradition, planning to solve the negative impacts on environment and society, participation of the project affected people by the investment project and other stakeholders in discussion process at all levels, and in drawing up budget for those activities.
- (3) Ensuring the participation of the public and discussion with local administrations at all levels, with those project affected people by an investment project and other persons involved in preparation and review of a report on initial environmental examination or a report on environmental impact assessment;
- (4) An individual, legal entity or organisation who wishes to render environmental impact assessment services in Lao PDR must comply with the following procedures:
 - A domestic Consultant Firm must be licensed and registered at the Water Resources and Environment Administration;
 - A domestic Consultant must be registered as an Environmental Consultant at the Water Resources and Environment Administration;
 - A foreign Consultant Firm or foreign Consultant who has already got a license to render environmental services in a foreign country must register its business with the Water Resources and Environment Administration.
- (5) A project developer must be liable for:
 - The accuracy of the data and information contained in its report on initial environmental examination or report on environmental impact assessment;
 - Every expense incurred in the process of preparing and reviewing of a report on initial environmental examination, including preventive and mitigation measures on environmental and social impacts or a report on environmental impact assessment, an environmental management and monitoring plan, a social management and monitoring plan, as well as implementing and overseeing the implementation of measures to prevent and minimise the environmental and social impacts, or an environmental management and monitoring plan, and a social management and monitoring plan;

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- In relation to a new investment project which is likely to affect other investment projects, there must be a cumulative impact assessment, in conjunction with the existing investment projects;
 - For an investment project which is likely to create impacts beyond the border, a trans-boundary environmental impact assessment must be conducted.
- (6) Any organisations involved in review of a report on initial environmental examination or a report on environmental impact assessment is obliged to monitor the outcomes of implementation of measures on prevention and minimisation of environmental and social impacts or of an environmental management and monitoring plan of the investment project, whereas local administrations have duties to monitor the implementation of the social management and monitoring plan.

Part II

Environmental Impact Assessment Procedure

Chapter 1

Environmental Impact Assessment Process and Investment Project Screening

Article 5: Environmental Impact Assessment Process

Procedure on initial environmental examination or environmental impact assessment, as well as procedure on deliberation of a report on initial environmental examination or a report on environmental impact assessment, must be in compliance with the project cycle of the investment project, and be in accordance with the laws of the concerned agencies.

Article 6: Investment Project Screening

In screening an investment project, one must comply with the following instructions:

A project developer must utilise the list of an investment project which is classified into Category 1 and Category 2, being basis for determining the category of the proposed project, and then conduct initial environmental examination or environmental impact assessment in accordance with the type and size of the investment project, either in Category 1 or Category 2, and be in accordance with the investment project approval procedure of the concerned agencies.

In relation to an investment project which is neither in Category 1 nor in Category 2, as mentioned in Article 6(1) above, but is likely to create environmental and social impact the project developer must submit an investment application to the Water Resources and Environment Administration (hereafter called WREA), so as to deliberate, as follows:

A new investment project which is neither in Category 1 nor in Category 2, but is estimated that it is likely to create severe environmental and social impacts or create cumulative or trans-boundary impacts;

An investment project which is allowed to operate, but later on expands and increases its production power or changes production process;

An investment project which is likely to create impacts on the protected areas, protection forest, and production forest, national biodiversity conservation areas or cultural heritage and historical preservation areas, and other prohibited areas.

The Water Resources and Environment Administration, in coordination with the concerned agencies, shall screen the investment project, as prescribed in Article 6(2) above, and informs the project developer in writing, within 15 public working days accordingly:

The investment project (project developer) must conduct an initial environmental examination;

The investment project (project developer) must conduct an environmental impact assessment;

The investment project does not require any initial environmental examination or environmental impact assessment at all.

Chapter 2

Involvement

Article 7: Rights and duties of project affected people, and of other stakeholders

The project affected people and other stakeholders have the following rights and duties:

To receive information on development plan of the investment project, the benefits that they will receive and environmental and social impacts which may arise from the investment project;

To provide information and data on local environment and society in the area of the project and in the nearby locations, to be used in preparing a report on initial environment assessment, consisting of measures to prevent and minimise the environmental and social impacts, or in preparing a report on environmental impact assessment, an environmental management and monitoring plan, and a social management and monitoring plan;

To receive information on (contained in) the report on initial environmental examination, including measures on prevention and minimisation of environmental and social impacts or the report on environmental impact assessment, the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP), as well as the report on the progress in implementation of the measures to prevent and minimise the impacts of the investment project;

To participate in the consultation meetings at all levels to discuss the report on initial environmental examination or the report on environmental impact assessment, the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP).

To participate in discussions on compensation, migration - resettlement, and restoration of the living condition of the project affected people by the investment project;

To participate in discussions on implementation of the environmental and social activities, as well as the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP) of the investment project;

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To make a written proposal to solve the environmental and social problems caused by the investment project to the local administrations, at each level, to solve the environment and social problems, or directly to the Water Resources and Environment Administration, in case the problems have not yet been solved.

Article 8: Participation Process

The Water Resources and Environment Administration, local administrations, the development project responsible agencies, and a project developer have a joint responsibility to ensure the participation of the project affected people by an investment project, and other stakeholders, in accordance with the process of initial environmental examination or environmental impact assessment, as follows:

At the time of collecting information to prepare a report on the initial environmental examination or a report on environmental impact assessment, the local administration and the project developer must organise village dissemination meetings to inform the villagers, in various forms, of the development plan of the project and the possible environmental and social impacts as well as to collect opinions of the project affected people by the investment project;

During preparation and review of the report on initial environmental examination, including measures to prevent and minimise the environmental and social impacts or the report on the environmental impact assessment, the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP), the Water Resources and Environment Administration, the local administration, the development project responsible agencies, and the project developer must organise consultation meetings at village, district, and province level, to use as a forum and give an opportunity to the project affected people and other stakeholders to share their opinions and give comments on the report and plans, from the first drafts until the final drafts.

During survey-exploration, construction and operation of the project, the project developer must inform the project affected people by the investment project and other stakeholders of the project activities which are likely to create environmental and social impact, such as clearing the ground surface, destroying rocks, transporting, using and storing of the dangerous chemical objects and substances, discharging of water from the reservoir, etc. At the same time, the project developer must allow the project affected people and other stakeholders to access general information about the project.

Chapter 3

Initial Environmental Examination

Article 9: Duties of the Water Resources and Environment Administration, local administrations, development project responsible agencies, concerned sectors, and project developers on initial environmental examination.

The Water Resources and Environment Administration has duties:

To issue environmental compliance certificates to approve the report on initial environmental examination proposed by the development project responsible agencies;

To participate in field inspections and participate in consultation meetings at district level. The Water Resources and Environment Administration may nominate Provincial or Capital Water Resources and Environment Divisions to participate on its behalf.

To coordinate with the concerned agencies in issuing guideline on practical implementation;

Local Administrations have duties:

To issue environmental compliance certificates to certify reports on initial environmental examination, based on the verification of the Water Resources and Environment Administration;

To cooperate with and facilitate project developers in surveying and collecting information to prepare reports and in organising consultations with the project affected people by the investment project and other stakeholders;

To cooperate in the information dissemination process, and encourage project affected people by an investment project to understand the objectives of the project, expected benefits and the environmental and social impacts which might occur from the project.

The development project responsible agencies have duties:

To lead field inspection (if needed), and together with project affected people by investment projects and other stakeholders, participate in consultation meetings, at the village and district level, which are organised by project developers, in cooperation with local administrations.

To review reports on initial environmental examination, in coordination with local administrations and concerned agencies, make written comments and then report to the Water Resources and Environment Administration for considering issuing the Environmental Compliance Certificate.

The concerned agencies bodies have a duty to provide technical comments on the report on initial environmental examination and can assign that duty to their respective offices in provinces or prefecture to perform on their behalf.

A project developer has duties as follows:

To conduct study on overall physical, biological and socio-economic aspects, as well as estimate potential impacts which may arise from development of the project, by referring to the data and information gained from the concerned sectors, local administrations and other sources, including data and information collected in the field survey and from consultations with the project affected people by the investment project and other stakeholders, at village and district levels;

To follow Guidelines on Public Involvement without the use of threat, coercion, force, violence, bribery and deception;

In coordinate with the local administration and the development project responsible agencies, to organise dissemination meetings at village level so as to explain the project development plan, benefits which will gain from the

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investment project and possible impacts on environment and society which may arise from the development project, as well as summarising and taking note of the people's comments in the meetings to incorporate in the report on initial environmental examination;

To prepare a report on initial environmental examination consisting of measures to prevent and minimise the impacts on environment and society;

In coordination with the local administration, the development project responsible agencies, to organise consultation meetings at village level, with participation of the project affected people by the investment project, and other stakeholders, in order to deliberate the first draft of the report on initial environmental examination and then revise the report in accordance with the resolution of the meetings, and then disseminate it to the project affected people by the investment project and the persons involved to comment on it, before organising consultation meetings at the district level;

In collaboration with the local administration and the development project responsible agencies to organise consultation meetings at district level, with participation of the representatives of the people who are (likely to be) affected by the investment project from each village, in order to deliberate the revised draft of the report on the initial environmental examination, which has been revised in accordance with the resolution of the village consultation meeting, and again revise it in accordance with the resolution of the meeting (the district consultation meeting). The revised report must be made in Lao if it is a domestic investment, or both in Lao and in English if it is a foreign investment, and then submit it to the development project responsible agencies to review further;

The report on initial environmental examination which will be proposed to be reviewed must be attached with the minutes of each meeting signed by the consultation firm who prepared the report, and the project developer.

Article 10: Reviewing of the report on initial environmental examination

Procedures on review of reports on initial environmental examination are as follows:

A project developer must make an application and send a copy of the report which is revised after the consultation meeting at district level to the development project responsible agencies;

The development project responsible agencies shall review the report within 10 public working days and inform the project developers in writing, as follows:

The project developer to send it 15 hardcopies of the report, as well as its soft copy, in case it sees that the report on initial environmental examination is correct and comprehensive;

The project developer to revise the report further, in case it found that the report on initial environmental examination is not comprehensive enough.

Review of a report on initial environmental examination must be carried out within 50 public working days, from the day the project developer submits the application in full as provided in Article 10(2)(a), excluding the period of time the project developer takes the application back for revision [in Article 10(2)(b)], which has procedure as follows:

The development project responsible agencies will send the initial environmental examination to the local administration and concerned agencies within 5 public working days for comments;

The concerned agencies must send their comments to the development project responsible agencies within 20 public working days. If they do not send their comments within that period of time, it shall be deemed that they agree with the study or the right to give comments would be waived;

The development project responsible agencies will organise a technical workshop to allow the project developer to clarify the report and have a field survey, if necessary, as well as summarise those final comments and send them to the Water Resources and Environment Administration to consider whether it should issue the environmental compliance certificate or not;

The Water Resources and Environment Administration will consider and choose to act in one of the following manners accordingly:

To issue the environmental compliance certificate to approve the report on initial environmental examination;

To demand the project developer to take the following actions:

To re-amend the report on initial environmental examination;

If the development project is complicated or would have severe environmental and social impacts the project developer need to continue to assess the impact on the environment;

To object the report in one of the following circumstances:

When the data and information does not correspond to the facts, concealing or covering up risks and the potentially severe impacts on the environment and society which may occur;

When it has sufficient evidence to prove that data and information of the initial environmental examination is not from the actual study of the project, but copied from other investment projects;

There is no scientific evidence to prove the accuracy of the specified impacts;

The report fails to identify comprehensive measures to prevent, minimise, and solve the impacts on environment and society;

The project would cause more negative impacts than positive impacts;

The project developer did not comply with the laws, guidelines, and did not undertake the involvement process.

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