

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.

settlements, buildings, vibrations, radiation, colours, and odours that are created by mankind are important elements of the environment.

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”.

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;

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

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

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.

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.

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.

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

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.

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

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.

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.

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

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

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.

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.

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.

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;
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;

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.

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 of 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.

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.

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.

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.

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;

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-forge” .

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.

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

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全球法律法规
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全球法律法规
Global Laws & Regulations