

# Biodiversity-related Legislation in Lao PDR

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## 1.0 Background on Lao PDR

Lao PDR used to be a country lush with abundant forests, mountains and many species of wildlife. For this reason in the Fourteenth Century it was called the “Kingdom of Lanc Xang”. “Lanc Xang” means “Land of a Million Elephants”.

On 2 December 1975 the Lao People’s Democratic Republic was established. Lao PDR is a multi-ethnic country in the heart of Southeast Asia. Some environmental characteristics of Lao PDR distinguish the country from other countries in the region. For example, the most prominent among them are:

- Agricultural land is scarce even though with less than 20 people per square kilometre Lao PDR is the most thinly populated country in Southeast Asia. The ratio of population to cultivated cropland is about 3.5 persons per hectare.
- Geographic conditions are difficult. Most of the country is mountainous and prone to erosion. Road infrastructure is insufficient.
- The ecological quality of remaining upland forests and unmodified waterways is partly unique in the region.
- The natural conditions of most of the territory (e.g., climate, soil, and topography) are more favourable for silviculture and agro-forestry than for sedentary agriculture.
- About half of the country’s districts still have to cope with unexploded ordinance. Wartime defoliants contaminate some.
- Traditionally regarded as isolated and remote, the country is now becoming located more in the centre of new trade routes that join booming regional economies.
- The export-oriented development of the country’s natural resource base is accelerating sharply in response to internal and external pressure.

## **1.1 Natural resources**

The natural resource base of Lao PDR consists of forests, still covering more than one third of the country. Mineral deposits include limestone, anthracite, lignite, gypsum, sand, non-ferrous metals, precious stones, ores and possibly oil. Many deposits are still untapped.

Lao PDR is located in the Southeast Asia centre of biological diversity, one of twelve such centres in the world. As a region, Indochina relies on biological and genetic resources for traditional medicines and agricultural diversity.

Major families of medicinal plants are common to specific provincial regions in Lao PDR including Huaphan, Phonsali, Luangphabang, Udom Xai, Xiang khuang, Xaiyabouli, Paksong and Luang mountain region, Bolikhamsai and Sekong, Attapeu and Scthamuak. Specially protected plants include *Dalbergia cultrata* and *Cochinchinensis*, *Millettia leucatha*, *Aquilaria* sp., *Gardenia combodina*, *Desmodium lonipes*, *Mansonia gagei* and others

Lao PDR provides habitat to more than two hundred and fifty species of wildlife. These are either unique to the country or are considered threatened or endangered internationally. Fish and wildlife that are specially protected include kouprey, saola, bear, elephants, francois langur, douc langur, pakha and others.

About ten percent of the country's surface is allocated to about twenty National Biodiversity Conservation Areas. Provinces and districts are empowered to declare their own conservation areas.

## **1.2 Economy and nature**

The principal foreign exchange earners are hydropower, forestry and mining. In light of this economic reality, there is a compelling need to ensure that sufficient attention is paid to the sustainability of the continued economic development in Lao PDR.

## **1.3 Society and nature**

Approximately forty-seven percent of Lao's forest area remains. The population of Lao PDR is 4.8 million (1996). This figure includes sixty-eight ethnic minority groups. Close to two-thirds of Lao people reside in the lowland and sloping areas, while the remaining one third live in the mountainous regions.

Presently, fifteen percent of Lao farmers practice shifting cultivation. Specifically, most highland Lao perform swidden cultivation, which is beginning to have a significant impact on the environment as the area available for swidden cultivation is depleted due to logging and environmental destruction. These are some of the major causes for the loss of biological resources and plants genetic resources in the country. At the same time, changing medicinal practices are displacing traditional knowledge. The task in Lao PDR at the moment is to conserve natural resources while at the same time using biological and genetic resources in way beneficial to the country and its farmers.

## **2.0 Legislation Related to Natural Resources and Biodiversity Management**

The constitution of Lao PDR states that: “All organisations and all citizens must conserve the natural resources such as: soil, earth, forests, wildlife, fisheries, water and others” (Article 17).

In general, legislation regarding natural resource management and sustainable use turns on planning processes that have not yet begun to be fully implemented or even fully defined, either in law or in practice. Natural resources are regulated under the following existing and proposed legislation:

- Decree on Establishment of Natural Biodiversity Conservation Areas (1993);
- Decree for the Management and Protection of Wild Animals, Fisheries and for Hunting and Fishing (1989);
- Decree on Prohibition of Wildlife Trade (1986);
- Decree on State Tax System (biological resources extraction is only possible when paying tax (1989);
- Law on Promotion and Management of Foreign Investment (1994);
- Forest Law (1996);
- Water Law (1996);
- Land Law (1997);
- Environmental Protection Law (1999); and
- Draft Decree on Biological Resources and Related Traditional Knowledge.

Lao PDR is a Contracting Party to the Convention on Biological Diversity (CBD), the Climate Change Convention, the Montreal Protocol and the Convention Concerning the Protection of the World Cultural and Natural Heritage.

In Lao PDR, the mechanisms for biological diversity management and other potential incentives for natural resources protection include:

- Protected areas;
- Inventory and planning for biological diversity management;
- Protected species;
- Trade in protected species;
- Commercial utilisation of biological species and genetic diversity;
- Species introduction and other issues; and
- Mechanisms to protect biological diversity.

Lao PDR acceded formally to the CBD in July 1996. This signalled clearly its commitment to the CBD's principles.

The biodiversity-related legislation in Lao PDR includes legal provisions that meet the requirements of the CBD. This legislation includes:

- Decree on the Management and Protection of Wild Animals, Fisheries and Hunting and Fishing;
- Decree on the Prohibition of Wildlife Trade;
- Instructions to the Standing Committee of the Council of Ministers No.24 on rules for hunting and the use of fire during the dry season;
- Decree No. 47/CCM on the State Tax System;
- Environmental Protection Law (1999); and
- Draft Decree on Biological Resources and Related Traditional Knowledge.

The Draft Decree on Biological Resources and Related Traditional Knowledge is Currently undergoing stakeholder consultations to facilitate its finalisation.

## **2.1 Legal enforcement**

The Lao PDR has enacted many laws related to biodiversity management and protection that address issues essential to the present and future well being of the country's biological resources. Thus far, very little implementation has taken place - whether legally or physically. Many elements of biodiversity management have yet to be addressed legislatively and should be dealt with right away.

## **3.0 Organisation of Natural Resources Management**

Virtually all natural resources in the territory of Lao PDR, including land, forests and terrestrial animals, are State property. Possessor and use rights may be granted by the State to individuals or other entities according to article 4 of the Property Law (1990). Presently most natural resource protection is the responsibility of agencies whose primary mandate is to develop those same resources. These agencies include:

- The Science, Technology and Environment Organisation (STENO) was founded in 1993 by the Prime Minister. STENO serves as a centre to co-ordinate science, technology and environment-related activities;
- The Inter-Ministerial Working Group on Environment (IMWG) is a very important mechanism to ensure that environmental co-ordination activities are carried out efficiently between STENO, the technical ministries and mass organisation;
- The Ministry of Agriculture and Forestry is responsible for all environment-related activities that concern agriculture and forestry;
- The Ministry of Public Health; and
- The Medicinal Plants Research Institute.

Generally speaking, each technical ministry has responsibility over their respective thematic area for the CBD and other environment issues.