

THE WATER AND WATER RESOURCES LAW

Adopted by the National Assembly 11 October 1996
Promulgated by the President of the State 2 November 1996
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(National Seal)

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

No. 126/PDR

DECREE
Of the
PRESIDENT
Of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the promulgation of the Water and Water Resources Law

- Pursuant to the Constitution of the Lao People's Democratic Republic, Chapter V, Article 53, Clause 1;
- Based on the Resolution of the 9th ordinary session of the National Assembly, IIIrd Congress on the adoption of the Water and Water Resources Law No. 005, dated 11 October 1996.
- Pursuant to the proposal of the Standing Committee of the National Assembly No. 08/SCNA, dated 16 October 1996.

**The President of the
Lao People's Democratic Republic**

Issues this decree to:

Article 1: Promulgate the water and Water Resources Law

Article 2: This Decree is effective from the day it is signed.

Vientiane, 2 November 1996

(seal of the President of the State)
(signature)
Nouhak Phoumsavan

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 05-NA

RESOLUTION
Of the
NATIONAL ASSEMBLY
Of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the adoption of the Water and Water Resources Law

- Pursuant Article 40, Clause 2 of the Constitution and Article 2, Clause 2 of the National Assembly Law of the Lao People's Democratic;
- Pursuant to the proposal of Mr. Kham-Ouane Boupha, Minister of Justice of the Lao People's Democratic Republic;
- After extended and in-dept research and consideration regarding the contents of the Water and Water Resources Law, the 9th Ordinary Meeting of the IIIrd Congress of the National Assembly on the afternoon agenda of Friday, the 11th of October 1996.

Resolved:

Article 1: To adopt the Water and Water Resources Law by unanimous vote.

Article 2: This Resolution is effective from the day it is signed.

Vientiane, 11 October 1996
President of the National Assembly
(seal of the President of the National Assembly)
(signature)
Samane Vignaket

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 02-96
Date: 11/10/1996

The Water and Water Resources Law

Chapter I *General Provisions*

Article 1. Function of the Water and Water Resources Law

This Water and Water Resources Law determines necessary principles, rules, and measures relative to the administration, exploitation, use and development of water and water resources in the Lao People's Democratic Republic to preserve sustainable water and water resources and to ensure volume and quality providing for people's living requirements, promoting agriculture, forestry, and industry, developing the national socio-economy and ensuring that no damage is caused to the environment.

Article 2. Water and Water Resources

Water is one type of liquid natural resource which is the most basic and principal of resources among water resources.

Water resources are natural resources which are comprised of things inhabiting water or water resources which do or do not have life, e.g.: plants, marine animals, rocks, minerals, sand, mud, stones, etc.

Article 3. Water and Water Catchment

A water source is place where there is an accumulation, an abiding [body of water], a [body of water at] rest, or a permanent or temporarily active [body of] naturally occurring water. Water exists above and underground and in the atmosphere.

- Aboveground water sources are water sources above the surface of the ground which occur in long connecting flows and in spots, e.g.: rivers, small waterways, tributaries, ponds, canals, swamps, streams, bogs, springs;
- Underground water sources are water sources below the surface of the ground occurring in levels, in aquifers, as a stream, or are mixed in with the ground;
- Atmospheric water sources are water sources in the atmosphere which are in the form of the steam, or in small accumulated particles such as fog, clouds, rain, or hail;
- Catchments are all areas of ground surface and forests, from river sources to the mouths of rivers where water is distributed and in places where raindrops are accumulated into a water sources system.

Article 4. Water and Water Resources Ownership

Water and water resources are the property of the national community whom the State represents in managing and thoroughly and reasonably allocating its use to various parties.

Individuals, juristic entities, or organizations shall have the right to control and use any natural water and water resource in any activity only so long as they have received approval from relevant authorized agencies, except in the case of small scale usage as provided by this Law.

Article 5. Promotion, Development and Preservation of Water and Water Resources

The Government promotes the development, exploitation, use, preservation and protection of water and water resources including the prevention of ill effects [arising] from water and all acts which cause depletion.

Article 6. Basic Principles of Water and Water Resource Management

Water and water resources management and use must be conducted according to centralized and integrated comprehensive management principles, according to the allocation plan provided for in Article 22 of the Law.

Article 7. Obligations to Protect Water and Water Resources

In order to successfully protect and use water and water resources, individuals, juristic entities or organizations are obligated to strictly comply to water resource and water source management regulations.

Chapter II

Surveying, Listing and Determination of Water Source Types and Reservoirs

Article 8. Surveying and Listing

The Ministry of Agriculture and Forestry is directly liable for water source and water catchment surveying and listing throughout the country through coordination with relevant sectors and localities.

Article 9. Determination of Water Source Type

For use in the National Socio-Economic and Environmental Development Plan in the Lao People's Democratic Republic, water sources are categorized according to the following purpose types:

1. Water sources for drinking and use are water sources which are allocated for peoples' consumption and [for their use of it] as a commodity;
2. Reserved water sources are water sources which are allocated for the care of animals, vegetation, living and non-living things, etc., including the natural environment and important and precious things;
3. Water sources for irrigation are water sources allocated to agro-forestry production and raising livestock;
4. Water resources to produce electrical power are water sources which are allocated to the production of electrical power;
5. Industrial water sources are water sources which are allocated to industrial production;
6. Water sources for water transportation are water sources allocated to boat travel and water transport;
7. Water sources for tourism are water sources allocated to tourist use;
8. Water sources for protection of health and hygiene are water sources allocated to use for health and medical care.

Article 10. Types of Catchments

There are three types of catchments, namely a main catchment, a tributary catchment, and a branch catchment.

1. A main catchment is a catchment where water flows in from the Mekong River which is in the territory of the Lao People's Democratic Republic.
2. A tributary catchment is a water source catchment in the territory of the Lao Peoples' Democratic Republic which is a branch of the Mekong river or of some other river.
3. A branch catchment into which branches flow is a water source catchment which feeds into branches of the Mekong River or the other rivers in the territory of the Lao People's Democratic Republic.

The agencies responsible for water must determine to scope and type of catchments provided for in Article 9 of this Law.

Article 11. Water Source and Catchment Allocation

In allocating water sources and catchments, reference shall be made to surveying and data collection in order to determine effective division, administration, and use of water and water resources.

Article 12. Determination of Water and Water Resource Allocation

To ensure that water and water resources existing in the Lao Peoples' Democratic Republic are used thoroughly and according to plan, the Government shall determine the distribution of water and water resources.

Chapter III

Water and Water Resource Use

Article 13. Objectives of Water and Water Resources Use

Water and water resources can be used for various purposes, e.g.: for family consumption and as a commodity, irrigation, fishing and raising fish and other marine animals, agro-forestry production, livestock, producing electrical power, industrial production, communications and transportation, athletics, leisure, medicinal, cultural, and other uses.

The use of water in the production of electrical power and irrigation shall be specifically regulated.

Any water and water resource may be used for any purpose or purposes, as the case may be and as is appropriate. For underground water sources, such must principally be reserved for drinking and for use. Use of underground water in medium and large scale activities must have received approval from a relevant agency.

Article 14. Right to Use Water and Water Resources

Individuals, juristic or organizations have the right to use water and water resources [at the level of] family use or in business operations.

The right to use water and water resources exists at three levels as:

- Small scale
- Medium scale
- Large scale

The right to use water and water resources must be pursuant to the water sources allocation plan.

Article 15. Small Scale to Use

Small scale use is the use of water and water resources which is not of a business nature for the following purposes:

1. Family [residential] use for the benefits of the general household or for cultural and athletic use;
2. Fishing and raising fish or other marine animals;
3. Collecting dirt, rocks, gravel, sand, mud, and other vegetation in or around a water source;
4. Use in agro-forestry production and for livestock for basic family use.

Such small scale use may be undertaken provided that there is no prohibition from a relevant ministry or a local administrative authority.

Article 16. Medium Scale Use

Medium scale water use is the use of water and water resources for the following purposes:

1. Construction of small scale weirs or dams, building things which impede or divert the flow of water or building a dam or raising an embankment to divert water flow for navigation or as a small reservoir for the production of electrical power or for irrigation, livestock, fishing, etc.;

2. Harvesting rocks, gravel, sand, soil, mud, trees, etc. in or around a water source having a nominal effect on nature and the environment;
3. Installation of small mechanical water pumps to undertake production or services which are not family use;
4. Use of water sources for tourism, athletics, and culture businesses.

Article 17. Large Scale Water Use

Large scale water use is the use of water and water resources for the following purposes:

1. Construction of medium and large scale reservoirs for the purpose of irrigation, consumption, as a commodity, and to produce electrical power;
2. Construction of buildings or installation of plants, factories, equipment, large scale machinery in the area of, close of, or around the water source area;
3. Use of water and water resources in large volumes in the field of industrial plant production.

Article 18. Each Type of Use

Small scale use does not require approval. For medium and large scale use, approval must be obtained, there must be registration, and an arrangement must be made. In addition, large scale use must be accompanied by a feasibility study, an environment and social impact assessment.

Article 19. Water and Water Resources Management

Water and water resource management shall be centrally controlled and management shall be divided according to size and water use right as provided for in Article 14 of this Law.

Large scale use shall be government approved.

Medium scale usage shall be approved by a relevant agency, but for significant medium scale use, there must be government approval.

Management, monitoring, and inspection of such use is assigned to relevant divisions and local administrative authorities for execution.

Chapter IV

Development of Water Sources and Management of Water Source Development Activities

Article 20. Water Development Activities

Water source development activities are activities which relate to construction, digging, drilling, installation, improvements, expansion, and repair of reservoirs or water catchments, ponds, shallow wells, deep aquifer wells, canals, breakwaters, or drainage pipes for exploitation, collecting, or to catch [accumulate] aboveground, underground, and atmospheric water sources for use for any purpose as provided for in Article 13 of this Law, including activities to protect against ill effects from flooding, draught, and erosion.

Article 21. Conducting Water Source Development Activities

Individuals, juristic entities, and organization any conduct any water source development activity provided only that they have obtained approval from the relevant authorized agency, except for small scale water source development activities whose objectives have not been prohibited.

Article 22. Principles Governing Water Source Development Activities

Water development activities must be conducted according to the following principles:

1. Must be conducted in compliance with the Socio-Economic and Environmental Development Plan, master plans and development plans from time for each sector and construction plans for each approved project.
2. Must ensure the preservation of water resources, the environment and the natural panorama;
3. Must prevent ill effects arising from water;
4. Must conduct [activities] under the inspection of relevant authorized agencies for water and water resources.

Article 23. Management of Water Resource Development Activities

Divisions and agencies responsible for water and water resources have the duty to issue regulations regarding water source development activities.

Individual, juristic entities or organizations which conduct water source development activities have the duty to maintain and preserve their constructed items in good condition and to ensure safety.

Individuals, juristic entities, or organizations which have used or have received benefits from water source development activities have the duty to participate in providing data, maintenance, and preservation of those water source development activities.

Article 24. Funds Contributed to the Preservation of the Origins of Water and Water Resources

Those conducting development activities and who use water and water resources must contribute funds for the maintenance of the origins of water and water sources.

Article 25. Promotion of Preservation of the Development of the Origins of Water and Water Resources for Use in Producing Electrical Power

The Government promotes the development and the use of water resources in the production of large, medium, and small scale electrical power at water sources where there ate [suitable] conditions for the production of electrical power. Use of water resources must refer the capacity and impact where there are conditions conducive to the construction of many [hydro]electric dams or the construction of multipurpose [hydro]electric dams which are planned for the same waterway.

In the building of a [hydro]electric dam, reference must be made to preserving the origins of water, forests, the environment, prevention of flooding, water supply, irrigation, water communications, fishing, raising fish, marine animals, etc.

Article 26. Promoting Public Building of Water Catchments

The State promotes public building water catchments to ensure agro-forestry production and livestock. Local administrative authorities have the duty to mobilize and to [create] appropriate encouragement, e.g. principally: give credit privileges, give tax exemptions or rebates.

Article 27. Diversion, separation or Modifying Waterflow

In water source development activities, small scale diversion, separation, or modification of waterflow must be approved by provincial or prefectural administrative authorities; medium scale must be approved by the Government; large scale must be approved by the National Assembly.

Article 28. Removal of Peoples

When necessary to remove peoples from a site or an area of water source development, the project owner must assist in searching for an appropriate residence and livelihood. Funds for use in the removal, assistance or compensation for damages for such persons shall be calculated in the project investment value.

Chapter V

Protection of Water and Water Resources

Article 29. Protection of Water and Water Resources

Individuals, juristic entities, or organizations are obligated to preserve water and water resources, shall not cause water to dry up or be depleted, polluted or become noxious and shall not cause damage to water, water resources, public property and other individual's property. Water and water resources use must be thrifty and there must be measures to diminish undesirable effects upon the environment and natural beauty. In addition, there are still strict obligations to preserve and rehabilitate and maintain forest resources and forest lands in water catchment areas in conformity with the water source allocation plan, forests, land, and seasons, specifically in the area of water origins or around water sources.

The Government shall determine protected and reserved areas to preserve water resources

Article 30. Area of Protected Water and Water Resources

The Government determines areas of protected water and water resources in order to supply [a certain] volume and quality of water to the populace in urban and rural areas. Such protected areas may be demarcated or fenced in. Within the protected areas, there shall be no construction, agro-forestry production or industry, livestock, quarrying, mineral excavation, soil, sand, dumping of trash, waste, waste water, poisons, chemical substances, bombs, burials of human or animal cadavers, etc., which cause damage.

In the case that it is seen that there is serious damage to water volume and quality or there is risk of spreading disease, the Government shall determine an additional protected area or region or shall use other protective measures.

Article 31. Prohibitions

For water and water resource preservation to be effective, it is absolutely prohibited for any individual, juristic entity, or organizations to:

1. Conduct use, exploit, or destroy water and water resources within reserved areas;
2. Cut trees within water origination protected areas or around water sources;
3. Dig, drill, excavate or modify land surfaces which will cause erosion in the catchment area, throw or pour materials into the water source which will cause the water source to become shallow and saline or dry up or become noxious and poisonous.

The following acts are prohibited except if approval has been granted:

1. Construction or building by water, on the shoreline or in water;
2. Exploitation, pumping or digging sand, gravel, minerals, soil or mud from surfaces adjacent banks or surrounding water sources;

3. Digging water drainage, filling, modifying or changing water areas, ponds, marshes, streams which are in public areas, including organizations and individuals, which will cause damage to the public good and other persons.
4. Construct impediments to water flow or items which impede avenues of water communications;
5. Modify water flows or build water regulating gates, dig or excavate medium or small scale drainage ditches.

In addition to the above prohibitions, the Government promotes the planting of trees and the rehabilitation of forests in areas of water source protection.

Article 32. Water Quality Standards

The responsible water authority shall determine quality standards for drinking water and used water which is drained in to water sources or into some other place.

Chapter VI
Undeniable Facts

Article 33. Undeniable Facts

Realities which must be accepted are actual conditions which must occur naturally or as provided for by law.

Article 34. Undeniable Natural Facts

Those who possess land upstream do not have the right to block the regular flow of water which will cause damage to those who use water on downstream land.

If there is blockage which causes damage to those who use water on downstream land, the possessor of upstream land must be responsible to appropriately compensate the damaged party.

Those who possess land downstream must allow water to flow naturally from the upstream land into or across their land.

If the person who possesses downstream land dams the water, causing damage to the possessor of the upstream land, that possessor of the downstream land must be liable to compensate for damages which arise.

Article 35. Undeniable Legal Facts

Those who have build or who have received approval to conduct any activity have the right to receive a right of way for any type of water, including polluted water, waste water, or toxic water via a pipe or by digging a trench across an individual, a juristic entity's or an organization's and, but must apply appropriate measures and cannot cause damage to the possessor of the land over which the water flows.

If there is a violation of the specific legal realities which must be accepted which causes damage to an individual, a juristic entity, or an organization, the offender and the person enjoying benefits from such instance must compensate damages as appropriate. If the person accepting legal facts is injured but has already received benefits, they must still make appropriate compensation.

Article 36. Rights of Those Who Possess or Reside Near Land Over Which Water Flows

Those who possess land over which water flows or land which is close [to water flows] have the right to make use of activities provided for in Article 35 of this Law, but they must contribute to various costs, e.g.: construction costs, use costs and costs to maintain and protect the portion which they use for such activities.

Article 37. Right and Obligations of Water and Water Resources Use and Management

The water and water resource use and management agency has the right to install and construct necessary items upon the land of individuals, juristic entities, or organizations to distribute and inspect water or improve water quality, including the right to lay electricity lines and water pipes across such land, but must make appropriate compensation for damages which arise.

Article 38. Dispute Resolution

Administrative authorities shall resolve disputes arising from specific undeniable truths through arbitration. If no agreement can be reached, the courts shall consider and resolve the matter.

Chapter VII

Preventing and Fighting Water Damages

Article 39. Water Damages

Water damages are damages which arise from water due to natural disaster or due to acts of man, e.g.: floods, rising water, fast rising water, water salinity, polluted water, waste water, muddied water, drying up to the flow of water, erosion etc.

Article 40. Prevention of Flooding

All levels of administrative authorities must be responsible for leading and using effective measures, and applying a central plan and instructions relative to and against flooding. If there is flash flooding the administrative authorities at that place must resolve the matter.

To prevent and to fight flooding, administrative authorities to each level the right to mobilize materials and equipment and labor and use budgets of the State, individuals, juristic entities or organizations in preventing and fighting floods. When the works have ended, such materials and equipment must be returned to their owners and appropriate damage compensation must be made for such materials and equipment.

Individuals, juristic entities or organizations have the duty to cooperate with administrative authorities in preventing and fighting flooding.

Article 41. Prevention of and Fighting Erosion

Agencies responsible for water administrative authorities at all levels must augment their leadership in preventing and fighting erosion. It is prohibited to carry out activities which cause erosion, e.g.: construction, cutting trees, rock quarrying, gravel quarrying, soil, sand, minerals, etc. In addition, in order to preventing erosion impacts, such agencies must have a plan to prevent erosion where necessary, e.g.: reforestation on shorelines and undertaking various other measures.

Article 42. Preventing Polluted and Waste Water

Polluted water is water which is not clear or water which has been used which can be reused after being recycled.

Waster water is water which has been used which has dirty matter in it [or] has chemicals mixed in it which causes it to lose its characteristics as water, being dangerous to the environment.

Individuals, juristic entities or organizations must adhere to regulations regarding the prevention of waste water.

All acts which causes damage to water or water resources, the environment, animals, and the living conditions of the people are prohibited. It is prohibited to throw or release waste of all types which will cause water pollution or waste water into water resources in excess of approval water pollution levels and water quality standards.

Before throwing or releasing polluted water, waste water or waste into water sources in excess of standard levels, there must first have been recycling, e.g.: water from mechanical plants, factories, abattoirs, hospitals, etc.

Should any individual discover any act referred to above, they must report such to the village administrative authorities or to a responsible organization for timely resolution [of the problem].

It is prohibited to throw into or release waste or any matter [whatesoever] into water sources causing damage beyond the approved standards level of water pollution and water quality.

Before throwing or releasing waste water or waster into the water sources, individuals, organizations or juristic entities must first treat[/recycle] it.

Article 43. Monitoring and Inspections

The agency responsible for water and other relevant agencies have the duty to regularly monitor and inspect the adherence to and the application of the following measures:

1. Standards, volume and quality of water as provided by regulations and laws;
2. The proper use of water and water resources according to type and system of use;
3. Execution of construction projects relative to the development of water sources so that they are in accordance with the socio-economic development plan, the environment, the water sources allocation plan, the masterplan and the construction plan relative to development of water resources.

In addition to applying other regulations and laws relative to water and water resources, a fund must also be organized for the protection and development of water and water resources.

Chapter VIII

International Cooperation relative to the Use, Control, Protection, and Development of Water and Water Resources

Article 44. Development and Control of Water and Water Resources between Countries

The exploitation, use, control, protection, and development of water and water resources between countries must be conducted in compliance with signed treaties and conventions, e.g.: use and preservation of water and water resources between the Lao Peoples' Democratic Republic and neighboring countries must be carried out based upon fairness, reasonableness, equality, recognition of independence, sovereignty and autonomy.

Article 45. Resolution of Disputes relative to Water and Water Resources between Countries

Disputes which arise between the Lao People's Democratic Republic and adjoining countries regarding exploitation, usage, control, and protection of water and water resources and the prevention of water damage must be resolved by the Government of the Lao People's Democratic Republic and the government of the relevant country based upon friendship and equality via diplomatic channels and as provided for by treaty entered into and acknowledged by the Lao People's Democratic Republic.

Chapter IX

Privileges for Productive Persons and Measures Against Offenders

Article 46. Application of Privileges to Productive Persons

Individuals, juristic entities or organizations who have outstanding and effective results in the protection, development, exploitation, use, and preservation of water resources and the environment pursuant to the socio-economic development plan, the water resources allocation plan, the environmental preservation and protection plan including building catchments and reforestation in water sources protected areas shall receive commendations and other privileges to be determined by the Government.

Article 47. Measure Against Offenders

Individuals, juristic entities or organizations who violate this Law shall be educated and trained, or rehabilitated or shall be punished according to laws and regulations of the Lao Peoples' Democratic Republic on a case by case basis according to the seriousness of the offense.

Chapter X

Final Provisions

Article 48. Implementation

The Government of the Lao People's Democratic Republic has the duty to issue detailed terms for the implementation of this Law.

Article 49. Effectiveness

This Law shall be effective 90 days from the date that the President of the Lao People's Democratic Republic issues a Decree promulgating it. Terms and regulations which conflict with this Law are hereby canceled.

Assembly]

Vientiane, 11/10/1996
President of the national Assembly
[seal of the President of the National

[signature]
Samane Vignaket