



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Government

No.321/Govt

Vientiane Capital, dated 18 September 2019

Decree
on Climate Change

- Referring to the Law on Government, no. 04/NA, dated 08 November 2016;
- Referring to the Environmental Protection Law, no. 041/NA, dated 18 December 2012;
- Referring to the Law on Meteorology and Hydrology, no. 36/NA, dated 13 November 2017;
- Referring to the Proposed Letter from Ministry of Natural Resources and Environment, no. 4642/MONRE, dated 16 August 2019.

The Government issues:

Chapter 1
General provision

Article 1 Objectives

This Decree defines principles, regulations and measures on management, monitoring of climate change issues for prevention, limitation and mitigation of risks from climate change impacts, in order to ensure livelihood, health, property, environment and biodiversity security, regional and international infrastructure networking, and contribution to the national socio-economic development in a sustainable and green growth directions.

Article 2 Climate change

Climate change is the status of average temperatures on earth changes that greater than normal ranges in the long-term, caused by direct and indirect human actions or nature, resulting in a change of atmospheric components.

Article 3 Terminologies

Defined terminologies used in this Decree are as follows:

1. **Vulnerability** means weaknesses and inability to cope with the impacts of climate change;
2. **Resilience** means an ability to respond to the impacts and restore to a normal situation of community, society, including infrastructures and ecosystem;
3. **Greenhouse Gases** means gases include Carbon dioxide (CO₂), Methane (CH₄), Nitrous oxide (N₂O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs),

Sulphur hexafluoride (SF₆) emitted from natural environment or human actions to the atmosphere that results in the global warming or climate change, especially from fuel consumption, land and forest use changes, waste production and disposition;

4. **Carbon Sink** means forest, soil, vegetation and water that absorb and retain CO₂ from the atmosphere through photosynthesis.

5. **Risk** means phenomenon or circumstance that has possibility to cause negative impacts on life, health, assets, environment, biodiversity, infrastructure;

6. **Climate Change Modeling** means statistical accountability that based on physical, chemical and biological characteristics as components of research and study on climate change process and set as target for periodic climate change assessment and prediction.

Article 4 Policies on climate change management

The Government encourages climate change management through setting up policies and strategies, developing human resources and educational curriculums, undertaking scientific researches, raising awareness, sharing of data and information, providing finance, equipment and vehicles, as well as applying local wisdoms for effective and efficient implementation arrangement. Simultaneously, climate change issue must be mainstreamed into the national socio-economic development plans, sectorial and local strategies and plans;

The Government encourages individuals, legal entities and organizations, both at local and international levels to invest, participate and contribute to climate change management implementation.

Article 5 Climate change management principles

Climate change management principles are as follows:

1. Ensuring to mainstream climate change management into periodical national and local visions, strategies, socio-economic development plans, plans, programs and projects;

2. Ensuring effectiveness and efficiency of determination and implementation of adaptation and mitigation;

3. Ensuring systematic and on-time provision of data and information on climate change to public;

4. Ensuring involvement of all stakeholders in the society in climate change activities;

5. Ensuring harmonization to international agreements and treaties that the Lao PDR is the party to.

Article 6 Obligations of individuals, legal entities and organizations

Individuals, legal entities and organizations are obliged to monitor climate change and contribute to green house gases mitigation, in order to ensure green and sustainable development.

Article 7 Scope

This decree applies with domestic and foreign individuals, legal entities and organizations reside and operate in Lao PDR.

Article 8 International cooperation

The Government promotes foreign, regional and international affair and cooperation on matters related to climate change through sharing of lessons learnt,

data and information, science, human resources development, and implementation of international treaties and agreements that Lao PDR is the party to.

Chapter 2

Data and information system on climate change

Article 9 Development of data and information system on climate change

Ministry of Natural Resources and Environment develops data and information system on climate change for collection, compilation, management, provision and service in a reliable, accurate and timely manner; longlasting maintenance and safety arrangement; and networking with national disaster data and information system and national statistics, in coordination with other relevant ministries and local authorities.

The natural resources and environment sector at local level develops, improves, manages, applies their data and information system on climate change, in connection with data and information system on climate change of the Ministry of Natural Resources and Environment, and exchanges of data and information with other relevant sectors at their localities.

Relevant sectors, particularly agriculture and forestry, industry and commerce, energy and mines, public work and transports, public health, science and technology, education and sports provide data and informatin related to climate change of their sectors to the natural resources and environment sector.

Article 10 Access and use of data and information

Individuals, legal entities and organizations are entitled to access and use of data and information on climate change that are officially disclosed in the data and information system on climate change, pursuant to applicable regulations.

Use of data and information on climate change survey and study for business purposes shall be subject to charge and service fees, pursuant to relevant regulations.

Article 11 Reports on climate change

Local natural resources and environment sectors report on climate change situation of their respective localities to their higher authorities, in coordination with relevant departments, offices and parties concerned.

Relevant ministries, especially Ministry of Agriculture and Forestry, Ministry of Industry and Commerce, Ministry of Energy and Mines, Ministry of Public Work and Transport, Ministry of Labor and Social Welfare, Ministry of Science and Technology, Ministry of Information, Culture and Tourism, Ministry of Education and Sports, and Ministry of Public Health, in coordination with relevant sectors and local authorities, summarize their climate change situations and submit to Ministry of Natural Resouces and Enviornment.

Ministry of Natural Resources and Environment submits the national climate change stituation report to the Govenment, based on information from its vertical bodies and relevant ministries, and then to international organizations, pursuant to the international treaties and agreements that Lao PDR is the party to.

Chapter 3

Responses to climate change

Article 12 Responses to climate change

Climate change responses refer to operationalization of activities on climate change adaptation and mitigation.

Article 13 Climate change response measures

Relevant sectors define climate change response measures in each period for building up sectoral resilience and reducing green house gases emission, particularly land uses, forestry, water resources, agriculture, public health, energy, industry, urban planning, infrastructure resilient development.

Chapter 4 Adaptation

Article 14 Adaptation

Adaptation to climate change is the adjustment by human, animals, vegetations, ecosystems, infrastructures, urban plans and other means to build more resilient against climate change and minimize impacts through implementation of appropriate measures to reduce vulnerability, risk and damages that possibly caused by climate change.

The natural resources and environment sectors, in collaboration with relevant sectors and local authorities, conduct a climate change survey, vulnerable assessment, identification and mapping, by mainstreaming those into periodical sectoral and local socio-economic development plans, plans and programs.

Article 15 Climate change inventory

Inventory of climate change refers to the processes of data collection, assessment, analysis and climate status modeling for climate change management planning.

Article 16 Vulnerability assessment

Vulnerability assessment is the evaluation of vulnerable ranges and estimation of impacts from temperature trends, rainfall patterns and events or impacts from climate change phenomena, particularly storms, floods, droughts, cool waves, based on periodically collected data and future forecast, as information base for climate change response policies, strategies and plans.

Article 17 Determination of vulnerable areas

Determination of vulnerable areas is a process of determining of characteristics, specific geographies and vulnerable levels, in order to support impact mitigation plans, climate change adaptation, and socio-economic and environmental management plans, particularly urban plans, residential settlement, infrastructure development, development projects.

Article 18 Mapping of vulnerabilities

Mapping of vulnerabilities is a process of data collection on types of climate change risks and adaptive capacity that shows geographic and residential areas, assets and natures, which is possible to develop extreme risks for human lives and social assets.

Chapter 5 Mitigation

Article 19 Mitigation

Mitigation of greenhouse gases is a process on reducing of greenhouse gas emission and increasing of Carbon sink.

Article 20 Reduction of greenhouse gas emission

Reduction of greenhouse gas emission is a determination of appropriate measures or alternatives for greenhouse gas emission reduction from human activities to the atmosphere at a level that does not cause any extreme adverse impacts to global climate condition.

The natural resources and environment sectors, in coordination with other relevant sectors and local authorities, define policies, strategies and plans on greenhouse gas emission reduction.

Relevant sectors, particularly energy and mines, industry and commerce, agriculture and forestry, public work and transport, science and technology, are responsible for developing plans, technical standards, tools and technologies for greenhouse gas emission reduction, based on their respective mandates, in coordination with the natural resources and environment sector.

Article 21 Increase of Carbon sink

Increase of Carbon sink is a determination of appropriate measures or alternatives for increasing or maintaining of Carbon sink and absorbing of Carbon from atmosphere through photosynthesis, particularly by forest, soil, vegetation and water resources.

Relevant sectors, particularly natural resources and environment, agriculture and forestry, in coordination with local authorities, define policies, strategies and plans on increase of Carbon sink.

Article 22 Greenhouse gas inventory

The natural resources and environment sectors, in coordination with relevant sectors, survey and collect data on Carbon sources and sinks, particularly Carbon dioxide (CO₂), Methane (CH₄), Nitrous oxide (N₂O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), Sulphur hexafluoride (SF₆) as information base for greenhouse gas emission reduction alternatives.

Chapter 6 Public engagement

Article 23 Public engagement

All activities on strategy development, vulnerability assessment, adaptation, mitigation and overall monitoring of those activities will have concerned social and public engagement, particularly for those who have been directly and indirectly impacted.

Article 24 Education and awareness raising

All parties in the society have obligation to participate and contribute to education on climate change, particularly through curriculum development for formal and non-

formal, vocational and university education systems at all levels in both public and private institutions.

The Government encourages individuals, entities and organizations undertake awareness raising activities and organize campaigns on climate change during important events.

Chapter 7 Climate change fund

Article 25 Climate change fund

Climate Change fund is part of the Environmental Protection Fund as pursuant to the Law on Environment Protection.

Article 26 Sources of climate change fund

In addition to the sources of fund from the Environmental Protection Fund prescribed under the Law on Environmental Protection, the climate change fund also includes the following sources:

1. Funds received from international climate change funds;
2. Other sources that legally funded.

Article 27 Objectives for utilization of climate change fund

Climate change fund shall be used for the following objectives:

1. Development and improvement of the policies, strategies, plans, programs on climate change;
2. Scientific and technology researches, resilient development, modeling and piloting on climate change adaptation areas;
3. Promotion of environmental-friendly and low Carbon emission technologies;
4. Improvement of knowledge and technical competency, education and public awareness on climate change;
5. Management and resolution of prioritized climate change issues at different levels;
6. Encouragement, promotion and development of local wisdom on climate change adaptation and greenhouse gas emission reduction.

Article 28 Management and utilization of climate change fund

Climate Change fund shall be managed and used according to the following principles:

1. Fund shall be managed in the centralized location and in uniformity with the State Budget system and in strict compliance with the State Budget Law;
2. Fund shall be used for the defined target and shall be spent in an economical and efficient manners;
3. All revenues and expenditures shall be included in the Annual State Budget through the National Treasury System; and shall be recorded pursuant to the fundamental accounting regulations and principles of the State Accounting;
4. Fund shall be managed in a smooth, quick, fair and transparent manners, and spent pursuant to the annual plan;
5. Fund shall be inspected and audited regularly as defined in relevant laws.

Chapter 8 Prohibitions

Article 29 General prohibitions

Individuals, legal entities and organizations shall be prohibited from these following behaviours:

1. Encroach and damage Carbon sinks, where the Government prohibits;
2. Obstruct, block the performance of concerned public officers or civil servants;
3. Deny cooperation, report or provide fake information to concerned public officers or civil servants;
4. Offer bribes to concerned public officers or civil servants;
5. Defame or discredit state agencies and civil servants without factual data; and
6. Other behaviours that infringe the laws.

Article 30 Prohibitions for public officers or civil servants

Public officers or civil servants shall be prohibited from the following behaviours:

1. Exploitation of power, position or mandate for personal, family and relative gains;
2. Claim, request, demand or receipt of bribes from individuals, legal entities and organizations;
3. Being reckless, ignored or neglected of duties, and irresponsibility assigned duties from the Government;
4. Delay (play time) in considering the document processes;
5. Falsify documents or use fake documents and disclose of official confidentiality;
6. Provide or serve information related to climate change without authorization; and
7. Other unlawful behaviours.

Chapter 9 Climate change management and monitoring

Article 31 Climate change management and monitoring organizations

The Government centrally and uniformly manages and monitors climate change activities throughout the country, by assigning the Ministry of Natural Resources and Environment to take a direct responsibility and coordination with relevant ministries, organizations and local authorities.

The climate change management and monitoring organizations include:

1. Ministry of Natural Resources and Environment;
2. Provincial Department of Natural Resources and Environment;
3. District Office of Natural Resources and Environment.

Article 32 Rights and duties of Ministry of Natural Resources and Environment

The Ministry of Natural Resources and Environment has the following rights and duties:

1. Develop and improve policies, strategic plans, laws and regulations related to climate change and submit to Government for approval;

2. Mobilize strategic plans, laws and regulations related to climate change to implementation plans, programs, projects and activities;
3. Disseminate strategic plans, laws and regulations related to climate change throughout the country;
4. Assess vulnerabilities, develop adaptation plans, determine alternatives for prevention and mitigation of climate change impacts;
5. Establish data and information system, survey, analyze, collect and provide data and information, and implement activities related to climate change;
6. Monitor and inspect activities related to climate change throughout the country;
7. Propose for suspending or terminate agreements, directions, instructions and notify relevant authorities and local authorities that conflict with laws;
8. Supervise its vertical authorities to implement the activities related to climate change;
9. Build, improve and upgrade knowledge on climate change for staff, mobilize all parties in the society to participate and contribute to activities related to climate change;
10. Coordinate with other ministries, local authorities and relevant organizations for implementation of their duties;
11. liaison and cooperate with foreign, regional and international organizations on activities related to climate change;
12. Summarize and report on implementation of activities related to climate change to the Government in a regular basis;
13. Exercise other rights and perform other duties as prescribed under the laws.

Article 33 Rights and duties of Provincial Department of Natural Resources and Environment

The Provincial Department of Natural Resources and Environment has the following rights and duties:

1. implement the strategic plans, decrees and regulations related to Climate Change;
2. disseminate strategic plans, laws and regulations related to climate change;
3. assess vulnerability, develop adaptation plan and define greenhouse gas emission prevention and reduction alternatives;
4. establish information system, survey, collect and provide information related to climate change to the Ministry of Natural Resources and Environment;
5. monitor and inspect the implementation of climate change activities;
6. propose for suspending or terminating of agreements, instructions, guidelines or notifications of relevant district offices that conflict with relevant laws;
7. direct the District Office of Natural Resources and Environment for implementation of climate change activities;
8. establish, improve and leverage climate change knowledge of their staff and facilitate relevant stakeholders in society to participate and contribute to climate change activities;
9. coordinate with relevant district offices and authorities in implementation of their activities;
10. Collaborate foreign, regional and international organizations on climate change activities, as designated by their higher authorities;

11. summarize and report the implementation of climate change activities to the Ministry of Natural Resources and Environment and the Provincial/ Vientiane Capital Governor on a regular basis;
12. exercise the rights and perform other duties as prescribed in the laws.

Article 34 Rights and duties of District Office of Natural Resources and Environment

District Offices of Natural Resources and Environment have the following rights and duties:

1. implement strategic plans, laws and regulations related to climate change;
2. disseminate strategic plans, laws and regulations related to climate change;
3. participate in assessment of vulnerability, develop adaptation plan and define greenhouse gas emission, prevention and reduction alternatives;
4. collect and provide information related to climate change to the Provincial Department of Natural Resources and Environment;
5. monitor and inspect the implementation of climate change activities;
6. advise and encourage Village Authorities for implementation of climate change activities;
7. Coordinate with village offices and Authorities for implementation of their activities;
8. summarize and report implementation of the climate change activities to the Provincial Departments of Natural Resources and Environment, District Governors, Urban Governors and City Mayors on a regular basis;
9. exercise the rights and perform other duties as prescribed under the laws.

Article 35 Rights and duties of Ministry of Agriculture and Forestry

Ministry of Agriculture and Forestry has the following rights and duties:

1. Mainstream climate change issues into its activities;
2. Conduct study and research on plant seed varieties, animal breeds, and fishery, encourage and promote environmental-friendly technologies, apply agriculture and forestry production techniques that are adaptable to climate change, and develop infrastructures resilient to climate change, particularly levees, water gates, canals;
3. Manage and use agro-meteorology stations for measuring, data collection, observation of some meteorological factors which may influence to plant growth, disease outbreak in plants, trees, animals and change in soil nutrition;
4. Define greenhouse gas emission reduction measures by changing of agricultural and forestry land use targets, particularly prohibit deforestation, undertake reforestation and agriculture soil quality rehabilitation;
5. Provide data and information on climate change from their sectors to the Ministry of Natural Resources and Environment;
6. Exercise the rights and perform other duties as prescribed under the laws.

Article 36 Rights and duties of Ministry of Industry and Commerce

Ministry of Industry and Commerce has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Conduct study, research and promote business and industrial units to use environmental-friendly technologies to reduce greenhouse gas emission, develop industrial infrastructures resilient to climate change;

3. Provide information related to climate change from their sectors to Ministry of Natural Resources and Environment;
4. Exercise the rights and perform other duties as prescribed under the laws.

Article 37 Rights and duties of Ministry of Energy and Mines

Ministry of Energy and Mines has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Conduct study, research and set standard on energy and mining infrastructure development resilient to climate change;
3. Develop and promote renewable energy and environmental-friendly technologies for greenhouse gas emission reduction;
4. Provide information on electrical reservoir management plans and information related to climate change from their sectors to Ministry of Natural Resources and Environment;
5. Exercise the rights and perform other duties as prescribed under the laws.

Article 38 Rights and duties of Ministry of Public Works and Transport

Ministry of Public Works and Transport has the following rights and duties;

1. Mainstream climate change issue into its activities;
2. Conduct study, research and set standard on public work and transport infrastructure development resilient to climate change; and promote environmental-friendly technologies in public works, transportation and urban development for greenhouse gas emission reduction;
3. Provide information related to climate change from their sectors to Ministry of Natural Resources and Environment;
4. Exercise the rights and perform other duties as prescribed in the laws.

Article 39 Rights and duties of Ministry of Labor and Social Welfare

Ministry of Labor and Social Welfare has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Provide and link disaster data and information management to the data and information system of the Ministry of Natural Resources and Environment;
3. Exchange data and information with other relevant sectors;
4. Exercise the rights and perform other duties as prescribed in the laws.

Article 40 Rights and duties of Ministry of Science and Technology

Ministry of Science and Technology has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Conduct study, research, develop and encourage the establishment of standards, development of new innovation, use of biodiesel or other alternative energies that are environmental-friendly and reduction of greenhouse gas emission;
3. Provide information related to climate change from their sectors to Ministry of Natural Resources and Environment;
4. Exercise the rights and perform other duties as prescribed under the laws.

Article 41 Rights and duties of Ministry of Information, Culture and Tourism

Ministry of Information, Culture and Tourism has the following rights and duties:

1. Mainstream climate change issue into its activities;

2. Disclose data and information related to climate change through mass medias, in coordination with relevant sectors;
3. Provide information related to climate change from their sectors to Ministry of Natural Resources and Environment;
4. Exercise the rights and perform other duties as prescribed in the laws.

Article 42 Rights and duties of Ministry of Education and Sports

Ministry of Education and Sports has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Conduct research and develop educational curricula on climate change, in coordination with relevant sectors;
3. Exercise the rights and perform other duties as prescribed under the laws.

Article 43 Rights and duties of Ministry of Public Health

Ministry of Public Health has the following rights and duties:

1. Mainstream climate change issue into its activities;
2. Conduct study and research on disease outbreak caused by climate change to vulnerable human groups, raise awareness on relationship between climate change and health of people;
3. Provide information related to climate change from their sectors to Ministry of Natural Resources and Environment;
4. Exercise the rights and perform other duties as prescribed under the laws.

Article 44 Rights and duties of other sectors and local authorities

Other sectors and local authorities have the rights and duties to coordinate and cooperate with Natural Resources and Environment Sector on management, monitoring, inspection, and implementation of climate change activities, particularly climate change adaptation, infrastructure development resilient to climate change, greenhouse gas emission reduction, according to their mandates as prescribed in the laws.

Article 45 Contents of inspection

Climate change inspection includes:

1. Implementation of policies, laws and regulations related to climate change;
2. Organization and activities of agencies that implement climate change works;
3. Responsibilities, behaviors and working protocols of officers in charge of climate change works.

Article 46 Types of inspection

There are three types of inspection:

1. Regular inspections refer to normal scheduled inspection;
2. Advanced notice Inspections means unscheduled inspection when necessary that needs advanced notice to the inspected targets;
3. Immediate inspections are conducted as necessary with immediate actions without prior notifications to inspected entities.

Inspections include both document/desk review and off-site inspection.

Chapter 10

Awards for outstanding performers and measures against offenders

Article 47 Awards for outstanding performers

Individuals, legal entities and organizations with outstanding performance in implementing this Decree will be admired or received other awards in accordance with laws and regulations.

Article 48 Sanctions against offenders

Individuals, legal entities and organizations violating this Decree or relevant regulations will be subject to re-education, disciplinary sanctions, fines or civil remedies or criminal penalties based on laws of each case.

**Chapter 11
Final provisions****Article 49 Implementation**

Ministry of Natural Resources and Environment executes the dissemination and implementation of this Decree in an effective manner.

Ministries, agencies, local authorities, individuals, legal entities and organizations strictly implement this Decree.

Article 50 Effectiveness

This Decree is effective from the date it is signed and registered for fifteen days in the official gazette.

**Representing the Government of the Lao PDR
Prime Minister**

Thongloun Sisoulith