

**Order No. 15/2012/L-CTN of July 2, 2012, on the promulgation of law**

*amended and supplemented under Resolution No. 51/2001/QH10;*

THE PRESIDENT OF THE SOCIALIST  
REPUBLIC OF VIETNAM

*The National Assembly promulgates the Law on Water Resources.*

*Pursuant to Article 103 and Article 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

PROMULGATES

**The Law on Water Resources,**

which was passed on June 21, 2012, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 3<sup>rd</sup> session.

*President of*  
*the Socialist Republic of Vietnam*  
TRUONG TAN SANG

**Law on Water Resources**

*(No. 17/2012/QH13)*

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was*

Chapter I

GENERAL PROVISIONS

**Article 1.** Scope of regulation

1. This Law provides the management, protection, exploitation and use of water resources; and the prevention, control and remedy of harmful effects caused by water in the territory of the Socialist Republic of Vietnam.

2. Groundwater and seawater existing in the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam, mineral water and natural thermal water are not governed by this Law.

**Article 2.** Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Water resources* include sources of surface water, groundwater, rainwater and seawater within the territory of the Socialist Republic of Vietnam.

2. *Water sources* mean different forms of natural or artificial accumulation of water that are exploitable and usable, including rivers, streams, canals, rivulets, lakes, ponds, lagoons, oceans and aquifers; rain, ice, snow and other

forms of water accumulation.

3. *Surface water* means water existing on the surface of the mainland or islands.

4. *Groundwater* means water existing in aquifers.

5. *Inter-provincial water source* means a water source lying in the geographical area of two or more provinces or centrally run cities.

6. *Intra-provincial water source* means a water source lying within the geographical area of one province or centrally run city.

7. *Transnational water source* means a water source flowing from the Vietnamese territory into the territory of another country or vice versa or lying on the border between Vietnam and a neighboring country.

8. *River basin* means a land area within which surface water and groundwater naturally flow into a river and drain through a common estuary or into the sea.

River basins include inter-provincial river basins and intra-provincial river basins.

9. *Inter-provincial river basin* means a river basin lying in the geographical area of two or more provinces or centrally run cities.

10. *Intra-provincial river basin* means a river basin lying within the geographical area of one province or centrally run city.

11. *Domestic water* means clean water or water usable for food preparation, drinking and

hygiene by humans.

12. *Clean water* means water of quality up to Vietnam's technical regulations on clean water.

13. *Domestic water source* means a water source which is capable of supplying domestic water or which can be treated into domestic water.

14. *Water source pollution* means the change of physical and chemical properties and biological components of water not conformable with applicable standards and technical regulations, thus causing adverse impacts on humans and living creatures.

15. *Water source deterioration* means the quantitative and qualitative decline of a water source compared to its natural or previously observed state.

16. *Water source depletion* means the serious quantitative decline of a water source, making it no longer capable of satisfying water exploitation and use demands and maintaining the aquatic ecosystem.

17. *Water source's capacity to receive wastewater* means the capacity of a water source to additionally receive a volume of wastewater while still maintaining its quality for use purposes according to Vietnam's standards and technical regulations or foreign standards and technical regulations permitted for application by competent state agencies.

18. *Minimum flow* means the flow at the

lowest level necessary for maintaining a river or river section in order to assure the normal development of aquatic ecosystems and the minimum water level of exploitation and use by different water users.

19. *Groundwater exploitation limit* means the permissible groundwater exploitation limit to assure no salinization, water source deterioration or depletion, land subsidence or adverse impacts on surface water sources and the environment.

20. *Hygiene protection zone of domestic water-supplying area* means the vicinity of the area where water is taken from a water source, which must be protected under regulations to prevent and control domestic water source pollution.

21. *Water source functions* means certain purposes of using water based on the benefit values of a water source.

22. *Water source protection corridor* means the land area along or surrounding a water source, which is determined by a competent state agency.

**Article 3.** Principles of management, protection, exploitation and use of water resources and prevention, control and remedy of harmful effects caused by water

1. Management of water resources must ensure uniformity based on river basins and water sources in combination with management based on administrative areas.

2. Water resources shall be generally and uniformly managed in terms of water quantity and quality, between surface water and groundwater; water on the mainland and water in river estuaries, internal waters and territorial sea; between downstream areas and upstream areas, in combination with the management of other natural resources.

3. The protection, exploitation and use of water resources; and the prevention, control and remedy of harmful effects caused by water must comply with water resource strategies and master plans approved by competent state management agencies, and be linked with the protection of the environment, natural landscape, historical-cultural relics, scenic places and other natural resources, and the assurance of national defense, security and social order and safety.

4. It is the responsibility of all agencies, organizations and persons to protect water resources, taking prevention as the key, in combination with the protection and development of forests and the renewability of water resources, protection of water quality and aquatic ecosystems, and remedy and mitigation of pollution, deterioration and depletion of water sources.

5. Water resources must be exploited and used in an economical, safe and effective manner, ensuring integrated, multi-purpose, fair and reasonable use, harmony of benefits and equality in interests and obligations among organizations and individuals.

6. Active plans and measures must be devised for preventing, controlling and remedying harmful effects caused by water, assuring the harmonious combination of national, regional and sectoral interests, combining modern science and technology with people's traditional experiences and suiting socio-economic conditions.

7. Projects on protection, exploitation and use of water resources or prevention, control and remedy of harmful effects caused by water must contribute to socio-economic development and have measures to assure the life of inhabitants, national defense and security and protect historical and cultural relics, scenic places and the environment.

8. Socio-economic development and defense and security master plans, plans, programs and projects must be associated with the capacity of water sources and protection of water resources, assuring the maintenance of the minimum flows of rivers and no excess of the exploitation limits of aquifers, and having measures to assure the life of inhabitants.

9. Territorial sovereignty, national interests, equality and reasonability must be assured in the protection, exploitation, use and development of water resources and the prevention, control and remedy of harmful effects caused by water to transnational water sources.

**Article 4.** State policies on water resources

1. To assure that water resources are managed, protected, exploited and used in a rational, economical and effective manner, meeting the requirements for sustainable socio-economic development and national defense and security assurance.

2. To invest in and organize basic survey and planning of water resources; to build water resource observation and surveillance systems, water resource information and database systems; to raise the capacity of forecast about water resources, water source pollution, flood, inundation, drought, seawater intrusion, sea level rise and other harmful effects caused by water; to support the development of water sources and building of water resource infrastructure facilities.

3. To prioritize investment in the prospecting, exploration and exploitation of water sources, to adopt incentive policies for water exploitation projects aiming to supply domestic and production water to inhabitants in mountainous, ethnic minority and border areas, islands, areas with socio-economic difficulties or special socio-economic difficulties or areas facing freshwater scarcity.

4. To invest in and adopt mechanisms to encourage organizations and individuals to invest in researching and applying advanced sciences and technologies in order to manage, protect and develop water sources, economically and effectively exploit and use water resources, treat wastewater up to

standards and technical regulations for re-use, process saline water and brackish water into freshwater, collect and use rainwater, supply artificial groundwater, rehabilitate polluted, deteriorated or depleted water sources, and prevent, control and remedy harmful consequences caused by water.

5. To assure budget funds for activities of basic survey and planning of water resources, protection of water resources, and prevention, control and remedy of harmful effects caused by water.

**Article 5.** Communication and education about water resources

1. Ministries, ministerial-level agencies and People's Committees at all levels shall, within the ambit of their tasks and powers, coordinate with mass media agencies and education and training institutions in conducting communication and education about water resources and guiding people in implementing measures to protect water resources, conserve water and abide by the law on water resources.

2. The Vietnam Fatherland Front and its member organizations shall, within the ambit of their tasks and powers, coordinate with state management agencies in charge of water resources in conducting propaganda to mobilize people to participate in water resource protection, conserve water and abide by the law on water resources; and supervise the protection, exploitation and use of water

resources, and prevention, control and remedy of harmful effects caused by water.

**Article 6.** Consultation of communities and related organizations and individuals about the exploitation and use of water resources and discharge of wastewater into water sources

1. Investors of projects involving the building of water resource exploitation and use facilities or discharge of wastewater into water sources, thus greatly affecting production and daily-life activities of local people, shall coordinate with local administrations in:

a/ Consulting representatives of local communities and related organizations and individuals in affected geographical areas on the contents related to their plans on the exploitation and use of water resources and discharge of wastewater into water sources; summarizing and absorbing opinions, giving their explanations and attaching these opinions and explanations to their projects' dossiers for submission to state agencies competent to decide on the investment;

b/ Before implementing their projects, publicizing information on their projects' contents related to the exploitation and use of water resources or discharge of wastewater into water sources and all possible effects;

c/ Funds for activities specified in this Clause shall be paid by project investors.

2. For investment projects involving water transfer, in addition to complying with Clause

I of this Article, investors shall, before formulating their investment projects, consult People's Committees and river basin organizations on the scope of and plan on water transfer. To-be-consulted entities are:

a/ People's Committees of related communes, wards or townships (below referred to as commune-level People's Committees) and People's Committees of related districts, towns and provincial cities (below referred to as district-level People's Committees), for projects involving water transfer within an intra-provincial river basin;

b/ People's Committees of related provinces and centrally run cities (below referred to as provincial-level People's Committees) and concerned river basin organizations, for projects involving water transfer other than those specified at Point a of this Clause.

3. For investment projects to build reservoirs or dams on a river belonging to an inter-provincial river basin without water transfer, in addition to complying with Clause 1, this Article, before formulating their investment projects, investors shall:

a/ Consult related provincial-level People's Committees and river basin organizations on the proposed plan on building of works on the main flow and the scope of such works;

b/ Notify in advance related provincial-level People's Committees and river basin organizations of the proposed plan on building of works on the subsidiary flow and the scope

of such works.

4. The Government shall specify the consultation and publicization of information under this Article.

**Article 7.** Lists of river basins, lists of water sources

1. Lists of river basins and lists of water sources serve as a basis for performance of river basin-based and water source-based management of water resources.

2. Lists of river basins include:

a/ List of inter-provincial river basins;

b/ List of intra-provincial river basins.

3. Lists of water sources include:

a/ List of inter-provincial water sources;

b/ List of intra-provincial water sources;

c/ List of transnational water sources.

4. The Ministry of Natural Resources and Environment shall elaborate and submit the list of inter-provincial river basins to the Prime Minister for promulgation; and elaborate and promulgate the list of intra-provincial river basins, list of inter-provincial water sources and list of transnational water sources.

5. Provincial-level People's Committees shall elaborate and promulgate lists of intra-provincial water sources in their localities.

**Article 8.** Archive and use of information on water resources

1. Archives of documents related to water resources constitute specialized archives and comply with the law on archives.

2. State management agencies in charge of water resources shall supply information on water resources to organizations and individuals when so requested in accordance with law.

3. Organizations and individuals using information on water resources shall pay a charge therefor according to the law on charges and fees.

#### **Article 9. Prohibited acts**

1. Dumping wastes and garbage, discharging or leaking hazardous substances into water sources or committing other acts which cause water source pollution, deterioration or depletion.

2. Discharging wastewater or bringing wastes into hygiene protection zones of domestic water-supplying areas; discharging into water sources untreated wastewater or wastewater treated not up to standards or technical regulations.

3. Discharging toxic exhaust gas directly into water sources; discharging wastewater into the ground through drilled or dug wells or in other forms; committing frauds in wastewater discharge.

4. Illegally placing obstacles, building architectural works or planting trees thus hindering flood drainage and water flow of

rivers, streams, lakes or canals.

5. Illegally exploiting sand or gravel on rivers, streams, canals or reservoirs; conducting mineral mining, drilling, digging, building houses, architectural objects or other works or other activities within water source protection corridors, causing bank erosion or seriously affecting and threatening the stability and safety of rivers, streams, canals or reservoirs.

6. Destroying facilities which are used for protection, exploitation, use, observation and surveillance of water resources or for prevention, control and remedy of harmful effects caused by water.

7. Obstructing organizations' and individuals' basic surveys of water resources or the exercise of their lawful right to exploit and use water resources.

8. Illegally exploring, exploiting and using water resources, discharging wastewater into water sources or practicing groundwater drilling.

9. Failing to comply with reservoir or inter-reservoir operation processes promulgated by competent state agencies.

10. Building reservoirs, dams or other water exploitation facilities in contravention of water resource master plans.

#### Chapter II

#### WATER RESOURCE BASIC SURVEY, STRATEGIES AND MASTER PLANS

## Section 1

### BASIC SURVEY OF WATER RESOURCES

**Article 10.** Responsibilities of the State for basic survey of water resources

1. The basic survey of water resources shall be carried out under master plans and plans approved by competent authorities.

Funds for the basic survey of water resources shall be allocated within annual state budget estimates.

2. The Ministry of Natural Resources and Environment shall elaborate master plans on basic survey of water resources for submission to the Prime Minister for approval.

3. Based on approved master plans on basic survey of water resources, ministries, ministerial-level agencies and provincial-level People's Committees shall, within the ambit of their tasks and power, elaborate their own plans on basic survey of water resources.

**Article 11.** Master plans on basic survey of water resources

1. The elaboration of a master plan on basic survey of water resources must:

a/ Meet the requirements of elaboration of socio-economic development and defense and security strategies, master plans and plans, regional master plans and water resource strategies;

b/ Serve as a basis for the basic survey of

water resources and elaboration of water resource master plans.

2. Bases for elaboration of a master plan on basic survey of water resources include:

a/ Socio-economic development and defense and security strategies, master plans and plans, regional master plans and water resource strategy;

b/ Results of implementation of the master plan on basic surveys of water resources in the previous period.

3. A master plan on basic survey of water resources has the following principal details:

a/ Identification of requirements for information and data on water resources as well as water resource exploitation and use nationwide;

b/ Review and evaluation of the results of basic survey of water resources or the results of implementation of the master plan on basic survey of water resources in the previous period;

c/ Identification of surveying activities to be carried out for each river basin, region or water source subject to basic survey of water resources in the planning period;

d/ Identification of the order of priority in conducting surveying activities specified at Point c of this Clause;

e/ Implementation solutions, funds, plan and schedule.

4. A master plan on basic survey of water resources spans a 10-year period, with a 20-year



vision.

**Article 12.** Activities of basic survey of water resources

1. Basic survey of water resources includes the following activities:

- a/ Surveying and assessing water resources;
- b/ Inventorying water resources once every 5 years;
- c/ Investigating into the current status of exploitation and use of water resources as well as discharge of wastewater, exhaust gas and other wastes into water sources;
- d/ Building and maintaining water resource observation and surveillance networks;
- e/ Building and maintaining systems for giving warnings and forecasts about flood, inundation, drought, salinization, sea level rise and other harmful effects caused by water;
- f/ Building and maintaining water resource information and database networks;
- g/ Formulating national water resource reports, water resource reports of provinces and centrally run cities and water resource exploitation and use reports of sectors.

2. The survey and assessment of water resources mentioned at Point a, Clause 1 of this Article covers the following contents:

- a/ Drawing specific maps of river basins, rivers, streams, lakes, lagoons and sea areas;
- b/ Drawing hydrogeological maps of

aquifers, water-bearing structures and complexes;

- c/ Evaluating the quantity and quality of water sources; searching groundwater sources;
- d/ Drawing water resource maps, water quality-based zoning maps of water sources and other specialized maps of water resources;
- e/ Assessing the situation of pollution, deterioration, depletion and salinization of surface water and groundwater sources, pollution of seawater; classifying water sources based on the degree of pollution, deterioration and depletion;
- f/ Identifying water source capacity to receive wastewater and drawing zoning maps of wastewater-receiving areas of water sources;
- g/ Determining the minimum flow of rivers and exploitation limits of aquifers, water reserve areas and areas where water exploitation should be banned or restricted;
- h/ Assessing and giving warnings and forecasts about the impacts of climate change on water resources, extraordinary developments in the quantity and quality of water sources and harmful effects caused by water;
- i/ Identifying the possibility to artificially supplement groundwater.

**Article 13.** Organization of basic survey of water resources

1. The Ministry of Natural Resources and Environment shall:

- a/ Organize the basic survey of natural

resources nationwide;

b/ Summarize results of basic survey of natural resources conducted by ministries, ministerial-level agencies and provincial-level People's Committees;

c/ Elaborate and publicize national water resource reports once every 5 years and annual specialized water resource reports.

2. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, organize surveys of and elaborate reports on water use in their respective sectors and send such reports to the Ministry of Natural Resources and Environment for summarization.

3. Provincial-level People's Committees shall organize basic survey of water resources in their localities as decentralized by the Government and report survey results to the Ministry of Natural Resources and Environment for summarization.

4. Basic survey of water resources must be conducted by capable units as prescribed by the Ministry of Natural Resources and Environment.

5. The Government shall specify the basic survey of water resources.

## Section 2

### WATER RESOURCE STRATEGY AND MASTER PLAN

#### **Article 14.** Water resource strategy

1. The elaboration of a water resource strategy must assure the following principles and bases:

a/ Conformity with national socio-economic development and defense and security strategies, master plans and plans and regional master plans;

b/ Satisfaction of demand for water for daily-life and production activities, socio-economic sustainable development, and defense and security; protection of water resources and effective prevention of and combat of harmful effects caused by water; and economical and effective exploitation and use of water resources;

c/ Water demand and supply capacity of water sources and international cooperation capacity; treaties to which the Socialist Republic of Vietnam is a contracting party;

d/ Results of basic survey of and forecasts about water resources and forecasts about the impacts of climate change on water sources.

2. A water resource strategy has the following principal contents:

a/ Viewpoints and guiding principles, visions and objectives on the protection, exploitation and use of water resources and prevention, control and remedy of harmful effects caused by water;

b/ Orientations, tasks and general solutions for the protection, exploitation and use of water resources and prevention, control and remedy of harmful effects caused by water; schemes and

projects to be prioritized for implementation in each stage of the planning period.

3. A water resource strategy shall be elaborated for a 10-year period, with a 20-year vision, corresponding to the period of the relevant socio-economic development strategy.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies and provincial-level People's Committees in, elaborating water resource strategies for submission to the Prime Minister for approval.

**Article 15.** Water resource master plans

1. Water resource master plans include:

a/ National water resource master plans;

b/ Water resource master plans for inter-provincial river basins and inter-provincial water sources;

c/ Water resource master plans of provinces and centrally run cities.

2. Subjects of master plans are surface water and groundwater.

3. A water resource master plan spans a 10-year period, with a 20-year vision.

**Article 16.** Principles of elaboration of water resource master plans

1. The elaboration of a water resource master

plan must comply with the following principles:

a/ Conformity with socio-economic development and defense and security strategies, master plans and plans, regional master plans and water resource strategy;

b/ Combination with the land use master plan and sectoral master plans involving the exploitation and use of water resources, requirements for protection of the environment, natural landscape, historical and cultural relics, scenic places and other natural resources for sustainable development;

c/ Assurance of comprehensiveness between surface water and groundwater and between exploitation and use of water resources and protection of water resources as well as prevention, control and remedy of harmful effects caused by water; assurance of economical and effective exploitation and use of water resources and harmonious allocation of water use benefits between localities and sectors and between downstream areas and upstream areas;

d/ Assurance of publicity and involvement of local communities and related stakeholders in the planning process;

e/ Water resource master plans for inter-provincial river basins and inter-provincial water sources must conform to the national water resource master plan; water resource master plans of provinces and centrally run cities must conform to the national water resource master plan and water resource master

plans for inter-provincial river basins and inter-provincial water sources.

2. Irrigation, hydroelectric power, water supply and inland waterway transport master plans and other master plans involving the exploitation and use of water resources which are elaborated by ministries, sectors or localities (below referred to as specialized master plans involving water resource exploitation and use) must conform to water resource master plans.

**Article 17.** Bases for elaboration of water resource master plans

1. National socio-economic development, defense and security strategies, master plans and plans and regional and local master plans.

2. Water resource strategy, water exploitation and use demands of sectors and localities and environmental protection.

3. Natural and socio-economic characteristics and specific conditions of each river basin and region, actual potential of water sources and forecasts about the impacts of climate change on water resources.

4. Results of basic survey of water resources.

5. Norms, standards and technical regulations promulgated by competent agencies.

6. Treaties to which the Socialist Republic of Vietnam is a contracting parties, for cases involving transnational water sources.

7. Water resource planning tasks.

**Article 18.** Contents of the national water resources master plan

1. General evaluation of natural, socio-economic and environmental conditions, current state of water resources and status of exploitation, use and protection of water resources and prevention, control and remedy of harmful effects caused by water.

2. Evaluation of implementation results of the master plan in the previous period.

3. Identification of water resource development trends and water exploitation and use demands for people's life and socio-economic development.

4. Identification of the objectives and tasks of management, regulation, distribution, exploitation, use and protection of water resources as well as prevention, control and remedy of harmful effects caused by water.

5. Identification of demands for inter-basin water transfer and determination of large-scale water source regulation, exploitation and use facilities.

6. Identification of the order of priority in the elaboration of master plans for river basins and water sources.

7. Implementation solutions, funds, plan and schedule.

**Article 19.** Contents of water resource master plans for inter-provincial river basins and inter-provincial water sources and water

resource master plans of provinces and centrally run cities

A water resource master plan has one or some of the following contents:

1. Allocation of water sources:

a/ Assessment of the quantity and quality of water sources, the current status of water resource exploitation and use; forecasts about the development trends of flow, water levels of aquifers and water use demand;

b/ Function-based zoning of water sources;

c/ Determination of the rate of allocation of water resources among different water exploiters and users and the order of priority in, and the rate of, allocation to be applied in case of drought or water shortage; identification of reserve water sources to supply domestic water upon occurrence of water source pollution incidents;

d/ Identification of water resource surveillance and water exploitation and use supervision systems;

e/ Identification of the demand for sub-basin water transfer within a single basin and inter-basin water transfer;

f/ Identification of water resource regulation, exploitation, use and development facilities;

g/ Implementation solutions, funds, plan and schedule.

2. Protection of water resources:

a/ Identification of requirements for

protection of water resources in water exploitation and use and aquatic eco-systems;

b/ Identification of areas with polluted, deteriorated and depleted water sources; assessment of the developments of water quality and quality-based zoning of water sources;

c/ Identification of works and non-work solutions to protect water sources and rehabilitate polluted, deteriorated or depleted water sources according to their functions;

d/ Identification of water quality surveillance systems and systems for supervision of the discharge of wastewater into water sources;

e/ Implementation solutions, funds, plan and schedule.

3. Prevention, control and remedy of harmful effects caused by water:

a/ Identification of river sections where bank erosion has occurred or are likely to occur; areas where land subsidence has occurred and areas where salinization has occurred or is likely to occur due to groundwater exploration and exploitation; assessment of the status and developments of, identification of reasons for, and zoning of areas suffering harmful effects caused by water;

b/ General assessment of the effects and impacts of the works and non-work solutions for prevention, control and remedy of harmful effects caused by water identified at Point a of this Clause;

c/ Identification of solutions for raising the

quality and effectiveness of the prevention, control and remedy of harmful effects caused by water; solutions for raising the quality and effectiveness of the systems of warning and forecasting harmful effects caused by water;

d/ Identification of works and non-work solutions for mitigating harmful effects caused by water;

e/ Implementation solutions, funds, plan and schedule.

4. When necessary, a water resource master plan may propose adjustments to the tasks and operation processes of works of exploitation, use and protection of water resources and prevention, control and remedy of harmful effects caused by water in order to assure compliance with this Article.

**Article 20.** Water resource planning tasks

1. Water resource planning tasks include the following contents:

a/ General assessment of natural and socio-economic characteristics, current status of water resources and situation of protection, exploitation and use of water resources and prevention, control and remedy of harmful effects caused by water;

b/ Preliminary identification of functions of water sources, water use and drainage demands and issues to be settled in the protection, exploitation and use of water resources and prevention, control and remedy of harmful

effects caused by water;

c/ Identification of planning subjects, scope and contents so as to assure the functions of water sources and settlement of issues identified under Point b of this Clause;

d/ Identification of planning solutions, funds, plan and schedule.

2. Agencies that elaborate water resource master plans shall approve water resource planning tasks.

**Article 21.** Elaboration and approval of water resource master plans

1. The responsibility to elaborate and approve water resource master plans is specified as follows:

a/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Construction and related ministries and ministerial-level agencies in, elaborating national water resource master plans for submission to the Prime Minister for approval;

b/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Construction and related ministries and ministerial-level agencies in,

elaborating and approving water resource master plans for inter-provincial river basins and inter-provincial water sources;

c/ Provincial-level People's Committees shall elaborate water resource master plans of their provinces or centrally run cities for submission to People's Councils of the same level for approval after obtaining written opinions of the Ministry of Natural Resources and Environment.

2. Related ministries, ministerial-level agencies, localities and river basin organizations must be consulted in writing about water resource master plans before such plans are submitted to competent authorities for approval.

3. State agencies competent to elaborate water resource master plans may hire consultancy units to elaborate such water plans.

4. Funds for elaboration and approval of water resource master plans are allocated from the state budget.

5. The Ministry of Natural Resources and Environment shall specify water resource planning norms, unit prices, technical regulations and dossiers.

**Article 22.** Adjustment of water resource master plans

1. A water resource master plan may be adjusted when:

a/ Socio-economic development or defense and security strategies, master plans and plans,

regional master plans or water resource strategies are adjusted, leading to changes in the objectives of the approved master plan;

b/ The approved water resource master plan fails to ensure the principles specified at Point e, Clause 1, Article 16 of this Law;

c/ New national key projects or works are built, greatly affecting water resources;

d/ Natural conditions change, greatly affecting water resources;

e/ Provincial-level administrative boundaries are adjusted.

2. Adjustments to an approved water resource master plan must be based on the results of analyzing and assessing the implementation of such master plan and elements affecting the adjustment, ensuring perpetuation of the approved master plan only adjusting the changed contents.

3. State agencies competent to approve water resource master plans may decide to adjust such master plans.

4. The elaboration, consultation and appraisal of adjustments to water resource master plans shall be carried out like the elaboration of water resource master plans.

**Article 23.** Conditions on consultancy units to elaborate water resource master plans

1. Consultancy units elaborating water resource master plans must have the legal person status, satisfy the conditions on the

number and professional qualifications of individuals participating in elaborating water resource master plans, and have their managerial capacity and technical conditions suitable to the contracted work.

2. The Ministry of Natural Resources and Environment shall specify capacity conditions on consultancy units elaborating water resource master plans.

**Article 24.** Publicization and implementation of water resource master plans

1. A water resource master plan must be publicized within 30 days after it is approved. The competence to publicize water resource master plans is specified as follows:

a/ The Ministry of Natural Resources and Environment shall publicize national water resource master plans and water resource master plans for inter-provincial river basins and inter-provincial water sources;

b/ Provincial-level People's Committees shall publicize water resource master plans of their provinces and centrally run cities.

2. Based on the approved water resource master plans, ministries, ministerial-level agencies and provincial-level People's Committees, within the ambit of their tasks and powers, shall:

a/ Elaborate and approve or submit to competent authorities for approval their own specialized master plans involving water resource exploitation and use. For specialized

master plans involving water resource exploitation and use elaborated by ministries or ministerial-level agencies, the Ministry of Natural Resources and Environment's written approval is required;

b/ Adjust their master plans and plans involving water resource exploitation and use to conform to the approved water resource master plans;

c/ Direct and organize the implementation of water resource master plans' contents within the scope of their tasks and powers.

3. River basin organizations shall put forward to competent agencies measures to assure the implementation of water resource master plans and propose the settlement of matters arising in the course of implementation of these master plans.

4. Organizations, individuals and local communities shall be provided with conditions to exercise their supervisory right and propose measures to implement water resource master plans.

5. The Ministry of Natural Resources and Environment shall guide, inspect and organize the implementation of water resource master plans.

### Chapter III

#### PROTECTION OF WATER RESOURCES

**Article 25.** Responsibilities to protect water resources



1. Organizations and individuals are responsible for protecting water resources.

2. Local administrations at all levels are responsible for protecting water resources in their localities.

3. Organizations and individuals shall constantly protect water sources they are exploiting and using and, concurrently, supervise water source pollution-, deterioration- or depletion-causing acts or phenomena committed by others.

4. Those detecting acts or phenomena which harm or threaten the safety of water sources shall stop such acts or phenomena and immediately notify them to the nearest local administration for timely handling. If unable to handle the notified case, the local administration shall immediately report it to its immediate superior administration or competent state agencies.

**Article 26.** Prevention and control of water source pollution, deterioration and depletion

1. The exploitation and use of water resources must comply with approved water resource master plans; those whose activities cause a decrease in water source functions, land subsidence or water source pollution or salinization shall remedy consequences and, if causing damage, pay compensation in accordance with law.

2. It is prohibited to build new hospitals and medical establishments treating contagious

diseases, cemeteries, waste burials, establishments producing hazardous chemicals and production or processing establishments generating hazardous wastewater within water source protection corridors.

Operating establishments shall adopt measures to treat, control and strictly supervise the quality of their wastewater and wastes before discharging them into the soil or water sources; operating establishments which cause water source pollution shall work out remedies within the time limit set by competent state management agencies in charge of water resources; those that fail to remedy water source pollution shall be suspended from operation or relocated in accordance with law.

3. The construction of economic zones, industrial parks, export processing zones, hi-tech parks, industrial complexes, urban centers, concentrated residential quarters, tourist resorts, recreation and entertainment centers, waterway routes, roads, underground works, water supply and drainage works, mineral mining facilities, power plants, wastewater storages, production, business and service establishments and other establishments which are likely to cause water source pollution, deterioration or depletion must have a plan on prevention and control of water source pollution, deterioration and depletion.

4. If pumping to drain water concurrently with mining or building works, thus causing a decrease in the groundwater level, miners and builders shall immediately stop pumping water and take remedies as directed by competent state

management agencies in charge of water resources; if causing damage, they shall pay compensation in accordance with law.

5. Anti-leak and anti-overflow measures must be applied to wastewater storage ponds and lakes and wastewater storage areas to assure no water source pollution.

**Article 27.** Response to and remedy of water source pollution incidents and rehabilitation of polluted or depleted water sources

1. The response to and remedy of water source pollution incidents must be implemented as follows:

a/ Production, business and service establishments which are likely to cause water source pollution incidents shall elaborate plans, procure necessary means and equipment and apply measures to timely respond to and remedy water source pollution incidents caused by themselves;

b/ Upon occurrence of a water source pollution incident, local competent state agencies shall identify the cause and organizations or individuals causing such incident; coordinate in mitigating its harmful effects; supervise and assess the levels of water quality deterioration and damage caused by the incident so as to claim compensation from those causing such incident;

c/ Provincial-level People's Committees of the localities directly affected by water source pollution incidents shall take the initiative in

taking measures to prevent and restrict the expansion of polluted areas, handle and mitigate pollution in areas under their management, coordinate with related provinces and centrally run cities in preventing and handling incidents, and timely report thereon to the Ministry of Natural Resources and Environment.

d/ Apart from being sanctioned in accordance with law, organizations and individuals causing water source pollution incidents shall remedy the immediate consequences of water source pollution and deterioration, improve and rehabilitate water quality in the long term and pay compensation for damage caused by themselves.

2. The response to and remedy of transnational water source pollution incidents must be implemented as follows:

a/ People's Committees of localities where exist transnational water sources shall monitor and detect pollution incidents in their localities; upon occurrence of an incident, take the initiative in applying measures to prevent and restrict the expansion of polluted areas; handle and mitigate pollution incidents in areas under their management and report such to provincial-level People's Committees for the latter to direct the handling of the incidents and report it to the Ministry of Natural Resources and Environment;

b/ The Ministry of Foreign Affairs, the Ministry of Natural Resources and Environment and related ministries and ministerial-level

agencies shall coordinate with related authorities of the countries where transnational water source pollution incidents occur in applying measures to prevent and remedy consequences in accordance with international law and relevant treaties.

3. The response to and remedy of water source pollution incidents in case of emergency comply with the law on states of emergency.

4. The rehabilitation of polluted or depleted water sources must be implemented as follows:

a/ Water sources must be classified according to the degree and scope of pollution and depletion and listed in an order of priority for preparing rehabilitation plans.

b/ The Ministry of Natural Resources and Environment shall elaborate, submit to the Prime Minister for approval, and organize the implementation of, plans on rehabilitation of inter-provincial and transnational water sources; provincial-level People's Committees shall elaborate, approve and organize the implementation of, plans on rehabilitation of intra-provincial water sources.

5. Funds for remedy of water source pollution incidents in case it is impossible to identify those that have caused such incidents and funds for rehabilitation of polluted and depleted water sources under the plans specified at Point b, Clause 4 of this Article are ensured by the state budget.

**Article 28.** Water resource observation and

supervision

1. The responsibility for water resource observation and supervision is specified as follows:

a/ The Ministry of Natural Resources and Environment shall observe and supervise the quantity and quality of water sources, exploitation and use of water resources and discharge of wastewater into water sources with regard to inter-provincial and transnational water sources;

b/ Provincial-level People's Committees shall observe and supervise the quantity and quality of water sources, exploitation and use of water resources and discharge of wastewater into water sources with regard to intra-provincial water sources;

c/ Organizations and individuals that exploit or use water resources or discharge wastewater into water sources shall observe and supervise the exploitation and use of water and discharge of wastewater according to regulations.

2. The Ministry of Natural Resources and Environment shall specify the observation and supervision of water resources.

**Article 29.** Protection and development of water generation sources

1. The State adopts plans to protect and develop watershed protection forests and forests of other types, implement programs on planting trees on unused land areas and bare hills and mountains and extend the vegetation cover,

aiming to control soil erosion, increase water-retaining capacity of soil, and protect and develop water generation sources.

2. Organizations and individuals that exploit forests shall apply forest exploitation and protection measures under the Law on Forest Protection and Development and refrain from causing deterioration of watershed forests.

3. Organizations and individuals that build reservoirs, carry out mineral mining and processing projects or other forest land-occupying or -affecting activities shall plant forests to make up for those which have been lost due to construction activities or contribute funds for afforestation according to regulations in case local administrations cannot arrange land for planting new forests.

4. Organizations and individuals that manage and operate reservoirs shall contribute funds for protection of forests within the basins of their reservoirs and participate in the protection and development of watershed forests.

5. The Government shall specify the planting of new forests to make up for lost ones and the contribution, management and use of funds for protection and development of watershed forests in reservoir basins.

**Article 30.** Assurance of water flow

The mining of minerals and building of bridges, wharves and other works that block or span over rivers, streams or canals, installation

of pipes or cables spanning over rivers, streams or canals, and placement of cages or rafts on rivers must not obstruct flow and must satisfy prevention and control standards and other relevant technical requirements prescribed by law.

**Article 31.** Water source protection corridors

1. Water sources for which protection corridors must be established include:

a/ Hydropower reservoirs, irrigation reservoirs and other reservoirs;

b/ Natural and artificial lakes in urban centers and concentrated residential quarters; large lakes and ponds which have the regulation function in other areas; natural lagoons;

c/ Rivers, streams and canals which are water supply sources or water drainage channels or important for socio-economic development and environmental protection;

d/ Water sources which are related to religious or belief activities or have great value of biodiversity, cultural conservation or natural ecosystem protection and development.

2. Organizations that manage and operate the reservoirs specified at Point a, Clause 1 of this Article shall place limit markers of water source protection corridors according to regulations and hand them over to commune-level People's Committees of localities where such reservoirs exist for management and protection.

3. Provincial-level People's Committees shall establish and manage protection corridors

of the water sources specified at Points b, c and d, Clause 1 of this Article.

4. The Government shall specify the establishment and management of water source protection corridors.

**Article 32.** Protection of quality of domestic water sources

1. Organizations and individuals may not discharge wastewater or put wastes into hygiene protection zones of domestic water-supplying areas.

2. Organizations and individuals that exploit water for domestic water supply shall take the following measures:

a/ Regularly observing and monitoring the quality of domestic water sources and assuring the quality of the sources they are exploiting;

b/ Working out plans on exploitation of other water sources as substitutes upon occurrence of pollution incidents related to the sources they are exploiting.

3. Those detecting acts which cause damage or pollution of domestic water sources shall stop and promptly report such acts to competent state agencies for handling.

4. Provincial-level People's Committees shall:

a/ Determine and publicize hygiene protection zones of domestic water-supplying areas in their localities according to regulations of the Ministry of Natural Resources and

Environment;

b/ Publicize information on the quality of domestic water sources, give warnings about abnormal phenomena related to the quality of domestic water sources in their localities.

5. District- and commune-level People's Committees shall take measures to protect the quality of domestic water sources in their localities.

**Article 33.** Protection of quality of water sources in agricultural production, aquaculture, industrial production, mineral mining and other activities

1. The use of plant protection drugs, veterinary drugs and other chemicals in plantation, husbandry and aquaculture must ensure standards, technical regulations and not pollute water sources.

2. Production, business and service, mineral mining and other production and business establishments may not discharge into water sources untreated wastewater or wastewater treated not up to standards or technical regulations; if using toxics chemicals, they must take measures to assure safety and prevent any leak of such chemicals leading to water source pollution.

3. Organizations and individuals that exploit and use water resources for waterway transport, sports, recreation, tourism, healthcare, convalescence, scientific research and other purposes must not cause water source pollution.

**Article 34.** Prevention and control of seawater pollution

1. Organizations and individuals operating at sea must have plans, equipment and staffs for preventing and mitigating seawater pollution.

Upon occurrence of a seawater pollution incident, they shall timely handle, remedy and notify the incident to competent state agencies; and shall, if causing damage, pay compensation in accordance with law.

2. Wastes generated from activities at sea and in coastal areas and islands must be controlled and treated up to standards or technical regulations before being discharged into the sea.

**Article 35.** Protection of groundwater

1. Organizations and individuals that explore or exploit groundwater; practice groundwater drilling; practice geological survey, mineral or petroleum exploration and exploitation drilling; treat foundations of works, drain water for mines, or carry out other drilling or digging activities shall take measures to protect groundwater and fill up wells after use or being damaged.

2. Organizations or individuals that exploit minerals or build underground works shall comply with standards and technical regulations in safety and prevention of groundwater source deterioration and depletion.

3. In areas where groundwater is over

exploited or seriously deteriorated, state management agencies in charge of water resources shall zone off areas where groundwater exploitation is banned or restricted and take strict control measures to protect groundwater sources.

**Article 36.** Groundwater drilling practice

1. Groundwater investigation, survey, exploration or exploitation drilling must be carried out by organizations and individuals licensed to practice groundwater drilling.

2. The Ministry of Natural Resources and Environment shall stipulate groundwater drilling practice.

**Article 37.** Discharge of wastewater into water sources

1. Before being submitted for approval, master plans on urban centers, concentrated rural residential quarters, tourist resorts, entertainment and recreation centers, industrial parks, economic zones, export processing zones, industrial complexes and craft villages must have contents on wastewater collection and treatment systems which are suitable to the volume of to-be-discharged wastewater and water sources' capacity to receive wastewater which are approved by state management agencies in charge of water resources.

2. Projects to build, renovate or upgrade production and business establishments must have items on building separate systems for

collection of rainwater and wastewater; wastewater treatment systems; and wastewater drainage systems up to standards and technical regulations.

3. Organizations and individuals that discharge wastewater into water sources must have licenses granted by competent state agencies specified in Article 73 of this Article, except the cases specified in Clause 5 of this Article.

4. Licensing of discharge of wastewater into water sources must be based on standards and technical regulations on wastewater quality, the function of water sources and their capacity to receive wastewater.

5. Organizations and individuals that discharge small volumes of wastewater containing no hazardous chemical and radioactive substances are not required to apply for a license to discharge wastewater into water sources.

6. The Government shall specify the licensing of discharge of wastewater into water sources.

**Article 38.** Rights and obligations of organizations and individuals licensed to discharge wastewater into water sources

1. Organizations and individuals that have been licensed for discharge of wastewater into water sources have the following rights:

a/ To discharge wastewater into water

sources under their licenses;

b/ To have their rights and legitimate interests protected by the State;

c/ To receive compensation from the State in accordance with law in case their licenses are revoked ahead of the time for defense or security reasons or for national or public interests;

c/ To claim compensation in accordance with law from organizations and individuals committing acts that cause damage to their rights and legitimate interests in the discharge of wastewater into water sources;

d/ To request competent licensing agencies to renew, change the validity duration or modify the contents of their licenses according to regulations;

f/ To return their licenses according to regulations;

g/ To transfer, lease, bequeath, mortgage and make guarantee with their invested assets in facilities for discharging wastewater into water sources in accordance with law;

h/ To lodge complaints about and initiate lawsuits against acts infringing upon their rights and legitimate interests in the discharge of wastewater into water sources in accordance with law.

2. Organizations and individuals that have been licensed for discharge of wastewater into water sources have the following obligations:

a/ To abide by the law on water resources and comply with their licenses;

b/ To perform their financial obligations as provided by law;

c/ To assure that wastewater is treated up to applicable standards and technical regulations in the course of discharging water into water sources;

d/ Not to obstruct or cause damage to the lawful discharge of wastewater into water sources of other organizations or individuals;

e/ To fully and truthfully supply data and information on their discharge of wastewater into water sources when requested by competent state agencies;

f/ To take measures to assure safety and prevent and remedy water source pollution incidents caused by their discharge of wastewater according to regulations;

g/ To observe and supervise the flow and quality of wastewater and comply with the regime of information and reporting on wastewater discharge according to regulations;

h/ To pay compensation to organizations and individuals suffering damage caused by their illegal discharge of wastewater;

i/ To have other obligations as provided by law.

#### Chapter IV

### EXPLOITATION AND USE OF WATER RESOURCES

#### Section 1

### WATER CONSERVATION

#### **Article 39.** Water conservation measures

1. Organizations and individuals exploiting and using water shall take the following measures for water conservation:

a/ Using water for proper and rational purposes;

b/ Adopting plans to replace and gradually remove obsolete water-intensive means and equipment;

c/ Improving and rationalizing water use processes; applying advanced techniques, technologies and equipment in water exploitation and use; increasing the use of recycled water and water reuse; storing rainwater for use;

d/ Applying crop structures and seasons suitable to water source conditions; improving, rationalizing and applying farming methods, technologies and techniques and building, maintaining and operating water-conducting and -storing facilities for water conservation in agricultural production.

2. The Ministry of Natural Resources and Environment shall develop water conservation models; and popularize and disseminate water conservation models, technologies and equipment.

3. Ministries and ministerial-level agencies, within the ambit of their tasks and powers, shall:

a/ Formulate and promulgate according to their competence technical regulations on water use in order to boost and encourage water



conservation;

b/ Elaborate programs and plans and direct and guide the research into and application of water conservation technologies in replacement of obsolete water-intensive technologies;

c/ Assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, formulating and promulgating water consumption norms in activities under their management; inspect and examine the observance of regulations in water exploitation and use and water consumption norms.

4. Provincial-level People's Committees shall apply synchronous measures to manage and strictly control the implementation of water conservation regulations in their localities.

**Article 40.** Mitigation of water loss in water supply systems

1. Organizations and individuals that manage and operate water supply systems shall comply with technical regulations and operate water supply systems so as to meet the requirements for stable, safe and constant water supply and reduce water loss and waste.

2. Organizations and individuals that manage and operate irrigation works or work systems shall apply anti-leak measures and operate these works or work systems with optimal methods in order to meet requirements on rational and efficient water supply and reduce water loss and waste.

**Article 41.** Incentives for water conservation activities

1. Organizations and individuals that invest in water recycling or reuse, rainwater collection and use, and use of water desalinized from brackish water or saline water or invest in water conservation equipment and technologies are eligible for soft loans and tax exemption and reduction in accordance with law.

2. The Government shall provide incentives for water conservation activities.

**Article 42.** Development of water conservation sciences and technologies

1. The State encourages and creates favorable conditions for organizations and individuals to research into sciences and apply and develop technologies for treating wastewater, improving and rehabilitating polluted, deteriorated or depleted water sources, reusing water and other water conservation technologies.

2. Ministries, ministerial-level agencies and provincial-level People's Committees shall allocate funds for and elaborate scientific and technological research programs on water conservation and treatment, improvement and rehabilitation of polluted, deteriorated or depleted water sources.

3. Scientific research and technological application and development activities aiming at water conservation which are prioritized include:

a/ Researching into and applying and developing technologies for using recycled water or reusing water so as to improve water efficiency in industry, construction and agriculture;

b/ Researching into and applying and developing technologies for treating wastewater and improving and rehabilitating polluted, deteriorated or depleted water sources;

c/ Researching into and applying advanced technologies in operation and regulation of reservoirs and rational exploitation and use of water sources;

d/ Applying technological solutions to manufacture water conservation means and equipment; improving, renewing and upgrading water-consuming equipment;

e/ Applying water conservation solutions in the process of designing and building construction works.

## Section 2

### EXPLOITATION AND USE OF WATER RESOURCES

**Article 43.** Rights and obligations of organizations and individuals exploiting and using water resources

1. Organizations and individuals that exploit and use water resources have the following rights:

a/ To exploit and use water resources for domestic, production and business and other

purposes in accordance with this Law and other relevant laws;

b/ To benefit from water resource exploitation and use;

c/ To have their rights and legitimate interests protected by the State in the process of water resource exploitation and use;

d/ To use data and information on water resources in accordance with this Law and other relevant laws;

e/ To conduct water through adjacent land plots which are managed and used by others in accordance with law;

f/ To lodge complaints about and initiate lawsuits against acts of infringing upon their right to exploit and use water resources and other legitimate interests in accordance with relevant laws.

2. Organizations and individuals that exploit and use water resources have the following obligations:

a/ To protect water resources and prevent, control and remedy harmful effects caused by water in accordance with this Law and other relevant laws;

b/ To use water for proper purposes in an economical, safe and efficient manner;

c/ Not to obstruct or cause damage to the lawful exploitation and use of water resources by others;

d/ To protect water sources which they directly exploit and use;

e/ To perform their financial obligations; to pay compensation in accordance with law for damage caused by themselves in the process of water resource exploitation and use;

f/ To supply information and data relating to the exploitation and use of water resources at the request of competent state agencies; to facilitate scientific research activities licensed by the State;

g/ To supplement or change the purpose or scope of water resource exploitation and use only after obtaining permission from competent state agencies, except for the cases not subject to licensing or registration under Article 44 of this Law;

h/ To have other obligations as provided by law.

3. In addition to the rights and obligations specified in this Article, organizations and individuals that have water resource exploitation and use licenses shall comply with the contents of their licenses.

4. Organizations and individuals exploiting and using water resources that have to pay money for grant of the right to exploit water resources specified in Clause 1, Article 65 of this Law may transfer such right under the Government's regulations.

**Article 44.** Registration and licensing of water resource exploitation and use

1. Cases of water resource exploitation and use which are not subject to registration or

licensing:

a/ Exploiting and using water for daily-life activities of households;

b/ Exploiting and using water on a small scale for production, business and service activities;

c/ Exploiting and using seawater for salt production;

d/ Exploiting and using water for cultural, religious or scientific research activities;

e/ Exploiting and using water for fire prevention and fighting, response to and remedy of pollution incidents or epidemics and in other emergency cases in accordance with the law on states of emergency.

2. Cases of exploiting groundwater specified at Point a, b or d, Clause 1 of this Article in areas in which the groundwater level has excessively decreased are subject to registration.

3. Before making investment decisions, organizations and individuals exploiting and using water resources that do not fall into the cases specified in Clauses 1 and 2 of this Article shall obtain licenses granted by competent state agencies defined in Article 73 of this Law.

4. The Government shall specify the registration and grant of water resource exploitation and use licenses.

**Article 45.** Exploitation and use of water resources for domestic use

1. The State prioritizes the exploitation and

use of water resources for domestic use with the following measures:

a/ Investing in and supporting projects to supply domestic water and clean water, prioritizing ethnic minority areas, border areas, islands, areas facing water scarcity, areas with seriously polluted or deteriorated water sources and areas suffering socio-economic difficulties or special socio-economic difficulties;

b/ Adopting preferential policies to encourage organizations and individuals at home and abroad to invest in the prospecting for, exploration and exploitation water sources for domestic use.

2. People's Committees at all levels and competent state agencies shall elaborate and implement master plans, plans and projects on the supply of domestic water and clean water; apply emergency measures to assure adequate supply of domestic water in case of drought, water shortage or serious water source pollution incidents causing water shortage.

3. Organizations and individuals that are supplied with domestic water shall join and contribute funds for the protection of water sources and exploitation and treatment of water for domestic use according to law.

**Article 46.** Exploitation and use of water resources for agricultural production

1. The State invests in and supports the exploitation and use of water resources for agricultural production.

2. Organizations and individuals that exploit and use water resources for agricultural production shall apply measures to conserve water, prevent and control alkalization, salinization and soil erosion and ensure no water source pollution.

3. Organizations and individuals may only exploit and use water that ensures standards and technical regulations for agricultural production.

4. Organizations and individuals that manage and operate facilities exploiting and using water sources for agricultural production shall comply with operation processes.

**Article 47.** Exploitation and use of water sources for hydropower generation

1. The exploitation and use of water sources for hydropower generation must ensure integrated and multiple-purpose use, except for water exploitation and use on a small scale.

2. The construction of hydropower works must conform to water resource master plans and comply with Article 53 of this Law and other relevant laws.

3. Organizations and individuals that exploit and use water sources for hydropower generation shall comply with reservoir or inter-reservoir operation processes approved by competent state agencies, assuring integrated and multiple-purpose use of water sources; and shall support inhabitants of localities where exist reservoirs.

**Article 48.** Exploitation and use of water resources for salt production and aquaculture

1. The State encourages investment in the exploitation and use of seawater for salt production. Organizations and individuals that use seawater for salt production may not cause salt infiltration thus adversely affecting agricultural production and the environment.

2. Organizations and individuals may only use water that ensures standards and technical regulations on water quality for aquaculture. The exploitation and use of water resources for aquaculture must conform to water resource master plans and neither cause water source pollution, deterioration or depletion nor obstruct the flow of, or damage works on, rivers as well as waterway transport and cause salinization of water sources.

**Article 49.** Exploitation and use of water resources for industrial production and mineral mining and processing

1. Organizations and individuals that exploit and use water resources for industrial production shall conserve water and not cause water source pollution.

2. Organizations and individuals that exploit and use water resources for mineral mining and processing shall apply measures to collect and treat used water up to standards and technical regulations on wastewater quality before discharging them into water sources.

**Article 50.** Exploitation and use of water

sources for waterway transport

1. The State encourages the exploitation and use of water sources for waterway transport development.

2. Waterway transportation must neither cause water source pollution nor obstruct the flow or damage river banks, river beds, streams, canals and ditches and built on rivers; those who cause damage shall pay compensation in accordance with law.

3. The construction of waterway works and planning of waterway routes must conform to water resource master plans and master plans on development of coastal areas.

4. The construction and management of other works related to water sources must assure safety and normal operation of means of waterway transport and not cause water source pollution.

**Article 51.** Exploitation and use of water resources for other purposes

Organizations and individuals that exploit and use water resources for scientific research, healthcare, sports, entertainment, tourism and other purposes must use water in a rational, economical and efficient manner and neither cause water source pollution, deterioration or depletion nor obstruct the flow or cause other adverse impacts to water sources.

**Article 52.** Exploration and exploitation of groundwater

1. Organizations and individuals that explore groundwater shall obtain licenses granted by competent state agencies.

2. Organizations and individuals that exploit groundwater shall obtain licenses granted by competent state agencies, except the cases specified in Clauses 1 and 2, Article 44 of this Law.

3. The licensing of groundwater exploitation must be based on water resource master plans, groundwater basic survey and exploration results, groundwater potential and deposits and the provisions of Clause 4 of this Article.

4. Groundwater exploitation is restricted in the following areas:

a/ Areas in which surface water sources can stably meet water use demands;

b/ Areas in which the groundwater level has continuously declined and is likely to excessively decline;

c/ Areas facing the risk of land subsidence, salinization or increasing pollution due to groundwater exploitation;

d/ Areas in which groundwater sources have been polluted or show signs of pollution but there are no technological solutions to treat water up to quality standards;

e/ Urban centers, concentrated rural residential areas, industrial parks and complexes and craft villages which have had concentrated water supply systems and water supply services that meet quality and quantity requirements.

5. Forms of groundwater exploitation restriction include:

a/ Restriction of exploitation subjects and purposes;

b/ Restriction of exploitation capacity and duration;

c/ Restriction of the number of exploitation facilities and depth and number of to-be-exploited aquifers.

6. The Government shall specify groundwater exploration and exploitation.

**Article 53.** Reservoirs and exploitation and use of reservoirs

1. A sectoral or local development master plan which proposes the construction of a reservoir on a river or stream must conform to the water resource master plan and have the following details:

a/ The necessity to build the reservoir for the fulfillment of planning tasks in comparison with other work solutions;

b/ Identification of the flow on rivers and streams which must be maintained over time in the downstream area of the proposed reservoir;

c/ Identification of tasks of the proposed reservoir and arrangement of such tasks in an order of priority, and determination of the water supply level required to assure the fulfillment of each task;

d/ The capacity of the reservoir for the performance of each task in normal and

abnormal weather conditions, with climate change elements taken into consideration;

e/ The role of existing reservoirs on the river basin in ensuring the performance of each task of the proposed reservoir;

f/ In the course of elaborating a master plan, those who enjoy benefits or face risks in the exploitation and use of water resources from the construction of the proposed reservoir must be consulted. All suggestions must be explained in the report sent to state agencies competent to appraise the master plan.

2. A project to build a reservoir on a river or stream must meet the following requirements:

a/ Being in line with the approved water resource master plan;

b/ Having work items for maintaining the minimum flow and assuring integrated and multi-purpose use of water sources, the use of dead volume of the reservoirs in case of drought or serious water shortage, migration of fishes and operation of waterway transport on navigable river or stream sections;

c/ Having been consulted by local communities and related organizations and individuals under Article 6 of this Law;

d/ Having been appraised by state management agencies in charge of water resources with regard to the contents specified at Points a and b of this Clause before being submitted to competent authorities for approval.

3. Organizations and individuals that

manage and operate reservoirs shall:

a/ Comply with the approved reservoir or inter-reservoir operation process; assure the maintenance of the minimum flow and the safety for the reservoir and its downstream area and, if causing damage, pay compensation in accordance with law;

b/ Obey competent state agencies' reservoir operation control commands in case of flood, inundation, drought, water shortage and other cases of emergency;

c/ Elaborate and implement annual water regulation plans; implement competent state agencies' plans on regulation and distribution of water sources in the river basins;

d/ Conduct meteorological and hydrological observation and make calculations of and forecasts about the volume of water flowing into the reservoirs to serve as a basis for operating the reservoirs;

e/ If using the water surface of reservoirs for aquaculture or tourism or entertainment business, obtain written approval of state management agencies in charge of water resources;

f/ Comply with reporting regulations, other provisions of this Law and relevant laws.

### Section 3

## REGULATION AND DISTRIBUTION OF WATER RESOURCES

**Article 54.** Regulation and distribution of

water resources

1. The regulation and distribution of water resources for different use purposes must be based on the water resource master plan, actual capacity of water sources and water resource regulation and distribution plans, and adhere to the following principles:

a/ Assuring fairness and rationality among water users on the same river basin, between upstream and downstream areas and between the right bank and the left bank;

b/ Prioritizing water in terms of both quantity and quality for use for daily-life activities and agricultural production to assure food security and meet other essential needs of people;

c/ Assuring the maintenance of the minimum flow and groundwater exploitation limits;

d/ Combining the exploitation and use of surface water with exploitation and use of groundwater and rainwater; increasing storage of water in the rainy season for use in the dry season.

2. In case of water shortage, water regulation and distribution shall be prioritized for use for daily-life activities, while water regulation and distribution for other use purposes must comply with the water resource master plan of the concerned river basin on the principle of fairness and rationality.

3. The Ministry of Natural Resources and Environment shall organize the regulation and distribution of water resources on inter-

provincial river basins. Provincial-level People's Committees shall organize the regulation and distribution of water resources within their localities.

**Article 55. Water transfer**

1. The formulation of a water transfer project must be based on the following grounds:

a/ Water resource strategy and environmental protection strategy;

b/ Water resource master plans for the concerned river basins; and socio-economic development master plans and plans of localities and sectors engaged in the exploitation and use of water in these river basins;

c/ Assessment of the actual capacity of water sources and water use demands in both water transfer and receipt basins;

e/ Assessment of the possible affects of water transfer to the exploitation and use of water, maintenance of flow and flood control as well as its impacts on the eco-environment, especially in the dry season; and economic benefits of water transfer;

d/ Treaties to which the Socialist Republic of Vietnam is a contracting party, in case the water transfer project involves transnational water sources.

2. Water transfer projects must be appraised by the Ministry of Natural Resources and Environment before they are submitted to competent authorities for investment consideration and decision.



**Article 56.** Artificial supplementation of groundwater

1. Artificial supplementation of groundwater must be based on specific assessment of the adaptability in terms of water quantity and quality and water storage and retention capacity of supplemented aquifers, and requirements for groundwater exploitation, use and protection; and full assessment of its socio-economic and environmental impacts.

2. The Ministry of Natural Resources and Environment shall identify aquifers, zone off areas requiring artificial supplementation of groundwater; guide the application of measures for artificial supplementation of groundwater suitable to each area; and approve plans on artificial supplementation of groundwater.

**Article 57.** Making of artificial rain

The making of artificial rain must be based on water demands in areas facing water shortage and available conditions to decide on appropriate artificial rain-making methods and scope, and be permitted by competent state agencies.

Chapter V

PREVENTION, CONTROL AND  
REMEDY OF HARMFUL EFFECTS  
CAUSED BY WATER

**Article 58.** Responsibilities and obligations for prevention, control and remedy of harmful

effects caused by water

1. State agencies, organizations and individuals are obliged to participate in the prevention, control and remedy of harmful effects caused by water in accordance with this Law and other relevant laws.

2. The Government shall decide on, and direct ministries, ministerial-level agencies and People's Committees at all levels in implementing, measures to prevent, control and remedy harmful effects caused by water.

3. Ministries, ministerial-level agencies and People's Committees at all levels shall, within the ambit of their tasks and powers, decide on, and organize the implementation of, measures to prevent, control and remedy harmful effects caused by water.

**Article 59.** Prevention, control and remedy of harmful effects caused by natural disasters

The prevention, control and remedy of harmful effects of flood, inundation, sea level rise, hail and acid rain and other harmful effects caused by natural disasters comply with the laws on dikes, flood and storm prevention and control and other relevant laws.

**Article 60.** Prevention and control of drought, flood, inundation and artificial waterlogging

1. Reservoirs must have operation processes approved by competent authorities before storing water.

2. Great, important reservoirs on river basins must be operated under the inter-reservoir operation process approved by competent state agencies.

3. Reservoir and inter-reservoir operation processes must assure the maintenance of the minimum flow and prevention and control of flood, inundation, drought and water shortage in downstream areas and set aside a volume to assure the fulfillment of reservoirs' tasks, including a volume for flood prevention and control, and water supply under normal and abnormal weather conditions and upon change of water quality, with climate change elements taken into consideration.

4. Ministries, sectors, localities, river basin organizations and other related organizations shall be consulted on the operation processes of reservoirs or inter-reservoirs built on river basins before submission to competent authorities for approval.

5. The responsibility to elaborate reservoir and inter-reservoir operation processes is specified as follows:

a/ The Ministry of Natural Resources and Environment shall make a list of reservoirs which must be operated under inter-reservoir operation processes and elaborate the operation process of inter-reservoirs built on river basins for submission to the Prime Minister for approval;

b/ The Ministry of Agriculture and Rural Development, the Ministry of Industry and

Trade, provincial-level People's Committees and organizations and individuals managing and operating reservoirs shall, within the ambit of their tasks and powers, elaborate and submit to competent authorities for promulgation or promulgate according to its competence the operation processes of their reservoirs.

6. Organizations and individuals managing and operating reservoirs shall work out plans to respond to all cases of dam breaking and other circumstances that seriously threaten the safety of their reservoirs as well as people's life and property.

7. Lakes, ponds and lagoons must not be leveled so as to prevent and control flood and inundation and protect water resources.

Provincial-level People's Committees shall publicize lists of lakes, ponds and lagoons which must not be leveled in their localities.

The Ministry of Natural Resources and Environment shall publicize the list of lakes, ponds and lagoons which must not be leveled in the geographical areas of two or more provinces or centrally run cities.

**Article 61.** Prevention and control of salinization

1. The management and operation of sluices to prevent saline water and keep freshwater, reservoirs and flow-regulating works must comply with processes, standards and technical regulations so as to prevent and control salinization.

2. Groundwater exploration and exploitation in delta and coastal areas must assure the prevention and control of salinization for aquifers.

3. The exploitation of brackish water and saline water for production must neither cause salinization into water sources nor adversely impact agricultural production.

4. Organizations and individuals that exploit and use water resources for agricultural production must take measures to prevent and control alkalization, salinization and soil erosion and ensure no water source pollution.

**Article 62.** Prevention and control of land subsidence

1. Organizations and individuals practicing groundwater drilling, geological exploration or mineral or petroleum exploration drilling must comply with safety standards and technical regulations against land subsidence.

2. Organizations and individuals that explore or exploit groundwater shall implement measures specified in their licenses and comply with safety standards and technical regulations to prevent land subsidence.

When land subsidence occurs, they shall immediately stop groundwater exploration and exploitation activities and, at the same time, take remedies and report to the nearest local administration.

3. Organizations and individuals that

conduct mineral mining, build underground works or practice other drilling or digging activities shall comply with safety standards and technical regulations against land subsidence.

4. State management agencies in charge of water resources shall zone off areas where land subsidence has occurred or is likely to occur due to groundwater exploration and exploitation in order to take measures to restrict land subsidence.

**Article 63.** Prevention and control of river bank erosion

1. Renovation of river beds and banks, building of waterway works, exploitation of sand, gravel and other minerals on rivers or lakes must not cause landslide and adversely affect the stability of river and lake beds and banks and must be approved in writing by state management agencies in charge of water resources.

2. For rivers or river sections where bank erosion has occurred or is likely to occur, provincial-level state management agencies in charge of water resources shall identify the causes of bank erosion, propose measures to prevent and remedy bank erosion and report such to provincial-level People's Committees for consideration and zoning off of areas in which exploitation of sand, gravel or other minerals is banned or temporarily banned.

In case the rivers or river sections where bank erosion has occurred or is likely to occur

lie between two provinces or centrally run cities, related provincial-level People's Committees shall propose competent state agencies to approve areas in which exploitation of sand, gravel or other minerals is banned or temporarily banned.

3. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development in, stipulating the operation of vessels on waterway routes to prevent river bank erosion.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies and provincial-level People's Committees in, specifying the protection of river beds and banks; and direct the implementation of measures to protect river beds and banks for rivers being the boundaries of two provinces or centrally run cities.

5. People's Committees at all levels shall take measures to protect river beds and banks for rivers in their localities.

## Chapter VI

### WATER RESOURCE-RELATED FINANCE

**Article 64.** State budget revenues from water resource activities

#### 1. Water resource royalty and other taxes

according to tax laws.

2. Charges and fees according to the law on charges and fees.

3. Money from the grant of the water resource exploitation right.

4. Compensation to the State, fines for administrative violations in the field of water resources in accordance with law.

**Article 65.** Money for the grant of the right to exploit water resources

1. Organizations and individuals that exploit water resources shall pay money for the grant of the right to exploit water resources if:

a/ They exploit water for power generation for commercial purposes;

b/ They exploit water for non-agricultural business, service or production activities;

c/ They exploit groundwater for industrial tree plantation, cattle farming or large-scale aquaculture.

2. Money for the grant of the right to exploit water resources shall be determined based on the quality and type of water sources, exploitation condition, scope and duration and water use purposes.

3. The Government shall specify cases of water resource exploitation subject to payment of money for the grant of the right to exploit water resources, calculation methods and collection rates.

## Chapter VII

### INTERNATIONAL RELATIONS ON WATER RESOURCES

**Article 66.** Principles to be applied in international relations on water resources

The Vietnamese State applies the following principles on basic survey, protection, exploitation and use of transnational water sources; prevention, control and remedy of harmful effects caused by water; and international cooperation and settlement of disputes over transnational water sources:

1. Respect for independence, sovereignty, territorial integrity and interests of countries sharing common water sources;
2. Assurance of fairness, rationality and sustainable development in the exploitation and use of transnational water sources.
3. No prejudice to the rights and interests of countries sharing water sources in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party;
4. Compliance with Vietnamese law, international law and relevant treaties.

**Article 67.** Responsibility to protect Vietnam's rights and interests related to transnational water sources

1. Organizations and individuals shall protect Vietnam's rights and interests related to transnational water sources in accordance with

this Law and other laws of Vietnam.

2. The Ministry of Natural Resources and Environment shall monitor, supervise and summarize the situation of protection of transnational water sources and timely report arising matters to the Government and the Prime Minister for handling to protect Vietnam's rights and interests.

3. When detecting any abnormal phenomena regarding the flow, level and quality of transnational water sources running through their localities, People's Committees at all levels in border areas through which these water sources flow shall immediately report them to their immediate higher-level People's Committees. Provincial-level People's Committees shall summarize and report these phenomena to the Ministry of Natural Resources and Environment.

**Article 68.** International cooperation in water resource management and development

1. The Vietnamese State extends cooperation with other countries and foreign and international organizations in basic survey, protection, exploitation, use and development of water resources; human resource training and scientific research in water resources; and prevention, control and remedy of harmful effects caused by water.

2. The Vietnamese State encourages and cooperates in the exchange of information relating to transnational water sources;

coordinates in studying and elaborating master plans on protection, exploitation and use of transnational water sources; coordinates in preventing, controlling and remedying harmful effects caused by water; and facilitates the management and implementation of projects involving transnational water sources.

3. The Vietnamese State proactively joins international water resource organizations and international river basin organizations related to Vietnam in order to boost cooperation and exploitation, use and sustainable development of transnational water sources.

**Article 69.** Settlement of disputes and disagreements over transnational water sources

When settling disputes and disagreements over transnational water sources involving countries in the river basins or maritime zones under sovereignty, in addition to adhering to the principles specified in Article 66 of this Law, the following provisions must be complied with:

1. All disputes and disagreements over sovereignty in basic survey, protection, exploitation and use of transnational water sources; and prevention, control and remedy of harmful effects caused by water between countries sharing water sources, including Vietnam, must be settled on the basis of negotiation in conformity with treaties to which the Socialist Republic of Vietnam is a contracting party, and international practices.

2. All disputes and disagreements over

transnational water sources in river basins for which international river basin organizations have been set up with the participation of the Socialist Republic of Vietnam must be settled within the framework of these organizations in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party.

## Chapter VIII

### RESPONSIBILITIES FOR STATE MANAGEMENT OF WATER RESOURCES

**Article 70.** Responsibilities for state management of water resources of the Government, ministries and ministerial-level agencies

1. The Government performs the uniform state management of water resources.

2. The Ministry of Natural Resources and Environment shall take responsibility before the Government for the state management of water resources and management of river basins nationwide, and has the following responsibilities:

a/ To promulgate according to its competence or propose competent state agencies to promulgate and implement legal documents on water resources; promulgate technical regulations, norms and unit prices on water resource planning, basic survey, exploration, exploitation, use and protection;

b/ To elaborate and submit to the Prime Minister for approval or approve according to

its competence and organize the implementation of strategies and master plans on basic survey of water resources, water resource master plans; inter-reservoir operation processes, lists of river basins and lists of water sources; and plans on basic survey, regulation and distribution of water resources and rehabilitation of polluted or depleted water sources;

c/ To zone off and announce areas where groundwater exploitation is banned or restricted, areas requiring artificial supplementation of groundwater; publicize the minimum flow and groundwater exploitation limits; and notify the situation of drought and water shortage;

d/ To appraise water transfer projects and give opinions about specialized master plans involving the exploitation and use of water resources and activities related to the exploitation, use and protection of water resources according to its competence;

e/ To disseminate, propagate and educate about the law on water resources; to train human resources for water resource activities;

f/ To grant, extend, modify, invalidate and revoke water resource licenses and permit the transfer of the water resource exploitation right according to its competence;

g/ To conduct basic survey and supervision of water resources; to summarize results of basic survey of water resources and the situation of water resource exploitation, use and protection, and prevention, control and remedy of harmful

effects caused by water; to observe and issue warnings, forecasts and notifications of rain, inundation, drought, water shortage, pollution, salinization and other abnormal phenomena in water resources;

h/ To build a database and information system on water resources; to manage and preserve information and data on water resources; to publicize and publish documents and information on water resources;

i/ To submit to the Government and Prime Minister plans to solve matters related to transnational water sources, the participation in international organizations and conclusion of and accession to treaties on water resources; to assume the prime responsibility for international cooperation in water resources;

j/ To act as the standing body of the National Council of Water Resources, the Vietnam Mekong River Commission and other river basin organizations;

l/ To inspect, examine, settle disputes and handle violations of the law on water resources according to its competence.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Natural Resources and Environment in the state management of water resources.

**Article 71.** Responsibilities for state management of water resources of People's Committees at all levels

1. Provincial-level People's Committees, within the ambit of their tasks and powers, have the following responsibilities, have the following responsibilities:

a/ To promulgate according to their competence and organize the implementation of legal documents on water resources;

b/ To elaborate, approve, publicize and organize the implementation of water resource master plans and plans on basic survey, regulation and distribution of water resources, and rehabilitation of polluted or depleted water sources;

c/ To zone off and announce areas where groundwater exploitation is banned or restricted, areas requiring artificial supplementation of groundwater and announce the minimum flow and groundwater exploitation limits according to their competence, river areas where exploitation of sand, gravel or other minerals is banned or temporarily banned; and publicize lists of lakes, ponds and lagoons which must not be leveled;

d/ To organize the response to and remedy of water source pollution incidents; to monitor, detect and join in the settlement of transnational water source pollution incidents according to their competence; to establish and manage water source protection corridors and hygiene protection zones of domestic water-supplying areas; to assure domestic water supply in case of drought or water shortage or upon occurrence of water source pollution incidents;

e/ To propagate, disseminate and educate about the law on water resources;

f/ To grant, extend, modify, invalidate or revoke water resource licenses and permit the transfer of the water resource exploitation right according to their competence; to guide the registration of water resource exploitation and use;

g/ To organize water resource basic survey and supervision as decentralized; to report to the Ministry of Natural Resources and Environment on the results of basic survey of water resources, the situation of water resource management, exploitation, use and management, and the prevention, control and remedy of harmful effects caused by water in their localities;

h/ To build databases; to manage and preserve information and data on water resources;

i/ To inspect, examine, settle disputes and handle violations of the law on water resources.

2. District- and commune-level People's Committees, within the ambit of their tasks and power, have the following responsibilities:

a/ To take measures to protect water resources in accordance with law; to coordinate with agencies and organizations managing water resource observation, measurement and surveillance stations, water exploration and exploitation facilities and facilities for discharging wastewater into water sources, in protecting these facilities;



b/ To organize the response to and remedy of water source pollution incidents; to monitor, detect and join the settlement of transnational water source pollution incidents according to their competence;

c/ To propagate, disseminate and educate about the law on water resources; to handle violations of the law on water resources; to conciliate and settle disputes over water resources according to their competence;

d/ To periodically summarize and report to their immediate higher-level People's Committees on the situation of water resource management, protection, exploitation and use and the prevention, control and remedy of harmful effects caused by water;

e/ To organize the registration of water resource exploitation and use and discharge of wastewater into water sources according to their competence;

f/ To perform tasks of state management of water resources as decentralized or authorized by provincial-level People's Committees.

**Article 72.** Coordination and supervision of the exploitation, use and protection of water resources and prevention, control and remedy of harmful effects caused by water

1. The following activities in river basins must be coordinated and supervised:

a/ Coordinating measures to protect water resources, respond to and remedy water source pollution incidents; rehabilitate polluted or

depleted water sources, and prevent, control and remedy harmful effects caused by water on river basins;

b/ Regulating and distributing water resources; maintaining the minimum flow of rivers and groundwater exploitation limits; regulating and distributing water sources in case of drought or water shortage on river basins;

c/ Building and operating reservoirs, dams and other water-regulating works on rivers; water transfer projects and other large-scale and important water exploitation and use facilities on river basins;

d/ Discharging wastewater, posing a risk of serious pollution or deterioration of the quality of water sources on river basins; remedying water source pollution incidents and rehabilitating polluted water sources on river basins;

e/ Land-occupying activities, mineral mining and forest protection and development on river basins;

e/ Other activities in river basins specified by the Government.

2. The responsibility to coordinate and supervise the exploitation, use and protection of water resources and the prevention, control and remedy of harmful effects caused by water on river basins is specified as follows:

a/ River basin organizations shall propose the regulation and distribution of water sources and supervise the exploitation, use and protection of water resources and the

prevention, control and remedy of harmful effects caused by water on one or more than one inter-provincial river basin;

b/ Provincial-level People's Committees shall direct the regulation and distribution of water resources and supervise the exploitation, use and protection of water resources and the prevention, control and remedy of harmful effects caused by water on intra-provincial river basins;

c/ The Ministry of Natural Resources and Environment shall uniformly direct the coordination of activities of river basin organizations and provincial-level People's Committees and related agencies and organizations in regulating and distributing water resources, supervising the exploitation, use and protection of water resources and the prevention, control and remedy of harmful effects caused by water on river basins;

3. The Government shall specify the coordination and supervision of the exploitation, use and protection of water resources and the prevention, control and remedy of harmful effects caused by water on intra-provincial river basins.

**Article 73.** Competence to grant, extend, modify, invalidate and revoke water resource licenses

1. The Ministry of Natural Resources and provincial-level People's Committees shall grant, extend, modify, invalidate and revoke water resource licenses.

2. The Government shall prescribe the order, procedures and competence to grant, extend, modify, invalidate and revoke water resource licenses.

**Article 74.** National water resource council

1. The national water resource council shall be set up by the Government to advise the Government and the Prime Minister in making important decisions on water resources within the tasks and powers of the Government and the Prime Minister.

2. The Prime Minister shall define the tasks and powers of the national water resource council.

#### Chapter IX

#### SPECIALIZED WATER RESOURCE INSPECTION, SETTLEMENT OF DISPUTES OVER WATER RESOURCES

**Article 75.** Water resource specialized inspectorates

1. The Ministry of Natural Resources and Environment's Inspectorate, provincial-level Natural Resources and Environment Departments' inspectorates and agencies performing the state management of water resources shall perform the function of specialized water resource inspection.

2. The organization and operation of specialized water resource inspectorates comply with this Law and the inspection law.

**Article 76.** Settlement of disputes over water resources

1. Conciliation of disputes over water resources must be carried out as follows:

a/ The State encourages involved parties to conciliate by themselves their disputes over water resources;

b/ The State encourages the settlement of disputes over water resources among individuals and households through grassroots conciliation in accordance with the law on grassroots conciliation;

c/ Commune-level People's Committees shall organize conciliation of disputes over water resources in their localities when so requested by disputing parties.

2. District-level People's Committees shall settle disputes over the exploitation and use of water resources; discharge of wastewater into water sources in the cases not subject to licensing; if disputing parties disagree with dispute settlement decisions, they may lodge complaints with provincial-level People's Committees or initiate lawsuits at courts in accordance with law.

3. Provincial-level People's Committees shall:

a/ Settle disputes arising in the exploitation and use of water resources or discharge of wastewater into water sources falling under its licensing competence; if disputing parties disagree with dispute settlement decisions, they

may initiate lawsuits at courts in accordance with law;

b/ Settle disputes over water resources between district-level People's Committees;

c/ Settle disputes for which district-level People's Committees have made settlement decisions but disputing parties disagree with such decisions.

4. The Ministry of Natural Resources and Environment shall:

a/ Settle disputes arising in the exploitation and use of water resources or discharge of wastewater into water sources falling under its licensing competence; if disputing parties disagree with the Ministry of Natural Resources and Environment's dispute settlement decisions, they may initiate lawsuits at courts in accordance with law;

b/ Settle other disputes over water resources between provinces and centrally run cities.

5. Claims for damages related to the settlement of disputes over water resources must be filed in accordance with the civil law and the law on state compensation responsibility.

## Chapter X

### IMPLEMENTATION PROVISIONS

**Article 77.** Transitional provisions

From the effective date of this Law, the groundwater drilling practice, water resource exploration and use and discharge of wastewater

into water sources must be carried out as follows:

1. Organizations and individuals that have licenses granted under Law No. 08/1998/QH10 on Water Resources may continue their operations till the expiration of the duration stated in their licenses.

2. Organizations and individuals that are exploiting water resources shall pay money for the grant of the water resource exploitation right under this Law for the remaining period of the duration stated in their licenses.

**Article 78. Effect**

This Law takes effect on January 1, 2013.

Law No. 08/1998/QH10 on Water Resources ceases to be effective on the effective date of this Law.

**Article 79. Implementation detailing and guidance**

The Government shall detail and guide the implementation of articles and clauses as assigned in this Law.

*This Law was passed on June 21, 2012, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 3<sup>rd</sup> session.-*

*Chairman of the National Assembly*

**NGUYEN SINH HUNG**

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