



Secretariat of the Network of Asian River Basin Organizations (NARBO)
c/o Japan Water Agency

THEMATIC WORKSHOP ON WATER RIGHTS
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Water Rights Comparative Study - Country summary
VIETNAM

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29 - 31 May, 2007
Manila, Philippines

- RRBO, Institute of Water Resources Planning - MAR
- MONRE

Water Rights in Vietnam

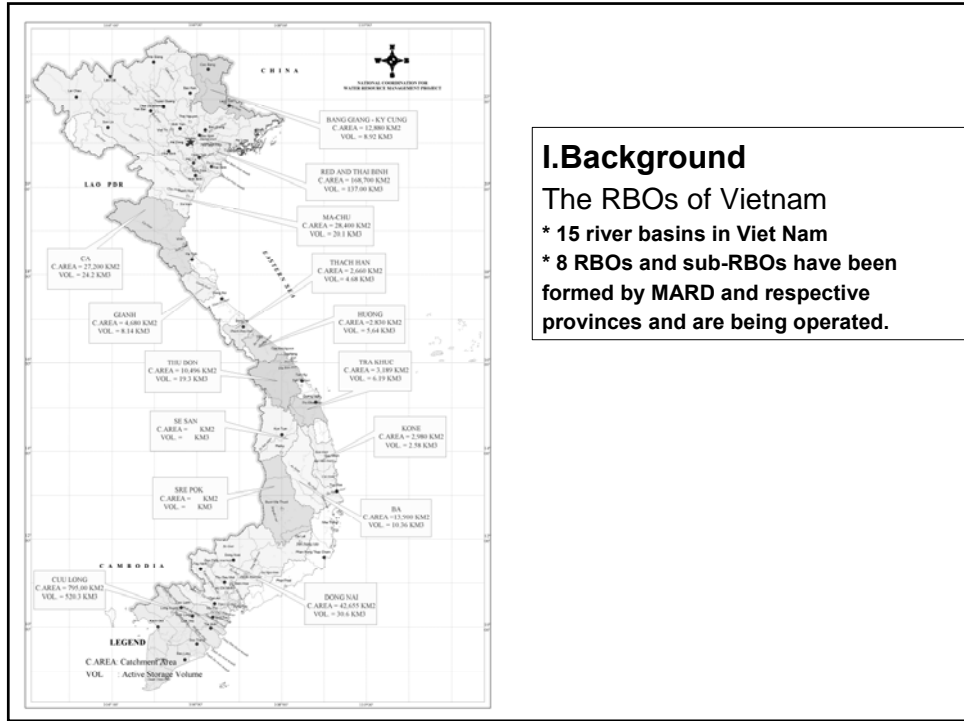
I. Background

II. Water Rights

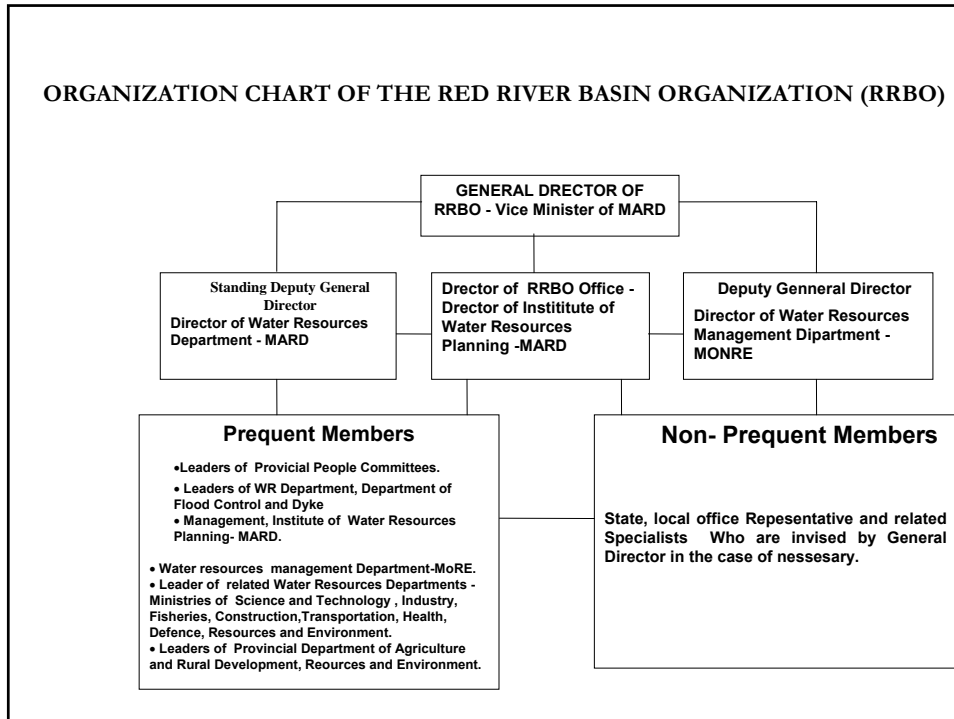
1. Relevant water related legislation, policy and strategy
2. Basic Water Rights
3. Water Use Rights (Allocation)
4. Organizational set up (in relation to water rights)
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III. Conclusion

Issues raised related to water rights and allocation



ORGANIZATION CHART OF THE RED RIVER BASIN ORGANIZATION (RRBO)



Water Rights in Vietnam

1. Relevant water related legislation, policy and strategy

- * 1998 Law on Water Resources (LWR) No.08/1998/QH10
- * 2003 Decree No. 86/2003/ND/CP on River Basin management
- * 2004 Decree on Licensing 149/2004/ND-CP.
- * 2006 National Water Resources Strategy (Prime Minister's Decision 81/2006/QĐ-TTg dated 14 April 2006)

Water Rights in Vietnam

2. Basic Water Rights

- **Legislated water rights:**
No absolute right defined for any water use.
- **Customary rights:**
Protected by Government' under the law.

Water Rights in Vietnam

2. Water Use Rights (Allocation):

2.1. Approach to allocating water use rights

Mixture of 'explicit' licensing system and administrative allocation on project basis (e.g. irrigation)

2.2. Priority for allocation

a. Ensure principle of equality, appropriateness and prioritization order in terms of quantity and quality of domestic water (Article 20 of LWR).

- The regulation and distribution of water resource for use puposes must be based on the planning of the river basin and the real potential of the water source and must ensure the principle of fairness, reasonability and priority in the quantity and quality of water for living.

- In case of water shortage, the regulation and distribution must give priority to the living purpose. For other use puposes, the regulation and distribution shall be made according to the percentage defined in the planning of the river basin and the principle of ensuring fairness and reasonability.

b. Water exploitation and utilization for domestic consumption is given the first priority (Article 22 of LWR).

Organizations and individuals have the right to exploit and use water resource for purposes of living, agricultural, forestry and industrial production, mining, electricity generating, water transport, aquaculture, sea fishery, salt making, sport, recreation, tourism, medicine, health rehabilitation, scientific research and other purposes as prescribed by this Law and other provisions of law.

2.3. Status of licensing systems (if applicable)

- It is operational. Licenses required for all organizations and individuals that exploit and use water resources, except the cases that are exempt from licensing.

Organizations and individuals that exploit and use water resources must get permission from the competent State agencies

- License period: 20 years for surface water and 15 years for ground water, 10 years for waste water discharge into water sources.

2.4.Environmental provision Issues

Not in legislation. Ensuring minimum ecological flows is a requirement of the National Water Resources Strategy (Pt. 2 s.2.2(a)(2) and Pt.3 s1.1(d))

2.5.Water trading

It is not permitted by Water Law. However it is addressed in National Strategy on Water Resources.

2.6.Drought provisions

- Priority uses are stipulated in Art. 20 of LWR.
- Decree No. 179/1999/ND-CP (Art.7) gives following priority during drought – mention of river planning:
 - *Daily life.*
 - *Water for cattle and poultry rearing and aquatic and marine product culture.*
 - *Important industrial establishments and scientific research institutions.*
 - *Food security and crops of high economic value.*
 - *Other water exploitation and use purposes.*

5. Organizational set up:

(in relation to water rights)

5.1. National Council on Water Resources: Policy development and inter-ministerial coordination

5.2. Ministry of Natural Resources and Environment (MONRE): Responsible for water resources management at national level and licensing transferred to MONRE from MARD in 2002.

5.3. Ministry of Agriculture and Rural Development (MARD): Responsible for irrigation development and flood management. Also retains responsibility for river basin management which remains a point of dispute with MONRE. Clarification of institutional responsibility has been awaited since 2002.

5.4. Provincial Departments of Natural Resources and Environment (DONRE)

Responsible for water resources management at local level.

5.5. River Basin Organisations: Future role in water resources planning but not yet effective.

5.5. Electricity of Vietnam, Ministry of Industry: Development of Hydropower projects.

5.6. Ministry of Construction: Responsible for urban water supply, including construction and management.

5.7. MOH : Drinking water standards and regulation

5.8. MOT : River channels and water transportation

5.9. MOF and MPI: Budget, planning, investment allocation and coordination of international assistance.

6. Provisions for participation / consultation:

Mainly through the formal political and administrative structures at provincial, district and commune levels. 'Councils for consideration of water use application formed.

III. Conclusion

Issues raised related to water rights and allocation

Institutional issues:

- Lack of secondary legislation and technical guidance for implementing allocation of water rights
- Low levels of coordination among organizations

Context-specific issues:

- Deteriorating water quality affecting water availability.
- Increasing competition for water due to economic growth and increase in per capita consumption.
- Increasing importance of cooperation on international rivers and on inter-provincial distribution for irrigation.
- Increasing prevalence of natural disasters ./.

Thank you for your attention