

Country Paper: Water Allocation and Water Right situation of Lao PDR

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Country Overview

- First the Name of National Assembly is The People's Supreme Assembly and in 15th August 1991 renamed the National Assembly
- The Constitution provides a legal framework for:
 - The political regime
 - The socio-economic system
 - The fundamental rights and obligations of Lao citizens
 - The government, local administration and the judicial system

Law and Decree

- The Water and Water Resource Law was passed by the National Assembly in November 1996 and became effective in March 1997.
- The Water and Water Resource Law consists 10 chapters and its framework identifies the range of issues which need to be addressed:

Chapter II: Surveying, Listing, and Determination of Water Source types and Reservoirs.

- The Article 11 Water source and Catchments Allocation
- Article 12 Determination of water and water Resources Allocation

Chapter III: Water and Water Resource Use

- Article 14 Right to Use Water and Water Resources

The Decree to implement the Law on Water and Water Resources No. 204 promulgated by the Prime Minister's Office on 9/10/2001

- **The Degree Implement on Water and Water Resource Law consists 10 chapters and its framework identifies the range of issues which need to be addressed:**

Chapter II: Survey, Inventory and Classification of Water Sources and River Basins

- **Article 9: Water Sources and River Basin Allocation**

Chapter III: The Use of Water and Water Resources

- Article 12: The Licensing of Water Use and Water Resources Development Activities

Criticize: status water allocation and right in Laos.

■ Water Allocation and Conflict Resolution

- There is as yet no process for resolving water use conflicts

■ Property Rights and Tenure

- The water rights are granted to these for a specified number of years on a case by case basis

■ The problems and issues on water allocations

- The current institutional problem in the water sector mainly relates to lack of co-ordination between agencies within the sector and with those of other sectors

Prioritizing Water Allocation and Water Right in Lao PDR

- The Water and Water Resources Law of 1996, sets out a legal framework for development in the Water Sector but many issues in the Law, particularly the roles and responsibilities of various agencies for specific activities such as water allocation and the process for licensing water users, So need to be developed.
- The development of further legislation or decrees for sub-sect oral activities

Conclusion

- There is as yet no process for resolving water use conflicts
- . There has been no work yet undertaken to define the environmentally sustainable limits to either water allocation or use, or to licensed wastewater discharge.
- Lack of co-ordination between agencies within the sector and with those of other sectors
- There is no RBO

The Issues on water right system in Lao PDR (Section 2)

- Issues on water right system: At present, water right system has not been well-functioned because:
 - 1)Lack of secondary legislature
 - 2)Unclearity of authority related to water right system
- Ownership of water: The Water resources are state property.

- The procedure is provided by water and water resource Law, But is not clear
- The coordination with stakeholders among authority related for water user
- Conservation for customary water right: The concept of existing water right are provide in the water Law

- Consideration of environmental flow: No consideration of environmental flow, because in Lao PDR has a few droughts have happened
- Compulsory measure: The only water use licenses granted to this date are to hydropower. Most of water users use water without obtaining licenses. However, they have generally been given some form of approval by government through the development process.

- Water and Water resources management shall be controlled and management shall be divided according to size and water use right as provided for in Article 14 of this Law: Large scale use shall be government approved: Medium scale usage shall be approved by a relevant agent agency, but for significant medium scale use, there must be government approval and
- Situation of data collection: Lack of legislation data management