

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

THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM

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 Xth National Assembly, the 10th 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 XIIIth National Assembly of the Socialist Republic of Vietnam at its 3rd 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

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

The National Assembly promulgates the Law on Water Resources.

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

1 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