

THE LAW ON WATER RESOURCE

(No. 8/1998/QH10 of May 20, 1998)

Water is a natural resource of special importance, the essential component of life and the environment, deciding the existence and sustainable development of the country; on the other hand, water may also cause disasters to humans and the environment;

In order to increase the managerial efficiency of the State; raise the sense of responsibility of the State agencies, economic organizations, political organizations, social-political organizations, social organizations, People's Armed Forces units and all individuals in the protection, exploitation and use of the water resource; prevent, combat and overcome the harmful effects of water;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law provides for the management, protection, exploitation and use of the water resource; the protection, combat against and overcoming the harmful effects of water.

Chapter 1

GENERAL PROVISIONS

Article 1.- Ownership of water resource

1. The water resource comes under the ownership of the entire people under the unified management of the State.

2. Organizations and individuals are entitled to exploit and use the water resource for life and production. At the same time they have the responsibility to protect the water resource, prevent, combat and overcome the harmful effect caused by water as prescribed by law. The State protects the legitimate interests of organizations and individuals in the exploitation and use of the water resource.

Article 2.- Subjects and scope of regulation

1. The water resource as provided for in this Law comprises surface water, rain water, underground water, sea water in the territory of the Socialist Republic of Vietnam. Sea water and underground water within the exclusive economic zone and the continental shelf shall be provided for in other legal documents. Mineral water and natural thermal water shall be provided for by the Law on Minerals.

2. This Law regulates the management, protection, exploitation and use of the water resource and the prevention, combat against and overcoming of the harmful effect caused by water.

Article 3.- Explanation of terms and expressions

In this Law the terms below are construed as follows:

1. "Water source" designates different forms of accumulation of natural or artificial water which may be exploited or used, including rivers, streams, canals and rivulets; sea, lakes, lagoons and ponds; underground water storing layers; rain, ice, snow and other forms of water accumulation.

2. "Surface water" is water existing on the ground of continental land or offshore islands.

3. "Underground water" is water existing in the water storing layers under the ground.

4. "Water for living" is water used for eating, drinking and sanitation of humans.

"Clean water" is the water meeting the quality standards of clean water by Vietnamese standard.

5. "Water source for living" is the water source that can supply water for living or water that can be processed into clean water economically.

6. "International water source" is the water source from Vietnamese territory flowing onto the territories of other countries or from the territory of other countries flowing into Vietnamese territory or lying on the border between Vietnam and neighboring countries.

7. "Developing the water resource" is the measure aimed at raising the capacity of exploitation and sustainable use of water resource and raising the value of water resource.

8. "Protecting the water resource" is the measures aimed at preventing and fighting against the deterioration or depletion of the water resource, ensuring the safety of the water resource and safeguarding the capacity of developing the water resource.

9. "Exploiting the water source" is the activities aimed at bringing benefits from the water resource.

10. "Integrated use of the water source" is to make rational use of and develop the potential of a water source and limit the negative effect of water for

integrated service of many purposes.

11. "Sanitary protection area of the water use zone" is the area adjacent to the water use zone from the water source which is prescribed for protection in order to prevent and combat the pollution of the water source for living.

12. "Pollution of the water source" is the change of the physical properties, chemical properties and biological composition of water in violation of the permitted standard.

13. "Permit on water resource" includes the permit for exploration of underground water; permit for exploitation and use of the water resource; permit for the discharge of waste water into the water source and permit for warranted activities within the perimeter of protection of water conservancy works.

14. "Deterioration and depletion of water source" is the deterioration of the quality and quantity of the water source.

15. "River basin" is the geographical area in which surface and underground water naturally flows into the river.

16. "Zoning of river basin" is the planning of the protection, exploitation and use of the water source, the development of the water resource, the fight against, prevention and overcoming of the harmful effect caused by water in the river basin.

17. "Water conservancy works" is a works for the exploitation of the benefits of water, preventing and fighting against the harmful effect caused by water and protecting the environment and the ecological balance.

18. "Flood diversion and flood retention" is the deflection of part of the flood to another flow and the temporary retention of water in an area in order to lower the level of the flood.

19. "Area with difficult economic and social conditions" is an area of ethnic minorities, a mountain area, an area with underdeveloped infrastructure, or an area with unfavorable natural conditions.

20. "Area with exceptionally difficult economic and social conditions" is an area of ethnic minorities on the highlands, an area on islands, or an area with poor and weak infrastructure or an area with very unfavorable natural conditions.

Article 4.- Management of water resource

1. The State adopts the policy of managing, protecting and rationally, economically and efficiently exploiting the water resource; prevent, combat and overcome the harmful effect caused by water with a view to ensuring water for living of the people, the economic branches, ensure national defense and security, protect the environment and serve the sustainable development of the country.

2. The Government exercises unified State management of the water resource and all activities in the protection, exploitation and use of the water resource, the prevention, combat against and overcoming of the harmful effect caused by water throughout the country.

3. The People's Councils and the People's Committees at all levels shall, within the scope of their tasks and powers, take measures to manage, protect, exploit and use the water resource; prevent, combat and overcome the harmful effect caused by water; supervise and inspect the implementation of legislation on water resource in the localities.

4. The Vietnam Fatherland Front and its member organizations shall within the scope of their tasks and powers have to popularize legislation on water resource and mobilize the population to carry out and supervise its implementation.

5. State agencies, economic organizations, political organizations, socio-political organizations, social organizations, People's Armed Forces units and all individuals have the responsibility to implement legislation on water resource.

Article 5.- Protecting, exploiting and using water resource; preventing, combating and overcoming the harm caused by water

1. The protection, exploitation and use of water resource, the prevention, combat against and overcoming of the harm caused by water must comply with the zoning of the river basin already ratified by the competent State agency; ensure the systematic character of the river basin and must not lead to severance along the administrative boundary.

2. The protection of water resource, the prevention and fight against deterioration and depletion of the water source must be linked with the protection and development of forests and the reproductive capability of the water source and with the building and protection of water conservancy works, the prevention and combat against pollution of water source and the exploitation and integrated use of the water source in an economical, safe and effective manner.

3. In the prevention, fight against and overcoming of the harm caused by water, there must be a plan and measures to take the initiative in preventing, avoiding, alleviating and limiting the harm caused by water; ensure the harmonious combination of the interests of the whole country with those of different regions, branches, between modern science and technology and the traditional experiences of the people and in conformity with the capacity of the economy.

4. The projects on the protection, exploitation and use of water resource and on the prevention, combat and overcoming of the harm caused by water must contribute to socio-economic development and must take measures to ensure the life of the population, national defense, security, protecting the historical and cultural relics, beautiful landscapes and the environment.

Article 6.- Policy of investment in developing water resource

1. The State shall invest in the basic survey of water resource, building the system of observation posts and the system of data information, raising the capacity of forecast about rising water, floods, droughts, salinity infiltration, rise and spill-over of sea water and other harms caused by water.

2. The State shall work out a plan for priority investment to supply water for living of the population in the areas where water is particularly scarce, invest in and support the development of infrastructure on water resource.

3. The State shall have a preferential policy with regard to the organizations and individuals in the country and foreign organizations and individuals who invest in developing water resource, research on and apply advanced science and technology to developing water resource and protecting their legitimate rights and interests.

Article 7.- Financial policy on water resource

1. The organizations and individuals who exploit and use water resource have the financial duty and the duty to contribute manpower and budget to the building of works for the protection, exploitation and use of water resource, the prevention, fight and overcoming of the harm caused by water.

2. The State shall carry out the policy of exemption and reduction of tax on water resource, and water resource charge with regard to the areas with difficult socio-economic conditions and areas with exceptionally difficult socio-economic conditions.

Article 8.- International relations on water resource

The State encourages the broadening of international relations and international cooperation in the basic survey, protection, exploitation and use of water resource, in the prevention, combat against and overcoming the harm caused by water with a view to developing the water resource according to the principle of safeguarding sovereignty, territorial integrity, and mutual benefit and in conformity with the international conventions which the Socialist Republic of Vietnam has signed or acceded to.

Article 9.- Acts under strict ban

It is strictly forbidden to undertake acts which cause the deterioration or serious depletion of the water resource, illegally obstruct the circulation of water, sabotage the works for the protection, exploitation and use of water resource, the prevention, combat against and overcoming of the harm caused by water and obstruct the right of all organizations and individuals to exploit and use water resource lawfully.

Chapter II

PROTECTING THE WATER RESOURCE

Article 10.- Responsibility to protect the water resource

1. The State agencies, economic organizations, political organizations, socio-political organizations, social organizations, People's Armed Forces units and all individuals have the responsibility to protect the water resource.

2. The local administration at all levels has the responsibility to protect the water resource in the locality.

3. Organizations and individuals have the responsibility to regularly protect the water resource directly exploited or used by them.

4. The person who detects an act or sign of causing harm or threatens the safety of the water source has the duty to prevent, overcome or to inform immediately the local administration or the nearest agency and organization with a view to timely settlement.

Article 11.- Preventing and fighting deterioration and depletion of water source

1. The State shall have a plan to protect and develop headwater forests and other forests, build water conservancy projects, restore the deteriorated and depleted water source, encourage organizations and individuals to exploit and use water rationally and economically in order to protect the water resource.

2. Organizations and individuals that exploit and use the water source must comply with the regulations on prevention and combat against deterioration and depletion of the water source.

Article 12.- Protecting underground water

1. Organizations and individuals that conduct geological exploration drills or exploration drills for underground water, or that prepare for the laying of foundations of constructions must take measures to protect underground water resource according to prescriptions of law.

2. Organizations and individuals that exploit underground water must comply with the order and norms on technical safety and prevention against depression and sinking, on the protection of water-storing layers and the related environment, on land filling after exploitation.

3. Organizations and individuals that exploit minerals or build underground works or build constructions for the exploration of underground water must comply with the order and norms on technical safety, prevention against the deterioration and depletion of underground water source and against causing serious depression of the ground surface.

Article 13.- Protection of water quality

1. In the plan of socio-economic development of the whole country and in each locality, there must be a plan to prevent and fight against water pollution and restore the quality of the polluted water source.

2. The planning and management of the industrial areas, tourist areas, concentrated population areas, hospitals, major livestock raising and slaughtering areas, garbage dumping grounds, burial grounds for radioactive matters and waste, and cemeteries must comply with the provisions of this Law and the legislation on the protection of the environment and ensure against pollution of the water source.

3. It is strictly prohibited to introduce into the water source any noxious waste, unprocessed discharge water or water that has been processed but not up to the permissible standards as provided for by

the legislation on the protection of the environment.

Article 14.- Protection of the quality of the source of water for living

1. All organizations and individuals have the duty to carry out measures of environmental sanitation in order to protect the source of water for living.

2. It is forbidden to discharge waste water or to introduce pollution-generated substance into the sanitary protection zones of the living water providing areas.

The People's Committees at all levels shall define the sanitation protecting zones of the living water providing areas within the locality.

Article 15.- Protecting the quality of water in agricultural production, raising aquatic and marine products, in industrial production and mining

1. Organizations and individuals using chemicals in agricultural production, raising aquatic and marine products must not cause pollution of the water source.

2. Industrial production and mining establishments must not discharge waste gas and unprocessed waste water or water processed not up to the permissible standards into the air and the water source leading to the pollution of the water source.

Article 16.- Protecting water quality in other activities

Organizations and individuals that exploit and use water resource for purposes of water communication and transport, sports, entertainments, tourism, medicine, convalescence, scientific research and other purposes must not cause pollution of the water source; violations shall be handled according to the provisions of this Law and the legislation on protection of the environment.

Article 17.- Protecting water source in urban areas and concentrated population centers

1. The People's Committees at all levels shall work out plans and organize the implementation of the processing of waste water in urban areas, and concentrated population centers within their localities and ensure the permissible criteria before discharging waste water into the water source.

2. All acts of causing filling of the river beds, and illegally filling public ponds and lakes are strictly forbidden.

Article 18.- Discharging waste water into water source

1. Organizations and individuals using water for production, business and other activities must have permission of the competent State agencies when they discharge waste water into the water source.

2. The granting of permit to discharge waste water into the water source must be based on the capacity of receiving waste water of the water source and the assurance of no pollution of the water source and the protection of the water resource.

The Government shall make concrete provisions on the issuing of permit to discharge waste water into a water source.

Article 19.- Rights and obligations of organizations and individuals which are permitted to discharge waste water

1. Organizations and individuals that are permitted to discharge waste water into water sources have the following rights:

a/ They are paid compensation for damage according to the provisions of law if the competent agency that issues the permit for waste water discharge changes the location or shortens the time-limit during which the discharge of waste water is permitted;

b/ They can lodge a complaint or file a legal action against an act violating the right to discharge waste water and other legitimate interests as prescribed by law.

2. Organizations and individuals that are permitted to discharge waste water into water sources have the following obligations:

a/ To process waste water in order to reach the permissible criteria before discharging waste water into the water source; they shall have to pay compensation for damage if they violate the prescriptions on the discharge of waste water and cause damage.

b/ To pay the fee for permit issuing, the fee for discharging waste water into water sources as prescribed by law.

Chapter III

EXPLOITATION AND USE OF WATER RESOURCE

Article 20.- Regulating and distributing water

resource

1. The regulation and distribution of water resource for use purposes 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.

2. In case of water shortage, the regulation and distribution must give priority to the living purpose. For other use purposes, 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.

The Government shall make concrete provisions on the regulation and distribution of water resource.

Article 21.- Diverting water from one river basin to another

1. The building of projects to divert water from one river basin to another must be based on the national strategy on water resource, the planning of related river basins, the socio-economic development plans of the localities in the related river basins and must take into full account the potentials of the river sources, and the need for water and the impact on the environment.

2. The competence in ratifying the projects of diverting water from one river basin to another shall comply with the stipulations in Article 59 of this Law. In cases related to international water sources, the ratification of the projects shall also have to comply with the provisions of Article 53 of this Law.

Article 22.- Rights of organizations and individuals that exploit and use water resource

Organizations and individuals that exploit and use water resource have the following rights:

1. They 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. They are entitled to benefit from the exploitation and use of water resource, to assign, lease, legate and mortgage their properties for investment in the exploitation and use of water resource, and to develop water resource as prescribed by this Law and other

provisions of law.

3. They are entitled to compensation for damage in case their permits for exploitation and use of water resource are withdrawn before term for national defense and security reasons or other national and public interests as provided for in this Law and other provisions of law.

4. They can lodge complaints and seek legal actions at the competent State agencies for acts of violation of the right to exploit and use water resource and other legitimate interests;

5. They enjoy State protection over their legitimate rights in the exploitation and use of water resource.

Article 23.- Obligations of organizations and individuals that exploit and use water resource.

1. Organizations and individuals that exploit and use water resource have the following obligations:

a/ To fully carry out the provisions of law on water resource;

b/ To use water for the right purposes, economically, safely and efficiently;

c/ To supply information with a view to inventoring and evaluating water resource when requested;

d/ Not to cause obstruction or damage to the legitimate exploitation and use of water resource by other organizations and individuals;

e/ To protect the water resource under exploitation and use;

f/ To fulfil their financial obligation, to compensate for the damage caused by themselves in the exploitation and use of water resource as prescribed by law.

2. Organizations and individuals that exploit and use water resources where permits of the competent State agencies are required, in addition to the implementation of the prescriptions of Item 1 of this Article, they also have to implement the terms under the permit.

Article 24.- Issuing permits for exploitation and use of water resource

1. Organizations and individuals that exploit and use water resources must get permission from the competent State agencies except the cases stipulated

in Item 2 of this Article.

2. Cases in which permission is not required:

a/ To exploit and use sources of surface water and underground water of small scale for family use in living;

b/ To exploit and use sources of surface water and underground water of small scale for the family in agricultural, forestry production, aquaculture, small industry and handicraft production, hydropower generation and other purposes;

c/ To exploit and use sources of sea water of small scale for family use in making salt and raising marine products;

d/ To exploit and use rain water, surface water and surface sea water already assigned or leased according to prescriptions of law on land, the provisions of this Law and other prescriptions of law;

e/ The other instances shall be prescribed by the Government.

The Government shall provide for the issue of permits and for the exploitation and use of water on small scale within the family mentioned in this Article.

Article 25.- Exploitation and use of water resource for living

1. The State shall give priority to the exploitation and use of water resource for living purposes through the following measures:

a/ To invest in and support the projects of supply of living water, clean water, to give priority to the areas with exceptional scarcity of water, areas with difficult socio-economic conditions, areas with exceptionally difficult socio-economic conditions, and areas with heavily polluted water sources;

b/ To encourage organizations and individuals in the country and foreign organizations and individuals to invest in the exploitation of water sources for living.

2. The People's Committees at all levels and the competent State organizations shall have to work out and carry out planning, plans and projects for supply of living water and clean water, and carry out urgent measures to ensure water for living in case of natural calamities or accidents causing shortage of water.

3. Organizations and individuals that are supplied with water for living and clean water shall have to

contribute manpower and finance to the exploitation and treatment of water for living and clean water as prescribed by the competent agencies and organizations.

Article 26.- Exploitation and use of water resource for agricultural production

1. The State shall invest in and support the exploitation and use of water resource for agricultural production.

2. Organizations and individuals exploiting and using water resource for agricultural production must take measures to save water, prevent and combat acidity and salinity of water, slushiness and erosion without polluting the water source.

3. Organizations and individuals can only exploit and use waste water after ensuring that the quality of water meet the prescriptions of the competent State agency for agricultural production.

Article 27.- Exploitation and use of water resource for salt making and raising of aquatic and marine products

1. The State encourages investment in the exploitation and use of sea water for salt production. Organizations and individuals using sea water to produce salt must not cause the infiltration of salinity and adverse impact on agricultural production and on the environment.

2. Organizations and individuals can use waste water only after satisfying that the quality of water meets the prescriptions of the competent State agency for aquaculture and the raising of marine products. The exploitation and use of water resource for the exploitation, raising of water and marine products must not cause the deterioration and depletion of the water sources or obstruction to the current or damage to the water conservancy works, impede water navigation or cause salinisation of the water source and the agricultural land.

Article 28.- Exploitation and use of water resource for industrial production and mining

1. Organizations and individuals that exploit and use water resource for industrial production must save water. They are encouraged to use running water, re-use water and must not cause pollution of the water resource.

2. Organizations and individuals that exploit and

use water resource for mining must take measures to treat water and reintroduce it into the source as planned after using water.

Article 29.- Exploitation and use of water sources for hydro-electricity

1. The State encourages the exploitation and use of water sources for hydro-electricity.

2. The building of hydroelectric works must comply with the planning of the river basin and the prescriptions on environmental protection.

3. Organizations and individuals that exploit and use water sources for hydro-electricity must comply with the process of operating and regulating water ratified by the competent State agency, ensure the integrated use of the water sources except for the exploitation and use of water sources for hydro-electricity on small scale for family use.

Article 30.- Exploitation and use of water sources for water navigation

1. The State encourages the exploitation and use of water sources to develop water navigation.

2. Water navigation activities must not cause pollution of the water sources, or hamper the current or damage the bed and banks of the current and constructions on the current; in case of damage compensation must be paid according to prescriptions of law;

3. The building of constructions and the planning of water navigation lines must comply with the planning of the river basin and the planning of the development of the coastal areas.

4. The building and management of other constructions related to the water source must ensure safety and normal operation of the water transport means and must not adversely affect the environment.

Article 31.- Exploitation and use of water resource for other purposes

Organizations and individuals exploiting and using water resource for scientific research, medicine, health rehabilitation, sport, entertainment, tourism, the building of houses on water surface and for other purposes must ensure rational and economical use of water, must not cause deterioration or depletion of the water source, or impede the current or cause salinisation and other adverse effects on the water source.

Article 32.- Making artificial rain

The making of artificial rain must be based on the requirement in water of the water deficient area and the permissible conditions in order to decide on the rational measures and scale and must be permitted by the competent State agency.

Article 33.- Right to conduct water through

Organizations and individuals exploiting and using water resource and discharging waste water into the water source legally are entitled to conduct water through the contingent land or property under the management and use right of other organizations or individuals as stipulated in this Law and the Civil Code.

Article 34.- Prospecting and exploiting underground water

1. Organizations and individuals that prospect and exploit underground water must get permission from the competent State agency except for cases stipulated in Points a and b of Item 2 of Article 24 of this Law.

2. The issue of permits for exploiting underground water must be based on the result of basic survey and prospection of underground water and its potential and reserve.

3. Organizations and individuals conducting probing drills, geological surveys and prospection and construction of underground water works must have operation permits.

Article 35.- Addition and change to the goal and scale of exploitation and use of water resource

Organizations and individuals that are permitted to exploit and use water resource shall have to get the permit from the competent State agency when they make additions or changes to the purpose and scale of the exploitation and use. If they cause damage they shall have to pay compensation as prescribed by law.

Chapter IV

PREVENTING, COMBATING AND OVERCOMING THE CONSEQUENCES OF FLOODS AND OTHER HARMFUL EFFECTS OF WATER

Article 36.- Responsibility and duty to prevent, fight and overcome the consequences of flood and other harmful effects of water

1. State agencies, economic organizations, political organizations, socio-political organizations, social organizations, People's Armed Forces units and all individuals have the duty to take part in the prevention, fight against and overcoming the consequences of flood and other harmful effects of water.

2. The Government shall decide and direct the Ministries, branches and the People's Committees at various levels to carry out measures to prevent, fight and overcome the consequences of flood and other harmful effects of water.

3. The Ministries, branches and the People's Committees at various levels shall, within their tasks and powers, decide and organize the implementation of measures to prevent, fight and overcome the consequences and other harmful effects of water.

Article 37.- Setting norms and plans to prevent and combat floods

1. The State managing agency on water resource has the duty to set the norms for preventing and fighting floods in each area of the river basin as basis for the planning and building constructions and programs for preventing and fighting floods in the river basin.

2. The Ministries, branches and People's Committees at various levels shall base themselves on the norms for preventing and combating floods in each area of the river basin and the program of preventing, and combating floods in the river basin to work out plans of each Ministry, branch and locality to prevent and combat floods.

3. Basing themselves on the general plan for preventing and combating floods, the Ministries, branches and People's Committees at various levels shall work out their own plans of preparing manpower, materials, means and other necessary conditions to handle the situation when flood occurs.

4. The State managing agency in meteorology has the responsibility to organize the observation and forecast and issue timely information on rain, flood and the rising of sea water on the national scale.

Article 38.- General plan of distributing the population, distributing production and building the infrastructure in the flood-prone regions

1. The planning of the population, distributing production and building the infrastructure in the

flood-prone regions must comply with the general plan for prevention and combat against floods of the river basin and with the characteristics of floods in each region.

2. The building of stores for food, noxious substances, explosives, fuel, essential materials and other important assets in the area of flood diversion, flood delay, and areas prone to flood must comply with the overall plan of preventing and combating flood of the river basin and must have the permission of the competent State agency.

Article 39.- Water reservoirs and the preventing and fight against flood

1. The building of water reservoirs must comply with the provisions of Article 5 of this Law and ensure the norms for prevention and fight against flood.

2. Organizations and individuals that manage, exploit and protect the water reservoirs must have a plan to ensure the safety of the construction, to prevent and combat flood at the lower reaches in conformity with the general plan of prevention and combat against flood in the river basin and must strictly carry out the process of operation of the reservoir already approved by the competent State agency.

The Government shall provide for the appointment and assignment of responsibility for each level in operating the major water reservoirs.

Article 40.- Decision on flood diversion and delaying

1. In emergency situations when the dyke system is seriously threatened, the Prime Minister shall decide measures to divert or delay the flood related to the provinces and cities directly under the Government upward according to the plan already approved by the Government; the Presidents of the People's Committees of the provinces and cities directly under the Central Government shall decide measures of flood diversion and delaying in the locality according to the plan already approved by the Prime Minister.

2. The Government shall make concrete provisions for the emergency situations which warrant the diversion or delaying of floods and measures to evacuate the population safely, ensure production and life of the population, overcome the consequence of flood and provide relief for the population of the areas affected by the flood diversion and delaying.

Article 41.- Mobilizing manpower and means for

the prevention and combat against flood and overcoming the consequence of flood

1. In emergency situations, the Prime Minister and the Presidents of the People's Committees at various levels have the right to mobilize manpower, materials and means of any organization and individual to rescue victims, rescue constructions and properties threatened or damaged by flood and shall take responsibility for their decision.

2. The mobilized organizations and individuals must carry out the decisions of the competent State agency.

3. Organizations and individuals that have materials and means mobilized according to the decision of the competent State agency shall receive compensation according to prescriptions of law if damage is done to them.

4. If dykes or constructions to prevent and fight against flood or any construction related to the prevention and fight against flood are meeting with accidents or are threatened with accident, the local authorities must mobilize manpower, material and means to protect and rescue them according to the provisions of Article 51 of this Law and must report it to the managing agency of the works and the higher authorities.

5. The Government shall decide and direct the Ministries, branches and the People's Committees at various levels to conduct the overcoming of the consequence of flood.

6. The Ministries, branches and People's Committees at various levels shall, within the ambit of their tasks and powers, have the responsibility to organize the carrying out of measures to overcome the consequence of flood.

Article 42.- Draining flooded areas

1. The People's Committees of the provinces and cities directly under the Central Government frequently subjected to water logging must build and organize the implementation of a plan of drainage in line with the planning of the river basin and the requirement for socio-economic development and the protection of the environment.

2. The Ministries, branches, People's Committees at various levels and the related organizations and individuals have the responsibility to coordinate efforts in carrying out the drainage according to the assignment of responsibilities in the general plan of

drainage of the locality.

3. The State shall invest in and support the building, exploitation and protection of the drainage works with priority given to the especially vital areas.

Article 43.- Preventing, combating and overcoming the consequence of drought

1. The State shall invest in and support the building of water conservancy works in the areas frequently affected by drought in order to provide water source for living, production and to prevent and fight forest fires.

2. Organizations and individuals have the duty to take part in the prevention, fight against and overcoming the consequence of drought.

3. The State managing agency on water resource, the People's Committees at various levels have the responsibility to work out the plan and organize and direct effectively the prevention, fight against and overcoming of the consequence of drought.

4. The State managing agency on meteorology has the responsibility to supply in time information and forecast about meteorology in service of the prevention and fight against drought.

Article 44.- Prevention and fight against salinity infiltration, rising and spill of sea water

1. The State shall invest in and support the building of sea dykes and anti-saline and fresh water retaining dams, in the protection and development of protection forests against sea waves, against salinity infiltration and the rising and spilling of sea water.

2. The management and operation of anti-salinity and fresh water retaining dams and water reservoirs, and current regulating works must comply with the process and rules of ensuring the prevention and fight against salinity infiltration.

3. The prospection for and exploitation of underground water in the coastal areas must ensure the prevention and fight against salinity infiltration for the underground water holding layers.

Article 45.- Prevention and fight against hail and acid rain

1. The State managing agency on meteorology shall have to supply in time information and forecast on the possibility of hail and warn the population in time with a view to taking measures of prevention.

fight against and reduction of damage.

2. Organizations and individuals shall have to take measures to treat waste gas as prescribed by the law on environmental protection in order to avoid causing acid rain. If damage is caused by acid rain due to untreated gas, compensation shall have to be paid according to prescriptions of law.

Article 46.- Funding to prevent, combat and overcome the consequence of flood, drought and other serious effects of water

Funding to prevent, combat and overcome the serious effects caused by water include:

1. The State budget for the building and reinforcement of dykes and other works to prevent and fight flood and drought and other serious effects caused by water;

2. The reserve State budget to be spent on the overcoming of the consequences of flood, drought and other serious effects of water;

3. The fund for preventing and fighting against flood and storms of the locality contributed by the population according to prescriptions of the Government;

4. Aid from organizations and individuals in the country; from foreign governments, foreign organizations and individuals and international organizations.

Chapter V

EXPLOITATION AND PROTECTION OF WATER CONSERVANCY WORKS

Article 47.- Exploitation and protection of water conservancy works

1. Each water conservancy works must be placed under the direct managing, exploitation and protection responsibility of an organization or individual decided by the competent State agency.

2. Organizations and individuals that exploit a water conservancy works must conform with the general plan, process, rules and technical standard and other regulations on exploitation of construction works of the investment project ratified by the competent State agency.

3. Organizations and individuals that exploit and

benefit from water conservancy works must discharge their financial obligation according to provisions of this Law and other prescriptions of law.

Article 48.- Responsibility to protect water conservancy works

1. All organizations and individuals have the responsibility to protect water conservancy works.

2. The Government shall decide and direct the Ministries, branches and People's Committees at various levels to carry out the protection of water conservancy works.

3. The People's Committees at various levels have the responsibility to protect water conservancy works in their localities.

4. Organizations and individuals that manage and exploit water conservancy projects must take direct responsibility for protecting the projects.

5. The person or persons who detect acts or signs of damage or danger to the safety of water conservancy works has(have) the responsibility to prevent and overcome it or to report it immediately to the local administration, or to the nearest managing unit, or the nearest agency and organization with a view to timely handling.

Article 49.- Plan to protect water conservancy works

1. Organizations and individuals who manage and exploit water conservancy works must work out the plan to protect it.

2. The Government shall make concrete provisions on the competence to ratify and allocate responsibilities in carrying out the plan to protect the water conservancy works.

Article 50.- Area of protection of water conservancy works

1. The area of protection of the water conservancy works include the works itself and the neighboring areas.

The definition of the area of the neighborhood must be based on the characteristics of the works, the designing criteria and must ensure safety of the works, the conveniency for the operation, repair, maintenance and management of the works.

2. Organizations and individuals that manage and

exploit the water conservancy works must determine the area of protection of the water conservancy works and work out the plan to use land of the neighborhood according to the ratified prescriptions of the Government submitted to the competent State agency.

3. Organizations and individuals that conduct activities within the protection area of the water conservancy works and that may cause unsafety to the works must be permitted by the competent State agency.

The Government shall make concrete provisions on the area of protection of the water conservancy works, the competence in ratifying the area of protection of the water conservancy works and other permitted activities within the area of protection of the water conservancy works.

Article 51.- Dyke protection

1. All organizations and individuals have the responsibility to regularly protect the dykes and related constructions.

2. Dyke reinforcement shall have to be conducted regularly in the flood and storm season and must assure timely dyke rescue when the dyke is threatened by flood or storm or is in danger of being threatened by flood and storm

3. The Government shall decide and direct the Ministries, branches and People's Committees of various levels to look after the safety of the dykes.

4. The ministries, branches and People's Committees of all levels shall, within their respective tasks and power, have to organize the dyke reinforcement, protection and rescue so as to ensure the safety of the dykes.

On the basis of the provisions of this Law and the legislation on dykes, the Government shall make concrete provisions on the distribution of work and the allocation of responsibilities in the protection of the dykes.

Article 52.- Forbidden acts in the management, exploitation and protection of water conservancy works

The following acts are strictly forbidden:

1. To encroach upon and illegally use land within the area of protection of the water conservancy works, to conduct activities that obstruct the management, repair and handle the works in case of accident;

2. To conduct illegal activities that cause unsafety

to the water conservancy works within the area of protection of the works, including:

a/ Drilling and digging soil and stone, building illegal constructions within the area of protection of the water conservancy works and in the river bed or river banks causing unsafety to the works and affecting the quick drainage of flood;

b/ Using the dykes, embankments and culverts for navigation and transport thus causing unsafety to the dykes;

c/ Using explosives causing damage, unauthorized removal or filling of water conservancy works in service of public utility;

d/ Building supplementary water conservancy works to the existing works without prior approval of the competent State agency.

3. To operate water conservancy works contrarily to the prescribed technical process and rules;

4. Other acts that cause unsafety to the water conservancy works.

Chapter VI

INTERNATIONAL RELATIONS IN WATER RESOURCE

Article 53.- Principles in international relations in water resource

The Vietnamese State shall apply the following principles in the basic survey, protection, exploitation and use of international water sources; in the prevention, fight against and overcoming the harmful effect of water; in international cooperation and settlement of disputes on international water sources:

1. Respect for the sovereignty, territorial integrity and interests of the countries sharing the same source of water;

2. Ensuring justice, reasonability, mutual benefit and sustainable development in exploiting and use of international water sources;

3 Not to harm the rights and interests of the countries sharing the same source of water in conformity with the international conventions which the Socialist Republic of Vietnam has signed or acceded to;

4. Observance of Vietnamese law and implementation of the international conventions which

the Socialist republic of Vietnam has signed or acceded to; and respect for international law.

Article 54.- Responsibility of protecting the rights and interests of Vietnam with regard to international water sources

1. All organizations and individuals have the responsibility to protect the sovereignty of the national territory along the border on the sea and in the rivers and streams between Vietnam and neighboring countries or in international sea areas.

2. Organizations and individuals have the responsibility to protect the rights and interests of the Vietnamese State in the basic survey, protection, exploitation and use of water resource, in the prevention, fight against and overcoming the harmful effects of water, protection of the environment related to the international water sources as prescribed by this Law and other provisions of Vietnamese law.

Article 55.- International cooperation in the management and development of water resource

1. The Vietnamese State shall broaden cooperation with foreign countries, organizations and individuals in the basic survey, protection, exploitation, use and development of water resource; in the training of personnel, in scientific research in water resource; in the prevention, fight against and overcoming the harmful effects of water.

2. The Vietnamese State encourages the exchange of information related to international water resource, coordination in research and planning for the protection, exploitation and use of international water sources, coordination in planning the prevention, combat against and overcoming the harmful effects of water as prescribed by law; create favorable conditions for the management, elaboration and implementation of projects to increase the common interests and limit the damage to the population of the countries sharing the same water sources.

Article 56.- Settling disputes on international water sources

In settling disputes on international water sources related to countries in the river basin, besides applying the principles set in Article 53 of this Law, the following prescriptions shall also have to be complied with:

1. All disputes on sovereignty in the basic survey, protection, exploitation and use of international water sources, in the prevention, combat against and

overcoming the harmful effects of water among countries sharing the same water sources including Vietnam shall be settled by the Vietnamese State and the related States on the basis of negotiations in conformity with the international conventions which the Socialist Republic of Vietnam has signed or acceded to and with international practice;

2. All disputes on international water sources arising in the river basin involving an international river basin organization with the participation of the Socialist Republic of Vietnam shall be settled by the Vietnamese State and the related States in the framework of that international river basin organization as prescribed by the international conventions which the Socialist Republic of Vietnam has signed or acceded to.

Chapter VII

STATE MANAGEMENT OF WATER RESOURCE

Article 57.- Contents of State management of water resource

State management of water resource comprises the following:

1. To elaborate and direct the implementation of the strategy, general planning, plans and policies regarding the protection, exploitation, use and development of water resource; the prevention, combat against and overcoming the harmful effects of water;

2. To issue and organize the implementation of the legal documents, the process, rules and criteria on water resource;

3. To manage the basic survey of water resource; issue meteorological forecast, warning against flood, drought and other harmful effects of water; to organize the research and application of scientific and technological advances, to keep files on water resource;

4. To issue and revoke permits on water resource;

5. To decide measures and mobilize manpower, materials and means to prevent, combat and overcome the consequences of flood and drought and handle the accidents to the water conservancy works and other harmful effects of water.

6. To inspect and inspect the implementation and handle the violations of law on water resource; to settle disputes, complaints and denunciations about the

violations of the law on water resource;

7. To handle international relations in the domain of water resource; to carry out international conventions on water resource which the Socialist Republic of Vietnam has signed or acceded to;

8. To organize the managing apparatus, to train personnel, to educate on and popularize the legislation on water resource.

Article 58.- Management competence of the State on water resource

1. The Government exercises unified State management of the water resource.

2. The Ministry of Agriculture and Rural Development is answerable to the Government for the carrying out of the State management function on water resource.

3. The Ministries, ministerial-level agencies, and the agencies attached to the Government shall carry out the function of State management over water resource as assigned by the Government.

4. The People's Committees of the provinces and cities directly under the Central Government shall take responsibility for conducting State management over water resources within their localities as prescribed by this Law, other regulations of law and as assigned by the Government.

5. The system of organization and the tasks and powers of the State managing agency on water resource under the Ministry of Agriculture and Rural Development and the People's Committee at various levels shall be prescribed by the Government.

Article 59.- Competence in ratifying the general planning and projects on water resource

1. The National Assembly shall decide on the policy of investing in important national works on water resource.

2. The Government shall ratify the list and general planning of the major river basins and important projects on water resource.

3. The Ministry of Agriculture and Rural Development shall ratify the general planning on river basins, the general planning on water conservancy on assignment from the Government.

4. The Ministries, ministerial level agencies, the

agencies attached to the Government, the People's Committees of the provinces and cities directly under the central government, basing themselves on the planning on water resource shall ratify the draft projects on water resource on assignment of powers and allocation of responsibilities from the Government.

5. The Government shall provide for the assignment of powers and the allocation of responsibilities to ratify the plans and draft projects stipulated in Items 2,3 and 4 of this Article.

Article 60.- Basic survey, inventoring and evaluation of water resource

1. The Government exercises unified management of the basic survey on water resource.

2. The Ministries, ministerial-level agencies, the agencies attached to the Government shall conduct the basic survey, inventoring and evaluation of water resource according to the assignment of responsibilities by the Government.

3. The Ministry of Agriculture and Rural Development shall synthesize and manage the results of the basic survey, inventory, assess the water resource and build the database on water resource.

4. The People's Committees of the provinces and cities directly under the Central Government shall organize the conduct of basic survey, inventory and evaluate the water resource in their localities on assignment from the Government and under the guidance of the related Ministries and branches.

The Government shall make concrete provisions for the assignment of work and responsibilities and on the management of the result of the basic survey on water resource.

Article 61.- Competence in issuing and revoking permits on water resource

The distribution of work and assignment of competence in issuing and revoking permits on water resource must ensure the unified and concentrated managerial right of the Government and protect the right of organizations and individuals to legally exploit and use water resource.

The Government shall make concrete provisions on the competence in issuing and revoking permits in water resource.

Article 62.- Settling disputes on water resource

1. The State encourages conciliation in the disputes on water resources.

The People's Committees of the communes, wards and townships have the responsibility to coordinate with the agencies, organizations and individuals in the reconciliation of the disputes on water resources in conformity with the prescriptions of law.

2. The competent State agency which has issued a certain kind of permit on water resource shall have to settle complaints arising from the carrying out of that permit. In case the person in question disagree with the decision on settling the complaint, he has the right to send the complaint to the competent State agency or start a legal action at the Court as prescribed by law.

3. Other disputes on water resources shall be settled according to prescriptions of law.

Article 63.- National Water Resource Council

1. The Government shall set up the National Water Resource Council to provide consultancy for the Government in the important decisions on water resource that come under the tasks and powers of the Government.

2. The National Water Resource Council shall be composed of a President of the Council who is a Deputy Prime Minister, a standing member who is the Minister of Agriculture and Rural Development, and other members who represent a number of Ministries, branches and localities together with a number of scientists and specialists.

3. The concrete tasks and powers of the National Water Resource Council shall be defined by the Government.

Article 64.- Management of the river basin planning

1. The management of the river basin planning comprises the following:

a/ To elaborate , submit for approval and follow the implementation of the planning of the river basin, to ensure the unified management of the planning combined with the administrative zoning;

b/ To conduct the coordination with the concerned agencies of the Ministries, branches and localities in the basic survey, inventoring and evaluation of the water resource of the river basin, and in the elaboration, submission for approval and monitoring

of the implementation of the planning of the basins of the affluents;

c/ To suggest the settlement of disputes on water resource in the river basin.

2. The agency managing the planning of the river basin is a non business agency of the Ministry of Agriculture and Rural Development.

The Government shall make concrete provisions for the organization and activities of the agency managing the planning of the river basin.

Article 65.- Guiding and commanding the prevention, combating and overcoming the consequence of floods

1. The Central Committee to direct the prevention and fight against floods and storms and the Committee to command the prevention and fight against floods and storms of the Ministries, branches and localities have the responsibility to direct and command the prevention, fight against and overcoming of the consequence of floods according to the provisions of this Law and other prescriptions of law.

2. The Ministry of Agriculture and Rural Development is the standing agency of the Central Committee to direct the prevention and fight against floods and storms.

Chapter VIII

SPECIALIZED INSPECTION ON WATER RESOURCE

Article 66.- Tasks of the Specialized Inspector on water resource

1. The Specialized Inspector on water resource has the following tasks:

a/ To inspect the elaboration and implementation of the general plan, plans and programs of protecting, exploiting and using water resource; preventing , combating and overcoming the harmful effects of water;

b/ To inspect the observance of the process , rules and technical norms on the protection, exploitation and use of water resource, protection, combating and overcoming the harmful effects of water.

c/ To inspect the issue and revocation of permits on water resource and the observance of permits on

water resource;

d/ To coordinate with the State Inspector, the specialized Inspectors of the Ministries, branches and localities in the inspection of the observance of the law on water resource and other activities related to water resource.

2. To conduct specialized inspection on water resource under the Ministry of Agriculture and Rural Development and discharging the function of specialized inspection on water resource.

The Government shall make concrete provisions for the organization and activities of the Specialized Inspector on water resource.

Article 67.- Competence of the Specialized Inspector on water resource

1. In the process of inspection, the Inspection Team and the Inspector have the following rights:

a/ To ask the concerned organizations and individuals to supply documents and information and answer necessary questions;

b/ To collect and verify the evidences and documents related to the contents of the inspection and conduct measures of on-site technical control;

c/ To decide to stop the activities of exploitation and use of water resource, discharge of water into the water source without permit; suspend the activities of exploitation and use of water resource, discharge of waste water and other activities liable to cause serious harm to the water source and unsafety to the water conservancy works; at the same time to immediately inform the competent State agency for settlement;

d/ To handle according to their competence or propose to the competent agency to handle the violations of law on water resource.

2. The Inspection Team and the Inspector must take responsibility before law for their decisions.

Article 68.- Responsibility of organizations and individuals for the activities of the Specialized Inspector on water resource

1. Organizations and individuals that are objects of inspection have the duty to carry out the requests of the Inspection Team or the Inspector and the decision of the Inspection Team or the Inspector.

2. The other organizations and individuals have the responsibility to create conditions for the Inspection Team and the Inspector to carry out their tasks.

Article 69.- Right to complaint, denunciation and suing

1. Organizations and individuals that are object of inspection have the right to complain or file a suit about the decision or measure of handling taken by the Inspection Team or the Inspector as prescribed by law.

2. Individuals have the right to denounce to the competent State agency the violations of law on water resource.

3. The agency that receives the complaint, denunciation or legal suit has the responsibility to consider and settle in time as prescribed by legislation on complaint, denunciation and other prescriptions of law.

Chapter IX

REWARDS AND HANDLING OF VIOLATIONS

Article 70.- Rewards

Organizations and individuals with good records in the protection, exploitation and use of water resource, in the prevention, combat and overcoming the harmful effects of water, in the fight against acts of violation against legislation on water resource shall be rewarded according to provisions of law.

Article 71.- Handling of violations

1. Persons who take acts causing serious deterioration and depletion of the water source, who do not comply with the mobilization by the competent State agency when an accident on water source occurs, who sabotage or cause unsafety to water conservancy works, who fail to discharge their financial duty as prescribed by this Law or who violate the other prescriptions of law on water resource shall, depending on the nature and level of the violation, be subjected to discipline, administrative fine or examined for penal liability. If they cause damage they shall have to pay compensation as prescribed by law.

2. Those who misuse position and powers to violate or cover up persons who violate the

prescriptions regarding the issue of permits on water resource and other provisions of this Law, who illegally use the collections of water charge and fees shall, depending on the nature and level of the violation, be disciplined or examined for penal liability. If they cause damage they shall have to pay compensation as prescribed by law.

Chapter X

IMPLEMENTATION PROVISIONS

Article 72.- Prescriptions for permits on water resource issued before the Law on Water Resource takes effect

Organizations and individuals that are issued permits on water resource before this Law takes effect and the permits are still valid and not contrary to the provisions of this Law shall continue to apply the provisions of these permits unless they voluntarily apply for a new permit as prescribed by this Law.

Article 73.- Application of the Law on Water Resource to foreign organizations and individuals

This Law shall apply to the activities in the protection, exploitation and use of water resource, in the prevention, combat and overcoming the harmful consequences of water on Vietnamese territory by foreign organizations and individuals unless otherwise stipulated by international conventions which the Socialist Republic of Vietnam has signed or acceded to.

Article 74.- Implementation effect

This Law takes effect from the 1st of January 1999.

The earlier prescriptions which are contrary to this Law are now annulled.

Article 75.- Detailed provisions and guidance for implementation

The Government shall make detailed provisions and guide the implementation of this Law.

This Law was passed on the 20th of May, 1998 by the 3rd Session of the National Assembly of the Socialist Republic of Vietnam, Xth Legislature.

Chairman of the National Assembly
NONG DUC MANH