



**NETWORK OF ASIAN RIVER BASIN
ORGANIZATION (NARBO)**



**MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT**

**WORKSHOP ON WATER RIGHTS AND WATER ALLOCATION
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INTRODUCTION ON WATER RIGHTS IN VIETNAM

Nguyen Van Sinh

General Officer for RBO in Vietnam - MARD

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GENERAL INTRODUCTION

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GENERAL INTRODUCTION

- * Viet Nam recognizing the role of water in life and the development process of the country considers water as an essential resources, a vital element of life and environment deciding existence and sustainable development of the country (Law on Water Resources, 1998).
- * With the enactment of the Law on Water Resources and a series of by-laws, the water legal system have been strengthened. Water rights properly perceived by government levels, sectors and localities that confirm the role of water resources in the new development stage of the country.



INTRODUCTION OF WATER RIGHTS IN VIET NAM

1. Ownership of water resources

- a. Every body is equal in using water resources but uncontrolled exploitation may cause negative impacts on equitable utilization (Article 1–Law on Water Resources);
- b. Legislation stipulates the right on water exploitation and utilization but also provisions to realize the people’s ownership for water resources. Article 5 – Law on Water resources provides.
- c. The water resource under the ownership of the entire people is also realized in Article 7 on investment policy in water resources development – Law on Water resources.

THE OWNERSHIP OF WATER RESOURCES

The Law on water resources regulates emphasize that water belongs to entire people:

- + *All organizations and individual are entitled to exploit and use water resources but have duty to contribute manpower and budget to the building of hydraulic works for water resources exploitation, utilization and protection.*
- + *In parallel with the financial duty, the Law on also prescribes tax exemption, reduction for socio-economically difficult areas (Article 7 – Paragraph 2)*

THE RIGHT TO EXPLOITATION AND UTILIZATION OF WATER RESOURCES

Article 22 – Law on Water resources stipulate the rights of organizations and individuals to exploit and use water resources.


Article 25:

- In the first item, the Law specifies measures to be taken by the State in order to give the highest priority to domestic water use;
- In the second and third item: Stipulate the responsibilities of government agencies (people's committee); responsibilities of organization, individual to exploit and use water resources.

THE RIGHT TO EXPLOITATION AND UTILIZATION OF WATER RESOURCES

The Law on Water Resources also have stipulated more details on activities concerning to exploit and use water resources:

- Article 26: Exploitation And Use Of Water Resources For Agricultural Production.
- Article 27 - Exploitation And Use Of Water Resources For Salt Production And Aquaculture Raising
- Article 28 - Exploitation And Use Of Water Resources For Industrial Production And Mining
- Article 29 - Exploitation And Use Of Water Resources For Hydropower Generation
- Article 30 - Exploitation And Use Of Water Resources For Navigation
- Article 31 - Exploitation And Use Of Water Resources For Other Purposes



Above mentioned provisions reflect very clearly the viewpoints of the State of Viet Nam that: *The State encourages organizations and individuals to exploit and utilize water resources for purposes, they are not entitled to affect legitimate water rights of other organizations and individuals, at the same time the state protects their legitimate rights and interests.*



THE RIGHT TO DISCHARGE WASTEWATER INTO WATER SOURCES

Water rights do not solely comprise water ownership, water exploitation and utilization but also include the right to discharge wastewater into water sources in following strict regulations for the sake of environment protection.

In the Law on Water Resources:

Article 18 - Rights on discharging Wastewater Into Water Sources

Article 19 - Rights and Obligations Of Organizations And Individuals Allowed To Discharge Wastewater

THE RIGHT TO DISCHARGE WASTEWATER INTO WATER SOURCES

Permission to discharge wastewater into water sources is specified in Article 5 Decree No. 179, including:

- + Subjects to be granted permits.
- + Conditions for granting permits.
- + Duration of permits.
- + The withdrawal and suspension of permits.
- + The competence to grant and/or withdraw permits.

OTHER RELATED RIGHTS

The Law on Water Resources also stipulates **other related issues** concerning to water rights as follows:

- + Authority rights to supplement, change purposes, water resources exploitation scope and utilization
- + Priority right (Article 22 of the Law on Water resources): *water exploitation and utilization for domestic consumption is given the first priority.*
- + *Giving priority to domestic water supply is reflected in following contents:* water resources planning for domestic water use, hydraulic work construction plan, and capital investments. In water shortage circumstances, domestic water supplied is always given the highest priority .

OTHER RELATED RIGHTS

+ Right-of-ways For Water Conveyance (Article No 33).

+ Right to supply and dispose water through adjacent real estate/properties
(This right is also stipulated in the Civil Code)

+ The right for water irrigation, drainage in cultivation

SOME DISCUSSION ABOUT WATER USE RIGHT

a. Advantages in water resources management in Viet Nam:

- + Viet Nam is promoting water resources management activities. The Government of Viet Nam has policy to intensify preparation of legislations relating to water resources exploitation, utilization and protection as well as to prevention and fight against water-caused harms.
- + International support/aid.
- + National Rural Water Supply and Sanitation

b. Difficulties

- + Constraints in implementing state management for water resources
- + Implementation of Law on Water resources and Water rights:
- + Investments in water infrastructure for water sector:

CONCLUSIONS

- + Should have more activities to improve water rights in water resources management.
- + Protection and enhancement of water access for poor people is essential for their life
- + There is not any common formula for improvement of water right but a series of options for the optimal one is required.
- + Methods for improvement of water right and allocation institutions include setting up of forums, clarifying water rights, planning and modeling, and capacity building for specialized agencies.
- + Those methods can be introduced in chains with different combinations; optimally maximizing strengths of different water allocation institutions.



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