

# Introduction of water right system in Japan

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# Background

- Outline of water use in Japan
  - Agricultural water: 56.6km<sup>3</sup>/year (66%)
  - Water for water supply: 16.3km<sup>3</sup>/year (19%)
  - Industrial water: 12.3km<sup>3</sup>/year (14%)
- 87% - River Water Use, 13% - Groundwater Use
- Regarding river water use, water right system is provided by the River Law.
- Regarding ground water use, water right system has not been provided in Japan.

# Outline of water right (1/4)

- Legal Background – The River Law (Art 23)
- Ownership of river water – Public property
- Character of water right
  - Right to use a definite amount of water exclusively
  - Right shall be protected by government
- Classification
  - Permitted water right
  - Customary water right

# Outline of water right (2/4)

- Contents of water right of permitted water right
  - Purpose of water use
  - Venue of water intake
  - The method of water intake
  - The amount of water intake
  - Drop regarding hydropower generation
  - The amount of storage in a reservoir
  - Permitted period
- The contents of customary water right are decided on the basis of traditional and local institutions.

# Outline of water right (3/4)

- Permitter

“One Basin, One Permitter” principle

- Class A River: Minister of Land, Infrastructure and Transportation (With some exceptions)
- Class B River: Governor of Prefectures

- Permitted Period

- Hydropower generation: 30 years
- Other uses: 10 years
- Customary water right: Not be determined

# Outline of water right (4/4)

- Water Charges (Art 32)
  - In many cases, prefectural governor haven't collect water charges.
- River Ledgers (Art 12)
  - Registration of river use
- Transferability (Act 34)
  - Quite restricted

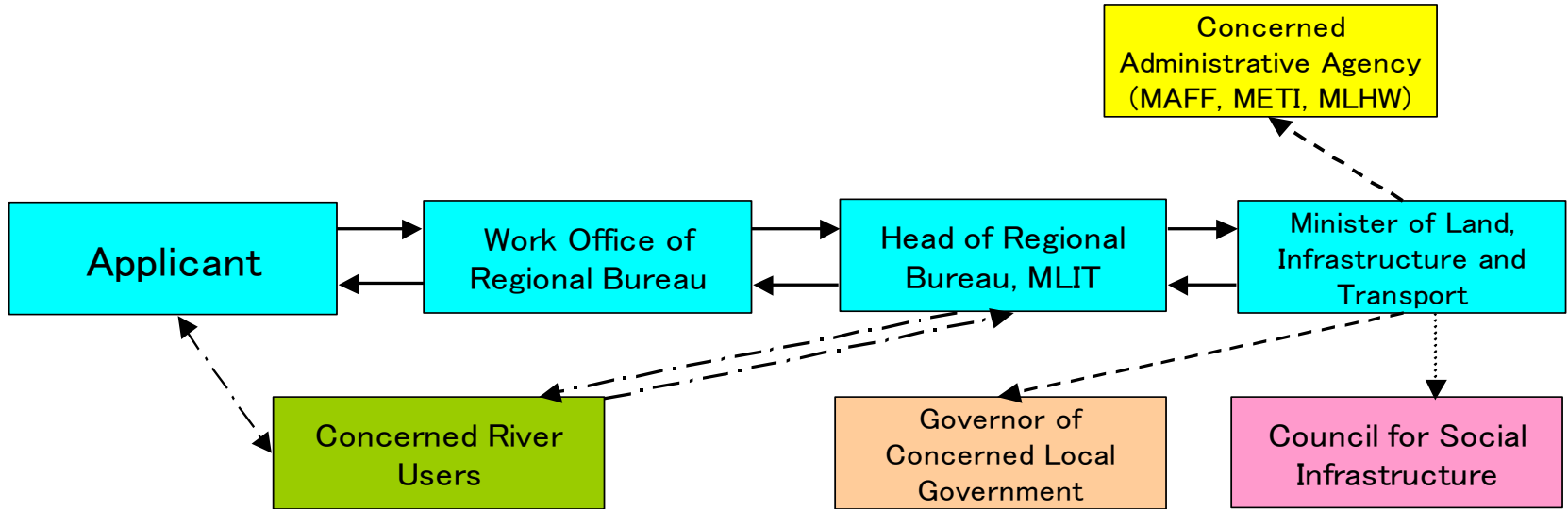
# Procedural Flow of Permission (1/2)

- Application from applicants
- Investigation for application by river administrator (mentioned later)
- Consultation with the concerned administrative organizations, prefectures and municipalities
- Coordination among concerned river users
- Compensation
- Issuance of permission



# Procedural Flow of Permission (2/2)

Procedural Flow (Example of Class A River, Permitter: Minister of Land, Infrastructure and Transport)



- Application, investigation and issuance of permission for river water use (Art 23)
- Procedure related to concerned river users (Art 38 & 39)
- { Consultation with concerned administrative agency (Art 35)  
Consultation with concerned Prefecture and Municipalities (Art 36)
- Consultation with Council for Social Infrastructure regarding judgement of public interest (Art 40, Paragraph 2)

## Criteria for Permission (1/2)

- Purpose of planned water use
- Practicability of the planned water use
- Security of water intake
- Detriment to public benefit

## Criteria for Permission (2/2)

- Security of water intake

**Condition:**

**[The amount of planned water use]  $\leq$  [The amount of standard drought water discharge] – [The amount of normal discharge]**

Due to:

- 1) Protection of existing water users & river environment
- 2) Beneficial water uses

# Customary (Existing) Water Right

- At the point of enactment of the River Law (1896), there are a lot of existing water uses (almost all are irrigation use) in Japan.
- These existing uses were deemed to be permitted by government.
- The contents of customary water rights are decided on the basis of generally-accepted, traditional and local institutions. However, they sometimes remain uncertainty.
- In order to obtain this deemed permission, it is necessary to notify the river administrator of the necessary matters.

# Drought Management

- Provision (Art 53, 53-2)
- Principle of drought conciliation
  1. Firstly, stakeholders including water users within the river basin coordinate their water uses with each other – “Drought Conciliation Council”
  2. Secondary, river administrator make an intervention among stakeholders directly.
- Exceptional arrangements for water utilization during droughts
  - Water right holder can have other water deficit sector use their water under approval of river administrator

# Discussion about water right

- Customary Water Right
  - Uncertainty about quantity
  - Permitted period is usually not decided
  - Inadequate monitoring
  - Usually don't pay water fee
- Transferability
  - Transfers are restricted strictly
  - It is not easy to transfer excess water to water deficit sectors
  - No motivation for saving/reducing water use
  - No water market system

# Conclusions

- **Advantage of water right system**
  - Provided explicitly in the River Law
  - “One basin, One permitter” principle
  - Explicit procedure and criteria
  - Consideration of the interest of stakeholders (Consultation, Hearing of opinions, compensation)
  - Protection of existing water use (Customary water right)
  - Drought management system
  - Grasp of river water use & Adequate data and information about river (River ledger & hydrologic measurement)
- **Discussions on water right system**
  - Customary water right & Transferability