



Evaluation of the results of 10 years of implementing the Law on Water Resources 2012

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The Law on Water Resources (LWR), which was passed by the National Assembly in 1998, was revised for the first time in 2012 and passed at the 3rd session of the 13th National Assembly on 21st June 2012, officially took effect from 1st January 2013 to present. On the basis of the provisions of the Law, the MONRE has developed and submitted to the Government, the Prime Minister to promulgate or the Ministry to promulgate according to its competence 70 documents to detail, guide the implementation of the Law (14 decrees, 21 decisions of the Prime Minister and 35 circulars); local authorities also issued 445 guiding documents for the implementation of the Law and decrees. After more than 10 years of implementation, the LWR 2012 has developed its effectiveness and efficiency in many aspects, creating a fairly complete and comprehensive legal framework in the management and protection of water resources nationwide. Water resource management has achieved achievements in institutions and policies; management, exploitation and protection of water sources; prevent and overcoming harm caused by water, also generation of revenue for the state budget, contributing to socio-economic development, ensuring security and defense.

Outstanding results

Regarding the basic survey of water resources, in the past time, the MONRE has issued the List of inter-provincial river basins; List of intra-provincial river basins; List of inter-provincial water sources; List of inter-country water sources (surface water sources); 6 local authorities have issued the List of minimum flows in intra-provincial rivers and streams according to their competence. In addition, the Ministry has announced the minimum flows downstream of 642 reservoirs and dams of 582 irrigation and hydroelectric works; the national total inventory of water resources is being carried out according to the Decision No. 1383/QĐ-TTg dated 4th August 2021 of the Prime Minister on approval of the National Scheme for Total Inventory of Water Resources for the period to 2025; the development of the water resource monitoring network is being carried out in accordance with the Master Plan of the national network of natural resources and environment monitoring stations for the period 2016 - 2025, with a vision to 2030. To date, investment has been made in building and putting into operation 23 independent surface water resource stations, 23 hydrological stations integrated surface water resource stations in 11 inter-provincial river basins and a number of other results in the ongoing basic survey of water resources at the Central as well as local levels. In addition, the management and supervision of exploitation and use of water resources has been strengthened and promoted, in which has been building and perfecting an automatic and online monitoring system for decision making and management at Central and local levels. Most water exploitation and use units have installed equipment, surveillance cameras, and transmitted information and

data to the monitoring system. This is an important foundation in the digital transformation as well as the operation of the national water resource information and database system.

Regarding planning, 6/15 master plans have been approved by the Prime Minister (Master Plan for water resources; master plan for basic survey of water resources; Master Plan for 4 river basins: Bằng Giang - Kỳ Cùng, Sê San, Sêrêpok, Hồng - Thái Bình), the Master Plan for Cửu Long River Basin is being submitted to the Prime Minister for consideration and approval. It is expected that in the period of 2023 - 2024, 8 master plans for the remaining river basins (Mã River, Cà River, Hương River, Vũ Gia - Thu Bồn River, Trà Khúc River, Côn River, Ba River, Đồng Nai River) will be submitted to the Prime Minister for approval. At the local levels, before the Law on Planning was promulgated in 2018, the whole country had 52/63 provinces and cities directly under the Central Government planning for water resources. After the Law on Planning No. 21/2017/QH14 took effect, local authorities have been developing and integrating the content of water resources in the provincial planning according to regulations.

In addition, the flow protection and water source protection have been decentralized to each local authority and reservoir owner. This policy contributes to the



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prevention and control of activities with potential risks of causing pollution, degradation and depletion of water resources; protection of the stability of riverbeds, banks, prevention and control of the encroachment of land near water sources; protection, conservation and development of aquatic ecosystems, natural flora and fauna along water sources, historical, cultural and religious values related to water sources... to protect and maintain water sources. Up to now, 43/63 provinces have approved the List of water sources for which protection corridors must be established; 10/63 provinces are developing the list to submit to the Provincial People's Committee for approval. Most of the hydroelectric reservoirs that are in operation (over 1 million m³) have been completed and are completing the marking of the corridor. 40/63 provinces and cities have also approved the sanitary protection zones for domestic water use for the projects in the province; 40/63 provinces and cities have approved and announced the list of lakes, ponds and lagoons that cannot be leveled.

The regulation and allocation of water resources with minimum flow requirements to ensure fairness in the exploitation and use of water resources has been gradually improved, significantly contributing to managing and minimizing conflicts from exploitation, use and protection of water sources. The promulgation and implementation of regulations of the Inter-reservoir Operation Procedures on 11 river basins is especially important to ensure the regulation and allocation of water sources as well as the integrated use of water sources and harm prevention caused by water.

Along with that, the organization of zoning and announcement of the list of areas restricted from exploitation of underground water and the implementation of measures to limit the exploitation of underground water according to the provisions of Decree No. 167/2018/

NĐ-CP of the Government has also been implemented aggressively across the country. Up to now, 26/63 provinces and cities have issued Decision to announce the List of areas restricted from exploitation of underground water, the remaining provinces are implementing according to the provisions of the Decree.

In addition, in implementing the LWR 2012, the Government has promulgated regulations on calculation methods and fees for granting the right to exploit water resources, ensuring the interests of the State as a representative of the owner of water resources and improving awareness and responsibility of organizations and individuals in the economical and efficient exploitation and use of water, ensuring fairness. According to statistics of the MONRE, as of 31st December 2022, the Ministry has issued nearly 1,500 decisions approving the grant of water resources exploitation rights with a total amount of over 12,000 billion VND, contributing to the state budget nearly 6,300 billion VND. At the local level, the provinces have approved the total amount of money for granting the water resources exploitation and use rights nearly 600 billion VND, of which contributed nearly 300 billion VND to the state budget. On average, the annual revenue from this activity for the state budget is about 1,300 billion VND and is expected to continue to increase due to more water resources exploitation projects coming into operation.



Some shortcomings and limitations

Besides the achieved results, after more than 10 years of implementation, there have been many changes in economic and social relationships; the State promulgated more policies and legislations related to the management, protection, exploitation and use of water resources, so the LWR 2012 revealed a number of shortcomings and limitations: Some provisions of the Law have interference, overlap with other laws leading to difficulty in implementation or waste of resources, it is necessary to amend and supplement to ensure consistency. The responsibility in management of water resources has not been clearly separated from the responsibility in management of water exploitation and use works as well as water-related activities; a number of relevant legal contents are not consistent and synchronous with the LWR, leading to the fact that there are overlapping tasks and inadequacies in implementation coordination among Ministries, sectors and local authorities; the lack of a legal framework for water security in the context that Việt Nam's water resources is facing many challenges, especially the issue of ensuring water security for daily life.

In addition, the Law does not have transparent and clear mechanisms and policies to create favorable conditions and encourage social resources from all economic sectors, socio-political organizations to participate in the implementation of activities within the scope of responsibilities of Ministries, sectors and local authorities such as monitoring water resources; restoring degraded, exhausted and polluted rivers; investing in the water sector... in order to improve efficiency in exploitation, use, protection and development of water sources. There are no specific policies and regulations to fully calculate and evaluate the value of water resources, which leads to uneconomical use of water, loss and waste of water, that destroys the development motivation, fails to call for socialization in the water sector. Some provisions on business conditions are no longer suitable with actual conditions such as provisions on conducting basic survey of water resources and planning on water resources.

On the other hand, the Law lacks provisions on policies on the use and allocation of revenues for the protection of aquatic resources, leading to the failure to promote economic development in regions. Some provisions are no longer appropriate and need to be amended and supplemented, such as the approval of the use of reservoir water surface; artificial addition of groundwater; control activities of digging lakes and ponds to create space to store water (lakes, ponds not on rivers, streams) or artificial channels for water; provisions related to flood prevention in urban areas; digital transformation issues, provisions related to decision support tools for water resource

management; specifying specific subjects in the case of exploitation and use of water for fire prevention and fighting, responding to and overcoming pollution incidents, epidemics and other emergencies; cases in which fees must be collected for granting water exploitation rights... In addition, the enforcement of the legislation on water resources in some places is not strict; the work of detecting, preventing and handling violations has not been done well; financial mechanisms, sanctions, control and supervision tools have not been really effective; the mechanism for cooperation and settlement of transboundary water problems has not been synchronized; a number of new contents arise in practice but the legislation has not yet regulated. Along with that, the coordination between levels and sectors is also a big challenge to be solved.

Thus, after more than 10 years of implementation, the LWR 2012 has contributed to creating positive changes in the awareness and actions of the whole society on the protection, exploitation and use of water resources; water resources are managed and used more effectively and sustainably, bringing revenue to the state budget. However, in the context of climate change, the situation is increasingly unpredictable, 60% of the water volume is formed outside the territory, and the quality of water resources declines, posing great challenges to the state management of water resources. Many new guidelines on water resource management, protection, restoration and assurance of national water security have been promulgated such as Resolution No. 24-NQ/TW dated 3rd June 2013 of the 11th Session of the 7th Central Party Committee Meeting, on proactively responding to climate change, strengthening resource management and environmental protection; Resolution No. 39-NQ/TW dated 15th January 2019 of the Politburo on improving the efficiency of management, exploitation, use and promotion of the economy's resources; Conclusion No. 36-KL/TW dated 23rd June 2022 of the Politburo on ensuring water security and safety of dams and reservoirs until 2030, vision to 2045... That fact requires the legislation on water resources and a number of laws related to the management and protection of water resources to be updated, amended and supplemented soon, ensuring consistency and comprehensiveness ■