



# Revision of the Law on Water Resources 2022: Ensuring high efficiency, feasibility and practicality

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*Over the past time, the Law on Water Resources (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 effectively and rationally. Water resources are managed and used more sustainably, bringing revenue to the state budget. However, with 63% of water being formed outside the territory of Vietnam and in the current increasingly unusual climate change conditions, the quality of water resources is showing signs of decline, posing great challenges, while several provisions of the LWR 2012 have revealed certain shortcomings and limitations which do not meet practical requirements. Therefore, the key task of state management of water resources in the period of 2022 - 2023 is to develop a Draft LWR (amended) and submit it to the National Assembly for comments and approval in 2023.*

## Law-making point of view

*Firstly*, institutionalize the view that water resources are a particularly important and essential resource, a public property owned by the entire people and uniformly managed by the State. Water resources must be the core in planning socio-economic development, population, sectors and fields with water exploitation and use, planning national development strategies; the exploitation and use of water resources must comply with regulations on management and use of public property, water resources must be managed, protected, exploited and used rationally, economically and effectively, meeting immediate as well as long term needs.

*Secondly*, the provisions of the Law must be consistent with the Constitution, in sync with relevant specialized legislations and international treaties to which Vietnam has signed or acceded; ensure that the provisions are clear, understandable, highly feasible, promote investment, socialize in parallel with strengthening protection of, improving the efficiency of state management of water resources, associated with the requirements of reforming administrative procedures in the direction of simplicity, efficiency and effectiveness.

*Thirdly*, inherit the provisions of the LWR 2012 that are effective and repeal any existing shortcomings; update, amend and supplement certain existing provisions to be appropriate to the reality and requirements of ensuring water security and protecting water resources in the new situation; legalize several provisions in the documents under the Law that have been effective in practice to increase the legal value of these provisions.

*Fourthly*, establish a legal framework for national water resource governance based on digital technology and integrate regulations related to water resource management, exploitation, use and supply in the LWR; continue to renovate institutions and policies in the direction of socializing the water sector, encouraging and attracting social resources and economic sectors to improve the effectiveness of the protection and development of water sources and to minimize the damage caused by water, while enhancing the value of water.

*Fifthly*, ensure national water security, reduce dependence on foreign water sources and the effects of climate change; focus on prevention, control and restoration of degraded, depleted and polluted water sources; separate the integrated and unified management of water resources from the management and operation of water exploitation and use works (irrigation, hydropower, urban and rural water supply, industrial and service water supply, waterway transportation...).

*Sixthly*, solve practical issues; legalize regulations that have been affirmed to be appropriate; perfect mechanisms and sanctions to prevent and strictly handle violations of policies and legislation on water resources.

*Seventhly*, develop the water economy, consider water products as essential goods having prices determined and needing to be managed and operated according to the market mechanism regulated by the State. Ensure equity in access to water resources; all people and all water users can access and use water sources for daily life and production at a reasonable cost.

*Eighthly*, approach the international trend taking into account the characteristics of Viet Nam; Develop a Draft Law that integrates content related, while delegating responsibilities to the Ministries and sectors for management in integrating regulations related to water resources, in charge according to their functions and tasks stipulated in the laws related to water resources such as irrigation, hydropower, water supply, water transportation...



### Some new points and directions for drafting the Law

When approved by the National Assembly, the LWR (amended) will improve the coherent and unified legal framework, ensuring openness and transparency to be able to maximize the exploitation of natural resources, rationally allocate and effectively use resources, ensure suitability with the new situation of Viet Nam. It will also enhance the effectiveness of utilization of water resources, aiming to ensure water security. This will be accomplished through the following new points:

1. Supplement provisions to ensure national water security throughout the entire Draft Law, through provisions that ensure water quantity (activities such as basic survey, management of information and databases on water resources; management of water exploitation and use needs; water resources planing; management of regulation and allocation for use various purposes); water quality for different uses (water source functions; water source carrying capacity; ensuring water quality for domestic use); ensuring ecosystems and the environment (minimum flow rates in rivers, river segments, lakes; groundwater extraction thresholds) and minimizing the negative impacts caused by water. In particular, specific provisions regarding water regulation and distribution, especially in drought and water shortage conditions.

2. Supplement provisions to promote socialization in a way that allows businesses to undertake tasks that they are capable of, thereby, reduce the investment resources of the State. The objective is to gradually shift towards a model where the State focuses on policy-making and oversight while businesses are responsible for implementation. Additionally, supplement provisions on resources for water resource protection and development, which clearly stipulate the resources required for activities related to water protection and development; clarify priority activities for socialization policies in the field of water resources protection and development. The perspective is to integrate economic development with reinvestment in water resources protection and development, landscape improvement, and the preservation of ecosystem values related to water.

3. Gradually shift from administrative tool-based management to economic tool-based one through provisions on fees, charges, and water exploitation rights fees, raising awareness of water resource protection, and promoting water conservation by water users. Amend and supplement provisions on water exploitation rights fees to ensure accurate and sufficient valuation of water resources, in this point, the Draft Law proposes the collection of fee for granting water exploitation rights for domestic water and implements a phased approach to fees for agricultural production.

4. Supplement provisions on water management, exploitation and use, in order to control water exploitation and use in accordance with the intended purposes, and the function of water sources, and the capacity of water sources and ensure minimum flow rates in rivers, streams, and groundwater extraction threshold; Provide for monitoring water extraction and use through interconnected, continu-

ous, and automated data transmission, and responsibilities of organizations and individuals in the supervision of exploitation and use of water resources.

5. Supplementing provisions on the prevention and control of the landslides of riverbeds, riverbanks and lakes and provisions on making and publicizing the list of lakes, ponds and lagoons that must not be levelled in order to strengthen the protection of water sources serve the functions of water regulation, flood control, and environmental protection.

6. Provisions on the responsibilities of the Ministry of Natural Resources and Environment, relevant Ministries, sectors and local authorities, organizations and individuals in developing contingency plans, regulation and allocation of water sources in case of drought or water shortage, and implementing water regulation and distribution in such situations.

7. Supplementing provisions to clearly define the responsibilities for managing water sources and the responsibilities for managing water exploitation works at both central and local levels in the entire Draft Law aimed at managing water resources on a digital technology platform, unifying databases, forming a set of tools to support real-time decision making, minimizing the human resources required for management and operation, and reducing the investment costs of the State.

The Draft Law is developed in the direction of separating the integrated and unified management of water resources from the management and operation of water exploitation and use works (irrigation, hydropower, urban and rural water supply, service and industrial water supply, waterway transportation...). It also aims to address overlapping, conflicting regulations and loopholes in the laws.

In addition, some contents are amended and supplemented, such as: The system of informationem, the data on water resources; the underground water protection; the artificial replenishment of groundwater. All types of works exploiting and using water must have permission; Supplement measures to prevent and respond to droughts, floods, artificial inundation; and solutions for inefficient water exploitation and use works causing degradation, depletion and pollution of water sources. Remove provisions on the conditions of consulting units for planning and basic survey of water resources ■