



# The Law on Water Resources 2023: Improve effectiveness and efficiency in state management of water resources

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The Law on Water Resources 2023 was officially passed by the 15th National Assembly on 27 November 2023 with 468 National Assembly delegates voting unanimously, accounting for 94.74% of the total number of delegates. This is a big step forward in thinking, approach, and changing water resources governance methods in the context that Vietnam's water sources are considered "too much, too short, too dirty" and ensuring that water resources are managed as public property owned by the entire people with the State representing the owner and unified management in accordance with the 2013 Constitution.

The Law on Water Resources 2023 includes 10 Chapters and 86 Articles. The scope of regulation of the Law stipulates the management, protection, regulation, allocation, restoration, development, exploitation and use of water resources; prevention, combat against and overcoming of consequences and harmful effects caused by water within the territory of the Socialist Republic of Vietnam. Ground water, seabed water and sea water in the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam; natural mineral water and hot water are not in the scope of regulation of this Law.

## FOUR IMPORTANT POLICY GROUPS OF THE LAW

The Law has institutionalized new viewpoints, guidelines and policies of the Party and State on the management and protection of water resources through four policy groups, including: (1) Ensuring water sources security; (2) Socializing the water sector; (3) Water resources economics; (4) Protecting water resources; preventing, combating against and overcoming consequences and harmful effects caused by water.

Four policy groups are expressed throughout the Law in provisions on: (1) principles of management, protection,

regulation, allocation, development, exploitation, use of water resources; prevention, combat against and overcoming of consequences and harmful effects caused by water; (2) baseline survey of water resources, strategy and planning of water resources; (3) protection and restoration of water sources; (4) regulation and allocation of water resources; (5) exploitation and use of water resources; (6) prevention, combat against and overcoming of consequences and harmful effects caused by water; (7) economic instruments, policies, and resources for water resources management and protection activities; (8) international cooperation on water resources; (9) inspection and control of water resources; (10) state management responsibility for water resources.

## MAIN CONTENTS OF THE LAW

*Managing water resources in an integrated and unified manner:* As one of the core principles of the Law, water resources must be managed in an integrated and unified manner in quantity and quality, between surface water and ground water, between upstream and downstream; clearly assign and decentralize state management responsibility for water resources and water sources with state management responsibility for planning, construction, and operation of irrigation, hydropower, urban and countryside water supply works; resolve overlaps, conflicts, and gaps in laws to improve the effectiveness and efficiency of state management of water resources and ensure national water resources security.

The Law is developed in the direction of stipulating all contents on management, protection, exploitation and use of water resources, prevention, combat against and overcoming of consequences and harmful effects caused by water. The Law also clearly stipulates what to manage, how to manage it and who will manage it. Accordingly, the responsibility of the Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Ministry of Construction, Ministry of Transport, Ministry of Health, Ministry of Finance... has been specified in accordance with assigned functions and tasks in laws related to water resources to ensure synchronization, consistency, and improve effectiveness and efficiency in water resources management.

The Law has resolved practical problems and overlaps between the Law on Water Resources and other laws to unify survey, management, exploitation



▲ The 15th National Assembly passing the Law on Water Resources 2023

and use from Central to local levels, and unify management of water resources, assign management responsibility to ministries and sectors in accordance with functions and tasks in laws related to water resources such as: irrigation, hydroelectricity, water supply, water transportation...

*Ensuring national water sources security:* This is a guideline during the development process until the National Assembly passes the Law on Water Resources. Policies related to water sources security are expressed throughout the Chapters and Articles of the Law. The goal by 2030 is to raise the level of national water resources security to the group of countries that effectively ensure water resources security in the Southeast Asia region and approach advanced countries in the world. Ensure the quantity and quality of water to serve people in all situations, meeting water use needs for socio-economic development, defence, security, environmental activities and minimizing risks, harmful effects from man-made and natural disasters related to water.

This is also a big and very timely change, especially in the context of water resources being increasingly at risk of degradation, depletion, and pollution under the strong impact of socio-economic development of upstream countries because most of Vietnam's water sources depend on international

river water sources as well as the great influence of climate change. Besides, water is gradually being considered a national asset and has very high socio-economic value, therefore, fundamentally changing the awareness and responsibility of people, businesses and all levels in exploiting and using water economically and effectively and protecting national water resources is essential.

The Law has specified provisions focusing on preventing, controlling and restoring degraded, depleted and polluted water sources; clearly defining the

responsibility for management of water sources and water exploitation projects at both the Central and local levels to overcome legal overlaps and conflicts.

In addition, special attention is paid to ensuring domestic water sources security. The Law on Water Resources 2023 has supplemented provisions in Article 26, including the control of activities that have the risk of polluting domestic water sources. At the same time, assign: (1) The Ministry of Construction to preside over and coordinate with the Ministry of Public Security, ministries, ministerial-level agencies and local authorities to develop a list of especially important domestic water supply works to submit to the Prime Minister for approval; (2) The Ministry of Public Security develops and organizes the implementation of a plan to protect especially important domestic water supply works.

At the same time, there are preferential policies for investment projects to exploit water for domestic use and production for people in areas with scarcity of fresh water, ethnic minority areas, mountainous areas, border areas, and islands and areas with difficult and extremely difficult socio-economic conditions; facilitate access to domestic water for the poor, women, children, people with disabilities and other vulnerable groups.

In addition, the management, protection, regulation, allocation, restoration, development, exploitation and use of water resources; prevention, combat against and overcoming of consequences and harmful effects caused by water,... are implemented with the basic principle of being consistent with the Water Resources Planning. National sector master plans, technical and specialized master plans with the content of exploiting and using water resources; surface water environmental quality management plan; plans, programs, and projects for socio-economic development, national defence, and security must be linked to the capacity and function of water sources, protection of water resources, and ensuring the maintenance of a minimum flow, not exceeding ground water exploitation threshold...



*Regulating and allocating water resources:* This is one of the core instruments in effectively managing, using, and protecting water sources, ensuring water sources security. The Law on Water Resources 2023 has supplemented provisions in Article 35 and Article 36 on regulation and allocation of water resources, which specifically stipulate the development of water sources scenarios; planning for exploitation and use of water resources; development and organization for implementation of water resources regulation and allocation plans; organization for implementation of measures to respond and minimize damage caused by droughts and water shortages in river basins. In particular, the Law stipulates the responsibility of the Ministry of Natural Resources and Environment, ministries, and provincial People's Committees in developing and implementing plans to regulate and allocate water resources and measures to respond and overcome water shortages.

*Modernizing and professionalizing water resources management:* Towards national water resources governance on a digital technology platform through national water resources information systems, databases, and decision support tool systems - This is one of the highlights of the Law on Water Resources 2023. Digital technology platform will be promoted in application to support management agencies in the process of deciding on water resources regulation, allocation, operating reservoirs and inter-reservoirs, minimizing harmful effects caused by water, especially when droughts and water shortages occur in river basins. At the same time, reduce human resources, operation and management costs.

*Managing water resources with economic instruments:* Gradually shifting from management with administrative instruments to management with economic instruments is a modern approach, applied in many advanced countries around the world like France, Australia, Korea, America....

The Law on Water Resources 2023 supplements provisions on fees, charges, and money for granting rights to exploit water resources to raise awareness of water resources protection and economical use of water among water users; amends and supplements provisions on money for granting rights to exploit water resources to accurately and fully calculate the value of water resources; supplements provisions on water resources accounting to calculate the correct value of water resources in socio-economic development activities for the regulation of water resources allocation in river basins. In particular, in cases of droughts or water shortages, limit the allocation of water resources to activities that use a lot of water and are not urgent and give priority to activities that use water economically and effectively.

*Promoting socialization in the field of water resources:* Mobilizing resources for water resources management is focused in the context of limited State resources - The Law on Water Resources 2023 has supplemented provisions on resources to protect and develop water resources, including socialized capital; provisions on investment

activities for development, water storage and water sources restoration prioritized in the form of socialization and priority policies.

With the view that economic development is associated with "reinvestment" in the protection and development of water resources, improve landscape and conserve of the value of water-related ecosystems.

*Restoring and reviving "dead rivers":* This is one of the issues that needs to be prioritized in the coming years. In order to restore water sources, create flows, improve the ecological landscape and environment, the values of water resources that have been lost due to rapid economic development, rapid urbanization, increased industrial and agricultural production activities leading to wastewater discharge activities, especially wastewater that has not been treated to meet standards and regulations discharged into water sources has been causing increasing and serious pressure on water resources of rivers, streams and aquifers.

To have a specific legal corridor, the Law on Water Resources 2023 has supplemented many provisions and policies related to river restoration and to ensure scientificity and feasibility, the Law has clearly stipulated mechanisms and policies on finance for water resources restoration activities to have a basis for mobilizing and allocating resources to restore degraded, depleted, and polluted water sources (Articles 34, 72 and 74).

The Law also supplemented provisions on developing plans, programs and schemes to restore degraded, depleted and polluted water sources; prioritize the restoration of "dead rivers" to restore water sources, create flows, and improve the ecological landscape and environment, including priority programs, schemes, and projects to revive rivers (as being implemented for the Bac Hung Hai River, Nhue River, and Day River through the construction of weirs to create flows).

*Supplementing new provisions:* In addition to the above highlights, the Law on Water Resources also amends and supplements many important contents such as: provisions on ensuring the maintenance of minimum flow on the river, exploitation threshold for ground water; provisions on functional zoning of water sources; provisions on prevention and control of landslides in river and lake banks and beaches; specific provisions on the preparation and publication of a list of lakes, ponds and lagoons that cannot be levelled; provisions on water exploitation and use... ■