

**THE NATIONAL
ASSEMBLY**

No. 60/2020/QH14

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

Hanoi, June 17, 2020

LAW

**ON AMENDMENTS TO THE LAW ON NATURAL DISASTER MANAGEMENT
AND LAW ON DIKES**

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby promulgates a Law on amendments to the Law on Natural Disaster Management No. 33/2013/QH13 and the Law on Dikes No. 79/2006/QH11 on amendments to the Law No. 15/2008/QH12 and Law No. 35/2018/QH14.

Article 1. Amendments to the Law on Natural Disaster Management

1. Some Clauses of Article 3 are amended as follows:

a) Clause 1 is amended as follows:

“1. “natural disaster” means an unusual natural phenomenon which may cause loss of life and property or damage to the environment, living conditions and socio- economic activities. Natural disasters include tropical storms, tropical depressions, strong breezes at seas, tornadoes, lightning, heavy precipitation, floods, flashfloods, inundations; landslides and land subsidence caused by floods or runoff or droughts; water rise, saltwater intrusion, extreme heat, droughts, wildfires, cold under 13 degree Celsius, hails, frost, fog, earthquakes, tsunamis and other types of natural disasters.”;

b) Clause 5 is amended as follows:

“5. “work serving natural disaster management” means a work that is constructed by the State, an organization or individual. Works serving natural disaster management include meteorological, hydrographical, oceanographic and seismic observatories, disaster warning stations; dikes, reservoirs, dams, embankments, works serving prevention of inundation, droughts, anti-saltwater intrusion, landslides, land subsidence and flashfloods, and lightning protection works; storm shelters for ships, boats, evacuation houses and other works.”.

2. Clause 6 and Clause 7 are added after Clause 5 of Article 5 as follows:

“6. Give priority to provision of resources for researches, baseline surveys, design and execution science and technology programs for natural disaster management purposes; strengthen implementation of natural disaster relief and recovery measures.

7. Give priority to professional training given to persons responsible for natural disaster management; provide training, vehicles and equipment to communal voluntary forces in charge of natural disaster management.”.

3. Article 6 is amended as follows:

“Article 6. Human resources for natural disaster management

1. Human resources for natural disaster management include:

a) Local organizations, households and individuals, which are on-site forces in charge of carrying out natural disaster management activities;

b) Militia and self-defense forces, which are on-site forces in charge of performing the natural disaster management task according to the local natural disaster response plans and under the direction of competent persons;

c) People’s Army and People’s Public Security forces, which have the responsibility to perform the natural disaster management task and serve as key forces upon evacuation of people, vehicles and property, rescue, security and social order and safety maintenance under the direction of competent persons;

d) Organizations and individuals that voluntarily support natural disaster management activities and perform the natural disaster management task under the command of competent persons;

dd) Persons responsible for natural disaster management at regulatory agencies, who perform the natural disaster management task.

2. Communal voluntary forces in charge of natural disaster management shall be decided by the People’s Committee of a commune, work on a part-time basis and decided by the communal People's Committee on the basis of the human resources specified in Points a and b Clause 1 of this Article, including village-level militia and self-defense forces; communal militia and self-defense forces, other local organizations performing the natural disaster management task according to the local natural disaster response plans.

3. The Government shall elaborate benefits for communal voluntary forces in charge of natural disaster management specified in Clause 2 of this Article.”.

4. Clause 1 of Article 7 is amended as follows:

“1. Supplies, vehicles and equipment for natural disaster management activities include specialized supplies, vehicles and equipment and other supplies, vehicles and equipment of the State; ones provided by local organizations and individuals; and ones prepared by organizations, individuals and households themselves.

The Prime Minister shall promulgate a list of and elaborate the management and use of specialized supplies, vehicles and equipment for natural disaster management.”.

5. Clause 4 is added after Clause 3 of Article 8 as follows:

“4. Other sources prescribed by law.”.

6. Article 9 is amended as follows:

“Article 9. State budget for natural disaster management

1. The state budget for natural disaster management is composed of annual budget, backup budget and reserve fund.
2. The state budget for natural disaster management shall be used for formulation and implementation of natural disaster management strategies, plans and baseline surveys; construction, renovation and upgrading of works serving natural disaster management; natural disaster management activities; regular activities of natural disaster management authorities at all levels.

The estimating, allocation, management and use of the state budget for natural disaster management shall comply with regulations of law on state budget and other relevant regulations of law.

3. The backup budget for natural disaster management shall be used in accordance with regulations:

- a) The backup budget is used for natural disaster response, relief and recovery;
- b) Based on the response activities, severity of damage, relief demands and policies, the People's Committees at all levels shall decide to use the local backup budget to satisfy urgent demands for natural disaster response, relief and recovery in addition to the approved annual expenditure estimate;
- c) If the local government backup budget has been used but the demand has not been satisfied, the President of the provincial People’s Committee shall request the Prime Minister to provide assistance. The National Steering Committee for Natural Disaster Management shall produce statistics of damage and local assistance demands and request the Prime Minister to make a decision.

4. The reserve fund shall be used to perform the natural disaster management, relief and recovery tasks that are not covered by the estimate while the backup budget is used up but still not sufficient in accordance with regulations of the law on state budget.”.

7. Some Clauses of Article 10 are amended as follows:

a) Clauses 1 and 2 are amended as follows:

“1. Natural disaster management funds are off-budget financial funds and include central natural disaster management fund managed by the Ministry of Agriculture and Rural Development and provincial natural disaster management funds managed by the provincial People’s Committees.

2. Financial sources of natural disaster management funds:

a) Financial sources of the central natural disaster management fund include assistance and voluntary contributions of domestic and foreign organizations and individuals; are extracted from the provincial natural disaster management fund under the decision of the Prime Minister and other lawful sources;

b) Financial sources of a provincial natural disaster management fund include assistance and voluntary contributions of domestic organizations and individuals; compulsory contributions of domestic and foreign business entities within the province, Vietnamese citizens from at least 18 years of age to retirement age in normal working conditions in accordance with labor regulations; are extracted from the central natural disaster management fund, other provincial natural disaster management funds and other lawful sources.”;

b) Clause 4 is amended as follows:

“4. Operating principles of a natural disaster management fund:

a) The fund operates for non-profit purposes;

b) The fund is managed and used for intended purposes, in accordance with laws and in a timely, effective, public and transparent manner;

c) The fund supports natural disaster management disaster activities that have not yet been funded by the state or have not yet satisfied demands.”.

8. Some Clauses of Article 13 are amended as follows:

a) Clause 1 is amended as follows:

“1. Conducting natural disaster management baseline surveys, formulating, approving and implementing natural disaster management strategies and plans.”;

b) Clauses 5 and 6 are amended as follows:

“5. Formulating, approving and implementing irrigation and natural disaster management planning and populated are planning, and boost natural disaster-resilient production; review and formulate plans to relocate inhabitants in areas at very high risk of being hit by natural disasters.

6. Determining natural disaster risk levels; satisfying requirements for natural disaster management.”.

9. Article 13a is added after Clause 13 as follows:

“Article 13a. Natural disaster management baseline surveys

1. Natural disaster management baseline surveys shall be conducted on a periodic or unscheduled basis with a view to collecting information and establishing databases serving state management and natural disaster management activities.

2. A natural disaster management baseline survey shall focus on:

a) Current quantity, quality and capacity of the work serving natural disaster management and infrastructural constructions related to natural disaster management;

b) Current organizational structure, policies, personnel, finance and equipment for natural disaster management;

c) Status of systems of natural disaster information, observation and monitoring, and data on natural disaster management;

d) Impacts of climate change on natural disaster developments; impacts of natural disasters on socio-economic development; types of natural disasters; socio-economic development associated with natural disaster management.

3. Ministries, ministerial agencies, Governmental agencies and People’s Committees at all levels shall organize, approve, announce and manage results of natural disaster management baseline surveys within their jurisdiction and send the results to the Ministry of Agriculture and Rural Development.”.

10. Some Points and Clauses of Article 15 are amended as follows:

a) Point c of Clause 4 is amended as follows:

“c) Determining natural disaster management contents and measures suitable for each natural disaster risk level and specific type of natural disaster so as to minimize natural disaster risks, paying attention to dangerous areas and vulnerable groups, focusing on implementing general plans for provincial river basin flood management; strong typhoon

and super typhoon preparedness plans; flashflood and landslide preparedness plans; drought and saltwater intrusion preparedness plans; precipitation-, flood- or runoff-induced riverbank erosion preparedness plans, coastal erosion preparedness plans;”;

b) Point c of Clause 6 is amended as follows:

“c) Determining contents, general measures, programs and schemes for natural disaster management suitable for each natural disaster risk level and specific type of natural disaster so as to minimize natural disaster risks, paying attention to dangerous areas and vulnerable groups, focusing on implementing general plans for river basin flood management; strong typhoon and super typhoon preparedness plans; flashflood and landslide preparedness plans; drought and saltwater intrusion preparedness plans; precipitation-, flood- or runoff-induced riverbank erosion preparedness plans, coastal erosion preparedness plans;”;

c) Point c of Clause 7 is amended as follows:

“c) The Ministry of Agriculture and Rural Development shall take charge and cooperate with the Ministry of National Defense, Ministries, ministerial agencies, Governmental agencies and local authorities in formulating a national natural disaster management plan to be submitted to the Prime Minister for approval; provide guidance on formulation of local natural disaster management plans to local authorities.”.

11. Article 18a is added after Clause 18 as follows:

“Article 18a. Satisfaction of natural disaster management requirements during management, operation and use of works

1. Organizations and individuals managing, operating and using mineral mining areas and areas intended for mining of other natural resources; urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; works serving natural disaster management, traffic works, electric power works and other technical infrastructural constructions shall satisfy the natural disaster management requirements specified in the technical regulations and regulations promulgated by competent authorities.

2. Households and individuals using works and residential houses under their ownership shall fulfill the criteria for satisfaction of the natural disaster management requirements, which are promulgated by the provincial People's Committee.

3. The Minister of Agriculture and Rural Development shall promulgate general provisions on satisfaction of the natural disaster management requirements set out in Clause 1 of this Article.

4. Ministers, heads of ministerial agencies and People’s Committees at all levels shall, within their jurisdiction, promulgate general provisions on satisfaction of the natural disaster management requirements and organize implementation thereof.

5. People's Committees at all levels shall inspect the fulfillment by households and individuals of the criteria for satisfaction of the natural disaster management requirements specified in Clause 2 of this Article.

6. Technical regulations intended for serving management, operation and use of the works mentioned in Clause 1 of this Article shall contain contents of satisfaction of natural disaster management requirements.”.

12. Article 19 is amended as follows:

“Article 19. Satisfaction of natural disaster management requirements during construction or renovation of urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; works serving natural disaster management, traffic works, electric power works and other technical infrastructural constructions

1. Upon setting up and executing projects on construction or renovation of urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; works serving natural disaster management, traffic works, electric power works and other technical infrastructural constructions, investors shall satisfy the natural disaster management requirements, including:

a) Minimizing or not increasing natural disaster risks and ensuring stability of works before natural disasters;

b) Complying with regulations of law on environmental protection, law on construction and law on planning.

2. Before approving projects and deciding to make investment, investment decision makers shall appraise contents of satisfaction of the natural disaster management requirements specified in the dossier on projects on construction or renovation of urban areas; tourist attractions, tourism areas; industrial parks; rural settlements; works serving natural disaster management, traffic works, electric power works and other technical infrastructural constructions.

3. Households and individuals are encouraged to construct or upgrade works and residential houses applying standards that contain regulations on satisfaction of the natural disaster management requirements.

4. Standards and technical regulations on construction of works shall contain provisions on satisfaction of the natural disaster management requirements.”.

13. Some Points and Clauses of Article 21 are amended as follows:

a) Clause 2 is amended as follows:

“2. The dissemination of information and education about natural disaster management shall be carried out using methods appropriate to each type of subject, including the following main methods:

a) Publishing information on websites of Ministries, ministerial agencies, Governmental agencies and local authorities, and on mass media;

b) Designing thematic documents, magazines and leaflets, including documents in ethnic minority languages;

c) Organizing exhibitions, seminars, training courses and drills on natural disaster management;

d) Incorporating knowledge about natural disaster management into programs intended for education levels and training levels;

dd) Holding forums on natural disaster management to provide advice on policies and laws, share information on and experience in natural disaster management;

e) Providing training in natural disaster management.”;

b) Point d of Clause 3 is amended as follows:

“d) The Ministry of Agriculture and Rural Development shall provide guidance on and organize implementation of public awareness-raising and community-based disaster risk management programs and schemes;”.

14. Some Points and Clauses of Article 24 are amended as follows:

a) Clause 1 is amended as follows:

“1. Natural disaster forecasts and warnings must convey information in a timely and reliable manner in Vietnamese language, satisfy demands of multiple subjects, pay special attention to vulnerable subjects and where necessary, convey information in ethnic minority languages.”;

b) Point c is added after Point b of Clause 2 as follows:

“c) Wildfire forecasts and warnings, which must convey information about areas, types of forests, area and level of fire risk.”;

c) Point a of Clause 3 is amended as follows:

“a) The Ministry of Natural Resources and Environment shall issue natural disaster forecasts and warnings related to meteorology, hydrography and oceanography. The

Ministry of Agriculture and Rural Development shall issue wildfire forecasts and warnings;”.

15. Clause 4 of Article 25 is amended as follows:

“4. The Government shall promulgate specific regulations on responsibilities for news broadcasting; news broadcasting frequency and duration; communication networks and equipment serving command over natural disaster response; state of disaster-related emergency; types of urgent projects on natural disaster management, relief and recovery to be executed to immediately remedy consequences of force majeure events.”.

16. Clause 5 of Article 26 is amended as follows:

“5. Regarding extreme heat, tornadoes, lightning, hails, strong breezes at seas, frost, wildfire and other types of natural disasters, according to the forecasts, warnings, nature and actual developments of each type of natural disaster, proactively take appropriate response measures.”.

17. Clause 3 is added after Clause 2 of Article 30 as follows:

“3. The Government shall elaborate this Article.”.

18. Some Points and Clauses of Article 32 are amended as follows:

a) Point c of Clause 1 is amended as follows:

“c) Resources for emergency relief include food, goods, medicines, environment and water treatment chemicals in national reserves; annual cost contingency from the state budget; natural disaster management funds and voluntary contributions of organizations and individuals; international assistance.”;

b) Point c of Clause 2 is amended as follows:

“c) Resources for medium-term assistance include the State’s reserved food and goods; state budget; natural disaster management funds and voluntary contributions of organizations and individuals; international assistance.”;

c) Point c of Clause 3 is amended as follows:

“c) Resources for long-term assistance include state budget and voluntary contributions of organizations and individuals; international assistance;”.

19. Clause 2 of Article 33 is amended as follows:

“2. The power to mobilize, contribute and allocate resources for relief and assistance:

a) The Prime Minister, Ministers, heads of ministerial agencies, Presidents of People's Committees at all levels have the power to mobilize the State's resources within their power to serve the emergency relief and medium-term assistance in accordance with regulations of law on state budget and law on national reserves. The long-term assistance shall be provided according to the annual plan;

b) The Ministry of Agriculture and Rural Development and provincial People's Committees shall use the natural disaster management funds to serve natural disaster management activities. Priority should be given to emergency relief and medium-term assistance in accordance with Clause 3 Article 10 of this Law;

c) The Central Committee of Vietnamese Fatherland Front, committees of Vietnamese Fatherland Front of provinces, Vietnam Red Cross Society, People's Committees of provinces and People's Committees of districts shall encourage contribution, receive and allocate resources for emergency relief and medium-term assistance.

Ministries, ministerial agencies and Governmental agencies shall encourage contribution and receive and allocate resources for emergency relief and medium-term assistance and transfer them to the Central Committee of Vietnamese Fatherland Front, Vietnam Red Cross Society and People's Committees of provinces for allocation purposes.

Committees of Vietnamese Fatherland Front of provinces, districts and communes and Vietnam Red Cross Society in districts and communes shall cooperate with People's Committees of the same provinces, districts and communes in receiving and allocating resources for emergency relief and medium-term assistance purposes;

d) Organizations and individuals that are allowed to collect contributions from the public in accordance with regulations of law shall cooperate with the People's Committee of the area that receives assistance in providing emergency relief and medium-term assistance.

dd) The National Steering Committee for Natural Disaster Management shall call for and receive international emergency assistance in the event of disaster-related emergency and transfer it to provincial People's Committees for allocation purposes.

20. Title of Chapter IV is amended as follows:

“Chapter IV

SCIENCE AND TECHNOLOGY, INTERNATIONAL COOPERATION IN NATURAL DISASTER MANAGEEMNT”

21. Article 39a is added after Clause 39 as follows:

“Article 39a. Science and technology for natural disaster management

1. Research and apply high, advanced and new technologies to improve the capacity for forecasting, warning, monitoring and broadcasting news on types of natural disasters, effects of climate change and activities that may increase natural disaster risk.

2. Conduct scientific research into and apply high, advanced and new technologies, and new materials to improve effectiveness in investment in, management and use of works serving natural disaster management and climate change resilience; works intended for ensuring safety of dikes, works serving landslide and subsidence prevention and control, reservoirs, dams and other works serving natural disaster management.”.

22. Point a Clause 2 of Article 40 is amended as follows:

“a) Call for international assistance for natural disaster response and relief and recovery in Vietnam, except for the case specified in Point dd Clause 2 Article 33 of this Law; act as a Vietnamese agency in charge of assisting other countries under the Prime Minister’s direction;”.

23. Some Clauses of Article 44 are amended as follows:

a) Clause 1 is amended as follows:

“1. The National Steering Committee for Natural Disaster Management:

a) The Prime Minister shall decide to establish the National Steering Committee for Natural Disaster Management responsible for cross-sectoral coordination, assisting the Government and Prime Minister in organizing and providing instructions on natural disaster management nationwide.

The Prime Minister or Deputy Prime Minister shall be the head of the National Steering Committee for Natural Disaster Management; members of the Committee include a Minister, head of a ministerial agency or senior representatives of some relevant Ministries and agencies and work on a part-time basis;

b) The Ministry of Agriculture and Rural Development is a standing agency of the National Steering Committee for Natural Disaster Management and has an affiliated specialized agency responsible for assisting the National Steering Committee for Natural Disaster Management.”;

b) Clause 3 is amended as follows:

“3. Presidents of People's Committees at all levels shall decide to establish Command Centers for Natural Disaster Management at the same level to assist the People’s Committee in commanding and organize natural disaster management.

The President of a People’s Committee shall be the head of the Command Center for Natural Disaster Management. The provincial Command Center for Natural Disaster

Management shall employ the current department of the specialized agriculture and rural development authority affiliated to the provincial People’s Committee to work on a full-time basis to provide assistance.

24. The phrase “Ban chỉ đạo Trung ương về phòng, chống thiên tai” (“Central Command Center for Natural Disaster Management”) in Clause 1 Article 17, Clause 4 Article 22, Clause 2 Article 23, Clause 1 Article 25, Article 26, Article 27, Clause 2 and Clause 4 Article 28, Clause 2 Article 29, Clause 2 Article 30, Clause 2 and Clause 4 Article 31, Clause 3 Article 42, and Clause 4 Article 44 is replaced with the phrase “Ban chỉ đạo quốc gia về phòng, chống thiên tai” (“National Steering Committee for Natural Disaster Management”).

Article 2. Amendments to the Law on Dikes

1. Some Clauses of Article 3 are amended as follows:

a) Clause 19 is amended as follows:

“19. *“islet or eyot”* refers to a floating mass of land in the river bed.”;

b) Clause 23 is added after Clause 22 as follows:

“23. *“river bank”* refers to the boundary between the talus of the river bed and the natural land surface of the river terrace.”.

2. Some Clauses of Article 7 are amended as follows:

a) Clause 5 is amended as follows:

“5. Constructing works and residential houses within safety perimeters of dikes and within river beds excluding islets or eyots, except for works serving flood, inundation and storm control, ancillary works and special works.”;

b) Clause 7 is amended as follows:

“7. Discharging waste within safety perimeters of dikes, in river beds and river terraces; placing materials within safety perimeters of dikes, except for supplies reserved for flood, inundation and storm control.”;

c) Clause 10 is amended as follows:

“10. Extracting soil, stones, sand, gravels and other minerals, digging ponds and wells within safety perimeters of dikes and carrying out other activities in a manner that obstructs runoff and flood drainage without taking any remedial measures.”.

3. Clause 2 of Article 25 is amended as follows:

“2. The licensing of the activities specified in Clause 1 of this Article shall be based on technical regulations on dikes and technical regulations on construction promulgated by competent authorities. Upon licensing the activities specified in Points a, b, c and h Clause 1 of this Article with respect to special, level I, level II and level III dikes, the provincial People’s Committee must obtain the written consent of the Ministry of Agriculture and Rural Development.”.

4. Point b Clause 1 of Article 28 is amended as follows:

“b) The construction of bridges across diked rivers must facilitate flood drainage and runoff; ensure dike safety in accordance with this Law and waterway traffic safety in accordance with the law on inland waterway traffic; waste materials and tents must not affect the runoff during the construction and must be discharged after the construction is completed.

The Prime Minister shall promulgate regulations on flood drainage and runoff facilitation and dike safety assurance during construction of bridges across diked rivers.”.

5. Clause 2 of Article 39 is amended as follows:

“2. Record administrative violations, enforce termination of violations and transfer cases of violation to competent persons for penalty imposition.”.

6. Clause 4 of Article 42 is amended as follows:

“4. The Ministry of Industry and Trade shall take charge and cooperate with other Ministries, ministerial agencies and provincial People’s Committees in directing formulation and implementation of plans to ensure safety of hydropower works and directing operation of hydropower reservoirs in accordance with the national technical regulations on operation of hydropower reservoirs.”.

7. Phrases in some Articles are added or replaced as follows:

a) The phrase “, bãi nổi hoặc cù lao” (“*islets or eyots*”) is added after the phrase “bãi sông” (“river terraces”) under the titles of Article 26 and Article 27;

b) The phrase “Ban chỉ huy phòng, chống lụt, bão” (“Steering Committee for Flood and Storm Control”) in Clause 11 Article 3 and Clause 2 Article 35 is replaced with “Ban chỉ huy phòng, chống thiên tai và tìm kiếm cứu nạn” (“Command Center for Natural Disaster Management”);

c) The phrase “Ban chỉ đạo phòng chống lụt, bão trung ương” (“Central Steering Committee for Flood and Storm Control”) in Clause 2 Article 35 is replaced with “Ban chỉ đạo quốc gia về phòng, chống thiên tai” (“National Steering Committee for Natural Disaster Management”);

d) The phrase “Ban chỉ đạo phòng chống lụt, bão trung ương” (“Central Steering Committee for Flood and Storm Control”) in Clause 7 Article 36 is replaced with “Ban chỉ đạo quốc gia về phòng, chống thiên tai” (“National Steering Committee for Natural Disaster Management”).

Article 3. Effect

This Law comes into force from July 01, 2021.

This Law is adopted by the 14th National Assembly of Socialist Republic of Vietnam on this 17th of June 2020 during its 9th session.

**THE PRESIDENT OF THE
NATIONAL ASSEMBLY**

Nguyen Thi Kim Ngan

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