

LAW

ON DIKES

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

This Law provides for dikes.

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

This Law provides for anti-flood plannings of diked rivers, dike plannings, dike construction, repair, upgrading and solidification investment, dike management and protection, dike maintenance and use.

Article 2.- Subjects of application

This Law applies to domestic agencies, organizations and individuals, foreign organizations and individuals that conduct dike-related activities in the Vietnamese territory.

Article 3.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. Dikes mean works preventing river floods or sea water, which are classified and decentralized by competent state bodies according to the provisions of law.
2. Regulatory dikes mean systems of works consisting of dikes, dike embankments, dike culverts and support facilities.
3. River dikes means those that prevent river floods.
4. Sea dikes means those that prevent sea water.
5. River-mouth dikes mean dikes of transition between river dikes and sea dikes or coasts.
6. Surrounding dikes means those that protect exclusive zones.
7. Auxiliary dikes means those that protect areas lying riverwards outside river dikes.
8. Special-use dikes mean those that protect separate objects.
9. Dike embankments mean works constructed to protect dikes against land crumbles and slides.

10. Dike culverts mean works constructed across dikes for water supply or drainage or for combined waterway traffic.

11. Supporting facilities mean works built in service of dike management and protection, including works for accidental spills; dike marker posts, boundary posts, dike signboards, water-level poles, pressure-alleviation wells, technical parameter-observation posts and equipment in service of dike management; dike watch stations, anti-flood and -storm reserve supply warehouses and yards, dike management offices, anti-flood and -storm command posts; flood-diverting or -slowing works; dike protection breakwater tree stretches.

12. Foot of earthen dike is the inter-section between a dike talus and natural land surface, which is determined at the time a competent state body determines the dike protection corridor limit markers. The foot of dike made of concrete or other materials is the outmost construction position of the works' foundation.

13. Dike-crossing sluice gates are works crossing dikes in service of land and railway traffic.

14. Flood diversion means diverting part of river flood water to other flow directions.

15. Flood slowing means the temporary storage of part of river flood water in designated areas.

16. Special works mean those relating to dike safety, including defense, security, traffic, irrigation works, underground works in service of socio-economic development, system of groundwater-exploiting wells; dike-crossing sluice gates, pumping stations, dockyards, historical or cultural relics, ancient street quarters or villages; population quarters or lines in flood-prone areas and islets.

17. Dike maintenance means activities aiming to ensure dike safety, including the rescue of facilities relating to regulatory dike safety.

18. River stretches mean land areas stretching from the outer edge of the dike protection corridor to river banks.

19. Sand expand, islets mean land areas emerging within river beds.

20. Riverbed means the scope between two banks of a river.

21. Designed flood water level means the standard flood water level used for designing dikes and relevant works, approved by competent state bodies.

22. Designed flood flow means the flood flow of a river corresponding to the designed flood water level.

Article 4.- Dike classification and grading

1. Dikes are classified into river dikes, sea dikes, river-mouth dikes, auxiliary dikes, surrounding dikes and special-use dikes.

2. Dikes are ranked into special grade, grade I, grade II, grade III, grade IV and grade V according to their importance from high to low.

3. Dike classification criteria include:

- a/ Number of people protected by a dike;
 - b/ Importance in terms of defense, security, socio-economic development;
 - c/ Flood and storm characteristics of each region;
 - d/ Area and scope of administrative land boundaries;
 - e/ Average submerging level of population quarters against the designed flood water level;
 - f/ Designed flood flow.
4. The Government shall specify the grade of each dike line.

Article 5.- Principles for activities in the dike domain

1. Ensuring sustainable development, defense and security; protecting the people's lives and property and the national sovereignty and interests; contributing to socio-economic development.
2. Protecting dikes is the responsibility of all people, state agencies, organizations and individuals.
3. Abiding by the approved anti-flood planning, dike planning; ensuring systematicity, uniformity, synchronism and flood drainage capability of the entire rivers; synchronously combining overall solutions regarding the planting and protection of headwater forests, the construction of water reservoirs upstream, the removal of obstacles, dredging of rivers, flow clearance, and flood diversion and slowing.
4. Efficiently preventing and fighting floods, combining flood prevention and fighting with the development of traffic, landscape and environment, the preservation of historical and cultural relics of the nation, the development of tourism and aquaculture.

Article 6.- State policies on dikes

1. To invest in dike construction and maintenance and prioritize investment in key dike systems, dike-cum-defense-security systems.
2. To encourage and create conditions for domestic and foreign organizations and individuals to invest in research and application of advanced sciences and technologies in combination with traditional measures to the construction, maintenance, upgrading, solidification and protection of dikes, then proceed to apply active anti-flood measures.
3. To encourage organizations and individuals to build, maintain, upgrade, solidify and protect dikes in combination with socio-economic development; to protect the lawful interests of organizations and individuals investing in this domain.
4. To support the overcoming of flood and storm consequences, upgrade infrastructures for areas affected by flood diversion or slowing, flood-prone residential areas; set aside a budget for handling of dike incidents before, during and after each spell of rain, flood, storm.

Article 7.- Prohibited acts

1. Destroying dikes.

2. Exploding or destroying dike bodies, except for emergency cases where competent authorities defined in Article 34 of this Law decide on such explosion or destruction in order to divert or slow flood for dike protection.
3. Operating in contravention of technical regulations flood-diverting or -slowing facilities, dike-culverts, works for accidental spills, dike-crossing gates, pump stations, dry-docks within dike protection areas.
4. Operating upstream water reservoirs in contravention of technical regulations, causing impacts on regulatory dikes.
5. Building works, dwelling houses within regulatory dike protection areas, excluding works in service of flood and storm prevention and fighting, supporting facilities and special works.
6. Driving motorized vehicles beyond the tonnage level permitted for travel on dikes; driving motorized vehicles on dikes where there are ban signboards in case of dike incidents, floods or storms, excluding vehicles used for dike examination and protection, vehicles performing defense, security tasks, ambulances, fire-fighting engines.
7. Dumping wastes within regulatory dike protection areas, river stretches, riverbeds; storing materials on dikes, excluding supplies reserved for flood and storm prevention and fighting.
8. Appropriating, illegally using or removing reserve supplies for flood and storm prevention and fighting.
9. Destroying dike protection breakwater trees, except for the case of exploiting breakwater trees defined in Clause 2, Article 29 of this Law.
10. Exploiting earth, rock, sand, cobble, other minerals; digging ponds, wells within regulatory dike protection areas and conducting other activities obstructing river flows and flood drainage.
11. Using for wrong purposes budgetary investments in the construction, maintenance, upgrading, solidification and protection of dikes.

Chapter II

DIKE CONSTRUCTION, MAINTENANCE, UPGRADING AND SOLIDIFICATION PLANNINGS AND INVESTMENT

SECTION 1. ANTI-FLOOD PLANNINGS OF DIKED RIVERS

Article 8.- Principles and grounds for elaboration of anti-flood plannings of diked rivers

1. The principles for elaboration of anti-flood plannings of diked rivers are provided as follows:
 - a/ Being consistent with overall socio-economic development plannings; defense and security objectives; natural disaster prevention, fighting and reduction strategy; anti-flood plannings of river basins;
 - b/ Ensuring to drain designed floods and historical floods of the rivers;

c/ Ensuring the uniformity and suitability with each region, each zone nationwide and inheriting the anti-flood plannings of diked rivers.

2. Grounds for elaboration of anti-flood plannings of diked rivers include:

a/ Long-term flood forecasts;

b/ Natural, socio-economic conditions;

c/ Current status of dike systems;

d/ Land use planning and other relevant plannings.

Article 9.- Contents of anti-flood plannings of diked rivers

1. To determine the anti-flood orientations, objectives and technical norms of river systems so as to elaborate and implement the anti-flood plannings of diked rivers.

2. To determine the designed floods of rivers, including upstream designed floods and designed flood water levels.

3. To determine technical solutions of the anti-flood plannings of diked rivers, including:

a/ Construction of upstream water reservoirs;

b/ Planting of headwater protective forests and dike protection breakwater trees;

c/ Construction, maintenance and consolidation of dikes;

d/ Identification of flood-diverting or -slowing zones, capability to divert floods into other rivers;

e/ Clearing of river flows;

f/ Dike management and maintenance.

4. To anticipate the environmental impacts of the anti-flood plannings of diked rivers and propose measures to minimize the adverse impacts on the environment.

5. Measures to organize the realization of the anti-flood plannings of diked rivers.

Article 10.- Adjustment of anti-flood plannings of diked rivers

1. The anti-flood plannings of diked rivers shall be reviewed and supplemented periodically once every ten years or upon the occurrence of incidents due to natural disasters or changes in the overall socio-economic development planning, defense and security objectives, natural disaster prevention, fighting and reduction strategy.

2. The adjustment of anti-flood plannings of diked rivers shall be effected under the provisions of Article 8 of this Law.

Article 11.- Responsibilities to formulate and adjust anti-flood plannings of diked rivers

1. The Ministry of Agriculture and Rural Development shall formulate and adjust the anti-flood plannings of diked rivers nationwide.

2. Provincial-level People's Committees shall formulate and adjust the anti-flood planning of each diked river under their respective local management.

Article 12.- Competence to approve anti-flood plannings of diked rivers and to approve adjustments thereto

1. The Government approves the anti-flood plannings nationwide and approves adjustments thereto which are submitted by the Ministry of Agriculture and Rural Development.

2. Provincial-level People's Councils approve the detailed anti-flood planning of each diked river under their respective local management and approve adjustments thereto which are submitted by provincial-level People's Committees after obtaining the agreement of the Ministry of Agriculture and Rural Development.

Article 13.- Publicization and direction of the realization of anti-flood plannings of diked rivers and adjustments thereto

1. Within thirty days after the anti-flood plannings of diked rivers are approved by competent state bodies, the Ministry of Agriculture and Rural Development shall publicize the national anti-flood plannings of diked rivers and adjustments thereto and People's Committees at all levels shall publicize their local anti-flood plannings of diked rivers at their offices throughout the planning period for organizations and individuals to know and implement them.

2. Based on the anti-flood plannings of diked rivers and adjustments thereto which are approved by competent state bodies, relevant ministries, ministerial-level agencies and provincial-level People's Committees shall direct and coordinate the implementation of these anti-flood plannings of diked rivers.

SECTION 2. DIKE PLANNINGS

Article 14.- Principles and grounds for formulation of dike plannings

1. The principles for formulation of dike plannings are provided for as follows:

a/ Dike plannings must be in line with the overall socio-economic development plannings; the defense and security objectives; the natural disaster prevention, fighting and reduction strategy and the anti-flood plannings of diked rivers; ensure uniformity in the dike system and continuity of dike plannings;

b/ Sea dike plannings must ensure the fight against storms and tidal waves under technical norms on sea dike designs and cover areas for the planting of breakwater trees;

c/ Plannings on river dikes, river-mouth dikes, auxiliary dikes, surrounding dikes and special-use dikes must ensure safety corresponding to the designed flood water level and include measures to ensure dike safety upon the occurrence of historic floods; must ensure the coordination among localities in the same basin, not affect the anti-flood plannings of diked rivers and the entire river system.

2. Grounds for formulation of dike plannings include:

a/ The natural, socio-economic conditions and the requirements to maintain defense and security;

b/ The natural disaster prevention, fighting and reduction strategy;

c/ The anti-flood plannings of diked rivers;

d/ The situation on implementation of previous dike plannings and forecasts on demands for dike construction, repair, upgrading and solidification;

e/ The land use planning and other relevant plannings.

Article 15.- Contents of dike plannings

1. Determining the tasks of dikes.
2. Determining the technical parameters of dikes.
3. Determining dike position, locations, scales of key infrastructure works on dikes.
4. Determining land areas reserved for dike construction, repair, upgrading and solidification.
5. Determining solutions to implementation of plannings.
6. Projecting items prioritized for implementation, resources for implementation.
7. Anticipating environmental impacts of the plannings implementation and propose measures to minimize adverse impacts on environment.

Article 16.- Adjustment of dike plannings

1. Dike plannings shall be reviewed and supplemented periodically once every ten years or upon the occurrence of incidents due to natural calamities, changes in anti-flood plannings, overall socio-economic development plannings, defense and security objectives.
2. The adjustment of dike plannings shall be effected under the provisions of Article 14 of this Law.

Article 17.- Responsibilities to formulate and adjust dike plannings

1. The Ministry of Agriculture and Rural Development shall formulate and adjust the dike plannings of regions, zones and the whole country.
2. Ministries, ministerial-level agencies shall formulate and adjust plannings on special-use dikes.
3. Provincial-level People's Committees shall formulate and adjust plannings on dikes under local management.
4. The order and procedures for formulation and adjustment of dike plannings comply with the guidance of the Ministry of Agriculture and Rural Development.

Article 18.- Competence to approve dike plannings, approve the adjustment of dike plannings

1. The Government approves the dike plannings of regions, zones and the whole country and approves adjustments thereto which are submitted by the Ministry of Agriculture and Rural Development.
2. The Ministry of Agriculture and Rural Development approves the dike plannings and adjustments thereto which are submitted by ministries, ministerial-level agencies or provincial-level People's Committees.

Article 19.- Publicization and direction of the realization of dike plannings and adjustments thereto

1. Within thirty days after their respective dike plannings or dike planning adjustments are approved by competent state bodies defined in Article 18 of this Law, People's Committees of all levels shall publicize them at their offices throughout the planning period for organizations and individuals to know and implement them.
2. Based on the approved dike plannings or planning adjustments, ministries, ministerial-level agencies having special-use dikes and provincial-level People's Committees shall direct the implementation thereof.
3. Based on the approved dike plannings or planning adjustments, provincial-level People's Committees shall direct the organization of planting of construction limit and dike protection scope markers.

SECTION 3. INVESTMENT IN DIKE CONSTRUCTION, REPAIR, UPGRADING AND SOLIDIFICATION

Article 20.- Dike construction, repair, upgrading and solidification

1. Dike construction, repair, upgrading and solidification are carried out when so decided by competent state bodies defined in Clauses 3 and 4 of this Article.
2. Dike construction, repair, upgrading and solidification must comply with technical norms on dikes and other relevant provisions of law.
3. The Ministry of Agriculture and Rural Development shall decide according to its competence the investment in construction, repair, upgrading and solidification of dikes nationwide; inspect and monitor the realization of technical norms on dikes.
4. Provincial-level People's Committees shall decide according to their competence, direct and organize the investment in construction, repair, upgrading and solidification of dikes in their localities.

Article 21.- Provisions on land used for dike construction, repair, upgrading or solidification

1. Land used for dike construction, repair, upgrading or solidification is provided for as follows:
 - a/ When the State uses the land within the dike protection areas for dike construction, repair, upgrading or solidification, the users of that land are entitled to compensation or supports for crops and property on land;
 - b/ When the State recovers land outside the dike protection areas for construction of new dikes or expansion of existing dikes and that land becomes situated inside the dike protection areas, the users of that land are entitled to compensation or support for land, crops and property on land;
 - c/ When the State exploits land outside the dike protection areas for use as materials in service of dike construction, repair, upgrading or solidification but later the users of that land may continue using the land, these land users are entitled to compensation for damage caused by land exploitation.

2. Compensation and supports for persons with land recovered or exploited as provided in Clause 1 of this Article comply with the provisions of land law.

3. People's Committees at all levels shall, within the ambit of their respective tasks and powers, clear the grounds; investors shall pay compensations for damage.

Article 22.- Investment in dike construction, repair, upgrading or solidification

1. Investment in dike construction, repair, upgrading or solidification shall be made in line with dike plannings, the law on investment and the law on construction.

2. Annual budget plans for investment in dike construction, repair, upgrading or solidification constitute separate items and are provided for as follows:

a/ Central budget is used for investment in dikes of special grade, grade I, grade II and grade III and as support for dikes of grades IV and V;

b/ Local budget is used for investment in dikes of all grades in localities.

Chapter III

DIKE PROTECTION AND USE

Article 23.- Dike protection scope

1. The dike protection scope covers dikes, dike embankments, dike culverts, supporting facilities, dike protection corridors.

2. The dike protection corridor is provided as follows:

a/ The dike protection corridor for dikes of special grade, grade I, grade II and grade III at locations where dikes run through residential areas, urban centers or tourist resorts is 5 meters from the dike foot outwards to the river and the field; the dike protection corridor at other locations is 25 meters outwards from the dike foot to the river, 20 meters towards the river, for river dikes and 200 meters towards the sea, for sea dikes;

b/ The dike protection corridor for dikes of grade IV and grade V is provided for by provincial-level People's Committees but must not be shorter than 5 meters from the dike foot outwards to the river and the field.

3. The protection corridor for dike embankments or dike culverts is 50 meters on each side from the last construction sections of the dike embankments or culverts.

4. The expansion, if necessary, of the dike protection corridor in areas where land is swollen or bubbled up or is likely to swell or bubble up, thus threatening the dike safety, is decided by provincial-level People's Committees.

5. Provincial-level People's Committees shall organize the planting of dike protection boundary markers on the field.

Article 24.- Dike-protection responsibilities

1. Upon detecting acts or natural impacts which cause harms to or threaten the safety of dikes, organizations and individuals shall immediately report thereon to the nearest People's Committees or local dike management state bodies for timely prevention and handling measures.

2. Upon the appearance of flood warnings of grade I for diked rivers or flood warnings of grade II or higher for other rivers, the People's Committees of communes where exist dikes shall mobilize local labor forces to join the specialized dike management forces in conducting patrols, watch at dike watch stations, detecting and handling in time dike incidents. Remuneration for such forces is prescribed by provincial-level People's Committees.

Article 25.- Grant of permits for dike-related activities

1. The following activities are subject to permission of provincial-level People's Committees:

- a/ Cutting, sawing dikes for work construction within the dike protection scope;
- b/ Drilling, digging within the dike protection scope;
- c/ Building culverts across dikes; building special works within the dike protection scope, river stretches, riverbeds;
- d/ Building underground works; drilling, digging for groundwater tapping within one kilometer from the outer edge of the dike protection scope;
- e/ Using dikes, dike embankments, dike culverts as places for mooring or anchoring ships, boats, rafts;
- f/ Exploiting earth, rock, sand, cobble or other minerals on riverbeds;
- g/ Leaving materials. exploiting earth, rock, sand, other minerals, digging ponds or wells on riverbeds;
- h/ Dredging navigation channels within the dike protection scope.

2. The grant of permits for activities specified in Clause 1 of this Article shall be based on dike technical norms and construction technical norms promulgated by competent state management bodies; the grant of permits for activities specified at Points a, b and c, Clause 1 of this Article for dikes of special grade, grade I, grade II or grade III must be approved in writing by the Ministry of Agriculture and Rural Development.

3. Provincial-level People's Committees have the following responsibilities:

- a/ To post up and guide the regulations on grant of permits;
- b/ To examine the regularity and legality of dossiers of application for permits for activities defined in Clause 1 of this Article;
- c/ To grant permits or reply in writing cases of failure to fully meet the conditions for grant of permits or non-grant of permits within 20 days at most after the receipt of complete and valid dossiers;
- d/ To inspect the observance of permits and activities without permits, suspend activities and withdraw permits when permit grantees violate the provisions of this Law;
- e/ To settle complaints and denunciations about the grant of permits in accordance with the law on complaints and denunciations.

4. Persons competent to grant permits bear responsibility for their decisions according to the provisions of law.

5. Permit grantees have the following rights and obligations:

a/ To fully submit dossiers of application for permits according to regulations; to take responsibility for the truthfulness of the dossiers; to strictly comply with the contents stated in the permits; when wishing to adjust or change the contents of their permits, to obtain written approval of competent bodies;

b/ To request agencies competent to grant permits to give explanations and guidance and to strictly observe the regulations on grant of permits; to complain about or denounce violations of law in the grant of permits.

Article 26.- Use of river stretches where exist no construction works

1. For the construction of flood-diverting or flood-slowing works, dike embankments, boundary marker posts, assorted dike signboards, water level poles, stations for observation of technical parameters on dikes, anti-flood and- storm reserve supply storage yards and planting of dike protection breakwater trees.

2. For the construction of defense and security works, traffic or irrigation works, underground works in service of socio-economic development, groundwater tapping well systems, pump stations, dry-docks.

3. For the construction of works under investment projects approved by the Prime Minister as provided for in Clause 4 of this Article.

The permitted construction works must concurrently satisfy the following conditions:

a/ Lying outside the dike protection areas;

b/ Complying with anti-flood plannings of diked rivers, dike plannings, land use plannings and construction plannings, which have been approved by competent state bodies;

c/ The construction of works must not reduce beyond the allowed limit the designed flood flow; must not increase beyond the allowed limit the designed flood water level; must not affect the flows of adjacent, upstream and downstream areas;

d/ Satisfying the technical standards of dikes.

4. Provincial-level People's Committees shall direct the formulation of investment projects on construction of works defined in Clause 3 of this Article and submit them to the Ministry of Agriculture and Rural Development for appraisal before submitting them to the Prime Minister for approval.

5. Provincial-level People's Committees shall grant permits for construction activities defined in Clauses 2 and 3 of this Article.

6. The Government shall detail the implementation of this Article.

Article 27.- Handling of works, dwelling houses currently existing in dike protection areas and river stretches

1. Based on the anti-flood plannings of the diked rivers already approved by competent state bodies, provincial-level People's Committees shall direct the formulation of, and approve the schemes on adjustment of land use plannings and construction plannings of river stretches.

2. Based on the adjusted plannings defined in Clause 1 of this Article, the handling of existing works and dwelling houses in dike protection areas and in river stretches is provided as follows:

a/ Works and dwelling houses existing in areas hit by land slides and works and dwelling houses in dike protection areas must be removed, excluding supporting facilities and special works prescribed by this Law;

b/ Existing works and dwelling houses inconsistent with the plannings must be removed; pending the removal, repair and renovation can be made to ensure safety for the lives and properties of people but the flooring space thereof must not be expanded;

c/ Existing works and dwelling houses consistent with the plannings can be repaired, renovated, upgraded or replaced with new ones.

3. Provincial-level People's Committees shall direct the formulation of projects on population relocation and settlement as well as the relocation plans and conduct the removal of works and dwelling houses inconsistent with the planning; provide the grant of permits for construction, upgrading or repair of the existing works or dwelling houses defined in Clause 2 of this Article.

4. Organizations and individuals whose works or dwelling houses must be removed are considered for damage compensations or financial supports according to the provisions of law.

5. The Government shall specify the removal of works and dwelling houses defined at Points a and b of Clause 2 and Clause 4 of this Article.

Article 28.- Construction and renovation of traffic works related to dikes

1. Organizations and individuals that construct or renovate traffic works related to dikes shall comply with the following regulations:

a/ Dike-cum-roads must ensure dike safety; dikes renovated for combined use as roads shall be maintained and repaired according to technical standards of dikes and technical standards on traffic;

b/ The construction of bridges spanning diked rivers must be accompanied with viaducts running over river stretches to ensure smooth flow and dike safety as provided for by this Law and ensure waterway traffic under the provisions of law on inland waterway traffic; construction materials, discarded materials and makeshifts must not affect the flow and must be removed after the completion of works.

2. The construction or renovation of traffic works related to dikes specified in Clause 1 of this Article must be approved in writing by provincial-level People's Committees, for works affecting a province; or by the Ministry of Agriculture and Rural Development, for works affecting two or more provinces.

Article 29.- Use of dike protection corridors, dike embankments, dike culverts

1. Land in dike protection corridors, dike embankments or dike culverts is also used as roads or planted with breakwater trees, rice or cash crops.

2. The exploitation of breakwater trees in dike protection corridors, dike embankments, dike culverts shall comply with the guidance of local dike management state agencies.

Article 30.- Protection and use of existing cultural and historical relics or scenic places in dike protection areas and river stretches

The protection and use of existing cultural and historical relics as well as scenic places in dike protection areas or river stretches shall comply with the provisions of this Law, the law on cultural heritages, the law on tourism and the law on environmental protection.

Article 31.- Allowed tonnages of vehicles traveling on dikes and dike signboards

The Ministry of Agriculture and Rural Development shall specify the allowed tonnages, the grant of permits for motorized vehicles traveling on dikes and forms of dike signboards.

Chapter IV

DIKE MAINTENANCE

Article 32.- Dike maintenance and salvage of works related to the safety of dikes

1. Dike maintenance shall be carried out regularly, particularly in the flood and storm seasons and dikes shall be salvaged promptly upon incidents or threats of incident.
2. The salvage of works related to dike safety is the same as dike maintenance specified in Articles 35 and 36 of this Law.

Article 33.- Regulation of flood-cutting or -reducing water reservoirs

In rainy and flood seasons, flood-cutting or -reducing water reservoirs must be regulated to cut or reduce floods for downstream areas. The flood cutting or reduction must ensure safety for works and comply with technical standards on the operation of water reservoirs promulgated by competent state agencies.

Article 34.- Competence to divert or slow floods for dike maintenance

1. The Prime Minister decides to divert or slow floods for dike maintenance in cases where the flood diversion or slowing affects two or more provinces.
2. Provincial-level People's Committee presidents decide to divert or slow floods for dike maintenance in cases where the flood diversion or slowing only affects their localities.

Article 35.- Mobilization of forces, supplies and means for dike maintenance

1. When dikes or relevant works face incidents or threats of incidents, presidents of People's Committees at various levels shall mobilize forces, supplies and means for dike protection and salvage according to the competence defined in Clause 2 of this Article; decide on and organize the relocation population from danger areas for safety.
2. The competence to mobilize forces, supplies and means is provided for as follows:
 - a/ Presidents of provincial-level People's Committees and heads of provincial-level anti-flood and-storm boards have the right to promptly mobilize forces, supplies and means of the State, localities, organizations and individuals in their respective localities to salvage and ensure safety for dikes; may mobilize anti-storm and -flood reserve supplies of the

central government in their respective localities; if it is beyond their capacity, they shall report thereon to the Prime Minister for mobilization decision;

b/ Presidents of district-level People's Committees and heads of district-level anti-flood and -storm boards have the right to promptly mobilize forces, supplies and means of their respective localities, of organizations and individuals in their localities for dike salvage and safety assurance; if it is beyond their capacity, they shall report thereon to provincial-level People's Committee presidents for mobilization decision;

c/ Presidents of commune-level People's Committees have the right to promptly mobilize forces, supplies and means of their respective localities, or organizations and individuals in their localities for promptly handling dike incidents; if it is beyond their capacity, they shall report thereon to district-level People's Committee presidents for mobilization decision;

d/ When incidents occur, directly threatening the dike safety, heads of the central anti-flood and -storm board, heads of central agencies being members of the central anti-flood and- storm board have the right to order the mobilization of forces, supplies and means of organizations and individuals for dike maintenance and shall bear responsibility for their respective decisions;

e/ In case of emergency against floods, storms or other natural disasters, which requires the use of land, presidents of provincial- or district-level People's Committees have the right to requisition land. The land requisition and return and compensation for people having their land requisitioned shall comply with the provisions of law on land.

3. After handling the incidents, the persons who ordered the mobilization of forces, supplies and means must check the use thereof and carry out procedures for proposing to competent authorities for consideration and decision compensation amounts or supports for organizations and individuals having their forces, supplies, means or land mobilized.

4. Organizations and individuals shall abide by decisions of competent state agencies defined in Clause 2 of this Article when their human resources, supplies and means are mobilized for dike maintenance.

5. Persons who are injured or die while participating in dike maintenance shall be considered for entitlement to regimes and policies applicable to armed forces participating in dike maintenance under the provisions of law.

Article 36.- Responsibilities of dike maintenance organizations

1. The Prime Minister shall decide on measures against floods and storms in case of urgency, direct ministries, ministerial-level agencies and provincial-level People's Committees in conducting dike maintenance to ensure dike safety.

2. The Ministry of Agriculture and Rural Development is answerable to the Government for the direction of dike maintenance.

3. The Ministry of Natural Resources and Environment is responsible for meteorological and hydrological forecasts.

4. The Defense Ministry shall organize and direct the army to be the regular force in performing the tasks of dike maintenance, flood diversion and slowing.

5. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, formulate and materialize plans for dike maintenance and salvage of works related to dike safety under their respective management and participate in dike maintenance in localities under the Prime Minister's direction.

6. People's Committees at all levels shall, within the ambit of their respective tasks and powers, direct the formulation of, and approve, dike maintenance plans and organize the dike maintenance to ensure dike safety.

7. The central anti-flood and -storm board shall direct the warning and measures to cope with floods and storms.

Chapter V

FORCES DIRECTLY MANAGING DIKES

Article 37.- Forces directly managing dikes

1. Forces directly managing dikes include the specialized dike management force and the people's dike management force.

2. The specialized dike management force is set up and directly managed by provincial-level People's Committees. The organizational structure, uniform, badge, stripe, regimes and policies for the specialized dike management force are provided by the Government.

3. The people's dike management force is set up by provincial-level People's Committees, not on the state payroll, organized in each commune or ward along dikes and directly managed by commune-level People's Committees. The organizational structure, funding sources and remuneration regimes for the people's dike management force are provided by provincial-level People's Committees under the guidance of the Ministry of Agriculture and Rural Development.

Article 38.- Tasks of the specialized dike management force

1. The task of directly managing the dike protection covers:

- a/ Regularly inspecting and monitoring the dike situation;
- b/ Compiling archival dossiers and regularly updating data on dikes;
- c/ Managing specialized reserve supplies in service of anti-flood and -storm activities;
- d/ Detecting, applying measures to promptly prevent and proposing the handling of violations of the law on dikes;
- e/ Providing technical and professional guidance for the people's dike management force;
- f/ Mobilizing organizations and individuals to participate in dike management and protection.

2. The task of organizing the first-hour handling of dike incidents covers:

- a/ Conducting patrols, detecting and promptly reporting on the dike situation, damage or incidents;
- b/ Proposing plans on first-hour urgent handling of dike incidents;

c/ Directly participating in the handling and providing technical guidance on the handling of dike incidents;

d/ Providing technical handling guidance for forces performing the tasks of dike maintenance, flood and storm prevention and fighting.

3. The tasks of advising and making technical and professional proposals to competent state management agencies on the following matters:

a/ Formulation of annual plans on dike consolidation and repair;

b/ Plans on dike maintenance, flood and storm prevention and fighting;

c/ Handling of dike incidents;

d/ Preparation of reserve supplies for people in service of dike maintenance, flood and storm prevention and fighting;

e/ Propagation and education in the law on dikes.

4. Oversight of the construction, repair, upgrading and solidification of dike works and dike-related activities covers:

a/ The techniques and progress of dike construction, repair, upgrading and solidification funded with capital of all sources;

b/ The observance of contents of permits for construction of works, which are related to dike safety;

c/ The handling of violations of the law on dikes.

5. Organizing small repair, consolidation and maintenance of dikes according to the provisions of law.

6. Inspecting the observance of the law on dikes; coordinating with the dike specialized inspectorate in inspecting dike cases and matters.

Article 39.- Powers of the specialized dike management force

1. To act as a full-fledged member of the councils for the take-over test of dike construction, repair, upgrading or solidification works funded with capital of all sources.

2. To make records on, to decide to temporarily stop violations of the law on dikes by organizations or individuals and bear responsibility for its decisions; within 24 hours after issuing the temporary stoppage decisions to report thereon to competent state agencies for handling.

3. To report directly to provincial-level People's Committees or the Ministry of Agriculture and Rural Development in case of urgency or threat of dike break.

Article 40.- Responsibilities of the specialized dike management force

1. To be answerable to law for its irresponsibility which leads to dike break in the following cases:

a/ Dike management officials or employees fail to detect in time dike damage or report late or untruthfully on, fail to promptly propose technical measures for the first-hour handling of dike incidents;

b/ Heads of units directly managing dikes fail to fulfill their assigned tasks, fail to inspect and urge the implementation of tasks assigned to dike management officials or employees.

2. To bear joint responsibility before law for relaxation of inspection and supervision, thus helping construction units decline to comply with technical designs on construction, repair, upgrading or solidification of dikes; relaxation of supervision so that organizations or individuals fail to comply with the contents of their permits, which are related to dike safety and flood drainage.

3. While performing their official duty, officials and employees of the specialized dike management force shall wear uniform, badge, stripes and cards.

Article 41.- Tasks and powers of the people's dike management force

The people's dike management force has the tasks of coordinating with the specialized dike management force in conducting regular dike protection inspections, patrol and watch in localities, participating in handling dike incidents; is provided with technical and professional guidance on dikes, enjoys remuneration under the provisions of Clause 3, Article 37 of this Law, and has the powers to make records on and stop acts of violating the law on dikes.

Chapter VI

DIKE STATE MANAGEMENT RESPONSIBILITIES

Article 42.- Responsibilities of the Government and ministerial-level agencies for state management of dikes

1. The Government exercises the unified state management of dikes.

2. The Ministry of Agriculture and Rural Development is answerable to the Government for performing the state management of dikes, having the following tasks and powers:

a/ To direct provincial-level People's Committees and assume the prime responsibility for coordinating with ministries and ministerial-level agencies in the formulation and implementation of plannings and plans on investment in construction, repair, upgrading, solidification, protection and use of dikes and in dike maintenance;

b/ To promulgate according to its competence legal documents on dikes and provide for the designed water level for each dike;

c/ To sum up and manage data on dikes nationwide; to organize scientific research and technological development on dike construction and protection;

d/ To decide according to its competence or propose the Prime Minister to decide on the mobilization of forces, supplies and means for dike maintenance, remedy of flood or storm consequences caused to dikes;

e/ To establish and develop international cooperation on dikes;

f/ To direct and guide provincial-level People's Committees in organizing the people's dike management force;

g/ To assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies and direct localities in, propagating, disseminating and educating the law on dikes;

h/ To organize the inspection and examination of the observance of the law on dikes and handle violations of the law on dikes;

i/ To settle complaints and denunciations about acts of violating the law on dikes according to the law on complaints and denunciations.

3. The Ministry of Natural Resources and Environment has the following tasks and powers:

a/ To organize meteorological and hydrological forecasts; to direct and guide the formulation of planning on use of land in dike protection corridors, dike embankments, dike culverts and river stretches according to the provisions of this Law and the law on dikes;

b/ To assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, guiding and inspecting the exploitation of sand, stone, cobble in rivers; to direct provincial-level People's Committees in preventing the illegal exploitation of minerals, causing unsafety to dikes.

4. The Industry Ministry shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, formulating and implementing plans to ensure safety for hydroelectric power works; direct the operation of water reservoirs in accordance with the technical standards on the operation of water reservoirs.

5. The Ministry of Transport shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, performing the following tasks:

a/ Planning on waterway traffic channels, planning and building bridges across rivers to ensure river flood drainage, waterway traffic works and planning on transformation of dikes for combined use as roads;

b/ Preparing means and reserve supplies, ensuring traffic safety in service of dike maintenance in flood and storm seasons.

6. The Construction Ministry shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, guiding the formulation and management of construction plannings, promulgates technical norms on construction of works in river stretches specified in Article 26 of this Law and on transformation, repair, upgrading and construction of dwelling houses and works defined in Article 27 of this Law.

7. The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Finance Ministry, the Ministry of Agriculture and Rural Development in, allocating funds for work solutions to cope with floods over the designed flood levels or with urgent flood circumstances, setting aside a separate fund for projects on construction, repair, upgrading and solidification of dikes, on dike management, protection and maintenance, flash flood regions and flood-diverting or -slowing areas.

8. The Finance Ministry shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, other ministries and ministerial-level agencies in, performing the following tasks:

a/ Guiding the compensation for organizations and individuals whose land is recovered or requisitioned for the construction, repair, upgrading or solidification of dikes and anti-flood or -storm works;

b/ Formulating and promulgating according to its competence or proposing competent state agencies to promulgate mechanisms and policies applicable to forces conducting dike patrol, watch and maintenance and policies to compensate the supplies and means mobilized for dike maintenance.

9. The Defense Ministry shall coordinate with the Ministry of Agriculture and Rural Development in directing and inspecting the organization of forces, means, dike maintenance plans and forces.

10. The Ministry of Public Security shall coordinate with the Ministry of Agriculture and Rural Development in directing and guiding the police force to draw up and implement schemes to ensure order and safety in key dike areas and flood-diverting or -slowing regions in flood seasons; inspect, prevent and handle acts of violating the law on dikes.

11. Ministries and ministerial-level agencies shall, within the ambit of their respective functions, tasks and powers, implement the provisions of this Law and coordinate with the Ministry of Agriculture and Rural Development in the protection and use of dikes.

Article 43.- Responsibilities of People's Committees of all levels in the state management of dikes

1. Provincial-level People's Committees have the following tasks and powers:

a/ To organize the construction, repair, upgrading and solidification of dikes, to manage and ensure safety for dikes in their respective localities in accordance with the national planning on dikes, ensuring the uniformity of the dike system;

b/ To direct district-level People's Committees to coordinate with the concerned agencies in formulating and implementing plannings and plans for investment in the construction, repair, upgrading, solidification, protection and use of dikes and the dike maintenance;

c/ To synthesize and manage information and data on dikes in their provinces and organize scientific research and develop technologies on dike construction and protection;

d/ To decide according to their competence or propose competent state agencies to decide on the mobilization of forces, supplies and means for dike maintenance and remedy of flood and storm consequences caused to dikes;

e/ To set up the specialized dike management force and the people's dike management force;

f/ To manage the specialized dike management force in their respective provinces;

g/ To direct the propagation, dissemination and education of the law on dikes within their localities;

h/ To organize the examination and inspection of the implementation of the law on dikes; to handle acts of violating the law on dikes; to handle according to their competence complaints and denunciations about acts of violation of the law on dikes within their localities in accordance with the law on complaints and denunciations.

2. District-level People's Committees have the following tasks and powers:

a/ To organize the dike management, protection, repair, upgrading, solidification and maintenance in their respective localities;

b/ To direct commune-level People's Committees to coordinate with concerned agencies in implementing the plannings and plans for investment in the construction, repair, upgrading, solidification, protection, use and maintenance of dikes;

c/ To synthesize and manage information and data on dikes within their localities;

d/ To decide according to their competence or propose competent authorities to decide on the mobilization of forces, supplies and means for dike maintenance or remedy of flood or storm consequences caused to dikes;

e/ To direct the propagation, dissemination and education of the law on dikes within their respective localities;

f/ To organize the examination and inspection of the implementation of the law on dikes and handle acts of violation of the law on dikes; to handle according to their competence complaints and denunciations about acts of violation of the law on dikes within their respective localities in accordance with the law on complaints and denunciations.

3. Commune-level People's Committees have the following tasks and powers:

a/ To organize the dike management, protection and maintenance in their respective localities;

b/ To mobilize local labor forces as provided for in Clause 2 of Article 24 and the people's dike management force defined in Article 41 of this Law; to coordinate with the specialized dike management force in conducting dike patrols, watch and protection in flood and storm seasons along dikes in their respective localities;

c/ To decide according to their competence or propose competent state agencies to decide on the mobilization of forces, supplies and means for dike maintenance or remedy of flood or storm consequences caused to dikes;

d/ To prevent violations of the law on dikes;

e/ To handle violations of the law on dikes according to competence; if it is beyond their competence, to report thereon to competent state agencies for handling.

Chapter VII

INSPECTION, COMMENDATION, AND HANDLING OF VIOLATIONS

Article 44.- Dike inspectorate

1. Dike inspectorate is a specialized inspectorate under the Ministry of Agriculture and Rural Development.

2. Dike inspection shall comply with the provisions of law on inspection.

Article 45.- Commendation

Organizations and individuals that record outstanding achievements in dike-related activities shall be commended according to the provisions of law on emulation and commendation.

Article 46.- Handling of violations of the law on dikes

1. Those who violate the law on dikes shall, depending on the nature and seriousness of their violations, be disciplined, administratively handled or examined for penal liability; if causing damage, they shall pay compensations according to the provisions of law.

2. Organizations which violate the law on dikes shall, depending on the nature and seriousness of their violations, be administratively sanctioned, suspended from operation; if causing damage, they shall pay compensations according to the provisions of law.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 47.- Implementation effect

This Law takes effect on July 1, 2007.

The August 24, 2000 Ordinance on Dikes ceases to be effective on the date this Law takes effect.

Article 48.- Detailing and guiding the implementation

The Government shall detail and guide the implementation of Articles 4, 6, 9, 26 and 27, Clause 2 of Article 37, Articles 44 and 46 of this Law.

This Law was passed on November 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 10th session.

**THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM
PRESIDENT**

Nguyen Phu Trong