

**THE GOVERNMENT****DECREE No. 120/2008/ND-CP OF  
DECEMBER 1, 2008, ON RIVER BASIN  
MANAGEMENT****THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on  
Organization of the Government;*

*Pursuant to the May 20, 1998 Law on Water  
Resources;*

*Pursuant to the November 29, 2005 Law on  
Environmental Protection;*

*At the proposal of the Minister of Natural  
Resources and Environment,*

**DECREES:***Chapter I***GENERAL PROVISIONS*****Article 1.-*** Governing scope

This Decree provides for the management of river basins, covering basic surveys of the river basin environment and water resources; river basin planning; protection of the river basin water environment; regulation and allocation of water resources and river basin water transfer; international cooperation and implementation of treaties on river basins; organization of river basin

coordination; and river basin management responsibilities.

**Article 2.-** Subjects of application

1. This Decree applies to agencies, organizations and individuals conducting activities related to river basins.

2. In case a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from those of this Decree, the provisions of that treaty will prevail.

**Article 3.-** Interpretation of terms

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

1. International river basin means a river basin where exists one or more than one international water source.

2. River basin group means a group of river basins which are geographically close to one another.

3. River basin list means a collection of river basins classified on the basis of criteria of their importance, basin area, main river length, administrative and territorial characters and others.

4. River basin environment-water resource data directory means a general database of statistical particularities of a river basin, including geographical position, area, total water volume, water quality, water exploitation and use status, wastewater discharge, socio-economic characters and environmental particularities.

5. Plan for water pollution prevention and combat and rehabilitation of polluted water sources covers managerial measures, investment plan and schedule for specific activities to achieve the water quality targets set in water resource protection planning.

6. Water resource regulation and distribution plan covers managerial measures, investment plan and schedule for specific activities to ensure water resource regulation and allocation according to rates set in the water resource allocation planning in order to meet water users' needs.

7. Minimum flow means the flow at the lowest level necessary for maintaining a river or river section, ensuring the normal development of aquatic ecosystems and the minimum level for water resource exploitation and use by water users in the priority order stated in the river basin planning.

**Article 4.-** Principles for river basin management

1. Water resources in a river basin must be uniformly managed without division among administrative levels, between upstream and downstream; the fairness, rationality and equality in obligations and interests among organizations and individuals in the same river basin must be ensured.

2. Ministries, branches, local administrations at all levels, organizations and individuals shall bear joint responsibility for protecting the water environment in river basins according to law, and

actively cooperate in tapping benefits brought about by water resources and ensuring the interests of population communities in river basins.

3. The exploitation and use of water resources and the discharge of wastewater on river basins are liable to financial obligations prescribed by law.

4. The exploitation, use and development of water resources must be combined with the environmental protection and sustainable exploitation of other natural resources in river basins.

5. To comprehensively and uniformly manage water volume and quality, surface and ground water, inland water and river-mouth coastal water, ensuring that water resources are used thriftily and efficiently for multiple purposes.

6. To ensure territorial sovereignty, national interests, equality, reasonability and mutual benefits in environmental protection, water resource exploitation, use and protection, prevention and combat of harms caused by water to international water sources in river basins.

7. To rationally assign and decentralize the state management of river basins; to incrementally socialize the protection of water resources in river basins, mobilizing financial contributions of all economic sectors and population communities and taking advantage of financial assistance of other countries and international organizations for the management and protection of water resources in river basins.

*Article 5.-* Contents of river basin management

1. To formulate and direct basic surveys of the river basin environment and water resources, to make a list of river basins, to establish a database and directories on the river basin environment and water resources.

2. To formulate and direct the implementation of the river basin planning.

3. To decide on measures to protect the water environment, cope with water environmental incidents, prevent, combat and address consequences of harms caused by water on river basins.

4. To regulate and distribute water resources, maintaining minimum flows on rivers; transferring water among sub-basins in a river basin, and from one river basin to another.

5. To inspect and examine the implementation of the river basin planning and handle violations of regulations on river basin management; to settle disputes between localities, between branches and between organizations and individuals in exploiting, using and enjoying benefits from the river basin environment and water resources.

6. To enter into international cooperation on management, exploitation and sustainable development of river basins; to fulfill commitments on international water sources in river basins, which the Socialist Republic of Vietnam has signed or acceded to.

7. To set up river basin-coordinating organizations.

*Article 6.-* Lists of river basins

1. Lists of river basins serve as grounds for:

a/ Organizing the realization of contents of river basin management specified in Article 5 of this Decree;

b/ Decentralizing river basin management and determining river basin management responsibilities of ministries, branches and localities;

c/ Identifying investment priorities for the protection of water resources and sustainable development of river basins.

2. River basin lists are classified as follows:

a/ List of big river basins, covering the basins of the Red, Thai Binh, Bang Giang, Ky Cung, Ma, Ca, Vu Gia, Thu Bon, Ba, Dong Nai and Mekong rivers;

b/ List of inter-provincial river basins, covering river basins lying in two or more provinces and/or centrally run cities;

c/ List of intra-provincial river basins, covering river basins lying within a province or centrally run city.

**Article 7.-** Investment policies for sustainable development of river basins

1. The State prioritizes investment capital for the management, protection and sustainable development of river basins, covering:

a/ Basic surveys of the river basin environment and water resources; formulation of river basin environment-water resource data directories and building of systems for observation, warning and forecast of the river basin environment and water

resources;

b/ Formulation and implementation of river basin plannings, plans for pollution prevention and combat, address of consequences of harms caused by water, plans for regulation and allocation of water sources and development of river basin water resources.

2. To formulate and materialize programs and projects on integrated management of river basin water sources, ensuring the water source balance on national and regional scales in order to meet the water needs of the people's life and sustainable socio-economic development

3. Investment in sustainable development of river basins is development investment. The State encourages and creates favorable conditions for all organizations, individuals and communities to invest in the management, protection and sustainable development of water resources in river basins and prevention and combat of harms caused by water.

4. To expand and attract international capital sources for the management and protection of the river basin environment and water resources.

## *Chapter II*

### **BASIC SURVEYS OF THE RIVER BASIN ENVIRONMENT AND WATER RESOURCES**

**Article 8.-** Major contents of basic surveys of the river basin environment and water resources

1. Survey of the environment; survey and inventory of water resources in river basins, covering:

a/ Making specific maps of river basins and specific maps of rivers, lakes and lagoons;

b/ Making geological and hydrographic maps of water-containing formations, structures and complexes;

c/ Survey and exploration of ground water sources;

d/ Survey, assessment of, and making of topical maps on, water resources;

e/ Survey and assessment of factors affecting water resources;

f/ Survey and assessment of degradation, alkalization, pollution and exhaustion of surface and ground water sources;

g/ Survey to determine water sources' capacity to receive wastewater;

h/ Survey, assessment, warning and forecast of abnormal developments in water resources and harms caused by water;

i/ Survey and determination of ground water supplementation possibility and tests.

2. Survey of the current status of exploitation and use of water resources and discharge of wastewater into water sources.

3. Building and maintenance of systems for supervision of water resources and supervision of the exploitation and use of water resources and the discharge of wastewater into water sources.

4. Building and maintenance of systems of information and databases on the environment and

water resources.

**Article 9.-** Organization of basic surveys of the river basin environment and water resources

1. The Government uniformly manages basic surveys of the river basin environment and water resources nationwide.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with other ministries, branches and People's Committees of provinces and centrally run cities (below collectively referred to as provincial-level People's Committees) in, organizing basic surveys of the river basin environment and water resources, guiding the making of plans on distribution of river basin environment-water resource data directories.

### Chapter III

#### RIVER BASIN PLANNING

**Article 10.-** River basin planning

1. A river basin planning comprises the following component plannings:

a/ Planning on allocation of water resources;

b/ Planning on protection of water resources;

c/ Planning on prevention, combat and address of consequences of harms caused by water.

2. A component planning may cover the whole basin, one or a several sub-basins.

**Article 11.-** River basin planning period and

elaboration time limit

1. A river basin planning is formulated once for every 10 years and, when necessary, this period can be prolonged but for not more than 5 years after the expiration of the current planning.

2. The river basin planning time limit is 24 months from the date the planning tasks are approved by competent authorities.

**Article 12.-** River basin planning tasks

1. River basin planning tasks include:

a/ To make an overall assessment of the natural environment, socio-economic situation, current status of river basin water resources, water environment protection, water resource exploitation, use and development and water-caused harm prevention, combat and minimization;

b/ To identify water use and drainage objectives and needs, issues to be settled in water environment protection; water resource exploitation, use and development, water-caused harm prevention, combat, minimization and consequence address;

c/ To identify to-be-formulated component plannings, priority order and their planning scope with a view to achieving the set objectives and solving issues identified at Point b, Clause 1 of this Article;

d/ To set solutions and a roadmap for the formulation of river basin plannings.

2. The time limit for the formulation of river basin planning tasks is 6 months from the date the tasks are officially assigned.

**Article 13.-** Grounds for formulation of river basin plannings

1. The river basin lists approved by competent authorities.

2. The Law on Water Resources, the Law on Environmental Protection, the national strategy for water resources, the national strategy for environmental protection, strategic orientations for sustainable development in Vietnam, national, regional and local socio-economic development plannings and plans, and other relevant legal documents.

3. Target programs, strategies, plannings and specialized plans which are related to environmental protection, water resource exploitation and use, water-caused harm prevention, combat and minimization.

4. Characters of the national, economic and social environments of river basins and practical potential of water resources.

5. Rights and obligations in treaties on water resources and environment to which the Socialist Republic of Vietnam is a contracting party.

6. Norms and standards of water resources and water resource-related environment.

7. River basin planning tasks approved by competent authorities.

**Article 14.-** Major contents of a planning on allocation of river basin water resources

1. Assessing the volume and quality and forecasting the development trends of water resources, and the current status of water resource

exploitation and use for every water source.

2. Identifying water needs and existing problems in the comprehensive exploitation and use of water resources and establishing the priority order and capacity to meet water needs for daily life, agriculture, hydro-power, fishery, industries, transport, tourism, other socio-economic activities and environmental protection for every water source.

3. Determine the priority order and water resource allocation rates in the water resource exploitation and use for daily life and other purposes, including water needs for environmental protection in case of droughts or water shortage.

4. Determining water use purposes, minimum flows to be maintained in river sections in basins and necessary measures to deal with matters specified in Clause 2 of this Article.

5. Proposing networks for water resource supervision, water use oversight and the adjustment of parameters or adjustment of the current operation of water resource-exploiting and -using works (if necessary).

6. Identifying needs for water transfer among sub-basins within a river basin; needs for water transfer with other river basins (if any).

7. Proposing construction measures for water resource development with a view to meeting the needs for water for socio-economic development in the basins.

8. Identifying planning implementation solutions and schedule.

**Article 15.-** Major contents of a planning on protection of river basin water resources

1. Identifying the positions, scopes and extents of polluting sources in river basins; polluted, degenerated and exhausted areas; causes of water source pollution, degeneration or exhaustion.

2. Assessing the current status and developments of water quality for each water source, classifying areas based on water quality.

3. Determining and assessing the importance of aquatic eco-systems.

4. Identifying water quality targets on the basis of water use purposes for every water source.

5. Identifying solutions for the protection of the water environment and rehabilitation of polluted, degenerated or exhausted water sources.

6. Proposing networks for overseeing river basin water quality, supervising the discharge of wastewater into water sources and the adjustment of parameters or adjustment of the current operation of works protecting water resources in river basins (if any).

7. Proposing non-construction or construction measures to achieve the river basin water quality targets.

8. Identifying planning implementation solutions and schedule.

**Article 16.-** Major contents of a planning on prevention, combat and address of consequences of harms caused by water in river basins

1. Assessing the situation and development and determining the cause of, and classifying areas based on water-caused harms in river basins.

2. Evaluating general effects of construction or non-construction measures implemented in river basins to prevent, combat, minimize and address consequences of water-caused harms and the impacts of these measures on flooded areas and submerged regions, the river-bed, river-bank, river-mouth and coastal deposit and erosion.

3. Determining the standards of flood and drought prevention and combat for the whole river basins, each region and each sub-basin.

4. Proposing the adjustment of parameters or the current operation of water harm-preventing, -combating and -minimizing and consequence-addressing facilities (if any).

5. Determining solutions for raising the quality and efficiency of activities of preventing, combating and minimizing water-caused harms and addressing their consequences, and the systems of warning and forecasting floods, droughts and other natural disasters.

6. Proposing construction or non-construction measures to minimize water-caused harms and address their consequences, to protect regions prone to floods or droughts; to preserve submerged regions and ensure standards of flood and drought prevention and combat for the whole river basins, each region and each sub-basin.

7. Identifying planning implementation solutions and schedule.

**Article 17.-** Formulation of river basin plannings

1. Responsibilities to formulate river basin plannings

a/ The Ministry of Natural Resources and Environment shall formulate planning tasks and drafts for river basins on the list of big river basins or the list of inter-provincial river basins;

b/ Provincial-level People's Committees shall formulate planning tasks and drafts for river basins in their respective localities, which are on the list of intra-provincial river basins;

c/ The agencies defined at Points a and b, Clause 1 of this Article, shall coordinate with concerned ministries, branches and localities in drafting river basin plannings.

2. Draft river basin plannings must be commented by concerned ministries, branches, localities and economic organizations involved in the exploitation and use of water resources or discharge of wastewater into water sources, and representatives of population communities living in river basin areas, before they are submitted to competent authorities for consideration and approval.

3. The Ministry of Natural Resources and Environment shall detail the norms, standards, criteria, contents, order and procedures for formulating, appraising and approving river basin plannings.

**Article 18.-** Adjustment of river basin plannings

1. A river basin planning may be examined and adjusted in one of the following circumstances:

a/ There arise big changes in natural conditions in the river basin;

b/ The socio-economic development master plan is adjusted, thus altering the objectives of the river basin planning;

c/ Adjustment is proposed by ministries, branches, the River Basin Committee or local People's Committees involved in the implementation of the river basin planning.

2. The time of adjustment of a river basin planning shall be decided by the competent agency having approved the river basin planning.

3. River basin planning adjustment must be based on the results of analyzing and evaluating the implementation of the approved river basin planning and determining factors affecting the planning adjustment, ensure continuity and only cover altered contents.

4. The formulation, appraisal and approval of adjusted contents comply with the provisions of this Decree.

**Article 19.-** Organization of implementation of river basin plannings

1. Publicization of river basin plannings:

a/ The Minister of Natural Resources and Environment shall publicize plannings on river basins on the list of big river basins or the list of inter-provincial river basins;

b/ Presidents of provincial-level People's Committees shall publicize plannings on river basins lying within their respective localities, which are on the list of intra-provincial river basins;

c/ The Ministry of Natural Resources and Environment shall detail the to-be-publicized contents and forms of publicizing river basin plannings.

2. Ministries, branches and provincial-level People's Committees shall base on the approved river basin plannings to formulate their plans on water resource exploitation and use and approve them after they are appraised by the Ministry of Natural Resources and Environment.

3. Ministries, branches and People's Committees of provinces in river basins shall direct and organize the implementation of river basin plannings with regard to tasks falling under their respective responsibilities and adjust, within the ambit of their respective state management responsibilities, strategies, plannings and plans which are not in line with the approved river basin plannings.

4. The River Basin Committees defined in Article 30 of this Decree (below referred to as the River Basin Committees) shall discuss and propose measures to implement or adjust river basin plannings; propose competent state agencies to settle disputes among state agencies, organizations and individuals in the course of organizing the implementation of river basin plannings; and annually report on the implementation to the Ministry of Natural Resources and Environment.

5. Professional associations, economic organizations and collectives and population communities are obliged and provided with conditions to exercise the right to supervise and propose specific measures for the implementation of river basin plannings.

6. The Ministry of Natural Resources and Environment shall inspect and annually report to the Prime Minister on the implementation of river basin plannings throughout the country.

**Article 20.-** Funds for formulation and implementation of river basin plannings

1. Funds for the formulation of planning tasks and drafts for river basins on the list of big river basins or the list of inter-provincial river basins will be supplied by the state budget and incorporated into the annual budgets of the Ministry of Natural Resources and Environment.

2. Funds for the formulation of planning tasks and drafts for river basins on the list of intra-provincial river basins will be supplied by the state budget and incorporated into the annual budgets of provinces.

3. Funds for the implementation of river basin plannings of ministries, branches or localities will be incorporated into the annual budget estimates of ministries, branches or localities in accordance with the Law on State Budget.

4. Amounts donated by domestic and foreign organizations and individuals and other lawful financial sources as provided for by law may be used for the formulation and implementation of

river basin plannings.

**Article 21.-** Archival of files on river basin plannings

1. Investors shall submit river basin planning files for archival under the law on archive after they are approved by competent authorities.

2. Water resource state management agencies at all levels shall archive river basin planning files according to the law on archive.

3. River planning file archive offices shall supply archived documents to competent individuals, organizations and state bodies according to law.

#### *Chapter IV*

### **PROTECTION OF THE RIVER BASIN WATER ENVIRONMENT**

**Article 22.-** Control of polluting sources and protection of river basin water quality

1. Within the ambit of their respective responsibilities, ministries, ministerial-level agencies, provincial-level People's Committees, corporations, state-run economic groups, and organizations and individuals engaged in the exploitation or use of river basin water shall:

a/ Organize regular observation and measurement of wastewater sources;

b/ Inspect and supervise locations where wastewater is discharged into water sources, ensuring that wastewater volumes and quality

meet the wastewater-receiving capacity and water quality criteria of each river, river section, lake, lagoon and submerged area in river basins;

c/ Apply measures to protect water sources which they directly manage, exploit or use;

d/ Establish databases on wastewater discharged into water sources and register them into river basin environment-water resource data directories.

2. The Ministry of Natural Resources and Environment shall:

a/ Direct and organize the investigation, survey and assessment of water source pollution, degeneration or exhaustion; build systems of water environment observation and information on quality of water sources and wastewater discharge sources in river basins.

b/ Provide for the protection of river corridors with regard to sensitive water sources with high biodiversity and cultural preservation values; the protection and development of natural ecological systems in river corridors and river-mouth and coastal areas;

c/ To guide solutions for the restoration of water quality if the water environment is polluted and degenerated.

**Article 23.-** Plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins

1. Formulation of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins:

a/ A plan for water pollution prevention and combat and rehabilitation of polluted water sources in river basin will be formulated once for every five (5) years;

b/ The Ministry of Natural Resources and Environment shall organize the formulation of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins in a priority order based on the approved river basin plannings for river basins on the list of big river basins and the list of inter-provincial river basins;

c/ Provincial-level People's Committees shall organize the formulation of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins in a priority order, based on the approved river basin plannings for river basins lying within their respective localities on the list of intra-provincial river basins,

d/ Plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins must be commented by ministries, branches, localities, economic organizations involved in the exploitation and use of water resources or discharge of wastewater into water sources and representatives of population communities in river basins.

2. Notification of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins:

a/ The Ministry of Natural Resources and Environment shall notify plans for water pollution prevention and combat and rehabilitation of

polluted water sources to ministries, branches and provincial-level People's Committees of localities having land areas in river basins on the list of big river basins or the list of inter-provincial river basins.

b/ Provincial-level People's Committees shall notify departments and branches under their management and concerned agencies of the plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins lying within their localities and being on the list of intra-provincial river basins;

c/ To-be-notified contents and forms of notifying plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins shall be decided by agencies with notifying competence.

3. Implementation of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins:

a/ Plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins serve as grounds for the elaboration of environmental protection programs and projects of ministries, branches or localities:

b/ Ministries, branches, corporations, state-run economic groups and People's Committees at all levels shall direct the adjustment of programs, plans, projects and regimes on wastewater discharge under their respective management in to be in line with plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins.

c/ The Ministry of Natural Resources and

Environment and provincial-level People's Committees shall inspect, oversee, monitor and periodically report to the Prime Minister on the implementation of plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins.

**Article 24.-** Responding to and addressing river basin water environment incidents

1. Responding to and addressing river basin water environment incidents:

a/ Production, business or service establishments shall formulate schemes and be fully equipped with facilities to prevent, combat and respond to water environment incidents they have caused;

b/ Upon the occurrence of water environment incidents, production, business or service establishments shall apply measures to respond to and address the incidents according to law;

c/ Organizations and individuals that cause water environment incidents shall, apart from being held responsible therefor according to law, pay compensations in order to address the pollution and degeneration in the immediate future and rehabilitate and improve the environment for a long-term future.

d/ In case of incidents, local functional bodies shall coordinate with one another in minimizing harms caused by the incidents, identifying the incident causes, grounds and individuals at fault, supervise and evaluate the extent of degeneration of quality of the water environment in river basins and harms caused by the incidents so as to have

grounds for requesting the incident-causing establishments or individuals to pay damages.

2. Responding to and addressing transboundary river basin water environment incidents:

a/ Provincial-level People's Committees shall actively apply measures to stop and restrict the spread of pollution, treat and minimize pollution under their management and promptly notify such to the Ministry of Natural Resources and Environment;

b/ The Ministry of Natural Resources and Environment shall coordinate with concerned authorities in countries where transboundary water environment incidents occur in immediately taking preventive and remedial measures compliant with commitments or treaties to which Vietnam is a contracting party.

#### *Chapter V*

### **REGULATION AND ALLOCATION OF WATER RESOURCES AND TRANSFER OF RIVER BASIN WATER**

**Article 25.-** Maintenance of minimum flow in river basins

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, providing for the determination of minimum flows to be maintained in river basins.

2. Maintenance of minimum flows in rivers:

a/ The Ministry of Natural Resources and Environment shall investigate, survey and determine minimum flows in rivers or river sections for each water source in river basins on the list of big river basins or the list of inter-provincial river basins;

b/ For international river basins, the Ministry of Natural Resources and Environment shall, on behalf of the Government, negotiate and reach agreement with countries sharing the international water sources on the to-be-maintained level of minimum flows on the principal currents of river basins;

c/ Provincial level People's Committees shall investigate, survey and determine minimum flows in rivers or river sections for each water sources in river basins on the list of intra-provincial river basins;

d/ Minimum flows in rivers or river sections must be publicized and commented by economic organizations involved in water resource exploitation or use and representatives of population communities in river basin areas.

3. Competence to publicize the to-be-maintained minimum flows in rivers:

a/ The Ministry of Natural Resources and Environment shall publicize the minimum flows in rivers or river sections in basins on the list of big river basins or the list of inter-provincial river basins;

b/ Provincial-level People's Committees shall publicize the minimum flows in rivers or river sections in basins lying within their respective localities and being on the list of intra-provincial

river basins.

4. Ministries, ministerial-level agencies, government-attached agencies, concerned corporations and state-run economic groups shall direct the adjustment of their respective programs, plans, projects and regulations on water resource exploitation and use, maintaining the publicized minimum flows in rivers or river section.

**Article 26.-** Regulation and allocation of water resources in river basins

1. Formulation of plans for water resource regulation and allocation:

a/ A plan for water resources regulation and allocation will be formulated once for every five (5) years;

b/ Ministries, branches, localities and economic organizations, that are engaged in water resource exploitation or use, shall notify the River Basin Committee and the Ministry of Natural Resources and Environment of their annual plans on water demands within every five (5)-year period for each water source in river basins.

c/ For river basins on the list of big river basins or the list of inter-provincial river basins, the Ministry of Natural Resources and Environment shall formulate plans on water resource regulation and allocation for different use purposes on the basis of approved river basin plannings, the practical capacities of water sources, the requirements of maintaining minimum flows in rivers and meteorological and hydrological offices' forecasts about changes of flows in subsequent years in river basins and water needs

of ministries, branches, localities and economic organizations;

d/ For river basins lying within their respective localities and being on the list of intra-provincial river basins, provincial-level People's Committees shall formulate plans for water resource regulation and allocation for different use purposes on the basis of approved river basin plannings, the practical capacities of water sources, the minimum flows in rivers, the meteorological and hydrological offices' forecasts about changes of flows in subsequent years in the basins and the water needs of ministries, branches, localities and economic organizations;

e/ Plans for water resource regulation and allocation must be publicized and commented by concerned ministries, branches, localities and economic organizations involved in water resource exploitation and use and representatives of population communities in river basin areas.

2. Notification of plans on water resource regulation and allocation:

a/ The Ministry of Natural Resources and Environment shall notify ministries, branches and provincial-level People's Committees of localities having land areas in river basins of the plans on regulation and allocation of water resources in river basins on the list of big river basins or the list of inter-provincial river basins;

b/ Provincial-level People's Committees shall notify departments and branches under their management and agencies and units involved in the exploitation or use of water resources in river basins of the plans on water resource regulation

and allocation in river basins lying within their localities and being on the list of intra-provincial river basins;

c/ To-be-notified contents and forms of notifying plans on river basin water resource regulation and allocation will be decided by agencies with notifying competence.

3. Implementation of plans on water resource regulation and allocation:

a/ Ministries, branches, corporations and state-run economic groups involved in water resource exploitation, use and protection and People's Committees at all levels shall direct the examination and adjustment of their respective programs, plans, projects and regimes on water resource exploitation and use to be in line with the plans on regulation and allocation of river basin water resources and the practical capacity of water sources, which are notified by competent state agencies.

b/ In case of droughts, water shortage or serious pollution of water sources, the River Basin Committees shall immediately petition the Ministry of Natural Resources and Environment or provincial-level People's Committees to adjust the plans on water resource regulation and allocation in the approved priority order in the river basin water resource allocation planning defined in Clause 3, Article 14 of this Decree and promptly notify the adjustment of plans on water resource regulation and allocation, the effective duration of the adjustment to concerned state agencies and organizations in river basins;

c/ If concerned agencies or organizations and localities in river basin areas disagree with

adjustments to the plans on water resource regulation and allocation, they may propose the notifying agencies to consider and decide;

d/ In case of emergency, water resource regulation and allocation must be conducted in accordance with the law on the state of emergency.

**Article 27.-** Transfer of river basin water

1. Grounds for the formulation of projects on water transfer among river basins:

a/ The national strategy on water resources and the strategy on environmental protection;

b/ The river basin planning, maintenance of minimum flows, and plans on regulation and distribution of water resources in river basins;

c/ Socio-economic development plans of localities in relevant river basins;

d/ Water sources' capacity, water needs and environmental impacts;

e/ International commitments or treaties to which Vietnam is a contracting party, in case of projects on water transfer among international river basins.

2. Consultation on and appraisal of projects on water transfer among river basins:

a/ A water transfer project related to any river basin must be commented by the Committee for that river basin in the course of formulating and approving the project;

b/ Projects on water transfer between river basins on the list of big river basins or the list of inter-provincial river basins of ministries, branches, provincial-level People's Committees,

corporations or state-run economic groups, organizations or individuals shall be sent to the Ministry of Natural Resources and Environment for appraisal before they are submitted to the Prime Minister for consideration and decision on investment policies or decisions according to decentralization of work construction investment management;

c/ Projects on water transfer between river basins lying within localities and being on the list of intra-provincial river basins of ministries, branches, provincial-level People's Committees, corporations, state-run economic groups, organizations or individuals shall be sent to provincial-level People's Committees for appraisal before asking for investment policies or investment decisions according to decentralization of work construction investment management.

#### Chapter VI

### INTERNATIONAL COOPERATION AND IMPLEMENTATION OF TREATIES ON RIVER BASINS

**Article 28.-** International cooperation on river basins

1. The Ministry of Natural Resources and Environment shall act as the sole body assisting the Government in the implementation of international cooperation on river basins, having the tasks:

a/ To assume the prime responsibility for, and coordinate with the Ministry of Foreign Affairs and concerned ministries and branches in, carrying

out procedures for negotiating and concluding treaties on river basins according to law;

b/ To direct and supervise the implementation of international commitments and treaties concerning water resources as well as the gathering and exchange of data and information on river basin water resources under the treaties to which Vietnam is a contracting party;

c/ To represent the Vietnamese Government in conducting negotiations on international legal documents on water resources and participating in the settlement of international disputes over river basin water resources and environment;

d/ To monitor the implementation by ministries, branches and localities of international river basin-related commitments to which Vietnam is a contracting party.

2. Ministries, branches and provincial-level People's Committees have the tasks.

a/ To establish, maintain and consolidate relations of international cooperation and implement treaties on river basins within the scope of their respective functions, tasks and delegated powers;

b/ To send to the Ministry of Natural Resources and Environment reports on international cooperation and implementation of treaties on river basins so that the latter can make sum-up reports to the Prime Minister.

**Article 29.-** Admission to international river basin organizations

1. The admission to international river basin organizations complies with the law on conclusion

and implementation of treaties.

2. The Ministry of Natural Resources and Environment shall act as the sole body representing the Vietnamese Government in the participation in international river basin organizations. The Minister of Natural Resources and Environment shall report to the Prime Minister on the appointment of representatives at international river basin organizations and may decide on the appointment of specialists to work at international river basin cooperation organizations.

### *Chapter VII*

#### **RIVER BASIN COORDINATING ORGANIZATIONS**

##### *Article 30.- The River Basin Committees*

##### 1. Functions of the River Basin Committees:

a/ The River Basin Committees function to supervise and coordinate activities of concerned ministries, branches and localities in the implementation of river basin plannings; to propose the promulgation of policies and propose measures for water environment protection, exploitation, use and development of water sources, prevention, combat and minimization of harms caused by water in river basins;

b/ A River Basin Committee can take charge of one river basin or a group of river basins.

##### 2. Organization of the River Basin Committees

a/ The River Basin Committees will be set up

for river basins on the list of big river basins or the list of inter-provincial river basins defined at Points a and b, Clause 2, Article 6 of this Decree. For a big river basin having many inter-provincial sub-basins, an inter-provincial river basin sub-committee can be set up;

b/ For intra-provincial river basins, the coordination of activities of protecting the water environment, exploiting, using and developing water resources, preventing, combating and minimizing harms caused by water in river basins will be directed by presidents of provincial-level People's Committees.

##### 3. Composition of a River Basin Committee:

a/ A River Basin Committee is composed of representatives of concerned ministries, branches, provincial-level People's Committees of a number of provinces situated within the river basin and a number of units managing big water resource-exploiting or -using works (if any), which is headed by a vice-minister of Natural Resources and Environment as its chairman.

b/ An inter-provincial river basin committee or sub-committee is composed of representatives of the leaderships of provincial-level People's Committees of provinces situated in the river basin, the Ministry of Natural Resources and Environment, other concerned ministries and branches as well as units managing large-scale water resource-protecting, -exploiting or -using or wastewater-discharging works (if any) in the river basin. The committee is headed by a provincial-level People's Committee leader appointed by the provinces situated within the

river basin for a 2-year term under the regime of rotation between such provinces.

4. Competence to establish River Basin Committees:

a/ The Prime Minister may decide to establish a river basin committee for river basins on the list of big river basins at the proposal of the Minister of Natural Resources and Environment;

b/ The Minister of Natural Resources and Environment may establish river basin committees for river basins on the list of inter-provincial river basins or inter-provincial river basin sub-committees at the proposal of the heads of units performing the specialized state management of water resources.

**Article 31.- River Basin Office**

1. The River Basin Office is tasked to assist the River Basin Committees in performing the tasks assigned by the Committees and located at a unit of the Ministry of Natural Resources and Environment.

2. Competence to set up the River Basin Office:

a/ The Minister of Natural Resources and Environment may decide on the establishment of the River Basin Office for river basins on the list of big river basins or the list of inter-provincial river basins;

b/ The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding the tasks, powers,

organization and payroll of the River Basin Office.

**Article 32.-** Funds for the operation of the River Basin Committees and River Basin Office

1. State budget funds:

a/ Funds for the operation of the River Basin Committees will be incorporated into expenditure estimates of the ministries and agencies having their representatives in the Committees;

b/ Funds for the operation of the River Basin Office will be incorporated into the annually allocated state budget expenditure estimates of the Ministry of Natural Resources and Environment.

2. Voluntary contributions of organizations and individuals.

3. Donations of international organizations and foreign countries.

4. Other sources prescribed by law.

**Chapter VIII**

**RIVER BASIN MANAGEMENT  
RESPONSIBILITIES**

**Article 33.-** The Ministry of Natural Resources and Environment

Being a government agency performing the function of state management of river basins nationwide, the Ministry of Natural Resources and Environment has the responsibilities:

1. To submit to the Prime Minister:

a/ For promulgation, a list of inter-provincial

river basins;

b/ The establishment of the River Basin Committees for river basins on the list of big river basins;

c/ For approval, river basin planning tasks and drafts; plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins; plans for regulation and distribution of water resources in river basins on the list of big river basins;

d/ For settlement, disputes over water resources among ministries, branches, localities, disputes among organizations and individuals engaged in river basin-related activities in river basins on the list of big river basins.

2. To promulgate norms, standards, techno-economic targets and unit prices for the formulation of river basin planning tasks and drafts, model working regulations of the River Basin Committees.

3. To promulgate a list of intra-provincial river basins, to set up the River Basin Committees for river basins on the list of inter-provincial river basins.

4. To approve river basin planning tasks and drafts for river basins on the list of inter-provincial river basins.

5. To formulate river basin planning tasks and drafts and organize the implementation thereof after they are approved, for river basins on the list of big river basins or the list of inter-provincial river basins.

6. To formulate and direct the implementation

of plans after they are approved, for river basins on the list of big river basins or the list of inter-provincial river basins, including:

a/ Plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins;

b/ Plans for water resource regulation and allocation.

7. To announce minimum flows to be maintained in rivers, for river basins on the list of big river basins or the list of inter-provincial river basins.

8. To appraise plans of ministries, branches, government-attached agencies and provincial-level People's Committees on exploitation and use of water resources in river basins on the list of big river basins or the list of inter-provincial river basins.

9. To materialize international cooperation and treaties as provided for in Chapter VI of this Decree; to settle disputes over water resources between ministries, branches, localities, disputes between organizations or individuals engaged in activities related to river basins on the list of inter-provincial river basins.

**Article 34.-** Ministries and ministerial-level agencies

Within the ambit of their functions, tasks and powers prescribed by law, the ministries or ministerial-level agencies managing water resource-exploiting or -using sectors have the responsibilities:

1. To coordinate with the Ministry of Natural

Resources and Environment and the River Basin Committees in formulating river basin plannings.

2. To formulate, amend or supplement their respective specialized plannings and plans for water resource protection and exploitation to be in line with the river basin plannings, plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins and plans for water resource regulation and allocation, which have been approved by competent state agencies.

3. To appoint competent representatives to participate in the River Basin Committees under the provisions of this Decree.

4. To propose agencies with river basin planning-approving competence to examine, revise or adjust river basin plannings, when necessary.

**Article 35.-** The Ministry of Planning and Investment and the Ministry of Finance

1. To propose the assurance of investment capital for the formulation and implementation of river basin plannings.

2. To study, formulate mechanisms and policies to encourage and mobilize investment capital sources at home and abroad for the realization of river basin plannings.

3. To mobilize official development assistance (ODA) for the protection and sustainable development of river basins.

**Article 36.-** Provincial-level People's Committees

1. To formulate and approve river basin planning tasks and drafts and organize the implementation thereof after they are approved, for river basins on the list of intra-provincial river basins.

2. To formulate and direct the implementation of various plans after they are approved, for river basins on the list of intra-provincial river basins, including:

a/ Plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins;

b/ Plans for water resource regulation and distribution.

3. To publicize to-be-maintained minimum river flows, for river basins on the list of intra-provincial river basins.

4. To appraise water resource exploitation or use plannings of ministries, branches, government-attached agencies in intra-provincial river basins.

5. To settle disputes over water resources between ministries, branches and/or localities and disputes between organizations and/or individuals engaged in activities related to intra-provincial river basins.

6. To notify plans for management, protection, exploitation, use and development of water resources; for water harm prevention, combat and consequence address in the provinces to:

a/ The corresponding River Basin Sub-Committees if the provinces have land areas lying in big river basins;

b/ The corresponding inter-provincial River Basin Committees if the provinces have land areas lying in inter-provincial river basins.

7. To periodically report to the Ministry of Natural Resources and Environment on the management of intra-provincial river basins.

**Article 37.-** The National Water Resources Council

1. To give its comments on river basin plannings and plans for water resource regulation and distribution, with regard to river basins on the list of big river basins, before they are approved by the Prime Minister.

2. To propose the Prime Minister to settle disputes over water resource exploitation and use between branches, provinces and/or centrally run cities.

3. To propose policies and mechanisms for river basin management.

**Article 38.-** The River Basin Committees

1. To appraise river basin planning tasks and drafts and plannings on sub basins in river basins; plans for water pollution prevention and combat and rehabilitation of polluted water sources in river basins; plans for water resource regulation and allocation; to-be-maintained minimum flows in rivers; projects on water transfer among regions or sub-basins in river basins, projects on water transfer to, or water receipt from, other river basins.

2. To regulate and coordinate activities of

ministries, branches, localities, corporations, state-run economic groups, organizations and individuals in the implementation of plannings, plans, projects on water resources in river basins.

3. To propose royalty rates for water resources, charge and fee rates and contributions by people in river basins according to law for the protection of the water environment, water resource exploitation and use, water-caused harm prevention and combat and water consequence address in river basins.

4. To supervise the implementation of river basin plannings; to propose to provincial-level People's Committees in the basin areas and the Ministry of Natural Resources and Environment measures for water resource management, protection and use, water-caused harm consequence prevention, combat and address, redress of environmental incidents in river basins, and revision and adjustment of river basin plannings, when necessary.

5. To establish databases and data directories on river basin environment and water resources.

6. To implement international cooperation on water environment protection, water resource exploitation, use and development; water-caused harm consequence prevention, combat and address and sustainable development of river basins.

7. To propose options to settle disputes over water resources in river basins to agencies competent to settle such disputes according to law.

8. To periodically report to the Ministry of Natural Resources and Environment on the

implementation of river basin plans and plans defined in this Decree.

### *Chapter IX*

## **INSPECTION, EXAMINATION, AND HANDLING OF VIOLATIONS**

### *Article 39.-* Inspection and examination

1. The specialized natural resource and environment inspectorate shall perform the function of inspecting the river basin management.

2. Contents of inspection and examination:

a/ Inspecting and examining the observance of legal provisions on river basin management;

b/ Detecting, preventing and handling according its competence or proposing competent agencies to handle violations of law on river basin management;

c/ Proposing measures to ensure the enforcement of law on river basin management.

3. The inspection of river basin management activities complies with the law on inspection.

### *Article 40.-* Settlement of complaints and denunciations

1. Organizations and individuals may complain about or denounce law-breaking acts in river basin management activities.

2. The settlement of complaints about, and denunciations of, law-breaking acts in river basin management activities complies with the law on complaints and denunciations.

3. Pending the settlement of complaints, denunciations or lawsuits, organizations and individuals shall still comply with administrative decisions of competent state management agencies in charge of river basin management. When decisions on settlement of complaints or denunciations about river basin management activities are issued by competent state management agencies or courts and take effect, such decisions shall be complied with.

### *Article 41.-* Handling of violations

1. Organizations and individuals have the duty to promptly detect and prevent, and propose the handling of, law-breaking acts in river basin management activities.

2. Organizations or individuals that abuse their positions or powers to cause degeneration or exhaustion of water sources in river basins, obstruct the river basin management under this Decree and other relevant legal documents shall, depending on the nature and severity of their violations, be disciplined, administratively handled or examined for penal liability; if causing damage, they shall pay compensation therefor according to law.

### *Chapter X*

## **IMPLEMENTATION PROVISIONS**

### *Article 42.-* Implementation guidance

The Ministry of Natural Resources and Environment shall direct, guide and inspect the implementation of this Decree.

**Article 43.- Effect**

1. This Decree takes effect 15 days after its publication in "CONG BAO." To annul previous provisions which are contrary to the provisions of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial-level People's Committees shall implement this Decree.

*On behalf of the Government*

*Prime Minister*

**NGUYEN TAN DUNG**