



Lao People's Democratic Republic
Peace Independence Democracy Equity Prosperity

National Assembly

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Vientiane Capital,

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Law on Water Resources

(Revised version)

Part I

General Provisions

Article 1 (amended) Objective

This law determines the principles, regulations, measures and strategies relating to the management, use, protection, development, rehabilitation, monitoring, inspection of water resources to promote protection and reasonable use of water resources, aiming at ensuring sustainability in terms of quantity and quality of water resources, contributing to national socio-economic development, national defence, security and protection of the environment.

Article 2 (amended) Water resources

Water resources are all types of waters occurring in natural and man made sources such as rivers, streams, ponds, lakes, reservoirs, ground water, as well as water in the atmosphere, mud, stones, minerals, sand, sand islands, islands, banks, wetlands, lands under water and others.

Article 3 (amended) Definitions of Terms

The terms used in this law shall carries meanings as follows:

1. River Basin means an area of land in which rainwater and surface water flow to reach the same common point at the river mouth that includes river and it's tributaries;

2. Main River Basin means the transboundary river basins located in the territory of Lao PDR such as the Mekong, Nam Ma and Nam Neun river basins;
3. Tributary River Basin means the river basins flowing into Main River Basins such as Nam Ou, Nam Ngum and Sekong and Nam Sam;
4. Sub-tributary River Basin means river basin that flows into the tributary river basin;
5. Reservoir means man-made water sources for water storage for use;
6. Water sources means places where natural water temporarily or permanently gathers, reside, rest or move. Water source exists on the ground surface and underground. Surface water source is a source on the ground surface such as rivers, streams, reservoirs, lakes, ponds, wetlands, spring; groundwater is water source under ground being layer, or mixing with soil;
7. Transboundary water resources means water resources flowing across the boundary of certain administration within the country or other countries;
8. Water quality means physical, chemical and biological characteristics of water;
9. Wastewater means used water from households, communities, agriculture, industry and any other activities which causes changes in physical, chemical and micro-biological and other characteristics of the water concerned;
10. Pollution means chemicals, radioactive, dust, smoke including sound, light, smell, vibration and heat mixing in the air, soil, water with concentration values above environmental standards or national pollution control standards which is caused by human acts or natural which has impacts on lives, human health, animals, vegetation, other living things and ecosystems;
11. Water pollution means pollution caused by toxic contaminants in water above environmental standards and national pollution control standards caused by human acts, impacting rivers, streams, groundwater, human health, animals, vegetation, other living things and ecosystems;
12. Groundwater means natural water underground;
13. Aquifer means water layers in various layers of soil and rocks with spaces which water can infiltrate.
14. River bank means areas of land adjoined to rivers, streams, ponds, lakes.

Article 4 (amended) Government policy regarding water resources

The government encourages and promotes sustainable, effective, efficient use of water resources, and integrated water resources management in order to ensure the protection of water resources and ecosystems.

The government promotes individuals, entities and organizations in the country and other countries to invest into the protection, development, rehabilitate water resources based on existing

strengths to use water resources for national socio-economic development.

The government promotes and stimulate individuals, organizations and various sectors to see the importance of water resources, encourage them to participate in the management, protection, maintenance, rehabilitation of water resources by publicity, disseminate regulations, data/information, raise awareness, educate and others regarding water resources.

Article 5 (amended) Principles regarding water resources

Activities of water resources are to follow these principles:

1. Ensure participation of concerned stakeholders in planning, development, utilization and protection of water resources;
2. Ensure protection and utilization of water resources based on strengths to respond to the present needs and to have enough for use in the future;
3. Use of water resources sustainably and efficiently in parallel with sustainable management and protection of water resources;
4. Protect and reduce risks regarding severe impacts on water resources and communities relying on water resources for livelihoods;
5. Ensure rights of access to data/information on water resources;
6. Being responsible for compensation of losses that one causes.

Article 6 (amended) Ownership of water resources

Water resources are owned by the national community, which the government centrally and uniformly manage for the whole country. Individuals, entities and organizations have the right to use water resources for activities of production, businesses and livelihoods in accordance with laws and regulations.

Article 7 (amended) Obligation to protect water resources

Individuals, legal entities and organizations have obligations to manage, protect, preserve, monitor and inspect water resources in accordance with regulations/laws to ensure sustainability in terms of quantity and quality of water resources.

Article 8 (new) scope of the use of the law

This law applies to individuals, legal entities and organizations that carry out water resources activities in Lao PDR.

This laws covers water diversion, abstraction, separation, impoundment and uses of water resources for different purposes, wastewater discharge, construction along river banks, return of water after uses into natural water sources, emergency response measures, such as drought, flood and reservoir safety.

This law does not cover water supply and irrigation, industry and commercial uses of water, fishery and navigation except as regards the abstraction of water from natural sources and the discharge of wastewater to such sources.

Article 9 (amended) International Cooperation

The government promotes cooperation with foreign countries, regions and internationally regarding work of water resources by

exchanges of lessons, data/information, science, technology, training and upgrading of technical knowledge for government staff, attraction of various aspect of assistance, implementation of treaties and international agreements to which the Lao People's Democratic Republic is a party.

Part II

Data/information system for management and use of water resources

Chapter 1

Data/information system & register of water resources use permits

Article 10 (New) data/information system on water resources

The data/information system on water resources is established as a fundamental tool necessary for collection, survey, inventory, compilation, management and services of data/information.

The objective of the data/information system on water resources is to gather and make available data/information regarding quantity of existing water resources in the country, water quality, flow, flood, drought, socio-economic conditions related to water resources, activities of water resources uses and other data necessary to manage water resources.

The data/information system on water resources includes a network of water quality and quantity measuring stations, databases into which data from various sources is compiled, equipment for data recording and personnel who are responsible for the data/information system and other.

The structure of the data/information system and data management and review procedures are defined in a specific decree.

Article 11 (New) Coordination of data/information

Coordination for data/information is the contact, coordination and cooperation between different stakeholders to exchange, disseminate and use of data/information jointly in accordance with regulations.

A system of coordination on water resources data/information must be established by regulations to ensure the exchange and dissemination of data between sectors throughout the country.

Article 12 (New) Supplying of data/information

Individuals, legal entities and organizations that use water resources must supply data/information concerning that use to the natural resources and environment sector for compilation into the data/information system on water resources.

Individuals, legal entities and organizations that need to use the water resources data/information for certain activities can use the data/information in accordance with regulations except for data that is commercially confidential or involves issues of national security.

Article 13 (New) Register of water resources use permits

A legal register of water resource use permits must be established and operated by the natural resources & environment sector in accordance with their responsibilities.

Individuals, legal entities and organizations can access the register of water resources use permits.

Chapter 2 Plans for use of water resources

Article 14 (New) Water resources use planning

Water resources management must be undertaken on the basis of river basin management plans, which are determination of vision and joint obligations to achieve certain short and long-term objectives regarding management and use of water resources in river basins.

A river basin management plan must be prepared for each Main River Basin and Tributary River Basin.

A river basin management plan may be prepared for Sub-Tributary River Basins where there is necessary for effective water resources management.

Article 15(New) River Basin Management Plans

The Ministry of Natural Resources and Environment in coordination with relevant sectors and stakeholders creates management plans for river basins by conforming to the national socio-economic development, which have the following contents:

1. Evaluate quantity and quality of water resources in River Basins;
2. Evaluate risks of floods, droughts, water shortages, pollution, safety of reservoirs within river basins, and determines necessary measures for prevention or mitigation of such disasters.
3. Define areas with risks of floods, droughts and spread of pollution;
4. Define priorities of water resources uses;
5. Define standards and goals for development and protection of water resources river basins.

Allocation of responsibilities for planning of river basin management is provided with specific regulations and plans for management of river basins must be reviewed periodically as necessary.

Article 16 Sector plans

Planning of development activities of sectors at central and local level related to water resources must conform with river basin management plans.

Article 17 (Amended) priorities of the use of water resources

The main priorities for the use of water resources are to meet basic human needs including for household consumption, and livelihoods and protect the ecological balance.

Unless a river basin management plan specifies a different order of priority, the use of water resources should take place in accordance with the following priority:

1. irrigation, forestry-agricultural production, fishing and livestock raising;
2. hydropower production;
3. industrial production;
4. tourism, sport and culture
5. navigation;
6. other goals that use water resources.

Part III

Use, protection and protected areas of water resources

Chapter 1

Use of water resources

Article 18 Use of water resources

Individuals, legal entities and organizations have the right to use water resources in accordance with the provisions of this law.

The use of water resources involves the following uses:

- the diversion, abstraction, separation or impoundment of water resources;
- the extraction and use of stones, minerals, sand from water sources;
- construction of permanent structures on river banks the alteration of river banks, bed, or course of a water source;
- aquaculture structures in a water source;
- other activities specified in regulations.

Water resources use may be classified as small-scale use, medium-scale use and large-scale use.

Article 19 (Amended) Small-scale use of water resources

Small-scale uses of water resources are uses to meet basic human needs such as household use, the watering of household plots, fire fighting and subsistence farming activities including livestock raising, rice growing.

Small-scale use of water resources may be undertaken without a water resources use permit provided there is no prohibition from the natural resource & environment sector.

The natural resource & environment sector may temporarily prohibit small-scale use of water resources in cases where there are clear dangers for human life and health and such sector must have information about small scale uses of water resources for water resources management planning which must take into account such small uses.

Article 20 Medium scale uses of water resources

Medium scale use of water resources has two types as follows:

- Medium scale with exemption from a permit;
- Medium scale use of water resources which require a permit.

Article 21 (new) Use of water resources in medium scale with exemption from permit

The use of water resources in medium scale may be exempted from the need to have a water resources use permit based on characteristics of each area and criteria of the use such as amount of water abstracted, the area of land irrigated, the purpose for which water is used and the approach of abstraction. The exemptions will be specified in a specific regulation.

Article 22 (new) Medium scale uses of water resources with a permit

Medium uses of water resources which are not exempted by regulations must apply for a water resources use permit from the sector of natural resources and environment.

A water resources use permit issued by the District Office of Natural Resources & Environment has a term of not more than one year.

A water resources use permit issued by PONRE has a term of not more than five years.

A water resources use permit issued by MONRE has a term of not more than 12 years.

Article 23 (new) Permit for the large scale uses of water resources

In case an individual, legal entity or organisation intends to make a significant investment in the use of water resources and in case a permit for the medium scale use of water resources is not sufficiently long for investment an application may be made for a permit for the large-scale use of water resources.

The permit of large-scale use of water resources is considered by the Government based on proposal of MONRE and the term can last from 13 to 30 years.

Article 24 (new) General provisions on water resources use permits

A water resources use permit gives a legal right to the holder to use the quantity of water resources described in the permit for the duration of the permit.

Every water resources use permit define conditions that describe the purpose of the use of water resources, where the use of water resources may take place, how the use of water resources must be measured and other matters necessary to prevent or mitigate negative third party and environmental impacts from the use of water resources.

Before expiration of each water resources use permit the holder may apply for an extension, which should be granted if this is still in compliance with the relevant river basin management plan. If the permit no longer conforms with the river basin management plan a new permit may be considered with actual conditions such as a lesser amount of water resources.

Article 25 (New) Request for permit to use water resources

For medium and large-scale use of water resources, permit request must be submitted together with other necessary documents depending on the type of use to the Natural Resources and Environment Sector for consideration in accordance with regulations.

Each scale of water resources use and steps of consideration for issuing permit for use of water resources are determined in specific regulations.

Decisions on applications for water resources use permits must be based on river basin management plans and priorities for water resources use in the basin.

A water resources use permit shall not be issued if the proposed use of water resources would have a negative impact on:

- the current rights of another person to use water resources pursuant to this law;
- requirements of minimum level and flow of water of the water source concerned;
- zones where water resources are protected;
- water quality standards.

Article 26 (new) Suspension, modification and cancellation of water resources use permits

A water resources use permit may be temporarily suspended or modified only in times of drought or other emergency or on the request of the holder.

A water resources use permit may be cancelled only:

- if the water resources to which the permit relates has not been used for more than two years;
- if the permit has been transferred without prior approval;
- pursuant to the decision of the court following repeated non-compliance with permit conditions;
- where this is necessary in the public interest and on payment of fair compensation in accordance with the relevant regulations.

Article 27 (new) Existing large scale uses of water resources

Holders of rights to use water resources created in concession agreements concluded before the entry into force of this law shall receive water resources use permits that have a duration and conditions that is provided by the concession agreement.

Article 28 (new) Existing medium scale uses of water resources

Following the entry into force of this law existing medium scale users of water resources who are not exempted from obtaining a permit shall notify their use of water resources to the natural resources & environment sector together with such additional information necessary to prove their use of water resources as may be specified in regulations.

An individual, legal entity or organisation that notifies his use of water resources shall receive a water resources use permit for five years.

Before the expiration of the permit the permit holder may apply to the natural resources and environment sector for a five-year extension to the permit.

If sufficient water resources are available then an extension will be granted and if there are not sufficient water resources an extension will not be granted and a new water resources use permit must be applied for.

Chapter 2 Protection of water resources

Article 29 (Amended) Protection of water resources

Protection of water resources is the use of approaches and measures to protect, conserve and control pollution, aiming at protecting water resources to be sustainable, preventing water from becoming too shallow, not drying up, being clean without pollution, not impacting human health, animals, vegetation and ecosystems of water sources, ensuring sufficient supplying of water in terms of quantity and there is safety in term of quality to urban and rural [areas].

Article 30 (New) Protection of level and flow of water

Protection of level and flow of water is the level and flow of water that needs to be maintained in rivers, streams,

channels, ponds, lakes to satisfy the socio economic requirements of local people and ecological balance.

The Natural Resources and Environment Sector determines level and flow of water by coordinating with other stakeholders concerned.

Article 31 (Amended) Natural water quality standards and wastewater standards

Natural water quality standards are determination of indicators, units, standard values of natural water quality based on physical, chemical and biological characteristics of water for comparison water quality in rivers, streams, ponds, lakes, groundwater and others in nature if these are in good conditions or not for specific purposes such as drinking, bathing, fisheries.

Wastewater discharge standards are determination of indicators of water quality based on physical, chemical and biological characteristics of water for comparison concentration of water to be discharged from different activities to be in the range of standards and conditions for wastewater discharge

The Ministry of Natural Resources and Environment coordinate with other concerned stakeholders to determine quality standards of natural waters and standards of wastewater discharge.

Article 32 (Amended) Discharge of wastewater to water sources

- Wastewater discharges to various water sources must comply
- with the conditions of a permit to discharge wastewater or
 - regulations on the exemption of permit to discharge wastewater.

Article 33 (new) Exemption from permit to discharge wastewater

The discharges of wastewater to water sources from specified activities such as discharges from households may be exempted from the need to have a wastewater discharge permit provided this does not cause environmental damage. The exemptions will be described in specific regulations as may apply nationally or in certain areas and also set out conditions for certain activities to prevent water pollution.

Article 34(new) Permit for the discharge of wastewater

The discharge of wastewater that is not subject to exemption regulations is authorised only on the basis of a wastewater discharge permit.

Each wastewater discharge permit contains conditions that specify the treatment process necessary, relevant wastewater discharge standards and wastewater quality measurement measures.

A waste water discharge permit is issued by the natural resources and environment sector for one year and may be renewed.

In determining an application for a waste water discharge permit the natural resources & environment sector shall ensure:

- compliance with wastewater discharge standards and natural water quality standards; and
- that the rights to use water resources of other individuals, legal entities and organisations will not be harmed

A wastewater discharge permit may be temporarily suspended or modified in case the level and flow of water is low in the water source into which the wastewater is discharged and may be modified where this is necessary for public interest reasons.

The release of water from hydropower dams is not considered to be a wastewater discharge.

Article 35 (New) Control of water pollution

Control of water pollution is the control of pollution, impacting rivers, streams, ponds, lakes, groundwater and others by controlling not more than standards of wastewater discharge and national pollution control standards.

Individuals, legal entities and organizations conducting related activities have obligations for pollution control conforming standards of wastewater discharge and national pollution control standards by making plans for management and implementation of control of pollution, which affects rivers, streams, ponds, lakes, groundwater and others.

Individuals, entities and organizations causing water pollution must resolve causes and impacts or employ capable people for resolution within time defined by specific legislation. In case there is no such resolution, the Natural Resources and Environment will resolve the damages while costs will be responsible by polluters. In addition, polluters will be fined in accordance with regulations.

Chapter 3

Protection areas for water resources

Protection areas of water resources

Article 36 (New) Protection areas of water resources

Protection areas of water resources have the following:

1. Protection areas of water resources;
2. Conservation areas of banks.

Article 37 (New) Areas for water resources protection

Areas for water resources protection is the areas of protection aiming at supplying water to people in urban and rural areas and the protection of wetlands.

Borders of the areas must be defined and construction, agricultural production, industries, livestock raising, rock exploitation, minerals, soil, sand, garbage disposal, trash, wastewater, poisons, chemicals and others that cause damages shall be prohibited.

In case risks of severe damages to quantity and quality of water are discovered or if there are risks for different diseases endemic, the Natural Resources and Environment sector will determine additional protection zones or areas or use of other measures.

Article 38 (new) Bank conservation areas

Conservation areas of banks are areas conserved for protection of banks and rivers, streams, ponds, lakes which are not allowed for various activities, except for permission given by the Natural Resources and Environment Sector in case necessary.

Article 39 (Amended) determination of areas for water resources protection

MONRE determines strategic areas for protection of water resources throughout the country in the survey, research regarding width and narrowness, protection of soil erosion, set up regulations, measures, permits and prohibition of activities to be implemented in the areas with coordination with relevant stakeholders.

Sector of Natural Resources and Environment at provincial and district levels are able to define areas of water resources protection in areas of their respective responsibilities in addition to protection areas determined by MONRE such as prohibition of chemicals uses, pesticide, herbicide, and others by coordination with other sectors and relevant local administration.

Part IV Use and protection of groundwater

Article 40 (New) Use of groundwater

The use of groundwater is one kind of use of water resources and is regulated in chapter one of this part.

Article 41 (New) management of groundwater by communities

Management of groundwater by communities is the establishment of groundwater user groups in community areas to raise ownership of communities to be responsible for the management, maintenance, monitoring of common activities of communities such as public drilled wells, school drilled wells and others to ensure use of groundwater to be sustainable in terms of

quantity and quality together with sustainable equipment uses in the supplying of groundwater of common activities of communities.

Groundwater users may establish a group of groundwater users by themselves to perform management and protection of groundwater tasks. If a group would like to be recognised formally it must obtain the approval from the district office of natural resources & environment.

Article 42 (new). Digging/drilling of groundwater

Digging/drilling of groundwater is digging/drilling to abstract water from aquifer underground, with possible different depth, quantity, quality of water in different areas to be used for different purposes such as consumption, agriculture, industries, and others.

Areas with risks to ground water use will not be allowed to dig, drill in any case.

Entrepreneurs must have permits to undertake activities of digging/drilling of groundwater completely.

Surveys and digging/drilling of any scale must have permit from the Natural and Environment Sector.

Digging/drilling permits have the following contents:

1. Areas permitted for digging/drilling;
2. Number and depth of the areas to be digged/drilled,
3. Equipment and tools to be used for digging/drilling,
4. Measures for protection of water quality and refilling unused dug/drilled areas;

Entrepreneurs of digging/drilling must supply data on water quality, hydrological and geological characteristics to the Natural Resources and Environmental Sector in accordance with specific regulations provided.

Article 43 (new). Protection of groundwater

Protection of groundwater has the following conditions:

1. establishment of monitoring system [for] areas of groundwater uses with much quantity or areas with risks to groundwater quality;
2. define areas with risks to changes in quantity and quality of groundwater;
3. define areas with severe effects on quantity and quality of groundwater;
4. determine measures of protection, solution and reduction of impacts on groundwater.

Individuals, entities and organizations participate in the protection of groundwater. The Sector of Natural Resources and Environment issues regulations on the protection,

digging/drilling, establishment of groundwater user group by coordinating with relevant sectors.

Part V Wetlands

Article 44 (New) Wetlands

Wetlands are marshes and wet areas of land surrounding water sources and springs, which are:

1. temporary or permanent in nature;
2. water detention or flow through;
3. terrestrial or aquatic flora emerging in waters or on banks.

Article 45 (New) Sustainable use of wetlands

Sustainable use of wetlands involves management, development, protection and rehabilitation of wetlands as well as promotion of communities to participate in the management of wetlands aiming at ensuring sustainability to respond to the basic needs for human livelihoods and ecological balance.

Article 46 (new) Management of wetlands

MONRE undertakes surveys, data collection regarding wetlands throughout the country for

- identifying wetlands of district, provincial, national and international importance which require specific approaches for protection;
- monitoring the situation (condition) of wetlands;
- raising awareness about the importance of wetlands
- planning of rehabilitation of wetlands-

Article 47 (New) Management of wetlands by communities

Communities manage, use wetlands and have obligations for the protection of wetlands, including environment to be sustainable in accordance with regulations to protect ecosystems, floods and droughts.

Wetland users may establish a group of wetland users by themselves to perform management and protection of wetland tasks. If a group would like to be recognised formally it must obtain the approval from the district office of natural resources & environment.

Article 48 (New) Development of wetlands

Development of wetlands is carrying out activities in areas with use permission, but must not lead to negative impacts to the important role of wetlands in water resources management.

Individuals, entities and organizations undertaking development activities in wetlands have the duty to supply data/information, contribute fund and labour for the protection of related wetlands.

Article 49 (new) Protection of Wetlands

Protection of wetlands is the utilization of approaches and measures for protection of ecosystems of wetlands as well as promotion of appropriate wetlands uses.

Following consultation with other relevant sectors and stakeholders, wetlands of district, provincial, national and international importance are designated as areas of water resources protection in accordance with article X of this law.

The Sector of Natural Resources and Environment research issuing regulations for the protection of wetlands by coordinating with other relevant stakeholders and local administration.

Article 50 (New) Rehabilitation of wetlands

Rehabilitation of wetlands is to enable the damaged or degraded wetlands to be recovered and rehabilitated to be in good conditions and balanced ecosystems.

MONRE must determine damages and degraded wetlands required for rehabilitation. At the same time budget is prepared for use of such tasks aiming at ensuring the protection of ecosystems, prevention of floods, droughts and respond to the basic needs in human daily livelihoods.

The Sector of Natural Resources and Environment of provinces and districts may collect data, evaluate additional degradation status and report to MONRE for comments and rehabilitation of wetlands in areas of own responsibilities.

Part VI Reservoirs

Article 51 (New) Management of reservoirs

The Ministry of Natural Resources and Environment determines regulations on the management of reservoirs by coordinating with other relevant sectors at central and local levels, with the following contents:

1. Scale of reservoirs such as small, medium and large;
2. Approaches and measures for administration management of each scale of reservoirs.

3. Plans to resolve emergencies that may happen with each scale of reservoirs, including location of reservoirs with risks to lives and properties of people and the environment.
4. Entrepreneurs must register their reservoirs with supplying of data on details of each reservoir and reservoir construction.

Article 52 (New) Management of reservoir safety

Individuals, entities and organizations undertaking development of reservoirs must have plans to resolve emergencies to ensure administration management of reservoirs to be effective.

Article 53 (New) Coordination between the operators of reservoirs in the same river about the use of water resources

Individuals, entities and organizations conducting or who propose to conduct activities using water resources in reservoirs on the same rivers must jointly create mechanism for coordination regarding the use, storage and release of water to ensure unity in the use of water between water users, and respond to the needs for socio-economic development, sustainable ecosystems and safety in the rivers. The Ministry of Natural Resources and Environment approves coordination mechanism by collaborating with relevant sectors.

Part VII Transboundary Water Resources

Article 54 (New) Cooperation for the management of transboundary water resources in the country

Cooperation for the management of transboundary water resources within the country is the coordination, contacts, collaboration and cooperation between administrative agencies of provinces, capital, district, municipality and villages which has rivers pass through and have joint borders to explore, exploit, use, protect, rehabilitate, develop, manage, monitor and to enable maximum benefits jointly.

Article 55 (New) International Cooperation Mechanism

The Ministry of Natural Resources and Environment considers cooperation mechanism regarding water resources and propose to the government for consideration. Issue legislation for

management by coordination with other relevant stakeholders.

Part VIII

Controlling of risks of floods, droughts and climate change

Article 56 (Amended) Plans for management and evaluation of risks of floods

The Ministry of Natural Resources and Environment with coordination with relevant stakeholders create management plans and evaluates risks of floods and proposes to the government for consideration and approval.

Plans for management and evaluation of risks of floods have the following contents:

1. Relevant organizations for the management of floods;
2. Evaluation of risks of flood areas;
3. Measures for management of flood risks;
4. Budget to be used for the protection and reduction of flood risks;
5. Mechanism for data/information exchange at national and regional levels, including reflections of society.

Plans for management and evaluation of flood risks must be amended and improved in case necessary.

Article 57 (New) Controlling of flood risks

To control risks of floods, there must be plans for control of flood risks of river basins and reservoirs with the following contents:

1. Areas with flood risks;
2. Budget for control of flood risks;
3. Mechanism for early warning and measures for emergency responses.

New construction for flood protection must be carried out in accordance with plans for management and evaluation of flood risks and plans to control flood risks in each relevant river basins and reservoir.

Authorities at all levels must actively lead and use various effective measures with coordination with other sectors for flood prevention.

To prevent floods, authorities at all levels have rights to mobilize equipment, labour and use budget of the government, individuals, entities and organizations for floods prevention. After work completion, in case equipment is

borrowed, the equipment must be returned to the owners and compensate for damages of the equipment appropriately.

The Sector of Natural Resources and Environment issues warnings of floods in areas of its responsibilities.

Article 58 (New) Flood emergency responses

In responding to flood emergency responses, the Ministry Natural Resources and Environment is the Secretariat of the Government in defining steps of planning, coordination, and implementation of measures for disaster responses by coordinating with various stakeholders at central and local levels, at the same time exchange of data/information with neighbouring countries regarding flood risks and on time response measures.

In case of flood emergencies, authorities in that place must proactively respond with coordination with other stakeholders.

The government allocate sufficient budget for emergency response.

Land owners must allow officials to pass and use their lands for storage of equipment and tools for flood responses, including use of lands for temporary accommodation for people affected by floods.

Article 59 (New) Drought control plans

The Ministry of Natural Resources and Environment prepares plans for drought control with the following contents:

1. Define indicators indicating causes of droughts and define areas of droughts;
2. Relevant organizations for flood management;
3. Establishment of monitoring system for droughts;
4. Determine measures for flood management, including measures for water supply;
5. Determine conservation areas of water sources to supply water for consumption in cases of emergencies;
6. Budget for drought control;
7. Other measures to ensure priorities to respond to basic human needs for livelihoods.

Article 60 (New) Declaration of drought,

The Ministry of Natural Resources and Environment proposes to the government for declaration of droughts for the whole country or certain areas based on evaluation of drought data of MONRE and reports on drought monitoring from the Sector of Natural Resources and Environment of provinces and districts.

The drought declaration must have the following contents:

1. Limit permission for use of water resources for some activities;
2. Suspension of water resources uses for activities without permission to use water resources;
3. Re-prioritize use of water resources;
4. Use of water reserves;
5. Use of other measures as necessary for drought response.

Article 61 (New) Climate change

The Ministry of Natural Resources and Environment must promote, create and implement plans for risk control, reduce impacts and adapt to climate change related to water resources through coordination with relevant stakeholders and in conformity with national strategy on climate change and determine other necessary measures for management of causes and impacts associated with water resources and adaptation to climate change.

Part IX

Fees and charges for services of water resources and wastewater discharge

Article 62 (new) Service charge

The application for any kind of permit under this law shall be accompanied by a service charge, which shall be payable even the application is not successful.

Defining rate of service charge is based on administrative cost relevant to application processes for permits determined by MONRE in consultation with relevant sectors.

Article 63 (New) Fees and service fees for use of water resources and wastewater discharge.

Individuals, entities and organizations who use water resources uses and discharge wastewater must pay in accordance with regulations.

Fee for water resources use for businesses is based on quantity of water use with the objective of promoting water use efficiency, except for use of water for hydropower production, which will be based on income of electricity sale.

Fees for wastewater discharge is based on volume of wastewater to be discharged and concentration of pollutants in water.

The Ministry of Finance coordinates with the Ministry of Natural Resources and Environment to review fees and services charges for water resources use and wastewater discharging and propose to the higher level consideration.

Part X Prohibition

Article 64 (Amended). General prohibition

Individuals, entities and organizations are prohibited to behave as follows:

1. exploit, use and develop surface water resources and groundwater without permission and engage in well drilling without permission;
2. Use of surface water resources and groundwater above the limitation of permitted rights;
3. Discharge toxic chemicals, throw explosives, shoot bullets, garbage and wastes into water sources and wetlands
4. Directly or indirectly discharge waste water, solid wastes or other pollutants to water resources otherwise than in accordance with this law or place them anywhere that can cause water pollution
5. Construct, build and conduct other activities in areas of wetlands, river banks or conserved areas of river banks without permission;
6. Violate conditions stipulated in water resources use permits or conditions for use of water for certain activity during drought period;
7. Cutting down trees or exploit trees, clear forests, burn forests, do businesses and various forms that destroy water resources protected areas, conserved bank areas, and others that are significant for water resources protection.

Article 65 (New). Prohibition for entrepreneurs

Entrepreneurs are prohibited to behave as follows:

1. Operate businesses which cause negative impacts above standards to water resources;
2. Threaten, impede, hinder or obstruct officials from implementing their responsibilities regarding water resources;
3. Give bribes to staff or officers, false reports, counterfeit documents or stamps;
4. Avoid carrying out obligations;
5. Encroach, destroy protection zones of water resources;

6. Give or sell one's water resources use permits to other people without permission;
7. Move, change or destroy marks of permitted areas for water resources uses;
8. Operate medium or large scale reservoirs without technical inspection or maintenance in accordance with technical guidelines;
9. Operate medium and large-scale reservoirs without assessment of safety or without complying with technical guidelines;
10. Operate medium and large-scale reservoirs without preparation and review of emergency plans;
11. Operate projects, activities and professional services regarding water resources without conforming to permits and certification;
12. Other behaviours that violate regulations.

Article 66 (New). Prohibition for officials or officers

Officials or officers are prohibited to behave as follows:

1. abuse of power, position, duties regarding water resources to obtain benefits for oneself;
2. claim, ask for, receive bribes from water resources entrepreneurs;
3. perform duties which are unjust, biased, incorrect for individuals, entities and organizations undertaking water resources activities;
4. Indifference in carrying out duties, hinder, impede, hinder consideration of various documents regarding water resources;
5. Counterfeit documents or use of fake documents, disclose secrets of the government, official secrets, destroy documents regarding water resources;
6. Operate businesses or have shares regarding water resources;
7. Other behaviours that violate regulations/laws.

**Part XI
Dispute resolution**

Article 67 (Amended) forms of dispute resolution

Dispute resolution maybe carried out by any of the following:

1. mediation or conciliation;
2. administrative resolution;
3. resolution by economic resolution agencies;
4. Filing a complaint at a people's court

5. International resolution in nature

Article 68 (New) Mediation or conciliation

In the event that a dispute causing impacts on the use, management, operation of activities and businesses regarding water resources which is not severe and does not have significant cost, the parties may jointly confer, mediate and conciliate.

Article 69 (New) Administrative resolution

In the event that a dispute causing impacts on the use, management, operation of activities and businesses regarding water resources which is not serious and involves little cost, the parties have the rights to make a proposal to agencies of water resources management for consideration and resolution. If the parties are not satisfied with results of the resolution, they have the rights to propose to the next level of administration for resolution.

Article 70 (New) Resolution by Agencies for Economic Resolution

In the event that if there is economic dispute due to conducting of water resources related activities, the parties have the right to appeal to agencies of economic resolution for consideration in accordance with regulations/laws.

Article 71 (New) Filing a complaint at a people's court

In the event that a dispute occurs due to conducting of water resources related activities the parties have the right to file a complaint at a people's court for consideration in accordance with the laws/regulations.

Article 72 (Amended) International resolution in nature

In the event that a water resources related dispute occurs with international characteristics such as problems of transboundary water resources, related regulations of the Lao PDR, treaties and international agreements, which Lao PDR is a party will be implemented.

Part XII

Management and inspection of water resources operations

Chapter 1

Water resources management

Article 73 (New) Agencies for Water Resources Management

The government manages water resources centrally and in unity throughout the country. The Ministry of Natural Resources and Environment is assigned to be directly responsible for implementation of water resources related activities with coordination with other sectors and local authorities.

Agencies for the management of water resources consists of:

1. Ministry of Natural Resources and Environment,
2. Department of Natural Resources and Environment, Provinces and Capital,
3. Offices of Natural Resources and Environment, Districts and Municipality,
4. Units for Natural Resources and Environment, villages.

Article 74 (New) rights and duties of the Ministry of Natural Resources and Environment

The Ministry of Natural Resources and Environment has the rights and duties for water resources management as follows.

1. Explores, transforms and expands directions, strategies, policies and other policies to become programs, projects, laws and regulations for water resources management;
2. Publicise and disseminate laws regarding water resources widely aiming at educating, awareness raising and elevating national consciousness, caring for and protection of water resources;
3. Guide implementation of water resources, natural disasters and climate change related to water resources with coordination with related ministries, agencies and local authorities.
4. Instigate and guide investment projects and various activities using water resources to conduct plans for water resources management.
5. Issue permits for use of water resources;
6. Issue permits for wastewater discharge;
7. Admit applications and reports on water resources from the public and relevant stakeholders, including dispute resolution in accordance with its responsibilities;
8. Suspend or withdraw permits when violation of the law is discovered;
9. Build, revitalize and upgrade technical staff in areas of water resources as well as to educate to, raise awareness of every part of the society, create movements for water resources management throughout the country with coordination with other relevant sectors and local authorities.
10. Making plans for management of groundwater and wetlands throughout the country;

11. Establish data/information systems for the management of national water resources;
12. Define lowest levels of surface water;
13. Determine national water quality standards;
14. Establish cooperation mechanisms for river basin management.
15. Connect and cooperate internationally regarding water resources management;
16. Summarize, evaluate and report results of the implementation of water resources activities to the government regularly;
17. Perform other rights and duties in accordance with laws and regulations.

Article 75 (New) Rights and duties of the Department of Natural Resources and Environment, Provinces, Capital
 In the management of water resources, the Department of Natural Resources and Environment have the rights and duties as follows.

1. Expand and implement policies, strategies, decrees, orders, laws/regulations, plans for related water resources management;
2. Publicize laws/regulations regarding water resources for the public to understand and actively participate in the implementation, educate and upgrade consciousness for the public and related stakeholders within the one's own provinces and capitals.
3. Guide, monitor and evaluate implementation of water resources activities of the Offices of Natural Resources and Environment of districts and municipalities;
4. Proactively coordinate with other relevant stakeholders for allocation and resettle people affected by development projects, other activities and natural disasters related to water resources;
5. Admit applications and reports on water resources from the public and relevant stakeholders as well as monitor, explore and resolve disputes in accordance with one's own rights;
6. Issue permit for medium scale use of water resources use,
7. Make proposals for suspension or withdrawal of permits issued by this level when violation of laws/regulations occur;
8. Collect, compile, undertake research, analyse data on water resources for determining approaches and measures for protection, resolution, rehabilitation, including strengths of water resources to be the foundation for socio-economic

- development within one's own province and/or capital.
9. Connect and cooperate with foreign countries regarding water resources management based on assignments from higher levels.
 10. Summarize and report regularly results of implementation of water resources to the upper level of administration.
 11. Perform rights and duties in accordance with laws/regulations and assignments.

Article 76 (New) Rights and duties of the Office of Natural Resources and Environment, Districts and Municipalities

In the management of water resources, the Offices of Natural Resources and Environment of Districts and Municipalities have the rights and duties as follows.

1. implement plans, agreements, orders, guidelines regarding water resources management of the upper level of administration;
2. Disseminate laws/regulations regarding water resources, educate and raise awareness regarding water resources for the public and different stakeholders in one's own district or municipality;
3. Guide, monitor and evaluate implementation of water resources activities of Units of Natural Resources and Environment of villages;
4. Issue permit for medium scale use of water resources use,
5. Make proposals for suspension or withdrawal of permits issued by this level when violation of laws/regulations occur;
6. Proactively coordinate with other relevant stakeholders for allocation and resettle people affected by investment projects, other activities and natural disasters based on one's own responsibilities'
7. Admit applications and resolve problems of water resources from the public and relevant stakeholders based on one's own responsibilities;
8. Summarize and report regularly results of the implementation of water resources activities to the higher level of administration;
9. Support the establishment of community groups for the management of groundwater and wetlands;
10. Perform other rights and duties based on regulations/laws provided and assignments.

Article 77 (New) Rights and duties of the Units of Water Resources of villages

In the management of water resources, Units of Water Resources of villages have the rights and duties as follows.

1. Implement plans, regulations regarding water resources based on plans, guidelines regarding water resources of districts and municipality;
2. Disseminate, educate, raise awareness, lead, encourage and mobilize the public to be proactive in water resources management, protection, resolution and rehabilitation within villages’
3. Evaluate and monitor implementation of plans, guidelines regarding water resources of people in the village;
4. Support the establishment of community groups for the management of groundwater and wetlands;
5. Proactively participate in the allocation and resettlement of people affected by investment projects, various activities and natural disasters within one’s own village.
6. Be involved in consultation and exchange of opinion regarding water resources and various activities located within one’s own village together with the Office of Natural Resources and Environment, district authorities, municipalities and other relevant stakeholders to resolve problems of water resources in the village.
7. Admit applications and resolve problems regarding water resources from the public and relevant stakeholders based on one’s own responsibilities;
8. Summarize and report regularly implementation of water resources activities to the higher level of administration;
9. Perform other rights and duties based on laws and regulations and assignments.

Article 78 (New) Rights and duties of other sectors

In the management of water resources, every sectors at central and local levels have the rights and duties to manage, protect and rehabilitate water resources by establishment of an organization to be responsible for water resources activities to manage, monitor and inspect water resources based on one’s own responsibilities.

Chapter 2
Inspection of water resources activities

Article 79 (New). Agencies for inspection of water resources activities;

Agencies for inspection of water resources activities consists of:

1. Internal inspection agency, which is the same agency of water resources management as determined by Article 67 of this law;
2. External inspection agencies which are National Assembly, Government Inspection Agency and the Agency for Prevention of Embezzlement, Agencies for State Audit based on relevant laws.
3. Other relevant stakeholders, including communities.

Article 80 (new) Rights and duties of inspection agencies for water resources activities

Agencies for inspection of water resources activities have the rights and duties as follows.

1. Making plans, annual planning for inspection of water resources, ensuring that investment projects or various activities do not cause impacts above standards on water resources;
2. Inspect implementation of policies, strategies, programs, plans and laws/regulations regarding water resources;
3. Inspect water resource aspects of investment projects and other activities based on management plans and monitor water resources with coordination with other relevant sectors and local authorities;
4. Inspect pollution and wastewater discharge into sources of water based on national water quality standards and other regulations/laws;
5. Make proposals to relevant agencies for suspension or cancellation of investment projects and other activities when severe impacts on water resources are discovered, which cannot be resolved.
6. Coordinate with other relevant agencies for the implementation of one's own inspection.

Article 81 (New) Contents of inspection

Inspection of water resources activities have the following contents:

1. implementation of policies and laws/regulations regarding water resources activities;
2. Organization and activities of the implementing agencies of water resources;

3. Responsibilities, behaviours and methodologies of the officials regarding management of water resources.

Inspection of technical aspects of water resources for investment projects and other activities, plans for management and monitoring of water resources, inspection of wastewater discharge into sources of water are stipulated by specific regulations.

Article 82 (new). Forms of inspection

follows.

Inspection of water resources have 3 forms as

1. Regular inspection;
2. Advance notified inspection
3. Sudden inspection

Regular inspection is the inspection based on plans with regular inspection in nature and with certain determine timing.

Advance notified inspection is the inspection outside plans when deem necessary with prior notification to the persons being inspected at least 24 hours.

Sudden inspection is the inspection when deem necessary, urgent without prior notification to the persons being inspected.

Inspection shall be conducted with inspection of documents, actual implementation and carry out strictly in accordance with regulations/laws.

Part XIII

National Water Resources Day, logo, uniform and stamp

Article 83 (New) National Water Resources Day

The Lao People's Democratic Republic holds 11 October as National Water Resources Day to promote, raise awareness and upgrade consciousness of water resources management for the public.

Every year central and local administration shall build movement and organize formal celebration with appropriate forms.

Article 84 (New). Logo, uniform and stamp

Agencies for management and inspection of water resources have logo, uniform and stamp authorized by the government to use for official activities.

Part XIV

Policies towards persons with success and measures against violators

Article 85 (Amended) Policies towards persons with success

Individuals, entities and organizations with outstanding performance in the implementation of this law such as management, promotion, pollution control, rehabilitation of water resources will received rewards or other policies based on laws/regulations.

Article 86 (Amended) Measures against violators

Individuals, entities and organizations violating regulations/laws regarding water resources management shall be subject to education, warning, disciplinary actions, fines or compensation through civil or criminal penalties based on light or severe cases based on regulations/laws.

Article 87 (Amended) Educational measure

Individuals, entities and organizations violating regulations/laws regarding water resources for the first time, which is not dangerous or serious without intention and caused damages with little cost shall be subject to education and warning based on regulations.

Article 88 (Amended) Disciplinary measures

Officials violating regulations/laws regarding water resources management and prohibitions, not serious, which does not violate criminal law, sustaining a loss of not considerable cost, but do not sincerely report shall be subject to disciplinary punishment based on the following cases:

- Warning of the errors based on regulations/laws of civil officials as well as record in the biographical documents the violators;
- Suspension of rank promotion, salary scale, and rewards;
- Demotion or re-assignment to other duties with lower ranks;
- Dismissal from office without receiving any policies.

Persons undergoing disciplinary procedures must return assets obtained properly to the organization completely.

Article 89 (New) Fines measures

Individuals, entities and organizations violating this law, prohibitions and conditions provided by the permits regarding water resources shall be fined based on relevant regulations/laws.

Article 90 (New) Civil law measures

Individuals, entities and organizations violating this law, which cause damages to properties of the state and other persons shall be responsible for compensation for losses that one causes.

Article 91 (New) Criminal law measures

Individuals infringing this law, which is criminal act shall be subject to criminal laws depending on cases, including compensation for damages that one has caused.

Article 92 (New) Measures for additional penalties

Besides fundamental penalties defined by Article 85 of this law, violators shall be subject to additional penalties such as suspension, withdrawal of permits or cancellation of activities.

**Part XV
Final provisions**

Article 93 (New) Organization for implementation

The government of the Lao People's Democratic Republic shall organize the implementation of this law.

Article 94 (New) Effectiveness

This law is effective after 60 days from the day the President of the Lao Peoples' Democratic Republic issues the promulgating decree, enforced onwards.

This law replaces the Law on Water and Water Resources No. 02-96/NA, dated 11 October 1996.

Provisions that contradict this law are null and void.

President, National Assembly