

Multi-stakeholder Workshop on Revised Water Resources Law

September 17, 2014
8.30-16.30
Settha Palace Hotel
Vientiane, Lao PDR

Background

The Water and Water Resources Law was adopted on October, 11 1996 and entered into force in March 1997. It comprises 49 articles set out in ten chapters. The law was followed by an implementing decree (the Decree to Implement the Law on Water and Water Resources No. 204) that was adopted by the Prime Minister on October, 9 2001. This in turn contains 34 articles also set in ten chapters. Finally the existing legal framework for water resources management was completed with the adoption on June 15, 2010 on the Decree on Establishment and Activities of River Basin Committees. Several other laws regulate aspects of water use (such as the Water Supply Law of 2009) or have actual or potential impacts on water resources and water resources management.

The law recognizes that water is a single resource and seeks to regulate both surface and ground water. It also aims to regulate activities that could have important impacts on water resources and river flows such as the extraction of sand and gravel.

The law contains a number of important positive elements in terms of international practice. For example the importance of river basins, in terms of water resource management, is clearly recognized. Moreover, the scope of the law is broad: it applies both to the use (in terms of abstraction and impoundment) of water as well as to the discharge of waste water. The law addresses issues of water quantity and quality, as well as water legislation on flood management issues.

However, the law contains a number of weaknesses including institutional issues – integrated management: MONRE and the DWR, coordination, the role of river basin management, policy, water rights regimes, water pollution and discharge permits & standards, flood management, and drought management among others. The current law is now inadequate for the needs of the country, since there is no mention clearly on sector responsibility for water resources management.

In the past, water resources were governed by various sectors, which resulted in water regulations appearing in many different legal frameworks. Consequently, gaps have arisen with regards to management, and conflicts of interests are prevalent between ministries that prioritize their interests. Therefore, the law and its decree need to be updated. It also needs to strike an appropriate balance between certainty and flexibility.

From 2012-2014, the International Finance Corporation (IFC) and World Bank have supported the process of revising the law. An international water lawyer, national Integrated Water Resources Management specialist and a national legal specialist among others, prepared an issues paper, gap analysis, rolling road map and number consultations to inform and receive feedback from national and provincial government agencies, and the National Assembly in all 18 provinces.

Feedback received included representatives from the private sector, civil society and international organizations. Hard issues discussions were held on key topics and information was disseminated about the intentions of the law revision process and key issues for input. A multi-stakeholder consultation was held in June 2013 on the first draft of the law and comments were inputted in a revised draft.

Currently, the Department of Water Resources is working collaboratively with the National Assembly, the Socio-Economic Committee and the Department of Legislation, Ministry of Justice which has final responsibility in approving draft legislation. Over the last six months, the DWR has been dialoging with the National Assembly to received updated comments and make revisions. The law is expected to be submitted to the National Assembly for approval in December 2014.

Workshop Objectives

The purpose of the workshop on September 17, 2014 is to seek final comments on the latest draft of the Water Resources Law from a diversity of stakeholders interested and working on water-related issues in Lao PDR. Specifically, the workshop seeks to:

- (a) Present the latest draft and seek comments from participants
- (b) Share the law revision process going forward

Workshop Participants

Multi-stakeholder representation includes, but is not limited to, government officials, development partners, private sector, academia, local and international law firms, international organizations, NGOs and other interested parties/individuals.

How to Participate

Limited space is available for this consultation. Participants will be accepted on a first-come, first-serve basis.

To register, please send the following information to Ms. Teo Saimoungkhoun at Tsaimoungkhoun@ifc.org +856 21 266 6304

- Full name & Title
- Telephone number
- Email
- Organization

Registration Deadline: 12 September 2014

Background Documents

The draft revised Water Resources Law can be downloaded in English and Lao languages from IFC's website: www.ifc.org/mekonghydro

In Partnership with:



Workshop Agenda

- 8.00-8.30 Registration**
- 8.30-8.45 Welcome Remarks**
Mr. Thoumma Saleumxay, Deputy Director General of DWR
- 8.45-9.15 Why update the Water Resources Law? Recap of Process**
Mr. Kingkham Manivong, Department of Water Resources
- 9.15-10.00 Presentation of Draft law**
Mr. Stephen Hodgson, IFC
- 10.00-10.30 Coffee Break**
- 10.30-11.15 Outstanding Issues from the Country-wide National Assembly Consultations**
Mr. Lilao Bouapao, IFC
- 11.15-12.00 Working Group Sessions**
Led by Group Facilitator
- 12:00-13.00 Lunch**
- 13.00-15.00 Working Group Sessions**
Led by Group Facilitator
- 15.00-15.30 Coffee Break**
- 15:30-16.15 Report Back: Plenary Discussion**
- 16:15-16.30 Close**
Mr. Thoumma Saleumxay
Deputy Director General, Department of Water Resources