

Fact Sheet 11 Water Pollution and Law Enforcement in Can Tho City

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In order to ensure the sustainable management of water resources, Vietnam has recently started to introduce a legal framework for the water sector. The Law on Water Resources No. 08/1998/QH10 (LWR), issued in 1998, has created the foundation for a legal system on water resource protection in Vietnam. In recent years, the legislative framework on water resources management has developed further. To date, more than 300 water-related regulations have been issued and often amended to meet the requirements of the country's development and international integration. Particularly, normative documents, plans and policies on environmental issues and water pollution control are amended continuously.

Legislation on the Water Sector in Vietnam – Overview

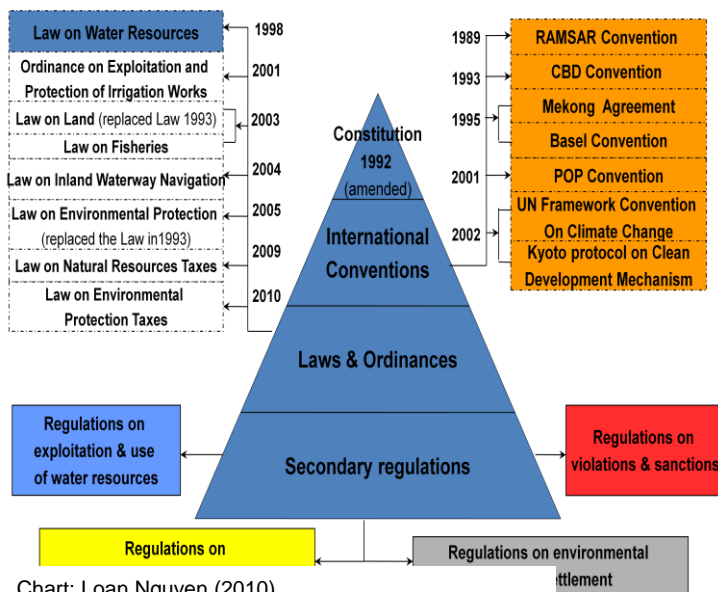


Chart: Loan Nguyen (2010)

However, while facing pressures from rapid industrialisation, modernisation and global market integration, water resources have not been developed in a sustainable and integrated manner. In addition, socio-economic development has not been

aligned with water sources capacities to meet the objectives defined in the “National Strategy on Water Resources to 2020”, approved by the Prime Minister’s Decision (No. 81/2006/QD-TTg).

In fact, water pollution has increased dramatically in recent years and led to a decline in water quality. Eventually, this will prove a severe threat to human health and result in environmental degradation and negative impacts on the economy, which relies on clean water for production. Particularly in large cities and industrial zones, water over-exploitation, wastage and the discharge of wastewater without permission still occur and remain unaddressed. In short, many water sources in Vietnam are dying, while the discharge of toxic chemicals from industry and agricultural production, including aquaculture, leads to a decrease in biodiversity.

Water pollution has become a pressing concern, especially in the Mekong Delta, which is Vietnam’s most important agricultural production zone. Located at the heart of the Mekong River Delta, Can Tho City has a dense system of rivers and canals. Most economic sectors in the city depend on or are related to water. However, most drainage canals, the main water supply sources for Can Tho City, are heavily polluted by untreated wastewaters. The Hau River, for instance, is seriously polluted with organic, chemical and microbiological discharges from industrial pollution, domestic wastewater, aquaculture and agricultural production and solid wastes. Other sources of pollution are located upstream, and waterway transportation also contributes to the deterioration of surface water quality. However, illegal waste dumps and

the uncontrolled digging of wells and ponds not only pollute surface water but also potentially contaminate groundwater sources, too.

While many important decisions issued by the People's Committees of Can Tho City on water resources protection and water pollution management have been developed and further improved in recent years, the quality of those legal documents has obviously not yet met real-life requirements. Hence, life on the local level seems to have its own rules far away from and not in compliance with regulations that are written on paper and produced in the capital of political power (Hanoi). In many provinces, the "red carpet" is even rolled out to attract foreign projects, despite their underdeveloped technologies leading to potential causes of environmental pollution. Seemingly, most of the organisations and individuals that have violated the water laws would rather pay fines than invest their capital in the installation and/or operation of environmentally friendly systems. Financial punishment is thus considered a "temporary solution" (*giải pháp tạm thời*), which must be replaced by a more effective sanctioning system.

A recent study on the legal framework of the water sector in Vietnam also brought to light the tendencies of legal pluralism. This means that there is confusion about the applicability of legal regulations, which in turn undermines proper law enforcement in Vietnam.

Moreover, despite recent efforts made to improve judicial competences, the right to initiate lawsuits against decisions/Acts issued by administrative agencies has remained unused. The People's Court in Can Tho City, for instance, has not yet exercised its newly assigned competence of dispute settlement in environmental fields (since July 1996). At commune level, a few small dispute cases have been solved by mediation between commune cadres in charge of land and construction issues.

Today, Vietnam's legislation on the water sector consists of a complex system of legal documents issued at various scales and adopted by different state authorities.

Thus, the current legal framework on the water sector is complicated with overlapping and contradictory regulations (see the comprehensive analysis of Nguyen L. 2010 and 2011).

The current LWR has revealed its limitations and insufficiencies. Conflicts between the LWR with other related laws and secondary regulations have bared themselves in the implementation process. Vietnam still has not attained consistency in and coordination of its policies, laws, standards and norms on water resources for the sustainable development of the water sector.

Why the legal framework on the water sector in Vietnam, despite great improvements, has not yet come to full fruition in terms of law enforcement remains a crucial question. The urgent matter of water pollution has obviously proven that the current legal framework on water resources management is ineffective.

Further Reading

NGUYEN, L. (2010) Legal Framework of the Water Sector in Vietnam. Can Tho University Publisher. Can Tho City, Vietnam.

NGUYEN, L. & S. BENEDIKTER (2010) "Vấn đề ô nhiễm nguồn nước ở ĐBSCL: Những khó khăn và thử thách trong việc thực thi pháp luật bảo vệ tài nguyên nước ở thành phố Cần Thơ" [Water pollution in the Mekong Delta: Problems and challenges of law enforcement in water resources protection in Can Tho City]. Conference Proceedings, National Conference on Social Sciences & Sustainable Development of the Mekong Delta, 25/10/2010, Can Tho City.

NGUYEN, L. (2010) Problems of Law Enforcement in Vietnam: The Case of Wastewater Management in Can Tho City". ZEF Working Paper No. 53, Center for Development Research, Germany.

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