

Preliminary National Water Tenure Assessment Report of the Lao PDR



June 2026

FOREWORD

Water is fundamental to human well-being, food security, economic development, and ecosystem sustainability. As Southeast Asia faces increasing pressures from climate change, rapid urbanization, competing water demands, and growing water-related risks, strengthening the governance of water resources has become more important than ever. Ensuring that water is allocated, accessed, and managed fairly and sustainably requires not only sound policies and institutions but also a clear understanding of the rights, responsibilities, and relationships that shape how water is used. This is the essence of water tenure.

The Global Water Partnership Southeast Asia (GWP-SEA) is pleased to support the preparation of these Preliminary National Water Tenure Assessment Reports for Lao PDR, Malaysia, and the Philippines under the project Scaling up Capacities for Responsible Governance of Water Tenure (ScaleWat), implemented in partnership with the Food and Agriculture Organization of the United Nations (FAO). These assessments represent an important step in advancing regional understanding of water tenure governance, while supporting the implementation of Integrated Water Resources Management (IWRM) principles.

The reports provide valuable insights into the legal, policy, and institutional frameworks that shape water governance in each country. They highlight existing strengths, identify emerging challenges, and offer a foundation for future dialogue on improving equitable, sustainable, and resilient water management.

It is important to recognize that these assessments are preliminary and based primarily on desk reviews of legislation, policies, and institutional arrangements. While they offer a useful national-level overview of formal water tenure arrangements, they do not fully capture local realities, customary practices, or basin-specific experiences.

FOREWORD

GWP-SEA therefore recommends that these assessments be followed by pilot surveys and stakeholder consultations at selected river basin or watershed levels to validate findings, strengthen evidence, and deepen understanding of water tenure in practice.

We believe these reports mark an important first step in advancing the water tenure agenda in Southeast Asia. We hope they will serve as valuable references for policymakers, practitioners, researchers, and development partners, while fostering continued collaboration among stakeholders to strengthen water security, climate resilience, and sustainable development across the region.

On behalf of GWP Southeast Asia, I extend my sincere appreciation to FAO, the national experts, government agencies, and all partners who contributed to the preparation of these reports. Their commitment and expertise have laid the groundwork for future learning and action toward more inclusive and effective water governance.



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About FAO

The Food and Agriculture Organization (FAO) is a specialized agency of the United Nations that leads international efforts to defeat hunger. FAO further supports countries in strengthening water governance to address growing challenges such as climate change, water scarcity, and food insecurity. A key part of this work is advancing the concept of water tenure, understanding who has rights to use water, under what conditions, and how those rights are governed.

About GWP-SEA

GWP is a global action network of 3,000+ organizations in 183 countries. As its oldest regional branch, GWPSEA coordinates 8 Country Water Partnerships (CWPs). Representing a diverse multi-stakeholder network, from government and development banks to NGOs, the Jakarta-based secretariat serves as the regional hub for advancing integrated water management.

About this publication

Developed under the FAO ScaleWat Project (GCP/GLO/1169/GER) in collaboration with GWP SEA, this product supports FAO's Global Dialogue on Water Tenure to promote inclusive governance, food security, and water access rights across Asia-Pacific.

ABBREVIATIONS

DONRE	District Natural Resources and Environment Office
DWR	Department of Water Resources
FAO	Food and Agriculture Organization of the United Nations
GWP SEA	Global Water Partnership Southeast Asia
IWRM	Integrated Water Resources Management
Lao PDR	Lao People's Democratic Republic
Lao-WIS	Water and Water Resources Information System of Laos
MAE	Ministry of Agriculture and Environment (Merged body of MONRE and Ministry of Agriculture and Forestry)
mcm	Million Cubic Meters (Unit of volume measurement for water utilization)
MoF	MoF: Ministry of Finance
MoH	MoH: Ministry of Health
MoIC	MoIC: Ministry of Industry and Commerce
MONRE	Ministry of Natural Resources and Environment (Pre-merger)
MoPWT	Ministry of Public Works and Transport
NSEDP	National Socio-Economic Development Plan
PONRE	Provincial Natural Resources and Environment Department
ScaleWat	Scaling up capacities for responsible governance of water tenure (Project name)

GLOSSARY

- **Artificial Water Reservoirs:** Man-made water storage structures created by excavating ponds, damming watercourses, or other means for specific purposes such as hydropower, irrigation, industry, and domestic water supply.
- **Customary / Informal Tenure Systems:** Water management systems or access rights based on local social practices, customs, and traditions of indigenous communities, which may not be explicitly codified in formal state legislation.
- **De Minimis Small-Scale Uses:** A category of small-scale water allocation for basic daily human needs (such as household drinking water and subsistence farming) that is exempt from formal permitting requirements and associated fees.
- **Environmental / Minimum Flow Reserve:** The minimum volume of water flow that must be maintained in a river or watercourse to sustain ecological systems and protect the basic needs of downstream users.
- **Integrated Water Resources Management (IWRM):** A process that promotes the coordinated development and management of water, land, and related resources to maximize economic and social welfare equitably without compromising the sustainability of vital ecosystems.
- **Large-Scale Water Use:** High-volume water utilization with significant regional impacts (e.g., irrigation $>150,000 \text{ m}^3/\text{day}$, groundwater abstraction $>50 \text{ m}^3/\text{day}$, or major hydropower projects), requiring permits managed directly at the central government level.
- **Medium-Scale Water Use:** Water utilization for moderate-impact commercial or economic activities (e.g., irrigation between $1,500$ and $150,000 \text{ m}^3/\text{day}$ or groundwater abstraction between 20 and $50 \text{ m}^3/\text{day}$), permitted at the district or provincial level.
- **Natural Water Reservoirs:** Naturally occurring water bodies including lakes, natural ponds, marshes, and wetlands, where water volumes fluctuate depending on seasonal weather patterns.
- **Small-Scale Water Use:** Water usage intended for household consumption, family gardens, or small-scale livestock farming (e.g., capped at $1,500 \text{ m}^3/\text{hectare}/\text{day}$ for surface water and $<20 \text{ m}^3/\text{day}$ for groundwater).

GLOSSARY

- **Unavoidable Facts (Natural & Legal):** Legal provisions in Lao water legislation governing emergency conditions or unavoidable natural constraints, defining rights and duties between users (e.g., prohibiting upstream users from completely blocking natural flows to the detriment of downstream neighbors).
- **Village Economic-Financial Units:** Village-level institutional bodies established under revised regulations to operationalize national laws locally, collect data on small-scale water use, and manage localized water disputes.
- **Water Conservation Zones:** Specifically designated protected areas reserved to safeguard water quality and quantity, prevent floods and droughts, and preserve aquatic biodiversity.
- **Water Tenure:** The relationship, whether legally or customarily defined, between people, as individuals or groups, and water resources, dictating rights of access, use, and management.
- **Water Use Permit:** An official administrative authorization issued by a competent government authority granting legal rights to utilize water resources under specified conditions and volume allocations.

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EXECUTIVE SUMMARY

Water is essential for human life and the environment. Although the Lao People's Democratic Republic is defined as the rich water resources; population and development growth require higher sectoral water demand, and the continuing increasing trend will result in more challenging water management. In addition, water quality and climate change with frequent floods and drought extreme events put more pressure on water availability for planning and allocation. The government of the Lao PDR has been implementing its 10 year-strategy on water management toward 2030. FAO has developed a methodology based on the definition of water tenure as "the relationships between individuals or groups with respect to water resources". This methodology, presented in the Water Tenure Assessment Guide, enables the identification of water tenure arrangements that stem from the legal framework—such as formal licenses—as well as those that derive from social and customary practices. It helps to identify gaps and practices, reduce conflicts, strengthen food security, and protect marginalized users and ecosystems.

This report is a preliminary assessment of water tenure in the Lao PDR and was developed from a desk review and analysis of relevant legal frameworks, legislations, organizations, and coordination platforms. However, it is strongly recommended to conduct further detailed interviews and field research analysis with the stakeholder consultations to gain comprehensive assessment of water tenure arrangements in the Lao PDR.

The desk review shows that water rights and the use of water resources are recognized formally in the revised Law on Water and Water Resources, where small-scale water use with non-commercial purposes such as for household water drinking and subsistence does not require any permission nor fee, while medium and large scale water uses shall request for the permissions and pay for water fee and other relevant fees. The Ministry of Natural Resources and Environment (now merged with the Ministry of Agriculture and Forestry, known as the Ministry of Agriculture and Environment) and its line-provincial and district offices are defined as the key leading agency for water management including water allocation and use permits.

EXECUTIVE SUMMARY

The specific water use of surface and groundwater for various purposes on hydropower, irrigation, industry, mining processing, and urban water supply are clearly defined in the law on water and water resources and its agreement on water use in corresponding to role and responsibilities of authority level between central, provincial, and districts. In addition, concerned stakeholders and local authorities (including village level) play an important role from the ground to collect and monitor water related data, manage and protect water and water resources, and solve conflicts within their areas.

According to the indicators of water tenure assessment, there are no significant gaps found during this desk review. However, some challenges, which may affect the implementation of water allocation and use permission, are identified and provisional recommendations to address those challenges are proposed.

INTRODUCTION AND METHODOLOGY

This report provides a preliminary assessment of an analytical overview of the national legal and policy framework that defines, regulates and influences water tenure including roles, responsibilities and coordination of those agencies related to water resources, water tenure, and allocation at national level.

This work is a part of the implementation of the project, “Scaling up capacities for responsible governance of water tenure (ScaleWat)” between the Global Water Partnership Southeast Asia (GWP SEA) and the FAO Regional Office for Asia and the Pacific. This preliminary assessment covers both surface water and groundwater, but only in water quantity as awareness that water quality issues will be more complicated under water tenure context. The national analysis focuses on clarity, coherence, and effectiveness of relevant national legal and policy frameworks related to water tenure. The report serves as national input to the regional assessment.

A water tenure assessment is flexible, depending on the time and resources available. It can be undertaken as part of an integrated water resources assessment, a water security analysis, a water accounting exercise or as a stand-alone activity (FAO, 2024).

Due to time limitation, this report involves only desk review to identify the various types of formal water tenure arrangements recognized under national law and to establish a preliminary understanding of their legal basis of governance structure and implementation mechanisms. Further steps, as a methodology guided by the FAO water tenure assessment report 2024, such as pilot site, interviews and field research based on a six-step process, and stakeholder consultations should be conducted for detailed assessment.

According to the Terms of Reference of this assignment, there are processes and steps as follows:

- Gather and evaluate data and information pertaining to national water-related legislation, policies, and institutional frameworks across various sectors, including economic activities (such as mining and industry), environmental and land protection, and domestic usage. This process aligns with the data and information requirements established in consultation with the Regional Expert.
- Identify key formal and informal water tenure types and arrangements.

- Use the provided template to list prominent national institutional frameworks in water tenure, such as government bodies, water user groups, river basin organizations, and non-state actors involved in water tenure.
- Create stakeholder mapping and highlight roles and responsibilities.
- Prepare a short legal and policy analysis focusing on water law, land law, environment/climate policies; water rights allocation mechanisms; Customary or informal tenure systems
- Summarize gaps and challenges based on the elements from the principle of water tenure governance.

COUNTRY PROFILE AND WATER CONTEXT

The Lao People's Democratic Republic (Lao PDR) is a landlocked country, located in Southeast Asia with a total area of 236,800 square kilometers. About 90% of the country lies within the Mekong River basin. The country has rich and varied natural resources, including water. Total average annual available surface water resources in the Lao PDR are 270 cubic kilometers (WEPA-DB). Compared with other Asian countries, the Lao PDR has the highest per capita water availability. Together with its geographical characteristic, the Lao PDR has a high potential development for hydropower and irrigation. However, recently the Lao PDR is facing some challenges related to water and water resources management from the rapid economic growth, developments and climate change.

The Lao People's Democratic Republic (Lao PDR) is characterized by numerous river basins distributed across the country. Approximately 37% of the country's surface water originates from northern river basins, 36% from central river basins, and the remaining 27% from southern river basins. As of 2018, Lao PDR had an estimated population of approximately 7 million. Around two-thirds of the population (approximately 4.1 million people) reside in the lowland areas of central and southern Lao PDR. Population density is lowest in the northern upland regions, while the highest concentrations are found in urban areas along the Mekong River.

The Constitution of the Lao PDR frames the water sector as state-driven and centrally managed, where water is owned by the national community but administered by the government. It emphasizes centralized and unified management, with the State holding primary responsibility for allocation, regulation, protection, and sustainable use of water resources. While some responsibilities are delegated to local authorities, overall control and decision-making remain strongly centralized at the national level.

The Law on Water and Water Resources in the Lao People's Democratic Republic (Lao PDR) was first promulgated in 1996 and substantially revised in 2017, with further

amendments in 2020 and 2022. It sets out the principles and regulatory framework for the management, protection, development, and use of water resources, including measures to prevent water-related impacts and to rehabilitate affected areas. The law aims to support livelihoods, agriculture, industry, and services, while ensuring environmental protection, sustainability, national security, and regional and international integration, contributing to overall socio-economic development.

Principles of Water and Water Resource Management (article 6):

- Ensure the management, utilization, protection, and conservation of water and water resources align with the national policy on green environment and sustainability;
- Coherent with national socio-economic development plan, strategic plan on water and water resources management, utilization, water and water resources management plan, strategic environmental assessment, integrated water resources management, and national safety and security aspects;
- Prioritize water and water resources protection and recovery;
- Ensure the participation of individuals, juristic entities, or organizations in the processes of planning, development, utilization, and reservation of water and water resources in sustainable way;
- Individuals, juristic entities or organizations who make any adverse impact or damage or losses to water and water resources shall be responsible for those impacts.

The river basin is a unit for water resources management. The Law on Water and Water Resources revised in 2017 has categorized river basins into three sizes for administrative responsibility (large with an area of more than 4,000km², medium with an area between 1,000 to 4,000km² and small an area less than 1,000km². Totally, there are 14 large-, 19 medium-, and 29 small- river basins in the Lao PDR, shown in Figure 1.

Groundwater remains a poorly understood resource in Lao PDR. Preliminary groundwater assessment shows that areas with high groundwater potential cover more than 50% of the country's area. Groundwater is a main important water source of use in rural areas and small towns, located far away from rivers and the water supply system has not been set up (national groundwater profile, 2023).

Wetlands can be found in many parts of Lao PDR. It has general characteristics and its capacity in water storage changes based on the seasonal change. The wetland helps to integrate functions of chemicals, nutrients, organic matter and all aquatic cycles together. Generally, wetland is critical for abundance of biodiversity, water supply for local communities, and floodwater storage during the flood season. However, data and

information on wetland remain sparse in Lao PDR. The total area of wetland in the country is approximately 1,082,600 ha or about 5% of the country's area (eWATER, 2018).

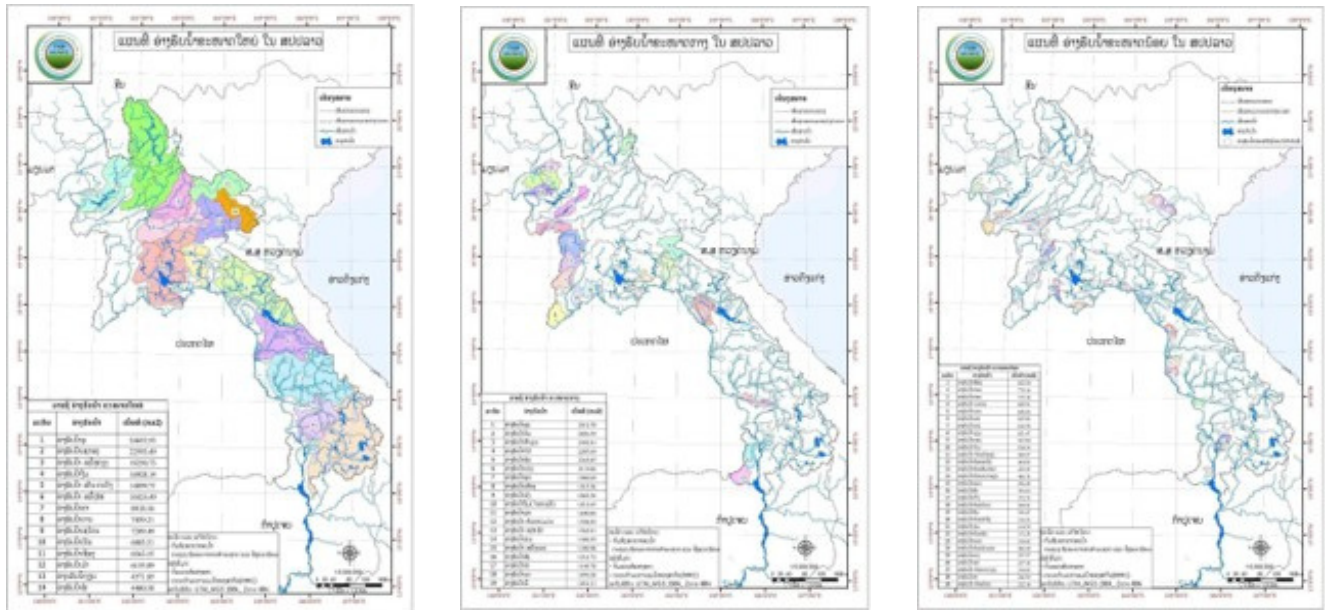


Figure 1: Maps of defined large, medium, and small river basins in the Lao PDR

Recently, the Lao PDR began implementing its National Strategy on Water and Water Resources Management, Administration and Utilization Toward 2030 to address key prioritized issues related to water and water resources (GWP, 2025). Water resources management and allocation are included in the implementation of integrated river basin management plans considering the specific basin characteristics such as surface and groundwater, water quantity and quality, water availability, sectoral water uses, flood and drought, climate change and infrastructure development in each river basin.

LEGAL FRAMEWORKS GOVERNING WATER AT THE NATIONAL LEVEL

Water governance in Laos is primarily based on a formal framework established through the Water Law, supported by a cascading set of regulations across related sectors. The Integrated Water Resources Management (IWRM) approach is applied by the Lao PDR government for its water resources management at the river basin scale. The Ministry of Agriculture and Environment leads this initiative. The integrated river basin management plan is developed as a management tool (article 16-20) as outlined in the Law on Water and Water Resources. IWRM is based on four principles.

1. Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment.

2. Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels.
3. Women play a central part in the provision, management and safeguarding of water.
4. Water has an economic value in all its competing uses and should be recognized as an economic good based on the equity measures and everyone can access clean water.

The participatory approach is recognized for water resources development and management processes involving users, planners and policymakers at all levels. This is consistent with the law which has as one of its key principles: “to ensure participation in the planning, development, use and protection of water and water resources”. Regarding gender equity, it is not mentioned clearly in the law but is included as part of IWRM. In addition, according to the Law on Gender Equity in 2019, gender mainstreaming and women’s participation has been increasingly recognized in the work of all sectors and to increase the proportion of women in management positions at all levels.

According to FAO, water tenure is defined as the relationships, whether legally or customarily defined, between people, as individuals or groups, with respect to water resources. Water tenure determines who has access to water, who can use water for various purposes, how much and for how long and how those rights interact with those of other tenure holders. Water tenure also derives its meaning and utility from the bundle of rights that constitute the fundamental elements of peoples’ relationships with each other when it comes to freshwater resources. Rights to use and manage water are governed by both legislative and customary frameworks, which may or may not be aligned with one another (FAO, 2024).

The term of water tenure is neither used nor known well in the law of the Lao PDR. However, based on its definition, it can be considered as relevant to water use, water allocation and water permission in the revised Law on Water and Water Resources of the Lao PDR. In this connection, the Law on Water and Water Resources with its subordinate legislation is reviewed together with other water-related legal documents as Annex 1.

The Law on Water and Water Resources provides for the principles, regulations, and measures for water resource management in the Lao PDR, aiming to improve the sustainability of Lao’s water resources. The updated Law, consisting of 14 Chapters and 103 Articles, focuses on better protection of water resources and sustainable use to support national economic development. The revision was in 2017 (no. 115/PM, 22 June 2017) and the additional revision of some articles was in 2020 (no.139/PM, 12 August 2020) and 2022 (no.110/PM, 19 August 2022).

Rights for water use in both surface and groundwater are defined in the Law on Water and Water Resources that individuals, juristic entities, and organizations have rights to use water for any purpose but shall be economic, reasonable, effective and with minor impact on the environment, society and nature.

Overall, it is mentioned clearly in the Law on Water and Water Resources that water and water resources in the territory of Lao PDR are the property of the national community whom the state/government represents in managing and thoroughly and reasonably allocating its use to various parties. individuals, juristic entities, or organizations shall seek approval/permission from relevant authorized agencies before getting the right to occupy and use water and water resources in any activity, **except that small-scale water use does not require any permission, water fee or service fee.** This small-scale water use is likely the **De minimis small scale use** under the typology of water tenure.

Water use and permission are mentioned in Chapter V. Use and Services of water and water resources of the Law on Water and Water Resources. There are 3 Parts (Use of water and water resources (article 36-44); Use of groundwater (article 45-47); and Services related water and water resources (article 48-52).

As defined in the Law, water can be used for any purpose or multi-purposes through many methods such as water storage, pumping, and diversion. The main purpose can be categorized as below:

- for people's consumption and utilization;
- for irrigation, agricultural and forestry production, livestock and fisheries;
- for hydropower and mining activities;
- for industrial production;
- for navigation and transportation;
- for medical treatment, healthcare, hygiene;
- for recreation, sports and tourism
- for other purposes

Among those purposes, water for consumption (article 37) is specified to be reserved for people's consumption only, not allowing individuals, juristic entities, or organizations to use for other purposes. Around the water source, it is not allowed to build a hospital, market, factories, restaurant, livestock farm, hotel or any infrastructure or activity that may affect negatively on water quality. This shows giving the top priority to this category.

Water use in Laos is classified into three main categories—small, medium, and large scale—based on the volume of water used and the purpose of the activity.

Small-scale water use generally covers basic household consumption, subsistence farming, and small livestock activities. For surface water, it includes irrigation not exceeding 1,500

cubic meters per hectare per day, while groundwater use is limited to less than 20 cubic meters per day.

Medium-scale water use applies to more intensive economic activities. This includes hydropower production with moderate reservoir sizes, irrigation systems using between 1,500 and 150,000 cubic meters per day, industrial use ranging from 15 to 1,000 cubic meters per day, and mining activities exceeding 1,000 cubic meters per day. It also covers urban water supply systems and tourism-related services such as resorts and hotels, typically approved at district or provincial levels. Groundwater use in this category ranges from 20 to 50 cubic meters per day.

Large-scale water use involves high-volume and high-impact activities, such as major hydropower projects with large reservoirs, large irrigation schemes exceeding 150,000 cubic meters per day, and industrial or mining operations using more than 1,000 cubic meters daily. It also includes large urban water supply systems and major tourism developments, which are generally approved at the central level. Groundwater use exceeding 50 cubic meters per day falls into this category.

A water use permit (article 42) is an official document granting the rights of water use to a person obtaining the right of water use. The issuance of the water use permit shall follow the regulations on the impact assessment on the environment, society and nature, and other relevant regulations. The water use permission will be considered and processed after the review and agreement of national resources and environment sectors on the water use plan (surface water or groundwater) is prepared and submitted by a requester under the guidance of the Department of Water Resources as described in the law and detail in the agreement on water use, No. 6118/MONRE, dated 29 November 2022 as below:

- Small-scale water use (both surface and groundwater) does not require any water use permits and shall not pay the levy for the use of natural resources, fees and service charges provided. However, the use shall be notified to a village administration, then, data will be recorded and sent to natural resources and environment sectors at district, province and Department of Water Resources for the inventory and monitoring.
- Medium-scale water use shall be applied for authorization/permission, which for surface water use will be under the responsibility of the provincial office of natural resources and environment, while for the groundwater use will be under the responsibility of a district office of natural resources and environment at a district, municipality or city, and the user shall pay the levy for the use of natural resources, fees and service charges in accordance with the relevant regulations.

- Large-scale water use shall be applied for authorization/permission, which for surface water use will be under the responsibility of the Department of Water Resources, while for the groundwater use will be under the responsibility of a provincial office of natural resources and environment, and the user shall pay the levy for the use of natural resources, fees and service charges in accordance with the relevant regulations.

It is defined that the water use plan for large- and medium-scale water use shall be endorsed before the issuance of environmental certificate, and the plan must be reviewed every two years according to the validation of the water use permit.

The levy for water use, fees and services charges is exempt from the irrigation scheme/system constructed by the government as defined in the agreement on water use, No. 6118/MONRE, dated 29 November 2022.

The agreement on water use also provides detailed technical guidance on how to drill the groundwater, place and permission.

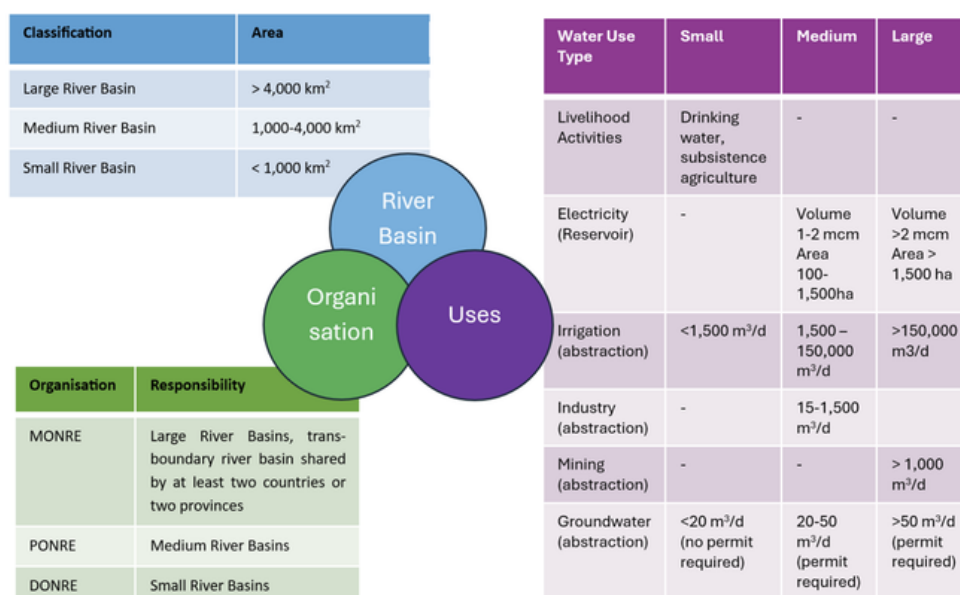


Figure 2: Defined river basins, management, organizations, and water use sectors from the revised law on water and water resources

Besides the provision of water use and permits in the revised Water Law, other relevant sectoral laws such as land, hydropower, irrigation, and water supply will have other rules and guidance supplements to the Law on Water and Water Resources. Aligning these laws with the National Socio-Economic Development Plan (NSED) is a key mechanism to ensure that legal frameworks, policies, and regulations support the country's longterm development goals, economic growth, and social progress. In the context of the Lao PDR, for example, the legislative process frequently amends or creates new laws to ensure

they act as tools for implementing the 9th and 10th NSEDPs (2021–2030), which aim for green, sustainable, and self-reliant growth.

The summary of key findings on the Legal frameworks governing water at national level are shown as below table.

Table 1: Review of laws related to water tenure arrangements

Law	Main context related to water tenure	Lead Agency
Water and Water Resources in 2017 (with additional revision of some articles in 2020 and 2022)	Provides the legal frameworks for integrated water resources management in the river basin scale, strategic plan for management, administration, and utilization of water and water resources, management of surface and groundwater, water quantity and quality, minimum flow, wetlands, reservoirs, water allocation and water use permit.	Ministry of Agriculture and Environment, Department of Water Resources
Electricity in 2017	Related to water use for hydropower production/energy generation and the reservoir management. There are specific concessions and agreements for the investment. The context involves land, water and environment.	Ministry of Industry and Commerce
Hygiene and Sanitation in 2019	Related to clean drinking water, hygiene, sanitation for people' health and health care of communities especially in remote areas. The women, children, elders, disabled people, and teenagers are key focuses.	Ministry of Health
Mines (mineral) in 2017	Related to water use for commercial/industrial mining processes. There are specific concessions and agreements for the investment. The context involves land, water and environment. The sand mining including silt/mud in the river or wetland is part of water resources utilization.	Ministry of Industry and Commerce
Irrigation in 2025	Related to water use for irrigation areas by the public or private and the reservoir management of an irrigation project. It defines rights and duties of irrigation water users. The group of water users and the association of irrigation are defined in the Law.	Ministry of Agriculture and Environment, Department of Irrigation

Law	Main context related to water tenure	Lead Agency
Water Supply in 2009	Related to water use for processed water supply services for urban and rural areas. This Law does not cover the rural water supply by gravity system, groundwater which is not processed under the technique of treatment. This Law guides the source of water used for water supply and defines the system. The concession of water supply services must be approved by the planning and investment sector, and the validation of the concession is defined as 30 years maximum but can be renewable for 10 years. The fee of water supply is defined by the Ministry of Public Works and Transport in collaboration with concerned agencies and proposed to the Lao Government for the consideration.	Ministry of Public Works and Transport
Aquatic Life and Fisheries in 2023	Related to aquatic life and fisheries from nature and human-activities. The Law defines household, cultural, and business activities and permission related to aquatic farms and fisheries. Also, the areas or zones defined for conservation, restoration and use of aquatic life and fisheries. The group and the association of aquatic life and fisheries are defined in the Law.	Ministry of Agriculture and Environment, Department of Livestock and Fisheries
Waterway in 2022	Related to ports and boats/ships, navigation and transport on the river. This Law defines the permission for business on rivers and the water resources extraction from rivers for the construction. The group of waterway businessmen is defined in this Law.	Ministry of Public Works and Transport, Department of Waterway
Plantation in 2025	Related to the use of water for agricultural planting and the technique for effective water use is defined.	Ministry of Agriculture and Environment
Dam Safety in 2022	This Law defines reservoir management for safety manners covering the reservoirs of hydropower, irrigation and water supply. This also defines the permission to fill the reservoir, design, technique, measures including compensation.	Ministry of Industry and Commerce
Land in 2019	This Law defines land tenure and management. 8 types of land related to various sectors (agriculture, forestry, wetland, industry, transportation, culture, national security, and construction) are defined, of which wetland is one of them. The definitions of each land type are guided for any management, development and conservation.	Ministry of Agriculture and Environment, Department of Land
Forestry in 2019	Related to forest land under protection and conservation to reserve water sources.	Ministry of Agriculture and Environment, Department of Forestry

Law	Main context related to water tenure	Lead Agency
Environment Protection in 2024	This Law defines the duties to protect the environment including water that guides the environmental assessment and certificates to all concessions and developments. This mentions the ecosystem service fee. Water pollution and contamination from or by the water use are highlighted. The roles and responsibilities of various key agencies are defined in the context of environment management and monitoring.	Ministry of Agriculture and Environment, Department of Environment
Tourism in 2024	Related to the use of water for recreation, tourism, sports, cultures and services. Majoring in natural water sources such as waterfalls, lakes, rivers with other service activities. The tourist business associate is defined as key group of stakeholders	Ministry of Culture and Tourism

According to the extraction of gravel, sand, and silt/mud in water sources, the user shall apply for permission from the relevant authorized sectors on the basis of collaboration with the natural resources and environment sector, except for people's household uses. This extraction shall not cause any water diversions, waterways, bank erosions, impacts to ecosystem in water, and water quality, and shall be complied with the technical standards, and relevant laws and regulations.

The Law also defines a case (article 43) for suspension, modification and revocation of Water Use Permits. Water use permits may be suspended or modified by authorized agencies (as defined in Section IV) in the following cases:

- Occurrence of droughts or emergency events;
- Maintenance of minimum water flow;
- Requests of the project developers who have obtained water use permits;
- Complaints of people;
- Violation of the regulations on the use of water without severe impacts.

The water resource use certificate may be revoked in the following cases:

- Transfer of water use permits to other persons without authorization;
- Final court decision;
- Necessary needs for public utility with reasonable compensation;
- Provision of severe adverse impacts to environment, society and nature;
- Violation of the regulations on the use of water with severe impacts or after warnings.

Minimum water flow (article 21) is defined in the revised Water Law, also as part of water tenure typology, to guide on quantity of water flow to be maintained in the watercourses or river basins where the water uses and developments are in place in order to ensure the basic needs of the people livelihoods and the sustainability of ecosystem within the river basins. The natural resources and environment sectors oversee the determination of minimum water flow from time to time as required in collaboration with the other relevant sectors and local administrations. As the development of subordinate legislations, the technical guideline for determining minimum flow for a river basin was issued in September 2023.

Sources of water are important for water management, use, and access. Besides water in rivers, the revised Water Law defines 3 specific sources such as water reservoirs, wetlands, and water conservation zones to manage water and water resources in those areas.

Water Reservoirs are defined as new parts of the revised Law on Water and Water Resources (article 22-25); as these are one of sources of water. The Law defines two types of water reservoirs with natural water reservoirs and artificial water reservoirs. Natural water reservoirs refer to lakes, ponds, swamps, marshes and others, naturally occurred in which the water quantity varies from one to another in the dry and wet seasons while artificial water reservoirs refer to such areas by digging the ponds, obstruction of waterways or by other means for water impoundment of specific purposes, such as for electrical power, mining, industry, agriculture, irrigation, fisheries, water supply, tourism, and ecosystem.

The Ministry of Natural Resources and Environment is responsible for the issuance of regulations on the management of the natural and artificial water reservoirs in collaboration with other relevant ministries, ministry-equivalent organizations and local administrations. The natural resources and environment sectors, in collaboration with other relevant sectors and local administrations, oversee the management of the natural water reservoirs through the survey, inventory and issuance of management measures for the abundance of water reservoirs.

Artificial water reservoirs which are built by any given sectors, such as, sectors of energy and mines, agriculture and forestry, such sectors shall be responsible for management, issuance of specific regulations and establishment of coordination mechanism in collaboration with the natural resources and environment sectors and other relevant sectors and local administrations, and in accordance with the water reservoir management plans and relevant laws and regulations.

The use and development of wetlands (article 34-35) are defined coherently in the revised Law on Water and Water Resources and the Law on Land. Wetlands are one of sources of water and environmental services.

All individuals, juristic entities or organizations may use and develop the wetlands but shall ask for permission with the natural and environment sectors and shall ensure that do not cause damage to the water quality and quantity, do not change the waterways and water flows unless obtaining of authorization, and do not cause erosions and floods, and shall ensure the ecosystem sustainability in accordance with the relevant laws and regulations. Protection and development of wetlands shall be aligned with the national and local socio-economic development plans, national land allocation master plan, and regulation on wetland protection without any negative effects to ecosystem, environment, society and nature.

Water conservation zones (article 26-29) are areas reserved for maintaining water quantity and quality serving for water consumption, flood and drought prevention, biodiversity and aquatic life conservation, and so on. There are not allowed to build, to create obstruction causing the diversion of waterways, to cut the trees in the areas of water sources or surrounding the water sources, to undertake activities relating to the production of agriculture, industry, husbandry, landfill, modification or change of land areas of the rivers, lake, ponds, marshes, to dig or change the soils causing erosions, to extract stones, minerals, soils, sands and to throw the rubbishes or wastes, wastewaters, toxic and chemical substances, explosives, human or animal corpses, and others which cause damages to the reserved areas.

Household traditional agriculture and husbandry for life earnings of the people living at the reserved riverside areas are allowed to be undertaken provided that these activities shall be ensured not to cause damage to water quality and bank erosion.

The natural resources and environment sectors oversee the determination of water conservation zones in collaboration with the other relevant sectors and local administrations. As the development of subordinate legislations, the agreement on the conservation zone for water and water resources was issued in September 2024.

Unavoidable Facts are defined in Chapter VI of the revised Water Law that realities which must be accepted are actual conditions which occur naturally or which are provided by law.

- **Unavoidable Natural Facts (article 59):** It defines that the upstream land user has no right to block the natural water flow that may cause damage to the downstream water user. In the event of blockage that caused damage to the downstream land user, the upstream land user shall be responsible to compensate for the damage caused. The upstream land user shall allow the water to flow naturally from the upstream land down to or across its land. If the downstream land user blocked the water and caused damage to the upstream land user, the downstream land user shall be responsible for compensation for damage occurred and shall cause the water to flow naturally.

- **Unavoidable Legal Facts (article 60):** it clarifies rights, responsibilities, and liability, promoting equitable use of land and water resources while ensuring protection of affected parties. The article establishes a regulated right of way for water conveyance across private or institutional land. Authorized individuals or entities may construct pipes or channels to transport water, including wastewater, provided they implement appropriate safeguards to prevent harm. The provision balances this right with accountability by requiring compensation for any damage caused to affected land users. However, where the land user derives benefits from the water flow, compensation is generally waived, except in cases of significant damage.

Rights of land users or persons residing near by the land over which the water flows through (article 61) define the land user or persons residing near by the land over which the water flows through shall have the rights to use all building facilities related to the water flow, mainly, water pipes or channels as provided for in Article 60 of the Water Law, provided that they shall pay their contribution into various costs, such as construction cost, water use fees and maintenance accordingly to proportion of land they used.

In the event of disputes (Chapter XI. Dispute Resolution in the revised Water Law) that have occurred, the Law also guides with 5 dispute resolutions: mediation or conciliation, administrative resolution, resolution by economic dispute resolution organizations, claim to the people's courts, and resolution of disputes of international characters.

According to the typology of water tenure arrangements (**Table 2**), all water uses are recognized under formal arrangements considering the use for people's basic needs (drinking and subsistence) does not require any permission or fee requirements (De minimis small scale uses), while all water uses for commercial purposes in defined medium and large scales, which are mostly in hydropower, irrigation, industry, and water supply sectors that fall under regulatory licenses, agency control, water supply contracts, or investment contracts, will require the water use permission depending on type and scale of investment project regarding to sectoral laws and regulations.

Reserves/minimum flow requirements are defined as parts of water management within the basin (upstream and downstream and among sectoral water users) which aims for ensuring water supply for people, maintenance of ecosystem services, and environment protection. The informal water tenure arrangements or those not derived from formal law in Lao PDR cannot be found at this assessment at this time and will need further detailed study assessment at the basin or local areas and the stakeholder consultation process.

Table 2: Typology of Water tenure arrangements in Lao PDR

Tenure Type	Description	Legal Basis	Administering Authority	Key Remarks
De minimis small scale uses	Water use for people's basic needs (drinking and subsistence)	Article 38 (rights for surface water use) and 47 (rights for groundwater use) of the revised Water law	No permit required	No permit nor payment for water use fee (from natural rivers and other water sources) required but need to register at the village for the use. Another fee can be from the urban water supply services.
Water Use Permit	Water use for commercial purposes and in defined medium and large scales, which are mostly in hydropower, irrigation, industry, and water supply sectors	Article 42 and 47 of the revised Water law, corresponding to different water use scales (medium or large) as prescribed in the Law.	Led by the Ministry of Agriculture and Environment in coordination with relevant local authorities	Consider the water use plan and environmental certificate. The water use permit is for 2 years and renewable with the review of the water use plan as prescribed in the agreement on water use. Different water sources for the use, more specific regulations in some water sources such as wetland.
Business License /Concession Agreement	Extraction of gravel, silt or sand in the river.	Article 44 of the revised Water law, Article 117-119 of the Law on Waterway	Led by the Ministry of Public Works and Transport in coordination with the Ministry of Agriculture and Environment and relevant local authorities	For mineral mining, under the Law on Mines, led by the Ministry of Industry and Commerce.

Tenure Type	Description	Legal Basis	Administering Authority	Key Remarks
Business License /Concession Agreement (irrigation project, hydropower project, water supply project owned by private sectors)	Besides the water use permits aligned with socio-economic and environmental impact assessment, the business license or/and concession agreement are required for sectoral investment. Water is used in the processing. A river reservoir is a part of water sources used and regulated for economic activities, which is managed by the sector.	Article 23-25 of the revised Water Law regarding the management of natural and artificial river reservoirs for any water use purposes; In accordance with the Laws on Irrigation, Water Supply, Electricity The Law on Land will guide for the land rental or concession to operate the business.	The sector who built the artificial river reservoir is responsible for management, issuance of specific regulations and establishment of coordination mechanisms in collaboration with the natural resources and environment sectors and other relevant sectors and local administration, and in accordance with the water reservoir management plans and relevant laws and regulations.	License for irrigation operation business is for 1 year and renewable, but not transferable (Article 56 of the Law on Irrigation) Concession agreement for water supply services is up to 30 years and renewable for 10 years, then transferred to the government. (Article 31 of the Law on Water Supply) Concession agreement for mining activities is up to 20 years and renewable for 10 years each time. (Article 72-73 of the Law on Mines) Concession agreement for electricity/hydropower is up to 40 years and renewable. (Article 64 of the Law on Electricity)
Environmental or Minimum Flow Reserve	It aims for ensuring water supply for people, maintenance of ecosystem services, and environment protection	Article 21 of the revised Water Law, enforced with the Law on Environment Protection, and dam safety matters in particular emergency plans (Chapter IV of the Law on Dam Safety) and storage permit (Article 25 of the Law on Dam Safety.	Led by the Ministry of Agriculture and Environment, in coordination with the Ministry of Industry and Commerce and relevant local authorities	The technical guideline for determining minimum flow for a river basin, issued by MONRE, dated September 2023

Tenure Type	Description	Legal Basis	Administering Authority	Key Remarks
Aquatic Life and Fisheries Permit	Aquatic life and fisheries are part of water resources in natural water bodies such as rivers, lakes, and wetlands.	Aquatic life and fisheries are governed mainly by the Law on Aquatic Life and Fisheries, along with related regulations and the broader Water Law (regulating water use for among sectors, requiring protection of ecosystems, including fish habitats, addressing cross-sector impacts (e.g., hydropower affecting fish migration)).	Led by the Ministry of Agriculture and Environment, in coordination with relevant local authorities	Small-scale fishing for household consumption is generally allowed without permits. Commercial fishing or large-scale operations require authorization or licensing from relevant authorities. The license for the business is 2 years and renewable, not transferable. Communities may have customary fishing rights in local water bodies, especially in rural areas.
Boat License/ Inland Navigation Business Permit	A boat license is an ownership certificate for running the navigation business, available for 5 years and renewable. The inland navigation business will require renewable permits, issued for 1 year.	Article 22 of the Law on Waterway	Led by the Ministry of Public Works and Transport	Port, warehouse, and navigation route, will be concerned with water management on the water pollution issues and the ship lock at the dam.

INSTITUTIONAL FRAMEWORK FOR WATER TENURE

The revised Law on Water and Water Resources gives roles and responsibilities of overall water management to a natural resources and environment sector in collaboration with relevant sectors and local authorities at each level to ensure their participation in the management of river basins across the country. The Management of the river basins is defined to be complied with the integrated water resources management based on the actual conditions of each river basin in accordance with the decentralization of powers as follows:

- The Ministry of Natural Resources and Environment (MONRE) is responsible for management of large basins and any trans-boundary river basin shared by at least two countries or two provinces.
- Provincial Natural Resources and Environment Department (PONRE) is responsible for medium basins located within its provincial boundary.
- The district's Natural Resources and Environment Office (DONRE) are responsible for small basins located within its district and town.

Local administrations have duties to protect the river basins of all sizes located within their boundaries. Decentralization of powers of the management of the river basins in detail is determined in the inventory registered by the Ministry of Natural Resources and Environment..

The sectors of natural resources and environment are in charge of collaboration with other relevant sectors and local administrations in the research and establishment of coordination mechanism and measures for water management, use, impoundment, storage, discharge and water-related problem resolution, and supply of water basinrelated information in accordance with the river basins management plans, strategic environment assessment and regulations on the environmental, social and natural impacts assessment.

However, in early 2025 the governmental organization was restructured to reduce the total from 17 to 13 ministries, underscoring the government's efforts to downsize to streamline performance. The MONRE was merged with the Ministry of Agriculture and Forestry, which is now known as the Ministry of Agriculture and Environment (MAE). The Ministry of Planning and Investment was merged into the Ministry of Finance. The Ministry of Energy and Mines was merged into the Ministry of Industry and Commerce. This restructuring provides opportunities for better integration of works related to water, land, agriculture, irrigation, forestry, and environment within the new merged MAE.

In addition, Presidential Decree no.19 on the structure and mandate of the National Water Management Committee was issued on 26/02/2026. The mandate of this committee is to oversee the works of water management for flood and drought prevention and mitigation including the utilization, development, restoration of water and water resources.

This committee is chaired by the Vice Prime minister and co-chaired by the minister of the MAE and the minister of the ministry of industry and commerce (MoIC), the committee members consists of the vice ministers of MAE, the ministry of public works and transport (MoPWT), ministry of national defense, ministry of finance (MoF), ministry of health (MoH), the prime minister's office, and vice governors of Vientiane Capital and Provinces.

The secretariat of the committee consists of the vice minister of MAE (who supervises the water-related works will act as the head), the director general of the department of water resources (under MAE), the secretary general of the Lao national Mekong committee (under MAE), the department of meteorology and hydrology (under MAE), the department of energy (under MoIC), the department of irrigation (under MAE), the department of planning and cooperation (under MAE), the department of waterway (under MoPWT), the department of planning (under MoF), the department of food and drug (under MoH), and the head of provincial department of agriculture and environment (including Vientiane Capital).

The Department of Water Resources (DWR) under the MAE is mandated to manage water and water resources nationwide which covers development of subordinate legislations and guidelines, development and update of river basin management plans including water assessments, collection, compilation and management of water and water resources databases for planning and allocation, review and consideration of water permission in central level. The water sectors at provincial and district levels will implement the related works within their authorized areas and water use scales.

Roles and responsibilities of stakeholders related water use, water allocation and permission are listed below:

Table 3: Summary of key stakeholders for water use, allocation, and permission as defined by revised law on water and water resources

Key stakeholder	Roles and Responsibilities
Ministry of Agriculture and Environment (Leading Agency)	• Prepare, update and guide the implementation of legal framework, legislation, technical guidelines related to water and water resources with other legal frameworks of environment, forestry, agriculture, land, and fisheries. • Develop and update the national strategic plan for management, administration, and utilization of water and water resources. • Develop and update the river basin management plans of large-sized river basins and a river basin shared by two provinces or above, which include water assessment, sectoral water uses and plans in consideration of climate change, flood and drought in a basin. • Collect and manage water related data information under Lao-WIS for water allocation planning and monitoring. • Consider, manage and monitor the water use permits for the large-scale water use of surface water in collaboration with concerned agencies and share the information with the provincial level. • Consider and manage the water use for business projects related to irrigation, agriculture, aquatic life and fisheries in addition to water use permits
Provincial Office of Agriculture and Environment	• The local administrations have the rights and duties in the approval of the river basins management plans, determination of the conservation zones for water and water resources in their localities, announcement of emergency events, and are the principals in the timely prevention and combating, and dealing with the damage from water occurred in their localities, and have other rights and duties as provided for in the relevant laws and regulations. • Develop and update the strategic plan for management, administration, and utilization of water and water resources within their provinces. • Develop and update the river basin management plans of medium-sized river basins, which include water assessment, sectoral water uses and plans in consideration of climate change, flood and drought in a basin. • Consider, manage and monitor the water use permits for the medium-scale water use of surface water in collaboration with concerned agencies and report the use information to MAE. • Consider, manage and monitor the water use permits for the large-scale water use of groundwater in collaboration with concerned agencies in their own province and report the use information to MAE.

Key stakeholder	Roles and Responsibilities
District Office of Agriculture and Environment	• The local administrations have the rights and duties in the approval of the river basins management plans, determination of the conservation zones for water and water resources in their localities, announcement of emergency events, and are the principals in the timely prevention and combating, and dealing with the damage from water occurred in their localities, and have other rights and duties as provided for in the relevant laws and regulations. • Develop and update the river basin management plans of small-sized river basins, which include water assessment, sectoral water uses and plans in consideration of climate change, flood and drought in a basin. • Consider, manage and monitor the water use permits for the medium-scale water use of groundwater in collaboration with concerned agencies in their own district and report the use information to provincial level.
Ministry of Industry and Commerce	• The Ministry of Industry and Commerce has the rights and duties in the management of the use of water and water resources for industrial processing, hydropower, and mineral exploitation processes in collaboration with MAE, other sectors, and local administration for the environmental assessment and certificate, and the water use permission. • Manage reservoirs built to ensure the safety and basic needs of people and environment downstream. • Jointly work with MAE to operate the reservoirs preventing floods and droughts.
Ministry of Public Works and Transport	• Consider and manage the projects with the concession proposed regarding navigation, water supply services, gravel and sand mining in rivers in collaboration with MAE for the environmental assessment and certificate, and the water use permission. • Work on the fee for water supply service.
Ministry of Health	• The Ministry of Health has the rights and duties in the management of the use of water resources for health treatment and cure, inspection of water sources used for drinking and clean water supply for the people living in the rural areas, surveillance of the water quality for drinking and consumption in collaboration with MAE and relevant sectors and local administrations; and is the principal responsible to collect information, to establish the effective plans on the management and use of water and water resources within • its sector, including the provision of information of water and water resources within its scope of responsibility to the MAE.

Key stakeholder	Roles and Responsibilities
Ministry of Culture and Tourism	- The Ministry of Culture and Tourism has the rights and duties in the management of the use of water and water resources for natural tourism in collaboration with MAE and relevant sectors and local administrations; and is the principal responsible to collect information, to establish the effective plans on the management and use of water and water resources within its sector, including the provision of - information of water and water resources within its scope of responsibility to MAE.
The Ministry of Education and Sports	The Ministry of Education and Sports has the rights and duties in the management of the use of water and water resources use for sports, learningteaching, education curriculum development, scientific research and tests in collaboration with MAE and relevant sectors and local administrations; and is the principal responsible to collect information, to establish the effective plans on the management and use of water and water resources within its sector, including the provision of information of water and water resources within its scope of responsibility to MAE.
Other relevant Local Authorities (other sectors, community and village administrations)	- Other sectors and parties have the rights and duties to collaborate and cooperate with the natural resources and other sectors in the management, monitoring, inspection and implementation of water and water resources activities in accordance with their roles. - Root-unit to collect data of small-scale water use and report to the district before sending up to the central Lao-WIS database.
Water Users (individual, group, or organization)	- All individuals, juristic entities and organizations have rights for water use and obligations for the management, protection, development, use and restoration of water and water resources to ensure their sustainability in terms of quantity and quality. - Water use must have water permission with water use fee and service fee, except small scale water use for household drinking and use for subsistent/basic needs.

Village Economic-Financial Units (article 80) are newly added to the revised Law on Water and Water Resources; these units as local-level institutions are responsible for implementing and supporting water and water resources management. These units operationalize national laws, policies, and plans at the village level while promoting community participation, awareness, and collective responsibility in water protection, use, and restoration.

They play a key role in identifying and proposing village water resource protection areas, facilitating local consultation processes, and contributing to data collection and monitoring, including groundwater use. The units also support practical measures such as wastewater management, drainage improvement, and flood prevention. From a governance perspective, these units act as an interface between communities and government authorities by addressing local water-related issues, incorporating community input into decision-making, and reporting regularly to district-level natural resources and environment offices. Their mandate strengthens decentralized water governance, enhances accountability, and promotes participatory and inclusive management of water resources.

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The **Water and Water Resources Information System** of Laos (or Lao-WIS) serves as the primary data and information platform for water and water resources management in the Lao PDR. The system consolidates sector-specific datasets related to water resources from local to national levels and is managed by the DWR. However, there is no concrete data related to water allocation and permission stored. The water and water resources database will connect with the national statistics center's database as described in Chapter 3 of the law on water and water resources. Detailed guidance is mentioned in the agreement on the water and water resources related data and information management, No. 1182/MONRE, dated 27 June 2024.

WATER TENURE GOVERNANCE RECOGNIZED FINDINGS AND KEY CHALLENGES

Lao PDR applied the IWRM approach for their water resources management to ensure the integration of sectoral users across the basin level. The priority of water use purposes is set to basic human needs and environment protection, while other purposes will be set priority differently in the river basin management plan according to each specific hydrological condition and sectoral needs through the consultation process. Water tenure is newly known by water sectors in Laos, but it can share the connection with IWRM in part of water allocation. Before the revision of Water Law in 2017, land-based water rights were practiced where a landowner can manage and make use of water resources in their premises directly. Recently, the rights on land and water are clearly separated by different Laws.

Water tenure governance can align with the water resources management in Lao PDR; major water use categories are recognized in the revised Water Law from the daily people's basic needs to the commercial purposes and be managed as 3 main use scales (small, medium, and large).

The roles and responsibilities of key leading agencies, authorities, and stakeholders are recognized in the **revised Law of Water and Water Resources** and other relevant laws. **Restructuring of the government organizations** in 2024 addressing the coordination issues faced among ministers.

In addition, the establishment of the **National Water Management Committee** will enhance the coordination and collaboration of related ministries to handle the water disasters (flood and drought) and water management in cooperation with reservoir operations, which are under the two major ministries (the ministry of agriculture and environment and the ministry of industry and commerce). From those updates, **there is no gap in formal water governance found at this stage**. According to the typology of water tenure arrangements, all water uses are recognized under formal arrangements. The informal water tenure arrangements or those not derived from formal law in Lao PDR cannot be found at this assessment at this time and will need further detailed study assessment at the basin or local areas and the stakeholder consultation process.

However, based on this preliminary assessment, following key challenges[RV1] may be considered:

- Water tenure is a new concept for Lao PDR; it needs more capacity building and raising awareness for the governmental agencies and public.
- Dissemination of revised Water Law and its relevant subordinate legislation is still limited for the water users and local authorities. Then, the enforcement will be strengthened to ensure effectiveness, fairness, and sustainability of water use.
- There is a lack of systematic water permission and monitoring. The Lao-WIS is a database for water and water resources, but not yet with water use monitoring for allocation and permission. The system is only available at the central level but not set up at the local level.
- No data collection or direct estimation of actual water use is available from all sectors. A modelling approach has been used to estimate water demand.
- However, they are highly on assumption. Only some large-scale water users request for water use permits recently as refer to the Preliminary Integrated Water Resources Management (IWRM) Action Plan 2026-2030 for the Lao PDR (GWP, 2024).
- An integrated river basin plan for each river basin plays a crucial role to manage and allocate water throughout a basin for all sectors and needs; the priority of use differs among basins based on hydrological characteristics and sectoral requirements. Therefore, the river basin plans must be developed and updated regularly with all relevant stakeholders.
- Although small-scale water use can be accessed for daily basis needs and does not require legal permits and payment; some villages or communities may practice traditional water allocation and use within their communities. The field data and information about this kind of practice in different areas must be collected and analyzed further.
- Concession agreements such as for hydropower projects define small reservoir-dam with the maximum of 40 years and renewable before 5 years of expiration or for water supply projects defined as 30 years maximum but can be renewable for 10 years. However, the water use permits define the validation of every 2 years after the review of the water use plan.

AREAS OF IMPROVEMENT

To develop practical, comprehensive actions and improvements for water tenure arrangements in Lao PDR, more detailed assessments and stakeholder consultations are needed.

Water management in Lao PDR is based on a system of water rights and formal mechanisms established under the revised Law on Water and Water Resources. Smallscale, non-commercial water use—such as for household consumption and subsistence—does not require permission or fees. In contrast, medium- and large-scale water use requires authorization from relevant agencies and the payment of water and related fees.

It can be considered as Annex 2 that no significant recommendations are needed for the legal policy reform as according to the current water management governance (mandate of key agencies, and restructuring), revised Law on Water and Water Resources, development of subordinate legislation and guidelines, establishment of coordination mechanism, implantation progress of IWRM strategy and action plan toward 2030. The Law on Water and Water Resources may need to be updated in part by responsible agencies to align with the current restricting organizations and may include a part of water tenure into where applicable.

In addition, some actions need to be considered to address key challenges as defined in this preliminary assessment:

For short-term:

- The revised Law on Water and Water Resources, relevant policies, guidelines, and legal documents should be disseminated to the local authorities and public more.
- Detailed guidance for allocation and reallocation during drought or water scarcity considering compensation should be developed with proper dissemination and capacity building for the implementation at local level.
- Integrated river basin plans must be developed for those not yet available and updated regularly for the existing plans with all relevant stakeholders.
- Water tenure should be promoted and connected with the implementation of existing integrated water management's actions of the Lao PDR. The intensive assessment and capacity building of water tenure arrangements should be provided by FAO to the relevant Lao government agencies for common understanding and applications.
- The improvement and update of modelling work for water assessments should be conducted regularly considering climate change impacts, in parallel with data collection of actual water use from sectors.
- The inclusions of affected stakeholders and local authorities, especially women should be enhanced to ensure the resilience and rights of water use.

For the long-term:

- Tracking the progress of the IWRM strategic plan toward 2030, activities related to water allocation and permission such as integrated river basin management plan, better coordination mechanism, and development of technical guidelines should be followed up with all stakeholders. The lessons learned from the implementation can be used for the improvement or update of relevant legislation.
- The Lao-WIS should be enhanced with water allocation and water use permission to facilitate and track the use of water from each user. The system of Lao-WIS should be expanded to the local authorities at provincial and district levels and connected with the central system.
- The renewal of the water use permits every 2 years in accordance with the water use plan aligned with the period of concession agreement may need to be reviewed after the practices, considering the implementable efforts based on available capacity, system and mechanism at all levels.

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- The decree on wetlands, No. 350/Gov, dated 13 November 2023.
- The national strategy on climate change towards 2030 with the decree No. 98/PM, dated 24 February 2023.
- The agreement on groundwater management, No. 1509/MONRE, dated 21 March 2019.
- The agreement on water use, No. 6118/ MONRE, dated 29 November 2022.
- The agreement on river basin management, No. 0957/MONRE, dated 16 May 2023.
- The agreement on the water and water resources related data and information management, No. 1182/MONRE, dated 27 June 2024.
- The agreement on the conservation zone for water and water resources, issued by MONRE, dated September 2024.
- The national groundwater profile, prepared by MONRE, dated 27 July 2023.
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- The technical guideline for developing a river basin management plan, issued by MONRE, dated November 2022.
- The wetland management plan for Ramsar site at Beung Kiet Ngong for 2021-2025, prepared by MONRE, dated 14 August 2023.
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- The establishment of national water management committee, via https://www.facebook.com/story.php?story_fbid=1542500467878356&id=100063552519728&mibextid=wwXlfr&rdid=J1RazyguOOKiQ9zw
- Water Environment Partnership in Asia (WEPA): State of water in Lao PDR via <https://wepa-db.net/archive/policies/state/laos/overview.htm>

ANNEX 1: LIST OF WATER-RELATED LEGAL DOCUMENTS REVIEWED IN THIS REPORT

- Law on Water and Water Resources in 2017 (with additional revision of some articles in 2020 and 2022)
- Law on Hygiene and Sanitation in 2019
- Law on Tourism in 2024
- Law on Forestry in 2019
- Law on Land in 2019
- Law on Electricity in 2017
- Law on Mines in 2017
- Law on Environment Protection in 2024
- Law on Disaster Management in 2019
- Law on Gender Equity in 2019
- Law on Water Supply in 2009
- Law on Aquatic Life and Fisheries in 2023
- Law on Irrigation in 2025
- Law on Meteorology and Hydrology in 2017
- Law on Dam Safety in 2022
- Law on Waterway in 2022
- Law on Plantation in 2025
- Agreement on Water Use in 2022
- Decree on Management of River Basins and Reservoirs in 2022
- Decree on Environmental Impact Assessment in 2022
- Decree on Wetlands in 2023
- National Strategy on Water and Water Resources Management, Administration and Utilization Toward 2030 and Action Plan 2021 – 2025

ANNEX 2: ANALYSIS OF KEY CHALLENGES BASED ON THE ELEMENTS OF THE PRINCIPLE OF WATER TENURE GOVERNANCE BY FAO

Indicator	Guiding Questions	Key Preliminary Finding
6.1 Identification, recognition and protection of all legitimate water tenure arrangements	- Do national laws and policies acknowledge and safeguard all legitimate water tenure arrangements, including Indigenous, customary, communal, and informal ones? - Are water access and use rights directly linked to responsibilities for sustainable and efficient water use??	The revised Law on Water and Water Resources focuses on water management in the Lao PDR, which water use allocation and management in a sustainable and efficient way is a key element, it provides rights on water use to all water users for any purpose and is considered as formal water tenure arrangements. The use is classified by the purpose and scale of water use.
6.2 Reforms affecting the governance of water tenure should be evidence-based and tailored to national circumstances	- Are policy and legal reforms based on a comprehensive assessment of existing water tenure arrangements and actual water uses? - Is reliable data on water users, abstractions, and allocations available and regularly updated? - Are monitoring systems in place to track compliance and changing water availability? - Is there any water accounting or modelling used to inform allocation and reallocation decisions?	The Water Law in 1996 was updated significantly in 2017, with some additional revisions in 2020 and 2024 considering past experiences, current situation and needs for water management. Many updates and new articles are included, which water use allocation and permits are in a key chapter with more detailed guidance and the agreements developed. However, the data for sectoral water uses remains challenging and not regularly updated. The Lao-WIS has been developed and enhanced from time to time to support water monitoring and planning. In addition, water modelling has been used in the water assessments and planning in many river basins of the Lao PDR (majoring in the large-sized basins). (eWater, 2018 and river basin management plans)
6.3 Security of water tenure	- Are water users protected from arbitrary withdrawal, suspension, or reallocation of water rights? - Are rules for allocation and reallocation during droughts or water scarcity clearly defined and predictable? - Do water users perceive their tenure arrangements as secure in practice? - Are compensation or adjustment mechanisms in place when reallocations affect livelihoods	Defined in Article 43 of the revised law on water and water resources. However, detailed guidance for allocation and reallocation during drought or water scarcity considering compensation should be developed with proper dissemination and capacity building for the implementation at local level.

ANNEX 2: ANALYSIS OF KEY CHALLENGES BASED ON THE ELEMENTS OF THE PRINCIPLE OF WATER TENURE GOVERNANCE BY FAO

Indicator	Guiding Questions	Key Preliminary Finding
6.4 Policy and legal coherence	• Are water tenure rights and obligations clearly defined in laws and policies? • Are overlapping or conflicting claims between laws or sectors common? • Are water-related laws and policies coherent with land, agriculture, fisheries, energy, and environmental legislation? • Are there specific sectors that require greater recognition and policy attention within water tenure frameworks (e.g., irrigation, fisheries, domestic water supply)?	As defined in the revised Law on Water and Water Resources that all people, who live and carry out their activities in the Lao PDR, have rights (Article 4) and obligations (Article 7) to water use. The process of the law development or update will ensure the coherent among related laws and policies, which are controlled by the ministry of Justice and the Lao national assembly. The use of water for sectoral purposes is defined clearly in the law on water and water resources, while other requirements regarding the investment and concession are mentioned in relevant laws and regulations of a sector. Water for people's consumption and subsistence are prioritized as defined in Article 37.
6.5 Fair and inclusive water allocation	• Are small-scale users disadvantaged compared to large-scale or commercial users in allocation decisions? • Are Indigenous Peoples, customary communities, and other vulnerable groups explicitly protected in allocation frameworks? • Are affected stakeholders meaningfully involved in allocation decisions, especially during periods of scarcity? • Are mechanisms in place to prevent or manage allocation-related conflicts?	Water use allocation relies on the river basin management plan and follows the IWRM approach, especially participatory of stakeholders. However, there are still limitations of public involvement. Major stakeholders are the government agencies. (GWP, 2025. Preliminary Integrated Water Resources Management (IWRM) Action Plan 2026-2030 for the Lao PDR.) The national water management committee was established recently to oversee all related water management activities. The MAE and its line-agencies in provinces and districts are responsible directly for all relevant water management. The local authorities and established village economic-financial units (article 80) are mandated to prevent and solve allocation-related conflicts in their responsible areas.

ANNEX 2: ANALYSIS OF KEY CHALLENGES BASED ON THE ELEMENTS OF THE PRINCIPLE OF WATER TENURE GOVERNANCE BY FAO

Indicator	Guiding Questions	Key Preliminary Finding
6.6 Gender Equality	• Are women's water rights explicitly recognized in laws and policies? • Do women have equal opportunities to participate in water governance and decision-making bodies? • Are administrative procedures (e.g., licensing, registration) accessible to women in practice? • Are the effects of water allocation decisions on different genders considered??	a principle of IWRM defined in the revised Law on Water and Water Resources, and the Law on Gender Equity, provide more opportunities for women to participate in all activities. However, more women empowerment and gender mainstreaming to all activities should be considered.
6.7 Accountability and transparency in water allocation	• Are roles and responsibilities for water allocation, monitoring, and enforcement clearly defined? • Are allocation decisions, criteria, and data publicly accessible? • Are stakeholders involved in decision-making?	Roles and responsibilities for water management which cover the strategic plan, river basin management plan (including water assessment, water use and planning) are mainly under the natural resources and environment sector which currently are agriculture and environment sectors. The responsibilities are clearly defined at each level (national, provincial or districts) based on the size of river basin and scale of water use. The allocation process and decisions are currently under the relevant governmental agencies, but the feedback or complaints from private sector and local water users can be raised to the government through its comment channel.
6.8 Rights-based approaches	• Do national frameworks explicitly recognize the human rights to water, food, and a clean and healthy environment? • Are water allocation and tenure rules designed to prioritize basic human needs and food security? • Are tenure arrangements aligned with environmental and social safeguards?	Human rights to water, food, and a clean and healthy environment are priorities. All national policies, strategies, frameworks, socio-economic development plans, and sectoral plans, especially those under MAE (water, agriculture, and environment sectors) give high priorities to water for basic human needs, food priority, and environment.

ANNEX 2: ANALYSIS OF KEY CHALLENGES BASED ON THE ELEMENTS OF THE PRINCIPLE OF WATER TENURE GOVERNANCE BY FAO

Indicator	Guiding Questions	Key Preliminary Finding
6.9 Sustainability	• Are environmental flow requirements legally recognized and implemented? • Are pollution control measures integrated into water tenure and allocation systems? • Are cumulative impacts of multiple water users considered in allocation decisions?	Environmental Flow requirements are defined in Article 21 of the revised Law on Water and Water Resources, and the technical guideline for determining minimum flow for a river basin was issued in September 2023. Water quality standards, water pollution control, and wastewater discharge management and treatment are included in the revised Law on Water and Water Resources, the environment protection, and the details are in the national environmental standards and the decree on environmental impact assessment.
6.10 Resilience	• Do legal and administrative mechanisms allow flexibility to adapt to changing water availability and quality? • Are customary or local adaptive practices recognized and supported? • Are reallocation mechanisms during extreme events (droughts, floods) inclusive and accountable? • Do resilience measures protect the tenure security of vulnerable users? • Are rules and enforcement applied fairly across different user groups and sectors?	The water management plan in part of water allocation considers the water assessment of availability, current sectoral use and planned demand in each river basin. It also considers the water quality, flood and drought events, and climate change impacts on water flow. In the law on water and water resources, a case of extreme events is defined (article 43) for suspension, modification and revocation of water use permits. This will require more data collection, interviews, consultation and assessment with stakeholders for the resilience measures protection on the tenure security of vulnerable users, fairness of rules and enforcement applied across different user groups and sectors.

ANNEX 2: ANALYSIS OF KEY CHALLENGES BASED ON THE ELEMENTS OF THE PRINCIPLE OF WATER TENURE GOVERNANCE BY FAO

Indicator	Guiding Questions	Key Preliminary Finding
6.11 Enforceability and accessibility	• Are water allocation and use rules realistic and enforceable in practice? • Are permit or licensing procedures simple and affordable for all users, including small-scale and customary users?	The water allocation and use permits are being implemented based on the Law. However, there are some challenges related to enforcement and application, especially at the local level due to lack of policy dissemination and the water use data system. This will require more data collection, interview, consultation and assessment with stakeholders.
6.12 Access to justice and dispute resolution	• Are formal and informal dispute resolution mechanisms available for water tenure conflicts? • Are these mechanisms accessible, affordable, and timely for all users? • Are customary or local dispute resolution systems recognized? • Is there effective legal recourse when legitimate water tenure rights are threatened or violated?	Defined in chapter XI. Dispute Resolution of the revised Law on Water and Water Resources. The local authorities and established village economic-financial units (article 80) are mandated to prevent and solve allocation-related conflicts in their responsible areas.



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