

### El agua en las **Constituciones de Asia**



En el marco del proceso constitucional que actualmente se desarrolla en Chile, continuamos con un especial sobre “Agua y Constitución”, en que identificaremos cómo el tema del agua se recoge en las Constituciones del mundo.

Este número está dedicado a Asia, revisando la situación de los 47 países que integran este continente. Para visualizar de un modo más comprensivo e integral la materia que nos convoca, nos focalizaremos en tres grandes ámbitos: agua propiamente tal, saneamiento y referencias explícitas y generales a los recursos naturales, de modo de detectar las principales disposiciones que, a su respecto, tienen los textos constituciones vigentes en Asia. Se excluyen de esta enunciación las menciones y regulaciones relativas al medio ambiente, por exceder la extensión y el carácter más acotado y particular de este documento.

Se han utilizado las versiones oficiales y algunas traducciones de las respectivas Cartas Fundamentales, incluyéndose un hipervínculo en cada caso.

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## I. Presentación esquemática de la regulación del agua en las Constituciones de Asia

La siguiente tabla muestra los aspectos más relevantes detectados en el análisis de la regulación constitucional del agua en Asia. Para facilitar la sistematización de las disposiciones que luego se transcriben literalmente, hemos categorizado nuestros hallazgos, distinguiendo los países cuyas Constituciones:

- i) no tienen ninguna referencia específica al agua;
- ii) incluyen el agua, normalmente de modo implícito, en preceptos más genéricos sobre recursos naturales;
- iii) precisan la naturaleza jurídica del agua;
- iv) aluden al carácter o función territorial del agua (integrante del territorio del Estado);
- v) contienen mandatos o prescripciones sobre el uso racional, sostenible, sustentable, equitativo o equilibrado del agua;
- vi) reconocen explícitamente el acceso al agua para uso personal y doméstico y/o saneamiento como derechos/derechos humanos;
- vii) consagran la propiedad privada sobre los derechos de aprovechamiento de aguas; y,
- viii) otras alusiones relacionadas.

País	Sin menciones específicas al agua	Preceptos genéricos sobre recursos naturales	Naturaleza jurídica del agua	Carácter o función territorial del agua	Uso racional, sostenible, equitativo o equilibrado del agua	Reconocimiento explícito de derechos al agua y/o saneamiento	Propiedad privada sobre derechos de aprovechamiento de aguas	Otros
Afganistán	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Arabia Saudita		<input checked="" type="checkbox"/>						
Armenia		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Azerbaiyán		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
Bahrein	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Bangladesh		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Bhután		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
Brunei Darussalam		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Camboya		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
China		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Emiratos Árabes Unidos		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Federación de Rusia		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
Filipinas		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
Georgia		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
India		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Indonesia		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
Irán (República Islámica del)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			*		
Iraq								<input checked="" type="checkbox"/>
Israel (sin Constitución; sí leyes básicas)								

País	Sin menciones específicas al agua	Preceptos genéricos sobre recursos naturales	Naturaleza jurídica del agua	Carácter o función territorial del agua	Uso racional, sostenible, equitativo o equilibrado del agua	Reconocimiento explícito de derechos al agua y/o saneamiento	Propiedad privada sobre derechos de aprovechamiento de aguas	Otros
Japón	<input checked="" type="checkbox"/>							
Jordania	<input checked="" type="checkbox"/>							
Kazajstán		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Kirguistán		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Kuwait	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Líbano	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Malasia		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Maldivas		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
Mongolia		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Myanmar		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Nepal		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Omán	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Pakistán		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Qatar	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
República Árabe Siria	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
República de Corea (Corea del Sur)		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
República Democrática Popular Lao		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
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País	Sin menciones específicas al agua	Preceptos genéricos sobre recursos naturales	Naturaleza jurídica del agua	Carácter o función territorial del agua	Uso racional, sostenible, equitativo o equilibrado del agua	Reconocimiento explícito de derechos al agua y/o saneamiento	Propiedad privada sobre derechos de aprovechamiento de aguas	Otros
Singapur	<input checked="" type="checkbox"/>							
Sri Lanka		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
Tailandia		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Tayikistán		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
Timor-Leste		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
Turquía		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>
Turkmenistán	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Uzbekistán			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Vietnam		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Yemen		<input checked="" type="checkbox"/>						

Fuente: elaboración propia, en base a la Constitución de cada país.

# I. Tratamiento del agua, saneamiento y recursos naturales (en general) en las Constituciones de Asia

## 1. Afganistán

### The Constitution of Afghanistan

*“Article Nine. Mines and other subterranean resources as well as historical relics shall be the property of the state. Protection, management and proper utilization of public properties as well as natural resources shall be regulated by law.”*

## 2. Arabia Saudita

### Constitution of the Kingdom of Saudi Arabia

*“Article 14. All God-given resources of the country, both under and above ground, or in territorial waters, or within terrestrial and maritime limits to which the State jurisdiction extends, as well as the revenues accruing therefrom shall be owned by the State as specified by the law. Likewise the law shall specify the means to be employed for the utilization, protection and development of these resources in a manner conducive to the promotion of the State's interest, security and economy. ”*

*“Article 15. No concessions shall be awarded or permission given for the utilization of the country's natural resources, except as permitted by the law. ”*

## 3. Armenia

### Constitution of the Republic of Armenia

*“Article 10. Guaranteeing Property. [...] 2. Subsoils and water resources shall be exclusive property of the State.”*

*“Article 12. Preservation of the Environment and Sustainable Development. 1. The state shall promote the preservation, improvement, and regeneration of the environment, and the reasonable utilization of natural resources, governed by the principle of sustainable development and taking into account the responsibility towards future generations. [...]”*

## 4. Azerbaiyán

### Constitution of the Republic of Azerbaiyán

*“Article 11. Territory. [...] II. The Republic of Azerbaijan territory includes the Republic of Azerbaijan inner waters, the Caspian Sea (Lake) sector relating to the Republic of Azerbaijan, [and] the air space over the Republic of Azerbaijan. [...]”*



*“Article 14. Natural Resources. Natural resources belong to the Republic of Azerbaijan, without damage to the rights and interests of any physical or juridical person.”*

*“Article 16. Social Development and the State. [...] II. The Republic of Azerbaijan promotes the development of culture, education, medical care, science, art, protects the nature of the country, historical, material and spiritual values of the people.”*

*“Article 39. Right of Living in Healthy Environment. [...] III. No one may cause threat or damage to the environment and natural resources beyond the limits set by law. [...]”*

## 5. Bahrein

### Constitution of the Kingdom of Bahrain

*“Article 11. All natural wealth and resources are State property. The State shall safeguard them and exploit them properly, while observing the requirements of the security of the State and of the national economy.”*

*“Article 37. [...] However, peace treaties and treaties of alliance, treaties relating to State territory, natural resources, rights of sovereignty, the public and private rights of citizens, treaties pertaining to commerce, shipping and residence, and treaties which involve the State Exchequer in non-budget expenditure or which entail amendment of the laws of Bahrain, must be promulgated by law to be valid. [...]”*

*“Article 117. a. Any commitment to exploit a natural resource or a public utility shall be only by operation of law and for a limited time. The preliminary procedures shall ensure that the search and exploration work are facilitated and that openness and competition are realized. [...]”*

## 6. Bangladesh

### Constitution of the People’s Republic of Bangladesh

*“18A. Protection and improvement of environment and biodiversity. The State shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wild life for the present and future citizens.”*

*“143. Property of the Republic. (1) There shall vest in the Republic, in addition to any other land or property lawfully vested-*

*(a) all minerals and other things of value underlying any land of Bangladesh;*

*(b) all lands, minerals and other things of value underlying the ocean within the territorial waters, or the ocean over the continental shelf, of Bangladesh; [...]*

*(2) Parliament may from time to time by law provide for the determination of the boundaries of the territory of Bangladesh and of the territorial waters and the continental shelf of Bangladesh.”*

## 7. Bhután

### Constitution of the Kingdom of Bhutan

*“Article 1. Kingdom of Bhutan. [...] 12. The rights over mineral resources, rivers, lakes and forests shall vest in the State and are the properties of the State, which shall be regulated by law. [...]”*

*“Article 5. Environment. 1. Every Bhutanese is a trustee of the Kingdom's natural resources and environment for the benefit of the present and future generations and it is the fundamental duty of every citizen to contribute to the protection of the natural environment, conservation of the rich biodiversity of Bhutan and prevention of all forms of ecological degradation including noise, visual and physical pollution through the adoption and support of environment friendly practices and policies.*

*[...] 3. The Government shall ensure that, in order to conserve the country's natural resources and to prevent degradation of the ecosystem, a minimum of sixty percent of Bhutan's total land shall be maintained under forest cover for all time.*

*4. Parliament may enact environmental legislation to ensure sustainable use of natural resources and maintain intergenerational equity and reaffirm the sovereign rights of the State over its own biological resources.*

*5. Parliament may, by law, declare any part of the country to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forest, Biosphere Reserve, Critical Watershed and such other categories meriting protection.”*

## 8. Brunei Darussalam

### Constitution of Brunei Darussalam

*“83. State of emergency. [...] (4) Without prejudice to the generality of Clause (3), such Orders may be made with regard to any matters coming within the classes of subject hereinafter enumerated, that is to say-*

*[...] (c) control of the harbours, ports and territorial waters of Brunei Darussalam, and of the movements of vessels;*

*(d) transportation by land, air or water and the control of the transport and movement of persons, animals and things;*

*[...] (f) supply and distribution of food, water, fuel, light and other necessities;*

*[...] (o) control, exploitation, use, disposition, appropriation or deployment of any natural resources. [...]”*

## 9. Camboya

### Constitution of the Kingdom of Cambodia

*“Article 58. State property notably consists of land, underground, mountains, sea, sea-bed, undersea-bed, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, national defense bases, other building facilities belonging to the State.*

*The administration, the utilization and the assignment of State's properties shall be determined by the law."*

*"Article 59. The State shall preserve and protect the environment and the balance of natural resources, by organizing a precise planning for the management, especially of the land, water, atmosphere, air, geology, ecological systems, mines, energy, petroleum and gas, rocks, sand, gems, forests and forest by-products, wildlife, fish and aquatic resources."*

*"Article 61. The State shall promote economic development in all fields, especially in agriculture, handicraft, industry, to begin with the remotest areas, with concern for water policy, electricity, roads and means of transportation, modern techniques and credit system."*

## 10. China

### Constitution of the People's Republic of China

*"Article 9. All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches, and other natural resources are owned by the State, that is, by the whole people, except the forests, mountains, grasslands, unreclaimed land, and beaches that are owned by collectives as prescribed by law."*

*The State ensures the rational use of natural resources and protects rare animals and plants. Appropriation of or damage to natural resources by any organization or individual by whatever means is prohibited."*

*"Article 118. The organs of self-government of the ethnic autonomous areas independently arrange for and administer local economic development under the guidance of State plans."*

*In exploiting natural resources and building enterprises in the ethnic autonomous areas, the State shall accommodate the interests of those areas."*

## 11. Emiratos Árabes Unidos

### Constitution of the United Arab Emirates

*"Article 2. In assuming its responsibilities under the provisions of the Constitution, the UAE has sovereignty over all territory and territorial waters lying within the international boundaries of the member Emirates."*

*"Article 3. A member Emirate shall exercise sovereignty over its own territories and territorial waters in all matters which are not within the jurisdiction of the UAE under the Constitution."*

*"Article 4. The UAE may not cede its sovereignty or relinquish any part of its territories or waters."*

*"Article 23. The natural resources and wealth in each Emirate are deemed the public property of that Emirate. The community shall preserve and utilize in a good way those resources and wealth for the interest of the national economy."*

*“Article 121. Without prejudice to the provisions of the preceding Article, the UAE has exclusive legislative jurisdiction in the following matters:*

*[...]- Delimitation of the territorial waters and regulation of navigation in the high seas; [...]*”

## 12. Federación de Rusia

### Constitution of the Russian Federation

*“Article 9. 1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of the life and activity of the peoples living on the territories concerned.*

*2. Land and other natural resources may be subject to private, State, municipal and other forms of ownership.”*

*“Article 36. [...] 2. Possession, utilisation and disposal of land and other natural resources shall be exercised by the owners freely provided that this is not detrimental to the environment and does not violate the rights and lawful interests of other people. [...]*”

*“Article 58. Everyone shall have a duty to preserve nature and the environment and to treat natural resources with care.”*

*“Article 67. 1. The territory of the Russian Federation shall comprise the territories of its constituent entities, inland waters and territorial sea and the air space over them. [...]*”

*“Article 72. 1. The following shall be within the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation:*

*[...] c. issues of the possession, utilisation and management of land and of subsurface, water and other natural resources;*

*[...] e. use of natural resources, protection of the environment and provisions for ecological safety; specially protected natural territories, protection of historical and cultural monuments;*

*[...] j. administrative, administrative-procedural, labour, family, housing, land, water and forest legislation; legislation on subsurface resources and on environmental protection; [...]*”

## 13. Filipinas

### Constitution of the Republic of the Philippines

*“Article I. National territory. The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.”*

*“Article II. Declaration of principles and state policies principles. Sec 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”*

**“Article X. Local government. Sec 20.** Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over: [...] 3. Ancestral domain and natural resources: [...]”

**“Article XII. National economy and patrimony. Sec 1.** [...] The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair foreign competition and trade practices. [...]

**Sec 2.** All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.

The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish-workers in rivers, lakes, bays, and lagoons. [...]

[...] **Sec 4.** The Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide, for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas.”

**“Article XIII. Social justice and human rights. Sec 6.** The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands. [...]”

**“Article XVI. General provisions. Sec 7.** The State shall provide immediate and adequate care, benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided therefor and due consideration shall be given them in the disposition of agricultural lands of the public domain and, in appropriate cases, in the utilization of natural resources.”

## 14. Georgia

### Constitution of Georgia

**“Article 5. Social state.** [...] 5. The State shall take care of environmental protection and the rational use of natural resources. [...]”

**“Article 7. Basis of territorial arrangement.** 1. The following shall fall within the exclusive competence of the supreme state authorities of Georgia:

[...] b) criminal, penitentiary, civil, intellectual property, administrative, labour and procedural legislation; legislation pertaining to land, minerals, and other natural resources; pharmaceutical legislation; legislation on obtaining the status of educational institution, and on accreditation, and academic degrees; and legislation on the National Academy of Sciences;

[...] f) railways and motor roads of national significance; the integrated energy system and regime; communications; the status and protection of territorial waters, airspace, the continental shelf and the exclusive economic zone; [...]”

**“Article 29. Right to environmental protection.** [...] 2. Environmental protection and the rational use of natural resources shall be ensured by law, taking into account the interests of current and future generations.”

## 15. India

### The Constitution of the Republic of India

**“51A. Fundamental duties.** It shall be the duty of every citizen of India-

[...] (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; [...]”

**“243ZD. Committee for district planning.** [...] (3) Every District Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation; [...]”

**“243ZE. Committee for Metropolitan planning.** [...] (3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

[...] (ii) matters of common interest between the Municipalities and the Panchayats, including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation; [...]”

**“257. Control of the Union over States in certain cases.** (2) The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance:

*Provided that nothing in this clause shall be taken as restricting the power of Parliament to declare highways or waterways to be national highways or national waterways or the power of the Union with respect to the highways or waterways so declared or the power of the Union to construct and maintain means of communication as part of its functions with respect to naval, military and air force works. [...]*”

**“262. Adjudication of disputes relating to waters of inter-State rivers or river valleys.** (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

(2) Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).”

**“288. Exemption from taxation by States in respect of water or electricity in certain cases.** (1) Save in so far as the President may by order otherwise provide, no law of a State in force immediately before the commencement of this Constitution shall impose, or authorise the imposition of, a tax in respect of any water or electricity stored, generated, consumed, distributed or sold by any authority established by any existing law or any law made by Parliament for regulating or developing any inter-State river or river-valley.

(2) The Legislature of a State may by law impose, or authorise the imposition of, any such tax as is mentioned in clause (1), but no such law shall have any effect unless it has, after having been reserved for the consideration of the President, received his assent; and if any such law provides for the fixation of the rates and other incidents of such tax by means of rules or orders to be made under the law by any authority, the law shall provide for the previous consent of the President being obtained to the making of any such rule or order.”

**“297. Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.** (1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.”

#### **“SIXTH SCHEDULE [Articles 244(2) and 275(1)]**

##### **Provisions as to the Administration of Tribal Areas in 1 [the States of Assam, Meghalaya, Tripura and Mizoram]**

[...] 3- Powers of the District Councils and Regional Councils to make laws. (1) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to- [...] (c) the use of any canal or water-course for the purpose of agriculture;



6. Powers of the District Council to establish primary schools, etc. (1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, 4 [cattle pounds], ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof [...]"

**"SEVENTH SCHEDULE (Article 246)**

**List I-Union List.** [...] 24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways.

25. Maritime shipping and navigation, including shipping and navigation on tidal waters; [...]

[...] 30. Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.

[...] 57. Fishing and fisheries beyond territorial waters. [...]

**List II-State List.** [...] 13. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.

[...] 17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I. 56. Taxes on goods and passengers carried by road or on inland waterways. [...]

**List III-Concurrent List.** [...] 32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways. [...]"

**"ELEVENTH SCHEDULE (Article 243G).** [...] 3. Minor irrigation, water management and watershed development.

[...] 11. Drinking water.

[...] 13. Roads, culverts, bridges, ferries, waterways and other means of communication. [...]"

**"TWELFTH SCHEDULE (Article 243W).** [...] 5. Water supply for domestic, industrial and commercial purposes. [...]"

## 16. Indonesia

### The Constitution of the Republic of Indonesia

**"Article 18A.** [...] (2) The relations between the central government and regional authorities in finances, public services, and the use of natural and other resources are regulated and administered with justice and equity according to law."



**“Article 22D.** (1) The DPD may propose to the DPR Bills related to regional autonomy, the relationship of central and local government, formation, expansion and merger of regions, management of natural resources and other economic resources, and Bills related to the financial balance between the centre and the regions.

(2) The DPD must participate in the discussion of Bills related to regional autonomy; the relationship of central and local government; formation, expansion, and merger of regions; management of natural resources and other economic resources, and financial balance between the centre and the regions; and provides consideration to the DPR over Bills on the State Budget and on Bills related to taxation, education, or religion.

(3) The DPD may oversee the implementation of laws concerning regional autonomy, the formation, expansion and merger of regions, the relationship of central and local government, management of natural resources and other economic resources, implementation of the State Budget, taxation, education, or religion and submit in addition the result of such oversight to the DPR in the form of materials for its further consideration. [...]”

**“Article 33.** [...] (3) The land, the waters and the natural resources within are under the powers of the State and must be used to the greatest benefit of the people.

[...] (5) Further provisions relating to the implementation of this article are regulated by law.”

## 17. Irán (República Islámica del)

### Constitution of the Islamic Republic of Iran

**“Article 45.** Public wealth and property, such as uncultivated or abandoned land, mineral deposits, seas, lakes, rivers and other public water-ways, mountains, valleys, forests, marshland, natural forests, unenclosed pastureland, legacies without heirs, property of undetermined ownership, and public property recovered from usurpers, shall be at the disposal of the Islamic government for it to utilize in accordance with the public interest. Law will specify detailed procedures for the utilization of each of the foregoing items.”

**“Article 48.** There must be no discrimination among the various provinces with regard to the exploitation of natural resources, utilization of public revenues, and distribution of economic activities among the various provinces and regions of the country, thereby ensuring that every region has access to the necessary capital and facilities in accordance with its needs and capacity for growth.”

**“Article 153.** Any form of agreement resulting in foreign control over the natural resources, economy, army, or culture of the country, as well as other aspects of the national life, is forbidden.”

## 18. Iraq

### The Constitution the Republic of Iraq

**“Article 50.** Each member of the Council of Representatives shall take the following constitutional oath before the Council prior to assuming his duties:

“I swear by God Almighty to carry out my legal duties and responsibilities with devotion and integrity and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and ensure the safety

*of its land, sky, water, wealth, and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary, and pledge to implement legislation faithfully and neutrally. God is my witness."*

***"Article 110.** The federal government shall have exclusive authorities in the following matters:*

*[...] Eighth. Planning policies relating to water sources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions. [...]"*

***"Article 114.** The following competencies shall be shared between the federal authorities and regional authorities:*

*[...] Seventh. To formulate and regulate the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by a law."*

## 19. Israel

[Leyes básicas de Israel](#)

## 20. Japón

[Constitution of Japan](#)

## 21. Jordania

[Constitution of the Hashemite Kingdom of Jordan](#)

## 22. Kazajistán

[Constitution of the Republic of Kazakhstan](#)

***"Article 6.** [...] 3. The state shall own the land and underground resources, waters, flora and fauna, and other natural resources. The land may also be privately owned on terms, conditions and within limits established by law."*

***"Article 38.** Citizens of the Republic of Kazakhstan must preserve nature and protect natural resources."*

## 23. Kirguistán

### Constitution of the Kyrgyzstan Republic

*“Article 12. [...] 5. The land, its resources, airspace, waters, forests, flora and fauna, as well as other natural resources shall be the exclusive property of the Kyrgyz Republic; these shall be used for the purpose of preserving a unified environmental system as the basis of life and activity of the people of Kyrgyzstan and shall enjoy special protection from the State.*

*Land may also be in private, municipal and other forms of ownership except for pastures which may not be in private property. [...]”*

*“Article 48. [...] 2. Everyone shall have the right to compensation of damage to health or property resulting from actions in the area of nature management. [...]”*

## 24. Kuwait

### Constitution of Kuwait

*“Article 21 [Natural Resources]. Natural resources and all revenues therefrom are the property of the State. It shall ensure their preservation and proper exploitation, due regard being given to the requirements of State security and the national economy.”*

*“Article 70 [Treaties]. [...] However, treaties of peace and alliance; treaties concerning the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens; treaties of commerce, navigation, and residence; and treaties entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait; shall come into force only when made by a law. [...]”*

*Article 71 [Emergency Decrees]. [...] However, treaties of peace and alliance; treaties concerning the territory of the State, its natural resources or sovereign rights, or public or private rights of citizens; treaties of commerce, navigation, and residence; and treaties entailing additional expenditure not provided for in the budget, or involving amendment of the laws of Kuwait; shall come into force only when made by a law. [...]”*

*“Article 152 [Natural Resources]. No concession for exploitation of either a natural resource or a public service may be granted except by a law and for a limited period. In this respect, the preparatory measures facilitate the operations of prospecting and exploring and ensure publicity and competition.”*

## 25. Líbano

### Constitution of the Lebanese Republic

*“Article 89. No obligation nor concession to exploit the natural resources of the country, nor any service of public utility, nor any monopoly may be granted except according to law and for a limited time.”*

## 26. Malaysia

### Constitution of Malaysia

**“92. National development plan.** [...] 3. In this Article, “development plan” means a plan for the development, improvement, or conservation of the natural resources of a development area, the exploitation of such resources, or the increase of means of employment in the area. [...]”

#### **“Ninth Schedule. Legislative lists [Articles 74, 77]**

**List 1. Federal List.** [...] 9. Shipping, navigation and fisheries, including-

a. Shipping and navigation on the high seas and in tidal and inland waters; [...]

10. Communications and transport, including-

[...] d. Regulation of traffic by land, water and air other than on rivers outside harbour areas wholly within one State;

e. Carriage of passengers and goods by land, water and air; [...]

11. Federal works and power, including-

[...] b. Water supplies, rivers and canals, except those wholly within one State or regulated by an agreement between all the States concerned; production, distribution and supply of water power; [...]

**List 2. State List.** [...] 6. State works and water, that is to say:

[...] c. Subject to the Federal List, water (including rivers and canals but excluding water supplies and services); control of silt; riparian rights. [...]

**List 2A. Supplement to State List for States of Sabah and Sarawak.** [...] 15. Ports and harbours, other than those declared to be federal by or under federal law; regulation of traffic by water in ports and harbours or on rivers wholly within the State, except traffic in federal ports or harbours; foreshores.

[...] 20. Subject to the Federal List, water supplies and services.

**List 3. Concurrent List.** [...] 9D. Subject to the Federal List, water supplies and services. [...]

**List 3A. Supplement to Concurrent List for States of Sabah and Sarawak.** [...] 13. The production, distribution and supply of water power and of electricity generated by water power. [...]”

#### **“Tenth Schedule. Grants and Sources of Revenue Assigned to States [Articles 109, 112C, 161C]. [...]**

**Part 3. Sources of Revenue Assigned to States.** [...] 3. Revenue from licences other than those connected with water supplies and services, mechanically propelled vehicles, electrical installations and registration of businesses.

[...] 8. Receipts in respect of raw water. [...]

**Part 5. Additional Sources of Revenue Assigned to States of Sabah and Sarawak.** [...] 9. Receipts in respect of water supplies and services, including water rates.

10. Revenue from licences connected with water supplies and services.”

## 27. Maldivas

### Constitution of the Republic of Maldives

*“3. The territory of the Maldives encompasses the land, airspace, sea and seabed within the archipelagic baselines of the Maldives drawn in accordance with the law, and includes the territorial waters, the seabed and air space thereof beyond the said baselines. Any changes to the territory of the Maldives may only be made pursuant to a law enacted by at least a two-third majority of the total membership of the People's Majlis.”*

*“22. The State has a fundamental duty to protect and preserve the natural environment, biodiversity, resources and beauty of the country for the benefit of present and future generations. The State shall undertake and promote desirable economic and social goals through ecologically balanced sustainable development and shall take measures necessary to foster conservation, prevent pollution, the extinction of any species and ecological degradation from any such goals.”*

*“23. Every citizen the following rights pursuant to this Constitution, and the State undertakes to achieve the progressive realisation of these rights by reasonable measures within its ability and resources:*

*a. adequate and nutritious food and clean water;*

*[...] f. the establishment of a sewage system of a reasonably adequate standard on every inhabited island; [...]*”

*“67. The exercise and enjoyment of fundamental rights and freedoms is inseparable from the performance of responsibilities and duties, and it is the responsibility of every citizen:*

*[...] h. to preserve and protect the natural environment, biodiversity, resources and beauty of the country and to abstain from all forms of pollution and ecological degradation; [...]*”

*“248. a) The land, sea, and seabed, including all fish within the territory of the Maldives, and all naturally occurring resources, including metallic ores, petroleum and gas, shall vest in the State.*

*(b) All living, non-living and naturally occurring resources of value within the Exclusive Economic Zone of the Maldives and the seabed shall vest in the State.”*

## 28. Mongolia

### Constitution of Mongolia

*“Article 6. 1. The land, its subsoil, forests, water, fauna, flora, and other natural assets in Mongolia shall be subject to the people's authority and under the protection of the State.*

*2. The land, except that in private ownership of the citizens of Mongolia, as well as the land subsoil, forests, water resources, and fauna shall be the property of the State. [...]*”

*“Article 17. [...] 2. It is a sacred duty for every citizen to work, protect his/her health, raise and educate his/her children, as well as to protect the nature and environment.”*

*“Article 38. [...] 2. The Government (Cabinet) shall enforce the laws of the State, and in accordance with its common functions of managing the economic, social and cultural system shall exercise the following powers:*

*[...] 4. Undertake measures for protection of the environment, the sustainable use and restoration of natural resources; .- [...]"*

## 29. Myanmar

### Constitution of the Republic of the Union of Myanmar

*"37. The Union:*

*a. is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union;*

*b. shall enact necessary law to supervise extraction and utilization of State-owned natural resources by economic forces; [...]"*

*"45. The Union shall protect and conserve natural environment."*

*"Schedule 1. Union Legislative List (refer to section 96). 8. Transport, communications and construction sector*

*a. Inland water transport;*

*b. Maintenance of waterways;*

*c. Development of water resources and rivers and streams; [...]*

*[...] 11. Judicial sector*

*[...] k. Piracies, crimes committed in international waters or in outer space and offences against the international law on land or in international waters or in outer space."*

*"Schedule 2. Region or State Legislative List (refer to section 188). [...] 3. Agriculture and livestock breeding sector*

*[...] f. Fresh water fisheries; [...]*

*4. Energy, electricity, mining and forestry sector*

*[...] f. Setting ratios on natural resources production that have the right to be undertaken by the Region or State in accordance with the law enacted by the Union; [...]*

*[...] 6. Transport, communication and construction sector*

*[...] d. Maintenance of waterways that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;*

*e. Development of water resources and rivers and streams that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union; [...]"*

*"Schedule 3. List of Legislation of the Leading Body of Self-administered Division or Self-administered Area (refer to section 196). [...] 8. Preservation of Natural Environment in Accord with Law Promulgated by the Union.*

9. *Water and Electricity Matters in Towns and Villages. [...]*"

**"Schedule 5. Taxes collected by Region or States (refer to section 254). [...]** 3. *Water tax and embankment tax based on dams and reservoirs managed by the Region or State and tax on use of electricity generated by such facilities managed by the Region or State.*

5. a. *Royalty collected on fresh water fisheries.*

b. *Royalty collected on marine fisheries within the permitted range of territorial water.*

6. *Taxes collected on vehicles on road transport and vessels on inland waterway transport, in accord with law, in a Region or a State. [...]"*

## 30. Nepal

### Constitution of the Federal Democratic Republic of Nepal

**"35. Right relating to health. [...]** (4) *Every citizen shall have the right of access to clean drinking water and sanitation."*

**"51. Policies of the State.** *The State shall pursue the following policies:*

*[...] (g) Policies relating to protection, promotion and use of natural resources: (1) to protect, promote, and make environmental friendly and sustainable use of, natural resources available in the country, in consonance with national interest and adopting the concept of intergenerational equity, and make equitable distribution of fruits, according priority and preferential right to the local communities, (2) to make multi-purpose development of water resources, while according priority to domestic investment based on public participation, [...] (4) to develop sustainable and reliable irrigation by making control of water-induced disasters, and river management, [...]"*

**"59. Exercise of financial powers. [...]** (4) *The Federation, State and Local level shall provide for the equitable distribution of benefits derived from the use of natural resources or development. Certain portions of such benefits shall be distributed, pursuant to law, in forms of royalty, services or goods to the project affected regions and local communities. (5) If, in utilising natural resources, the local community desires to make investment therein, the Federation, State and Local level shall accord priority to such investment in such portion as provided bylaw on the basis of the nature and size of such investment. [...]"*

**"60. Distribution of sources of revenue. [...]** (3) *The amount of fiscal transfer receivable by the State and Local level shall be as recommended by the National Natural Resources and Fiscal Commission. [...]"*

**"250. National Natural Resources and Fiscal Commission.** (1) *There shall be a National Natural Resources and Fiscal Commission of Nepal, consisting of a maximum of five members including a Chairperson. [...]"*

**"251. Functions, duties and powers of National Natural Resources and Fiscal Commission. [...]** (2) *The National Natural Resources and Fiscal Commission shall carry out necessary study and research work about environmental impact assessment required in the course of distribution of natural resources, and make recommendations to the Government of Nepal. (3) Other functions, duties and powers and rules of procedure of the National Natural Resources and Fiscal Commission, detailed bases required to be followed in the mobilization of natural resources or distribution of revenues, and other matters including conditions of service of the officials of the Commission shall be as provided for in the Federal law."*

***“279. Ratification of, accession to, acceptance of, or approval of, treaties or agreements. [...] (2) Any law to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to, acceptance of, or approval of, treaties or agreements on the following subjects must be made by a majority of two-thirds of the total number of the then members of both Houses of the Federal Parliament: [...] (d) natural resources, and the distribution of their uses. Provided that, out of the treaties or agreements under sub-clauses (a) and (d), if any treaty or agreement is of an ordinary nature, which does not affect the nation extensively, seriously or in the long term, the ratification of, accession to, acceptance of, or approval of, such treaty or agreement may be made by a simple majority of the members present in a meeting of the House of Representatives. [...]”***

***“Schedule 5 (Relating to clause (1) of Article 57, and Article 109)***

***List of Federal Power. [...] 11. Policies relating to conservation and multiple uses of water resources.***

*[...] 27. National and international environment management, national parks, wildlife reserves and wetlands, national forest policies, carbon services. [...]”*

***“Schedule 6 (Relating to clause (2) of Article 57, clause (4) of Article 162, Article 197, clause (3) of Article 231, clause (7) of Article 232, clause (4) of Article 274 and clause (4) of Article 296)***

***List of State Power. [...] 7. State level electricity, irrigation and water supply services, navigation.***

*[...] 19. Use of forests and waters and management of environment within the State. [...]”*

***“Schedule 7 (Relating to clause (3) of Articles 57, Article 109, clause (4) of Article 162, and Article 197)***

***List of Concurrent Powers of Federation and State. [...] 13. State boundary river, waterways, environment protection, biological diversity. [...] 18. Tourism, water supply and sanitation.***

*[...] 23. Utilization of forests, mountains, forest conservation areas and waters stretching in inter-State form. [...]”*

***“Schedule 8 (Relating to clause (4) of Article 57, clause (2) of Article 214, clause (2) of Article 221 and clause (1) of Article 226)***

***List of Local Level Power. [...] 19. Water supply, small hydropower projects, alternative energy.***

*[...] 21. Protection of watersheds, wildlife, mines and minerals. [...]”*

***“Schedule 9 (Relating to clause (5) of Article 57, Article 109, clause (4) of Article 162, Article 197, clause (2) of Article 214, clause (2) of Article 221, and clause (1) of Article 226)***

***List of Concurrent Powers of Federation, State and Local Level. [...] 5. Services such as electricity, water supply, irrigation.***

*[...] 7. Forests, wildlife, birds, water uses, environment, ecology and biodiversity.*

*[...]14. Royalty from natural resources. [...]”*



## 31. Omán

### Basic Statute of the State of Oman

**“Article 11. The Economic Principles. [...] • All natural wealth and resources thereof are the property of the State, which shall preserve and utilise them in the best manner taking into consideration the requirements of the security of the State and the interests of the national economy. No concession or investment of any public resource of the Country shall be granted except by virtue of a law, for a limited period of time, and in a manner that preserves national interests. [...]”**

## 32. Pakistán

### Constitution of the Islamic Republic of Pakistan

**“24. Protection of property rights. [...] (3) Nothing in this Article shall affect the validity of- [...] (e) any law providing for the acquisition of any class of property for the purpose of-**

**[...] (ii) providing housing and public facilities and services such as roads, water supply, sewerage, gas and electric power to all or any specified class of citizens; [...]”**

**“63. Disqualifications for membership of Majlis-e-Shoora (Parliament). (1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if**

**[...] (o) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; [...]”**

**“155. Complaints as to interference with water supplies. (1) If the interests of a Province, the Federal Capital or any of the inhabitants thereof, in water from any natural source of supply 6 [or reservoir] have been or are likely to be affected prejudicially by-**

**(a) any executive act or legislation taken or passed or proposed to be taken or passed, or**

**(b) the failure of any authority to exercise any of its powers with respect to the use and distribution or control of water from that source, the Federal Government or the Provincial Government concerned may make a complaint in writing to the Council.**

**(2) Upon receiving such complaint, the Council shall, after having considered the matter, either give its decision or request the President to appoint a commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law as he may think fit, hereinafter referred to as the Commission.**

**(3) Until 1 [Majlis-e-Shoora (Parliament)] makes provision by law in this behalf, the provisions of the Pakistan Commissions of Inquiry Act, 1956, as in force immediately before the commencing day shall apply to the Council or the Commission as if the Council or the Commission were a Commission appointed under that Act to which all**

*the provisions of section 5 thereof applied and upon which the power contemplated by section 10A thereof had been conferred.*

*(4) After considering the report and supplementary report, if any, of the Commission, the Council shall record its decision on all matters referred to the Commission.*

*(5) Notwithstanding any law to the contrary, but subject to the provisions of clause (5) of Article 154, it shall be the duty of the Federal Government and the Provincial Government concerned in the matter in issue to give effect to the decision of the Council faithfully according to its terms and tenor.*

*(6) No proceeding shall lie before any court at the instance of any party to a matter which is or has been in issue before the Council, or of any person whatsoever, in respect of a matter which is actually or has been or might or ought to have been a proper subject of complaint to the Council under this Article."*

**"172. Ownerless property.** [...] (2) All lands, minerals and other things of value within the continental shelf or underlying the ocean 1 [beyond] the territorial waters of Pakistan shall vest in the Federal Government.

*(3) Subject to the existing commitments and obligations, mineral oil and natural gas within the Province or the territorial water adjacent thereto shall vest jointly and equally in that Province and the Federal Government."*

#### **"Fourth Schedule [Article 70 (4)]. Legislative Lists**

**Federal Legislative List.** [...] Part II. [...] 3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the Commencing day, including the 1 [Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation]; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation. [...]"

## **33. Qatar**

### Constitution of the State of Qatar

**"Article 29.** Natural wealth and its resources are the property of the State, which shall preserve and exploit them in the best way possible in accordance with the provisions of the Law."

**"Article 33.** The State shall conserve the environment and the natural balance thereof in order to achieve comprehensive and sustainable development for all generations."

## 34. República Árabe Siria

### Constitución de la República Árabe Siria

*“Artículo 14. Los recursos naturales, instalaciones, instituciones y empresas de servicios públicos serán de propiedad pública, y el estado deberá invertir y supervisar su gestión en beneficio de todo el pueblo, y el deber de los ciudadanos es protegerla.”*

*“Artículo 128. El mandato del Consejo de Ministros es el siguiente:*

*[...] 5. Prepara planes de desarrollo y planes para mejorar la producción y la explotación de los recursos nacionales y todo lo que pudiera reforzar y desarrollar la economía y aumente el ingreso nacional; [...].”*

## 35. República de Corea (Corea del Sur)

### Constitution of the Republic of Korea

*“Article 120. 1. Licenses to exploit, develop or utilize minerals and all other important underground resources, marine resources, water power, and natural powers available for economic use may be granted for a period of time as prescribed by law.*

*2. The land and natural resources shall be protected by the State, and the State shall establish a plan necessary for their balanced development and utilization.”*

## 36. República Democrática Popular Lao

### Constitution of the Lao People's Democratic Republic

*“Article 1. The Lao People's Democratic Republic is an independent country with sovereignty and territorial integrity over its territorial waters and airspace. It is a unified country belonging to all multi-ethnic people and is indivisible.*

*“Article 17. (Amended). The State protects the property rights (such as the rights of possession, use, usufruct and disposition) and the inheritance rights of organisations and individuals.*

*All lands, minerals, water sources, atmospheres, forests, natural products, aquatic and wild animals, and other natural resources are a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws.”*

*“Article 19. (Amended). The State supports the protection, restoration, and development of natural resources with the aim to archive sustainable environmental goals.*

*All organisations and citizens must pursue the protection of the environment, biodiversity, and natural resources.”*

*“Article 70. (Amended). The government has the following rights and duties:*

*[...] 3. To issue decrees and resolutions on State administration, socio-economic management, [and] management in the fields of science and technology, natural resources, environment, national defence and security, and foreign affairs; [...]"*

**"Article 87. (Amended).** *The governors of provinces and chief of municipality have the following rights and duties:*

*[...] 9. To supervise the management of political, economic, social-economic, natural resources, environment, national defence and security, and foreign affairs; [...]"*

**"Article 88. (New).** *The city governors, district governors, and mayors have the following duties and responsibilities:*

*[...] 5. To supervise the management of political, economic, social-economic, natural resources, environment, national defence and security, and foreign affairs at city, district, municipality levels; [...]"*

**"Article 89. (Amended).** *The Chief of village has the responsibility to ensure the implementation of Constitution, laws, regulations, and to lead the people towards development on social-economic, natural resources protection, environmental protection, defence and security, create peace and order, provide education, and to enhance unity among the people creating village with development goals. "*

## 37. República Popular Democrática de Corea

### Constitution of the Democratic People's Republic of Korea

**"Article 21.** *The property of the State belongs to all the people. There is no limit to the property which the State can own. All natural resources, railways, air transport service, post and telecommunications establishments, as well as major factories and enterprises, ports and banks of the country are owned solely by the State. The State shall protect and develop on a preferential basis State property which plays the leading role in the economic development of the country."*

**"Article 40.** *The Democratic People's Republic of Korea shall, by carrying out a thorough cultural revolution, train all the people to be builders of socialism equipped with a profound knowledge of nature and society and a high level of culture and technology, thus making the whole of society intellectual."*

## 38. Singapur

### Constitution of the Republic of Singapore

## 39. Sri Lanka

### Constitution of the Democratic Socialist Republic of Sri Lanka

**"5.** *The territory of the Republic of Sri Lanka shall consist of the 1 [twenty- five] administrative districts, the names of which are set out in the First Schedule and its territorial waters:*

*Provided that such administrative districts may be subdivided or amalgamated so as to constitute different administrative districts, as Parliament may by resolution determine].”*

*“27. [...] 28. The exercise and enjoyment of rights and freedoms are inseparable from the performance of duties and obligations and accordingly it is the duty of every person in Sri Lanka-*

*[...] (d) to preserve and protect public property and to combat misuse and waste of public property;*

*[...] (f) to protect nature and conserve its riches.”*

*“170. In the Constitution-*

*[...] “territorial waters” includes the territorial sea and the historic waters of Sri Lanka ; [...].”*

*“Appendix II. Land and Land Settlement. State land shall continue to vest in the Republic and may be disposed of in accordance with Article 33(d) and written law governing this matter. Subject as aforesaid, land shall be Provincial Council Subject, subject to the following special provisions:-*

*[...] 2. Inter- Provincial Irrigation and Land Development Projects.*

*2:1 Such projects would comprise irrigation and land development schemes-*

*(a) within the Province initiated by the State and which utilize water from rivers flowing through more than one Province; a Provincial Council however, may also initiate irrigation and land development schemes within its Province utilizing water from such rivers;*

*(b) within the Province which utilize water through diversions from water systems from outside the Province; and*

*(c) all schemes where the command area falls within two or more Provinces such as the Mahaweli Development Project.*

*3. National Land Commission.*

*[...] 3:2 The National Land Commission will have a Technical Secretariat representing all the relevant disciplines required to evaluate the physical as well as the socio-economic factors that are relevant to natural resources management.*

*3:3 National policy on land use will be based on technical aspects (not on political or communal aspects), and the Commission will lay down general norms in regard to the use of land, having regard to soil, climate, rainfall, soil erosion, forest cover, environmental factors, economic viability, &c. [...].”*

*“List II (Reserved List). National Policy on all Subjects and Functions*

*[...] National Transport*

*This would include-*

*[...] (c) Carriage of passengers and goods by railway, land, sea or air or by national waterways in mechanically propelled vessels.*

*Rivers and Waterways; Shipping and Navigation; Maritime zones including Historical Waters, Territorial Waters, exclusive Economic zone and Continental Shelf and Internal Waters ; State Lands and Foreshore, Except to the Extent Specified in Item 18 of List I.*

*This would include-*

*[...] (b) Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels ; the rule of the road on such waterways;*

*(c) Maritime shipping and navigation, including shipping and navigation on tidal waters [...];*

*[...] (f) Fishing and fisheries beyond territorial waters; [...]"*

***"List III (Concurrent List). [...] 17. Irrigation-***

*17:1 Water storage and management, drainage and embankments, flood protection, planning of water resources;*

*17:2 Services provided for inter-provincial land and irrigation schemes, such as those relating to rural development, health, education, vocational training, co-operatives and other facilities.*

*[...] 19. Fisheries - Other than fishing beyond territorial waters. [...]"*

## 40. Tailandia

### Constitution of the Kingdom of Thailand

***"Section 43. A person and community shall have the right to:***

*[...] (2) manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law; [...]"*

***"Section 50. A person shall have the following duties:***

*[...] (8) to cooperate and support the conservation and protection of the environment, natural resources, biodiversity, and cultural heritage; [...]"*

***"Section 57. The State shall:***

*[...] (2) conserve, protect, maintain, restore, manage and use or arrange for utilisation of natural resources, environment and biodiversity in a balanced and sustainable manner, provided that the relevant local people and local community shall be allowed to participate in and obtain the benefit from such undertaking as provided by law."*

***"Section 58. In regard to any undertaking by the State or that the State will permit any person to carry out, if such undertaking may severely affect the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment, the State shall undertake to study and assess the impact on environmental quality and health of the people or community and shall arrange a public hearing of relevant stakeholders, people and communities in advance in order to take them into consideration for the implementation or granting of permission as provided by the law.***

*A person and community shall have the rights to receive information, explanation and reasons from a State agency prior to the implementation or granting of permission under paragraph one.*

*In the implementation or granting of permission under paragraph one, the State shall take precautions to minimise the impact on people, community, environment, and biodiversity and shall undertake to remedy the grievance or damage for the affected people or community in a fair manner without delay.”*

**“Section 70.** *The State should promote and provide protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the State, health or sanitation.”*

**“Section 72.** *The State should take actions relating to land, water resources and energy as follows:*

*[...] (4) to provide quality water resources which are sufficient for consumption by the people, including for agriculture, industry and other activities; [...]*”

**“Section 178.** *[...] Any treaty which provides for a change in Thai territories or external territories over which Thailand has sovereign right or jurisdiction under a treaty or international law, or which requires the enactment of an Act for implementation, and other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country must be approved by the National Assembly. In this regard, the National Assembly shall complete its consideration within sixty days as from the date of receipt of such matter. If the National Assembly does not complete the consideration within such period of time, it shall be deemed that the National Assembly has given approval.*

*Other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country under paragraph two are treaties pertaining to free trade, common customs union, or the authorization of natural resources utilisation, or which cause the country to lose rights over natural resources, in whole or in part, or on any other treaties provided by law. [...]*”

**“Section 258.** *National reform in various areas shall be carried out to at least achieve the following results:*

*[...] g. Other Areas:*

*(1) having a water resource management system which is efficient, fair and sustainable, with due regard given to every dimension of water demand in combination with environmental and climate change; [...]*”

## 41. Tayikistán

### Constitution of the Republic of Tajikistan

**“Article 13.** *Land, its entrails, water, airspace, flora and fauna, and other natural resources shall be owned by the state, and the state guarantee their effective use in the interests of the people.”*

**“Article 44.** *The protection of natural, historical and cultural heritage shall be the duties of everyone.”*

## 42. Timor-Leste

### Constitution of the Democratic Republic of Timor-Leste

**“Section 4 (Territory).** [...] 2. The extent and limits of territorial waters and the exclusive economic zone, and the rights of East Timor to the adjacent seabed and continental shelf shall be laid down in the law. [...]”

**“Section 6 (Objectives of the State).** The fundamental objectives of the State shall be:

[...] f) To protect the environment and to preserve natural resources; [...]”

**“Section 8 (International Relations).** 1. On matters of international relations, the Democratic Republic of East Timor shall govern itself by the principles of national independence, the right of the Peoples to self-determination and independence, the permanent sovereignty of the peoples over their wealth and natural resources, the protection of human rights, the mutual respect for sovereignty, territorial integrity and equality among States and the non-interference in domestic affairs of other States. [...]”

**“Section 61 (Environment).** [...] 2. The State shall recognise the need to preserve and rationalise natural resources. [...]”

**“Section 95 (Competence of the National Parliament).** 2. It is exclusively incumbent upon the National Parliament to make laws on:

[...] b) The limits of the territorial waters, of the exclusive economic area and of the rights of East Timor to the adjacent area and the continental shelf; [...]”

**“Section 139 (Natural resources).** 1. The resources of the soil, the subsoil, the territorial waters, the continental shelf and the exclusive economic zone, which are essential to the economy, shall be owned by the State and shall be used in a fair and equitable manner in accordance with national interests.

2. The conditions for the exploitation of the natural resources referred to in item 1 above should lend themselves to the establishment of mandatory financial reserves, in accordance with the law.

3. The exploitation of the natural resources shall preserve the ecological balance and prevent destruction of ecosystems.”

**“Section 158 (Treaties, agreements and alliances).** [...] 3. The Democratic Republic of East Timor shall not recognise any acts or contracts concerning the natural resources referred to in item 1 of Section 139 entered into or undertaken prior to the entry into force of the Constitution which are not confirmed by the competent bodies after the Constitution enters into force.”

## 43. Turquía

### Constitution of the Republic of Turkey

**“Article 43.** The coasts are under the authority and disposal of the State.

In the utilization of sea coasts, lake shores or river banks, and of the coastal strip along the sea and lakes, public interest shall be taken into consideration with priority.



*The width of coasts and coastal strips according to the purpose of utilization and the conditions of utilization by individuals shall be determined by law."*

**"Article 63.** *The State shall ensure the protection of the historical, cultural and natural assets and wealth, and shall take supportive and promotive measures towards that end. [...]"*

**"Article 168.** *Natural wealth and resources shall be under the authority and at the disposal of the State. The right to explore and exploit these belongs to the State. The State may delegate this right to persons or corporate bodies for a certain period. Of the natural wealth and resources, those to be explored and exploited by the state in partnership with persons or corporate bodies, and those to be directly explored and exploited by persons or corporate bodies shall be subject to the explicit permission of the law. The conditions to be observed in such cases by persons and corporate bodies, the procedure and principles governing supervision and control by the State, and the sanctions to be applied shall be prescribed by law."*

## 44. Turkmenistán

### Constitution of Turkmenistan

**"Article 14.** *Land and mineral resources, flora and fauna as well other natural wealth shall be the national wealth of Turkmenistan, protected by the state and subject to rational use."*

**"Article 15.** *The state shall be responsible for safeguarding the national historical, cultural and natural heritage, natural environment, ensuring equality between social and ethnic communities. [...]"*

**"Article 53.** *[...] The state shall control the rational use of natural resources in order to protect and improve healthy living conditions, as well as conservation of the stable natural environment.*

*Everyone shall be obliged to protect nature, take good care of the environment and natural wealth."*

**"Article 57.** *Everyone, living or staying temporarily on the territory of Turkmenistan, shall be obliged to abide by the Constitution and the laws of Turkmenistan, and respect the national traditions, historic, cultural and natural heritage.*

**"Article 94.** *The Cabinet of Ministers shall:*

*[...] 6. ensure rational use and conservation of natural resources; [...]"*

**"Article 116.** *The Gengeshes in the respective territory shall:*

*[...] 5. define measures for rational use of natural resources and environmental protection; [...]"*

## 45. Uzbekistán

### Constitution of the Republic of Uzbekistan

**"Article 55.** *The land, its minerals, waters, fauna and flora, other natural resources shall constitute the national wealth and shall be rationally used and protected by the state."*

## 46. Vietnam

### Constitution of the Socialist Republic of Vietnam

***“Article 1.** The Socialist Republic of Vietnam is an independent, sovereign and united country, which in its territorial integrity comprises its mainland, islands, territorial waters and air space.”*

***“Article 53.** The land, water resources, mineral resources, wealth lying underground or coming from the sea and the air, other natural resources, and property invested and managed by the State are public properties, coming under ownership by the entire people represented and uniformly managed by the State.”*

***“Article 63. 1.** The State has a policy to protect the environment; manages, and effectively and stably use natural resources; protects the nature and biodiversity; takes initiative in prevention and resistance against natural calamities and response to climate change.*

*[...] 3. Organizations and individuals who cause environmental pollution, debilitate natural resources and weaken biodiversity shall be strictly dealt with and must be responsible for remedy and compensation for damage.”*

## 47. Yemen

### Constitution of the Republic of Yemen

***“Article 8.** All types of natural resources and sources of energy, whether aboveground, underground, in territorial waters, on the continental shelf or the exclusive economic zone are owned by the State, which assure their exploitation for the common good of the people.”*

***“Article 18.** Contracting concessions regarding natural resources and public facilities should be undertaken according to the law. The law may illustrate some cases of limited significance in which concessions could be granted according to rules and procedures clarified in the law. The law shall define cases and ways of granting certain immobile and mobile property, and rules and procedures to be undertaken. The law shall also regulate the ways of awarding concessions to local entities/units and the free disposal/ use of public funds.”*

\*Todos los destacados son agregados.

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