



# **THE 2<sup>ND</sup> THEMATIC WORKSHOP ON WATER ALLOCATION AND WATER RIGHTS**

## **A SUMMARY REPORT**

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## Issues on policy/plans at national level

### 1. Issue on policy/plans

- "Strategy for water resources development up to 2020" has completed by the Ministry of Agriculture and Rural Development (MARD) and now under the review and approval of Prime Minister. That is, "Strategy for water resources development up to 2020" has not been effective.
- Strategy for water resources up to 2020 has been approved.
- There are 18 priority project proposals (programmes) in implementing the National Strategy on Water Resources" for the period 2006-2010 with involvement of different ministries and agencies in preparing those proposals.
- Integrated river basin water resources development planning has been or being prepared for important river basins of Viet Nam. Some of those plannings have been approved.

### Problem caused by the issue

#### 2. Problems caused by the issue

- There are not yet clear mechanisms to make coordinated sectoral development and management decisions across ministry lines.
- There is not any unique agency responsible for integrated water resources management.
- Ministries and sectors have their own body for water allocation and water rights regarding their sectoral water users but the tasks are not clearly defined, sometimes overlaps with other sectors are seen.
- Mandates of ministries and sectors are overlapped whilst the cooperation relation is very loose; the National Water Resources Council is just an adviser with few activities..

### (Assumed) Causes/Proposals & Processes/ Evaluations

#### 3.Causes

- To have differing views and ideas among ministries about water resources management
- Unclear definition of mandates of ministries and sectors
- Sectoral management is not linked to integrated management, interests of individual sectors are always emphasized in neglecting possible affects on other sectors
- Being a developing country, there are sharp changes in water demands, in the needs of natural disaster prevention but existing water resources planning are not regularly updated.

## 4. Proposals and Processes

- There should be a unique agency responsible for integrated water resources management of the country as a whole and of river basins in particular. It's the only way to achieve equitable and sustainable water allocation and water rights among water users
- Integrated river basin development planning is essential so they should be prepared and approved as basis for water allocation and management for water users.
- Investments in water infrastructure in individual sector must be harmonized and integrated with the approved overall development planning.
- Decentralization in water infrastructure investment and management must be transparent.

### 5.Evaluations

- The capacity to develop strong policy and secondary legislation under the LWR is limited. This will require better coordination between ministries, agencies and provinces as well as training in strategic approaches to integrated water resources management.
- Awareness of the LWR, secondary legislation and how these will be implemented is still at a low level. A clear program of information and awareness regarding the LWR and integrated water resources management is needed.

## Issues on policy/plans at basin level

### 1. Issue on policy and plan

- River basin planning management organizations are not yet active.
- After the 1st thematic workshop, new RBOs have been set up, i.e., the Vu Gia – Thu Bon RBO, and 2 sub-RBOs (for Day river and Cau River) under the Red - Thai Binh RBO.
- Finalization of functions, responsibilities and organization of existing RBOs are sped up.
- RBOs act as advisers in both policy and plan aspects of river basins.
- Strengthening cooperation among sectors, localities and economic sectors
- Promotion of investment and management decentralization by sector and hydraulic systems in close link with geographical territory.

### Problem caused by the issue

## 2. Problems caused by issues

- Organization of RBOs is not firm, members hold different positions concurrently
- Insufficient capability
- Limited experiences of RBOs
- Poor facilities and equipment
- Inadequate advanced technologies for operation, supervision and monitoring
- GIS is newly developed with inadequate information
- Many development plans are not yet approved
- Integrated and sectoral plannings are not linked to each other



## 3. Causes

- Lack of linkage between the NWRC and dysfunction of NWRC
- River basin planning management organizations hold the problem of lacking capacity and unclear role assignment.
- RBOs are new but not very actively operated,
- Their role as the adviser and coordinator in water allocation and interest regulation is not well implemented.
- Resolution of water disputes and conflicts in river basins.

## 4. Proposal / Processes

- These river basin planning organizations need to be strengthened and their role needs to be clarified.
- The linkage between NWRC and the river basin organizations should be strengthened
- Participation by provincial governments should be strengthened.
- Operation and drawing experiences, then better operation for each river basin.
- Training on IWARP, legislation, policy, skills, calculation and operation techniques for RBOs' staff.
- Providing facilities and advanced technologies
- Providing RBOs with certain empowerment in planning management, water allocation and interest distribution.

### 5. Evaluations

- Formation of the unique agency (or ministry) responsible for integrated water resources management of the country, of economic zones and river basins is now under the development process.
- Integrated river basin water resources development planning is being prepared, some plans have been approved for 5-year horizon and visions for 15-20 years.
- Decentralization in infrastructure investment from central to local governments is in early stage with development of investment plans in both directions top-down and bottom-up.

## 6. Remark

- Continuing establishment of new RBOs and putting them into operation RBOs because this is a right track towards integrated river basin water resources management. In immediate term, integrated water resources management is not yet fully possible then management of key aspects should be done meanwhile so that sectors, localities, water users, protected users can be aware of the importance of RBOs.
- Finalization of RBOs functions, responsibilities and organization through real-time operation. Financial supports from the central government, provinces, water users and international institutions are required.
- The NWRC manages at macro level (national) and provides advice to the Government for making decisions in resolving disputes among users, in investments in large-scale projects and in approving plans of international rivers.
- RBOs manage at micro level (river basin, sub-river basin and hydraulic systems) basing on the National Water Resources Strategy and approved river basin plannings in harmonizing water demands and interests of sectors and water users.

## Issues or situations on legal framework

### Issues

- Water rights system has not been well functional though the system provided by the new Law on Water Resources.

## Problems caused by the issues

### Conflict of water users

- State management for water resources has not followed the integrated management principle yet. The fact that two institutions (two ministries) are assigned to be responsible for the same sector is scientifically improper and not conformed with the administrative reform trends.

## (Assumed) Causes/ Proposals & Processes/ Evaluations (Legal aspect)

### Causes

- Lack of technical guideline for implementing the Law on Water Resources (secondary legislature)
- Water rights system is not applicable in Vietnam at present.
- Legal procedures in assigning responsibility are not proper even contrary to legislations
- The human resources working in water resources management are abundant, experienced and capable but scattered in different agencies without an integrated water resources management agency that covers all from water resources inventory, investigation, and assessment to feasibility study, construction and operation and maintenance for hydraulic works and water supply discharge in the whole country.
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- Assignment of state management is not well coordinated in view of their implementation capability that cause inconsistency in implementation, conflicts in their mandates, decreasing state management efficiency and slow realization of water rights in Viet Nam.

(Assumed)  
Causes/  
Proposals &  
Processes/  
Evaluations  
(Legal  
aspect)

## Proposals and processes

- Promoting to complete the technical guideline.
- Implement a system for licensing water use (surface water and groundwater) and wastewater discharge

## Evaluation

- So far, there has not any official government report on water resources management, especially implementation of water rights in Viet Nam. The human resources working in water resources management are abundant, experienced and capable but scattered in different agencies without an integrated water resources management agency that covers all from water resources inventory, investigation, and assessment to feasibility study, construction and operation and maintenance for hydraulic works and water supply and discharge in the whole country. Water rights as noted above are realized pursuant to legislations but still need technical guidelines. Some water rights are limited. The State encourages different water exploitation and utilization activities but adequate attention on how to promote and enhance those rights has not been paid.

## Issues or situations on organization

### Issues

- Mandate overlap between the MARD and MONRE
- The coordination between ministries and agencies is still weak
- The Department of Water Resources and Hydraulic Works Management doesn't have adequate staff, finances, organizations and other requirement to carry out the necessary integrated water resources management functions at the national level.
- Water resources management belongs to many sectors and ministries. However, assignment of State management is not well coordinated in view of their Implementation capability, which causes inconsistency in implementation.
- Water allocation is inappropriate in terms of drought.
- Need for employment of more skilled staff
- Lack of institutional capacity.



## Problem caused by the issue

### Problem

- Mandate overlapping leads ineffectiveness in implementing policy, law and others.
- Water allocation is inappropriate in terms of drought.
- Inappropriate water facility management.

## (Assumed) Causes/Proposals & Processes/Evaluations

### Cause

- Flaw in the legislations on administrative structures.
- Legal procedures in assigning responsibility are not proper even contrary to legislations.
- The capacity of apex body (Water Resources Coordination Committee) has a room for improvement.

## Proposals & Processes

- The capacity of apex body, NWRC, should be improved. Members need awareness-raising. The Office of the NWRC should be strengthened in terms of organization, staff, inter-ministry working arrangements.

- Need to improve on NWRC and improve the situation of the Department of Water Resources and Hydraulic Works Management. 2:10

- RBOs should be assigned the role of drought management by legislatures though the role is still somewhat unclear.- The following matters should be resolved based on both international models and local experiences

(1) The degree to which they will be involved in decision-making (e.g project or budget approval)

(2) The control of RBOs by MARD

(3) Representation of multiple ministers/sectors as well as provinces

- Institutional strengthening and capacity building is needed for different staff levels on management, planning, and other issues. This is particularly true at the provincial level. One area requiring training and other technical assistance is integrated river basin planning and management. New techniques, methods and models are needed, as well as public consultation, negotiation and conflict resolution skills.

- Professional training is based on traditional approaches. New advanced concepts and techniques should be added to the curriculum. Training at the local level (provincial, district and commune) is poor. Retraining and training of trainers also need to be improved.

- Public administration reform needs to be carried forward to address both institutional issues and staff issues such as recruitment, salary and benefits, and improved staff management.

- Financial expenditure must be vital.

## Recommendation

The rap of the mandates among the multiple water-related agencies seems to be a issue, but the practical problems derived from the issue need to be clarified.

(IV)

Recommendation  
(V)

## Issues

## Issues

- There is a lack of advanced tools and resources for planning, including software, well-trained and experienced staff, guidelines, etc.
- Data and information on water resources are collected by multiple concerned agencies, which have their own database.
- A large amount of water resources data and information is still scattered in different agencies and ministries. Access to this data and information is difficult, costly and time consuming. Data is not compiled and edited in an easy accessible format. The formation of MARD and MoNRE will improve this situation, although further details on the role of the ministries will be needed. A mechanism for information exchange among agencies is being developed and should be fully implemented.

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## Problem caused by the issue

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Planning has not been carried out in a strategic manner or at a professional level.

# Technical of Vietnam

**(Assumed)  
Causes/Prop  
osals &  
Processes/E  
valuations  
(Technical  
aspect)**

## **Cause**

Technical aspects and consultation and conflict resolution aspects of basin water resource planning are weak.

## **Proposals & Processes**

- To equip measuring, analyzing, computation and management facilities for water resources management.
- Financial expenditure must be vital.
- Develop river basin planning. Prioritize the formulation of river basin planning criteria, approve the river system planning.
- With the review of the NWRC, MoNRE, MARD and other ministries should develop priority policy needs in the water sector, such as:
  - water allocation and water rights, including surface and groundwater licensing and wastewater discharge licensing,
  - population migration for resettlement,
  - investment in the multi-purpose water resources projects,
  - policy on water conflict settlement and administrative procedures,
  - natural disaster mitigation
- Formulate the water resources information system and provide timely and accurate information for the water resources users. To strengthen capacity to investigate and monitor water resources. Formulate regulations on management, use and exchange the water resources information. Update periodically the water resources profile.

## **Evaluations:**

- Capacity building for RBOs staffs, they are improved on planning methodology, process, models, programme, new technology in order to apply on planning and management calculation.
- It is necessary to set up data base on water resources, demand, environment etc. for river basins.
- Sample Water resources planning for hydraulic system one is set up in order to good management and learn from experience.

### Practical troubles derived from budgetary issues

#### Issues

There has been poor operation and maintenance of hydraulic works, therefore their operational efficiency is low. Also, due to low investment ratio, on-farm systems beside new headworks and main canals are incomplete. therefore, design capacity cannot be brought into play. In addition, modernization and upgrade of irrigation and drainage system are inadequate.

**(Assumed)  
Causes/Prop  
osals &  
Processes/E  
valuations  
(Financial  
aspect)**

## **Cause**

- There is a lack of long term financial strategy including state budget, international assistance, private investment and user fees. Cost compensation of the government and user fees are insufficient for the operation and maintenance of hydraulic works.
- Government subsidy plus user fees are not adequate to meet operation and maintenance requirement.
- Budget responsibilities between the central and local level may be unclear. Lack of financial capacity at local level means that some local investment can not be carried out.
- Policy is needed on the sharing of capital costs for multipurpose reservoir development. For example, where hydropower is the main sector promoting the development, other sectors which benefit from downstream flow management might make some contribution to the development or operation of the reservoir.

**(Assumed)  
Causes/Prop  
osals &  
Processes/E  
valuations  
(Financial  
aspect)**

## **Proposals & Processes**

- Develop long term financial investment strategy based on various sources of the state budget, international financial support and private contribution for the management of water resources.
- Budget responsibilities between the central and local government need to be clarified.

## **Evaluations**

- Hydraulics infrastructure are constructed fully made from other many budget in order to enough hydraulics works, equipment for good management.
- Existing hydraulic systems need to be improved.
- Water fees for water user need to be set up for hydraulic system other fees such as: Irrigation, domestic water, Industries, aquaculture, tourist supply, also drainage and flood control, so meet the need of fund for O & M, improvement hydraulic structure.

## **Remarks**

This issue was not reported in the 1st workshop, but quoted from other materials

**Remarks**



# Water quality of Vietnam

Issues related to water quality	<b>Issues</b> Water quality degradation have happened due to domestic, industrial and agricultural activities.	
<b>Importance</b>		
(Assumed) Causes/Proposals	Disordered discharge of waste water cannot be prevented	(1) Establishment of legislatures for discharging waste water (2) Establishment of the scheme for monitoring waste water discharge
	Each industrial plant may discharge waste water without any treatment on toxic substances.	Introduction of devices for treating waste water including toxic substances

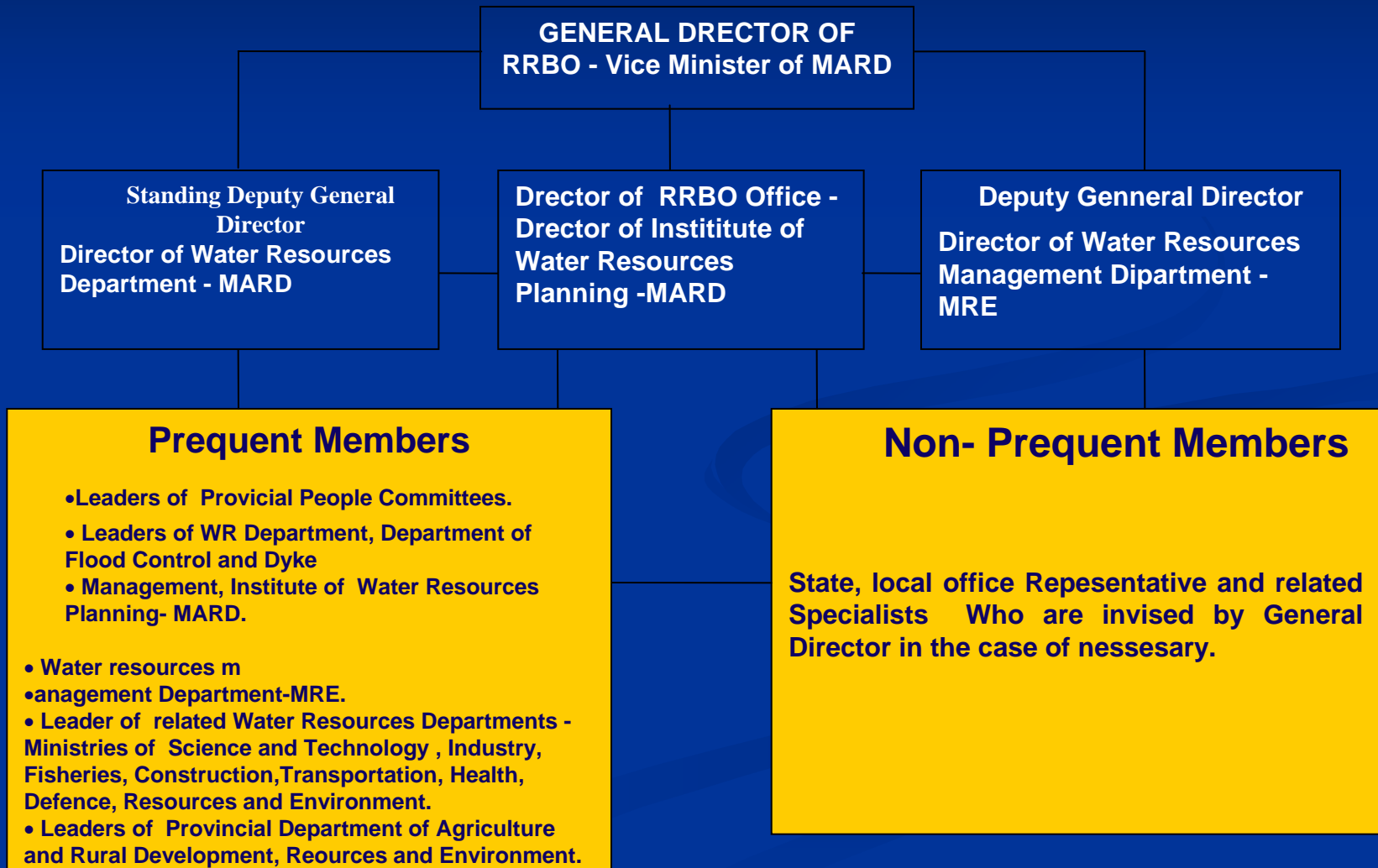
## Water quality of Vietnam

	The amount of environmental flow might be inadequate.	Reconsideration of the amount of environmental flow
	Sewage systems are not well developed	Development of sewage system
<b>Remarks</b>	Vietnam Water Resources Law stipulates the permission system for water discharge but not well functioned.	

# Others of Vietnam

<b>Issues</b>	Awareness on water resources has been limited Water quality degradation has been happened due to domestic, industrial and agricultural activities	
<b>Problem caused by the issue</b>		
<b>Importance</b>		
<b>(Assumed) Causes/ Proposals &amp; Processes/ Evaluations</b>	<b>(Cause)</b>	
	<b>(Proposals &amp; Processes)</b> Most awareness activities have been in project areas and under project funding. People's participatory activities should be built up as a public movement.	<b>(Evaluations)</b>
<b>Remarks</b>	<b>(Blank)</b>	
<b>Comments</b>		

# ORGANIZATION CHART OF THE RED RIVER BASIN ORGANIZATION (RRBO)



**Thank you for your attention**