



Department of Water Resources, Ministry of Natural Resources & Environment,
Kingdom of Thailand
Network of Asian River Basin Organizations, Japan



THE 3rd THEMATIC WORKSHOP ON WATER ALLOCATION AND WATER RIGHTS

SESSION 2 OF VIETNAM Review of the former workshops (1)

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ISSUES OF VIETNAM

4 ISSUES:

ISSUE 1: **Legal framework**

ISSUE 2: **Organization**

ISSUE 3: **Financial**

ISSUE 4: **Technical**

Issues 1. Legal framework

1. Law on Water Resources (No. 08/1998/QH10) was endorsed by the National Assembly on May 20, 1998 and has taken effect since January 1st 1999.

2. Government Decree (Decree No. 179/1999/ND-CP) signed by the Prime Minister on December 30, 1999 on implementing the Law on Water Resources. This Decree has taken effect since January 15, 2000. plannings have been approved.

The bad impact or real trouble derived from the issue:

1. Under the administration of the government, there are two water resources management ministries. Ministry of natural resource and environment (MonRE) in charge of national water resources management; Ministry of Agriculture and Rural Development (MARD) manages water resources in river basins and irrigation systems; therefore the application of law on water resources in real life is difficult.

The bad impact or real trouble derived from the issue

Issues 1. Legal framework

2. Functions and tasks of the relevant ministries and provincial departments are overlapped and not clearly defined for they have similar responsibilities in water resources management which include: water resources allocation, water rights, environment and water quality monitoring, dispute management etc...

3. Each water user sector has its own organization for management and exploitation of water sources (agriculture, industry, aquaculture, domestic use, navigation etc...). therefore, there has not been any integrated management or organization among these sub-sectors which leads to fragmented management.

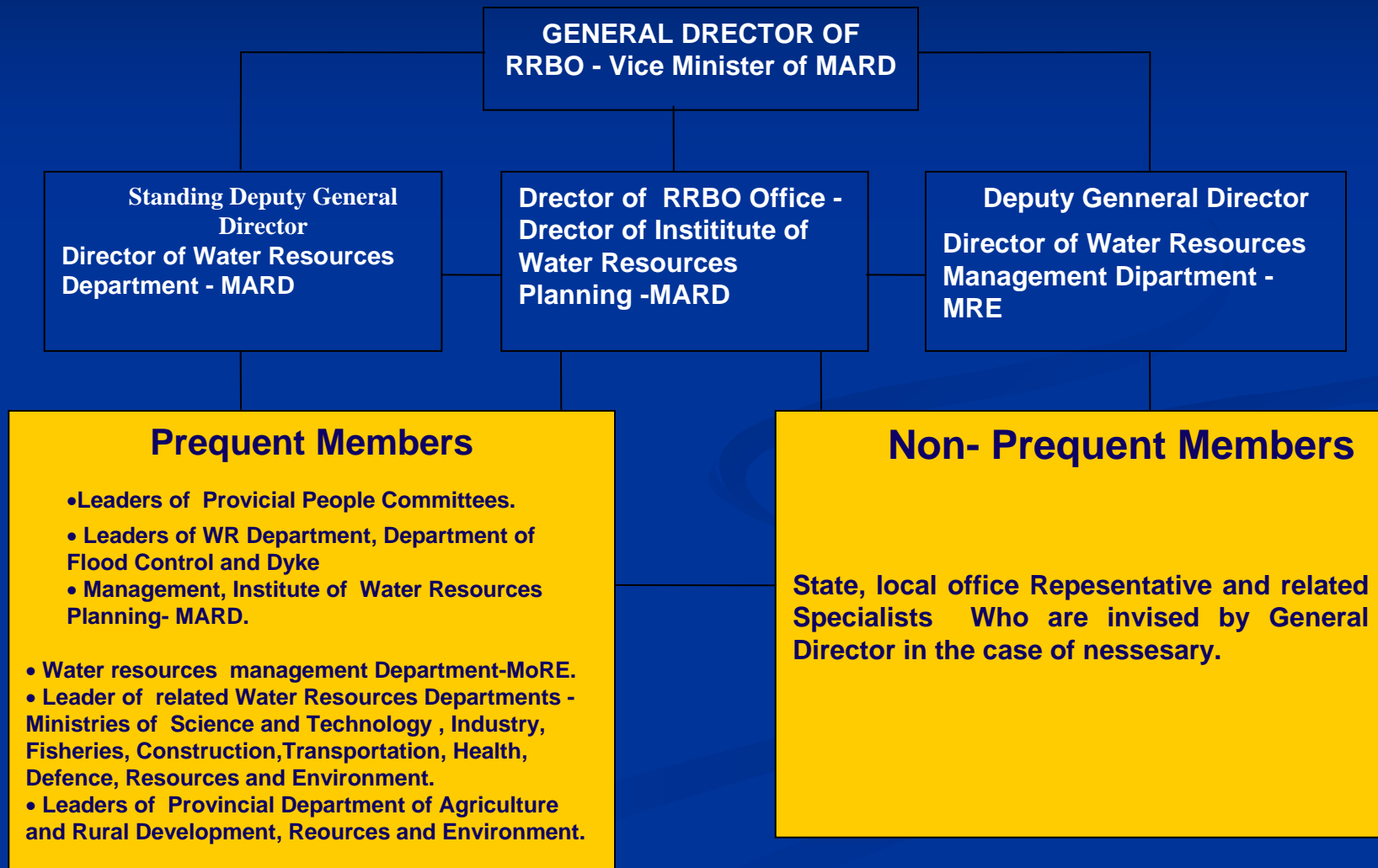
Cause of the issue

Issues 1. Legal framework

1. Law and mechanism for law implementation arrangement are not compatible from the central to provincial levels.
2. The functions and tasks are overlapped. The integrated water resources management functions do not fall in responsibility of any organization.

Issue 2: ORGANIZATION

ORGANIZATION CHART OF THE RED RIVER BASIN ORGANIZATION (RRBO)



Issue 2: Organization

The bad impact or real trouble derived from the issue

So far, 8 RBOs and sub-RBOs have been formed by MARD and respective provinces and are being operated.

- The tasks and functions have been fixed; the relevant organizations and members hold concurrently many positions. The RBO staff comes mainly from state administration agencies, rather than from water use households.

- RBO Office is present and important to MARD, yet not to other sectors. The Office and equipment are being prepared, capacity building carried out through training and management technology developed. The above mentioned reasons explain for the ineffective operation.

Issue 2:

Organization

- Water resources development planning and infrastructure management and exploitation planning are being formulated yet not approved.
- Therefore, there is not legal and technical basis for the RBO to carry out its consultant functions in integrated water resources management and river basin planning management. That is the reason why the operation of these RBOs meets a lot of difficulties.

The bad impact or real trouble derived from the issue

Issue 2: **Organization**

Cause of the issue

- These RBOs are newly formed and being completed.
- The financial source coming from MARD and provinces seem limited whereas their positions are being consolidated. As a result, operation of RBOs is insignificant.

Issue 3: **Financial**

The shortage of finance explains for the asynchronous investment in structures. The improvement and upgrading of old structures are not in time. The building of management and development plans is slow. As a result, the water resources management, water allocation and water rights are difficult to be implemented.

Issue 3: Financial

The bad impact or real trouble derived

- New structures can not put into operation whereas old ones can not fully operate due to their reduced capacity compared to design. Technical basis is not enough for water resources management, allocation and meeting water demands.
- Droughts during dry season and inundation during rainy season are frequent. Disputes on water supply and drainage of water use households become more prevailing.

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Issue 3: Financial

Cause of the issue

- Despite good investment, resulted output and effectiveness are not reasonable.
- Each sector develops in its own way without any sound coordination which leads to incompatible development and integrated use of water resources can not be met.

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Issue 4: **Technical**

Guidelines to integrated water resources management, water resources allocation, water rights are not available. Technical equipment, technology, science and staff capacity fail to meet requirements of the ministry, sector and RBOs. System of data and information is difficult to obtain, collected and synthesized.

The bad
impact or
real trouble
derived

Technical

- Lack of procedure, criteria and technology for management and allocation of water resources. Empirical process and actual maneuver are the only basis for sector management, rather than general management.
- Provision of outdated technical, equipment and technology; lack of information exchange and training to build capacity of staff explain for low qualifications.

Cause of the issue

Technical

Each water user has separate procedure, criteria and technology for its own. Yet the coordination of them causes contradictions (among hydropower, agriculture, aquaculture, navigation, environment etc...)

Thank you for your attention

Session 2. Comments from Secretariat

<Comments from Secretariat for Issue 1(Legal framework)>

1.You have taken the mandate overlap between MARD and MONRE as one of the problems in water resources management in Vietnam. Thus, I did a literature research on that issue after the 2nd workshop. I'd like to confirm whether my understanding is correct or wrong. Please read it and tell us whether **it's right or wrong**.

- In 1998 Law on Water Resources (No.8/1998/QH), MARD is appointed as the responsible ministry for water resources management (Art 58-2 stipulates that MARD is answerable to the Gov't for carrying out the State Management function on water resources).
- According to the Law, the decree (No.179/1999/ND-CP) stipulates MARD's mandate on water resources management including granting water permits.
- In 2001, 3 RBOs were established in Vietnam, this establishment was also controlled by MARD.

Session 2. Comments from Secretariat

<Comments from Secretariat for Issue 1(Legal framework)>

- However, sector reform was carried out in 2002. In the sector reform, MONRE was established to manage natural resources including water resources. The decree (No.91/2002/ND-CP) stipulates the assignment of MONRE on water resources management including granting water permits, data management, and accommodating NWRC. At that time, Vietnam Government had an intention to transfer the part of the mandate on water resources management (especially regulation function) from MARD to MONRE.
- As a result, there have been some gaps among the Law on Water Resources and the other decree. This is the mandate overlap between MARD and MONRE. Also, the mandate transfer from MARD to MONRE has not been carried out.

<Comments from Secretariat for Issue 2(Organization)>

1. According to the Decision by the Minister of MARD, RBOs are assigned to develop the river basin plan. However, I could not know the concrete contents of the basin plan. Please mention in the presentation, what kind of contents the plan will stipulate.

2. I found the document about 14 main river basins in Vietnam, “The Big River Basins in Vietnam”, which is issued by MARD. Is it recognized as the river basin plan in Vietnam? Also, are there any differences between “The Big River Basins in Vietnam” and the basin plans developed by RBOs?

<Comments from Secretariat for Issue 3 (Financial)>

1. You take up a financial issue here. On the contrary, you also take up drought and water-related dispute as a real trouble. However, I wonder that these troubles are mainly derived from financial lacking. (Of course it's only my view. In the meantime, I can understand the cause of inundation may be a lack of finance because measurements against inundation include reservoir construction and embankment, whose costs are very high.)

2. You took up "Socialization of investment in hydraulic infrastructure as well (as?) of the process of management and exploitation of hydraulic structures" **as one of the proposals.** However I could not understand it well. Please tell us concretely./.