

Final Outcome of the Thematic Workshop on Water Allocation and Water Rights

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Country name: VIETNAM

Name of organization: RRBO

Material (1) - Issue on Legal Framework

1	<p>Issue 1</p> <p>Describe the bad impact or real trouble derived from the issue</p>	<p>Legal framework</p> <ul style="list-style-type: none"> · 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. · 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 · 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 · 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.. · 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 · 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 · Up to now, 8 RBOs and sub-RBOs have been formed and respective provinces and are being operated in Vietnam, this establishment are also controlled by MARD · 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.
2	Cause of the issue	Law and mechanism for law implementation arrangement are not compatible from the central to provincial levels. The functions and tasks are overlapped. The integrated water resources management functions do not fall in responsibility of any organization.
3	<p>Proposal 1</p> <p>Proposal 2</p>	<ul style="list-style-type: none"> · Carry out planning and approve planning: Shoud Plan for water resources development in river basin and planning for management and exploitation of hydraulic infrastructure of river basin as technical and scientific basis for integrate · There should be guidelines on integrated water resources management, water rights and allocation for common application.
4	Remarks	<ul style="list-style-type: none"> · Adjust Law on Water Resources and Decree on law enforcement to adapt to Governmental and provincial organization for the time being and for the future · Build decree to determine specific functions to state agencies who have to be responsible for integrated management of water resources and sectoral water resources management agency and the linkage between them. · Continue to establish RBOs and clearly identify functions, duties and mechanisms for these consultant organizations. · Formulate and approve: planning for water resources development in river basin and planning for management and exploitation of hydraulic infrastructure of river basin as technical and scientific basis for integrated and sectoral water resources managements

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Material (1) - Issue on Organization

1	<p>Issue 2:</p> <p>Describe the bad impact or real trouble derived from the issue</p>	<p>Organization</p> <ul style="list-style-type: none"> • 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. • 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.
2	Cause of the issue	<ul style="list-style-type: none"> • These RBOs are newly formed and being completed. Their positions are being consolidated. As a result, operation of RBOs is insignificant
3	Proposal	Complete the organization, finance and human resource, especially the office of RBO and capacity building for RBO.
4	Remark	

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Material (1) - Issue on Finance

1	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.
	The bad impact or real trouble derived	<ul style="list-style-type: none"> • 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. • Disputes on water supply and drainage of water use households become more prevailing.
2	Cause of the issue	<ul style="list-style-type: none"> • 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.
3	Proposal (1) ----- Proposal (2) ----- Proposal (3)	<ul style="list-style-type: none"> • Water fee need to be improved. • Support financial for RBOs office. • To complete the policy and mechanism for investment, management, taxation and exploitation of water resources for river basins.
4	Remarks	

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Material (1) - Issue on Technical Affair

1	<u>Issue 4</u>	<p><u>Technical</u></p> <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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.
2	Cause of the issue	<ul style="list-style-type: none"> • 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...)
3	Proposal	<ul style="list-style-type: none"> • Improved investment in advanced technology, equipment, technical science in order to facilitate the calculation, design and implementation of water resources management and allocation process.
4	Remarks	

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Material (2) - Issue on Legal Framework

1	Issue 1:	Legal framework 1. Law on Water Resources (No.08/1998/QH10) was endorsed by the national assembly J8on may 20, 1998 and has taken effect since January 1 st 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.					
2	Proposal 1	<ul style="list-style-type: none"> Carry out planning and approve planning: Shoud Plan for water resources development in river basin and planning for management and exploitation of hydraulic infrastructure of river basin as technical and scientific basis for integrated and sectoral water resources managements (RBO). 					
	Proposal 2	<ul style="list-style-type: none"> There should be guidelines on integrated water resources management, water rights and allocation for common application. 					
3	Procedures/Processes for the Proposal	<ul style="list-style-type: none"> Clarification of the mandate among the water-related organizations. Promotion of RBO's activity. 					
4	Evaluation from the view point of effectiveness	<ul style="list-style-type: none"> Law and relevant decrees will be applied and executed in actual context. 					
	Evaluation from the view point of feasibility	<ul style="list-style-type: none"> The government has planned to realize these proposals for they are also the requirements for the state and water users. 					
	Evaluation from the view point of sustainability	<ul style="list-style-type: none"> Completion of law and Government/Provincial organization will facilitate the management of sustainable protection and development of water resources 					
5	Implementation agenda	Items in procedures/processes	2007	2008	2009	2010	2011
		1.					
		2.					
		3.					
		4.					
6	Difficulty in implementation of the proposal	<ul style="list-style-type: none"> Largely depending on plans of government and sectors. There are disputes on functions and tasks of integrated and sectoral management of water resources; consensus in management and utilization of water resources as stipulated in law and to be enforced is difficult to reach. 					
7	Other related organizations						

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Material (2) - Issue on Organization

1	Issue 2:	Organization					
		<ul style="list-style-type: none"> • So far, 8 RBOs and sub-RBOs have been formed by MARD and respective provinces and are being operated. 					
2	Proposal	Complete the organization, finance and human resource, especially the office of RBO and capacity building for RBO.					
3	Procedures/Processes for the Proposal	<ol style="list-style-type: none"> 1) Complete the organization and human resource, especially the office of RBO (in terms of office, equipment, technology and personnel). 2) Develop and issue regulations reflecting the position of RBO in MARD and to relevant water sectors. 3) Develop and plan water resources development, management and exploitation of hydraulic structure system and approval of these plans. 4) Capacity building and study tours to exchange experience and information for RBO's human resources. 					
4	Evaluation from the view point of effectiveness	<ul style="list-style-type: none"> • Complete RBOs in terms of functions, tasks, organization mechanism, technical equipment capacity and position in MARD and in the eyes of various water use sectors The RBOs will be efficient consultant organization for integrated water resources management, say, water resources planning, allocation, monitoring and dispute management. 					
	Evaluation from the view point of feasibility	<ul style="list-style-type: none"> • Proposals should be highly feasible once being paid attention by MARD and provinces. The high feasibility of these proposals is also required for integrated water resources management in developed countries. 					
	Evaluation from the view point of sustainability	<ul style="list-style-type: none"> • Once RBOs are perfected, they can operate and be able to provide consultant services to state and provincial administration agencies, not only on water resources but also on sustainable economic development 					
5	Implementation agenda	Items in procedures/processes	2007	2008	2009	2010	2011
		1.					
		2.					
		3.					
		4.					
6	Difficult in implementation of the proposals	<ul style="list-style-type: none"> • RBO is a newly formed agency. The attention of government, sectors and provinces to this agency is not reasonable. There have not been water related disputes or mechanism for sector coordination. 					
7	Other related organizations						

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Material (2) - Issue on Finance

1	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.					
2	Proposal (1)	• Water fee need to be improved.					
	Proposal (2)	• Support financial for RBOs office.					
	Proposal (3)	• To complete the policy and mechanism for investment, management, taxation and exploitation of water resources for river basins.					
3	Procedures/Processes for the Proposal	Strengthening of financial basis for water resources management, such as: 1) The Government and provinces should finance the new construction of infrastructure in a synchronous way and support regular maintenance and upgrading of existing structures. 2) To seek for financing from international organizations, governmental organizations, bilateral donors to invest in water resources development and management. 3) Socialization of investment in hydraulic infrastructure, management and exploitation of hydraulic structures (<i>State, people and farmers co-operate</i>). 4) To complete the policy and mechanism for investment, management, taxation and exploitation of water resources.					
4	Evaluation from the view point of effectiveness	- Adequate investment will help increase the operational effectiveness of hydraulic infrastructure and meet the goal of introduction of integrate water resources management, water allocation and water rights into real life.					
	Evaluation from the view point of feasibility	- Financing should be mobilized from many sources. There should be proper and feasible mechanism for rights and obligations.					
	Evaluation from the view point of sustainability	- Once financial requirements are met, the process of planning, investment, management, exploitation of water resources can be realized.					
5	Implementation agenda	Items in procedures/processes	2007	2008	2009	2010	2011
		1.					
		2.					
		3.					
		4.					
6	Difficulty in implementation of the proposals	Vietnam is a poor and developing country. The allocation of capital in water resources sector can not be improved. We have to pay interest for ODA. The mechanism for investment distribution and financial arrangement is only at the early phase, so the financing is such a difficult problem.					
7	Other related organizations						

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Material (2) - Issue on Technical Affair

1	Issue 4	Technical					
		<ul style="list-style-type: none"> 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. 					
2	Proposal	<ul style="list-style-type: none"> Improved investment in advanced technology, equipment, technical science in order to water resources management and water allocation. 					
3	Procedures/Processes for the Proposal	<ol style="list-style-type: none"> There should be guidelines on integrated water resources management, water rights and allocation for common application. Preparation of documents, general criteria and sectoral criteria for application. Training to improve capacity of personnel in terms of technology and experience in water resources management is necessary. Improved investment in advanced technology, equipment, technical science in order to facilitate the calculation, design and implementation of water resources management and allocation process. 					
4	Evaluation from the view point of effectiveness	<ul style="list-style-type: none"> The immediate efficiency is to assign state agencies and RBOs who are capable of technical and science with consultant and state administration tasks and functions. 					
	Evaluation from the view point of feasibility	<ul style="list-style-type: none"> Investment in this issue is not large. At the same time, the availability of data and advanced technology and equipment, support of NARBO and other international organizations will help realize this financing. 					
	Evaluation from the view point of sustainability	<ul style="list-style-type: none"> Investment in capacity building and technology, science, technology equipment can be seen as sustainable. 					
5	Implementation agenda	Items in procedures/processes	2007	2008	2009	2010	2011
		1.					
		2.					
		3.					
		4.					
6	Difficulty in implementation of the proposals	Different sector and organization should present clearly defined strategy and specific plan for implementation steps of the above mentioned proposals.					
7	Other related organizations						