



**Network of Asian River Basin Organizations, Japan
Japan Water Agency (JWA) - Asian Development Bank (ADB)**



**THE 4th THEMATIC WORKSHOP ON WATER ALLOCATION
AND WATER RIGHTS**

**SESSION 2
FINAL ACTION PROGRAM**



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**RRBO, Institute of Water Resources Planning - MARD
162A - Tran Quang Khai Str. Hanoi - Vietnam**

SESSION 2

FINAL ACTION PROGRAM OF VIETNAM



I. Background

II. Final action program

1. Legal framework

2. Organization

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4. Technical

III. Conclusion

FINAL ACTION PROGRAM OF VIETNAM

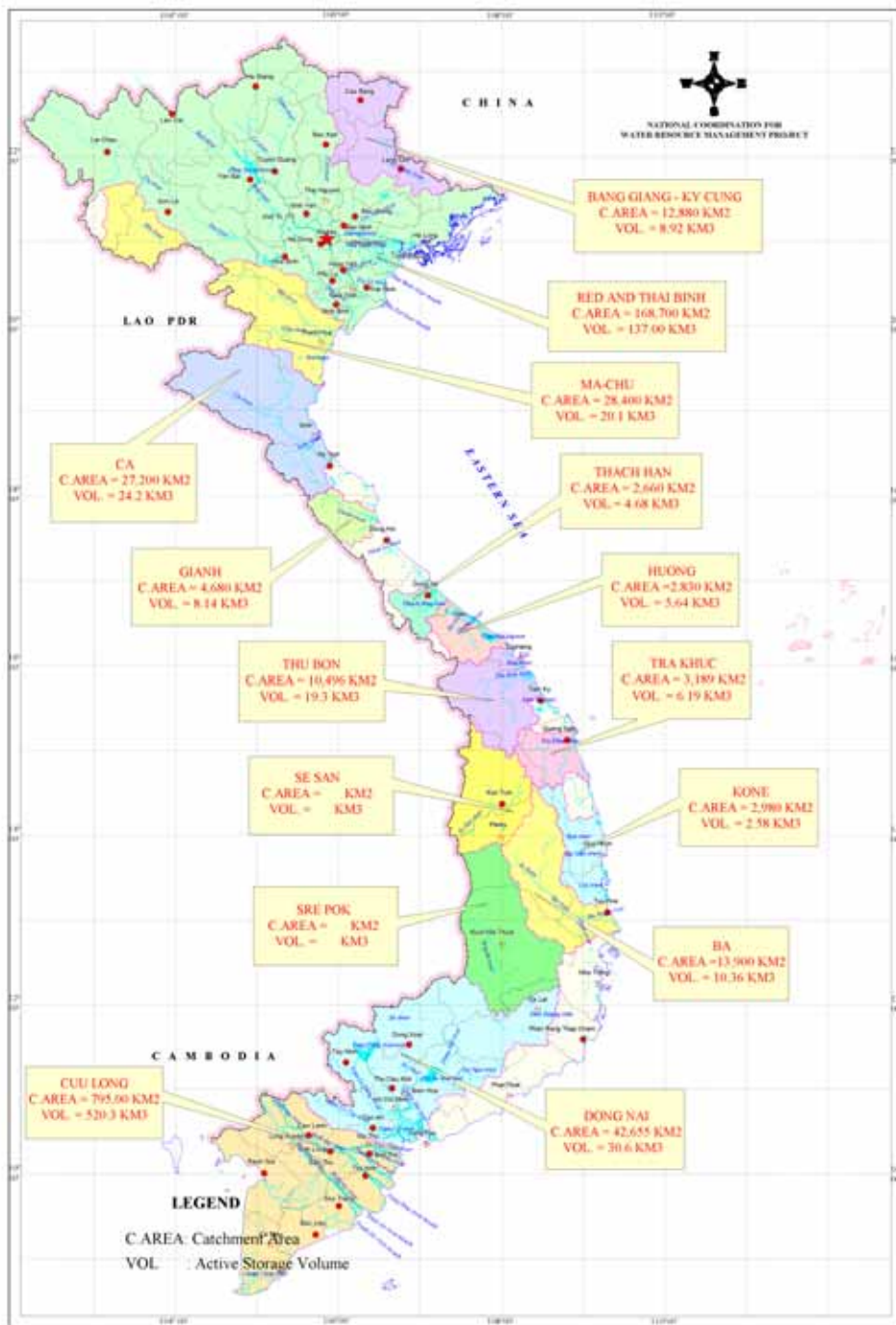
I. Background

1. The RBOs of Vietnam

- 15 river basins in Viet Nam
- 8 RBOs and sub-RBOs have been formed by MARD and respective provinces and are being operated.

2. The situation and proposal

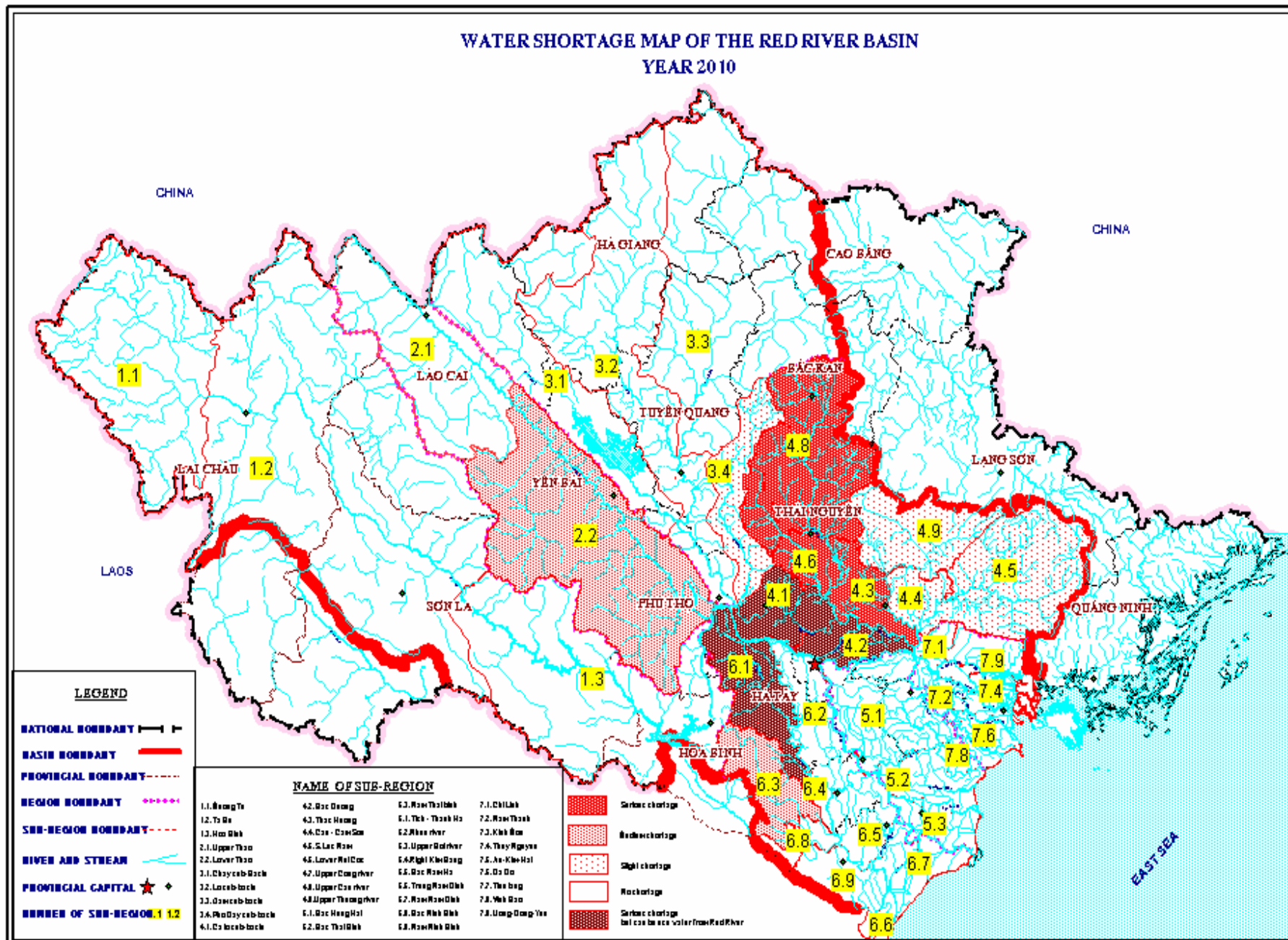
- Legal framework
- Organization
- Financial
- Technical



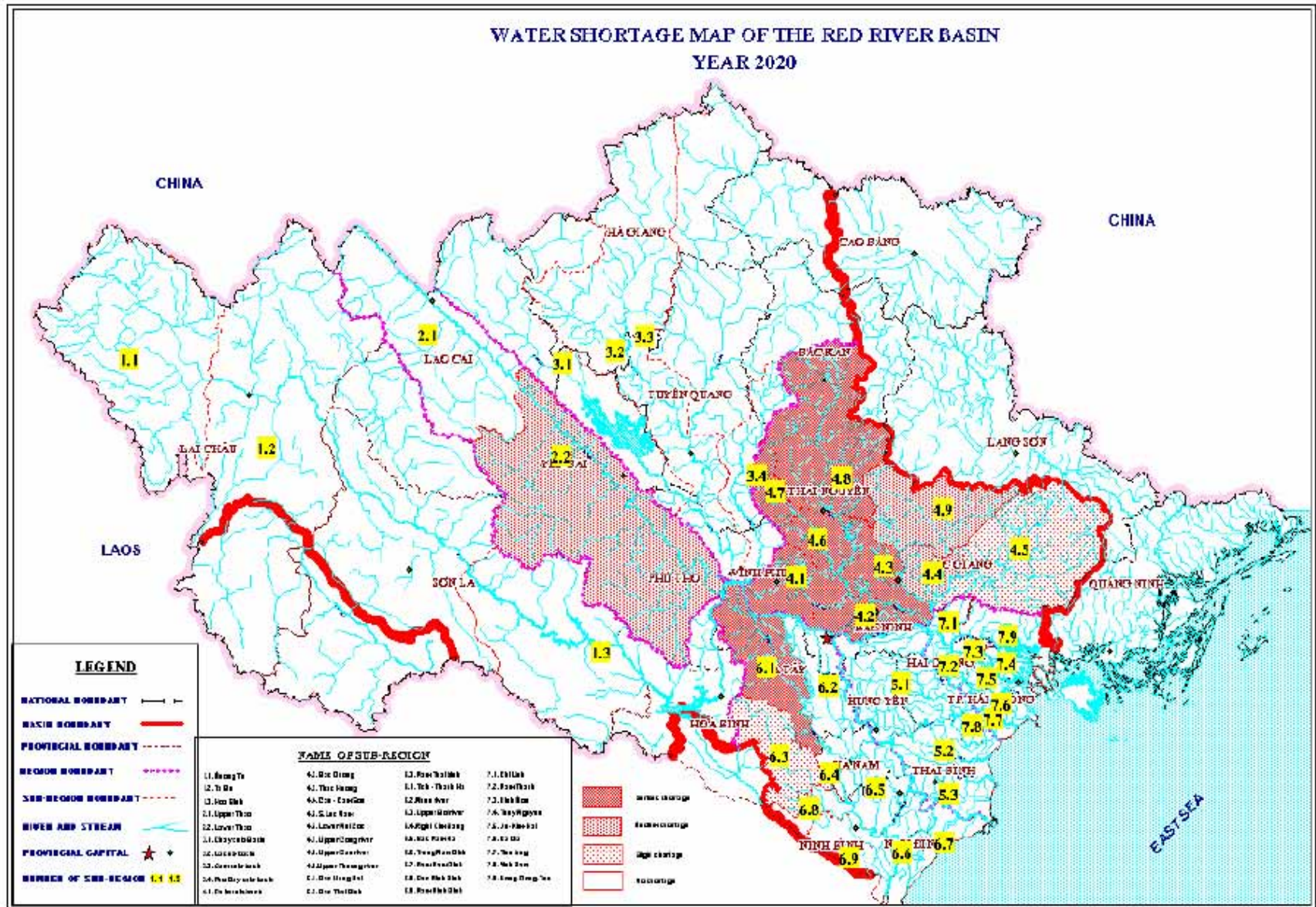
Red River Basin Map



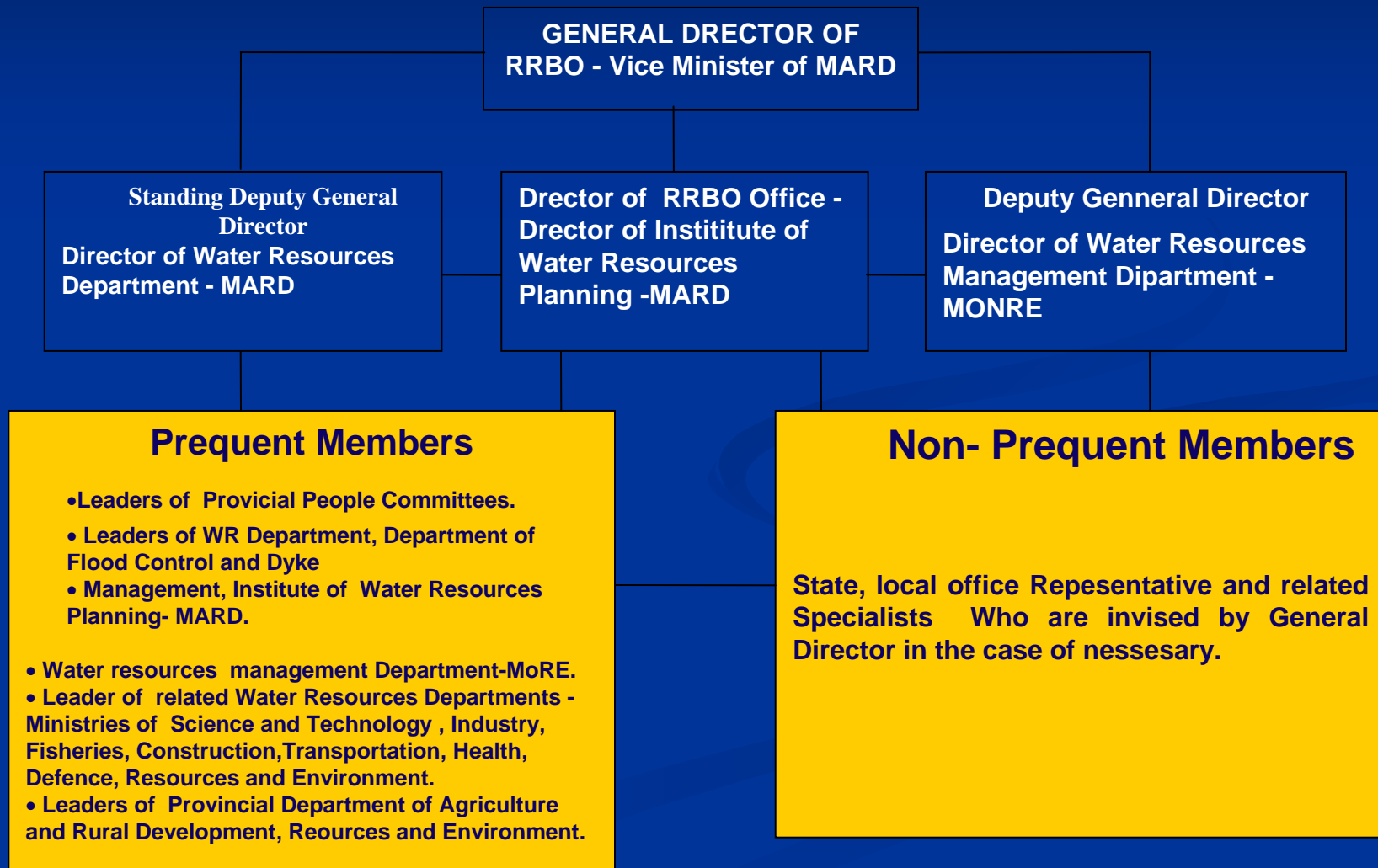
Water shortage map of red river basin - 2010



Water shortage map of red river basin - 2020



ORGANIZATION CHART OF THE RED RIVER BASIN ORGANIZATION (RRBO)



II. Final action program

Issues 1. Legal framework

Law on Water Resources was endorsed but implementing the Law on water resources is difficult now and conflict in the Planning and Management of water resources among different Ministries and related Agencies.

The bad impact or real trouble derived from the issue:

1. Under the administration of the Government, there are 2 water resources management Ministries.

- MONRE in charge of national water resources management.
- MARD manages water resources in river basins and irrigation systems.
- Therefore the application of Law on water resources in real life is difficult.

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...

Issues 1. Legal framework

The bad impact or real trouble derived from the issue (cont)

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.

4. In 1998 Law on Water Resources, 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.).

Issues 1. Legal framework

The bad impact or real trouble derived from the issue (cont):

5. According to the Law, the decree (No.179/1999/ND-CP) stipulates MARD's mandate on water resources management including granting water permits.

6. 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, Government had an intention to transfer the part of the mandate on water resources management (especially regulation function) from MARD to MONRE.

7. 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.

Issues 1. Legal framework

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.

Issues 1. Legal framework

Remarks

1. 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.
2. 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.

SESSION 2 OF VIETNAM

Issues 1. Legal framework

1	Issue 1:	<p><u>Legal framework</u></p> <p>Law on Water Resources was endorsed but implementing the law on water resources is difficult now and conflict in the Planning and Management of water resources among different Ministries and related Agencies.</p>
2	Proposal	<p><u>Improving of Law on Water Resources</u></p>
3	How to realize the above proposal? (Procedures/Processes for your proposal)	<ol style="list-style-type: none">1. 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.2. Build decree to determine specific functions to state agencies that have to be responsible for integrated management of water resources and sectoral water resources management agency and the linkage between them.3. There should be guidelines on integrated water resources management, water rights and allocation for common application.

Issues 1. Legal framework

4	Evaluation from the view point of effectiveness	1. Law and relevant decrees will be applied and executed in actual context.
	Evaluation from the view point of feasibility	2. 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	3. Completion of law and Government/Provincial organization will facilitate the management of sustainable protection and development of water resources.

Issues 1. Legal framework

5	Implementation agenda	Items in procedures/processes	2007	2008	2009	2010
		1. 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.				
		2. Build decree to determine specific functions to state agencies that have to be responsible for integrated management of water resources and sectoral water resources management agency and the linkage between them.				
		3. There should be guidelines on integrated water resources management, water rights and allocation for common application.				

Issues 1. Legal framework

6	Difficulty in implementation of the proposal	<ol style="list-style-type: none">1. Largely depending on plans of Government and sectors.2. 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	Coordination with provincial Departments of Agriculture and Rural Development and Irrigation Management Companies.

Issues 2. Organization

1	Issue 2:	<u>Organization</u>
		So far, 8 RBOs and sub-RBOs have been formed by MARD and respective provinces and are being operated.
	Describe the bad impact or real trouble derived from the issue	1. 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.
		2. 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 IWRM and river basin planning management. So the operation of these RBOs meets a lot of difficulties.
2	Cause of the issue	These RBOs are newly formed and being completed. Their positions are being consolidated. As a result, operation of RBOs is insignificant.
3	Proposal	Formulate and approve planning as technical documents for IWRM, water allocation and water rights.

Issues 2. Organization

1	<u>Issue 2:</u>	<p><u>Organization</u></p> <p>So far, 8 RBOs and sub-RBOs have been formed by MARD and respective provinces and are being operated.</p>
2	Proposal	Formulate and approve planning as technical documents for IWRM, water allocation and water rights.
3	How to realize the above proposal? (Procedures/Processes for your proposal)	<p>a. Formulate and approve Integrated water resources development planning for river basin and hydraulic systems.</p> <p>b. Formulate and approve integrated water resources management planning for river basin and hydraulic systems.</p> <p>c. Call for comments from relevant sectors, provinces and water users on the above mentioned planning.</p> <p>d. Finalize calculation tools for water demands, water balance, hydraulic and operation of water supply schemes, drainage serving management, monitoring and consultancy.</p> <p>e. Develop a database of river basins and hydraulic systems.</p>
4	Evaluation from the view point of effectiveness	Being basic documents for Integrated water resources management by RBOs.
	Evaluation from the view point of feasibility	Above mentioned implementation measures can be prepared by RBOs, sub-RBOs, Institutes and Universities and approved by the Ministry.
	Evaluation from the view point of sustainability	Being basis for RBOs to provide advice to state management agencies in realizing management measures for the sake of sustainable water resources development.

Issues 2. Organization

5	Implementation agenda	Items in procedures/processes	07	08	09	10
		a. Formulate and approve Integrated water resources development planning for river basin and hydraulic systems.				
		b. Formulate and approve integrated water resources management planning for river basin and hydraulic systems.				
		c. Call for comments from relevant sectors, provinces and water users on the above mentioned planning.				
		d. Finalize calculation tools for water demands, water balance, hydraulic and operation of water supply schemes, drainage serving management, monitoring and consultancy.				
		e. Develop a database of river basins and hydraulic systems.				
6	Difficulty in implementation of the proposal	<p>a. Organization of RBOs is not well structured.</p> <p>b. Funds for implementation are very limited.</p>				
7	Other related organizations	Coordination with provincial Departments of Agriculture and Rural Development and Irrigation Management Companies.				

Issues 3. Financial

1	Issue 3:	<u>Financial</u>
		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	- 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	To complete the policy and mechanism for investment, management, taxation and exploitation of water resources, including water fee and support financial for RBOs office.

Issues 4. Financial

1	<u>Issue 3:</u>	<p><u>Financial</u></p> <p>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.</p>
2	Proposal	<p>To complete the policy and mechanism for investment, management, taxation and exploitation of water resources, including water fee and support financial for RBOs office.</p>
3	<p>How to realize the above proposal? (Procedures/Processes for your proposal)</p>	<p>Strengthening of financial basis for water resources management, such as:</p> <ol style="list-style-type: none"> 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 cooperate</i>). 4. To complete the policy and mechanism for investment, management, taxation and exploitation of water resources, including water fee policy.

Issues 4. Financial

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
		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.				

Issues 4. Technical

1	<p><u>Issue 4</u></p>	<p><u>Technical</u></p> <ul style="list-style-type: none"> 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.
	<p>The bad impact or real trouble derived</p>	<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	<p>Cause of the issue</p>	<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	<p>Proposal</p>	<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

Issues 4. Technical

1	<u>Issue 4</u>	<u>Technical</u> 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	Improved investment in advanced technology, equipment, technical science in order to water resources management and water allocation.
3	How to realize the above proposal? (Procedures/Processes for your proposal)	1.Preparation of documents, general criteria and sectoral criteria for application. 2. Training to improve capacity of personnel in terms of technology and experience in water resources management is necessary. 3. 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.	x	x	x	x	
		3.					
6	Difficulty in implementation of the proposals	<p>Different sector and organization should present clearly defined strategy and specific plan for implementation steps of the above mentioned proposals.</p>					

III. Conclusion

- * 4 Issues

- * 4 Proposals

1. **Legal framework:** Improving of Law on Water Resources

2. **Organization:** Formulate and approve planning as technical documents for IWRM, water allocation and water rights.

3. **Financial:** To complete the policy and mechanism for investment, management, taxation and exploitation of water resources, including water fee and support financial for RBOs office.

4. **Technical:** Improved investment in advanced technology, equipment, technical science in order to water resources management and water allocation.

Thank you for your attention