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RESEARCH REPORT

**“CONTRIBUTION TO THE DEVELOPMENT OF THE AMENDED LAW
ON WATER RESOURCES FROM THE IMPLEMENTATION PRACTICE
OF THE 2012 LAW ON WATER RESOURCES IN DA NANG CITY”**

DA NANG, APRIL 2023



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LIST OF ABBREVIATIONS

DARD	: Department of Agriculture and Rural Development
DONRE	: Department of Natural Resources and Environment
EP	: Environmental protection
IMP	: Integrated Management Implementation
LEP	: Law on Environmental Protection
LWR	: Law on Water Resources
MARD	: Ministry of Agriculture and Rural Development
MONRE	: Ministry of Natural Resources and Environment
VGTRB	: Vu Gia - Thu Bon River Basin
PC	: People's Committee
QNDNCA	: Quang Nam - Da Nang coastal areas
WR	: Water resources

FOREWORDS

Currently, 95% of Da Nang's water supply is exploited downstream of the Vu Gia River, making the allocation, exploitation, and use of water unbalanced among river basins and dependent entirely on the amount of water coming upstream of the Vu Gia River. In addition, the exploitation and use of water upstream of the Vu Gia River, saline intrusion in the estuary area, and no solution to cope with water pollution in the basin also seriously affect the ability to exploit and supply water for Da Nang City, causing the depletion of water resources in the dry season. On the other hand, the backup water resources of Da Nang City is not well defined. Consequently, when there is an extreme weather pattern or an incident of water pollution, the city's water supply will be unsafe, causing disruption of water supply activities on a large scale. Therefore, in order to ensure water security, Da Nang has researched and promulgated numerous significant programs and solutions to develop and protect water sources, especially water sources with the function of supplying domestic water. Most recently, the People's Committee of Da Nang City also issued Plan No. 23/KH-UBND dated February 6, 2023, to implement the Action Plan No. 20-CTr/TU dated November 7, 2022, of the City Standing Board to implement Conclusion No. 36-KL/TW dated June 23, 2022, of the Politburo on The assurance of water source security and safety of dams and reservoirs to 2030, with a vision to 2045, in the area of Da Nang City.

In the strategy to ensure water security for Da Nang City, strengthening cooperation with Quang Nam Province in the integrated management of water resources in the Vu Gia - Thu Bon River Basin and strict protection of rivers and streams, which are sources of domestic water supply (including inter-provincial and intra-provincial water sources), are received special attention.

Practices have proven that, for generations, the power of the people's hearts is a source of boundless strength. Therefore, in water resource protection, mobilizing the participation of "residential communities" is a prerequisite. In the

context that Da Nang, in particular, and localities, in general, are still limited in terms of human resources and resources to invest in automatic and continuous monitoring and warning systems on water resources (water quality, discharge volume to maintain minimum flow, river discharge, saline intrusion...), the formation of models of residential community participation in water resource protection is the most necessary, appropriate, and effective direction.

In selecting research issues to contribute to the development of the Amended Law on Water Resources, we are interested in the responsibilities and roles of residential communities in water resource protection and river basin organization in relation to the issue of information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection. Because in the story of water resource protection for Da Nang City, it is impossible to separate the administrative boundaries, the role of water resources in the Vu Gia - Thu Bon River Basin (an inter-provincial river) and intra-provincial rivers and streams in Da Nang City account for nearly the same proportion (60%-40%) according to the strategy to ensure water security planned to 2050. At the same time, residential communities and river basin organizations, which are organizations that protect water resources associated with intra-provincial and inter-provincial river basins, have the role of supporting and complementing each other, forming firmly, interlacing, and supporting each other between experience and regulations, between theory and practice to ensure the best protection of water resources, in the direction of approaching from the source to the sea, both by administrative boundaries and by river basins. In particular, promoting publicity and transparency of water resource information widely and extensively to the residential communities and relevant organizations and individuals will attract attention, criticism, and collective actions in the water resource protection of the whole society and promote the progress of state agencies in the management of water resources.

INTRODUCTION

I. SIGNIFICANCE OF RESEARCH

The Report “Contribution to the Development of the Amended Law on Water Resources from the implementation practice of the 2012 Law on Water Resources in Da Nang City” (hereinafter referred to as the Report) is developed for the purpose of analyzing, evaluating, and summarizing local experiences after more than 10-year implementation of the 2012 Law on Water Resources.

On that basis, the Report will propose and recommend a number of new contents or ideas to amend contents that have many problems and inadequacies during the implementation of the 2012 Law on Water Resources, with the aim of making a positive and effective contribution to the process of formulating and perfecting the LWR to amend and overcome shortcomings and inadequacies in the past time.

Within the research scope of the Topic, the content of the Report will focus on 03 groups of policies, including:

- Responsibilities and roles of residential communities in the use and protection of water resources;
- Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection;
- River basin organization and river basin integrated management in the draft Amended Law on Water Resources to suit the development orientations and conditions of Vietnam as well as in the implementation of this Law.

The layout of the Report is built into 2 main parts:

Part 1. Analysis and evaluation of policies currently in effect, compared with the group of policies in the draft Amended Law on Water Resources on:

- Responsibilities and roles of residential communities in water resource protection;

- Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection;

- River basin organization and river basin integrated management.

Part 2. Proposals and recommendations on contents of articles and clauses in the draft Amended Law on Water Resources and documents under the Law (if necessary) for research policy groups.

The Report was made with the support of the Center for Environment and Community Research (CECR) within the framework of the Project “Collective Actions for Water Conservation”, implemented from December 2022 to March 2023.

II. RESEARCH OBJECTIVES AND CONTENTS

1. Objectives

To contribute to the perfection of the draft Amended Law on Water Resources, creating a legal corridor for river basin organizations to operate effectively, enhancing information transparency, and upholding the roles and responsibilities of residential communities in the use and protection of water resources.

2. Specific objectives

- To overall assess the implementation of the 2012 Law on Water Resources, identifying limitations and shortcomings that need to be overcome;

- To research, consult, synthesize, and make recommendations to amend 03 groups of policies, including:

+ Responsibilities and roles of residential communities in the use and protection of water resources;

+ Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection;

+ River basin organization and river basin integrated management in the draft Amended Law on Water Resources to suit the development orientations and conditions of Vietnam as well as in the implementation of this Law.

III. RESEARCH SUBJECTS AND SCOPE

1. Subjects

The Topic focuses on studying the legal provisions on the responsibilities and roles of the residential communities and transparency of information in water resource protection; river basin organization and river basin integrated management; and local law practice.

2. Scope of research

- *In terms of contents:* The provisions of the current law and the draft Amended Law on Water Resources on 03 groups of issues: responsibilities and roles of residential communities and transparency of information in water resource protection; river basin organization and river basin integrated management.

- *In terms of timeframe:*

+ Legal documents in the field of water resources in effect.

+ Data on 03 groups of research issues in the last 5 years.

- *In terms of geographical location:* Concentrated mainly in Da Nang City and the river basins of Quang Nam Province.

IV. RESEARCH METHODS

The Topic is researched and built based on applying a combination of the following research methods:

- Methods of inheritance;

- Methods of field investigation and survey;

- Methods of statistical processing, analysis, evaluation, and synthesis of information and data;

- Methods of analysis;

- Methods of evaluation;

- Methods of expertise;

- Methods of synthesis.

V. REPORT CONTENTS

- Forewords
- Introduction
- Chapter 1. Theoretical and practical basis of research issue groups
- Chapter 2. Research results
- Chapter 3. Proposals and recommendations
- Research results can provide policy-makers, managers, non-governmental organizations, and enterprises... information and solutions to manage and use water more sustainably, especially to mobilize residential communities in water resource protection.

CHAPTER I

THEORETICAL AND PRACTICAL BASIS

OF RESEARCH ISSUE GROUPS

I. THEORETICAL BASIS

1. Responsibilities and roles of residential communities in water resource protection

1.1. The concept of “residential communities” and “water resource protection”

According to the Vietnamese Dictionary, “*protect*” is a verb that means “to resist any destruction or encroachment to keep it intact”. At the same time, according to Clause 1, Article 2 of the 2012 Law on Water Resources, the phrase “*water resources*” is explained as follows: “Water resources include underground water, surface water, rainwater, and seawater in the territory of the Socialist Republic of Vietnam”. Thus, “*water resource protection*” means activities aimed at combating all destruction and encroachment in order to keep surface water, underground water, rainwater, and seawater in the territory of the Socialist Republic of Vietnam always intact.

Regarding the concept of “*residential communities*”, in Clause 24, Article 2 of the 2017 Law on Forestry (effective from January 1, 2019), it is stated that “*Residential communities*” include the Vietnamese communities living in the same hamlet, village, hamlet, street quarter, or similar residential unit sharing common customs and practices. To affirm the position and roles of residential communities in environmental protection, as well as to fulfill one of the cross-cutting goals of protecting people's health, ensure that ensure people live in a healthy environment, increase information publicity and consultation, promote the role of monitoring and criticism, and at the same time ensure the rights and interests of residential communities when participating in environmental protection activities, for the first time, the 2020 Law on

Environmental Protection has added “residential communities” to the scope of regulation and subjects of application of this Law. In Clause 28, Article 3 of the 2020 Law on Environmental Protection, the concept of “*residential communities*” is defined as communities of “people living in the same village, hamlet, population group, ward, or similar settlement within the territory of the Socialist Republic of Vietnam”.

Most recently, Article 2 of Decree No. 02/2023//ND-CP dated February 1, 2023, of the Government stipulated “*Representatives of residential communities* and relevant organizations and individuals in the exploitation and use of water resources as prescribed in Article 6 of the Law on Water Resources, including representatives of commune-level People's Committees, commune-level Vietnam Fatherland Front Committees, district-level People's Committees, representative of the units managing and operating the exploitation and use of water affected by the exploitation and use of water by projects and other relevant organizations and individuals”.

Because the 2012 Law on Water Resources does not explain the wording for the concept of “*residential communities*”, in this Report, “*residential communities*” are understood as the interpretation of the wording stated in the 2020 Law on Environmental Protection.

1.2. Responsibilities and roles of residential communities in water resource protection according to the 2012 Law on Water Resources and relevant current regulations

The roles and responsibilities of residential communities in water resource protection are mentioned in Chapter III of the 2012 Law on Water Resources. Accordingly, they have the following main content:

+ Regularly protect the water sources exploited and used by them and, at the same time, have the right to supervise the acts and phenomena of pollution, degradation, or depletion of water sources of other organizations and individuals.

+ Detect acts or phenomena that harm or threaten water safety and have the responsibility to prevent and immediately report to the nearest local authority for timely treatment.

+ Protect domestic water sources by not discharging wastewater and putting wastes into the hygiene protection zones of the domestic water supply areas. At the same time, when detecting acts of destruction or pollution of domestic water sources, they are responsible for preventing and promptly reporting them to competent state agencies for treatment.

- Based on the provisions of the 2012 Law on Water Resources, the guiding documents under the Law on the protection of water resources focus on the main contents:

+ To concretize regulations on the establishment and management of water source protection corridors in Article 31 of the 2012 Law on Water Resources, the Government issued Decree No. 43/2015/ND-CP dated May 6, 2015, on The establishment and management of water source protection corridors. According to Article 6 of this Decree, residential communities have the responsibility to prevent acts that threaten or degrade the function of the water source protection corridors; cause landslides of riverbanks, streams, canals, ditches, or reservoirs; or seriously affect or threaten the stability and safety of rivers, streams, canals, ditches, and reservoirs; Illegally encroach on and use land within the water source protection corridors; and use land for purposes other than those approved by competent authorities.

+ In order to protect underground water, according to the provisions of Decree No. 167/2018/ND-CP, organizations and individuals exploiting underground water are responsible for taking measures to limit the exploitation of underground water according to the plan approved by the competent authority.

+ In order to ensure the flow of water, based on the provisions of Articles 30 and 63 of the 2012 Law on Water Resources, the assurance of flow circulation and the protection of river beds and banks have been concretized in

Decree No. 23/2020/ND-CP of the Government dated February 24, 2020, on The management of sand and gravel in river beds, and the protection of river beds and banks. Accordingly, organizations and individuals do not illegally exploit, gather, trade, or transport sand and gravel. At the same time, they are responsible for denouncing, if detecting, organizations and individuals that illegally exploit minerals, sand, and gravel.

+ Regarding the hygiene protection zones of the domestic water supply areas as prescribed in Articles 3, 32, 71 of the 2012 Law on Water Resources and Circular No. 24/2016/TT-BTNMT dated September 9, 2016, of the Minister of Natural Resources and Environment, organizations, individuals and households living, conducting production, business and service activities within the hygiene protection zones of the domestic water supply areas must comply with regulations on the water source protection corridors, protect underground water sources, and comply with other requirements on water resource protection in accordance with the law on water resources.

- According to the provisions of the 2020 Law on Environmental Protection, water environment protection is applied to 3 types: surface water, seawater, and land water. It also mentioned the mobilization of community participation in water resource protection. Accordingly, the communities have roles and responsibilities in implementing measures and solutions to protect hygiene protection zones of the domestic water supply areas and surface water and aquatic sources protection corridors according to regulations of the law on water resources. Regarding the protection of groundwater and seawater, the contents of community participation mobilization have not been mentioned.

2. Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection

2.1. Information transparency and publicity in accordance with the 2012 Law on Water Resources and relevant current regulations

2.1.1. The concept of “information”, “access to information”

Information is facts and data contained in available documents, and records, existing in the form of written, printed, electronic copies, pictures, photos, drawings, tapes, discs, video recordings, audio recordings, or other forms created by state agencies¹. In particular, information created by a state agency is facts and data created in the course of a state agency's performance of its functions, tasks, and powers as prescribed by law and signed, stamped, or certified in writing by a competent person of that state agency².

Access to information is reading, viewing, listening, taking notes, copying, and capturing information. Provision of information includes the public agency's publicity of information and provision at the request of citizens³. Access to information is a citizen's right that is enshrined in the 2013 Constitution⁴.

Therefore, in order to protect and ensure the right of access to information, information needs to be made public as soon as possible in an appropriate form in terms of language, images, and documents, in accordance with the provisions of the law, to meet the receiving, exploiting and using needs of organizations and citizens. Publicity is a historical concept whose birth and development are the premise and prerequisite for democracy in the activities of human society. According to the Vietnamese Great Dictionary, publicity is "not concealed, secret but let everyone know"⁵. With such meaning and nature, "publicity of information" is always used as an effective measure to prevent and combat negative behaviors in environmental protection and water resource protection activities.

The purpose of information publicity is to ensure people's right to information about the environment and water resources. This is the basis for residential communities to protect their legitimate rights and interests as well as exercise their rights to consultation, monitoring, complaints, and denunciations

¹ Clause 1, Article 2 of the 2016 Law on Access to Information

² Clause 2, Article 2 of the 2016 Law on Access to Information

³ Clauses 3 and 4, Article 2 of the 2016 Law on Access to Information

⁴ Article 25 of the 2013 Constitution

⁵ Nguyen Nhu Y (editor), Ho Chi Minh City National University Publishing House, 2007, p. 346.

related to the water environment and water resources. The full publicity and transparency of information will make it easy for people and enterprises to access, and at the same time, focus on renovating the form of implementation in accordance with the law and suitable to the local situation. In addition, information publicity on water environment and water resources will help competent state agencies, as well as relevant organizations and individuals, receive official reports on water environment information under management or affecting communities' lives, thereby effectively ensuring the protection of the water environment as well as protecting the interests of residential communities.

2.1.2. Current regulations on information transparency and publicity in water resource protection

a) Regulations of the 2012 Law on Water Resources and its guiding documents

Point b, Clause 1, Article 6 of the 2012 Law on Water Resources stipulates the responsibilities of organizations and individuals that invest in projects, which include the construction of works on the exploitation and use of water resources or have operations of discharge of sewage into water sources affecting seriously *to production and living of people* in localities are coordinating with local authorities to conduct *information publicity on the project's contents relating to the exploitation and use of water resources, discharge of sewage into water sources and influences possible causing before implementation.*

The contents and forms of information publicity are specified in Article 3 of Decree No. 201/2013/ND-CP. Accordingly:

Regarding the contents of information publicity: Information publicity is carried out as follows:

First, the project owner (Lake and dam works with a total capacity of 500 million m³ or more; works on exploitation and use of surface water with a flow of 10m³/s or more; Works for transferring water between water sources; Works

of lakes and dams that disrupt the natural flow of rivers and streams over a section with a length of one (01) km or more) must disclose the following information: (i) Purposes of water exploitation and use; (ii) Water sources for exploitation and use; (iii) Location of work for water exploitation and use; (iv) Methods of water exploitation and use; (v) Amount of water for exploitation and use; (vi) Duration of water exploitation and use; (vii) Basic characteristics of lakes and dams in the case of lake and dam construction.

Second, the project owner of works on exploitation and use of underground water with a volume of 12,000 m³/day or more must disclose the following information: (i) Purposes of water exploitation and use; (ii) Location of work for water exploitation; (iii) Exploited aquifer and depth; (iv) The total number of exploitation wells; (v) The total amount of water for exploitation and use; (vi) Exploitation mode; (vii) Duration of water exploitation and use.

Regarding the forms of information publicity: The information publicity on the contents related to the exploitation and use of water resources and possible impacts before project implementation is carried out in the following forms:

- Information on the mass media of the People's Committees of the districts and the websites of the People's Committees of the provinces.
- 30 working days before the start of construction and during the construction process, the project owner must publicly post information at the District People's Committee, the Commune People's Committee, and the location where the work is to be built.

The content specified in Article 3 of Decree No. 201/2013/ND-CP is replaced in Article 3 of Decree No. 02/2023/ND-CP dated February 1, 2023, of the Government detailing The implementation of a number of Articles of the Law on Water Resources (*effective from March 20, 2023*) (eliminating the contents related to the works of discharging wastewater into water sources, complying with the provisions of the law on environmental protection).

In addition, Point b, Clause 4, Article 32 on the protection of domestic water source quality, stipulates the responsibilities of the Provincial-level People’s Committees in *“organizing the information publicity on the quality of domestic water sources and warning on abnormal quality of domestic water sources to local water sources”*.

b) Regulations of the 2020 Law on Environmental Protection and its guiding documents

Publicity and transparency are some of the principles of environmental protection according to the provisions of the 2020 Law on Environmental Protection. Accordingly, in Clause 4, Article 4 of the 2020 Law on Environmental Protection, it is stated: *“Environmental protection activities are carried out in a regular, public and transparent manner; priority is given to prediction and prevention of environmental pollution, emergencies and degradation, environmental risk management, waste minimization and strengthening of reuse and recycling of waste with a view to maximization of its value”*.

This principle is also specified through regulations related to water environment protection. Specifically:

Point b, Clause 3, Article 8 of the 2020 Law on Environmental Protection stipulates the responsibilities of the Provincial-level People’s Committees in *“publishing information about sources of waste discharged into the surface water within provinces; collect information and data on state of surface water, waste sources and total amount of waste discharged into surface water in inter-provincial rivers and lakes within provinces under the guidance of the Ministry of Natural Resources and Environment...”*

Point d, Clause 3, Article 8 of the 2020 Law on Environmental Protection stipulates the responsibilities of the Provincial-level People’s Committees in *“publishing information about areas where surface water has reached its carrying capacity”*

2.1.3. Information transparency and publicity on water resource protection according to the draft Amended Law on Water Resources

Point b, Clause 1, Article 8 of the draft Amended Law on Water Resources stipulates the responsibilities of organizations and individuals that invest in projects, which include the construction of works on the exploitation and use of water resources affecting seriously *the socio-economic development and living of people in are coordinating with local authorities to conduct information publicity on the project's contents relating to the exploitation and use of water resources and influences possible causing before implementation.*

Clause 4, Article 8 of the draft Amended Law on Water Resources assigns the Government to specify the collection of opinions and the publicity of information specified in this Article.

Article 31 on the protection of the domestic water source quality and Point d, Clause 1, Article 80 stipulates the responsibilities of the Provincial-level People's Committees in *“organizing the information publicity on the quality of domestic water sources and warning on abnormal quality of domestic water sources to local water sources”*.

Clause 1, Article 2 on publicity and organization of implementation of integrated planning of inter-provincial river basins stipulates that *“Within 15 days from the date of approval of the planning, the Ministry of Natural Resources and Environment publishes the planning and regularly and continuously uploads the planning on the website of the Ministry of Natural Resources and Environment, and at the same time notifies the relevant Ministries, branches, and localities. Provincial-level People's Committees of river basins shall make planning regularly and continuously publish on local websites. Information publicity activities must comply with the law on state secret protection”*.

Thus, it can be seen that the draft Amended Law on Water Resources expands the scope of information publicity, whereby the current LWR stipulates the responsibilities of organizations and individuals that invest in projects,

which include the construction of works on the exploitation and use of water resources affecting seriously to production and living of people in localities are coordinating with local authorities to conduct information publicity activities. Meanwhile, the scope of impact in the draft Amended Law on Water Resources has expanded. If there is a significant impact on socio-economic development activities, it is in the case of information publicity.

Socio-economic development activities are understood as the ways in which economic activities affect and are shaped through the development process of society. Socio-economic is sometimes used as a term covering different fields. The term “socio-economic” can be understood as “using economics in social research”. Thus, it can be seen that socio-economic development activities include production activities and have a broader scope than production activities.

In the view of the authors, the expansion of the scope of impact, affecting the protection of water resources and requiring the publicity of information, is consistent with the current practice because, in many cases, the implementation of projects with the construction of works on the exploitation and use of water resources not only significantly affect the production activities but also other socio-economic development activities (such as business, purchase, sale, and exchange of goods, etc.). It needs to have an impact assessment and information publicity for relevant stakeholders to grasp and ensure their interests.

Similar to the 2012 Law on Water Resources, the draft Amended Law on Water Resources does not have provisions specifying the contents and forms of information publicity. The specific regulations on the contents and forms are assigned to the Government to prescribe. However, access to information is a citizen's right, regulated by law and guaranteed by the Law on Access to Information. Article 5 of the 2016 Law on Access to Information stipulates that “Citizens are permitted to access to information of state agencies, excepted for inaccessible information specified in Article 6 of this Law; to access with particular conditions to the information specified in Article 7 of this Law”. Therefore, the responsibility of state agencies is to actively publicize accessible

information, creating conditions for citizens to exercise their rights. In addition, Clause 4, Article 5 of the draft Law on Principles of Management, protection, development, exploitation, and use of water resources; and Prevention, control, and overcoming of harmful impacts caused by water stipulates that “Water resource protection is the responsibility of agencies, organizations, residential communities, households, and individuals...”. Therefore, in order for citizens to promptly update and grasp information about the water environment and water resources, fulfill their responsibility to protect water environment and water resources, and at the same time ensure their right to fully, timely, and accurately receive information, it is necessary to legalize the information to be publicized, the subjects of the publicity, the forms of the publicity, and the time for the publicity. More details will be specified in Decrees and Circulars. Although the Government has now issued Decree No. 73/2017/ND-CP, the Ministry of Natural Resources and Environment has issued Circular No. 32/2018/TT-BTNMT stipulating the collection, management, exploitation, and use of natural resource and environmental information and data, but the implementation in practice still has many shortcomings.

The current LEP stipulates that water environment information must be publicized, which is still limited and does not guarantee sufficient information for water pollution control activities. Accordingly, only the responsibilities of the Provincial-level People’s Committees are specified in the collection of information and data on the current situation of the surface water environment, waste sources, and the total discharge into the surface water environment of inter-provincial rivers and lakes in the area under management according to the guidance of the MONRE. The responsibilities of the MONRE in information publicity under its authority, such as the publicity of the information on the quality of surface water environment for inter-provincial rivers and lakes..., are not specified.

3. River basin organization

3.1. The concept of “river basin” and “river basin organization”

- *In terms of “river basin”*: Clauses 8, 9, 10, Article 3 of the draft Amended Law on Water Resources (the 5th Draft), on the interpretation of words, has explained “8. A river basin is an area within which surface water and groundwater flow naturally into a river and exit a common outlet or into the sea. 9. Inter-provincial river basin is a river basin located in two or more provinces or centrally-affiliated cities. 10. Intra-provincial river basin is a river basin located in a province or centrally-affiliated city”. These contents were also mentioned in Article 2 of the 2012 Law on Water Resources.

- *In terms of “river basin organization”*: Same as in the 2012 Law on Water Resources, there is no explanation for the term “river basin organization” in the 5th Draft Amended Law on Water Resources.

At Points a and c, Clause 2 and 3, Article 81 of the 5th Draft, there are regulations on responsibilities for coordination and monitoring of exploitation, use, and protection of water resources; and prevention, control, and overcoming of harmful impacts caused by water on river basins as follows:

“a) River basin organizations propose the regulation and distribution of water sources; the monitoring of activities of exploitation, use, and protection of water resources; and the prevention, control, and overcoming of harmful impacts caused by water on one or several inter-provincial river basins;

c) The Ministry of Natural Resources and Environment shall uniformly direct the coordination of activities of river basin organizations, provincial-level People's Committees, and relevant agencies and organizations in the regulation and distribution of water resources; the monitoring of activities of exploitation, use, and protection of water resources; and the prevention, control, and overcoming of harmful impacts caused by water on river basins.

3. The Government shall specify the coordination and monitoring of activities of exploitation, use, and protection of water resources; the prevention, control, and overcoming of harmful impacts caused by water; and the regulations on the organization and operation of river basin organizations.”

Article 5 of Decree No. 02/2023/ND-CP stipulates contents related to river basin organizations: “1. *River basin organizations shall be organized and operate according to the regulations of the inter-sectoral coordination organizations. River basin organizations are responsible for proposing and recommending to competent state agencies the regulation and distribution of water sources; the monitoring of activities of exploitation, use, and protection of water resources; and the prevention, control, and overcoming of harmful impacts caused by water on one or several inter-provincial river basins;* 2. *The Prime Minister decides on the establishment of the Red - Thai Binh River Basin organization and the Mekong River Basin organization at the proposal of the Minister of Natural Resources and Environment;* 3. *The Minister of Natural Resources and Environment shall establish river basin organizations for inter-provincial river basins other than those specified in Clause 2 of this Article at the request of the head of the state management agency specialized in water resources.*”

In order for river basin organizations to be effective in the process of operation, it is necessary to clarify the organization and operation of the "river basin organization" to avoid overlapping management and ensure consistency between river basin environmental management and water resource management (including quantity and quality) in the same river basin. In which the river basin organization must demonstrate the function of supervising and coordinating the activities of relevant ministries, branches, and localities in the river basin planning implementation; propose to promulgate policies and recommend solutions on the protection of water environment, the exploitation, use, and development of water resources, and the prevention, control, and minimization of harmful impacts caused by water on river basins; and especially, establish a mechanism to promote the communities, the subjects of water exploitation and use in the basin to participate in the exploitation and protection process of river basins.

3.2. River basin organizations in the world

Currently, in the world, hundreds of river basin organizations have been established for integrated management of water resources by river basins. Although river basin management models in different countries differ in form and name, they are all built on the basis of ensuring the roles of localities in the river basin with necessary support from the Central Government in resolving benefits and sharing responsibilities related to water resources between upstream and downstream, between organizations and individuals in the river basin, for example:

*. *China*

China has established 7 water resource committees for each large river basin and neighboring small basins (Yangtze River, Yellow River...). These committees are all part of the Ministry of Water Resources, organized with complete apparatus as a ministry, but located in different river basins and operate relatively independently. For example, the Yellow River Water Resource Committee has 29,000 people, and the Changjiang River Water Resource Committee has 20,000 people.

Water resource committees are assigned the comprehensive management function of water resources in river basins, that is, state management of water resources and development management, including planning, design, construction investment, and operation management of irrigation and hydroelectric power projects (especially when hydroelectric power plants are built, they will be handed over to the energy sector for management). Local activities, mobilizing the communities to participate in grassroots water management, are assigned to the Water Partnership (half government, half non-governmental organization).

*. *Republic of France*

With the initial objective of combating water pollution, the 1964 French Water Law, which established a water resource allocation regime, was seen as the first step towards integrated water management in France. For the first time, the law does not prescribe management for each specific use of water resources,

independent of other purposes, but provides a legal instrument for local communities (communes, commune groups, provinces, and regions) to manage water as a type of resources. Thus, it moved from a sectoral vision of individual issues to the overall management of water resources. For the first time, uses are considered holistically and need to be harmonized and distributed within the framework of natural geographic units by river basins rather than administrative units: “main basins”, such as the Rhône–Mediterranean–Corsican basin corresponding to the Rhône basin and the Mediterranean coastal streams. This law created a separate management level from the previous administrative level, called the “main basins”. As a result, several state agencies responsible for the protection and management of basin resources have been established: the River Basin Committee, which is considered a water management council at the “main basin” level, and the governing body for river basin management. In the country, an administrative structure responsible for implementing policy is determined by the River Basin Committee through a system of financial and tax support. The River Basin Committee is made up of about a hundred people representing local communities, the State, and other stakeholders, with various responsibilities such as voting on the tax rates imposed on water use and subsidies for local communities, industrial water exploitation companies, and state agencies involved in water management (drilling, pollution reduction, and drainage).

The 1964 Water Law was an innovative step that brought many benefits, such as improved water quality, and created a legal foundation for better resource management over a period of about 30 years (1970-1990). However, other needs and issues have emerged, so there was a need for more innovative legal measures. Since the 1960s, France has witnessed the emergence of new needs for water exploitation and use: the river is no longer merely a place to collect and transport water and goods but also a habitat, a means of entertainment (Sormail, 1991). The river corridors brought many values to the landscape, contributing to the improvement of living conditions. The French were increasingly concerned about the environment. Furthermore, after the first

oil crisis in 1973, France experienced a morale crisis and perceived that modern society, even with advanced technology, could not solve all water management issues. Regulators recognized the limits of development policy and the impact of construction works on the natural environment, which led to a chain of impacts on other purposes of exploitation and use. They noted that any given natural ecosystem can only accept a certain level of use. Exceeding that limit, such as excessive water use, would lead to ecosystem damage, including depleted water resources and insufficient water to supply for exploitation and use purposes. During the 1970s, natural ecosystems suffered severe damage (sometimes related to water quality, sometimes due to increased water consumption to the detriment of the ecosystem, and often to the disruption of natural ecosystems). Although water resource management policies have focused on river management, regulators were well aware of the important issue of basin management involving shorelines, reservoirs, or groundwater, which should also be carefully considered. Therefore, it was necessary to conserve and indeed restore aquatic ecosystems, so that they can be used sustainably and maintained in sufficient and good quality. The 1992 Water Law was drafted to meet these requirements and to fill in the “loopholes” of the 1964 Law. The protection of ecosystems became one of the main points of the 1992 Law.

On 3 January 1992, new planning tools were prescribed to implement a more environmentally focused water policy. At the regional level, this policy fell within the framework of the six major river basins defined by the 1964 Water Law and, at the local level, within the framework of natural geographical units (basin areas, groundwater reservoirs, parts of the coast, lakes). To achieve this, two procedures were devised: “*Schéma Directeur d'Aménagement et de Gestion des Eaux*” (*Master plan for Water Management and Development*) (*SDAGE*) and “*Schéma d'Aménagement et de Gestion des Eaux*” (*Local Water Resource Development and Management Plan*) (*SAGE*). To manage water resources in the long term and promote sustainable development, this policy aimed to decentralize, consult, collect, harmonize, and allocate water resources for

different uses while preserving the natural ecosystem. Subsequently, actions were taken under the 1992 Law to 2001 at the regional as well as local levels, typically the issuance of SDAGEs and SAGEs at the basin and local levels.

These new tools can be seen as the key elements to promote participatory management in a traditional centralized state, significantly expanding the number of stakeholders involved in the decision-making process. This can be seen as a positive process, allowing local consensus to be reached, creating a collective “water culture”, and identifying negotiated solutions to issues. Although these procedures allow environmental and water resource issues to be decided and resolved from a sustainable and multi-stakeholder perspective, not all conflicts between stakeholders are resolved, and in some cases, the transition from negotiation to action may be delayed.

With reference to the river basin organization models of other countries, it shows that China's organization model has many reference points that can be applied in Vietnam. Regarding the financial mechanism for operation, Vietnam can study the experience of France. In order for river basin organizations to operate effectively, it is necessary to solve the issues of organization and operation of river basin organizations with two main contents:

- Firstly, river basin organizations must have sufficient power to comprehensively manage water resources in river basins and ensure effective and efficient coordination in solving common, inter-sectoral, inter-regional, and inter-local issues in state management of water resources and environmental protection of river basins with exploitation and use;

- Secondly, there must be specific regulations on the financial mobilization mechanism and the financial contribution obligation to ensure the operation of river basin organizations (budgets of localities located in the basins; money for granting the right to exploit water resources; fees for discharge of wastewater into water sources; and funding contributions from organizations and individuals exploiting and using water resources in the basins);

- Third, there must be a close connection between technology and management, with monitoring and active participation of the communities living along the water sources.

II. MODEL OF COMMUNITY PARTICIPATION IN WATER RESOURCE PROTECTION AND THE VU GIA - THU BON RIVER BASIN ORGANIZATION (TRIAL MODEL)

1. Model of community initiative mobilization on water resource protection in Cu De River Basin, Da Nang City

1.1. Model building ideas

The model is proposed on the basis of coordination and support between the DONRE of Da Nang City, the Center for Environment and Community Research (CECR), the Centre for Sustainable Development of Water Resources and Climate Change Adaptation (CEWAREC) within the framework of the project “Collective Actions for Water Conservation”. The objective of the model building is to mobilize and promote community initiatives to protect the water resources of the Cu De River Basin, Da Nang City, mainly focusing on the river section exploited to serve the domestic water supply.

Cu De River is formed by the North and the South Rivers, originating from the majestic Truong Son mountain range. The North River originates from the Bach Ma mountain range in Phu Loc District (Thua Thien Hue Province). The Nam River originates from the mountains of Dong Giang District (Quang Nam Province). The North and South Rivers intersect at Ta Lang Village, Hoa Bac Commune (Hoa Vang District), at the location of Sap Bridge (now Ta Lang - Gian Bi Bridge). From Ta Lang, the river flows in the West-East direction through Hoa Bac and Hoa Lien Communes (Hoa Vang District), Hoa Hiep Bac Ward (Lien Chieu District), and exits into Da Nang Bay at Cu De Sea Mouth.

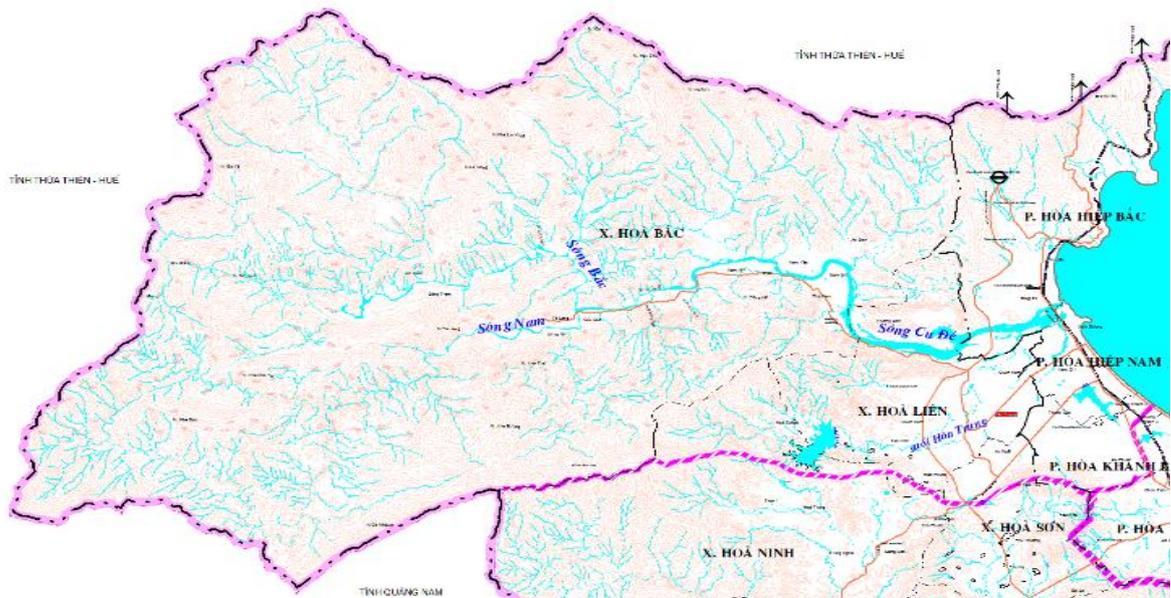


Figure 1. Map of Cu De River Basin

According to the plan, the Cu De River water source has a basin located entirely in Da Nang City, which is identified as an extremely important water source that can be exploited to meet up to 40% of the water demand in the entire area of Da Nang City, with a vision to 2050 (corresponding to 400,000 m³/day and night). In the development strategy and assurance of water security, the North river lake upstream of the Cu De River is calculated and designed with a useful capacity of up to 50 million m³, playing the role of strategic water reserve treasure of Da Nang City. The development of the Cu De River water source will help Da Nang reduce its dependence on the Vu Gia River water source, which currently accounts for about 95% of Da Nang City's total water demand. This means that Da Nang will reduce facing challenges related to drought, saline intrusion, operation of hydroelectric power plants in the upstream VGTBRB, the participation of renewable energy sources (wind power, solar power, etc.) in adjusting the time of power generation to discharge water downstream of hydroelectric power plants, and water pollution due to socio-economic development activities in the VGTBRB.

However, according to the current and future development planning, many new residential and urban areas will spring up on both sides of the river. Along with that, wastewater from production, business, and service activities is

increasing the amount of wastewater entering the Cu De River, potentially posing risks of water pollution. In addition, the downstream of the Cu De River is a part of the river affected by salinity in the dry season, so in order to effectively exploit, use, and "wake up" to the maximum potentials of the Cu De River, the protection of the Cu River's water resources needs the cooperation, preservation, and contribution of stakeholders, in which the communities have a decisive role.

Currently, in order to ensure the highest priority for domestic water supply, Da Nang has made a map to determine the scope of the hygiene protection zones of the domestic water supply areas of the surface water exploitation works on the Cu De River. Accordingly, within the hygiene protection zones of the domestic water supply areas, organizations and individuals, when carrying out activities that affect the function of the water source protection corridors, must have a unanimous opinion by documents of the DONRE and implement strict regulations on water resource protection, water reservoir safety protection, and other relevant regulations. In particular, for establishments operating at risk of water source pollution, there must be solutions to overcome or will be terminated to ensure the highest priority for the safety and security protection of water sources.

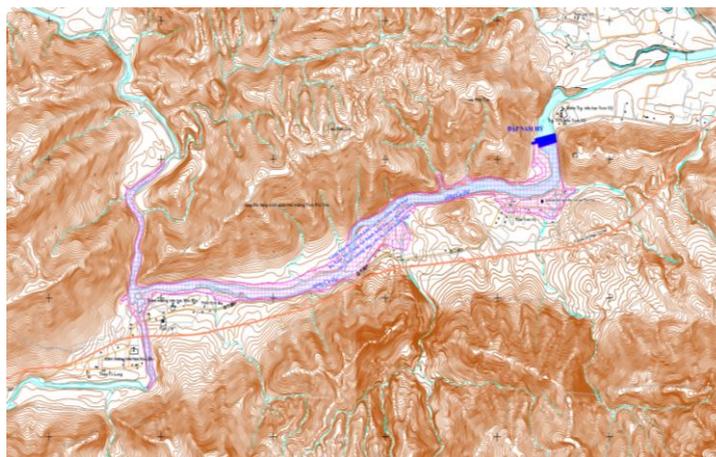


Figure 2. Scope of the hygiene protection zone of the domestic water supply area of the surface water exploitation works on the Cu De River under the Hoa Lien Water plant project

b. The main tasks to set up the model include:

- Identify the stakeholders and the roles, responsibilities, and contributions of each party in the water resource protection of the Cu De River. In which in addition to the roles and responsibilities of each party as prescribed, according to the ability to contribute, the model focuses on the interaction of stakeholders to support and promote the community initiatives in water resource protection associated with livelihoods and indigenous culture preservation.

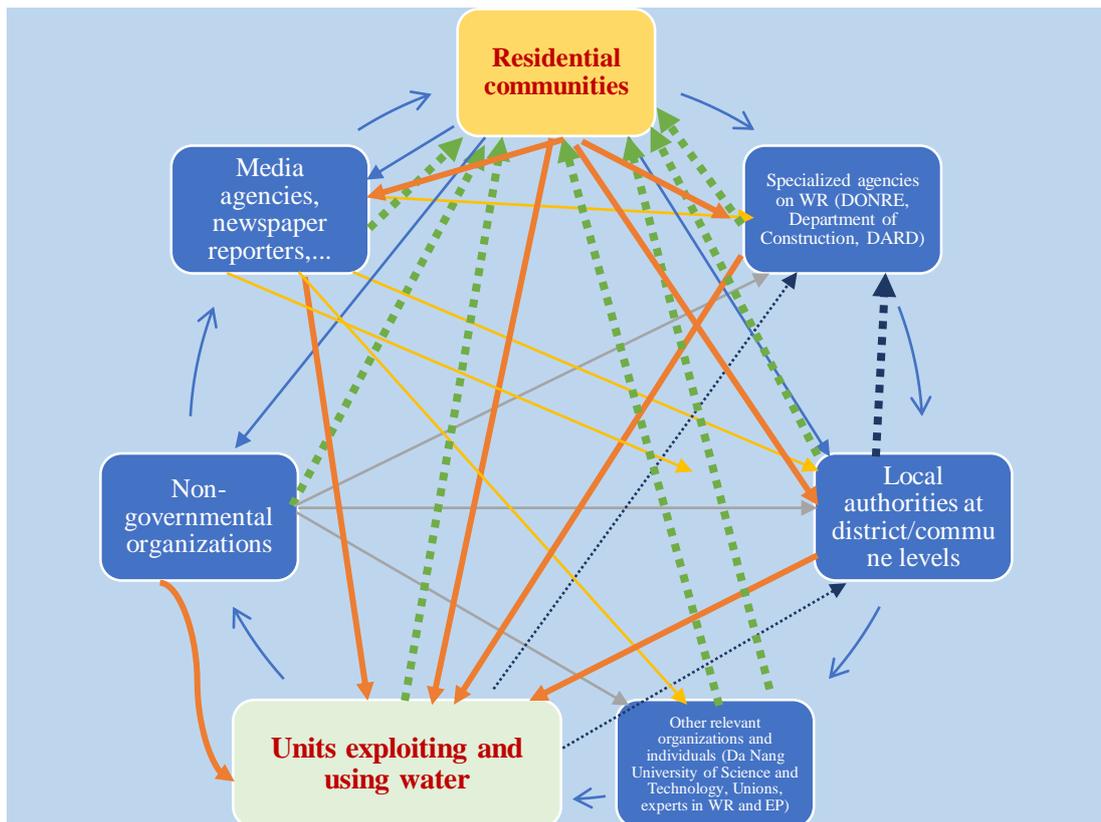


Figure 3. Stakeholders

In the residential community model of water resource protection, representatives of the residential communities and units exploiting and using water resources are the central objects. In particular, the units exploiting and using water resources will closely associate with the residential communities in performing their roles and responsibilities for water resource protection through activities: publicizing information on plans for water resource exploitation and water source quality, supporting and integrating water protection activities through financial funding for local water resource protection activities, improving capacity and publicizing information so that the communities can effectively exercise their right to water quality monitoring, activities of

discharging waste into the hygiene protection zones of the domestic water supply areas, promoting river tourism in association with education, propagating water resource protection and responsible tourism, and promoting communication activities on water resource and watershed forest protection. In addition, the residential communities also promote their rights, responsibilities, and roles by proposing and reflecting their opinions on water exploitation and use units, local authorities, media agencies, and non-governmental organizations to improve the efficiency and effectiveness of state management of water resources, promoting the practical and effective implementation of water resource protection activities of the residential communities.

In order to maintain and promote the effectiveness of the residential community model of water resource protection, in addition to the determination of the operational and financial contents, the mechanisms and policies on the organization and operation of the model as a basis for implementation are also necessary. Currently, there is no regulation on the establishment of associations, groups, and organizations of the residential communities to participate in water resource protection, so this extremely large and important resource has not been fully exploited to effectively implement the protection of water resources. Therefore, in order for the model to be maintained and exist, it is necessary to provide additional regulations on the roles and responsibilities of the localities in guiding and orienting the content of activities; motivating, encouraging, and supporting through information publicity and transparency; early warning of natural disasters on water resources, especially those practically related to people's lives and livelihoods such as drought, flood, saline intrusion, response to water pollution, and water resource projects that affect people's livelihoods.

In Da Nang, communication on water resources through the media is particularly focused. By providing and sharing information widely, objectively, and multi-dimensionally, including critical opinions, it will promote the progress of state management agencies as well as the responsible reflection of residential

communities in water resource management and protection. In addition, in order to do well in the protection of water resources, the roles and supports of organizations and individuals operating in the field of scientific research and non-governmental organizations also play an extremely important role. Lessons learned in local water resource management show that decisions made on reservoir management, selection of water sources for exploitation, and water quality protection, when studied in a scientific and methodical way, will be an effective support tool for the government's decisions issued appropriately with reality.

- In the residential area, it is expected to survey and collect opinions of the people to establish a group of residential communities to protect the water sources of the Cu De River, based on voluntariness, with no limit on the number of people. These contents will be implemented in the second quarter of 2023 after the Da Nang People's Committee approves the Map of the hygiene protection zone of the domestic water supply area of the surface water exploitation works on the Cu De River under the Hoa Lien Water plant project.

- Technical support related to the domestic wastewater treatment model suitable to the characteristics of tourist and service businesses and the financial capacity of business households (in the rainy season, the floodwaters dismantle the tents and stop business).

- Regulations development on monitoring and coordination plan to protect the Cu De River water source.

- Resource mobilization to support the communities to carry out activities to protect water resources of the Cu De River.

- Map development of the hygiene protection zones of the domestic water supply areas on the Cu De River and the surrounding areas that need to be strictly protected.

- Regulation development on coordination to protect the water quality of the Cu De River and monitor hazardous waste sources that may arise from illegal gold mining upstream.

- Communication and initiative mobilization to protect water sources in the hygiene protection zones of the domestic water supply areas on the Cu De River.

- Establishment of a community group to protect water sources (hygiene protection zones of the domestic water supply areas and upstream areas are hot spots with the potential of illegal gold mining recurrence).

- Organization of Communication activities and mobilization of the communities, associations, organizations, and individuals' initiatives and contributions to protect the Cu De river water source:

+ Putting signboards propagating water resource protection;

+ Organizing a music night "City at the beginning of the sea - City at the end of the river" or similar themes about water resource protection.

+ Joining hands to protect aquatic resources in the mountainous area of Hoa Bac Commune, creating a cool and green - clean - beautiful landscape in the area of Nam My Weir and Hoa Lien Water plant.

+ Organizing communication activities (propaganda talks, seminars - training, talkshows, exchanges, information sharing) related to the plan of water resource exploitation, use, and protection and environmental protection, response to climate change, floods, droughts, and landslides in the Cu De River Basin. The communication contents focus on providing information to people in the hygiene protection zone of the domestic water supply area of the Hoa Lien Water plant on the Cu De River about: Current situation and orientation of water exploitation and use on Cu De River in the future and Challenges in water resource exploitation, use, and protection of Cu De River (Drought, saline intrusion; flood; pollution, degradation of water resources). At the same time, introducing to the people, homestay business households the model of domestic wastewater treatment suitable for homestays and prevent riverbank erosion and landslide with Vetier grass. Participating in the training session were experts with extensive experience in the field of water resources and environmental protection.

2. Coordination Board Model of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas (trial model)

2.1. Legal basis for the establishment and trial of the Coordination Board Model

- Law on Water Resources dated June 21, 2012;
- Law on Environmental Protection dated June 23, 2014 (Replaced by Law on Environmental Protection dated November 17, 2020);
- Law on Natural disaster prevention and control dated June 19, 2013;
- Law on Irrigation dated June 19, 2017;
- Law on Meteorology and hydrology dated November 23, 2015;
- Coordination Agreement No. 01/TTPH-UBND-UBNDQN dated December 21, 2016, of the People's Committee of Quang Nam Province and the People's Committee of Da Nang City on Coordination in Integrated Management Implementation (IMP) of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas;
- Decision No. 4546/QD-UBND-UBNDQN dated August 18, 2017, of the People's Committee of Da Nang City and the People's Committee of Quang Nam Province on The establishment of the Coordination Board for Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas;
- Decision No. 4828/QD-BDP dated August 30, 2017, of the Coordination Board on the Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas on The establishment of the Standing Working Group of the Coordination Board on Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas;
- Decision No. 1537/QD-TTg dated September 7, 2015, of the Prime Minister on The process of Inter-reservoir operation in the Vu Gia - Thu Bon River Basin (Replaced by Decision No. 1865/QD-TTg dated December 23, 2019, of the Prime Minister on The process of Inter-reservoir operation in the Vu Gia - Thu Bon River Basin).

2.2. Purposes of the establishment of the Coordinating Board model

- Trial establishment of an inter-provincial-city institution for Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas in the field of environmental protection and water resources;
- Strengthening coordination between the People's Committee of Quang Nam Province and the People's Committee of Da Nang City; between departments and branches of the two localities, and relevant stakeholders for Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas, towards harmony between economic development, social security, and ecological safety (conservation), environment;
- Sharing information, encouraging cooperation among stakeholders (departments, branches, sectors, and enterprises in the same basin; between the state and local communities, and the management boards of nature and heritage conservation areas in the region).

2.3. Coordination contents

The People's Committee of Quang Nam Province and the People's Committee of Da Nang City have agreed to jointly implement the following contents:

1. Trial application of the establishment of an inter-provincial-city institution to cooperate and coordinate activities related to the Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas, specifically as follows:
 - a) Establishment of a Coordination Board (temporary Coordination Board) to solve inter-provincial and inter-regional issues, including:
 - Leaders of Quang Nam Province People's Committee and Da Nang City People's Committee;
 - The authorities related to the Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas.
 - b) The focal agencies of the Coordination Board are the Department of Natural Resources and Environment of Quang Nam Province and the Department

of Natural Resources and Environment of Da Nang City. The authorities joined the members of the Coordination Board include the Department of Planning and Investment; the Department of Agriculture and Rural Development; the Department of Finance; the Department of Construction; the Department of Industry and Trade; the Department of Transport and Communications; the Department of Science and Technology; the Department of Health; the Hydrometeorological Station of the Middle Central Region; and the Hydrometeorological Station of Quang Nam Province.

c) The trial period is for 3 years (2017-2020), then it would be considered an extension for the next 3 years if there is no written request for termination of the People's Committee of Quang Nam Province or the People's Committee of Da Nang City. In the event of a change in management related to the river basin, the two localities will self-regulate to conform to national-level regulations.

d) The Coordination Board invites domestic and foreign organizations, including the International Union for Conservation of Nature (IUCN) in Vietnam, the Institute for Social and Environmental Transformation (ISET), and relevant organizations, to participate as sponsors and technical support to support the implementation during the trial period.

2. Organization of the implementation of basic principles of Integrated Management of river basins and coastal areas in the process of planning/adjusting strategies, policies, and investment plans for socio-economic development in the Vu Gia – Thu Bon River Basin and Quang Nam - Da Nang coastal areas; and the implementation of a number of relevant contents in Conclusion No. 26-KL/TUQN-TUDN of the Standing Board of the Quang Nam Province Party Committee and the Standing Board of the Da Nang City Party Committee:

- The Coordination Board is responsible for organizing the development of relevant detailed regulations and operational plans and implementing these plans in the coordination process.

- During the operation period, the Coordination Board alternately appoints the Head of the Board and hands over it at a regular meeting every 6 months.

3. At the end of the trial period, the local authority would organize lessons learned from the operation and evaluate the effectiveness, on that basis, adjust or continue to maintain the coordination of the two localities.

2.4. Implementation organization

To implement the agreement, the parties (Da Nang City People's Committee and Quang Nam Province People's Committee) have agreed:

1. The Coordination Board for Integrated Management of Water Resources in the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas conducts the development and direct promulgation of the Provisional Regulations on the organization and operation of the temporary Coordination Board.

2. The Coordination Board decides to appoint the focal agencies (permanent) of Quang Nam Province and Da Nang City and a group of experts to provide technical support to the Coordination Board;

3. The Coordination Board directs the development of a trial period plan for the Integrated Management of the Vu Gia - Thu Bon River Basin and Quang Nam - Da Nang coastal areas and an annual plan and 6-month divergence with the support of IUCN Vietnam, ISET, and other supports and grants. In particular, IUCN Vietnam, ISET, and domestic and foreign sponsors help develop "Technical and Policy Guidelines" for the management of river basins and coastal areas on the basis of the R2R approach;

4. Financial sources for the implementation of the trial period are mobilized from the following sources: Local budget through the integration of tasks and material contributions, Sources of socialization, and Sources of International funding.

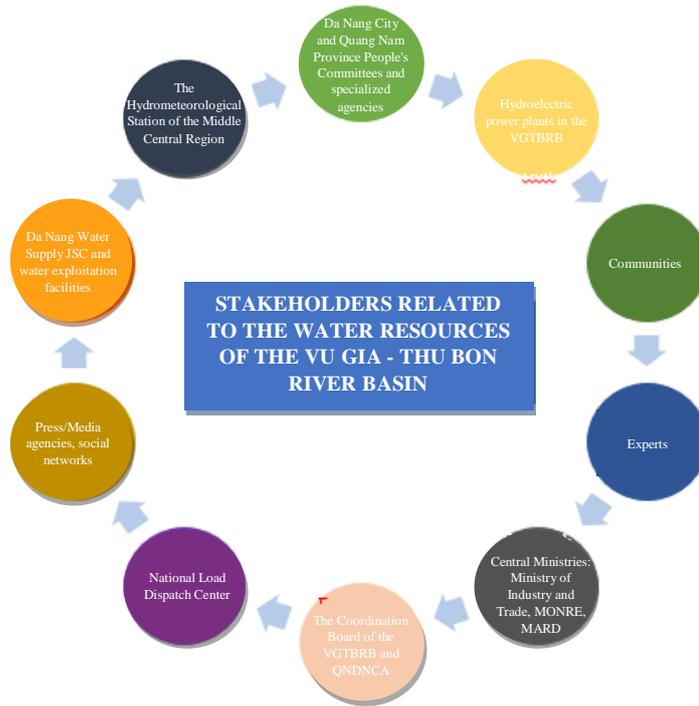


Figure 4. Key stakeholders in water resources on the Vu Gia - Thu Bon River Basin

In the trial model of the VGTBRB Coordination Board, the Standing agency of the Coordination Board (the DONRE of the two localities) acts as the general advisory and general agency. Key stakeholders in the Coordination Board can be divided into groups:

- Group of central agencies: MONRE, MARD, Ministry of Industry and Trade, Department of Water resource management;
- Group of representatives of specialized agencies: DONRE, Department of Construction, DARD, the Hydrometeorological Station of the Middle Central Region, and the Hydrometeorological Station of Quang Nam Province;
- Units exploiting and using water resources in the Vu Gia - Thu Bon River Basin and National Load Dispatch Center.
- Experts;
- Press/Media agencies.

Under normal circumstances, the Coordinating Board operates under the information and periodical report regime. The leaders of the People's Committee of Quang Nam Province/Da Nang City alternately run every six months.

The members, who are representatives of specialized agencies, implement the cooperation plans and contents signed between the two localities. The focus of the cooperation is on monitoring the operation of hydroelectric power plants, monitoring water quality, and advising in response to extreme weather situations that may occur (drought and saline intrusion that lead to insufficient water supply downstream). It is necessary for reasonable water regulation based on the process of inter-reservoir operation in the basins and the principle of priority for domestic water supply.

Management decisions are made based on quick exchange and opinion collection with stakeholders, especially opinions of units exploiting and using water. In case of necessity, there is an operation element that does not ensure the process because it is related to power generation, there is also an exchange and enhanced coordination with the National Load Dispatch Center and the Ministry of Industry and Trade.

In addition, the Coordination Board also researches and proposes to the two local authorities the matter of reinforcing and building dams to regulate water and prevent salinity and implementing measures to combat drought.

In river basin coordination, experts from the two localities play an excellent and active role in providing technical advice to the Coordination Board, serving as a scientific basis for making accurate decisions on the efficient exploitation and use of water resources, response to drought and saline intrusion, and prevention of harmful impacts caused by water.

CHAPTER II

RESEARCH RESULTS

The 2012 Law on Water Resources was passed by the National Assembly of the Socialist Republic of Vietnam, term XIII, at its 3rd session, on June 21, 2012, and has been in force since January 1, 2013, until now. On the basis of the provisions of the Law, the Government, the Prime Minister, the ministries, branches, and local authorities at all levels have issued many documents detailing the implementation of the Law; the departments, branches, and local authorities at all levels in Da Nang City have actively implemented the Law, the detailed regulations, and the guiding documents. After nearly 10 years of implementation, the 2012 Law on Water Resources has achieved significant results on 3 groups of research issues:

- Promoting the responsibilities and roles of residential communities in water resource protection.
- Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection.
- River basin organization and river basin integrated management.

I. CURRENT SITUATION OF THE IMPLEMENTATION OF THE 2012 LAW ON WATER RESOURCES FOR RESEARCH POLICY GROUPS IN DA NANG CITY

1. Survey results of the representatives of the residential communities and water resource managers at the district, commune, and ward levels on the implementation of the 2012 Law on Water Resources in Da Nang City

In order to have an objective assessment of the organization and implementation of the 2012 Law on Water Resources in Da Nang City, the research team conducted a survey (through direct interviews and questionnaires to community representatives and managers). The questionnaires were designed for two groups of survey subjects (attached in the Appendix).

The questionnaire was designed with questions and contents focusing on the following groups of issues: 1/ The situation of implementing the roles and responsibilities of the communities stipulated in the 2012 Law on Water Resources; and 2/ The contents that need to be adjusted and supplemented to strengthen and promote the roles and responsibilities of the communities in water resource protection. Summarizing the results of the survey is as follows:

1.1. Assessment of water resource managers

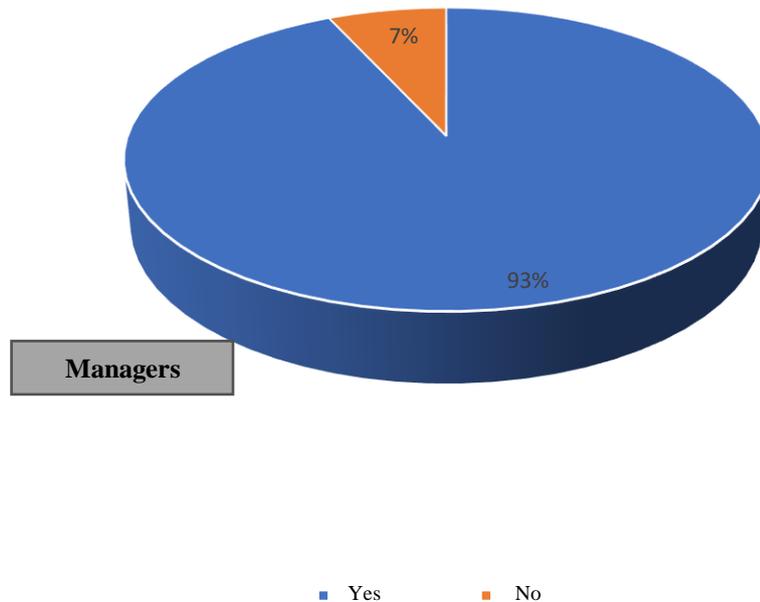
Regarding the contents of the survey, we focused on groups of issues about the roles and responsibilities of residential communities in relation to information publicity and transparency on water resources. The publicity and transparency of information are the basis for the residential communities to protect their legitimate rights and interests as well as exercise their rights to consultation, monitoring, complaints, and denunciations related to the water environment and water resources. At the same time, we made consultations *with natural resource and environmental managers* on the contents that need to be adjusted and supplemented to strengthen and promote the roles and responsibilities of the communities in water resource protection.

Due to time and resource constraints, we only selected Thanh Khe Urban District and Hoa Vang Rural District as two localities with many water resource protection activities being implemented for the survey. The results of the survey by questionnaire combined with direct interviews with **30** officers working in water resource management (most of them are part-time officers in natural resource and environmental and cadastral fields) at the district and commune levels and **91** people representing the residential community groups along the water sources in Thanh Khe District and Hoa Vang District (in the areas where water protection activities are taking place).

Detailed survey results for each issue and each subject group are as follows:

1.1.1. Survey results for groups of water resource managers at the district, commune, and ward levels

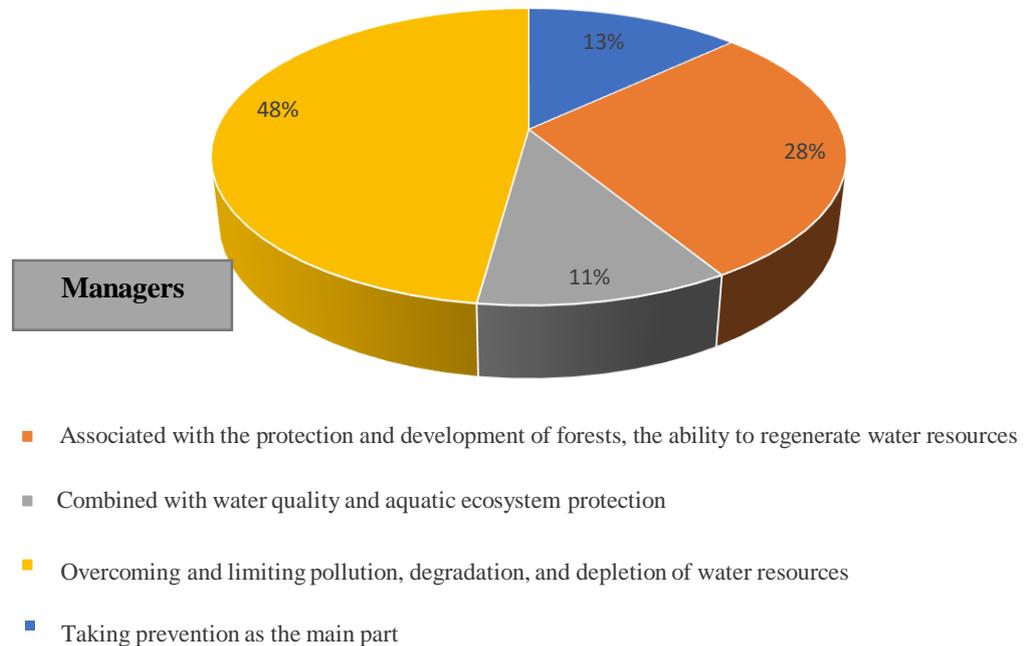
1. Have you studied the contents specified in the 2012 Law on Water Resources in general and the specific regulations on the roles and responsibilities of the communities mentioned in the 2012 Law on Water Resources in particular?



Comments: 7% of officers working in water resource management said that they have never studied the Law on Water Resources and the current regulations on the roles and responsibilities of the communities, which can show that:

- In fact, the contents specified in the Law on Water Resources on state management responsibilities in the field of water resources at commune and district levels are still quite a few, only concentrated at the province level. Some commune-level localities have almost never implemented their own tasks on water resources, most of them integrated with the tasks on environmental protection.
- The research and dissemination of the Law on Water Resources and its guiding documents related to residential communities are still pretty limited.
- There is no/lack of properly trained officers on water resources, no full-time officers in water resource management at district/commune levels (most of them are part-time). Also, commune-level officers (part-time) are often rotated, which is also difficult for the implementation of local water resources tasks.

2. Which of the following contents on water resource protection have been well implemented in Da Nang City?

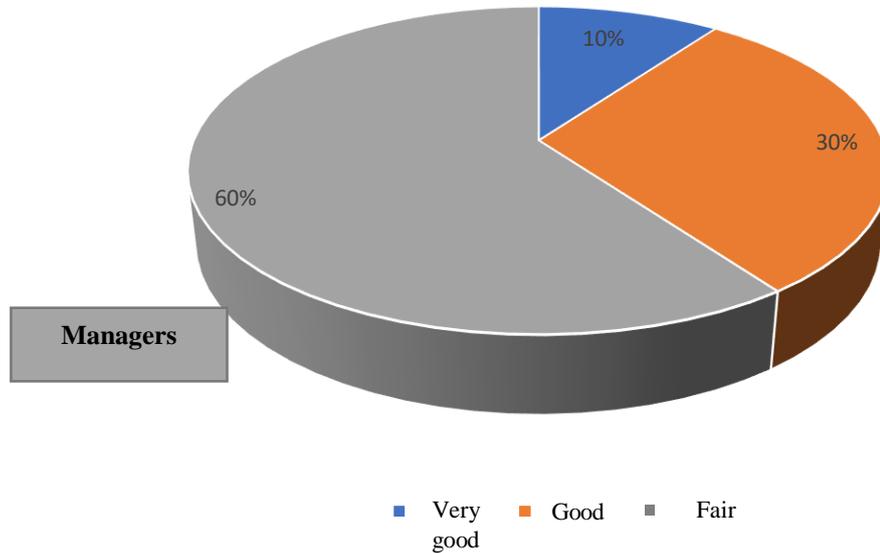


Comments: From the 4 contents mentioned to get opinions of water resources managers about the implementation of the responsibility to protect water resources of state management agencies, the obtained results show that the assessment opinions are not concentrated, quite divided, which can give us some comments as follows:

- 48% of those surveyed believed that the works to overcome and limit pollution, degradation, and depletion of water resources have been done well in Da Nang City, which is quite consistent with reality. Da Nang City is a locality with fairly synchronous investments in wastewater collection and treatment systems. Environmental protection movements are carried out quite often and effectively. In addition, the environmental protection cooperation program signed between the DONRE and mass organizations has been implemented effectively, attracting a large number of members of mass organizations and communities to participate. In the past time, the city has also implemented quite well the cooperation program with Quang Nam Province in the matter of integrated management of water resources to ensure efficient and economical use of water and response to saline intrusion and water resources degradation and depletion during the dry season.

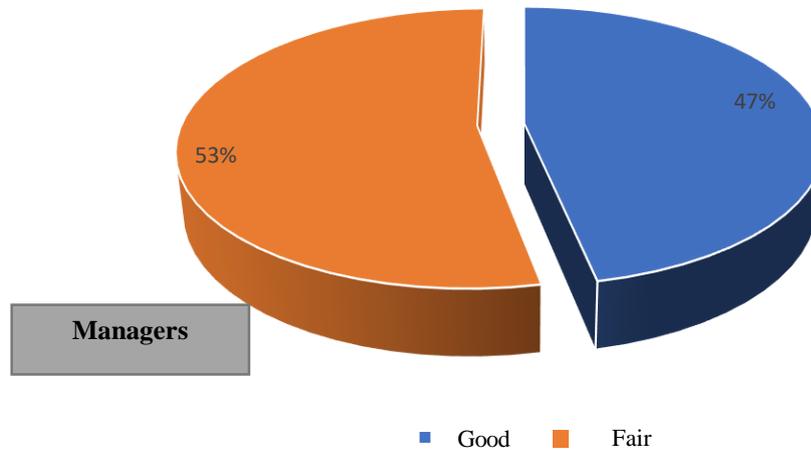
- The tasks of water resource protection, associated with forest protection and development and water resource and aquatic ecosystem regeneration taking prevention as the main part, should be focused on and promoted in the coming time. The process of implementing these contents also needs to do well in communication to spread the results of implementation, mobilize, and connect the cooperation of stakeholders.

3. How is the opinion collection of the residential communities on projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives done?



Comments: 90% of the people surveyed rated good and fair for this question, showing that in the past time, Da Nang City has performed well in consulting people on the field of water resources, strictly complying with the current regulations. People's opinions are always paid attention to and fully absorbed in the process of appraising projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives. However, the number of projects in the group of projects requiring opinion collection with the residential communities has been carried out in Da Nang City in the past 10 years was very few, mainly concentrated wastewater treatment plants and the Hoa Lien Water plant project.

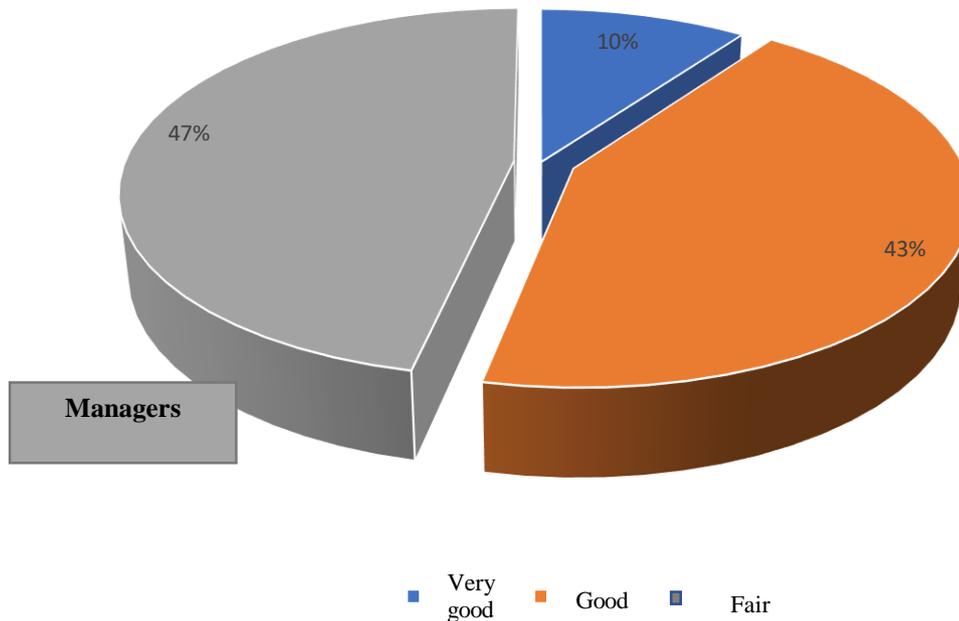
4. How is information publicity about the contents related to projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives done?



***Comments:** 53% of the those surveyed rated this content as fair, reflecting the information publicity on projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives have not been effectively implemented, not substantial, not good, due to:*

- The 2012 Law on Water Resources and Decree No. 201/2013/ND-CP (which has expired) have not specified any specific contents related to projects on the exploitation and use of water resources and the discharge of wastewater into the water sources and its possible impacts, which must be publicized and announced before the implementation. Also, there is no regulation on the form of publicity.
- Inappropriate forms of information disclosure and publicity also prevent information from reaching residential communities and relevant agencies and organizations. Currently, the explosion of social networks has changed people's habits of accessing information, so the study on the forms of information publicity through social networks should also be noted in the process of amending the Law on Water Resources and other relevant guiding implementation documents related to this content.

5. How is the opinion collection of the residential communities and relevant organizations/individuals in the water resource planning in Da Nang City done?

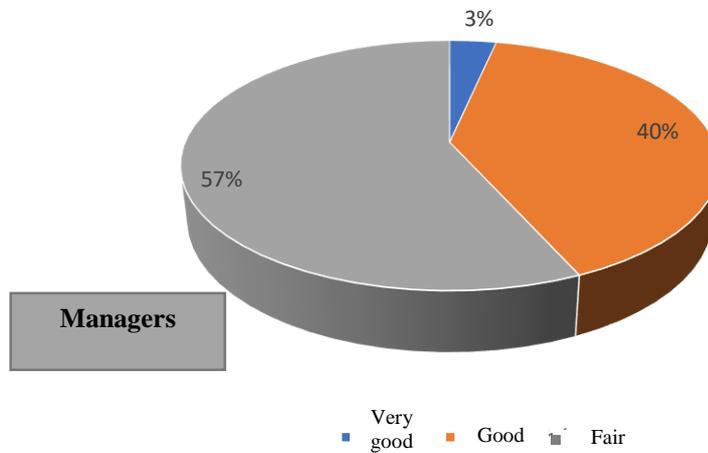


Comments: 47 % of those surveyed who rated this content as fair showed that:

- Propaganda on the integration of contents related to the exploitation and use of water resources and the prevention of harmful impacts caused by water into the General planning of Da Nang City has not been effective. The local water resources managers have not yet understood the regulations related to the abandonment of the province water resource planning and its integration into the General planning of the provinces/cities under the Central Government.

- Project on the exploitation of surface water resources of Da Nang City to 2030, vision to 2045; currently, the plan for the exploitation and use of water resources and the prevention of harmful impacts caused by water has been widely consulted among the people, especially with the active and thorough participation of experts and managers at all levels throughout the city and neighboring localities on the Vu Gia - Thu Bon River Basin in Quang Nam Province. These are highly specialized contents, so the comments mainly come from the departments (Department of Construction, DARD, Department of Industry and Trade ...) and experts with expertise in this field..

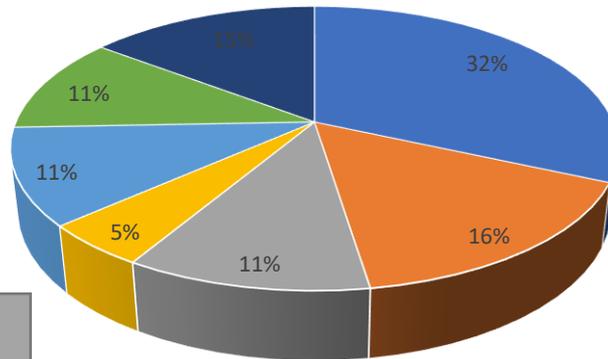
6. Are organizations, individuals, and residential communities facilitated to exercise the right to monitor and propose measures to implement water resource planning in Da Nang City?



Comments: 57 % of those surveyed rated this content as fair, quite similar to the survey results in question 6, stemming from the reasons as analyzed above, in addition:

- The 2012 Law on Water Resources and Decree No. 201/2013/ND-CP (which has expired) have not yet specified specific contents related to the method of exercising the right to monitor and propose measures to implement the water resource planning (now integrated into the General planning of Da Nang City).
- To exercise this right, it is necessary to have expertise and knowledge in the field of water resources. Therefore, it is necessary to have a long-term process of improving knowledge for the local residential communities and relevant organizations and individuals in order to exercise this right.
- Currently, the General planning of Da Nang City has not been approved, so this work has not been implemented in practice. Therefore, the contents related to creating conditions for residential communities, organizations, and individuals to exercise the right to monitor and propose measures to implement the water resource planning have not been implemented.

7. Have you ever heard of the following information about water resources?



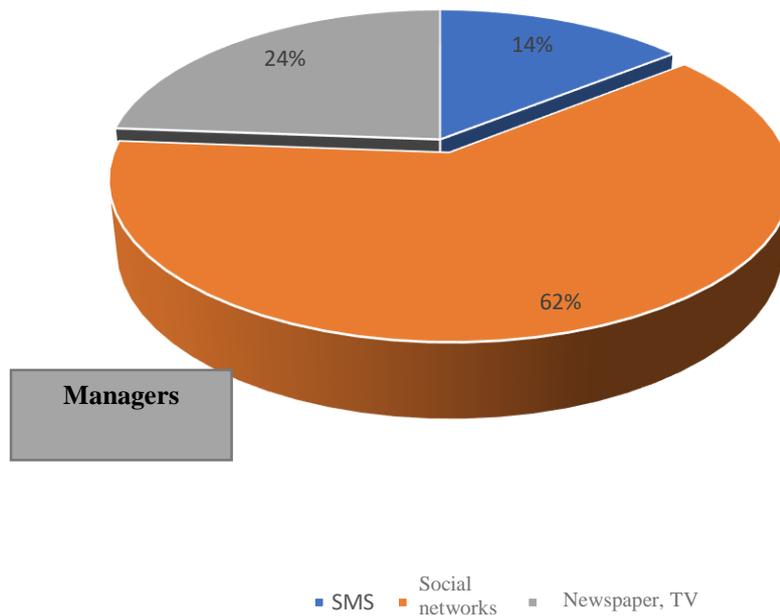
Managers

- Sources of domestic water supply in Da Nang City
- List of ponds and lakes that cannot be leveled in Da Nang City
- Hygiene protection zones of domestic water supply areas on rivers/streams that are the sources of water supply for Water plants
- Water source protection corridors
- Newsletter forecast on droughts and saline intrusion on rivers
- The quality of water sources in rivers and streams that are the sources of
- Plans to cope with droughts, saline intrusion, water shortages

Comments: *The information that received the most attention was the domestic water supply sources, followed by the list of ponds and lakes that were not leveled in Da Nang City. The survey results show that:*

- Information on domestic water supply sources has been the most important information in local water resource management because it is closely linked to people's lives.
- The survey results also show that the above contents have only been implemented at the city level; the access and use of the above information to serve the state management at district and commune levels is quite limited..
- Information on water quality in rivers/streams that are sources of the domestic water supply has not been disclosed and publicized to the people, although it is closely related to people's health.

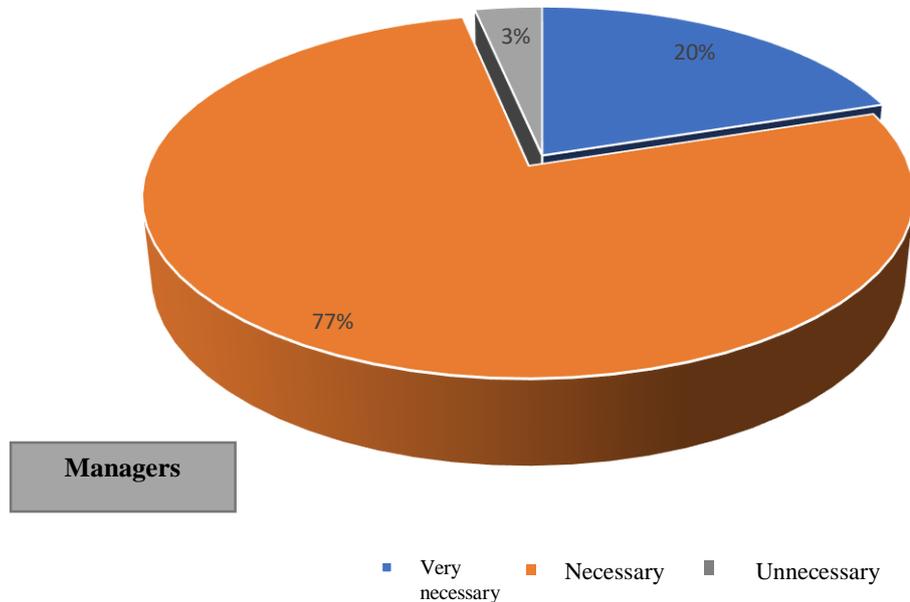
8. What is the most convenient channel for information on water resources to be sent to the people?



Comments: Information disclosure on water resources via social networks is the most chosen, accounting for 62%. It suggests that:

- The provision of information about water resources through the Internet, telephones, community centers, wireless devices, or other communication systems is inevitable.
- Information on water resources sent to people through social networks is the most effective and fastest information channel today, and it is necessary to study the provisions of this draft Amended Law on Water Resources. In addition, training and capacity-building for officers and ensuring the necessary conditions for a well-organized response to people's opinions on social networks are also required.

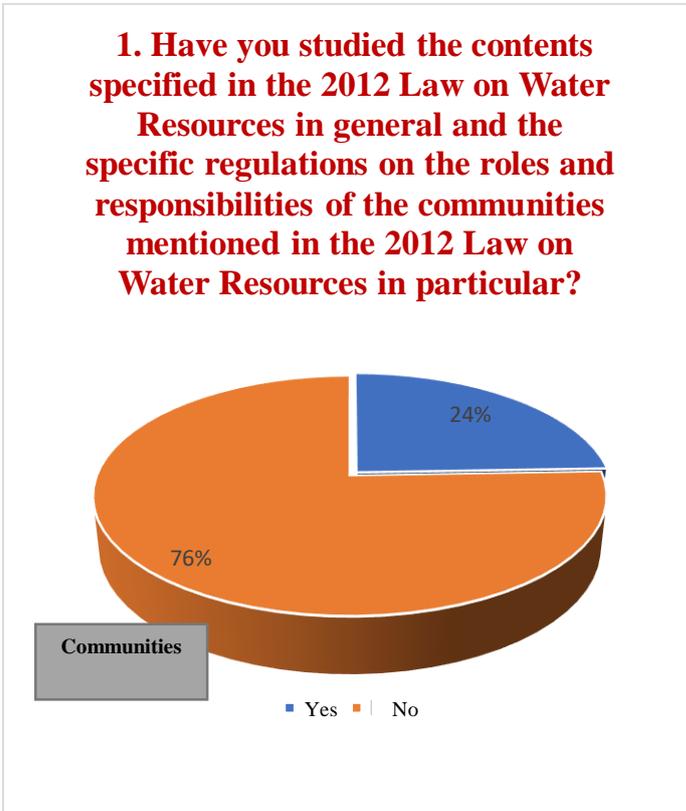
9. Is it necessary to invite representatives of the residential communities to act as members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on



Comments: 97% of those surveyed said that inviting representatives of the residential communities to be members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives is very necessary, this shows that:

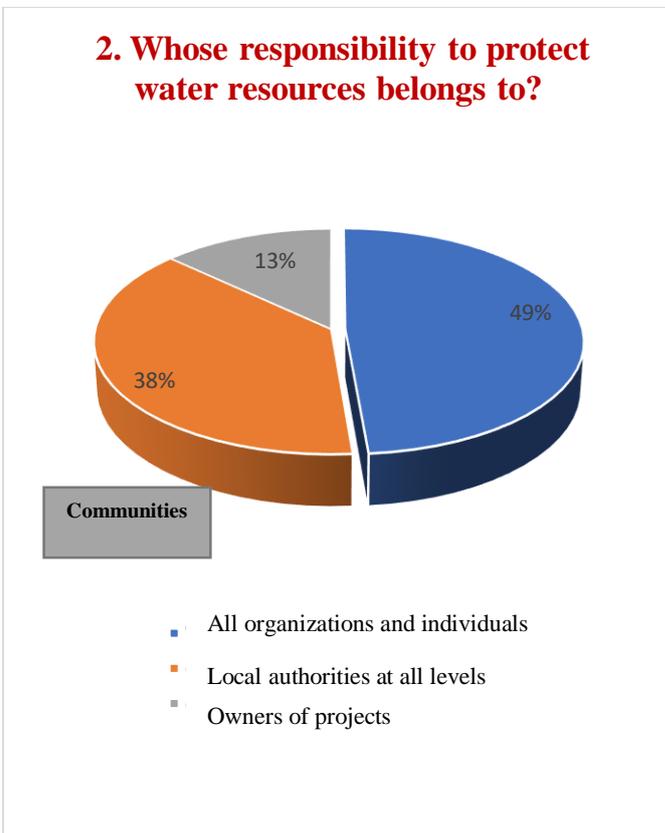
- Access to information, monitoring, and criticism to protect water resources and protect the lives of individuals and communities is a legitimate need that should be promoted.
- The opinions and contributions of the residential communities will contribute to preventing projects that have negative impacts on people's production and lives.
- Local officers are very willing to face the criticism of the people so that they can make the right decisions when comprehensively considering the issues (positive and negative) during the appraising and approving process of projects on water resources.

1.1.2. Survey results for groups of people representing the residential communities



Comments: 76% of those surveyed said that they have never studied the regulations on the roles and responsibilities of the communities mentioned in the 2012 Law on Water Resources, showing that:

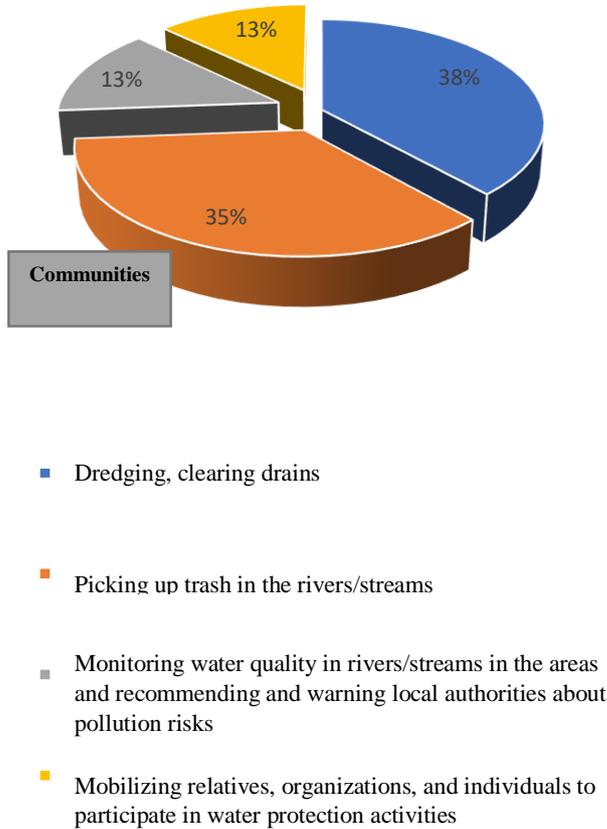
- Propaganda and dissemination of Laws and regulations on water resources, especially contents related to the communities, is very limited. This result is quite consistent with the current reality in Da Nang City.



Comments: Up to 51% of those surveyed answered that the responsibility to protect water resources belongs to the authorities and project owners. It shows that:

- Propaganda and mobilization of people to participate in water resource protection have not achieved the desired effect.
- Failure to mobilize the participation of the communities in water resource protection is a huge waste of resources.

3. Have you ever or are willing to participate in any of the following specific water resources protection activities?

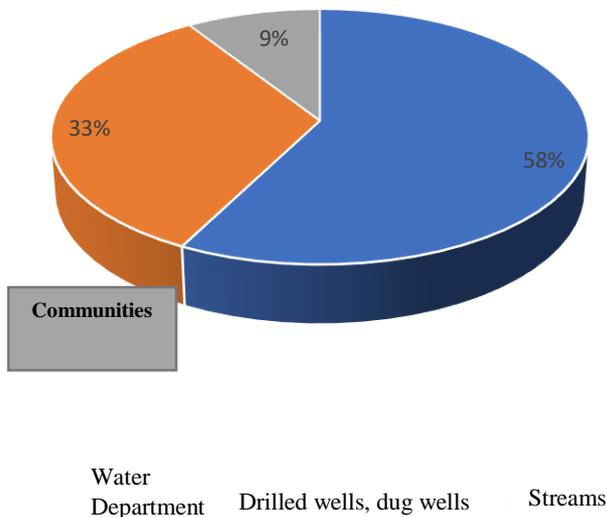


Comments: *In this question, all options have a certain number of people chosen, however:*

- The number of respondents who have participated in water quality monitoring and made recommendations to local authorities is quite low (13%). This is also consistent with the current limited publicity and transparency of water quality information.

- In addition, 73% answered that they had participated in dredging, clearing drains, and picking up trash in rivers/streams, reflecting the propaganda and mobilization of the people to participate in environmental protection movements which are carried out quite often and effectively.

4. Where do your family's domestic water sources come from?

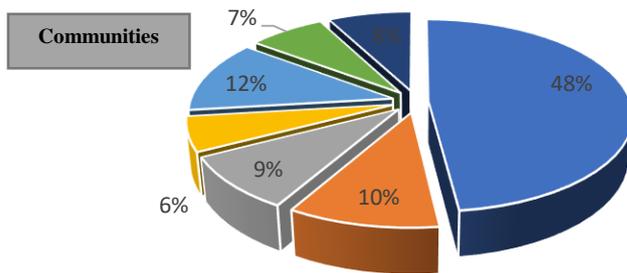


Comments: *In this question, the answers show:*

- In rural areas, people still use water from drilled wells and dug wells in areas that are far from surface water or unsecured local water sources or for agricultural production.

- This is such valuable information for management agencies in controlling the implementation of measures to limit groundwater exploitation and monitoring the quality of underground water to ensure the users' health.

5. Have you ever heard of the following information about water resources?

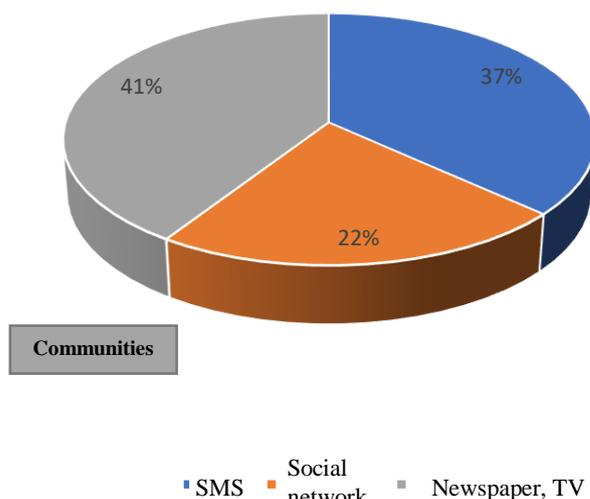


- Sources of domestic water supply in Da Nang City
- List of ponds and lakes that cannot be leveled in Da Nang City
- Hygiene protection zones of domestic water supply areas on rivers/streams that are the sources of water supply for Water plants
- Water source protection corridors
- Newsletter forecast on droughts and saline intrusion on rivers
- Plans to cope with droughts, saline intrusion, water shortages

Comments: The information that received the most attention was the domestic water supply sources, followed by the list of ponds and lakes that were not leveled in Da Nang City. The survey results in the group of residential communities and managers are quite similar.

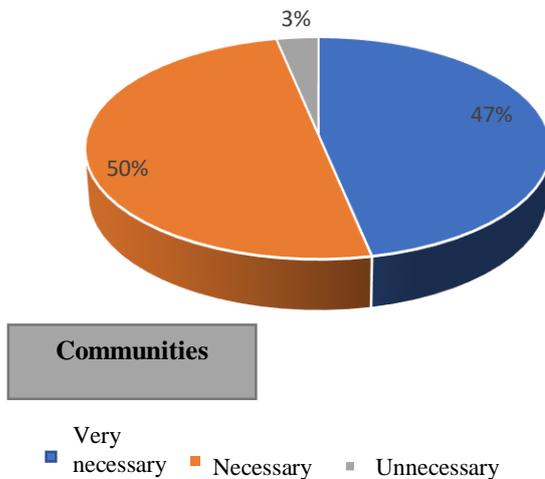
The question and answer on this content show that the biggest concern of the people is to ensure the domestic water supply. Because Da Nang is a locality that often faces saline intrusion in the dry season, some heat waves have led to a lack of water for daily life in some areas of the city, causing frustration among the people.

6. What is the most convenient channel for information on water resources to be sent to the people?



Comments: Because those surveyed are diverse in age, with groups in urban and rural areas, the need to receive information is also in various forms, suitable for different ages. This shows that maintaining diversification of information channels to the people is necessary.

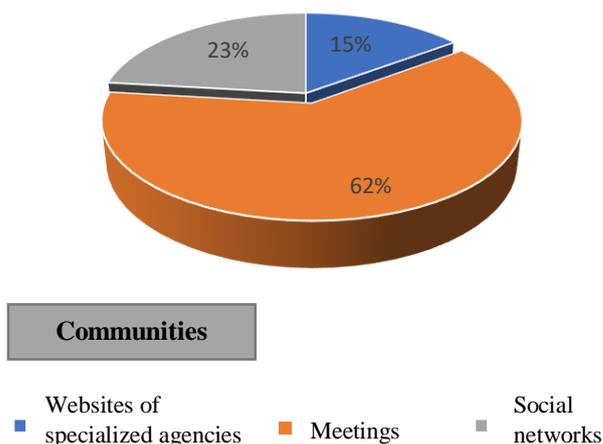
7. Is it necessary to invite representatives of the residential communities to act as members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on



Comments: 97% of those surveyed said that inviting representatives of the residential communities to act as members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives is necessary and very necessary, this shows:

- Access to information, monitoring, and criticism to protect water resources and protect the lives of individuals and communities is a legitimate need.
- The opinions and contributions of the residential communities will contribute to preventing projects that have negative impacts on people's production and lives.

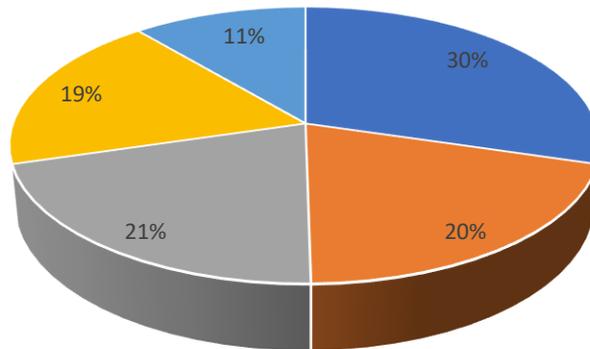
8. What forms should information publicity about the contents related to projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives take to promote them



Comments: The most chosen answer to this question accounts for 62%, showing that professional agencies' websites are considered by the people as a reliable address for people to access the information that must be publicized by the state agencies according to regulations.

Meetings and social networks are also chosen by the people, showing that maintaining the diversification of information channels to the people is necessary to achieve the highest efficiency.

9. What conditions should organizations, individuals, and communities be created for in order to effectively participate in water resource protection?



Communities

- Access to sufficient information
- Participation in building community models to protect water resources
- The full and serious reception of people's opinions
- The funding for activities
- Tools for people to monitor the exploitation and use of water resources and the discharge of wastewater into water sources of the projects

Comments: *The survey results show that in order to promote the effective participation of the community in water resource protection, it is necessary to implement many solutions synchronously, including:*

- It is necessary to ensure the right of access to sufficient water resources information;
- It is necessary to build community models on water resource protection;
- The reception of people's opinions must be practical and responsible;
- The funding for water resource protection activities.

General comments:

** The summary of survey results for managers at the district and commune levels shows that:*

- The implementation of the provisions of the LWR in Da Nang City is quite good. In which, prominent is the work to overcome and limit pollution, degradation, and depletion of water sources. In the past time, the city has also implemented quite well the cooperation program with Quang Nam Province in the matter of integrated management of water resources to ensure efficient and economical use of water and response to saline intrusion and water resource

degradation and depletion during the dry season. This is quite consistent with reality. The tasks of water resource protection, associated with forest protection and development and water resource and aquatic ecosystem regeneration taking prevention as the main part, should be focused on and promoted in the coming time. The process of implementing these contents also needs to do well in communication to spread the results of implementation, mobilize, and connect the cooperation of stakeholders.

- However, the dissemination and propagation of the LWR and its guiding documents to the residential communities are still pretty limited. 47% of those surveyed assessed that information publicity for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives has not been fully implemented. The 2012 Law on Water Resources and Decree No. 201/2013/ND-CP (which has expired) have not specified any specific contents related to projects on the exploitation and use of water resources and the discharge of wastewater into the water sources and its possible impacts, which must be publicized and announced before the implementation; also, there is no regulation on the form of publicity which makes it difficult to implement. In addition, managers suggested that information should be publicized via social networks to match people's habits of accessing information, especially young people in the current period. The survey suggests that the Amended Law on Water Resources should include mechanisms to ensure transparency and easy access to information for citizens.

- The results also suggested that information publicity to the district and commune levels has not been effective. Information on drinking water sources is considered the most important aspect of natural resource management. But there is still a lack of continuous and timely information on water quality which is essential for people's health.

- The 2012 Law on Water Resources and Decree No. 201/2013/ND-CP (which has expired) have not yet specified specific contents related to the method of exercising the right to monitor and propose measures to implement the water resource planning.

- 97% of those surveyed said that inviting representatives of the residential communities to be members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives is very

necessary. The opinions and contributions of the residential communities will contribute to preventing projects that have negative impacts on people's production and lives. Local officers are very willing to face the criticism of the people so that they can make the right decisions when comprehensively considering the issues (positive and negative) during the appraising and approving process of projects on water resources.

**** The summary of survey results for representatives of the residential communities shows that:***

- The survey results show that 76% of those surveyed have never learned about the LWR and current regulations on the roles and responsibilities of the communities showing a limited level of awareness at the grassroots level.

- 51% of those surveyed believe that the responsibility to protect water resources belongs to the authorities and project owners, showing that communication with the communities has not been effective. The survey highlights the need to involve local communities in water resource protection and provide them with the necessary information.

- Only 13% of those surveyed participated in water quality monitoring and made recommendations to local authorities, possibly due to the current limited transparency of water resource information.

- The survey results also show us that information publicity and transparency on water resources, especially information on water resource planning, discharge sources, and water quality, will strongly promote the participation of the whole society and community in water resource protection. In particular, for the group of residential communities along the water sources, especially in the planned water sources selected as the sources of drinking water, the full information publicity on water quality will strongly promote the participation of the communities in water resource protection.

- The preliminary survey picture shows us that community resources have not been effectively mobilized in water resource protection. People only participate in simple activities such as picking up trash in rivers and streams, and dredging and clearing drains. Meanwhile, activities on aquatic resource protection associated with forest protection, water conservation associated with community livelihoods, biodiversity protection, and integrated water resource management have not had effective regulations to strongly promote community participation.

- The survey also shows that rural people still rely on well water, and their biggest concern is to ensure an adequate supply of domestic water, especially in areas prone to saline intrusion, far from surface water sources, where there is no groundwater.

- The survey highlights the need for diverse information sources to meet the needs of different age groups, and 50% of those surveyed believe that community members should be members of the Water Resource Appraisal Council for projects with significant impacts. Websites of specialized agencies are still considered reliable sources of information.

In summary: The grassroots communities have limited awareness of the LWR and current regulations related to the roles and responsibilities of the communities in water resource protection, leading to ineffective communication between authorities/investors and communities involved in the responsibility to protect water resources. The survey highlights the importance of engaging local communities in water resource protection, providing necessary information to communities, and increasing the current transparency of water resource information. In addition, the survey emphasizes the importance of ensuring adequate domestic water for underserved areas and the need for diverse information sources to meet the needs of different age groups.

2. The current situation of implementation in Da Nang City on the group of policies on promoting the roles and responsibilities of the residential communities in water resource protection specified in the 2012 Law on Water Resources and relevant current regulations

Over the past 10 years, Da Nang has well mobilized the active participation, responsibilities, and enthusiasm of the communities to successfully implement the Project “Building Da Nang - An Environmental City”, in which water resources is one of the above Project’s contents. Many models of communities participating in environmental protection and water resource protection have been formed in communes, wards, villages, and groups in the city. A special feature of Da Nang City is that the models of community participation in natural resource and environmental protection are also understood in the sense of community responsibility, engaging the participation

of stakeholders, including indigenous residential communities, scientists, officers, enterprises working together.

In the mobilization of residential communities to protect water resources, Da Nang has selected and prioritized building models of residential communities to protect water resources on river sections with the function of supplying domestic water.

Da Nang has made a map to determine the scope of the hygiene protection zones of the domestic water supply areas of the surface water exploitation works on rivers and streams as the sources of domestic water supply. Accordingly, within the hygiene protection zones of the domestic water supply areas, organizations and individuals, when carrying out activities that affect the function of the water source protection corridors, must have a unanimous opinion by documents of the DONRE and implement strict regulations on water resource protection, water reservoir safety protection, and other relevant regulations. In particular, for establishments operating at risk of water source pollution, there must be solutions to overcome or will be terminated to ensure the highest priority for the safety and security protection of water sources.

In residential areas, local authorities promote the establishment of community groups to protect river water sources, mobilizing a large number of stakeholders to participate.

Community participation in water resource protection is also reflected in the mobilization of community initiatives to improve the pollution situation caused by waste in rivers and streams through the green, clean, and beautiful Sunday movement.

In addition, Da Nang also mobilizes the comments and criticisms of the people through information publicity related to water resources.

3. Current situation of information and database publicity on water resource protection

3.1. In Vietnam

In Vietnam, the World Bank notes that building, completing, and sharing a

water database is a major challenge for integrated water resource management in Vietnam⁶. Almost all water resource planning and planning related to the exploitation and use of water resources face difficulties due to a lack of information and reliable data, and still, there is "widespread reluctance" among state agencies in sharing the data they have⁷.

The 2012 Law on Water Resources does not have a separate provision that stipulates centralized, clear, and specific regulations on information systems and databases on water resources, except for some relevant regulations such as Storage and use of information on water resources (Article 8); Monitoring and supervision of water resources (Article 28); Responsibilities of the MONRE and the Provincial-level People's Committees in building the database, the water resource information system, and managing and storing information and data on water resources (Articles 70, 71).

In fact, the MONRE and the Provincial-level People's Committees are not the only state agencies that collect data related to water resources. Relevant ministries and branches also perform fundamental surveys, monitoring, and supervision of water resources according to their functions and tasks. Organizations and individuals, in the process of water resource exploitation and use, also create their own monitoring and supervision data sets. However, with the current provisions, the 2012 Law on Water Resources i) has not yet stipulated a national information system and database connecting between central and local levels; ii) does not provide a clear mechanism to require other ministries and sectors to collect data and promptly transmit it to MONRE; iii) has no clear legal mechanism for the exploitation, use, and updating of information and databases from relevant organizations and individuals.

Regarding the law on transparency and publicity of water resource protection information in some other countries, it can be seen that countries are

⁶ Water Governance Report, World Bank, 2019

⁷ Water Governance Report, World Bank, 2019

now paying great attention to system operation and database building in water resource protection.

In Australia, information on water exploitation and use is the cornerstone of water security. Both Australian national and state laws provide information on water resources for the development and assurance of Water Supply Planning and licensing decisions based on available information. The regulations of the law on water resource information include:

- Public registration certificate of individual water supply rights;
- Request for monitoring water use;
- Account of exploitation and use of water that has water use publicity;
- Request for information sharing on water resources and conduction of consultations between state agencies;
- Scientific planning on how to use environmental flows; and
- Accountability requirements, reporting on how environmental flows are used, and whether objectives are being met.

In Korea, the national water resource database system applies advanced satellite technology combined with modern science and technology. The national water resource database system is managed by the Government, allowing the sharing of data between management agencies in the field of water resources and between countries that are parties to the Treaties and international commitments. There is a management system for a variety of objects: regulating lakes, dams, water levels, water discharge, urban areas, works on rivers, natural disasters, and ecosystem environment... Using satellite technology, this system has the ability to predict water disasters, water quality, and support the operation of large cities⁸.

3.2. In Da Nang City

In the area of Da Nang City, information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the

⁸ Ministry of Natural Resources and Environment (2013), Report on International experience in water resource management for the development of the Amended Law on Water Resources project.

communities in water resource protection is also done very well, ensuring compliance with the provisions of the 2012 Law on Water Resources and its guiding documents. In addition, the results of projects and research topics on water resources are also disclosed and publicized to organizations, individuals, and the website of specialized agencies, which has effectively contributed to improving the efficiency and effectiveness of water resource management through a multi-dimensional, public, and transparent feedback mechanism.

The information required to be transparent and public according to the regulations of the 2012 Law on Water Resources and its guiding documents is strictly and fully implemented, specifically:

- List of water sources that must establish protection corridors in the area of Da Nang City;
- Areas subject to registration for underground water exploitation and the list of areas subject to registration for underground water exploitation in Da Nang City;
- Hygiene protection zones of the domestic water supply areas of works that have been licensed to exploit and use surface water for domestic water supply purposes in the localities.
- Zoning of wastewater receiving sources in Da Nang City;
- Project “Surface water resources of Da Nang City to 2030, vision to 2045” in Decision No. 947/QĐ-UBND dated March 1, 2019;
- Project “Investigation and assessment of underground water level and zoning of the areas subject to registration for underground water exploitation works in Da Nang City”;
- Areas where underground water exploitation is restricted according to regulations.

4. River basin organization and river basin integrated management

4.1. Initial assessment

After 5 years of trial, the VGTBRB and QNDNCA Coordination Board Model have achieved many important results in many aspects:

First, it has strengthened coordination and close linkage between stakeholders related to the exploitation, use, management, and protection of water resources in the VGTBRB and QNDNCA, scientists, media agencies, people, and interested organizations and individuals. Thereby significantly reducing tensions and disputes over water resources in the basin, promoting cooperation to jointly exploit and use water resources in the basin in an efficient, economical, multi-purpose, and interest-harmonious manner between the stakeholders, ensuring a safe water supply until the end of the dry season and minimizing the harmful impacts caused by water.

Second, it has closely monitored the operation of hydroelectric power plants upstream of the Vu Gia - Thu Bon River and coordinated with water discharge control in unusual situations to ensure a safe water supply for downstream areas and limit damage caused by floods;

Third, it has studied and jointly proposed to the MONRE (the advisory body) to amend the process of inter-reservoir operation in the VGTBRB in Decision No. 1537/QĐ-TTg dated September 7, 2015, issued by the Prime Minister, to be more and more relevant to the actual situation, to overcome shortcomings and problems in the implementation process.

Fourth, it has shared water resources through the agreement of the two localities in building a temporary dam at the confluence of the Quang Hue River (in the area of Quang Nam Province) to increase the water sources to the downstream Vu Gia River, contributing to reducing salinity in the Cau Do River and ensuring water security for the downstream Vu Gia River including Da Nang City.



Figure 5 Location of the temporary dam on Quang Hue River

At the same time, through the recommendation of the Coordination Board, the two localities also proposed the MOARD to preside over the study and correction of the Quang Hue River section to regulate and redistribute the flow on the Vu Gia River.

Fifth, it has coordinated to protect water resources in VGTBRB.

Based on the content of cooperation between the two localities, current regulations, and requirements to protect the quality of domestic water sources for people in the downstream areas, through the operation of the Coordination Board, the People's Committee of Da Nang City has given comments to the People's Committee of Quang Nam Province to share information and criticisms on projects that are at risk of water source pollution in the downstream area to have the plan to respond, prevent, and reduce pollution.

At the same time, the two localities have also invested in two automatic and continuous water environment monitoring stations in the Vu Gia River Basin. Environmental monitoring results will make an important contribution to water resource management and protection. Continuous automatic water environment monitoring stations on the VGTBRB will make an important contribution to monitoring and evaluating environmental quality developments, ensuring reliable data supply as a basis for early detection and warning and appropriate policies for the reduction of downstream water sources,

environmental pollution, saline intrusion, and operation of hydroelectric power plants...

- Developed a map of major discharge sources in the Vu Gia River Basin to locate large and potentially hazardous discharge sources to coordinate to effectively control discharge activities in the basin.

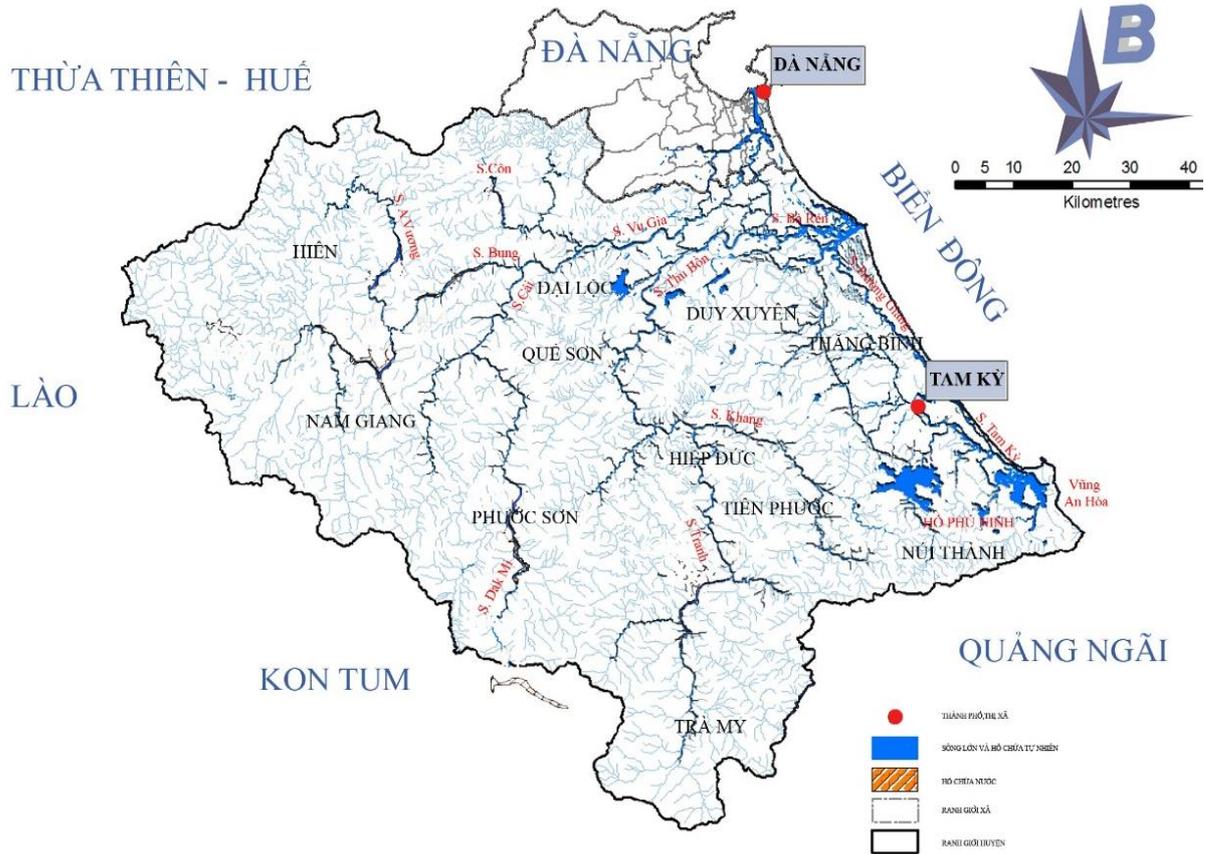


Figure 6. Vu Gia - Thu Bon River system basin

Sixth, it has improved the professional capacity of officers working in water resource management, especially in the management and advisory for local leaders on:

- Planning water resources to ensure the future development of the localities, carefully considering and taking into account the impacts of climate change (resulting in increasingly unpredictable and severe drought, saline intrusion, and floods). In particular, considering, calculating, and proposing a plan to minimize negative impacts on water resources through developing water sources on intra-provincial rivers and strictly protecting aquatic resources and water sources exploited to serve domestic water supply.

- Making a plan to cope with drought and saline intrusion to ensure a safe water supply in Da Nang City;

- Operating hydroelectric reservoirs in real time (Da Nang is a locality without hydroelectric reservoirs. However, the activities of the Coordination Board have provided and updated knowledge; enhanced capacity, knowledge, and experience to advise city leaders well in managing water discharge from hydroelectric reservoirs, ensuring a safe water supply for Da Nang City to cope with drought and intrusion in the downstream areas).



Figure 7. Capacity building training on water resource management in the Vu Gia - Thu Bon River Basin and field survey at Song Bung 6 Hydroelectric Power Plant, Quang Hue temporary dam for the Coordination Board and stakeholders

Seventh, it has done well in information and communication on disaster prevention (drought, flood), publicly explaining the process of inter-reservoir operation in the VGTBRB on mass media for people to understand, proactively

prevent, respond to, and limit damage caused by floods, and proactively arrange production and water collection plans in accordance with the operation mode of hydroelectric reservoirs in the basin in order to efficiently use water resources.

The second National Journalism Award on Disaster Prevention and Control (Journalism Award) with the theme “For a safe society against natural disasters - Proactively adapting to climate change” was launched on October 13, 2020, on the occasion of the International Day of Disaster Risk Reduction and the ASEAN Day on Disaster Management, following the success of the first award with the active participation of press agencies and a team of journalists, reporters, and editors from central and local press agencies. On May 26, in Hanoi, the National Directing Committee on Natural Disaster Prevention and Control, the Ministry of Agriculture and Rural Development, the Ministry of Information and Communications, the Vietnam Journalists Association, the United Nations Development Program (UNDP) jointly organized the awarding of the second National Journalism Award on Disaster Prevention and Control with the theme “For a safe society against natural disasters - Proactively adapting to climate change”.

Accordingly, 2 of the 4 first prizes were awarded to Quang Nam and Da Nang Newspapers, including “What does the Central region do to respond to natural disasters?” by the group of authors Hua Van Hai and Le Hoang Hiep of the Da Nang Newspaper and “Difficulty in highland reconstruction” by Alang Nguoc, Nguyen Manh Thanh Cong, Tran Huu Phuc of the Quang Nam Newspaper.

The entries for this competition reflected truthfully and intuitively the status quo, impact, and evolution of natural disasters as well as community participation; clarified and helped identify limitations and challenges in disaster prevention and control. Not only that, but the entries also helped suggest and propose new solutions and measures to improve the effectiveness of disaster prevention and control for specialized agencies at central and local levels.

In Da Nang City, on June 9, 2022, the Council of Emulation - Commendation of Da Nang City held the awarding ceremony of the fourth Writing Contest on good people and good deeds in 2022. Chairman of the Council of Emulation - Commendation of Da Nang City rewarded 31 excellent works, including 5 first prizes, 5 second prizes, 5 third prizes, and 16 consolation prizes. In particular, in the category of amateur articles and videos, the representative of the DONRE of Da Nang City won the first prize with the work “The story of Da Nang people keeping water on the Vu Gia River”, a work about the topic of water resource protection in Vu Gia River Basin, with pages describing very realistically about the journey of water keeping on the Vu Gia River of the character Huynh Van Thang.

- Linked theory with vivid practice through imparting and learning valuable practical experience from the previous generation in the field of water management.

Eighth, it has effectively applied scientific research associated with reality on water resources in the VGTBRB, which has made an important contribution to mitigating the harmful impacts caused by water in downstream areas.

The research results on water resources in the VGTBRB (especially the research of Dr. Le Hung and Dr. To Thuy Nga - Da Nang University of Science and Technology) have helped professional agencies and decision-makers to have early, accurate, and timely advice and decisions in response to drought, saline intrusion, and disaster mitigation in downstream areas due to floods, hydroelectric reservoir operation.

Outstanding research topics that have been successfully applied in practice can be mentioned are:

- Topic “Research on the impacts of the operation of hydroelectric projects in the upstream to the water supply of Cau Do Water plant in the context of climate change, sea level rise, and the socio-economic development of Da Nang City - Proposal of suitable solutions”. With this city-level research

topic, Dr. Le Hung, the topic leader, won the 3rd prize in the Vietnam Science and Technology Innovation Award, awarded by the Vietnam Fund for Supporting Technological Creations (VIFOTEC).

- Topic “Research and evaluation on the impacts of bridge and road works on the flood situation in Da Nang City” was conducted. The topic leader is Dr. To Thuy Nga, Da Nang University of Science and Technology, and MSc. Hoang Thanh Hoa, Deputy Director of the DARD of Da Nang City.

Ninth, it has well mobilized international financial and technical resources to promote the activities of the Coordination Board.

II. DIFFICULTIES IN THE IMPLEMENTATION OF RESEARCH POLICY GROUPS IN DA NANG CITY

1. Responsibilities and roles of residential communities in water resource protection

First, due to limited access to relevant information, the communities only participate in water resource protection through simple activities such as dredging, clearing drains, and picking up trash in rivers and streams; detecting and providing warning information to local authorities about pollution risks and discharge sources causing water pollution; and mobilizing relatives, organizations, and individuals to participate in water protection activities.

Second, limitations in capacity, qualifications, awareness, and technology are barriers that prevent communities from fully promoting their roles and responsibilities for the mission of protecting water resources through:

- Monitoring water quality in rivers/streams in the areas and recommending and warning local authorities about pollution risks;

- Criticizing and giving opinions on projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on residential communities' production and lives; projects that violate regulations on water source protection corridors, hygiene protection zones of domestic water supply areas; backfilling ponds, lakes, lagoons, and other structures that impede the flow of water;

Third, the communities' proactive response to natural and water-related disasters such as droughts, floods, and heavy rains has not been promoted..

Fourth, because it has not been legislated, the roles of the local authorities are very insignificant in promoting communities' initiatives and efforts in building and maintaining community models on water resource protection.

Fifth, the roles and responsibilities of indigenous communities, especially ethnic minority communities in watershed forests, high mountains, islands, and border areas, in water conservation have not been paid attention.

2. Information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection

In Da Nang City, information transparency and publicity to ensure the right of access to information and serve the monitoring purpose of the communities in water resource protection is also done very well. The information required to be transparent and public according to the regulations of the 2012 Law on Water Resources and its guiding documents is strictly and fully implemented.

3. River basin organization and river basin integrated management

Despite the impressive results and successes that have been achieved in the trial process of the Inter-provincial River Basin Coordination Board model, during the trial operation of the Coordination Board, the following difficulties and problems have arisen:

- The lack of regulations on the organization and operation of the Coordinating Board has led to the lack of a legal basis to maintain and expand the operation of the Coordination Board to address issues of water resources integrated management in the whole basin;

- Due to the lack of regulations on the organization and operation of the Coordination Board, the members of the Coordination Board have not yet ensured the structure according to the actual requirements and have not fully promoted the roles and responsibilities of relevant stakeholders in order to make

good recommendations on the regulation and distribution of water sources, to monitor activities of exploitation, use, and protection of water resources and to prevent, control, and overcome the harmful impacts caused by water in river basins. One of the important stakeholders that need to participate in the Coordination Board are organizations that exploit and use water resources, the National Load Dispatch Center, representatives of important ministries such as the Ministry of Industry and Trade, the MONRE, and the MARD is not yet members of the Coordination Board.

- Lack of mechanism to mobilize the legal financial resources for the operation of the River Basin Coordination Board;

- The operation information publicity of hydroelectric reservoirs in the VGTBRB is still limited, so the monitoring, exploitation, and use of water resources are still wasteful and ineffective.

- The lack or delay in promulgating, reviewing, supplementing, and perfecting documents that are the legal basis for the operation of the Coordination Board, specifically:

- + Government Decree on river basin organization;

- + Agreement to strengthen coordination between the two localities on the integrated management of water resources in the VGTBRB and QNDNCA in the next period;

- + The plan for the integrated management of water resources in the VGTBRB and QNDNCA in the next period, with specific responsibilities assigned to stakeholders and progress of implementation and completion according to the requirements of the coordination work.

- Drought, saline intrusion, and water shortage in downstream areas are closely related to the operation of hydroelectric power plants in the basin. However, there is no mechanism to mobilize funds for contributions from hydroelectric power plant owners as well as to implement the responsibility to compensate for damage to people in the downstream areas through voluntary contributions to local investment in projects to prevent salinity and keep freshwater and to cope with drought, saline intrusion, and flood...

CHAPTER III

PROPOSALS AND RECOMMENDATIONS

The Report “Contribution to the Development of the Amended Law on Water Resources from the implementation practice of the 2012 Law on Water Resources in Da Nang City” has synthesized the results of actual surveys and summarized the implementation situation as well as local difficulties and issues through specific models. Thereby, the Report suggested specific contents to propose additional provisions in the Amended Law on Water Resources as follows:

I. RESPONSIBILITIES AND ROLES OF RESIDENTIAL COMMUNITIES IN WATER RESOURCE PROTECTION

Experience in building and organizing activities of water resource protection models with the participation of the communities in Da Nang City has proven successful at the grassroots level. However, the ability to extend the application and maintain the existence of the models is still limited due to many institutional, managerial, financial, and technical barriers and difficulties in implementation. In order to promote community participation in water resource management, the research team proposes the following contents that need to be supplemented to the provisions of this Amended Law on Water Resources:

- The right of the residential communities to establish associations, groups, and community groups to protect water resources, serving as the legal basis and creating legal conditions for the establishment and operation of “residential community organizations” at the local level. This is the most important regulation for residential communities to be able to legally participate in water resource management;
- The responsibilities of local authorities in supporting and promoting community initiatives in water resource protection, as well as the development and maintenance of community models to protect water resources;
- Financial sources from the Budget and contributions of residential

communities and relevant organizations and individuals to establish and maintain the operation of models of residential communities participating in the protection of water sources with important functions such as domestic water supply and conservation;

- The roles and responsibilities of residential communities in taking proactive measures to prevent and respond to water-related disasters such as droughts, saline intrusion, heavy rains, and floods.

- The elderly, women, and children in the community must participate in water resource management activities, linking education and practice. Specific responsibilities for developing environmental education and communication programs on water resource protection and management should be assigned to children and communities.

II. INFORMATION TRANSPARENCY AND PUBLICITY TO ENSURE THE RIGHT OF ACCESS TO INFORMATION AND SERVE THE MONITORING PURPOSE OF THE COMMUNITIES IN WATER RESOURCE PROTECTION

- Supplementing separate regulations on information systems and databases on water resources.

State management activities in general and state management of water resources in particular are aiming to build and develop Digital government and E-government. With the goal of managing national water resources based on digital technology, it is necessary to review and supplement separate regulations on information systems and databases on water resources.

- Supplementing regulations on public information, responsibilities of state agencies on information publicity.

- Supplementing the information related to water quality that must be publicized. Supplementing the responsibilities of the MONRE and state agencies at all levels in publicizing information on water environment and water resource protection according to their competence.

- Supplementing regulations on information publicity and transparency as one of the principles in the management, protection, development, exploitation, and use of water resources, and the prevention, control, and overcoming of harmful impacts caused by water, in Article 5 of the draft Amended Law.

- Defining clearly the contents of the water environment information publicity concept:

The current law does not specify who has the right to access water environment information; it could be accessed directly or compulsorily through representatives. Besides, the right of access to information also has certain limitations. Laws on access to information in countries, including Vietnam, stipulate that confidential information and documents related to national security, business, and professional secrets... must not be publicly disclosed or accessed. Clause 1, Article 2 of the 2018 Law on Protection of State Secrets stipulates: “State secret means undisclosed information carrying important contents which are specified by the head of a competent body or organization according to regulations of this Law, and the divulgence or loss of which may bring harm to the national interest”. State secrets are regulated for both information on natural resources and the environment, according to which “Information about natural resources and the environment, including water, environmental, geological, and mineral resources, hydrometeorology, land, seas, islands, survey, and mapping”⁹. However, because the current regulations have not explained or defined concretely the criteria and conditions for information to be considered “information that harms or affects the interests of the State, national defense, national security, international relations, social order and safety, social morality, public health; the life or property of others” or any information that is “necessary for the public interest, the health of the community” so it is difficult to imagine the contents of environmental information being publicly restricted.

Therefore, the identification of factors that are necessary or harmful is determined by subjective factors. This leads to fear for the competent state

⁹ Article 7 of the 2018 Law on Protection of State Secrets.

agency itself when publicizing information. Even this can be considered a reason to refuse to publicize information. Therefore, in order to ensure that the regulations on water environment information publicity are effectively enforced, the State first needs to ensure the people's right of access to information on the basis of limiting the scope of information accessed by the people. Specifically, the State must review and re-systematize the criteria for identifying which information belongs to state secrets, private life secrets, and business secrets which are not allowed to be accessed in order to minimize the use of unreasonable reasons to refuse to provide information to citizens and organizations. In addition, the State needs to specify the form, order, procedures, and time limit for exercising this right in order to ensure that citizens can exercise their right of access to information in the most convenient and fast, and least expensive way¹⁰.

III. RIVER BASIN ORGANIZATION AND RIVER BASIN INTEGRATED MANAGEMENT

- Proposal to supplement regulations on the organization and operation of river basin organizations.

- Proposal to supplement the responsibilities of river basin organizations to ensure the effectiveness and efficiency of coordination in solving common, inter-sectoral, inter-regional, and inter-local issues in state management of water resources and environmental protection in river basins, specifically:

- + Proposing and recommending measures to competent state agencies to ensure the implementation of the integrated planning of inter-provincial river basins; proposing solutions to issues arising in the process of organizing the implementation of the integrated planning of inter-provincial river basins;

- + Proposing and recommending measures to competent state agencies on the protection of water resource protection; regulation and distribution of water resources; exploitation and use of water resources; prevention and control of droughts, water shortages, and floods in the basins;

¹⁰ Journal of Legislative Studies No. 16 (440), August 2021.

- Proposal to supplement regulations on localities in the basins to be allowed to establish River Basin Coordination Boards with the participation of stakeholders. The composition of the Coordination Board should have the full participation of all stakeholders involved in the exploitation, use, management, and protection of water resources in river basins and coastal areas, including:

- + Experienced scientists and experts in the field of irrigation - hydroelectricity, and water resource protection;

- + Representatives of residential communities living near water sources, giving priority to communities in riverside areas located in the hygiene protection zones of domestic water supply areas;

- + Representatives of organizations exploiting and using water resources in the basins: hydroelectric power, irrigation, domestic water supply, and exploitation for other countries;

- + Representative of the National Load Dispatch Center;

- + Representatives of press/media agencies.

- It is necessary to stipulate the financial contribution obligation to ensure the operation of the river basin organizations from the contribution of the budget of the localities located in the basin (which can be supplemented by the money for granting the right to exploit water resources and the fee for discharging wastewater into water sources), from funds contributed by organizations and individuals exploiting and using water resources in river basins, to ensure economical and efficient use of water and prevent harmful impacts caused by water./.

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APPENDIX ATTACHED



Appendix I

SUMMARY TABLE OF REVIEWS ON THE CONTENTS OF REGULATIONS RELATED TO THE ROLES AND RESPONSIBILITIES OF THE RESIDENTIAL COMMUNITIES IN THE 5TH DRAFT AMENDED LAW ON WATER RESOURCES

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
1	Article 2. Subjects of application	This Law applies to agencies, organizations, <u>residential communities</u> , households, and individuals in the territory of the Socialist Republic of Vietnam.	This is new content compared to the 2012 Law on Water Resources.	Proposal to supplement the explanation of the concept of "residential community" to Article 3 of the Amended Law on Water Resources.
2	Article 5. Principles of management, protection, development, and use of water resources;	Clause 4 stipulates: "4. <u>Water resource protection</u> is the responsibility of agencies, organizations, <u>residential communities</u> , households, and individuals and must take prevention as the main part, associated with the protection and development of forests, the ability to regenerate water resources,	Unified	Proposal to add content on ensuring water sources security to Clause 4, Article 5.

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	prevention, control, and overcoming of harmful impacts caused by water	combined with the protection of water quality and aquatic ecosystems, overcoming and limiting the degradation, depletion, and pollution of water sources, taking into account the impacts of climate change.		
3	Article 8. Collecting opinions of the residential communities and relevant organizations and individuals in the exploitation and use of water resources	<p>1. Organizations and individuals investing in projects, <u>including the construction of works on the exploitation and use of water resources</u> that have great impacts on socio-economic development activities and people's lives in the locality, shall coordinate with local authorities in carrying out the following activities:</p> <p>a) Collecting opinions of representatives of the residential communities and relevant organizations and individuals in the affected area on contents related to the project's plan for the exploitation and use of</p>	<p>- The content of this Article has been amended and supplemented on the basis of Article 6 of the 2012 Law on Water Resources on the content of collecting opinions of the residential communities and relevant organizations and individuals in the exploitation and use of water resources, in which some words have been modified and added to suit the actual coordination.</p> <p>- Regarding the content specified at Point a, Clause 1: Clause 22, Article 3</p>	<p>* Regarding the content specified at Point a, Clause 1:</p> <p>- It is recommended that the drafting agency study and remove the phrase “the construction of works on the exploitation and use of water</p>

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>water resources; synthesizing, receiving, and explaining in writing and attaching it to the license application;</p> <p>5. Having a mechanism to encourage organizations and individuals to participate in fundamental investigation activities; protect and restore degraded, depleted, and polluted water sources; and prevent, control, and overcome the harmful impacts caused by water and other relevant activities under the investment responsibility of the State.</p> <p>6. Having a mechanism to encourage and mobilize organizations and individuals to participate in the movement of all people to protect water security; monitor, detect, prevent, and denounce violations of the law on environmental protection in general and</p>	<p>of the Amended Law on Water Resources has explained: “22. <i>Water exploitation and use is the activity of exploiting the potentials and values of water sources to serve the people's livelihood, socio-economic development, environmental protection, culture, religion, belief, biodiversity, development of natural ecosystems through water collection, water storage, water transfer, water conduction, water supply, water source generation, and water surface use works</i>”. However, the current reality shows that many projects do not invest in the construction of water exploitation and use works; only use water surfaces (sea and river surfaces</p>	<p>resources” to “including water exploitation and use activities” and amend Clause 1, Article 8 as follows:</p> <p>“1. Organizations and individuals investing in projects <u>in which the exploitation and use of water resources</u> have great impacts on socio-economic development activities and people's lives in the locality shall coordinate with local authorities to conduct activities...”</p> <p>- In addition, in order for the collection of opinions to be substantive and reflect the</p>

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>water resource protection in particular.</p> <p>7. Incentives, support, and assurance of lawful rights and interests for organizations and individuals participating in activities of protection, development, and restoration of water sources and water storage works in the form of socialization.</p>	<p>with large areas) but have great impacts on culture, religion, belief, biodiversity, development of the natural ecosystem. Therefore, it is necessary to review Article 8 to fully stipulate that projects with the exploitation and use of water resources as prescribed in Article 3 that have great impacts must collect opinions instead of only stipulating opinion collection of projects with investment in the construction of water exploitation and use works as in the Draft.</p> <p>- Regarding the contents specified in Clauses 5,6,7: Not mentioning the residential communities.</p>	<p>voices of the people, it is necessary to supplement the collection of opinions of the residential communities in addition to the collection of opinions of representatives according to the composition specified in the draft Law and Decree No. 02/2023/ND-CP. The collection of opinions of the residential communities can be done in the following forms: publicizing information at commune-level People's Committees, collecting opinions on websites, social networks, and opinion collection forms at a</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
				<p>reasonable rate.</p> <p>Or, it is possible to study and supplement the community representatives, which is the Front Working Committee in residential areas. This is an organization with a very important role, an extension arm of the Front and the most important organization linking the Front with the People, continuing to mobilize, gather, propagate, and raise awareness for people of all classes to well implement the guidelines of the Party and the policies and laws of the State.</p> <p>* <i>Regarding the content</i></p>

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
				<i>specified in Clauses 5,6,7:</i> It is necessary to add the “ <i>residential communities</i> ” to the group of subjects to expand the implementation subjects.
4	Article 25. Publicity and organization of the implementation of the integrated planning of inter-provincial river basins	3. Organizations, individuals, and <u>residential communities</u> are provided with conditions to exercise the right to monitor and propose measures to implement the integrated planning of inter-provincial river basins.	Regarding the content specified in Clause 3, Article 25: It is necessary to study and additionally prescribe the right to monitor and propose measures to implement the plan for the exploitation and use of water resources and the overcoming of harms and consequences caused by water (formerly the intra-provincial river basin planning), integrated into the General planning of provinces/cities under the Central Government, of organizations,	Proposal to supplement regulations on organizations, individuals, and residential communities being facilitated to exercise the right to monitor and propose measures to implement plans for the exploitation and use of water resources and the overcoming of harms and consequences caused by water integrated into the General planning of provinces/cities under the

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
			individuals, and residential communities.	Central Government.
5	Article 27. Water source protection corridors and Article 31. Protection of the quality of domestic water sources	3. Agencies, organizations, <u>residential communities</u> , households, and individuals living and conducting production, business, and service activities within the water source protection corridors must satisfy the following requirements: a) Must not cause landslides of riverbanks, streams, canals, ditches, and reservoirs or seriously affect or threaten the stability and safety of rivers, streams, canals, ditches, and reservoirs; b) Does not affect the functions of the water source protection corridors approved by the competent state agencies; c) Does not adversely affect the landscape and ecological environment within the	Clause 1, Article 31. Protection of the quality of domestic water sources stipulated: “1. Organizations and individuals must be responsible for protecting the quality of domestic water sources. Persons who detect acts of causing destruction or pollution of domestic water sources are responsible for preventing and promptly reporting them to competent state agencies for handling.”. Circular 24/2016//TT-BTNMT stipulates: “The scope of the hygiene protection zones of the domestic water supply areas of water surface exploitation works on rivers, streams,	Proposal to supplement the roles and responsibilities of the residential communities in performing the responsibility to protect the quality of domestic water sources to Article 31.

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		water source protection corridors; d) Take measures to protect water resources in accordance with the law.	canals, and ditches for domestic use <u>includes the scope of water source protection corridors</u> for rivers, streams, canals, ditches...”. However, Article 31 does not mention the roles and responsibilities of the residential communities, while Article 27 does.	
6	Article 56. Reservoirs and the exploitation and use of water from reservoirs and dams	3. Construction projects of reservoirs and dams on rivers and streams must satisfy the following requirements: c) Having the opinions of the residential communities and relevant organizations and individuals as prescribed in Article 8 of this Law.	These are projects that have great impacts on people's livelihoods. However, as analyzed above, the collection of opinions of representatives of the residential communities as prescribed in Decree 02/2023/ND-CP has not fully brought into play the roles and responsibilities of the residential community.	In order for the collection of opinions to be substantive and reflect the voices of the people, it is necessary to supplement the collection of opinions of the residential communities in addition to the collection of opinions of representatives according to the composition specified in the draft Law and



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
				<p>Decree No. 02/2023/ND-CP.</p> <p>The collection of opinions of the residential communities can be done in the following forms: publicizing information at commune-level People's Committees, collecting opinions on websites, social networks, and opinion collection forms at a reasonable rate.</p> <p>Or, it is possible to study and supplement the community representatives, which is the Front Working Committee in residential areas.</p>



Appendix II

SUMMARY TABLE OF REVIEWS ON THE CONTENTS OF REGULATIONS RELATED TO RIVER BASIN ORGANIZATIONS IN THE 5TH DRAFT AMENDED LAW ON WATER RESOURCES

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
1	Article 8. Collecting opinions of the residential communities and relevant organizations and individuals in the exploitation and use of water resources	2. In case the investment project involves water transfer, apart from complying with the provisions of Clause 1 of this Article, the organizations or individuals investing in the project must also collect the opinions of the People's Committees and <u>the river basin organizations</u> on the scale and plan of water transfer before formulating the investment project. The collection of opinions is regulated as follows: a) Relevant People's Committees of communes, wards, and towns (hereinafter	There is no explanation for the concept of “river basin organizations”.	Proposal to supplement the explanation of the concept of "river basin organizations" to Article 3 of the draft Amended Law on Water Resources. In addition, according to the intra-provincial river basin organization model, it is possible to establish affiliated organizations within. Therefore, it is recommended to



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>collectively referred to as commune-level People's Committees) and People's Committees of districts, provincial-affiliated towns, and cities (hereinafter collectively referred to as district-level People's Committees) for projects involving water transfer in the intra-provincial river basin;</p> <p>b) Relevant People's Committees of the provinces and centrally-affiliated cities (hereinafter referred to as the provincial-level People's Committees) and <u>river basin organizations</u> for projects involving water transfer other than those specified at Point a of this Clause.</p> <p>3. In case the investment project involves building lakes and dams on</p>		<p>supplement and clarify the content of river basin organizations if it has clearly identified and oriented the operation models of river basin organizations.</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>rivers in inter-provincial river basins without water transfer, apart from complying with the provisions of Clause 1 of this Article, before formulating the investment project, organizations and individuals investing in the project are also responsible:</p> <p>a) Collecting opinions of relevant provincial-level People's Committees and <u>river basin organizations</u> on the proposed scale and plan for the construction of works on the mainstream;</p> <p>b) Notifying relevant provincial-level People's Committees and <u>river basin organizations</u> about the proposed scale and plan for the construction of works on tributaries.</p>		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
2	Article 23. Competence in organizing the formulation and approval of general planning of inter-provincial river basins	2. General planning of inter-provincial river basins must be consulted in writing by relevant ministries, ministerial-level agencies, provincial-level People's Committees, <u>river basin organizations</u> , and other relevant organizations before submitting to the competent authorities for approval.	It is necessary to study and supplement regulations for cases where an inter-provincial river basin organization has not been established	
3	Article 25. Publicity and organization of the implementation of the integrated planning of inter-provincial river basins	2. <u>River basin organizations</u> shall have to propose and recommend measures to ensure the implementation of the general planning of inter-provincial river basins to competent state agencies; propose solutions to issues arising in the organization process of the implementation of the general planning of inter-provincial river basins.		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
4	Article 42. Reservoir and inter-reservoir operation process	5. The operation process of inter-reservoir in river basins must be consulted with ministries, branches, localities, <u>river basin organizations</u> , and other relevant organizations before submitting to competent authorities for approval.		
5	Article 45. General provisions on the exploitation and use of water resources	1. The exploitation and use of water resources for the purposes of agriculture, industry, fisheries, irrigation, hydroelectricity, urban and rural water supply, and other production and business activities must comply with the principles specified in Article 5 of this Law and the following provisions: b) The exploitation and use of water resources must be subject to the		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		management, motoring, regulation, and distribution of the state management agencies in charge of water resources according to the provisions and supervision of the <u>river basin organizations</u> ;		
8	Article 79. Responsibilities for state management of water resources of the Government, ministries, and ministerial-level agencies	2. The MONRE is responsible to the Government for performing the state management of water resources, managing river basins and water sources nationwide, and has the following responsibilities: k) Standing Committee of the Vietnam Mekong River Commission and <u>river basin organizations</u> .		
9	Article 81. Coordination and	2. Responsibility for coordination and monitoring of the exploitation, use, and		It is necessary to study and supplement regulations for



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	<p>monitoring of the exploitation, use, and protection of water resources; and the prevention, control, and overcoming of harmful impacts caused by water in river basins</p>	<p>protection of water resources; and the prevention, control, and overcoming of harmful impacts caused by water in river basins are prescribed as follows:</p> <p>a) <u>River basin organizations</u> propose the regulation and distribution of water sources and monitor activities of the exploitation, use, and protection of water resources; the prevention, control, and overcoming of harmful impacts caused by water on one or several inter-provincial river basins;</p> <p>c) The MONRE shall uniformly direct the coordination of activities of <u>river basin organizations</u>, provincial-level People's Committees, and relevant agencies and organizations in the</p>		<p>inter-provincial cooperation on water resources. In case an inter-provincial river basin organization has been established, the regulations on the contents of inter-provincial cooperation on water resources according to the organization model of the River Basin Coordination Board (an organization within the river basin organization) is necessary for localities in the basin to enhance their roles and responsibilities in solving issues of the</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>regulation and distribution of water resources; monitor activities of exploitation, use, and protection of water resources, and the prevention, control, and overcoming of harmful impacts caused by water in river basins.</p> <p>3. The Government shall specify the coordination and monitoring of the exploitation, use, and protection of water resources, and the prevention, control, and overcoming of harmful impacts caused by water; regulations on the organization and operation of <u>river basin organizations</u>.</p>		<p>exploitation, use, and protection of water resources within their capacity and competence.</p>



Appendix III

SUMMARY TABLE OF REVIEWS ON THE CONTENTS OF REGULATIONS RELATED TO INFORMATION PUBLICITY AND TRANSPARENCY IN THE 5TH DRAFT AMENDED LAW ON WATER RESOURCES

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
1	Article 8. Collecting opinions of the residential communities and relevant organizations and individuals in the exploitation and use of water resources	<p>1. Organizations and individuals investing in projects, including the construction of works on the exploitation and use of water resources that have great impacts on socio-economic development activities and people's lives in the locality, shall coordinate with local authorities in carrying out the following activities:</p> <p>b) <u>Publicizing information</u> about the contents related to the project's exploitation and use of water resources and its possible impacts before implementation;</p>	<p>Point b, Clause 1, Article 6 of the 2012 Law on Water Resources stipulates the responsibilities of organizations and individuals investing in projects, including the construction of works on the exploitation and use of water resources that have great impacts on socio-economic development activities and people's lives in the locality, shall coordinate with local authorities to conduct activities of information publicity on contents related to the project's exploitation and use of water resources and discharge of wastewater into water sources and its possible impacts before implementation.</p> <p>The contents and forms of information</p>	<p>Recommendation to the drafting agency to study and remove the phrase “the construction of works on the exploitation and use of water resources” to “including water exploitation and use activities” and amend Clause 1, Article 8 as follows:</p> <p>“1. Organizations and individuals investing in projects in which the</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
			<p>publicity are specified in Article 3 of Decree No. 201/2013/ND-CP.</p> <p>The content specified in Article 3 of Decree No. 201/2013/ND-CP is replaced in Article 3 of Decree No. 02/2023/ND-CP dated February 1, 2023, of the Government detailing The implementation of a number of Articles of the Law on Water Resources (effective from March 20, 2023) (eliminating the contents related to the works of discharging wastewater into water sources, complying with the provisions of the law on environmental protection). In addition, the draft Law stipulates that reservoirs and dams built on rivers and streams, which belong to the license-required cases, are required to publicize information. Meanwhile, in the past, only reservoirs and dams with a total capacity</p>	<p>exploitation and use of water resources have great impacts on socio-economic development activities and people's lives in the locality shall coordinate with local authorities to conduct activities...”</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
			<p>of 500 million m³ or more were required to publicize information.</p> <p>Thus, it can be seen that the Draft Amended Law expands the subject of information publicity. However, the current reality shows that many projects do not invest in the construction of water exploitation and use works; only use water surfaces (sea and river surfaces with large areas) but have great impacts on culture, religion, belief, biodiversity, development of the natural ecosystem. Therefore, it is necessary to review to stipulate that projects with the exploitation and use of water resources as prescribed in Article 3 that have great impacts must publicize information instead of only requiring information publicity of projects with</p>	



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
			investment in the construction of work on water exploitation and use as in the Draft.	
	Article 25. Publicity and organization of the implementation of the integrated planning of inter-provincial river basins	1. No later than 15 days from the date of approval of the planning, the MONRE publishes the planning and regularly and continuously uploads the planning on the website of the MONRE, and at the same time notifies the relevant Ministries, branches, and localities. Provincial-level People's Committees of river basins shall make planning regularly and continuously publish on local websites. Information publicity activities must comply with the law on state secret protection.	Internal Situation?	
	Article 31. Protection of	2. Provincial-level People's Committees have the following responsibilities::	The current LEP stipulates that water environment information must be publicized,	Recommendation to the drafting agency to review



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	quality of domestic water sources	<p>a) <u>Identifying and publicizing the hygiene protection zones of the domestic water supply areas within the localities;</u></p> <p>b) <u>Organizing information publicity on the quality of domestic water sources and warning on abnormal phenomena of the quality of domestic water sources for water sources in the localities.</u></p> <p>5. <u>The MONRE shall assume the prime responsibility for and coordinate with the provincial-level People's Committees in identifying and publicizing the hygiene protection zones of the domestic water supply areas for works within the hygiene protection zones located in the area of 02 provinces or more.</u></p> <p>6. The Government shall detail the</p>	<p>which is still limited and does not guarantee sufficient information for water pollution control activities. Accordingly, only the responsibilities of the provincial-level People's Committees are stipulated in the collection of information and data on the current situation of the surface water environment, waste sources, and the total amount discharged into the surface water environment of inter-provincial rivers and lakes in the area under their management according to the guidance of the MONRE; does not stipulate the responsibilities of the MONRE in publicizing information under its authority, such as publicizing the quality of surface water environment for inter-provincial rivers and lakes...</p>	<p>and study regulations on publicizing the quality of surface water environment for inter-provincial rivers and lakes...</p>



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		identification and publicity of hygiene protection zones in domestic water supply areas.		
	Article 39. Regulation and distribution of water resources	3. Annually, the MONRE directs specialized agencies to <u>publicize scenarios of water sources in river basins.</u>		Recommendation to the drafting agency to review and study regulations on specialized agencies at the provincial/municipal levels to publicize scenarios of water sources in intra-provincial river basins
	Article 48. Exploitation and use of water resources for domestic use	6. Organizations and individuals investing in the construction, management, and operation of works to exploit and use water for domestic use have the following responsibilities: c) <u>Notifying and warning about the</u>	Not yet mentioned the publicity of water quality information	Recommendation to the drafting agency to review and study regulations on organizations and individuals investing in the construction, management,



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p><u>hygiene protection zones of the domestic water supply areas of the exploited works</u> after it is issued and publicized by the competent authorities, and strictly controlling, monitoring, and supervising the activities of the activities within the hygiene protection zones of the domestic water supply areas</p>		<p>and operation of works on water exploitation and use for domestic use shall have to publicize information on water quality (including periodic monitoring and automatic and continuous monitoring) to the residential communities and relevant organizations and individuals to strengthen inspection and supervision.</p>
	<p>Article 63. Prevention and control of droughts, water shortages, floods,</p>	<p>6. List of lakes, ponds, and lagoons that cannot be leveled: b) <u>The list of lakes, ponds, and lagoons that cannot be leveled</u> is made, <u>publicized</u>, reviewed, and adjusted</p>		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	and artificial inundations	according to regulations.; c) <u>The MONRE prepares, publicizes, and adjusts the list of lakes, ponds, and lagoons that cannot be leveled located in two or more provinces or centrally-affiliated cities. Provincial-level People's Committees shall make, publicize, and adjust the list of lakes, ponds, and lagoons that cannot be leveled within their respective localities.</u>		
	Article 79. Responsibilities for state management of water resources of the Government, ministries, and	2. <u>The MONRE is responsible to the Government for performing the state management of water resources, managing river basins and water sources nationwide, and has the following responsibilities:</u> c) <u>Identifying and publicizing the minimum flow and functions for inter-</u>		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	ministerial-level agencies	<p><u>provincial water sources, underground water exploitation threshold, and the hygiene protection zones of domestic water supply areas according to its competence; notifying the situation of droughts and water shortages; publicizing water source scenarios in inter-provincial river basins; formulating, reviewing, and adjusting plans for regulation and allocation of water sources to cope with droughts and water shortages; organizing the regulation and distribution of water resources in inter-provincial river basins; publicizing and uploading the plannings according to regulations; and publicizing the list of lakes, ponds, and lagoons that cannot be leveled according to their competence;</u></p>		

No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
	Article 80. Responsibilities for state management of water resources of the People's Committees at all levels	<p>1. Provincial-level People's Committees, within the limit of their tasks and powers, have the following responsibilities::</p> <p>c) Delineating and <u>publicizing restricted areas and areas subject to registration for the exploitation of underground water; identifying and publicizing the minimum flow and functions for intra-provincial water sources and underground water exploitation threshold according to its competence; publicizing the list of lakes, ponds, and lagoons that cannot be leveled within the localities; making and promulgating a list of intra-provincial water sources; identifying areas of water scarcity, with degraded, depleted, or polluted water sources; areas with difficulties in water supply; urban areas often occur inundations due to rain, high</u></p>		



No.	Regulation contents of the Amended Law on Water Resources (the 5th draft)		Comments, reviews	Recommendations, proposals
	Articles	Specific regulation contents		
		<p>tide, and sea level rise; and promulgating, reviewing, adjusting, and organizing the implementation of the underground water protection plan;</p> <p>d) Organizing response and overcoming of water source pollution incidents; monitoring, detecting, and participating in solving transnational water pollution incidents according to its competence; establishing and managing water source protection corridors and hygiene protection zones of the domestic water supply areas; and <u>publicizing information on the quality of domestic water sources and warning on abnormal phenomena of the quality of domestic water sources for water sources in the localities according to regulations.</u></p>		



Appendix IV
RECOMMENDATIONS AND PROPOSALS ON KEY ISSUES THAT
NEED TO BE REGULATED IN THE AMENDED LAW ON WATER RESOURCES

No.	Research issues	Difficulties and problems	Recommendations
I	Responsibilities and roles of the residential communities in water resource protection		<p>In order to promote community participation in water resource management, the research team proposes the following contents that need to be supplemented to the provisions of this Amended Law on Water Resources:</p> <ul style="list-style-type: none"> - The clarification of the basis for identifying the “representatives of the residential communities” to avoid problems in the implementation process, and the criteria and scope for identifying “relevant organizations and individuals” in the affected localities. - The right of the residential communities to establish associations, groups, and community groups to protect water resources, serving as the legal basis and creating legal conditions for the establishment and operation of “residential community organizations” at the local level. This is the most important regulation for residential communities to be able to legally participate in water



No.	Research issues	Difficulties and problems	Recommendations
			<p>resource management;</p> <ul style="list-style-type: none"> - The responsibilities of local authorities in supporting and promoting community initiatives in water resource protection, as well as the development and maintenance of community models to protect water resources; - Financial sources from the Budget and contributions of residential communities and relevant organizations and individuals to establish and maintain the operation of models of residential communities participating in the protection of water sources with important functions such as domestic water supply and conservation; - The roles and responsibilities of residential communities in taking proactive measures to prevent and respond to water-related disasters such as droughts, saline intrusion, heavy rains, and floods; - The elderly, women, and children in the community must participate in water resource management activities, linking education and practice. Specific responsibilities for developing environmental education and communication

No.	Research issues	Difficulties and problems	Recommendations
			<p>programs on water resource protection and management should be assigned to children and communities.</p>
II	<p>Information transparency and publicity on water resources</p>	<p>Similar to the 2012 Law on Water Resources, the draft Amended Law on Water Resources does not have provisions specifying the contents and forms of information publicity. The specific regulations on the contents and forms are assigned to the Government to prescribe. However, access to information is a citizen's right, regulated by law and guaranteed by the Law on Access to Information. Article 5 of the 2016 Law on Access to Information stipulates that “Citizens are permitted to access to information of state agencies, excepted for inaccessible information specified in Article 6 of this Law; to access with particular conditions to the information specified in Article 7 of this Law”.</p>	<ul style="list-style-type: none"> - Supplementing separate regulations on information systems and databases on water resources. State management activities in general and state management of water resources in particular are aiming to build and develop Digital government and E-government. With the goal of managing national water resources based on digital technology, it is necessary to review and supplement separate regulations on information systems and databases on water resources. - Supplementing regulations on public information, responsibilities of state agencies on information publicity. - Supplementing the information related to water quality that must be publicized. Supplementing the responsibilities of the MONRE and state agencies at all levels in publicizing information on water environment and water resource protection according to their competence. - Supplementing regulations on organizations and

No.	Research issues	Difficulties and problems	Recommendations
		<p>Therefore, the responsibility of state agencies is to actively publicize accessible information, creating conditions for citizens to exercise their rights. In addition, Clause 4, Article 5 of the draft Law on Principles of Management, protection, development, exploitation, and use of water resources; and Prevention, control, and overcoming of harmful impacts caused by water stipulates that “Water resource protection is the responsibility of agencies, organizations, residential communities, households, and individuals...”. Therefore, in order for citizens to promptly update and grasp information about the water environment and water resources, fulfill their responsibility to protect water environment and water resources, and at the same time ensure their right to fully, timely, and</p>	<p>individuals investing in the construction, management, and operation of works on water exploitation and use for domestic use shall have to publicize information on water quality (including periodic monitoring and automatic and continuous monitoring) to the residential communities and relevant organizations and individuals to strengthen inspection and supervision.</p> <ul style="list-style-type: none"> - Supplementing regulations on information publicity and transparency as one of the principles in the management, protection, development, exploitation, and use of water resources, and the prevention, control, and overcoming of harmful impacts caused by water, in Article 5 of the draft Amended Law. - Defining clearly the contents of the water environment information publicity concept: <p style="margin-left: 40px;">The current law does not specify who has the right to access water environment information; it could be accessed directly or compulsorily through representatives. Besides, the right of access to information also has certain</p>

No.	Research issues	Difficulties and problems	Recommendations
		<p>accurately receive information, it is necessary to legalize the information to be publicized, the subjects of the publicity, the forms of the publicity, and the time for the publicity. More details will be specified in Decrees and Circulars. Although the Government has now issued Decree No. 73/2017/ND-CP, the MONRE has issued Circular No. 32/2018/TT-BTNMT stipulating the collection, management, exploitation, and use of natural resource and environmental information and data, but the implementation in practice still has many shortcomings.</p>	<p>limitations. Laws on access to information in countries, including Vietnam, stipulate that confidential information and documents related to national security, business, and professional secrets... must not be publicly disclosed or accessed. Clause 1, Article 2 of the 2018 Law on Protection of State Secrets stipulates: “State secret means undisclosed information carrying important contents which are specified by the head of a competent body or organization according to regulations of this Law, and the divulgence or loss of which may bring harm to the national interest”. State secrets are regulated for both information on natural resources and the environment, according to which “Information about natural resources and the environment, including water, environmental, geological, and mineral resources, hydrometeorology, land, seas, islands, survey, and mapping”¹¹. However, because the current regulations have not explained or defined concretely the criteria and conditions for information to be considered “information</p>

¹¹ Article 7 of the 2018 Law on Protection of State Secrets.



No.	Research issues	Difficulties and problems	Recommendations
			<p>that harms or affects the interests of the State, national defense, national security, international relations, social order and safety, social morality, public health; the life or property of others” or any information that is “necessary for the public interest, the health of the community” so it is difficult to imagine the contents of environmental information being publicly restricted.</p> <p>Therefore, the identification of factors that are necessary or harmful is determined by subjective factors. This leads to fear for the competent state agency itself when publicizing information. Even this can be considered a reason to refuse to publicize information. Therefore, in order to ensure that the regulations on water environment information publicity are effectively enforced, the State first needs to ensure the people's right of access to information on the basis of limiting the scope of information accessed by the people. Specifically, the State must review and re-systematize the criteria for identifying which information belongs to state secrets, private life secrets, and business</p>



No.	Research issues	Difficulties and problems	Recommendations
			<p>secrets which are not allowed to be accessed in order to minimize the use of unreasonable reasons to refuse to provide information to citizens and organizations. In addition, the State needs to specify the form, order, procedures, and time limit for exercising this right in order to ensure that citizens can exercise their right of access to information in the most convenient and fast, and least expensive way¹².</p>
		<p>The current LEP stipulates that water environment information must be publicized, which is still limited and does not guarantee sufficient information for water pollution control activities. Accordingly, only the responsibilities of the provincial-level People's Committees are stipulated in the collection of information and data on the current situation of the surface water environment, waste sources,</p>	<p>Supplementing the information related to water quality that must be publicized. Supplementing the responsibilities of the MONRE and state agencies at all levels in publicizing information on water environment and water resource protection according to their competence.</p>

¹² Journal of Legislative Studies No. 16 (440), August 2021.



No.	Research issues	Difficulties and problems	Recommendations
		<p>and the total amount discharged into the surface water environment of inter-provincial rivers and lakes in the area under their management according to the guidance of the MONRE; does not stipulate the responsibilities of the MONRE in publicizing information under its authority, such as publicizing the quality of surface water environment for inter-provincial rivers and lakes...</p>	
		<p>The publicity and transparency in water environment protection and water resource management and use are important contents; especially in the current practice when the protection of water resources and water environment is the responsibility of agencies, organizations, residential communities, households, and individuals. Publicity and transparency are some of the</p>	<p>Supplementing regulations on information publicity and transparency as one of the principles in the management, protection, development, exploitation, and use of water resources, and the prevention, control, and overcoming of harmful impacts caused by water, in Article 5 of the draft Amended Law.</p>

No.	Research issues	Difficulties and problems	Recommendations
		<p>principles of environmental protection under the provisions of the 2020 Law on Environmental Protection. However, the 2012 Law on Water Resources and this draft Amended Law on Water Resources have not mentioned the contents of publicity and transparency as a principle in the management, protection, development, exploitation, and use of water resources; and the prevention, control, and overcoming of harmful impacts caused by water.</p>	
<p>III</p>	<p>River basin organizations</p>		<ul style="list-style-type: none"> - Proposal to supplement regulations on the organization and operation of river basin organizations. - Proposal to supplement the responsibilities of river basin organizations to ensure the effectiveness and efficiency of coordination in solving common, inter-sectoral, inter-regional, and inter-local issues in state management of water resources and environmental protection in river basins, specifically: <ul style="list-style-type: none"> + Proposing and recommending measures to



No.	Research issues	Difficulties and problems	Recommendations
			<p>competent state agencies to ensure the implementation of the integrated planning of inter-provincial river basins; proposing solutions to issues arising in the process of organizing the implementation of the integrated planning of inter-provincial river basins;</p> <ul style="list-style-type: none"> + Proposing and recommending measures to competent state agencies on the protection of water resource protection; regulation and distribution of water resources; exploitation and use of water resources; prevention and control of droughts, water shortages, and floods in the basins; - Proposal to supplement regulations on localities in the basins to be allowed to establish River Basin Coordination Boards with the participation of stakeholders. The composition of the Coordination Board should have the full participation of all stakeholders involved in the exploitation, use, management, and protection of water resources in river basins and coastal areas, including: <ul style="list-style-type: none"> + Experienced scientists and experts in the field of irrigation - hydroelectricity, and water resource protection; + Representatives of residential communities living



No.	Research issues	Difficulties and problems	Recommendations
			<p>near water sources, giving priority to communities in riverside areas located in the hygiene protection zones of domestic water supply areas;</p> <ul style="list-style-type: none"> + Representatives of organizations exploiting and using water resources in the basins: hydroelectric power, irrigation, domestic water supply, and exploitation for other countries; + Representative of the National Load Dispatch Center; + Representatives of press/media agencies. <p>- It is necessary to stipulate the financial contribution obligation to ensure the operation of the river basin organizations from the contribution of the budget of the localities located in the basin (which can be supplemented by the money for granting the right to exploit water resources and the fee for discharging wastewater into water sources), from funds contributed by organizations and individuals exploiting and using water resources in river basins, to ensure economical and efficient use of water and prevent harmful impacts caused by water.</p>

Appendix V

OPINION COLLECTION FORM ON THE ROLES OF THE COMMUNITIES IN WATER RESOURCE PROTECTION

(For residential communities)

One of the Government's focuses on water resource protection, management, and control in 2022 is to amend the Law on Water Resources (LWR) to suit the actual situation of Vietnam and improve the efficiency of water resources use and conservation. Therefore, the Amended Law on Water Resources will focus on perfecting the legal framework, overcoming existing limitations and problems of the 2012 Law on Water Resources, and integrating some international and local experiences on water resource management and protection. In order to contribute to supporting the implementation of the Amended Law on Water Resources when it is enacted, the Center for Environment and Community Research (CECR) supported the implementation of the Research “Contribution to the Development of the Amended Law on Water Resources from the local implementation practice”. The research focuses on the content of the responsibilities and roles of the residential communities in water resources use and protection.

Therefore, the research team would like you to kindly provide the relevant information in this survey form. Your opinions are extremely important and necessary for the research team to make useful contributions in the perfecting process of this draft Amended Law on Water Resources.

A. General information

1. Full name:	
2. Year of birth:	
3. Gender:	
4. Occupation:	
5. Education level:	
6. Address of residence:	
7. Contact phone number:	

B. The situation of implementing the roles and responsibilities of the communities stipulated in the 2012 Law on Water Resources

1. Have you studied the contents specified in the 2012 Law on Water Resources in general and the specific regulations on the roles and responsibilities of the communities mentioned in the 2012 Law on Water Resources in particular?

Yes No

Others:.....

2. In your opinion, whose responsibility to protect water resources belongs to?

All organizations and individuals Local authorities at all levels Owners of projects

3. Have you ever or are willing to participate in any of the following specific water resource protection activities?

Dredging, clearing drains	<input type="checkbox"/>
Picking up trash in the rivers/streams	<input type="checkbox"/>
Monitoring water quality in rivers/streams in the areas and recommending and warning local authorities about pollution risks	<input type="checkbox"/>
Mobilizing relatives, organizations, and individuals to participate in water protection activities	<input type="checkbox"/>

Other activities (please specify other activities you have participated in, if any):.....

4. Where do your family's domestic water sources come from?

Water Department Drilled wells, dug wells Streams/Creeks

Other:

5. Have you ever heard of the following information about water resources?

Sources of domestic water supply in Da Nang City	<input type="checkbox"/>
List of ponds and lakes that cannot be leveled in Da Nang City	<input type="checkbox"/>
Hygiene protection zones of domestic water supply areas on rivers/streams that are the sources of water supply for Water plants	<input type="checkbox"/>
Water source protection corridors	<input type="checkbox"/>
Newsletter forecast on droughts and saline intrusion on rivers	<input type="checkbox"/>
The quality of water sources in rivers and streams that are the sources of domestic water supply	<input type="checkbox"/>
Plans to cope with droughts, saline intrusion, water shortages	<input type="checkbox"/>

Other information related to water resources that you would like to receive:

6. In your opinion, what is the most convenient channel for information on water resources to be sent to the people?

SMS Facebook, Zalo... Newspaper, TV

Others:

C. The contents need to be adjusted and supplemented to strengthen and promote the roles and responsibilities of the communities in water resource protection

7. In your opinion, is it necessary to invite representatives of the residential communities to act as members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives?

Very necessary Necessary Unnecessary

Others:

8. In your opinion, what forms should information publicity about the contents related to projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives take to promote the best effectiveness?

Websites of specialized agencies Meetings Social networks

Others:

9. In your opinion, what conditions should organizations, individuals, and communities be created for in order to effectively participate in water resource protection?

Access to sufficient information	<input type="checkbox"/>	Participation in building community models to protect water resources	<input type="checkbox"/>	The full and serious reception of people's opinions	<input type="checkbox"/>
The funding for activities	<input type="checkbox"/>	Tools for people to monitor the exploitation and use of water resources and the discharge of wastewater into water sources of the projects	<input type="checkbox"/>		

Others:

10. Do you have any recommendations/proposals to strengthen and promote the roles and responsibilities of the communities in water resource protection?

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Da Nang,, 2023

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Appendix VI

OPINION COLLECTION FORM ON THE ROLES OF THE COMMUNITIES IN WATER RESOURCE PROTECTION

(For experts, officers, and civil servant managers)

One of the Government's focuses on water resource protection, management, and control in 2022 is to amend the Law on Water Resources (LWR) to suit the actual situation of Vietnam and improve the efficiency of water resources use and conservation. Therefore, the Amended Law on Water Resources will focus on perfecting the legal framework, overcoming existing limitations and problems of the 2012 Law on Water Resources, and integrating some international and local experiences on water resource management and protection. In order to contribute to supporting the implementation of the Amended Law on Water Resources when it is enacted, the Center for Environment and Community Research (CECR) supported the implementation of the Research "Contribution to the Development of the Amended Law on Water Resources from the local implementation practice". The research focuses on the content of the responsibilities and roles of the residential communities in water resources use and protection.

Therefore, the research team would like you to kindly provide the relevant information in this survey form. Your opinions are extremely important and necessary for the research team to make useful contributions in the perfecting process of this draft Amended Law on Water Resources.

A. General information

1. Full name:	
2. Year of birth:	
3. Gender:	
4. Occupation:	
5. Qualification:	
6. Position:	
7. Working unit:	
8. Contact phone number:	
9. Email:	

B. The situation of implementing the roles and responsibilities of the communities stipulated in the 2012 Law on Water Resources

1. Have you studied the contents specified in the 2012 Law on Water Resources in general and the specific regulations on the roles and responsibilities of the communities mentioned in the 2012 Law on Water Resources in particular?

Yes No

Others:

.....

2. Which of the following contents on water resource protection have been well implemented in Da Nang City?

Taking prevention as the main part	<input type="checkbox"/>
Associated with the protection and development of forests, the ability to regenerate water resources	<input type="checkbox"/>
Combined with water quality and aquatic ecosystem protection	<input type="checkbox"/>
Overcoming and limiting pollution, degradation, and depletion of water resources	<input type="checkbox"/>

Others:.....

3. In your opinion, how is the opinion collection of the residential communities on projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives done?

Very good Good Fair Formal/non-substantial

4. In your opinion, how is the information publicity about the contents related to projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives done?

Very good Good Fair Formal/non-substantial

5. In your opinion, how is the opinion collection of the residential communities and relevant organizations/individuals in the water resource planning in Da Nang City done?

Very good Good Fair Inefficient

6. In your opinion, how is the principle of water resource planning with the participation of the communities done?

Very good Good Fair Formal/non-substantial

7. Are organizations, individuals, and residential communities facilitated to exercise the right to monitor and propose measures to implement water resource planning in Da Nang City?

Very good Good Fair Formal/non-substantial

8. Are organizations, individuals, and residential communities facilitated to exercise the right to monitor and propose measures to implement water resource planning?

Very good Good Fair Formal/non-substantial

9. Have you ever heard of the following information about water resources?

Sources of domestic water supply in Da Nang City	<input type="checkbox"/>
List of ponds and lakes that cannot be leveled in Da Nang City	<input type="checkbox"/>
Hygiene protection zones of domestic water supply areas on rivers/streams that are the sources of water supply for Water plants	<input type="checkbox"/>

Water source protection corridors	<input type="checkbox"/>
Newsletter forecast on droughts and saline intrusion on rivers	<input type="checkbox"/>
The quality of water sources in rivers and streams that are the sources of domestic water supply	<input type="checkbox"/>
Plans to cope with droughts, saline intrusion, water shortages	<input type="checkbox"/>

Other information related to water resources that you would like to receive:

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10. In your opinion, what is the most convenient channel for information on water resources to be sent to the people?

SMS Facebook, Zalo... Newspaper, TV

Others:

.....

C. The contents need to be adjusted and supplemented to strengthen and promote the roles and responsibilities of the communities in water resource protection

11. In your opinion, is it necessary to invite representatives of the residential communities to act as members of the Appraisal Council for projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives?

Very necessary Necessary Unnecessary

Others:

.....

12. In your opinion, what forms should information publicity about the contents related to projects on the exploitation and use of water resources and the discharge of wastewater into water sources that have great impacts on people's production and lives take to promote the best effectiveness?

Websites of specialized agencies Meetings Social networks

Others:

.....

13. In your opinion, what forms should the opinion collection of the residential communities and relevant organizations/individuals in the formulation of the water resource planning and the implementation organization of the water resource planning in Da Nang City take to promote the best effectiveness?

Websites of specialized agencies Meetings Social networks

Others:

.....

14. In your opinion, what conditions should organizations, individuals, and communities be created for in order to effectively participate in water resource protection?

Access to sufficient information

Participation in building community models to protect water resources

The full and serious reception of people's opinions

The funding for activities

Tools for people to monitor the exploitation and use of water resources and the discharge of wastewater into water sources of the projects

Others:

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15. Do you have any recommendations/proposals to strengthen and promote the roles and responsibilities of the communities in water resource protection?

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Da Nang,, .., 2023

Filed by

OUR VISION

The VIWACON network is a pioneer in initiatives and solutions to ensure clean and clear water for everyone

OUR MISSION

Join hands to connect communities, social organizations, scientists, businesses and the State to preserve water resources

OUR CORE VALUE

Respect - Dedication - Unity - Creativity - Efficiency



VIWACON

Vietnam Water Conservation Network

Coordinating agency: Center for Environment and Community Research (CECR)

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VIWACON's Website