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Department of Water Resources
Division of Law and Legislation

Report
on the First and Second Meetings of
Working Group One: Institutional Issues
December 19, 2012, and January 8, 2013
Department of Water Resources,
Ministry of Natural Resources and Environment

Background

This report is the result of two working group meetings on institutional issues, held on December 19, 2012, and January 8, 2013, at the Department of Water Resources, Ministry of Natural Resources and Environment.

The two meetings discussed two key issues: (1) how to coordinate most effectively at the national level, and (2) what should the mandate, roles and responsibilities of River Basin Committees be? Based on guidelines prepared by the IFC and distributed earlier to the participants, options and issues for discussion were as follows.

(1) How to coordinate most effectively at the national level?

Legislative Options:

- a) Provide for the creation of a formal inter-ministerial ‘National Water Council’ in the revised water law
- b) Use the Lao National Mekong Committee
- c) Use the proposed National Environment Committee
- d) Confer specific tasks on the Government
- e) Other ideas?

Discussion Points:

- 1. How important is it to ensure inter-ministerial cooperation with regard to the water resources sector?
- 2. How to ensure that information is shared?
- 3. How can the revised water law ensure relevant ministries are involved in decision making so as to promote better implementation?

(2) What should the mandate, roles and responsibilities of River Basin Committees be?

Legislative Options:

- a) RBCs have a purely consultative role, with provincial offices of the Department of Water Resources providing secretariat services as well as being directly responsible for water resource management;
- b) RBCs have their own secretariat but are essentially consultative with DWR being responsible for water resource management;
- c) RBCs prepare and adopt the river basin plans at the river basin level but DWR remains responsible for water resource management;
- d) The RBCs are the main decision-making and water resource management agencies at river basin level, with the DWR having a coordination role at the centre.

Discussion Points:

1. What should the tasks of the RBCs be?
2. How would RBCs relate to the DWR at national, provincial and district levels?
3. If RBCs are established with their own executive secretariats, how would these relate to the provincial and district branches of the DWR? What would be the working relationship and the division of tasks?
4. Who should chair the RBCs? At present this task is undertaken in rotation by the governors of the provinces that make up the basin. Is it necessary to address this issue in the revised water law?

Results of the First Meeting

1) Coordination at Central Level

Participants agreed that it is best for a Water Resource Committee to be set up, which should be established at two levels: central and local. Committee members should be selected from relevant sectors, and DWR will provide a detailed list for discussion and comments by the working group at its **second meeting**. For the committee at central level, a deputy prime minister should be honorary chairperson, while the Minister for Natural Resources and Environment should be the chair of the committee. Ministers/vice ministers of relevant ministries will be committee members and DWR will be its secretariat.

At the local level, the Water Resource Committee should be the River Basin Committee. The RBC members should comprise representatives not only of relevant sectors/ departments, but also districts.

Roles, responsibilities and mandates of the Water Resource Committee should include:

- formally approving draft policies, plans and programs;
- making decisions on permit applications relating to major uses of water; and
- providing advice on draft subordinate legislation.

The Secretariat of the Water Resource Committee (that is, DWR) should coordinate and monitor policies, plans, programs, and legislation adopted by the Water Resource Committee.

2) Role of the River Basin Committees

All participants of the working group meeting agreed that River Basin Committees should be the main decision-making and water resource management agencies at river basin level, with the DWR having a coordination role at the centre. However, participants suggested DWR would need to continue to provide technical and professional support, including capacity building, to RBCs until the RBCs have sufficient capacities for water resources management.

Participants at the meeting clarified the term water management, which includes:

- (a) data collection and analysis including modeling;
- (b) processing of permit applications;
- (c) implementation and enforcement of the permit regime;

- (d) preparation of draft river basin management plans;
- (e) inspection of water use activities;
- (f) activities relating to floods, droughts & emergency response; and
- (g) enforcement.

Results of the Second Meeting

(1) How to coordinate most effectively at the national level?

Participants of the meeting confirmed that it is best to have a national committee on water resources consisting of representatives of relevant sectors. In order to avoid a large number of committee members because of the relevance of a large number of sectors, the members of the committee should be appointed from only the most relevant agencies. The honorary chair of the National Water Resources Committee should be a deputy prime minister, the chair should be the Minister for Natural Resources and Environment, and committee members should be ministers or vice ministers of relevant ministries.

(2) Role of the River Basin Committees

The meeting confirmed that River Basin Committees should be responsible for implementing decrees, policies and plans adopted by the National Committee on Water Resources. This is different from the conclusion of the first meeting, which concluded that RBCs should be the main decision-making and water resource management agencies at river basin level. District governors should be included in RBCs. Structure/ composition of RBCs should be stipulated in the next level of legislation such as decrees. The second meeting also confirmed that Secretariats of RBCs must be provincial Departments of Natural Resources and Environment, although DWR should continue to provide technical support to the secretariats until they are sufficiently capable of performing their duties and responsibilities by themselves.