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**THE MINISTRY OF AGRICULTURE  
AND RURAL DEVELOPMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**  
*Independence - Freedom - Happiness*

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Ref. No. 13 /2004/QD-BNN-TCCB

Hanoi, 8th April, 2004

**DECISION BY THE MINISTER OF  
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT  
ON THE ESTABLISHMENT OF THE  
GENERAL OFFICE OF RIVER BASINS PLANNING MANAGEMENT**

**THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT**

*Pursuant to Government Decree 86/2003/ND-CP dated July 18, 2003 on the mandate, tasks, powers and organisational structure of the Ministry of Agriculture and Rural Development;*

*Pursuant to Government Decree 179/1999/ND-CP dated December 30, 1999 regulating the implementation of the Law on Water Resources;*

*Pursuant to Decision 93/2003/QD-BNN dated September 4, 2003 on the mandate, tasks, powers and organisational structure of the Department of Water Resources of the Minister of Agriculture and Rural Development; and,*

*At the request of the General Directors of the Department of Water Resources and the Department of Organisation and Personnel;*

**HEREBY DECIDE:**

**Article 1.**

To establish the General Office for River Basins Planning Management (Hereinafter called General Office for RBOs). The function of the General Office for RBOs is to assist the General Director of the Department of Water Resources to implement the standing role and management of the Office of River Basin Planning Management Board as follows:

- To collaborate with ministries, agencies and provincial people's committees to implement the functions and responsibilities of the River Basin Planning Management Board (hereinafter called the RBO);
- To synthesize recommendations on solutions for water related disputes in the river basin;
- To regularly supervise and synthesize the performance of planning management in Vietnam;
- To be the chair agency on collaboration and coordination with international organisations in management and implementation of river basin planning;
- To collaborate with RBO Office in preparing contents, agendas for meetings, workshops and conferences of the RBO as well as make regular reports (quarter, annual) upon the request of the Chairman of RBO;
- To collaborate with relevant units and agencies in making plans and annual budget allocation for the operation of RBOs.

**Article 2.**

The General Office of RBOs is located within the Department of Water Resources (MARD) at No. 2, Ngoc Ha Street, Ba Dinh District, Hanoi City. The office is authorized to use the stamp and bank account of the Department of Water Resources (MARD) for operation.

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The annual budget for the office's operation is allocated within the budget allocated for the Department of Water Resources.

The General Director of the Department of Water Resources shall be the Head of the General Office and be assisted by a vice-head and some staff who are staff of the Department of Water Resources.

**Article 3:**

This decision shall come into effect 15 days after being published in the Official Gazette.

**Article 4:**

Head of General Office, Director of the Department of Organization and Personnel, the General Director of the Department of Water Resources and related agencies under MARD shall have responsibility to enforce this decision./.

**On behalf of Minister  
Ministry of Agriculture and Rural Development  
VICE MINISTER**

**Cc:**

- As stated in Article 4;
- River Basin Planning Management Boards of  
the Red-Thai Binh, Dong Nai and Mekong Rivers
- MoNRE, MoST, MoI, MoT, MoF, MoC, MoH, MoD;
- General Office, the Dept. of Organisation and Personnel

signed

**PHAM HONG GIANG**

**DECISION BY THE MINISTER OF  
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT  
ON THE ISSUANCE OF THE OPERATION REGULATION OF  
THE RIVER BASIN PLANNING MANAGEMENT BOARD**

**THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT**

*Pursuant to Government Decree 86/2003/ND-CP dated July 18, 2003 on the mandate, tasks, powers and organisational structure of the Ministry of Agriculture and Rural Development;*

*Pursuant to Government Decree 179/1999/ND-CP dated December 30, 1999 regulating the implementation of the Law on Water Resources;*

*Pursuant to Decision 93/2003/QD-BNN dated September 4, 2003 on the mandate, tasks, powers and organisational structure of the Department of Water Resources of the Minister of Agriculture and Rural Development; and,*

*At the request of the General Directors of the Department of Water Resources and the Department of Organisation and Personnel;*

**HEREBY DECIDE:**

**Article 1.**

To issue the Operation Regulation of the River Basin Planning Management Board (hereinafter called the RBO) as an enclosure to this Decision.

**Article 2.**

This Decision shall take effect 15 days after being published in the Official Gazette.

**Article 3.**

The Director of the General Office, the General Director of the Department of Organisation and Personnel, the General Director of Water Resources, the General Director of the Department of Dyke Management and Flood Control, Leaders of Provincial People Committees, Directors of provincial Departments of Agriculture and Rural Development and Departments of Natural Resources and Environment of provinces located inside and within the river basin, and heads of other relevant agencies under the Ministry shall have responsibility to enforce this Decision.

**On behalf of Minister of Ministry of  
Agriculture and Rural Development  
VICE MINISTER**

C.c.

- As stated in Article 3;
- Members of River Basin Planning Management Boards of the Red-Thai Binh, Dong Nai and Mekong Rivers
- MoNRE, MoST, MoI, MoT, MoF, MoC, MoH, MoD;
- People Committees, DARDs, Departments of Natural Resources and Environment of provinces within the Red - Thai Binh, Dong Nai and Mekong River Basins;
- General Office, the Dept. of Organisation and Personnel, Dept. of Water Resources

signed

**PHAM HONG GIANG**

**OPERATION REGULATION  
OF THE RIVER BASIN PLANNING MANAGEMENT BOARD**  
*(issued as the enclosure to Decision 14/ 2004/QĐ-BNN-TCCB dated 8<sup>th</sup> April 2004  
of the Minister of Agriculture and Rural Development)*

**Chapter 1  
GENERAL PROVISIONS**

**Article 1. Subjects and Scope of Application**

This Regulation stipulates function, responsibility and organisational structure of the River Basin Organization of the Red-Thai Binh, Dong Nai and Mekong river basins and other river basins established by Minister of Ministry of Agriculture and Rural Development.

**Article 2. Legal Status**

The RBO is a non-business agency of the Ministry of Agriculture and Rural Development.

**Chapter 2  
TASKS, POWERS AND ORGANISATIONAL STRUCTURE OF  
THE RIVER BASIN PLANNING MANAGEMENT BOARD**

**Article 3. Tasks**

Besides tasks stipulated in the Decision of the Establishment, the RBO shall undertake the following tasks:

1. To assess planning alternatives, basic investigation projects, inventory and assessment of water resources in the river basin; submit to MARD and authorised state agencies follow-up recommendations and proposals;
2. To assess the outcomes of planning alternatives and make proposals to complete and/or supplement planning projects on integrated water use, drainage and irrigation, flood control and watercourse protection within river basin;
3. To coordinate with relevant agencies in implementation and supervision of implementation of planning projects that are approved by authorised state agencies;
4. To coordinate with relevant agencies to develop a data and information management mechanism to support the management, exploitation, utilisation and protection of watercourse within river basin;
5. To propose and develop programs on capacity building and awareness raising for organisations and individuals in the river basin in terms of water management, exploitation, utilisation and protection;
6. To submit to the Minister of MARD and related ministries and state agencies review reports on water resources exploitation, utilization and protection status within the river basin;

**Article 4. Powers**

1. To submit to the Minister of MARD proposals on water management, exploitation, utilisation and protection in the river basin and measures to settle water-related disputes;
2. To submit to the Minister of MARD proposals on international cooperation in the areas of water management, exploitation, utilisation and protection in the river basin;
3. To coordinate with authorised state agencies in implementation and coordination of related international projects and affairs in the river basin;
4. To advise the Minister of MARD on planning and development projects, management mechanism, policies and on other issues relating to management, exploitation, utilisation and protection of watercourse in the river basin;
5. To request related ministries, state agencies and People's Committee of centrally-governed municipals and provinces within the river basin to supply necessary information on water management, exploitation, utilisation and protection in activities of the ministries, state agencies, and People Committees of centrally governed municipals and provinces in the river basin;

**Article 5. Organisational Structure**

1. The organisational structure of the RBO includes a Chairman and Vice Chairmans .
  - The Chairman of the RBO is a Vice Minister of MARD;
  - The Standing Vice Chairman of the RBO is the Genenal Director of the Water Resources Department – MARD;
  - The Vice Chairman of the RBO is a Leader at Department level of the Ministry of Natural Resources and Environment

2. The Standing Group, which includes regular members is responsible for standing tasks to support the RBO in addressing extraordinary issues in case the RBO could not held a meeting.

The members are the Chairman, the Vice Chairman and some other members appointed by members of the RBO.

3. The RBO's members:

a) Regular members:

- Leaders of some provincial People Committees of centrally-governed municipals and provinces in the river basin;

- Leaders of the Department of Water Resources, the Department of Dyke Management and Flood Control (MARD), the Department of Water Resources Management (MoNRE), the Institute of Water Resources Planning (for the Red-Thai Binh River Basin Planning Management Board); Sub-Institute for Water Resources Planning and Vietnam Mekong River Commission (for the River Basins Planning Management Boards of Dong Nai and Mekong Rivers);

- Leaders of Departments of Agriculture and Rural Development or Departments of Natural Resources and Environment of municipals and provinces in the river basin;

- Leaders of Departments involved in water resources management under the Ministry of Science and Technology, the Ministry of Industry, the Ministry of Fisheries, the Ministry of Construction, the Ministry of Transport, the Ministry of Health, the Ministry of Defence and MoNRE;

For replacement of representatives who are regular members, ministries, state agencies, PPC of centrally governed municipals in the river basin shall make a request by letter of recommendation to the Chairman of the RBO.

b) Irregular members

When needed, related representatives of central and local level agencies and experts shall be invited by the Chairman of the RBO as irregular members.

4. Sub-RBO and Irregular Working Groups

When necessary, RBO can propose the establishment of regular or irregular Working Groups. Members and tasks and responsibilities of these Working Groups shall be formulated by the Chairman of the RBO and submitted to the Minister of MARD for approval.

The RBO could establish Sub-RBO at sub basin level, with the participation of representatives of the provinces within the sub basin. Members and tasks of those sub-RBOs shall be decided by the Chairman of RBO.

### **Chapter 3**

## **RESPONSIBILITIES AND AUTHORITIES OF CHAIRMAN, VICE CHAIRMEN AND MEMBERS AND WORKING PROCEDURES OF THE RBO**

### **Article 6. Responsibilities and Authorities of RBO Chairman, Vice Chairmen and members**

#### **1. RBO Chairman:**

- a) To manage and conduct the operation of the RBO based on the RBO functions;
- b) To assign tasks to the RBO members and instruct and supervise their performance;
- c) To make decisions on replacement of regular or irregular members of the RBO who are representatives of ministries, agencies and provinces upon received of the request by letters of recommendation;
- d) To approve proposed issues to be discussed at the RBO meetings; and,
- e) To convene and chair the RBO meetings.

#### **2. RBO Vice-Chairmen**

- a) Standing Vice-Chairman
  - To directly conduct the operations of the RBO Office; and,
  - To assist Chairman of RBO in supervision and ensure the activities of the RBO Office in progress;
  - To perform tasks assigned or authorised by the RBO Chairman.

b) Vice-Chairman

- To undertake tasks assigned by RBO Chairman;

#### **3. Regular members**

- a) To fully participate in all activities of the RBO;
- b) To propose related issues on water management, exploitation, utilisation and protection in relevant provinces or agencies to the RBO; report on ways for RBO to address the issue to the leadership of their relevant provinces or agencies;
- c) To recommend on contents to be discussed at the RBO meetings or on documents sent by the RBO for consultation;
- d) To provide written response to problems related to water management, exploitation, utilisation and protection in relevant provinces or agencies in the river basin on the request of the RBO Chairman in case of absence from the RBO meetings;
- e) To have rights to access required information and to use working facilities of the RBO and of their agencies to implement their assignments;

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f) To have rights to appoint more than one assistant in case the members are leaders of related agencies. The assistants may be invited to take part in a RBO meeting depending on the importance and contents of the meeting.

4. Irregular members:

- a) To participate in the RBO meetings when invited;
- b) To recommend issues related to relevant provinces or agencies for discussion at the RBO meetings or about documents sent by the RBO for consultation;
- c) To provide written advice in case of absence from the RBO meetings;
- d) To have rights to access required information and to utilise working facilities of the RBO and their agencies to implement their assignments;
- e) To have rights to vote when participating in the RBO meetings.

### **Article 7. Operation Principles**

1. The RBO shall operate in the form of 'Director performance' in which the director has full authority to make final decision. In special case, the decision on important issues shall be made by voting procedure.

2. The RBO shall meet twice a year, and the RBO Chairman can convene an extraordinary meeting in case of emergency or at the request of at least two thirds of the RBO members.

3. The RBO can approve documents by relevant procedures without a meeting.

4. Prior to the approval of any document, the document must be sent to regular and irregular members who are invited by the Chairman for consultation and feedback.

5. All members that are defined in the Clause 1 of Article 5 above shall submit their feedback and ideas in writing with date and signature by means of mail or fax.

6. Documents issued in line with this Article shall be fully recorded and sent to all regular and irregular members within 21 days of the date of issue.

7. In necessary case, members of RBO can delegate their staff to attend the workshops and conferences.

## **Chapter 4**

### **OFFICE OF THE RIVER BASIN PLANNING MANAGEMENT BOARD**

#### **Article 8. Office of the River Basin Planning Management Board**

1. The RBO Office has its head office in specific place stipulated in the Decision on the Establishment of the Minister of MARD.

2. The Head of the RBO Office is responsible for formulation of the structure and operating regulation and submitting to the Water Resources Department and Personnel Department for appraisal before submit to the Chairman of RBO for approval.

#### **Article 9. Responsibilities of the RBO Office**

1. RBO Office holds the responsibilities as follows:

- a) To assist the RBO to undertake its tasks as regulated in Article 64 of the Law on Water Resources and in Article 3 of this Regulation.
- b) To undertake activities in support of the RBO, including:
  - Preparing agendas and contents of meetings and workshops held by the RBO;
  - Sending related profiles and documents to RBO members at least 10 days before regular meetings or three days before workshops or conferences; and
- c) To prepare documents and reports of the RBO;
- d) To undertake other tasks and responsibilities assigned by the Chairman of RBO.

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**Article 10. Rights and Obligations of the Head of the RBO Office**

1. The Head of the RBO Office shall have direct hold responsibility to manage all activities of the Office, ensuring that such activities result in the best outcomes, and to develop human resources for the RBO;
2. The Head of the RBO Office, on other business, is permitted to authorise the Vice-Head to undertake his/her management functions, and;
3. The Vice Head of RBO Office shall work as Secretary at the RBO meetings.

**Article 11. Relationship with General Office for River Basins Planning Management**

The General Office for RBOs (GORBOs) is located in the Department of Water Resources of MARD . The General Office for RBOs has responsibility to synthesize all river basin planning management activities in Viet nam.

The relationship between the GORBOs and specific office of RBO is one of collaboration and cooperation aiming to assist the Director of the Department of Water Resources to implement the assignments from the Minister of MARD.

**Chapter 5  
IMPLEMENTATION PROVISIONS**

**Article 12. Implementation Provisions**

Amendments and/or supplements to this Regulation, if any, shall be discussed by the RBO and submitted to the Minister of MARD for consideration and approval.

**On behalf of Minister  
Ministry of Agriculture and Rural Development  
VICE MINISTER**

signed

**PHAM HONG GIANG**