

Ha Noi, 08 May 2020

DECISION

**On mandate, responsibilities, powers and organizational structure of
Viet Nam National Mekong Committee**

PRIME MINISTER

Pursuant to the Law on Organization of the Government dated 19 June 2015;

Pursuant to the Law on Water Resources dated 21 June 2012;

Pursuant to the Law on Environmental Protection dated 23 June 2014;

Pursuant to the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin signed on 5 April 1995 by the four States: Cambodia, Lao, Thailand and Viet Nam;

Pursuant to Decree No. 36/2017/NĐ-CP dated 04 April 2017 of the Government on functions, duties, powers and organizational structure of the Ministry of Natural Resources and Environment;

Pursuant to Decision No. 34/2007/NĐ-TTg dated 12 March 2007 of Prime Minister promulgating Rules on the establishment, organization and operation of interdisciplinary agencies;

Having considered the proposal of the Minister of Natural Resources and Environment.

DECIDES:

Article 1. Position and mandate

1. Viet Nam National Mekong Committee (VNMC) is an interdisciplinary agency responsible to assist Prime Minister in directing and managing inter-sectoral, inter-provincial and transboundary activities in order to effectively and sustainably manage and utilize water and related resources in the Mekong Basin, including Cuu Long (the Viet Nam's Mekong Delta parts) and Se San - Srepok river basins, in accordance to the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, the Law on Water Resources, the Law on Environmental Protection and related jurisdictions.

2. Viet Nam National Mekong Committee is entitled to use national emblem in its seal and has an independent account.

3. The VNMC Headquarters is located at 23 Hang Tre, Ha Noi and its Representative Office located in Ho Chi Minh City.

Article 2. Responsibilities and powers

1. To study and suggest to Prime Minister directions and solutions to deal with important, inter-sectoral and transboundary issues in the Mekong River Basin, including Cuu Long and Se San - Srepok river basins, as follows:

a) Strategic Action Plan of VNMC; draft decisions, directives of Prime Minister relating to cooperative activities, programs and projects on sustainable development, use, management and protection of water and related resources in the Mekong River Basin;

b) Proposals on establishment, amendment and supplementation of relevant legislative documents, mechanisms and policies (including regional and international legal frameworks) for sustainable development, use, management and protection of water resources and environment in the Basin;

c) Proposals on solutions to ensure effective implementation of strategies and planning (regional and national) relating to water resources and related areas in the Basin;

d) Proposals on solutions for disputes and differences amongst related ministries, sectors, provinces and between Viet Nam and other riparian countries in the Mekong River Basin for sustainable development, use, management and protection of water and related resources in the Basin;

đ) Proposals on solutions responding to unpredictable situations, potential impacts on Viet Nam due to upper development and climate change basing upon basin-wide monitoring and studying activities;

e) Proposals on priorities of Mekong cooperation basing upon outcomes of governance meetings of Mekong River Commission (MRC).

2. To assist Prime Minister directing, regulating and coordinating relevant ministries, sectors, provinces, international regional and national organizations and partners and individuals in monitoring and inspecting the implementation of interdisciplinary activities in the Mekong River Basin, including Cuu Long and Se San-Srepok river basins, as follows:

a) Implementation of plans, programs and projects by providing comments in written form as stimulated in Clause 1 Article 2 of this Decision;

b) Operation of large-scale structures of water regulation and utilization, including mainstream hydropower structures on the Mekong River;

c) Regulation and allocation of water sources in case of drought, water shortage, salinity intrusion or flood; and minimum flow maintenance;

d) Monitoring, responding and remedy relating to pollution caused by water use and waste discharge; assessment of wastewater receiving capacity of the water source;

đ) Projects relating to river bed and bank embankment; sand mining on rivers, streams and reservoirs; construction of hydraulic structures and related projects within the water resources protected corridors in the river basin;

e) Water resources improving and restoring; ecosystem preserving; improving of water quality, and wetlands ...;

g) Providing information on water resources situation, on-going activities of water and related resources use, protection and sustainable development to international and national mass media;

h) Protecting, restoring and promoting water-related cultural assets, for example in relation to tourism, sports, entertainment ...

3. To assist Prime Minister in reinforcing relevant ministries, agencies, provinces and concerned organizations and individuals in:

a) Implementing the Agreement on Cooperation for the Sustainable Development in the Mekong River Basin and related legal documents;

b) Undertaking water resources planning for inter-provincial basins; water-related sectoral planning in Cuu Long and Se San - Srepok river basins;

c) Executing approved programs, plans and projects in Cuu Long and Se San-Srepok river basins.

4. To coordinate with relevant ministries, agencies and local authorities at provincial/city level in submitting proposed programs, projects, activities on sustainable development, use, management and protection of water and related resources in the Mekong River Basin including Cuu Long and Se San - Srepok river basins for Prime Minister's approval.

5. To provide inputs in written form, prior to officially submitting to competent levels as stimulated by applicable laws, on water resource planning at provincial/city level, sectoral planning of ministries, agencies relating to water resources utilization (irrigation, hydropower, water supply, inland waterway transportation, fisheries ...) in Cuu Long and Se San – Srepok river basins.

6. To provide inputs in written form, prior to officially submitting to competent levels as stimulated by applicable laws, on proposed programs, plan, projects and activities related to water and related resources use, management and

protection in the Mekong River Basin, including Cuu Long and Se San - Srepok river basins.

7. To act as focal point for cooperation with other riparian countries, NGOs, international organizations in materializing and implementing the Agreement on Cooperation for the Sustainable Development of the Mekong River Basin.

8. To conduct scientific research and suggest measures of minimizing impacts caused by upstream development activities of the upstream countries on the Viet Nam's parts in the Mekong River Basin taking into account climate change; transboundary impacts of Viet Nam growth.

9. To monitor water resources situation, utilization, protection, sustainable development of water and related resources in the Mekong River Basin with aims at achieving equitable and reasonable use of Mekong river water resources, protecting Viet Nam's interests of through agreed Master Plan, joint projects and researches in the Mekong basin, particularly for mainstream projects.

10. To establish a database relating to water and related resources for the Mekong River Basin, including Cuu Long and Se San - Srepok river basins, supporting the Committee operation in its guidance, coordination, and supervision.

11. To undertake propaganda activities on sustainable development, efficient use, management and protection of water and related resources in the Mekong River Basin.

12. To raise national and international resources for better implementation of water resources and environmental protection in Cuu Long and Se San - Srepok river basins.

13. To perform other obligations as deemed necessary to be assigned by Prime Minister.

Article 3. Organizational structure of Viet Nam National Mekong Committee

1. Chairman: Deputy Prime Minister.

2. Permanent Vice-chairman and Member of the MRC Council: Minister of Natural Resources and Environment.

3. Vice Chairmen: Deputy Ministers of: Foreign Affairs, Planning and Investment, Agriculture and Rural Development.

4. Members:

a) Deputy Minister, Vice Chairman of the Office of the Government;

b) Deputy Ministers of: Natural Resources and Environment, Industry and Trade, Construction, Transportation, Science and Technology, Information and Communications, Culture Sports and Tourism, Defense, Public Security;

c) Director General of Viet Nam National Mekong Committee's Standing Office also Member of the MRC Joint Committee;

d) Director General of Department of Water Resources Management;

đ) Director General of Viet Nam Environment Administration;

e) Director General of Directorate of Water Resources;

g) Director General of Viet Nam Disaster Management Authority;

h) Representatives of provinces/cities's People's Committees in Viet Nam's Mekong Delta parts and Se San - Srepok river basins, namely An Giang, Bac Lieu, Ben Tre, Ca Mau, Can Tho, Dac Lak, Dac Nong, Dong Thap, Gia Lai, Hau Giang, Kien Giang, Kon Tum, Lam Dong, Long An, Soc Trang, Tien Giang, Tra Vinh and Vinh Long.

5. Representatives of Viet Nam Electricity and agencies relating to activities of water use, waste-water discharge to water sources on a large scale or causing severe impacts on the water sources of the basins; leading scientists; relevant organizations/communities may be invited to attend Committee's Plenary Sessions or meetings at sub-committee level if deemed necessary.

6. Sub-Committees: Two Sub-Committees for Cuu Long River Basin and Se San-Srepok River Basin be established within VNMC structure.

Article 4. Standing Office of Viet Nam National Mekong Committee

1. The VNMC Standing Office (VNMC Office) is a body to assist the VNMC's routine operation, placed in the Ministry of Natural Resources and Environment.

2. VNMC Office is headed by a Director General, and not more than 3 deputies who are appointed and dismissed by the Minister of Natural Resources and Environment, Permanent Vice-Chairman of the Committee.

3. VNMC Office has a staff force with its total number decided and allocated by Ministry of Natural Resources and Environment. The Director General are authorized to sign service and consultancy contracts to support the Office operation if found necessary and affordable.

4. VNMC Office has legal entity status, seal and account in accordance to applicable laws, and status of under-Ministry department level. Its operation budget is allocated from annual budget of VNMC.

5. Minister of Natural Resources and Environment, Permanent Vice-Chairman of the Committee shall stipulate mandate, responsibilities, powers and organizational structures of VNMC Office.

Article 5. Operation budget

Annual operation budget of Viet Nam National Mekong Committee is secured by the annual state budget.

Article 6. Implementation Arrangements

1. Membership of the Viet Nam National Mekong Committee

a) Prime Minister shall issue a decision to appoint Chairman, Permanent Vice Chairman and Vice Chairmen of VNMC;

b) The Chairman of VNMC shall issue a decision to approve the list of VNMC Members basing upon nominations from member ministries, provinces/city.

2. Chairman shall approve the release of VNMC's Operation Rules.

3. Permanent Vice-Chairman shall issue decision on establishment and mandate, responsibilities, membership and approve Operation Rules of Sub-Committees.

4. Responsibilities of relevant ministries, agencies and local authorities

a) The Minister of Natural Resources and Environment is responsible for receiving the transfer of all related properties, files, documents and implementation results of the Cuu Long River Basin Management Unit to VNMC once this Decision takes effect;

b) The Ministry of Finance is responsible, in collaboration with Ministry of Natural Resources and Environment, for issuing guidance on proper utilization of state-provided budget and other financial sources in implementing the Committee and VNMC Office;

c) Relevant ministries, agencies and provinces are responsible for nominating its representatives to join VNMC as stipulated in this Decision and making every effort to implement related activities of the Committee within its own mandate.

Article 7. Implementation provisions

1. This Decision shall take effect from the signing date and replace the Prime Minister's Decision No. 114/QD-TTg dated 15 January 2010 on mandate, responsibilities, powers and organizational structure of Viet Nam National Mekong Committee; this Decision will prevail all contradictory provisions.

2. Within 30 days since the date of this Decision taking effect, related ministries, agencies, provinces should notify Ministry of Natural Resources and Environment names of Members in order to report to the Chairman for approval.

3. The Ministers, Heads of ministerial-level bodies and governmental agencies, Chairmen of provincial/city people's committees and relevant organizations/communities are responsible to implement this Decision.

Recipients:

- Secretariat of the Central Party Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level bodies, Governmental agencies;
- People's Council, provincial/city People's Committee;
- Office and Committees of Central Party Committees;
- President Office;
- Ethnic Council and Committees of the National Assembly;
- Congress Office;
- Supreme People's Court;
- People's Procuratorate of the Supreme; State Audit;
- Central Committee of Viet Nam Fatherland Front;
- Central bodies of mass organizations;
- Government Office;
- Archive: Library.

PRIME MINISTER

Nguyen Xuan Phuc