

## Questionnaire II (Country Report II) – For Session 1

~ Events or cases of troubles related to water allocation in participants' countries  
(Except for drought)

1. Please describe the legal and institutional framework of water allocation in your country simply.

I.e. water-related law, government organizations responsible for water resources planning, development or management

(Country Name: Lao PDR )

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### ***The legal and institutional framework of water allocation in Lao PDR***

For use in the National Socio-Economic and Environmental Development plan in the Lao People's Democratic Republic, water sources are categorized according to the following purpose types:

1. water sources for drinking and use are water sources which are allocated for peoples' consumption and [for their use of it] as a commodity;
2. reserved water sources are water sources which are allocated for the care of animals, vegetation, living and non-living things, etc., including the natural environment and important and precious things;
3. Water sources for irrigation are water sources allocated to agro-forestry production and raising livestock;
4. Water sources to produce electrical power are water sources which are allocated to the production of electrical power;
5. Industrial water sources are water sources which are allocated to industrial production;
6. Water sources for water transportation are water sources allocated to boat travel and water transport;
7. Water sources for tourism are water sources allocated to tourist use;
8. Water sources for protection of health and hygiene are water sources allocated to use for health and medical care.

### ***Organizations Responsible for Water and Water Resources***

The Water and Water Resources Law (1996) sets out the principles, rules and measures in administration, exploitation, use and development of water and water resources. The Law contains a number of provisions on the protection of water resources and their watersheds, water resources planning, and the prevention of water pollution. Ministries active in water resources have been instructed to formulate ministerial regulations to reflect the intent of the Law and assigned the duties as following:

1. Ministry of Agriculture and Forestry (MAF): - responsible for the management, exploitation, development and use of water and water resources in the fields of agriculture, for the prevention and control of flooding in agricultural areas, for the survey and collection of meteorological and hydrological data of Mekong, its tributaries and other rivers outside the Mekong Basin and for preparing, updating and disseminating the inventory of water sources and river basins.
2. Ministry of Communication, Transportation, Post and Construction (MCTPC): - responsible for the management, exploitation, development and use of water and water resources in the fields of communication, transportation, town water supply, urban drainage, protection of river banks, prevention and control of flooding. In addition, MCTPC is responsible for collection of hydrological data and hydro graphic surveys for navigation.
3. Ministry of Industry and Handicraft (MIH): - responsible for the management, exploitation, development and use of water and water resources in the field of electricity, industry, mining, for drainage from industries, and for handicraft activities.
4. Ministry of Public Health (MPH): - responsible for the management, exploitation, development and use of water for the rural domestic consumption and health care.
5. Ministry of Trade and Tourism (MTT) is responsible for the management, exploitation, development and use of water and water resources in the field of tourism.
6. Science, Technology and Environment Agency (STEA): - responsible for ensuring

coordination between different line agencies in establishing rules and regulations pertaining to the management of the environment, and to research, scientific, and technological services related to water and water resources.

7. Lao National Mekong Committee (LNMC): - responsible for coordinating different line agencies to carry out studies, and implement policies, strategic plans, and programs of Mekong development projects in Laos which are included in the Development Plan of the Mekong River Commission, which is being prepared in coordination with countries in the Mekong Basin region, other countries and donors. LNMC is responsible for drafting laws and regulations that may be necessary as a result of the Chiang Rai Agreement dated 5 April 1995.
8. Water Resources Coordinating Committee (WRCC): - responsible for coordinating line agencies in drafting of strategies and action plans, programs and regulations necessary for the planning, management, use and protection of water and water resources. It is also responsible for monitoring, control, promotion and reporting on the implementation of activities related to water and water resources.
9. The above ministries and agencies shall coordinate with the local authorities in the detailed determination of responsibilities and scope of activities within their sectors.

Regulations for water user associations were adopted in March 1997. Further regulations on hydropower development, urban water supply, water for irrigation use, and for navigation are under preparation. Earlier regulations (including those on industrial waste discharge that were adopted in 1994) need to be reviewed for conformity. The Law on Agriculture was passed in October 1998. It contains some provisions on irrigation water use.

The Water and Water Resource Law is following on from a number of decrees about water and water resources which now need to be reviewed to ensure consistency.

The Lao Government also signed the Agreement on Cooperation for the Sustainable Development of the Mekong River Basin in April 1995.

Enactment	Date	Responsible Agency
<i>Tabulate principal laws, etc</i>		(Ministry)
Water and Water Resources Law (126/PR)	2 Nov, 1996	Unclear
Forestry Law (125/PR)	2 Nov, 1996	Agriculture & Fisheries
Electricity Law (34/PR)	31 May 1997	Industry & Handicrafts
Mining Law (36/PR)	31 May 1997	Industry & Handicrafts
Land Law (33/PR)	31 May 1997	Finance
Agriculture Law (01/98/NA)	10 October 1998	Agriculture & Fisheries
Environment Protection Law	in draft	Science, Technology & Environment Organization
Industrial Process Law	in draft	Industry & Handicrafts
Highway Law	in draft	Communications, Transport, Post & Construction
Prime Ministerial Decree on Protected Areas (164/PM)	11 March 1997	Agriculture & Fisheries
Prime Ministerial Decree on Management of Livestock & Fisheries (85/PM)	31 May 1993	Agriculture & Fisheries
Ministerial Decree for (Irrigation) Water Uses Associations (1056/MAF)	29 Oct 1993	Agriculture & Fisheries
Ministerial Decree on effluent discharge (180/MOI)	3 Nov 1994	Industry & Handicrafts
Ministerial Decree on effluent discharge (1122/STENO)	11 March 1998	STENO
Ministerial Decree on Electricity Generation, Distribution, Import & Export	in draft	Industry & Handicrafts
Agreement for Cooperation for the Sustainable Development of the Mekong River Basin	5 April 1995	Lao National Mekong Committee
WRCC Establishment		
Prime Minister's Office Notice (1335/PMO)	12 August 1997	{ Science,
Prime Minister's Office Notice (076/PMO)	8 April 1998	{ Technology &
Science Technology & Environment Organization Notice	27 April 1998	{ Environment Organization

(91/STENO) Various other ministerial decrees now redundant following adoption of Water and Water Resources Law.	Various	Respective Ministries and Departments
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2. Please describe events or cases of troubles related to water allocation. For example,
- Water conflicts among different water uses in a river basin
  - Water conflicts among same water uses, especially agriculture (e.g. Water User Associations), in a river basin
  - Water conflicts between upstream users and downstream users
  - Water conflicts between new water user and existed water users
  - Troubles which was resulted from water transfer
  - Troubles derived from increasing water demand
- The number of letters and characters are not limited. Also, specific description is appreciated. If necessary, please attach maps.
- (Country Name:      Lao PDR    )**

## **Water Allocation and Conflict Resolution**

*Describe mechanisms for allocating water to users, especially where there is competition, and for resolving conflicts between users and community interests (e.g. fishery maintenance).*

While the Water Law sets out broad relative priorities for water use, there is as yet no process for resolving water use conflicts. The establishment of the WRCC may provide such a mechanism.

There has been no work yet undertaken to define the environmentally sustainable limits to either water allocation and use, or to licensed wastewater discharge.

There is a little competition between the various users of water because of the apparent abundance of water and the small population. However, no direct information on competition among various water users is available. Verbal reports indicate competition among users in specific areas.

### **Conflict occurs what means are used to manage or resolve it (both within and between nations)?**

Within the nation, there is no full enforcement of water law or regulations as these have only recently been enacted. Traditional laws and customs relating to water use and water resources still exist in some parts of the country. In these areas, traditional practices are effective in protecting the resources from exploitation by traditional means, and processes exist to ensure enforcement of these practices and to resolve any conflicts arising.

3. Please describe your idea about the cause/reason of the troubles.  
I.e. lack of institutional framework, lack of water infrastructure, lack of human capacity, or lack of budget etc. The number of letters and characters are not limited.  
**(Country Name: Lao PDR )**

Present organizational arrangements at both national and provincial levels, generally support the achievement of national policies. However, some agencies have conflicting roles such as regulator and service provider. This could result in ineffective implementation of government policies and enforcement of rules and regulations.

The government has a policy to decentralize planning and development to the provinces, with broad control and guidelines set at central level. This is to ensure local conditions and needs are appropriately considered. The policy of decentralization is now being implemented. Decision-making power is being moved from central government to the provincial level. This includes formulating annual work programs, project planning, implementation, and operation and maintenance. Service provision is also being transferred to local agencies and communities, such as provincial water supply agencies, irrigation water user associations, and village water supply management committees. State-owned service providers are vested with greater operational and financial autonomy but still limited in matters relating to personnel management, salary and incentives policy. State-owned service providers are usually operating within the administrative boundary of the province.

As a result, development objectives and investment performance depend on local commitment and capacity. Institutional strengthening and capacity building need is increased as a result of the changes now underway. Effort in this area should, therefore, focus on provincial and local levels and incentives for government employees should be biased to favor the provinces.

The current institutional problem in the water sector mainly relates to lack of co-ordination between agencies within the sector and with those of other sectors, and loose line of communication and co-ordination between the national agencies and their provincial counterparts. The Water Resources Co-ordination Committee being established as a national apex body is mainly aimed at improving the co-ordination of multi-sectoral activities involving various water uses and also defining and managing water allocations. This is an important initiative for co-ordination at the national level enabling the Government to overcome the current fragmented management of water resources.

The tasks of the WRCC are greater than just coordinating the activities of the sub-sectors. The WRCC should be vested with the responsibility of allocating the water resources among the various water users and the environment. To undertake this significant task in addition to coordination the WRCC requires a strong, dedicated and experienced secretariat. This will only occur with sustained support from donors such as ADB and a commitment from the top levels in the government.

Another shortcoming of the present organizational set-up is the lack of water resource management, basin planning, and implementation of regulations and projects at the river basin level. Not a single integrated river basin planning study has been carried out although such planning is now strongly advocated. River basin management bodies should now be considered, however, creating another bureaucratic layer should be avoided. The responsibility and function of existing national and provincial agencies should be maintained if possible.

The very first step would be to assess the present institutional set-up at the ministerial and provincial level, and to conduct a diagnostic study of each targeted river basin. The findings of these studies could be used as a basis for designing a river basin management body tailored the development mix in each basin.

4. Do you have any special questions for other participants including NARBO secretariat? Or, do you have what you want to discuss related to water allocation issues? If so, please describe them freely.

**(Country Name: Lao PDR )**