



**Lao People's Democratic Republic**  
**Peace Independence Democracy Unity Prosperity**

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**Prime Minister's Office**

**No: 293 /PM**  
**Vientiane Capital City**  
**Dated 15.06.2010**

**Decree on**  
**Establishment and Activities of River Basin Committee**

- Based on the law on Lao PDR Government no. 02/NA, dated 06 May 2003;
- Based on the Law on Water and Water Resources, No. 02-96, dated 11 October 1996;
- Based on the Prime Ministerial Decree No.149/PM, dated 10 May 2007, on the Establishment and Activities of Water Resources and Environment Administration (WREA);
- Based on the proposal of Minister to the Prime Minister's Office, Head of the WREA, and the Chairperson of the National Mekong Committee.

**The Prime Minister issues this decree:**

# **Chapter I**

## **General Provision**

### **Article 1: Objective**

This decree defines the location, mandate, duties, jurisdictions, organizational structure and working methodology of the River Basin Committee to facilitate and ensure the achievement of the following goals in relation to the river basin:

- Supply sustainable water resources to water sectors through systematic planning and implementation ;
- Reduce socio-economic and environmental impact from water related disasters;
- Water quality management;
- A participatory approach to the national socio-economic development plan and enhance and improve livelihoods

### **Article 2: Principles**

RBC of each basin execute the following principles:

- IWRM through consultation and participation development process in river basin area among all involved agencies including government, private sector, communities and other involved parties;
- Ensure equitable water resources use and sustainable ecosystem;
- Apply mechanism for polluter pay fee.

### **Article 3: Definitions**

- Integrated Water Resources Management (IWRM) is a process of development promoting water resources management including other resources concerned which have been integrated, in order to maximize the social and economic benefits, to ensure equity in society and the permanence of ecosystems;
- Water Resources Development is a process of planning, designing, establishing and implementing projects for water resources utilization;
- Water Resources Utilization is taking and using water from sources such as surface, ground and atmosphere; water discharge into rivers; scheduling of discharge time of water flow, quantity and quality in

water sources; control and diversion of water flow; reduction of flooding; or any other activity which affects and changes the water resources physically, in quantity and quality;

- River basin (River basin in The Law on Water and Water Resources, No. 02-96, dated 11 October 1996) is the land and forest area upstream and downstream. It consists of the watershed from which rain flows into water resources systems.

## **Chapter II**

### **Location, Mandate, Duties and Jurisdictions**

#### **Article 4: Location and Mandate**

The River Basin Committee (abbreviated as RBC) is a non-permanent organization. It has a mandate to act as a water resource executive in a river basin under the direction of the Lao National Mekong Committee (LNMC) for management, development, conservation, rehabilitation and utilization of water resources (which will be called “water resources management”) in the river basin area.

#### **Article 5: Duties and Jurisdictions of the River Basin Committee**

RBC of each river basin has duty and jurisdiction as follows:

- 5.1 Consider and submit proposals to the Prime Minister or Government to approve strategies, action plans and projects on water resources management in river basin areas;
- 5.2 Consider and submit proposals to the Prime Minister or Government to approve water allocation plans, flood and drought prevention plans, water quality management plans, restoration plans on physical, biological and environmental aspects of water resources in rivers, ponds, groundwater and other sources in the concerned river basin according the proposals of the River Basin Committee Secretariat;
- 5.3 Receive all related sector’s opinions on water resource management and development on river basins to be the basis of proposing appropriate resolution; review disputes on water resources management and utilization based on set resolutions, following procedures and proposing to the appropriate government official for approval; propose rewards for those who have outstanding performance in water resource protection and management; or carry out discipline in case of the violation or breach of any rule;

- 5.4 Review and approve draft programs and river basin development projects to be proposed to the appropriate leading government officials for consideration and adaptation and provide guidance for effective implementation;
- 5.5 Provide consultation and comments to the appropriate leading government officials on water resources management issues arising from development projects which raise serious impacts within the river basin to be proposed to the appropriate government to consider;
- 5.6 Approve and implement action plans and annual budget plans of RBC and prepare summary reports;
- 5.7 Coordinate and cooperate with the representatives of other countries and international organizations for further support on water resources activities; participate in negotiation and sign contracts, sub-contracts and memoranda of understanding about water resource activities in the river basins; take actions within and outside the country based on the approval of the appropriate leading government official;
- 5.8 Organize regular twice-yearly meetings and call for extra-ordinary meetings. The Chairperson and Deputy Chairperson have the authority to call the technical staff from related sectors to participate in the regular and the extra-ordinary meetings if necessary;
- 5.9 Invite representatives of water-related sectors, localities, specialists, advisors and representatives of line agencies to attend the RBC meeting if necessary;
- 5.10 Form ad-hoc working groups including representatives from sectors and localities concerned in order to study specific issues;
- 5.11 Propose on the improvement of the organizational structure and the assisting apparatus of the RBC if necessary;
- 5.12 Provide guidance in the management and use of a fund for the management and development of the river basin;
- 5.13 Perform other duties as assigned by the appropriate leading government official.

## **Chapter III**

### **Organizational Structure**

#### **Article 6: Organizational Structure**

- 6.1 The River Basin Committee consists of a government Chairperson, Deputy Chairperson and some committee members which are representatives from government, private and other involved sectors at the central and local level as follows:

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|---|--------------------|
| 1. Provincial Governor  | Chairperson        |
| 2. Deputy Provincial Governor of the province in the area of the river basin            | Deputy Chairperson |
| 3. Deputy Head of Water Resources and Environment Administration                        | Deputy Chairperson |
| 4. Representative from department level from the Ministry of Agriculture and Forestry   | Member             |
| 5. Representative from department level from the Ministry of Energy and Mines           | Member             |
| 6. Representative from the department level from the National Land Management Authority | Member             |
| 7. Director General of Department of Water Resource                                     | Member             |
| 8. Director General of Department of Meteorology and Hydrology                          | Member             |
| 9. Heads of provincial Agriculture and Forestry Division within the river basin         | Members            |
| 10. Heads of provincial Energy and Mines Division within the river basin                | Members            |
| 11. Heads of provincial Public Work and Transportation Division within the river basin  | Members            |
| 12. Heads of provincial Industry and Commerce Division within the river basin           | Members            |
| 13. Heads of provincial Public Health Division within the river basin                   | Members            |
| 14. Heads of provincial Land Management Authority Office within the river basin         | Members            |
| 15. Heads of provincial Water Resources and Environment Office within the river basin   | Members            |
| 16. Representative from Hydropower Development group within the river basin             | Member             |
| 17. Representative from Mining Development group within the river basin                 | Member             |
| 18. Representative from Industrial Development group within the river basin             | Member             |
| 19. Representative from Agricultural Development group within the river basin           | Member             |
| 20. Representative from communities within the river basin                              | Member             |
| 21. Representative of Lao National Front Mass Organization within river basin area      | Member             |

6.2 The chairmanship of the river basin committee has a five year rotation based on the agreement of the provinces within the river basin.

**Article 7: Duties and Jurisdiction of the RBC Chairperson**

The RBC Chairperson has duties and jurisdiction as follows:

- 7.1 Provide guidance on the implementation of the planned activities and budget plan of the RBC periodically; regularly report on activities of the RBC to the appropriate leading government official;
- 7.2 Provide guidance on the implementation of program and river basin management project within a period, coordinate with all sectors concerned, and with the appropriate leading government official;
- 7.3 Chair all regular and extra-ordinary meetings of the of the RBC;
- 7.4 Participate in all conferences; negotiate and sign contracts with other countries as assigned by the appropriate leading government official;
- 7.5 Nominate staff to attend conferences and take domestic and international actions within the RBC's mandate;
- 7.6 Form assisting teams and ad-hoc working groups which include representatives from sectors and localities concerned in order to study and research on specific issues;
- 7.7 Share responsibilities with the Deputy Chairperson of RBC as appropriate;
- 7.8 Organize regular meetings and call for extra-ordinary meetings if urgent and necessary;
- 7.9 Perform other duties and jurisdictions as assigned by the appropriate leading government official.

**Article 8: Duties and Jurisdiction of the Deputy Chairpersons and Committee**

The RBC Deputy Chairpersons and committee members have the duties and jurisdictions as follows:

- 8.1 The Deputy Chairpersons assist the Chairperson and are specifically responsible for certain tasks as assigned by the Chairperson. In the case of absence of the Chairperson, there must be a document assigning one of the Deputy Chairpersons to be in charge according to the authorization of the Chairperson;
- 8.2 The Deputy Chairpersons and all committee members have the right and duty to give comments and solutions on various issues, including action plans, budget plans and evaluation of the RBC's activities;
- 8.3 The Deputy Chairpersons and committee members should report the resolutions of the RBC meetings to their superiors; expand and implement the resolution according to the expectation defined and report to the RBC on the achievement of the implementation;
- 8.4 Perform other duties as assigned by the Chairperson of the RBC.

## **CHAPTER IV**

### **Organization Structure and Secretariat**

#### **Article 9: Organization Structure**

The RBC has a Secretariat acting as an advisory body and a permanent office.

#### **Article 10: Location and Mandate of the Secretariat**

The RBC Secretariat is under Water Resource and Environment Administration's organizational structure and has a permanent office in any province according to the agreement of provinces within the river basin.

The Secretariat acts as an advisory body to assist the RBC to facilitate and monitor all activities of RBC.

The Secretariat has a Head and Deputy Head. The Head of the Secretariat has a position equivalent to the head of a department. There will also be heads and deputy heads of divisions and technical staff including provincial technical staff from the provinces with the river basin area. The Head of the Secretariat is appointed and dismissed according to the official regulation based on the approval from the Minister to Prime Minister's Office, Head of Water Resource and Environment Administration through consultation with the RBC.

The Secretariat is under the leadership, technical management, organization and annual budget arrangement of the Water Resource and Environment Administration.

Divisions or technical units are authorized to be set up within the Secretariat's organization according to the responsibility in various suitable areas.

#### **Article 11: Duties and Jurisdiction of Secretariat**

The RBC Secretariat Committee has duties and jurisdictions as follows:

- 11.1 Draft the annual action plans and budget plans of the RBC for proposal to the RBC for its consideration;
- 11.2 Draft the programs and river basin management projects in each period and cooperate with sectors concerned for proposal to the RBC for consideration; implement those programs and projects after approval by the appropriate leading government official and regularly report on the developments;
- 11.3 Prepare and propose to the Chairperson the organization of regular meetings and call for extra-ordinary meetings if necessary;

- 11.4 Organize regular and ex-ordinary meetings; prepare the meeting agenda and take minutes of the meeting;
- 11.5 Coordinate with concerned sectors on the implementation of the action plans of the RBC programs and river basin management projects in each period and regularly report on the implementation status;
- 11.6 Coordinate consultations and promote awareness on water resources to sectors concerned, ensure the participation of sectors in the process of management planning and water resource development in the river basin;
- 11.7 Enhance, promote, monitor and provide a summary report on implementation of plans, projects, procedures and guidelines of the RBC;
- 11.8 Summarize, analyze and disseminate data and information about water resources in river basin;
- 11.9 Research on the prioritization of water resources use, determine water quantity for the use of each activity, water allocation and reservation in minimum water quantity in the basin for proposal to the RBC for its consideration;
- 11.10 Research and propose to the RBC on the methods for flood and drought prevention, solution on water pollution and conflict on the water resources development in the basin;
- 11.11 Coordinate the development projects in the basin in order to avoid and solve the possible impacts on water resources;
- 11.12 Summarize and analyze the appropriate resolutions on complaints of people and other sectors on issues and disputes of water resources management and use in the river basin;
- 11.13 Research and propose the appropriate resolutions on complaints of people and other sectors on issues and disputes of water resources management and use in the river basin;
- 11.14 Implement plans and various measures through coordination with involved sectors in conservation and restoration of physical, biological and environmental conditions of rivers, ponds, groundwater and other water sources within the river basin.
- 11.15 Coordinate with the Lao National Mekong Committee Secretariat and other RBCs on the implementing strategy plan and action plans of the Lao National Mekong Committee;
- 11.16 Participate in conferences, seminars and training as approved by the appropriate leading government official;
- 11.17 The RBC Secretariat Committee performs its activities by using the annual budget of Water Resource and Environment Administration. The Secretariat can establish other assisting units and hire staff if necessary;
- 11.18 Manage and use the fund for the management and development of the river basin, based on various official procedures and plans which are periodically approved by RBC officials;
- 11.19 Perform other duties and jurisdictions as assigned by the Minister of the Prime Minister's Office, the Head of the Water Resource and Environment Administration and Chairperson of Lao National Mekong Committee.

## **Chapter V**

### **Fund**

#### **Article 12: Fund**

The River Basin Committee has a fund for river basin management and development from the government budget, grant assistance from international organizations and other countries, royalties, service charges, fines and contributions from water resources development in the river basin based on the principle of polluter pay. Detail of the fund will be defined in separate documents.

## **Chapter VI**

### **Final Provision**

#### **Article 13 Working Methodologies**

The RBC performs its activities according the following principles:

- 13.1 Implement the principles of central democracy, collectivism, delegate individual responsibility and implement one leadership system, support creative idea of RBC members;
- 13.2 Implement activities through a working system and detailed projects, focus on core points and goals periodically and closely coordinate with other related agencies;
- 13.3 Implement activities through a process of monitoring, supervision, lesson learning, assessment of positive-negative impacts, and strictly collecting feedback and establishing a reporting system;
- 13.4 The quorum for meetings shall be more than half of the RBC members;
- 13.5 Each meeting of the RBC shall be recorded and summarized properly; written reports are submitted to the Chairperson, Deputy Chairperson, members of the Lao National Mekong Committee and provinces within the river basin. Copies will also be made and provided to the government secretariat and other related sectors.

**Article 14    Enhancement**

Assign the Deputy Prime Minister who leads the implementing activities of water resources and environment to approve the appointment of members of the RBC for each basin according the skill position as defined in Article 6 of this decree and based on the proposal of the Minister to the Prime Minister's Office, Head of the Water Resource and Environment Administration.

**Article 15 :    Stamp and Symbol**

The River Basin Committee has its own stamp and symbol for official use.

The River Basin Committee Secretariat has its own stamp and symbol for official use.

**Article 16:    Implementation**

This decree shall be strictly acknowledged and implemented by ministries, government organizations, provinces, prefectures and other sectors concerned.

**Article 17:    Effectiveness**

This decree becomes effective on the date of signing.

**Prime Minister to Lao PDR**