

## CALL FOR PROPOSALS

### *Technical support to the process of amending Vietnam's Law on Water Resources*

The Australian Water Partnership (AWP) is seeking to appoint a team of Australian and Vietnamese experts to support the amendment process of Vietnam's Law on Water Resources, currently underway and led by Vietnam's Department of Water Resources Management (DWRM).

#### **Activity Background**

Vietnam's Law on Water Resources is currently used as the basis for water governance in Vietnam, including with regards to the use of surface water, rainwater, groundwater and sea water. The Law (adopted in 1998 and revised in 2012) and other legal documents relating to the management and protection of water resources need to be amended to address national water resource security.

The Ministry of Natural Resources and Environment (MONRE) has the general management function of the Law, and promulgates legal regulations related to water resources, strategy and planning on water resources and pollution control. Within MONRE, DWRM has been given the responsibility to coordinate and implement the Law amendment process. This process is underway, with the first draft of the amended Law due to be submitted to the Government of Vietnam by the end of 2022.

DWRM has requested Australia's support to the amendment process, through Australian experts sharing Australian and international best practice and providing inputs into policy areas to be researched for inclusion in the amended Law and its subsequent implementation.

#### **Activity Description**

This activity will see a team of Australian and local experts provide technical backstopping and support to DWRM on the amendment of the 2012 Law on Water Resources, as well as on the implementing decree which is being developed simultaneously by DWRM. The main tasks and key outputs are:

1. Develop a workplan outlining how the tasks will be completed, the proposed timeline for the delivery of outputs, and agreed roles and responsibilities of the Australian and local experts, DWRM, and any other parties.
2. Review (and if needed translate) documentation related to developing the amendment to the Law on Water Resources.

3. In response to requests from DWRM, provide information on Australian and international best practices on the development and implementation of legal frameworks for water resources management, and on lessons that can be used in the Vietnamese context.
4. Working with research groups (both internal and external to DWRM), provide inputs into reports on at least 2 policy areas specified in the Law on Water Resources.
5. Support the organisation of 2-3 stakeholder consultations led by DWRM at national, basin and local level to provide inputs on gathering feedback, identifying and analysing problems as well as priorities, challenges and opportunities around the current implementation of the Law and the planned amendments.
6. Undertake a capacity gap assessment to understand DWRM needs in strengthening their skills in the development and implementation of water resources policy and legislation.
7. Provide a capacity building program that can support DWRM in developing a more comprehensive Law.
8. Organise a study visit (or alternative option if travel is not possible) to Australia with a high-level delegation from MONRE and the Vietnamese National Assembly to exchange experiences with regulators, legislators and parliamentarians.

Further description of the activity and of the main tasks is provided in the Terms of Reference (ToR) at Annex A.

This activity will be funded through the Australia-Mekong Water Facility. The upper budget limit AU\$430,000.

### **Activity Objectives**

The objectives of the activity are to:

1. Provide technical support to DWRM on the process of amending the 2012 Law on Water Resources, using experience from Australia and international best practice;
2. Build the capacity of DWRM, relevant departments within MONRE and line ministries, to develop comprehensive and relevant amendments to the 2012 Law on Water Resources;
3. Provide guidance to DWRM on policy areas that are being developed as part of the Law amendment process.

### **Application Procedure**

Interested partner/s should submit a proposal via the following online form by **5.00pm AEST, Monday 9 May 2022** (using the AMWF Proposal Template provided):

<https://www.cognitoforms.com/AustralianWaterPartnership/awpsubmissionform>

Late applications will not be accepted.

The proposal should include a description of the relevant experience of the partner/s, as well as proposed daily remuneration rates based on the [AWP Partners Remuneration Framework](#). Proposals should be a maximum of 25 pages, plus annexes for Curriculum Vitae (CV) with a two page limit on each CV. Appendices and CVs should be included within your application document (max 1 file upload allowed).

The formation of consortiums of partners is encouraged.

### **Selection Criteria**

Proposals will be assessed against the following selection criteria:

- Meeting the expertise and experience requirements outlined in the ToR at Annex A, including in the development and implementation of legal frameworks on water resources management, water resources policy and its application into legislation, capacity assessment and development of capacity building programs on water resources policy and legislation, and stakeholder engagement.
- Including effective approaches for capacity development and information/ knowledge sharing.
- Using robust methods to achieve the objectives and tasks outlined in the ToR.
- Incorporating Gender Equality, Disability and Social Inclusion approaches and outcomes throughout the activity. Please refer to the [Addressing GEDSI in AWP concepts, proposals, and tenders: Guidance for partners](#) for integration of GEDSI approaches into the activity design and implementation.
- Demonstrated Value for Money.

### **Contact**

For any questions, please contact Rohan Kent, Program Lead ([rohan.kent@waterpartnership.org.au](mailto:rohan.kent@waterpartnership.org.au)) by **5:00pm AEST, Tuesday 26 April 2022**. All questions received will be compiled and presented with answers on the Partner Portal at <https://waterpartnership.org.au/partner-portal/programs-activities/>.

*Note that AWP reserves the right to not proceed with the outlined activity and is not liable for any costs incurred by partners in preparing proposals.*

## Annex A: Terms of Reference

Activity Title	Technical support to the process of amending Vietnam's Law on Water Resources
<b>Activity summary</b>	Vietnam's Law on Water Resources (adopted in 1998, revised in 2012) is used as the basis for water governance in Vietnam, including the use of surface water, rainwater, groundwater and sea water. The Law also covers protection against and reduction of the impact of water-related risks. The Law is being amended in 2022 to enhance efficiency, sustainable use and ensure water security for the present and the future. In concert with the amendment, an implementing decree is also being prepared for the revised Law. MONRE-DWRM has requested Australian expertise to support the amendment process including sharing Australian and international best practice and inputs into policy areas to be researched for inclusion in the amended Law and its subsequent implementation.
<b>International Partners</b>	n/a
<b>In-country Partners</b>	Department of Water Resources Management (DWRM), Ministry of Natural Resources and Environment (MONRE)
<b>Background and context</b>	<p>Vietnam's Law on Water Resources (adopted in 1998, revised in 2012) is currently used as the basis for water governance in Vietnam, including with regards to the use of surface water, rainwater, groundwater and sea water. Substantial results have been achieved in nearly a decade of implementation. This includes increased awareness across the government, the private sector and the public of the importance of efficient use of water as well as the protection of national water resources. Nonetheless, there are shortcomings that need to be addressed. Vietnam is facing many challenges such as the uneven distribution of water, the impacts of climate change, and the degradation and widespread pollution of water resources. There are also conflicts over water use in river basins, low access to safe clean water, and water use inefficiencies.</p> <p>The 2012 Law on Water Resources and other legal documents relating to the management and protection of water resources need to be amended to address national water resource security. The amended Law will need to consider related legislation, for example on agriculture and on water and sanitation (e.g. Hydraulic Works Law, Decree on Clean Water Production, National Rural Clean Water Supply and Sanitation Strategy). In the amended Law, there will be inclusion of climate change, pollution, dry and wet season flows, along with how to support an ambitious economic development plan in Vietnam, which will likely put further pressure on natural resources. The aim is to enhance efficiency, sustainable use and ensure water security for the present and the future.</p> <p>MONRE has the general management function of the Law, and promulgates legal regulations related to water resources, strategy and planning on water resources and pollution control. Within MONRE, DWRM has been given responsibility to coordinate and implement the Law amendment process.</p> <p>Following the expected official approval from the National Assembly of the application for the development of the Law on Water Resources (amended), DWRM will start the process of drafting the amendments and supplements to the Law. The</p>

	<p>first draft of the amended Law is to be submitted to the Government of Vietnam in November 2022, and then it will be submitted to Vietnam’s National Assembly for feedback. Official approval of the amended Law will be sought from the National Assembly towards the end of 2023.</p> <p>DWRM has requested technical inputs from Australian experts, including to share their experiences on developing water resource legislation that covers water security.</p> <p>Australian experts will also be invited to contribute to policy areas that will be studied further to be incorporated into legislation. These include: i) water security; ii) water resources protection; iii) protection from the harmful effects caused by water (e.g., floods); iv) public-private partnerships; and v) water economics. In addition to the five groups of policy areas, in the process of amending and supplementing the Law, there may be additional areas to be considered to overcome shortcomings, inadequacies, overlaps, conflicts, and improve the effectiveness and efficiency of policies. Furthermore, the policy areas may be reviewed and updated in the development of the amended Law.</p>
<b>Expected start &amp; end dates</b>	12 months, starting in June 2022
<b>Objectives/aims of the activity</b>	<p>The objectives of this activity are to:</p> <ul style="list-style-type: none"> <li>• provide technical support to MONRE-DWRM on the process of amending the 2012 Law on Water Resources, using experience from Australia and international best practice;</li> <li>• build capacity of DWRM, relevant departments within MONRE and line ministries to develop comprehensive and relevant amendments to the 2012 Law on Water Resources; and</li> <li>• provide guidance to DWRM on policy areas that are being developed as part of the Law amendment process.</li> </ul>
<b>Main tasks</b>	<p>A team of Australian and local experts will provide technical backstopping and support to DWRM on the amendment of the 2012 Law on Water Resources, as well as on the implementing decree, which is being developed simultaneously (by DWRM). The Government of Vietnam will allocate necessary resources and facilitate their involvement in any consultation workshops and processes within Vietnam.</p> <p>Besides Australia, other development partners will also be supporting the Law amendment process so the Australian team will need to coordinate, to some extent, with experts from other countries.</p> <p>The implementing team contracted by AWP will:</p> <p><b>Task 1:</b> Develop a workplan outlining how the tasks will be completed, the proposed timeline for the delivery of outputs, and agreed roles and responsibilities of the Australian and local experts, DWRM, and any other parties. The workplan should consider how the project can contribute to the COVID-19 response and recovery and how the activity may be impacted by travel restrictions. In addition, the workplan will outline how Gender Equality, Disability and Social Inclusion (GEDSI) will be considered for each task.</p> <p><b>Task 2.</b> Review (and if needed translate) documentation related to developing the amendment to the Law on Water Resources. This includes the 2012 Law and associated decrees and circulars, dossier on the amendment process, and related</p>

	<p>laws and policies. The review should identify successes as well as challenges, obstacles and gaps with the current implementation of the Law.</p> <p><b>Task 3.</b> In response to requests from DWRM, provide information on Australian and international best practices on the development and implementation of legal frameworks for water resources management, and on lessons that can be used in the Vietnamese context.</p> <p><b>Task 4.</b> Working with research groups (both internal and external to DWRM), provide inputs into reports on at least 2 policy areas specified in the Law on Water Resources. The focus will be on topics where Australia has strong experience and expertise such as water distribution, water allocation, water scarcity, water markets and the application of economic tools.</p> <p><b>Task 5.</b> Support the organisation of 2-3 stakeholder consultations led by DWRM at national, basin and local level to provide inputs on gathering feedback, identifying and analysing problems as well as priorities, challenges and opportunities around the current implementation of the Law and the planned amendments. The inputs will be expected to include recommendations on how best to integrate GEDSI into these consultations.</p> <p><b>Task 6.</b> Capacity gap assessment to understand DWRM needs in strengthening their skills in the development and implementation of water resources policy and legislation. The assessment will consider GEDSI capabilities as well.</p> <p><b>Task 7.</b> Provide a capacity building program that can support DWRM in developing a more comprehensive Law. This includes sharing of information on how Australia and other countries are developing and implementing laws on water resources, as well as more specific aspects of the Law such as the development and regulation of water markets. The capacity building program should also integrate GEDSI principles. The program should organise 1-2 trainings to enhance DWRM capacity. The capacity assessment and program should take place in parallel with Tasks 2-5.</p> <p><b>Task 8.</b> Organise a study visit (or alternative option if travel is not possible) to Australia with a high-level delegation from MONRE and the National Assembly to exchange experiences with regulators, legislators and parliamentarians. The study visit will be developed during the activity, based on interactions with, and needs of, DWRM.</p>
<b>Outputs</b>	<ol style="list-style-type: none"> <li>1. Inception report and workplan with a summary of the understanding of the Law amendment process and how the Australian team will contribute to the amendment process. The inception report and workplan should include a COVID-19 contingency plan and a GEDSI plan.</li> <li>2. Report with a) Review of current legislation including challenges, obstacles and gaps with the current Law and its implementation; b) Australian and international best practice on development and implementation of legal frameworks on water resources management, and how these can be applied in the Vietnamese context.</li> <li>3. Written recommendations and inputs contributing to the development of at least 2 different policy areas.</li> <li>4. Summary of inputs and recommendations for at least 2-3 stakeholder consultations to gather information on the current implementation of the Law and the planned amendments.</li> <li>5. Report on capacity assessment and program developed with DWRM including at least 2 trainings/ workshops to enhance DWRM capacity and knowledge in</li> </ol>

	<p>the development and implementation of the amended Law on Water Resources.</p> <p>6. Program, logistics, and post-exchange report for 1 study tour (or alternative option) for a high-level Vietnamese delegation to Australia focusing on water resources legislation. The post-exchange report should include an evaluation and feedback from participants.</p> <p>7. Progress and final reports to AWP to provide an update on tasks and associated outputs.</p>
<b>Resources &amp; expertise required</b>	<p>The implementing team is expected to comprise:</p> <ul style="list-style-type: none"> <li>• Australian experts (2-3) with relevant practical experience in: <ul style="list-style-type: none"> <li>○ Development and implementation of legal frameworks on water resources management.</li> <li>○ Water policy research and application into legislation on areas such as water distribution, water allocation, water scarcity, water markets and the application of economic tools.</li> <li>○ Stakeholder engagement and GEDSI.</li> <li>○ Capacity development and training on water resources legislation and policy.</li> </ul> </li> <li>• Vietnamese experts (3-4) with relevant knowledge and experience in: <ul style="list-style-type: none"> <li>○ Vietnamese water resources legislation and policies.</li> <li>○ Water governance systems in Vietnam.</li> <li>○ Water policy research and application into legislation on areas such as water distribution, water allocation, water scarcity, water markets and the application of economic tools.</li> </ul> </li> <li>• Ability to facilitate knowledge exchange between Australian experts and DWRM.</li> </ul>
<b>Budget</b>	<p>Up to AUD 355,000 - 430,000 covering:</p> <ul style="list-style-type: none"> <li>• Remuneration of Australian and Vietnamese experts.</li> <li>• Expenses including translation costs, interpretation costs for meetings (online and in-person), travel expenses for visit(s) to Vietnam, and other expenses.</li> <li>• Expenses to support stakeholder consultations and any in-person trainings</li> <li>• Expenses costs for the study tour (Task 8) which includes flights, transportation, accommodation, meals and study tour costs. There should be a separate budget line for this item, with an indicative amount set aside for use if travel restrictions allow it.</li> </ul>
<b>Activity location</b>	<p>Australian experts will be mainly desk-based with 1-2 trips to Vietnam to work with DWRM in Hanoi, depending on COVID-19 travel restrictions. A contingency plan should be developed, in the event that international travel is not possible.</p> <p>Vietnamese experts will work in-country with DWRM in Hanoi with domestic travel for stakeholder consultations, depending on COVID-19 travel restrictions.</p>
<b>Implementation arrangements</b>	<p>The selected Australian Partner/s will be contracted by AWP and report to AWP.</p> <p>The selected Australian Partner/s will be expected to sub-contract 3-4 Vietnamese National Experts.</p>

	The Australian Partner/s will work directly with MONRE-DWRM, liaising with DFAT Hanoi Post and AWP as required.
<b>Peer-review process</b>	All outputs will be reviewed by AWP and/ or DWRM, DFAT and the AWP Expert Review Panel (ERP).
<b>Method of engagement</b>	Open tender.
<b>Australian Partner(s) capability requirements</b>	<p>The selected Australian Partner/s should demonstrate:</p> <ul style="list-style-type: none"> <li>• Expertise in development and implementation of legal frameworks on water resources management</li> <li>• Water resource policy and its application into legislation</li> <li>• Experience in capacity assessment and developing capacity building programs on water resources policy and legislation</li> <li>• Stakeholder engagement and ability to integrate GEDSI.</li> <li>• Previous experience working in Vietnam or the Mekong region is desirable.</li> <li>• Excellent communication (verbal and written) and analytical skills are required.</li> </ul>