



Ambassade van het
Koninkrijk der Nederlanden

Strategic Partnership Arrangement

between

The Government of the Socialist Republic of Viet Nam

and

The Government of the Netherlands

on

Climate Change Adaptation and Water Management

PRE-AMBLE

A new vision for a strategic partnership in the field of climate change adaptation and water management between The Government of the Netherlands and The Government of the Socialist Republic of Viet Nam.

The Government of the Netherlands and The Government of the Socialist Republic of Viet Nam (hereinafter referred to as “the Signatories”);

BASED ON the good friendship, common interests and long-term cooperation that exists between the two countries;

CONVINCED THAT Viet Nam and the Netherlands belong to the nations most adversely affected by the impacts of climate change in the future;

ACKNOWLEDGING THAT Viet Nam and the Netherlands have a complementary interest to adapt to climate change in the near future;

RECOGNIZING THE EXPERTISE of the Netherlands’ private and public sectors in the field of climate change and water management;

ACKNOWLEDGING THAT the world’s community has placed due emphasis on developing responses to climate change and the Netherlands has been proactive and has many ongoing initiatives to cope with climate change both domestically, as well as on the global scale.

ACKNOWLEDGING THAT the government of the Socialist Republic of Viet Nam has requested the government of the Netherlands to closely cooperate on developing a Mekong Delta Plan.

ACKNOWLEDGING THAT the Ho Chi Minh City People’s Committee has requested both the Ministry of Transport, Public Works and Water Management of the Netherlands and the City of Rotterdam to assist in developing a long term vision for the sustainable development of the greater Ho Chi Minh area;

DECIDE TO establish a Strategic Partnership as a new overarching umbrella structure for all existing and new areas of cooperation in the field of climate change adaptation and water management. This partnership underlines the depth and sincerity of bilateral relations between Viet Nam and the Netherlands, and the aim to develop a mutually beneficial and true partnership based on equality. This Arrangement does not replace or diminish earlier agreements between the Signatories.

STATING THEIR WILLINGNESS to deepen and broaden co-operation in the areas of climate change and water management;

Have come to the following understanding,

AREAS FOR COOPERATION

Article 1 Scope and purpose of the Strategic Partnership Arrangement

- 1.1) The purpose of this Strategic Partnership Arrangement is to define the context and strategic objectives of a preferred collaboration between Viet Nam and the Netherlands in the field of climate change and water management, by providing a framework for long-term bilateral cooperation.

- 1.2) The Strategic Partnership Arrangement, developed jointly by Viet Nam and the Netherlands, identifies the strategic priorities into which the bilateral cooperation will be concentrated over the partnership period. The framework also identifies inter-linkages between various sectors, governments, regions and countries, with the aim of encouraging greater coherence and comprehensiveness of climate change adaptation and water management.

Article 2 National and international cooperation

- 2.1) The Signatories recognise each other as preferred partners for collaboration in the field of climate change adaptation and water management and aim for the establishment of a close working relationship in all relevant sub-fields. In full realisation of the hydrological, geographical and socio-economical differences that exist between the two countries, the Signatories acknowledge the importance of their long-term strategic engagement to each other, in which they strive to reach common ground where possible. Both Signatories recognize that the strategic partnership is an evolutionary process that will develop at all levels, and between varying parties such as public and private sector actors, as well as between knowledge institutes.

- 2.2) The Memorandum of Understanding for bilateral cooperation between the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development of the Socialist Republic of Viet Nam on the one side, and the Ministry of Transport, Public Works and Water Management of the Netherlands on the other side, in the field of Integrated River Basin Management and Coastal Zone Management for the Mekong River Basin delta area, signed on 5th October 2009, including the annually updated working program, will form an important base for co-operation between the Signatories.

In accordance with this Memorandum of Understanding, Signatories aim to strengthen bilateral cooperation, knowledge exchange and capacity building in the field of:

- Climate change adaptation (including urban and rural planning and development);
- Safety (flood control);
- Food & ecosystems (including coordination between land and water resources management);
- Water supply, wastewater treatment and sanitation; and
- Governance (institutional arrangements including legislation, financial issues and activities carried out by Viet Nam in relation to the Mekong River Commission)

2.3) Specific attention is paid to higher education in water management, climate change adaptation and related agricultural/ecosystems in Viet Nam. Signatories strive towards coherence and integration between the topics and to tie-up with ongoing innovative developments in water policy and implementation in Viet Nam as depicted in this Arrangement. This also includes the establishment of two top water institutes (Hanoi and Ho Chi Minh City).

2.4) Both Signatories strive to intensify business and commercial contacts between Viet Nam and the Netherlands in the field of water management. Both Signatories will encourage private organizations and private companies to establish cooperation activities aimed at fulfilling the objectives of this Arrangement. It is recognized that the Netherlands and Vietnamese private and public organizations in the field of climate change and water management are natural/preferred partners.

2.5) The Strategic Partnership Arrangement is based on the recognition of the mutual interests of both Signatories in many areas of common concern that may require joint positions, actions and/or policy coordination. These interests and global actions can be reinforced by a frank, open and uninhibited discussion and exchange of information between the Signatories on domestic, regional, continental and global issues.

Article 3 Regional and local cooperation

3.1) Signatories decide to closely cooperate on developing an integrated long-term Mekong Delta Vision, to respond to the consequences of climate change and to ensure the sustainable socio-economic development of the Mekong delta. The Mekong Delta Vision therefore, amongst other issues, includes interactions with urban and rural planning, agriculture, fishery, biodiversity, infrastructural development and energy issues.

- 3.2) Signatories decide to closely cooperate on a “Ho Chi Minh city moving towards the sea” development plan, to strengthen the climate proofing of the existing and future (urban) development plans for Ho Chi Minh city, and to ensure the sustainable socio-economic development of the greater Ho Chi Minh city area
- 3.3) Signatories decide to geographically extend future regional cooperation on water management issues to the Southern Key Economic Zone (Ho Chi Minh City, Binh Duong, Dong Nai, Ba Ria-Vung Tau, Binh Phuoc, Tay Ninh, Long An and Tien Giang provinces). In addition to the themes mentioned in 2.2, cooperation themes will therefore be broadened with strategic port development, port management, transport and logistics, inland navigation etc.
- 3.4) Signatories decide to extend future cooperation on water management issues related to the Red River delta area and the Viet Nam coastal zone.

IMPLEMENTATION

Article 4 Viet Nam - Netherlands Intergovernmental Committee

- 4.1) To implement this Strategic Partnership Arrangement, Signatories decide to establish the *Viet Nam - Netherlands Intergovernmental Committee on Climate Change Adaptation and Water Management* (hereinafter referred to as “the Committee”).
- 4.2) The Committee will be chaired jointly by the Permanent Deputy Prime Minister or the Deputy Prime Minister of Viet Nam and the Deputy Prime Minister of the Netherlands, and consists of representatives from related ministries, sectors, agencies, regional and local authorities which are decided on by each Signatory in accordance with its laws.
- 4.3) The Committee will:
- (i) Supervise the development of the Strategic Partnership Arrangement and the implementation and administration of its Annexes and Appendices;
 - (ii) Establish and delegate responsibilities to ad hoc or standing committees, working groups or expert groups. Standing committees will be established under the Committee to implement specific tasks, to develop programmes and projects, and to provide suggestions and recommendations. Standing committees are proposed for (a) the Mekong Delta Plan; (b) the Rotterdam – HCMC cooperation; (c) supporting knowledge exchange; and for (d) improving the business environment for the private water sector.
 - (iii) Supervise the work of all ad hoc or standing committees, working groups and expert groups established under this Strategic Partnership Arrangement, its Annexes and Appendices.

- (iv) Consult with governmental, intergovernmental and non-governmental entities as necessary;
- (v) Keep this Strategic Partnership Arrangement, its Annexes and Appendices under periodic review, evaluating the functioning of this Strategic Partnership Arrangement and recommending measures it considers suitable to better achieve its objective;
- (vi) Consider any other matter that may affect the operation of this Strategic Partnership Arrangement, its Annexes and Appendices and take appropriate action.
- (vii) Resolve any dispute which may arise out of the interpretation, execution of, or non-compliance with, or application of this Strategic Partnership Arrangement, its Annexes and Appendices in accordance with Article 11 dealing with Settlement of Disputes;
- (viii) Carry out any other functions which may be assigned to it by the Signatories;

4.4) The Standing Agency of the Committee from Viet Nam is the Ministry of Natural Resources and Environment. The Standing Agency of the Committee from the Netherlands is the Ministry of Transport, Public Works and Water Management.

4.5) The Committee will convene in ordinary session at least once a year and in extraordinary sessions at such other times as may be decided between the Signatories. Meetings will be held alternately in Viet Nam and the Netherlands or any other place as may be decided between the Signatories. The Agenda for each ordinary meeting of the Committee will be settled by the Signatories at least one month before each proposed meeting. The decisions of the Committee will be taken by consensus and have the status of recommendations to the Signatories. The first Meeting will be organized in Viet Nam on mutually decided dates but not later than 3 months after this Arrangement has entered into operation.

4.6) Periodically, meetings will be held at the level of senior officials and experts to exchange views on national, regional, transboundary and global issues.

Article 5 Private sector activities

5.1) Signatories decide to promote active participation of the private sector in the fulfilment of the objective of this Strategic Partnership. To this end, the Signatories establish a Viet Nam/the Netherlands Water Forum to analyse trade and investment opportunities, exchange business information and organise business encounters, and deal with any other relevant matter. The Water Forum will regulate its own procedures and may make recommendations to the Committee on any matter within its competence. Further activities are decided upon by the Signatories.

Article 6 Resources for co-operative activities

- 6.1) For the activities of the Committee, standing committees, working groups and expert groups established under this Strategic Partnership Arrangement, each Signatory is to cover all expenses related to its members.
The Government of the Netherlands and the Government of the Socialist Republic of Viet Nam provide assistances, scientists, experts; organizes common scientific activities, thematic conferences, workshops, training courses and transfer of technology; create conditions for successful realization of defined results; stimulate participation of relevant stakeholders.
- 6.2) For other co-operative activities, depending on each specific activity, resources may be generated from budget of each Signatory, from enterprises, organisations, individuals, from bilateral cooperation or public-private partnership, from multi-lateral sources, from international finance institutes or any other sources generated by each Signatory. All proposals and/or terms of reference for specific activities will include a working program and budget scheme.

Article 7 Intellectual property

- 7.1) Information of a non-proprietary nature derived from cooperative activities under this Strategic Partnership Arrangement will be made available to the world community through customary channels and in accordance with normal practices.
- 7.2) The protection and disposition of intellectual property created or made use of in the course of cooperative activities under the Strategic Partnership Arrangement shall be governed by international regulations on intellectual property.

Article 8 Immigration, import and export of goods

- 8.1) Each Signatory will use its best efforts to facilitate, pursuant to its applicable laws and regulations, the entry into and exit from its territory of officials, scientists, technical experts, enterprises and other personnel involved in cooperative activities under this Strategic Partnership Arrangement.
- 8.2) Each Signatory will use its best efforts to facilitate, pursuant to its applicable laws and regulations, the entry into and exit from its territory of equipment and materials to be utilized in cooperative activities under this Strategic Partnership Arrangement, as well as personal effects of officials, scientists, technical experts, enterprises and other personnel involved.

- 8.3) Unless otherwise decided by the Signatories, goods import, export to each Signatory territory related to cooperative activities under this Strategic Partnership Arrangement will be governed by current regulations of WTO.

Article 9 Participation of other entities

- 9.1) Signatories will encourage local governments at provincial and district level, research institutes, private sectors, non - governmental organizations and other entities to participate in co-operative activities under this Strategic Partnership Arrangement.

Article 10 Liability and Status

- 10.1) This Strategic Partnership Arrangement will not affect the validity or execution of any other international agreement concluded or to be concluded by either Signatory.

Article 11 Settlement of Disputes

- 11.1) Any dispute concerning the interpretation, implementation and application of this Strategic Partnership Arrangement will be resolved by consultation or negotiation between the Signatories.

Article 12 Amendment and supplement

- 12.1) This Strategic Partnership Arrangement may be amended and supplemented at any time by mutual written consent of the Signatories. Any such amendment and supplement will constitute an integral part of this Strategic Partnership Arrangement and will enter into operation upon signature of both Signatories.

Article 13 Entry into Operation

- 13.1) This Strategic Partnership Arrangement will enter into operation on the date of signature by both Signatories.
- 13.2) This Strategic Partnership Arrangement will remain in operation until terminated by either Signatory, giving six months written notice to the other Signatory.

- 13.3) Unless otherwise decided by the Signatories, the termination of this Strategic Partnership Arrangement will not affect the completion of any programmes, projects or activities undertaken and not fully completed at the time of termination.
- 13.4) This Strategic Partnership Arrangement does not create any rights or obligations under international law.

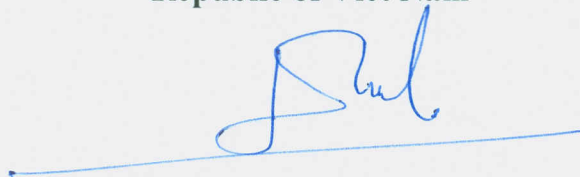
Signed in Brussels, on 4TH OCTOBER 2010, in two original copies in the English, Dutch and Vietnamese language, all texts have equal validity. In case of divergence, the English text will prevail.

**For the Government of
the Netherlands**



PRIME MINISTER

**For the Government of the Socialist
Republic of Viet Nam**



PRIME MINISTER