The International Forum on Integrated Water Resources Management of the Mekong River Basin
28-29 November 2005
Chiang Rai, Thailand

“Negotiating the 1995 Mekong Agreement – The Framework for IWRM in the MRB”

Perspectives By
Dr. George E. Radosevich
Important Dates & Events in the History of Cooperation in the Lower Mekong River Basin

9/1957: Statute of the Committee For Co-Ordination Of Investigations Of The LMB

1970: Indicative Basin Plan

1/1975: Joint Declaration of Principles for the Utilization of Waters of LMB

1978: Declaration of the IMC

1987: Revised Indicative Basin Plan

12/1992: Kuala Lumpur Joint Communiqué

1993-1994: Negotiations for a New Mekong Agreement

Pre-MA Important IWRM Events

1987 - Brundland Commission (World Commission on Environment) - report entitled “Our Common Future” identified “sustainable resources development” as major water management objective.

1992 - Dublin Conference (International Conference on Water and Environment) - four guiding principles to address the water development issue: 1. Water is as a finite and vulnerable resource; 2. Participatory approach essential; 3. Important role of women; and 4. Manage water as an economic good.

1992 - Rio Conference (U.N. Conference on Environment and Development-UNCED) Agenda 21 initiatives to focus on seven water management programs, the first - integrated water resources development and management. Agenda 21 identified three key objectives for national integrated water management: 1. priority for satisfying basic human and ecosystem requirements; 2. river basin as the basis for managing water resources; and 3. preparation of national action and sustainable water use programs by 2000. Recommended “appropriate information systems to support decision-making, innovative new ways of improving water management, include economic, social, and environmental aspects, and a long-term focus. Advocated a total systems approach and extend beyond state borders since water knows no boundaries.”
Mekong River Basin

Longitudinal river profile of the Mekong River from source to delta
Kaegbo Snow Mountain, Yunnan
Underlying Expectations

- **Framework** for cooperation
- **Non-interference** with reasonable national interests to develop water and related resources
- **Compliance based agreement**, no formula for water allocation, not regulatory – pursue trade-offs and exchanges
- **Promote constructive and mutually beneficial sustainable development** of MRB water and related resources, and protect and manage the environmental and aquatic conditions.
- **Address and resolve issues & problems** through their own organization in an amicable, timely and good neighbourly manner.
MWG

Negotiating Principles:
1. Agreement to disagree;
2. Pareto Optimum at minimum, win-win the objective; and,
3. One-nation-basin scenario

MWG

Negotiating Process:
1. Mekong Working Group
   Five Formal Meetings
2. Technical Drafting Meetings
   Two informal Meetings
3. National Meetings of SLA
4. Highest acceptable common denominator in agreeing
5. Process funded by UNDP
6. Oct. 92-Nov. 94
SUMMARY OF
THE MEKONG AGREEMENT:
MEMBER REQUIREMENTS FOR
MUTUAL COOPERATION--OPTIONS

NO WIN/ NO EQUITY
Not Acceptable

PARETO OPTIMUM
Minimum Requirement

WIN/WIN CONDITION
At The Heart of the Agreement

SUPERFAIRNESS
Highly Desirable
AGREEMENT ON THE SUSTAINABLE DEVELOPMENT OF THE MEKONG RIVER BASIN

MEKONG WORKING GROUP - V

HANOI, VIET NAM  28-29 November 1994
(Cambodia, Laos, Thailand, Viet Nam)
AGREEMENT
ON THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT OF THE MEKONG RIVER BASIN

Chapter I. Preamble
Chapter II. Definition of Terms
Chapter III. Objectives & Principles of Cooperation
Chapter IV. Institutional Framework
Chapter V. Addressing Differences and Disputes
Chapter VI. Final Provisions
[42 Articles in the 6 Chapters]

Protocol To the Agreement
For the Establishment of the Mekong River Commission

Signed by the Governments of Cambodia, Laos, Thailand and Viet Nam on April 5, 1995 at Chiang Rai, Thailand
AGREEMENT ON THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT OF THE MEKONG RIVER BASIN

* COMMENTARY & HISTORY *

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1995
IWRM & MA ‘95

• Concept of IWRM practiced in ’30, popularized in 1992
• After GWP established in 1996, defined IWRM as:

A process that promotes the coordinated development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems.
Mekong Agreement ’95

Terms, clauses, provisions supportive and directive of IWRM concept:

• Title
• Chap 1. Preamble – cooperate & promote in mutually beneficial manner, for sustainable development of water and related resources, for social and economic development & include environment protection & ecological balance; promote interdependent sub-regional growth for regional benefits derived and detriments avoided.
• Chap 2. Definition of “Agreement”
• Chap 3. Objectives & Principles 1-6 & 9
• Chap 4. Institutional Framework – the who and how of the “process”
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>2002</td>
<td>WSSD (World Summit on Sustainable Development, Johannesburg)</td>
<td>Plan of Implementation to achieve sustainable development per Rio principles and Agenda 21 and U.N. MDGs. Integrate three pillars of sustainable development; promote good governance, social equity, public-private partnerships, water and sanitation services, and poverty reduction; integrated water resources management and water use efficiency plans by 2005</td>
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<td>2002</td>
<td>WEHAB</td>
<td>The WEHAB initiative proposed by UN Secretary-General with focus for action in five key thematic areas of water, energy, health, agriculture and biodiversity integral to a coherent international approach to implement sustainable development.</td>
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<td>2003</td>
<td>WWF3 (World Water Forum, Kyoto)</td>
<td>Recommendations were made in six areas including integrated adaptive management of land, mountain, forest and water resources and demand water management; mainstreaming water master plans, at basin level, preparation of IWRM plans by 2005</td>
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<td>11/2003</td>
<td>Chiang Mai Ministerial Declaration</td>
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Chiang Mai Ministerial Declaration on Managing Water Resources in Southeast Asia

21st November 2003

Ministers responsible for water resources from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam

Adopted the following Guidelines:

• Implementation of the Integrated Water Resources Management (IWRM) by using the river basin approach including conjunctive use of surface and ground water as a starting point;
• Promotion of the national policy towards increasing investment levels in achieving the Millennium Development Goal (MDG) and the World Food Summit Goals in relation to effective water management;
• Encouragement of legal frameworks/guidelines for water allocation supported by good governance
Figure 2 Major geographical river reaches in the Lower Mekong Basin
Manwan Dam, Yunnan
In Conclusion

- 1995 Mekong Agreement provides an excellent comprehensive framework, fundamental tools, adaptation flexibility for implementation of IWRM/IRBM -
- Cooperation and Coordination based on mutual respect of territorial integrity and sovereignty, equity, reasonableness, forum for discussion and addressing issues and potentials as well as needs and problems
- Compliance not regulation based (Only essential regulation e.g., toxic spills, etc.)