

exploring water futures together



Mekong Region Waters Dialogue

6-7 July 2006

Vientiane, Lao PDR

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exploring water futures together:
Mekong Region Waters Dialogue

6-7 July 2006, Vientiane, Lao PDR

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Somrudee Nicro

Thailand Environment Institute (TEI)

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M-POWER water governance network



Preface

This report documents the proceedings of the Mekong Region Waters Dialogue: Exploring Water Futures Together, held in Vientiane, the Lao People's Democratic Republic on 6 and 7 July 2006. The Dialogue was a regional multi-stakeholder platform organised to provide an opportunity for a high-quality, multi-faceted debate and learning that will contribute to improving water governance in the Mekong Region.

More than just a verbatim transcription of the Dialogue, this report attempts to synthesise the proceedings into a simple, analytical narrative in order to make some cohesive sense of all the information gathered at the Dialogue. It attempts to pull together the numerous documents handed out to participants, the presentations given by different resource persons and the numerous comments made by the participants on various issues taken up at the consultation. Therefore, unless acknowledged otherwise, most of the quotes and statements included in this report were derived from those sources. Some of the PowerPoint slides from the presentations are also incorporated in the text, with minor editing, to fit the flow and layout.

A team of documenters recorded and compiled all the information provided in this report. The lead documenters were supported by other participants who generously volunteered to record the discussions among the groups and during the workshops. Notes for writing this report were based on the summaries of the documenters and on the comments written by the participants on cards.

The conveners also provided special support in collating the PowerPoint presentations and papers presented by the resource persons.

The report comprises a background and synopsis of the initiative and six chapters based on the programme. Chapter 1 attempts to articulate the discourses that frame the Dialogue. Chapter 2 examines the roles and governance performance of the World Bank, Asian Development Bank and Mekong River Commission while chapter 3 provides a collective review by participants of the strategic plans for the Mekong Region, drafted by these three key institutions in the region. Chapter 4 identifies critical concerns regarding water governance in the Mekong Region as discussed at the Dialogue, while chapter 5 presents some of the tools that can be used to improve water governance and the lessons learnt in their application. Chapter 6 describes the next steps to be taken following this initiative. The annexes provide details of the Dialogue programme, the list of participants and the post-Dialogue correspondence of the conveners with the World Bank, the Asian Development Bank and the Mekong River Commission.

Information sharing is vital in any multi-stakeholder process. This report and its companion volume, which is a compilation of the papers presented by the resource persons at the Dialogue, are provided as a record and resource for those committed to improving water governance in the Mekong Region.

Acronyms

ADB	Asian Development Bank
ASEAN	Association of South East Asian Nations
BDP	Basin Development Plan
CAS	Countries Assistance Strategy
CEO	Chief Executive Officer
CEP	Core Environment Programme
CSO	Civil society organisation
EGAT	Electricity Generating Authority of Thailand
EU	European Union
EIA	Environmental impact assessment
GEF	Global Environmental Facility
GMS	Greater Mekong Subregion
GMS Programme	Greater Mekong Subregion Economic Co-operation Programme
GDP	Gross domestic product
HSBC	Hong Kong and Shanghai Banking Corporation Ltd.
IBRD	International Bank for Reconstruction and Development
IA	Impact assessment
IDA	International development assistance
IFI	International Financial Institutions
IRD	Institut Recherche pour le Developpement
IUCN	The World Conservation Union
IWMI	International Water Management Institute
IWRM	Integrated water resources management
M-POWER	Mekong Programme on Water Environment and Resilience water governance network
MRC	Mekong River Commission
MWARP	Mekong Water Resources Partnership Programme
MWRAS	Mekong Water Resources Assistance Strategy
MWBP	Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme
NMC	National Mekong Committee
NSEC	North-South Economic Corridor
NGO	Non-governmental organisation
PES	Payment for Environmental Services
SEA	Strategic environmental assessment
SEF	Strategic Environmental Framework
SENSA	Swedish Environment Secretariat in Asia
TA	Technical assistance
TAI	The Access Initiative
TEI	Thailand Environment Institute
UN	United Nations
UNDP	United Nations Development Programme
WUP	Water Utilization Programme
WCD	World Commission of Dams
WWF	World Wildlife Fund



Background and synopsis

In 1987, the Brundtland Report defined sustainable development as “development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”.¹ However, far from being settled, this term has since been contested by actors with varying perspectives on what is “sustainable” and what constitutes wise “development”.

The discourses surrounding the use of precious freshwater resources also vary. But what can be drawn from emerging international law, such as the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, adopted by the United Nations General Assembly in Resolution 51/229 of 21 May 1997,² and the Dublin Statement on Water and Sustainable Development presented at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992),³ is the notion of “equitable and reasonable utilisation and participation” in the development of water resources.

Therefore, to contribute towards building a growing consensus around these principles of sustainable development of water resources and putting these principles into practice, the “Mekong Region Waters Dialogue: Exploring Water Futures Together” was organised in Vientiane from 6 to 7 July 2006. The conveners were the World Conservation Union (IUCN), the Thailand Environment Institute (TEI), the International Water Management Institute (IWMI), and the Mekong Program on Water Environment and Resilience (M-POWER) water governance network.

As a multi-stakeholder platform, the Dialogue was a process through which various individuals and groups in the Mekong Region who are affected by issues related to water were able to enter into discussions aimed at fostering collective learning and forging well-informed, participatory decision-making on water governance issues in the region. It was the first stage in a series of multi-stakeholder processes initiated by the conveners that will include national dialogues to be organised in Cambodia, China, the Lao PDR, Thailand and Viet Nam.

The specific objectives of the Dialogue were:

- To provide opportunity for state, civil society and business actors in the Mekong Region to participate

Do it well or don't do it at all....

Multi-stakeholder platforms usually lack a mandate, and resources for concrete collaborative action are constrained by local power differences. In addition, they take a very long time to develop “ownership”. Multi-stakeholder processes do not necessarily solve problems, but they do help disputing parties to understand at least partly other stakeholders' views and interests. Those involved have stressed repeatedly the crucial importance of the process itself as a communication and visioning process, especially in low-trust societies such as post-violence, post-dictatorship, post-apartheid societies.

People may not necessarily come to the table to learn or to bargain, but they find it very valuable to hear about what is going on. However, providing only political space to different stakeholders is usually not enough. Training, empowerment and working towards quick wins are necessary to keep people motivated. “Third parties” such as local and external knowledge brokers can play an important role in this effort.

For multi-stakeholder processes to be effective:

- Make sure to get “food on the table” (quick results that most stakeholders value), otherwise participants or other people will drop out. Multi-stakeholder platforms are slow to grow and quick to die.
- Pay attention to the small things such as accessibility (providing transport), translation service, and non-technical information and training. One cannot ensure a level playing field but it helps to provide practical support. However, several actors will find it more advantageous not to participate or to mix in. Multi-stakeholder platforms do not cut out politics; they are an integral part of it!
- Do it well or don't do it at all – don't raise unrealistic expectations, or people will feel cheated and will not co-operate next time.” – P. Bindraban, M. Silvius and others, 2005, *Switching Channels: Challenging the Mainstream*, The Netherlands Water for Food and Ecosystems Programme; www.waterfoodecosystems.nl



in water development dialogues – to inform and be informed;

- To assess national water resources development strategies, and the relevant regional strategies of the Mekong River Commission (MRC), Asian Development Bank (ADB) and the World Bank; and
- To enable the articulation of different perspectives about water-related development in the Mekong Region for consideration in decision-making.

Some 160 participants involved in water resources development in countries of the Mekong Region attended the event. The participants comprised senior and middle-management representatives from MRC, ADB and the World Bank, government representatives from water and related line agencies, private sector representatives, policy consultants and advisors, members of the academe as well as activists from non-governmental organisations and local groups. Many participants welcomed the diversity, but several pointed out that those directly affected by the water infrastructure projects in the region should have been invited to this regional consultation, and not just the planned national dialogues.

Participants affirmed in their evaluation that the Dialogue had resulted in “a shared learning” and “a clearer and deeper understanding of water and water-

related issues in the Mekong Region”. Concretely, it allowed them to learn about the roles of MRC, ADB and the World Bank and to comment on the draft strategic plans of those organisations. Participants from some government agencies found the process useful as it enabled them to inform the participants about their policy-making and project planning efforts. They also said they had gained useful inputs from the process, such as the mechanics of organising a multi-stakeholder Dialogue, which they would attempt to adopt in their decision-making processes.

Many of the participants said the event promoted open communication and encouraged active participation. It gave them the opportunity to share their views as well as interact with other participants who held different opinions on development debates that affected the region. Some, however, observed that a translation service should have been arranged for those who did not have English as their first language and were thus not able to easily navigate the jargon used in the meeting.

The plenary sessions and workshops were useful since they provided focused discussions on specific topics. Participants from government agencies noted that the review of the strategic plans of MRC, ADB and the World Bank should have been linked more with



an assessment of their implications for national water development strategies, as suggested in one of the Dialogue objectives.

Some participants also suggested that briefing the facilitators prior to the Dialogue would have made the questions more precise and probing, and would have improved the flow of the discussions. Field trips or visits to local project sites “outside the formal setting of a hotel” would also have enhanced interaction with local groups, the participants suggested.

Some participants also reflected that there was insufficient time to engage fully with all the concerns raised at the Dialogue, at the required depth. Many of the issues were complex, some of which they had heard for the first time at the Dialogue. Thus, it was suggested that fewer parallel sessions be held at the next meeting. It was also observed that much time was spent on discussing issues related to MRC, ADB and the World Bank, leaving less time for considering other concerns. Some participants who do not regularly deal with those institutions said they only learnt about the strategic plans when they received the documents at the consultation. Representatives from the financial institutions said that the participants should have been advised to read and review the documents prior to the consultation or the session to allow them to make comments that are more informed.

As expressed in their written evaluation, several participants had gained the impression that the event “was being used to legitimise the draft strategic plans of MRC, ADB and the World Bank” by purporting that the Dialogue was a consultation with civil society. However, as the conveners maintained in their correspondence with MRC, “participation in a Dialogue cannot substitute for more detailed, in-depth stakeholder consultation on significant, specific issues”. The conveners also asserted in their letter to the World Bank and ADB that the Dialogue “is not a proper consultation (with civil society), but rather an exchange of information and views....” A true consultation needs to be more comprehensive and requires more commitment of resources and engagement from the World Bank and ADB, they said. (See annexes 3, 4, and 5, post-Dialogue correspondence of the conveners with MRC, ADB and the World Bank.)

Overall, the Dialogue was appreciated by all as a “first step on a difficult road” to enhance water governance in the Mekong Region. “It was a meaningful and important initiative”, as it provided a common platform for interaction among stakeholders who seldom meet to discuss their common concerns about water resources use and development in the region. The participants said it was a suitable place to “inform, and be informed” as well as to update their knowledge on the issues concerned and build networks with different sectors.

Notes

¹ World Commission on Environment and Development, 1987, *Our Common Future*, WCED Report, Oxford University Press.

² The Convention has yet to be ratified by the required number of signatories for it to enter into force, and many global proponents are advocating for this goal. See http://www.internationalwaterlaw.org/IntlDocs/Watercourse_Conv.htm and http://www.internationalwaterlaw.org/IntlDocs/Watercourse_status.html

³ See <http://www.wmo.ch/web/homs/documents/english/icwedece.html>

1. Framing the Dialogue



River communities on a tributary of the Mekong, north of Luang Prabang, Lao PDR. © Andrew Noble, IWMI

‘The Mekong’

When people speak of “the Mekong”, they may mean the river, the river basin or the region.

At 4,800 kilometres, the Mekong River is the longest river in South-East Asia. It is the eighth largest river in terms of the amount of water and twelfth longest river in the world.

The Mekong River basin (watershed or catchment) is 795,000 km², which represents a very small percentage of the territory of China, about 4 per cent of Myanmar, 97 per cent of the Lao PDR, 36 per cent of Thailand, 86 per cent of Cambodia and 20 per cent of Viet Nam. The river and its associated basin are biophysical realities, with the basin being considered by natural scientists as a logical management unit.

Different actors have different geopolitical conceptualisations of the region. For example, when MRC refers to “regional development”, it is usually talking about the parts of the Mekong River basin in the four downstream countries of Cambodia, the Lao PDR, Thailand and Viet Nam, a region which is also known as the lower Mekong.

This dialogue initiative defines its scope as the Mekong Region, which “encompasses the territory, ecosystems, peoples, economies and politics”¹ of Cambodia, the Lao PDR, Myanmar, Thailand, Viet Nam, Yunnan and Guangxi provinces of China – an area of 2.6 million km² and home to approximately 300 million people. In addition to the Mekong River basin, the region includes other major basins such as the Irrawaddy, Salween, Chao Phraya



and Red rivers. ADB refers to this as a “growth area” and, with its partners, prefers to use the name Greater Mekong Subregion (GMS).

Governance and dialogues

In general, governance refers to the multi-layered interplay of negotiations, agenda setting, preference-shaping, decision-making, management and administration between many actors and institutions in the State-society complex, at and between different levels and scales.²

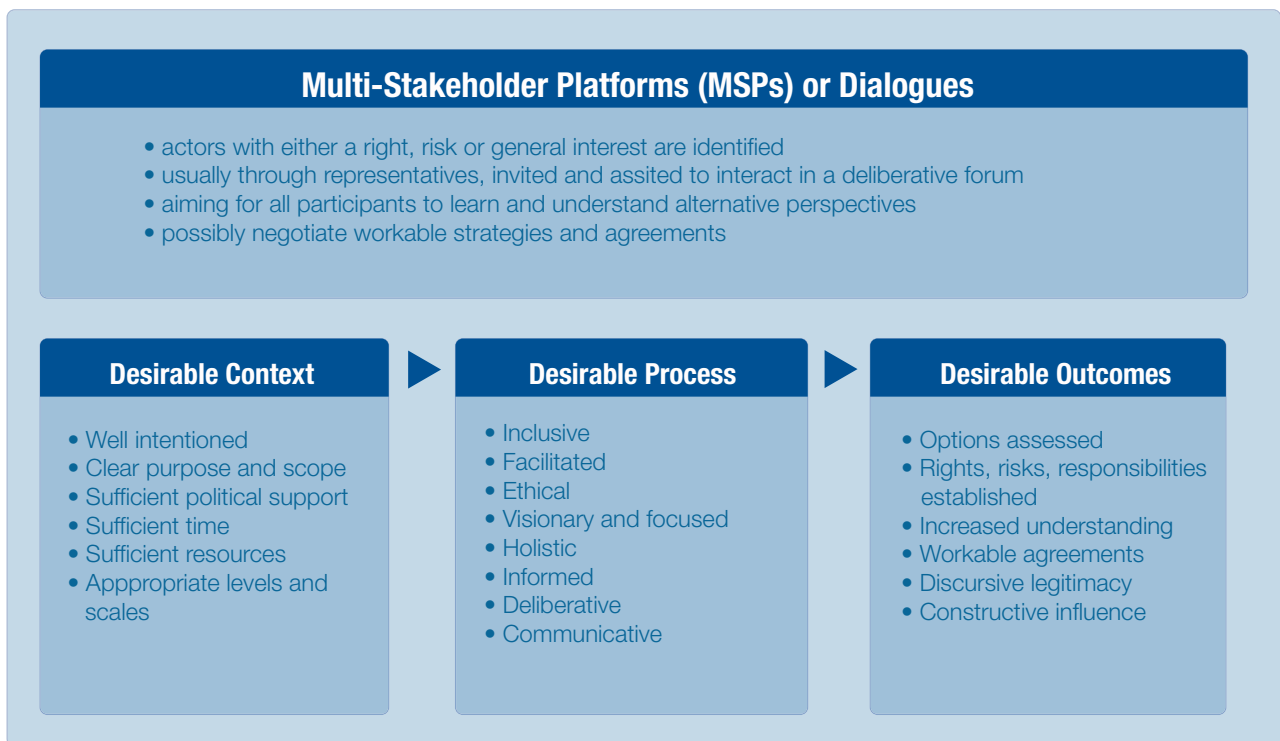
Good governance, in particular, has the following essential elements: (a) the participation of all stakeholders; (b) transparency and a free flow of information within society; (c) equity among all relevant groups; (d) accountability of different groups to the public or the interests they represent; (e) coherence of policies and actions; (f) responsiveness to changes in demands and preferences; (g) integration and holistic approaches; and (h) respect for traditional rights and ethical principles.³

A multi-stakeholder platform or a dialogue is just one part of governance. In the case of a multi-stakeholder platform, actors with a right, risk or responsibility are identified and, usually through representatives, are invited to interact in a deliberative forum that is aimed at assisting all participants to learn and understanding alternative perspectives, and possibly negotiate workable strategies and agreements. Ideally, dialogues display the desirable characteristics listed in figure 1.

Mekong Region Waters Dialogue

In her welcoming remarks, Somrudee Nicro, Director of the Urbanization and Environment Program, TEI, explained that a dialogue is “a process through which representatives of various stakeholders share and exchange their knowledge, perspectives and concerns over water use, allocation and development. This is so that options are openly explored and well-informed decisions are made to ensure better water governance”. Good water governance, according to her, “helps contribute to socially just and ecologically sustainable development”.

Figure 1. Desirable characteristics of a dialogue



Source: J. Dore, “Mekong Region MSPs: Unfulfilled potential or sideshow?” in J. Warner (ed.), *Multi-stakeholder Platforms: Democratising Water Management*, 2007, London, Ashgate.



Dipak Gyawali, Director, Nepal Water Conservation Foundation, in his keynote address placed the importance of a dialogue in a context where the traditional focus of water managers (e.g., building infrastructure) was challenged by the growth of social and environmental movements in the 1980s. This has led to a “globalised awareness of the risks and uncertainties” of this previously dominant “hydraulic mission”.

He observed that in the past, international consensus on water use and development was determined primarily by nation-States and they were considered as the only subjects in drafting international treaties and agreements. However, the new reality is that other stakeholders such as environmental activists, multinational corporations, scientific and professional groups as well as non-governmental, social and local organisations have gained increasing voice and validity in water-related debates. Now they are among the actors that shape policy and law-making in the global arena.

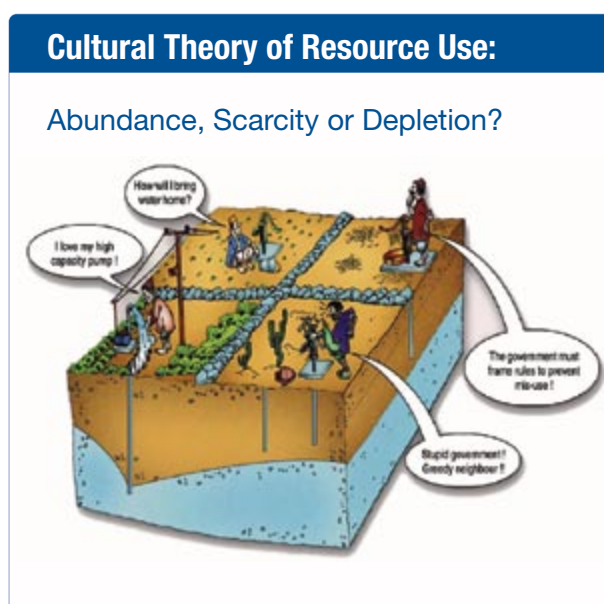
Therefore, based on a cultural theory regarding resources, Gyawali highlighted four different types of actors (figure 2) and their reactions to risks involved in resource management:

- **Bureaucratic Hierarchists**, who argue for resource scarcity and production of public goods; advocate for risk management or control (regulatory bent);
- **Market Individualists**, who believe in resource abundance so push for the production of private

goods; take an innovative bent or favour risk-taking;

- **Activist Egalitarians**, who argue against resource depletion so for production of a common pool of goods; are risk-sensitising or take a cautious track; and
- **Fatalists**, who believe that resource allocation is a matter of luck and club goods are produced from which they are excluded, do not manifest a position on risks, rather accepting them as given.

Figure 2. A cultural theory of resource use



Source: Dipak Gyawali, Nepal Water Conservation Foundation, Powerpoint presentation at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.



Gyawali stressed that a dialogue must bring together all these different types of actors:

- The bureaucratic hierarchists, such as representatives of state agencies;
- The business or private sector that commonly exemplifies the market individualists; and
- The activists from the academe or grass-roots communities.

A good dialogue or multi-stakeholder platform should involve all actors, not just the State. It should also consider the points of views of all, including the impact of the risks on the “fatalists”, who are seldom represented as stakeholders in any multi-stakeholder process, yet significantly bear the brunt of any development project.

Drawing from the European Union Water Initiative Report entitled *Directing the Flow: a New Approach to Integrated Water Resources Management*,⁴ Gyawali proposed a “constructively engaged integrated water resource allocation and management”. According to him, this requires “looking further than the watershed” when defining a problem and seeking solutions. All those that have a stake in solving a problem involving water resource use, allocation and development must look at what is referred to as the “problem shed” – that is, an examination of all the multiple dimensions of the problem and a comprehensive consideration of, and engagement with, all those who have an interest in the issue within the watershed and beyond.

The presentation by Francois Molle from the Institut Recherche pour le Developpement (IRD) and IWMI elaborated on the rationale of the “hydraulic mission” to which Gyawali referred. Molle explained that water resources development policy during the second half of the nineteenth century was based on the “ideology of domination of nature”. He said that era was geared towards large-scale construction of dams and massive river basin development.⁵

Molle referred to such ideology as a “meta-justification” or an overriding explanation given to a national policy that tends to render it beyond public scrutiny. In effect, such meta-justifications allow for “bad dams” to be built or unsustainable projects to be passed, he said.

The danger of meta-justifications, as Molle advised, must be countered by “politicising the debate and opening decision-making” to allow civil society and other stakeholders to examine water development policies beyond their rhetoric. “The emphasis should be more on the process of deciding whether a particular project is sound, rather than on an a priori policy that more projects are needed.”⁶ The overall democratisation of society becomes essential to this process, and good water governance, which includes dialogues or multi-stakeholder platforms such as this initiative, becomes crucial.

Notes

¹ See Mingsarn Kaosa-ard and J. Dore (eds.), 2003, *Social Challenges for the Mekong Region*, White Lotus, Bangkok.

² The definition of governance and the desirable characteristics of Multi-Stakeholder Platforms, or Dialogues, are taken from, and elaborated in J. Dore, “Mekong Region MSPs: Unfulfilled potential or sideshow?” in J. Warner (ed.), 2007, *Multi-stakeholder Platforms: Democratising Water Management*, London, Ashgate.

³ Basim Ahmed Dudeen cited in European Union Water Initiative (EUWI), 2006, *Directing the Flow: a New Approach to Integrated Water Resources Management*, Brussels, European Commission; p. 13.

⁴ *Ibid.*

⁵ Francois Molle, “River basin development: some lessons to be learned from history”, Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.

⁶ *Ibid.*

2. Reviewing the roles of key institutions in the Mekong Region



Fishing net in Lang Sen, Viet Nam. © Taco Anema 2006

MRC, ADB and the World Bank are some of the actors shaping water use in the Mekong Region. MRC is a key river basin organisation with States as members and a specific focus on the use and further development of the waters in the lower Mekong River basin. ADB and the World Bank have an impact on national and regional water policies and programmes in the region through their extensive resources and operations as well as the political influence of their loans, grants and technical assistance projects. The roles of these institutions, and their governance processes, were discussed at the Dialogue.

Mekong River Commission

MRC is not an international financial institution like the World Bank or ADB. It has a smaller geographical and thematic focus for its operations than does the GMS Programme of ADB. With total received funds of about US\$ 35.5 million in 2005, it has a smaller budget than either the World Bank or ADB. It is not a financier, but rather a recipient of funding from donors such as ADB, which committed a total of about US\$ 2.5 million to MRC for 2005.¹

However, MRC is an important actor in the Mekong River basin. It is the only formal intergovernmental body focusing on water that brings together the four lower Mekong basin Governments of Cambodia, the Lao PDR, Thailand and Viet Nam as full members. Since the signing of the Mekong River Agreement in 1995, these four countries have committed “to co-operate in all fields of sustainable development, utilisation, management and conservation of water and water-related resources of the Mekong River basin”.²

MRC, in its current form, celebrated its tenth anniversary in 2005 and is undergoing an important transition. It moved to Vientiane in 2004 after five years in Cambodia, and under its new leadership it has taken on a more pro-economic development stance than under the previous administration. Its Basin Development Programme (BDP) and WUP are being renegotiated for a second phase. Many different views of the best way forward for MRC became evident in the negotiation of the Strategic Plan for 2006–2010. An organisational review of the roles and responsibilities will commence in November 2006.



Roles

The strategic role(s) for MRC in the region, and how it should play any such roles, is far from settled. Olivier Cogels, Chief Executive Officer (CEO), stated that MRC “is a knowledge-based international river basin organisation. It is an intergovernmental institution helping its member States to co-develop and co-manage the water and related resources of the Mekong River basin”.

However, a closer look at the institution reveals that it is attempting not only to be a knowledge provider, but also a facilitator of investments in the region. In addition, the opinion exists among some of its members, donors and civil society groups that it should also be a regulatory agency. “There will be some contradictions apparent if MRC tries to play too many roles”, John Dore, Co-ordinator, Asia Regional Water and Wetlands Program of IUCN, observed in his presentation.

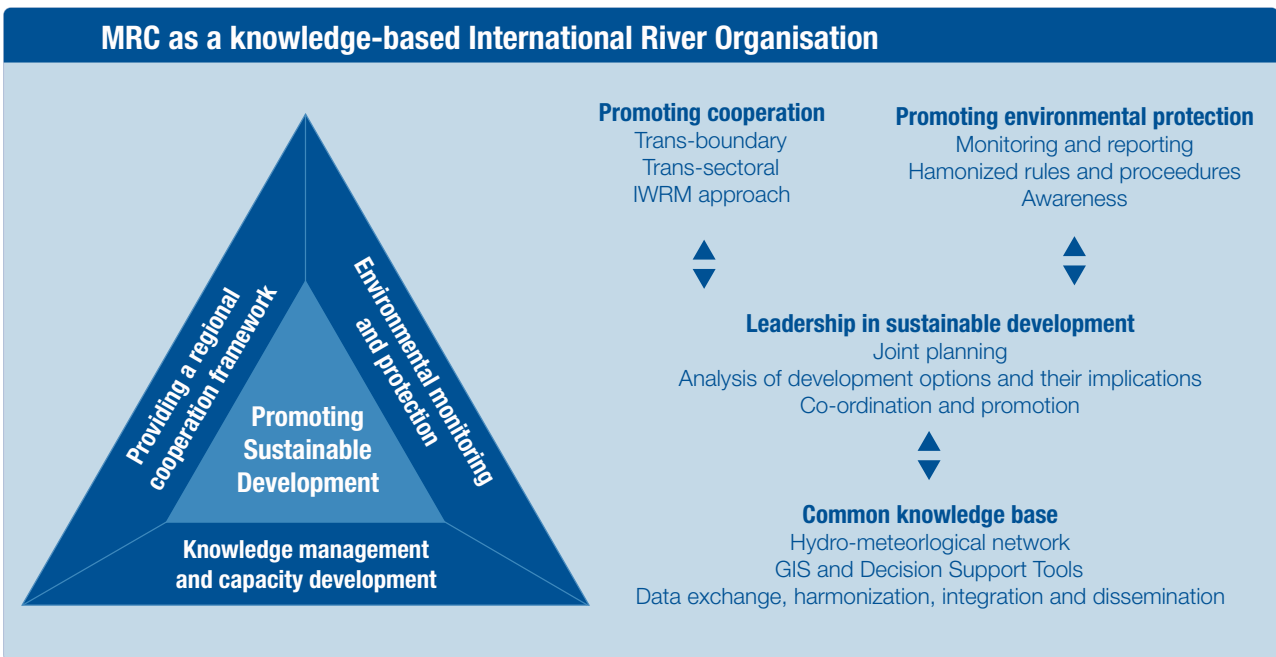
Representatives of member States expect MRC “to show results” and actively pursue investment for projects that will contribute towards the economic development of the basin. The draft Strategic Plan 2006–2010 identifies the need for MRC to prepare itself to facilitate such investment. While the World Bank and ADB appear

to support such a role for MRC in its MWRAS, some stakeholders object to any over-emphasis on investment facilitation.³

Participants at the Dialogue also raised concern that there would be a conflict of interest between the role of facilitating investments and safeguarding the sustainable development of water-related resources in the basin. Instead, some participants suggested, “MRC should play a stronger regulatory role in the region and build its political leverage to resolve conflicts among riparian countries”.

The World Bank remains doubtful whether institutions such as MRC, which is “governed by the wishes of its member States”, can actually function as a proper regulatory body.⁴ While consistently cited as “dialogue partners”, the non-membership of China and Myanmar in MRC renders it almost powerless to regulate projects initiated by upstream countries, such as dam building, which will have widespread impacts in the basin. This powerlessness has also extended to the tributaries within the territory of the member countries. The MRC Secretariat has not actively exercised its regulatory mandate, due largely to the resistance of member countries to having any disputes dealt with in any public forum.

Figure 3. MRC as knowledge-based International River Organisation



Source: Olivier Cogels, Chief Executive Officer, Mekong River Commission, PowerPoint presentation at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.



The CEO has also expressed disinterest in MRC behaving as a development “watch dog”. However, he conceded that MRC would have some regulatory functions to discharge in encouraging adherence to the 1995 Agreement. For example, protocols are being developed for transboundary impact assessment and notification. Procedures have been established between member countries regarding notifying neighbours and any other parties that might be affected by new projects. There is also an agreement in principle about minimum flows, although technical details still have to be negotiated; however, it is expected that this might take quite some time to complete.

Many of the participants attending the Dialogue pointed out that if MRC were to be recognised as a high-quality knowledge organisation, it needed to ensure that more actors could contribute and receive information, including accessing the databases of the organisation.

Representatives of MRC maintained that disclosure of some information from its knowledge bank was not possible because of confidentiality rules imposed by its members. Participants from the academe recommended that declassifying some of its information and making it accessible to the public could facilitate more multi- and interdisciplinary research by other institutions, which could contribute to clarifying many of the complex issues related to water use and development in the Mekong Region.

Participants observed that MRC had been largely absent in engaging in critical transboundary issues in the Mekong River basin such as:

- (a) The initial hydropower developments in the 3S region (Sesan, Sekong and Srepok);
- (b) The early years of the navigation project in the upper Mekong;
- (c) The extensive Yunnan hydropower expansion on the Mekong mainstream; and
- (d) Many other development projects on the Mekong tributaries in Cambodia, the Lao PDR, Thailand and Viet Nam.

Participants noted that member countries retained sovereignty and tended to operate unilaterally wherever possible in the tributaries while co-operating under the auspices of MRC on the mainstream. However, as tributary activity affects the mainstream, water governance becomes complex and cannot simply be divided into regional (i.e., MRC) and national (member States) jurisdiction. Participants expressed the opinion that it also seemed sensible for MRC to address transboundary controversies in the tributaries, as these concerns would eventually have repercussions on the mainstream.

Dore urged the organisation to intervene and facilitate the resolution of significant yet difficult concerns that affected its member countries in the lower Mekong, including:

- (a) Proposed Lao-Thai water transfers (in which the World Bank and ADB are taking an interest via MWRAS);
- (b) Possible inter-basin water diversions; and
- (c) Risks to the Tonle-Sap and fisheries, the latter already part of its Integrated Basin Flow Management (IBFM/ E-flows) work programme.

The approval and implementation of the Strategic Plan, 2006–2010, which includes an organisational review of MRC, should help MRC to move forward. The review may resolve some of the dilemmas regarding its roles and address some of its inadequacies in confronting transboundary challenges in the Mekong River basin. The review will be an opportunity to assess the capacity of the institution to fulfill its roles and responsibilities. Given the many suggestions to improve its operations, it is important for the review team to seek feedback from representatives of many different MRC stakeholders.

Governance

Cogels stressed the fact that MRC was primarily accountable to its member States. As a result, it has been perceived as weak in its engagement with civil society and



other stakeholders. For example, Dore pointed out that participatory processes were employed rather late in the formulation of BDP and that there had been a low level of transparency of WUP during its six years of existence. Participants from NGOs asserted that the stakeholders of MRC were not only the member states, but also include civil society groups and local communities.

Dore suggested that MRC needed to clarify its constituency and decide how much scope it had for engaging with non-State actors such as NGOs, members of the academe, community leaders, the private sector and others. If MRC was to foster “ownership” of the institution among the stakeholders in the region, participants pointed out that it had to engage with a wide range of actors, not just the governments or donors.

MRC stated in its draft Strategic Plan that it “lacked an active integrated plan” for stakeholder participation.⁵ To address this, it pledged to work through the National Mekong Committees (NMCs) to develop appropriate consultation mechanisms for each country. It encouraged its donors to support such processes. Currently, ADB is drafting a Technical Assistance paper that will help MRC to develop its communications strategy, which could incorporate stakeholder consultations.

MRC also stated in the draft Strategic Plan, 2006–2010 (under the section on transparency and openness) that it would update its communication strategy and adopt a “marketing-type approach” that would streamline MRC

products and services to meet the needs of its public.⁶ The institution has to clarify how this approach will meet the requirement of transparency, which in the parlance of good governance, pertains to ensuring free flow of information to all stakeholders.

Asian Development Bank

The role of the ADB in the Mekong Region was introduced by Urooj Malik, ADB Director of Agriculture, Environment and Natural Resources Division in the South-East Asia Department. He discussed the ADB water sector programme, the Greater Mekong Subregion Economic Co-operation Programme (GMS Programme), some key environmental challenges, and the ADB responses to these concerns. His presentation laid out the extent of ADB activities in the region.

In recent years, ADB has been more engaged than the World Bank in the Mekong Region. With a cumulative lending of about US\$ 11.68 billion as of 2005, ADB has invested about US\$ 800 million in the Mekong Region,⁷ double the funding provided by the World Bank to the East Asia and Pacific region for the same year. Under the ADB Water Financing Programme, 2006–2010, investments in water are earmarked at about US\$ 2 billion per year.⁸

Since the beginning of formal GMS co-operation in 1992, as of 2005 ADB had provided US\$ 1.8 billion loans and US\$ 67 million technical assistance grants to support its GMS Programme.⁹ Intended as “a multi-disciplinary, large-scale intervention with high visibility and significant



economic impacts on the GMS countries”,¹⁰ the GMS Programme brings together the six countries of the Mekong Region to promote co-operation in transport, telecommunications, energy, environment, agriculture, trade and investment, tourism and human development.

Roles

Like the World Bank, ADB has a dual identity as a development lending agency. So the confluence of roles and the confusion of expectations also relate to this institution. The participants perceived it as an investor, a donor and a “trust fund” for water resources development in the Mekong Region. It is depended upon to provide technical expertise and support for water-related resource development under its Water Financing Programme, 2006–2010. Under its GMS Programme, ADB is counted upon to “promote economic stability” and “facilitate regional integration” among the six countries in the GMS.

Its long engagement in the region and its “conditioned-financing” through loans gives ADB considerable political influence, which, the participants urged, should be used positively. Like the World Bank, they expected ADB “to promote sustainable development” and pressure governments to incorporate social and environmental standards in water development projects in the basin. With some perceiving MRC to be absent or ineffectual in engaging in recent controversial transboundary development projects, some participants wanted ADB “to mediate disputes between members of the GMS, including China”.

Peter King, an environment specialist working with the Institute of Global Environmental Strategies, observed in his presentation that “ADB likes to cast itself in the role of a ‘family doctor’, providing good advice when needed, backed with substantial funds for investment”. However, he said, “the borrowing capacity and/or interest do not match the true needs of the Mekong countries”. Both the Lao PDR and Cambodia, as least developed countries, are restricted to concessionary loans; Thailand and China could borrow more, but have not accessed resources as much.¹¹ Some representatives of government agencies also felt that ADB “pushes its loans too hard, sometimes against the interests of the governments”.

Participants at the Dialogue also observed an overlap in some roles as well as expectations between ADB and MRC in terms of co-ordinating water resource

projects in the Mekong. This is not surprising because the mandate of MRC is restricted to co-operation in the Mekong River basin while the territorial scope of ADB in the region is the GMS growth area. Rather than overlap, King recommended that ADB should support MRC in becoming a “world-class river basin management authority”.¹² As discussed below, MRC faces many challenges in meeting such an aspiration.

Governance

ADB has many policies applicable to water governance in the Mekong Region. The “Water for All” Policy was passed in 2001. In 2002, GMS environment ministers agreed to the drafting of a Strategic Environmental Framework (SEF) intended to play a larger role in governing water resources projects. Phase II of SEF was completed in April 2006. In a separate but related effort, ADB revamped its Environment Policy in 2002.

Following the comprehensive review by the World Commission of Dams (WCD) of the impacts of large-scale dam building, ADB amended its Large-scale Water Infrastructure Policy in January 2005. It still committed to provide opportunities for open, inclusive and informed participation for stakeholders. However, it dropped its initial commitment that “all government and non-government stakeholders in the country must agree on the justification (for its projects)”, maintaining that this was an impractical expectation, unlikely to be met in any circumstance.¹³ It also did not adopt the WCD recommendation of “free, prior and informed consent” for projects that affected indigenous and tribal peoples, noting that this principle was still being debated, was not binding and was considered problematic by States.

In principle, environment-related policies detail the following requirements for projects supported by ADB:

- (a) Conduct mandatory environmental impact assessments (EIAs);
- (b) Assess impacts (direct, indirect, cumulative and induced) and propose alternatives;
- (c) Disclose relevant information to all stakeholders and ensure transparency of decision-making; and
- (d) Meet environmental standards and have a valid public participation process for all its dam and road construction projects.¹⁴

However, implementation has lagged, as full and meaningful consultation with stakeholders and changing project design to include EIA findings have cost and



time consequences. According to King, there were also no mandatory operational requirements attached to the Environment Policy. Key terms such as “significant environmental effects” or concepts such as “water rights” and “differential pricing” remained vague.¹⁵ Participants also observed that there were inconsistencies in the quality of EIAs, and that the categorisation of projects requiring or not requiring EIAs was problematic.

Like the World Bank, participants expected ADB to be more transparent and inclusive in its decision-making. Opinions of affected communities should be considered in determining project development options. They suggested that small-scale projects should be included among the options since it was easier to facilitate the involvement of local people in these projects.

According to some government representatives, ADB should not only liaise with the central governments; its links should also trickle down to other government line agencies such as environmental bureaus, local government units and other offices that actually carry out the implementation of its projects. Technical support and assistance needed to be followed through.

Some suggested that ADB should clarify its institutional relationships with other players in the Mekong Region such as the World Bank, MRC, the Association of South East Asian Nations (ASEAN), the World Wildlife Fund (WWF), and the World Conservation Union (IUCN), in order to develop better synergy and avoid any duplication in roles. This would also enhance the co-ordination of water governance initiatives in the region.

In summary, ADB has not committed sufficient capacity and resources to realising its governance principles fully. King remarked that “as far as policies go, ADB is very good – almost too good, as ADB itself has had trouble complying with them.”

World Bank

P. Illongovan, the Lao PDR Country Representative to the World Bank, introduced the participants to the features of the World Bank’s Water Resources Sector Strategy,¹⁶ which now guides World Bank involvement in the water sector. There were some concerns within the World Bank that “by disengaging from difficult, complex issues – as is often the case with large water projects – the Bank was losing credibility, and was not fully using some of its internal skills and comparative advantages”. This

global strategy, released in 2004, signals the intention of the World Bank to re-engage substantially in the water sector in many parts of the world, including the Mekong Region. The decision by the World Bank to support the construction of the US\$ 1.3 billion, 1,070-MW Nam Theun 2 project¹⁷ is indicative of this re-engagement.

The World Bank disburses loans averaging US\$ 18 billion – US\$ 20 billion per year to developing countries. In 2005, US\$ 2.9 billion was earmarked for East Asia and the Pacific, of which US\$ 446.9 million was spent on environmental and natural resources projects.¹⁸ With approximately 10,000 development professionals working at the World Bank, it also provides advisory services on economic and developmental issues to its clients worldwide.

The World Bank claims a “significant but disjointed” involvement in water resource development in the Mekong Region.¹⁹ It has provided lending and technical assistance to the countries in the region individually, but has limited involvement in the region as a whole. As a Global Environmental Facility (GEF) agent, the World Bank has supervised the implementation of much of the MRC Water Utilization Programme (WUP), which has received more than US\$ 11 million from GEF since 1999.

Following the Dialogue, the World Bank in co-operation with ADB has been moving forward with a Mekong Water Resources Assistance Strategy (MWRAS), which is aimed



at guiding future investments in the region by these banks. On a parallel but independent track, the World Bank has also been exploring how it might support the basin or region with a second phase of WUP from 2008 onwards (WUP 2). By early 2007, a Mekong Countries Assistance Strategy (CAS) will have been prepared by the World Bank, in addition to the individual country CAS documents for Cambodia, the Lao PDR, Thailand and Viet Nam. The strategy should give a clearer picture of the way in which MWRAS and WUP2 will proceed, either as independent or convergent programmes supported by the banks.

Roles

The confusing, and sometimes contradicting expectations of the World Bank among various stakeholders stem from the multiple roles that it actually or potentially can play in water resources development in the Mekong Region.

The World Bank identifies itself not only as a lending agency, but also as a composite of “two unique development institutions: the International Bank for Reconstruction and Development (IBRD); and the International Development Association (IDA)”.²⁰ Many participants have perceived that, as such, there is an “inherent inconsistency” between the World Bank’s business interests, and its intent to support sustainable development.

While it has a membership of 184 countries in both the developed and developing world, some participants also claimed “it primarily represents the rich countries (presumably its five biggest shareholders – France, Germany, Japan, the United Kingdom, and the United States) – that largely want to profit from the development of water resources in poorer countries”. Some participants from civil society have said that this accounts for its funding of projects, “which are mostly large-scale, but unsustainable”.

While some skepticism remains over the World Bank’s commitment to promoting sustainable development in the region and globally, many of the participants pointed out that it had an important role in the region as a multi-lateral donor agency guaranteeing political risks as well as influencing government policies and programmes on water resource development. With the increasing share of the private sector in financing water infrastructure development projects, some feared that compared to the

World Bank, which has been under constant civil society scrutiny, “these private companies are seldom made to account for environmental and social standards”. Some participants felt “the consequences could be worse”, if water-development financing was left solely in the hands of the private sector.

Hence, the World Bank was urged by some to continue to exercise its political influence through loan conditionalities that encourage governments and private companies to comply with environmental and social safeguards. Some participants also suggested that the World Bank should employ its political influence to help resolve conflicts over water resource allocation and use among riparian countries in the region.

However, while the World Bank is recognised as an important catalyst in project finance, fundamental disagreement still exists among some of the participants regarding the scale of the projects it should fund. As one of the few financiers able to mobilise large pools of funds, some participants suggested that the World Bank should undertake large-scale projects. Others felt that “there is too much faith in these large-scale initiatives to alleviate poverty”, due to concern that such initiatives did not benefit the poor directly and which actually destroyed existing local water-use systems that were more sustainable.

According to the World Bank, not all large-scale projects are unsustainable. In the view of the World Bank, the Nam Theun 2 project is demonstrating that large-scale hydropower projects can be designed and managed in a way to ensure proper environmental and social protection. The finally approved project includes funding for a suite of complementary activities in the “impact zone” aimed at mitigating negative impacts and ensuring that local communities also benefit from the project.²¹ The critical engagement of civil society groups, including their numerous protests about the project, was crucial to making this happen.

Interest was expressed among the participants from government agencies for the World Bank “to support an Integrated Water Resource Management (IWRM) initiative for the Mekong River basin”. Supporting this approach, they said, would bridge the gap between national and regional water-related projects, develop basin-wide co-operation among the four riparian countries of the lower Mekong River basin, and address the impacts on the



whole basin of individual country projects along the river and its tributaries. As stated in the MWRAS, the World Bank affirmed that IWRM institutional frameworks and capacities would be strengthened at the basin, national and sub-basin levels.²²

Governance

Much of the criticism lodged against the World Bank governance processes relate to participation by stakeholders. Some participants from non-governmental organisations (NGOs) observed that the World Bank mainly considered the interests of its clients (i.e., governments and private companies), and “lacks the sincerity to engage with civil society”. They criticised the fact that its stakeholder platforms were “more form than substance”, used to legitimise a project rather than seriously consider its impacts on affected communities.

Participants said that factors such as language and other cultural sensitivities should be addressed to facilitate local participation in multi-stakeholder processes. Members of the academe stressed that those who participated in any consultations should also approve the final proceedings of such forums, and the critical views they raised should be reflected in the reports.

There was a perception that consultation at the inception of a World Bank project was minimal. Communities potentially affected by a project were seldom involved in the planning or approval. Participants from civil society felt the World Bank should allocate more resources

to integrate in its operations “a regular feedback mechanism that will promote dialogue between and among all stakeholders, at different levels and on a regular basis”.

Disclosure of information is important to ensuring meaningful participation by all stakeholders. Many participants mentioned the need for easy access by the public, including the media, to vital information related to each development project such as: (a) the assumptions or models upon which a project is based; (b) cost-and-benefit analyses; (c) the strategic plan; and (d) the terms of agreement. Access to such information would allow the public to examine the rationale for any undertaking as well as project outcomes based on World Bank assumptions.

Moreover, the observation was made that the World Bank “is primarily preoccupied with lending funds” and that it had been lax in monitoring and evaluating each project, at all stages, including the long-term aspects. Representatives from government agencies urged the World Bank to include checks for corruption in its monitoring system. Prior to implementation, independent and reliable impact assessments (IAs) should also be conducted meticulously and the findings harmonised to mitigate adverse impacts, the participants suggested. The results of such assessments should be revealed, and an independent team of experts as well as representatives of affected communities and local governments should be established to monitor full compliance.

P. Illongovan from the World Bank maintained that “in the past five years, learning has been incorporated in the institutional culture” so the World Bank has become more open to consulting and considering the concerns of different stakeholders. The World Bank argued that their experience in the Nam Theun 2 project had “showed the value of a thorough and open consultation process, which was a key factor in better project and programme design, as well as for the acceptance (of the project) by the global community despite its complexities and potential controversies.”²³

Conclusion

It is apparent that MRC, ADB and the World Bank are significant players in water resources development in the Mekong Region. They have extensive resources, substantial political influence, and big programmes and

projects with far-reaching impacts in the basin. They have adopted multiple roles to maintain their presence, and they have generated many expectations. Far from being fixed, these roles are being constantly negotiated as other stakeholders assert their take on the functions and operations of these institutions.

The empowerment of civil society and their sharpened criticisms, particularly of large-scale water infrastructure development, has compelled these organisations to review their governance policies and practices. The level of trust between these institutions and civil society is still relatively low, but there are sufficient common interests to conduct meaningful multi-stakeholder platforms that will openly deal with the power relations between, and different perspectives of, these groups, in order to face some of the difficult challenges on water governance for all the Mekong countries.

Notes

- ¹ Mekong River Commission Annual Report, 2005, Vientiane; p. 44.
- ² The 1995 Agreement on the Cooperation for the Sustainable Development of the Mekong River.
- ³ P. Hirsch and K.M. Jensen, 2006, National Interests and the Trans-boundary Water Governance in the Mekong, Australian Mekong Resource Centre in collaboration with Danish International Development Assistance and the University of Sydney, Australia; p. 95.
- ⁴ World Bank (June 2006). "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin", World Bank and ADB; p. 19.
- ⁵ Mekong River Commission Strategic Plan, 2006–2010 (draft version), 19 June 2006; p. vii.
- ⁶ *Ibid.*, p. 39.
- ⁷ Asian Development Bank Annual Report, 2005, http://www.adb.org/Documents/Reports/Annual_Report/2005/ADB-AR2005-05-Mekong.pdf
- ⁸ Peter D. King, 2006, "Gone to water – ADB and the water sector", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6–7 July 2006.
- ⁹ Asian Development Bank Annual Report, 2005, http://www.adb.org/Documents/Reports/Annual_Report/2005/ADB-AR2005-05-Mekong.pdf
- ¹⁰ Asian Development Bank, 2001, Building on Success: a Strategy Framework for the next 10 Years of the GMS, Manila; p. 15.
- ¹¹ Peter D. King, 2006, "Gone to Water – ADB and the Water Sector", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6–7 July 2006.
- ¹² *Ibid.*
- ¹³ *Ibid.*
- ¹⁴ *Ibid.*
- ¹⁵ *Ibid.*
- ¹⁶ World Bank, 2004, Water Resources Sector Strategy, Washington, D.C.
- ¹⁷ The Nam Theun 2 dam (NT2) is a project of the Lao PDR, in partnership with Électricité de France, the Electricity Generating Authority of Thailand, and the Itai-Thai Development Public Company Ltd (jointly, the Nam Theun 2 Power Company Ltd, or NTPC). The World Bank is one of many actors in a coalition providing finance and risk guarantees for this project, which will divert 93 per cent of the Nam Theun flow into the adjacent Xe Bang Fai River basin, generating power for Thailand's electrical grid. It will also submerge nearly 40 per cent of the Nakai Plateau beneath a 450-km² reservoir, drastically alter the character of two rivers, and displace thousands of residents.
- ¹⁸ World Bank Annual Report, 2005, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/EXTANNREP/EXTANNREP2K5/0,,contentMDK:20635316~menuPK:1512365~pagePK:64168445~piPK:64168309~theSitePK:1397343,00.html>
- ¹⁹ World Bank and ADB, June 2006, "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin"; p. 20.
- ²⁰ See <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/0,,contentMDK:20046292~menuPK:51123588~pagePK:50004410~piPK:36602~theSitePK:29708,00.html>
- ²¹ World Bank and ADB, June 2006, "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin"; p. 23–24.
- ²² *Ibid.*, p. 6.
- ²³ *Ibid.*, pp. 23–24.

3. Examining strategic plans for the Mekong Region



Aerial photo on the outskirts of Phnom Penh, Cambodia. © Taco Anema 2006

At the time of the Dialogue, MRC, ADB and the World Bank were all engaged in the production of new strategic plans to guide their water governance and development work in the Mekong Region. The World Bank and ADB are working together with the lower Mekong River basin countries on a basin-wide water resources strategy, with associated background studies already underway in 2006. MRC has also been formulating a new Strategic Plan, 2006-2010. ADB will also continue the implementation of its GMS Programme, which includes flagship initiatives such as the North-South Economic Corridor (NSEC) and a recently launched Core Environment Programme (CEP).

The content of each of these strategic plans must be examined closely by stakeholders as they determine engagement of the World Bank and MRC in the Mekong River basin, and ADB in the wider region, in the future. The participants at the Dialogue gave their feedback on these plans.

Meta-justifications

All three institutions maintain a commitment to sustainable development, with the goal of poverty alleviation embedded in their mission statements. The World Bank envisions “a world free of poverty”. As P. Illongovan conveyed in his presentation, “water resources management and development are central to sustainable growth and poverty reduction and therefore of central importance to the mission of the World Bank”. Similarly, ADB states that its mission is “to help developing member countries reduce poverty and improve quality of life of its citizens”. Its GMS Programme is aimed at reducing poverty in the participating countries. The draft of the MRC Strategic Plan, 2006–2010, targets “tangible results focused on poverty reduction through sustainable development” for the next four years.¹

Molle in his presentation pointed out that the meta-justification of “poverty alleviation” had become

another compelling political explanation used to sideline environmental and other considerations or objections in the planning and implementation of water projects. Poverty alleviation, as a meta-justification, is an all-powerful one because, as he said, “nobody is likely to be against it”.²

Poverty alleviation, from the perspectives of all three institutions, is premised on conventional conceptions of economic growth, most usually cited as an increase in gross domestic product (GDP) per capita, or measured decreases in the number of absolute poor. Economic and financial stability, improved investment climates, private sector development and good governance are being pursued as essential to reducing poverty and improving living standards.

Investment by the World Bank and ADB for economic development and poverty alleviation in the Mekong Region have consisted of support to large-scale infrastructure including roads, airports, electricity transmission lines, irrigation systems and hydropower dams. Recent water-related joint investment by the World Bank and ADB includes the Nam Theun 2 dam in the Lao PDR.

MRC sees itself in “an ideal position to act as a promoter and facilitator of the development and investment process in the water sector in the region”. Its strategy for alleviating poverty is “to encourage balanced and co-ordinated development and investment in the areas of irrigation and drought management, navigation, hydropower and flood management, fisheries, watershed management, environment and tourism”.³

In the past decade, a new look has been taken at privatisation, deregulation and more general liberalisation of national (and regional) economies. It is now recognised that without sustainable development safeguards, the widespread adoption of these policies may, in addition to providing some economic efficiency benefits, have serious negative consequences.

Investment in all sectors is being scrutinised more extensively. The challenge is to ensure that any investment, if or when it materialises, provides the sought-after benefits to the widest sectors of society possible. However, it has become evident that the relationships between investing, boosting economic

growth, maintaining ecosystem services, and alleviating poverty are far from simple.

In the quest for more water, food and energy, ecosystems can either be improved or irreversibly damaged. Poverty can be alleviated or exacerbated. Inequality can be reduced or increased.⁴ Pushing for investments and liberalised economies or adopting IWRM do not automatically provide a panacea for poverty.

Undoubtedly, the traditional “hydraulic mission” that dominated the water agenda in the 1950s, 1960s and 1970s has been under review. In the 1980s, this assessment contributed to the conceptualisation of the “poverty alleviation” scheme and the evolution of a new “sustainable development” paradigm. In the 1990s, as questions were raised about these paradigms, a new discourse emerged in the water sector, which spoke of “responsible growth” and “balanced development”.

Led by the World Bank, developmental institutions in the water sector have now adopted “balanced development” as their “meta-justification” for their strategies on water resources development. Balanced development is defined as a strategic framework “in which economic, social and environmental objectives are optimised, political buy-in is consolidated, and concerns about equity and sharing of benefits among various socio-economic groups are addressed”.⁵

This framework brings a renewed emphasis on “trade-offs” and “balance” between economic growth and





environmental sustainability. It acknowledges that water use and development is an intensely political process. Stakeholders have different water interests. Use, allocation and care for water resources will depend on negotiation between many competing interests.

Who are the stakeholders? When are they involved in the process and to what extent? What are the economic, social and environmental values that underlie the trade-offs? Who defines the choices and options? These are governance questions that multi-stakeholder platforms, such as the Dialogue, must address in a cautious process of dissecting this “meta-justification” and what it might mean for the future of the Mekong Region.

MRC Strategic Plan, 2006–2010

At the twelfth MRC Council Meeting in December 2005, the MRC Council Chairman shared his views regarding the organisation’s direction for the next four years. He stressed that it should “move toward a more comprehensive implementation of the 1995 Mekong Agreement”, stressing that MRC should produce tangible outputs that would have a real effect on the lives of the people in the basin. The Council declaration emphasised the point that MRC should complement rather than duplicate the work of other development partners in the region.

During the past 12 months, the MRC Strategic Plan, 2006–2010 has been drafted.⁶ At the centre of the plan is the IWRM approach, which was also adopted at the December 2005 Council meeting. This approach is “a process that promotes the co-ordinated development and management of water, land and related resources in order to maximise the resultant economic and social welfare in an equitable manner, without compromising the sustainability of vital ecosystems”.⁷

Based on this approach, the draft Strategic Plan advocates the pursuit of a triple bottom line of social equity, economic efficiency and ecological sustainability. MRC acknowledged that there was no blue print for achieving IWRM – or a triple bottom line. It requires a long-term commitment and necessitates a considerable amount of resources. Therefore, the Strategic Plan proposes some practical ways to implement it.⁸

To initiate an IWRM approach, MRC has committed “to focusing on basin-wide and trans-boundary programmes



and projects”. It will work on joint and basin-wide issues, including the analysis of long-term development scenarios, the identification of priority joint and basin-wide initiatives, and the analysis of economic, social and environmental implications of projects and investments throughout the basin.⁹

However, MRC has to clarify whether this role will lead to a more active involvement beyond the mainstream, into the tributaries, as expected by other stakeholders. Participants at the Dialogue noted the absence of any attempt to address critical concerns that had an impact on the entire basin, particularly those issues that involved upstream countries or occurred along the tributaries.

As a knowledge-based river basin organisation, MRC stated in its draft Strategic Plan that it would focus on developing its “value-added capabilities”, knowledge management and capacity development, a framework for regional co-operation, and environmental monitoring and protection.”¹⁰ However, MRC must consider some fundamental questions if it is to function effectively as a knowledge-based organisation. For example, who produces the knowledge, what types of knowledge are valued, who is permitted to access such knowledge, how is it shared, and what are the impacts of its generation and use?

Participants at the Dialogue urged MRC to value both local knowledge and conventional scientific knowledge.



They encouraged it to create tools and mechanisms to harness traditional knowledge accumulated by people living in the same ecosystem over a long period. While MRC claimed that it had “highly qualified staff, both riparian and international”, some of the participants remarked that it has limited links with local informants, members of the academe in universities, and the indigenous knowledge of communities in the region.

To date, as reflected among the participants at the Dialogue, many people in the Mekong Region have inadequate information about MRC and its work. As a result, they are not engaging with it fully nor benefiting optimally from the services of the institution. Dissemination and utilisation of its expertise in the Mekong basin have yet to be democratised. (See Annex 3, Feedback on MRC Strategic Plan, 2006–2010, for a summary of comments that the conveners sent to MRC.)

ADB Core Environment Programme and North-South Economic Corridor

Apart from its Water Financing Programme, ADB funds the GMS Programme, which is its major undertaking in the Mekong Region. ADB contributed a total of US\$ 725 million in loans and US\$ 25.5 million technical assistance grants for this programme from 2004 to 2006. It has 11 core projects, two of which are relevant to water resources development in the Mekong basin, i.e., NSEC and CEP.

With a budget of US\$ 36 million, CEP has a flagship project, the Biodiversity Conservation Corridors

Initiative. The project was endorsed by the GMS Environment Ministers at their meeting in Shanghai, China in May 2005 and at the Second GMS Summit in Kunming, China in July 2005. They also approved the establishment of the Environmental Operations Centre (EOC) in Bangkok to support the operations of CEP.

ADB’s Urooj Malik explained in his presentation that the intended outcome of CEP was to support the broad-based sustainable development agenda of the GMS by mainstreaming the environment in the GMS Programme. The current CEP has five components, and a working plan and financing for an initial three years, from January 2006 to 31 December 2008.

CEP will assess the potential social and environmental impacts of development strategies and investments in the GMS economic corridors. It will implement biodiversity corridor activities in at least five pilot sites within the GMS to prevent or mitigate ecosystem fragmentation. It will institutionalise environmental performance assessment systems and procedures in the region. For example, this will include the use of the Strategic Environmental Assessment (SEA). The CEP team at ADB must also prepare a programme development and investment plan for 2009–2015, and identify sustainable financing mechanisms for the medium to long term, including the use of various benefit-sharing mechanisms being explored under the banner of Payment for Environmental Services (PES).

The technical assistance paper for CEP¹¹ merits a closer look. It assumes that “GMS governments are committed to equitable growth and sound environmental practices”. Based on recent history in the region, many find this to be a bold assumption, as policies and programmes of governments in the region have proved otherwise. The same paper mentions that hydropower, roads and tourism strategies “that are environmentally sound, economically sufficient and effective” will be developed, but it does not specify how to overcome an indicated risk that is so evident and real “that authorities will be tempted to promote unsustainable development for short-term development and income needs”. It also sets 2008 as the target for broad-based environmental assessments to be institutionalised and sustainable development planning initiated. However, it assumes that cumulative impact assessment tools and expertise are available. It further assumes that the results of these assessments “are



fed into decision-making support systems by officials and stakeholders in the GMS". It does not propose any "roadmap" of activities that will achieve this.

NSEC is an extensive portfolio of 66 projects (as of July 2006) that, if implemented, would transform the region. ADB is carrying out a set of development studies to identify and analyse the major implementation constraints of these projects. Based on these studies, a development strategy to promote foreign direct investment in the GMS (including NSEC) will be prepared. These studies, part of a further technical assistance paper, are also expected to establish an institutional network on policy research, monitoring and investment promotion among local research institutes, universities, private entities and others.¹² In concept, these studies provide a space for stakeholders, other than governments, to influence NSEC. However, it remains to be seen whether other groups will engage, and whether their participation in the NSEC-focused technical assistance processes will be meaningful.

The implementation of the CEP and NSEC components of the GMS Programme is just beginning. There is an opportunity for stakeholders to engage in these processes and ensure that social, ecological and governance issues are adequately addressed in the NSEC portfolio. Since the Vientiane meeting, the CEP team has agreed to undertake a Strategic Environmental Assessment of NSEC, in parallel with the proposed trade and investment promotion consultancies. This is a small step in the right direction of advancing sustainable development in the Mekong Region. (See Annex 4 for information about the summary of comments sent by the conveners to ADB concerning NSEC.)

World Bank-ADB Mekong Water Resources Assistance Strategy

The stated purpose of MWRAS is to prepare a short- to medium-term operational strategy that adds value to existing initiatives, and stimulates regional sustainable water use and co-operation in the Mekong River basin. It began as a World Bank initiative, but is now a joint World Bank-ADB effort. The strategy might be implemented through a Mekong Water Resources Partnership Programme (MWARP), with the focus on the four strategic result areas of balanced development, environmental and social safeguards, integrated water resources management and governance.¹³

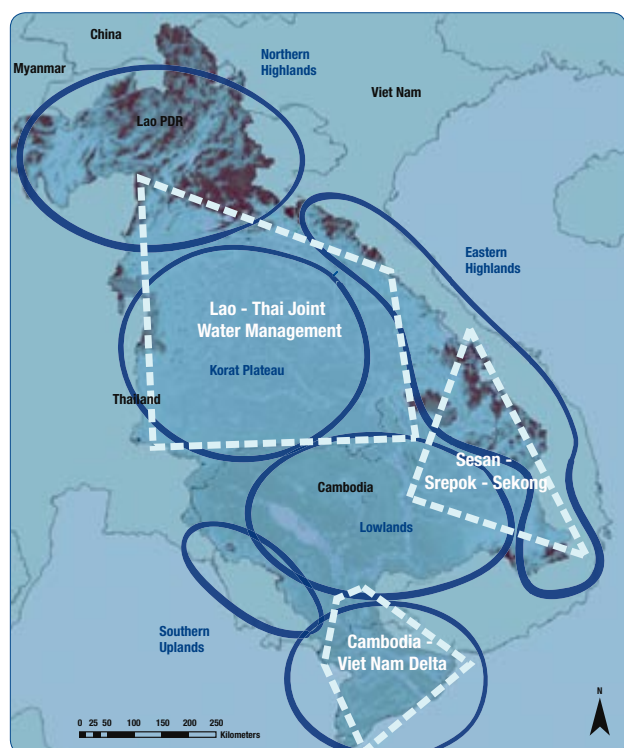
The draft MWRAS intends to pave the way for investment in two types of projects:

- (a) Large-scale interventions with high-technology content that will probably require special mitigation of tensions and compensatory packages because of their impacts;
- (b) Small community-based projects with strong natural resources and rural development content. The programme could be shaped as a set of complementary activities for implementation by governments, either individually or jointly with MRC and other regional networks. The activities could be funded partially by the World Bank and ADB as well as by other development partners interested in investing in this initiative.¹⁴

The MWRAS identifies the following geographical areas (figure 4) on which the World Bank-ADB might focus:

- The sub-basins of the Sesan-Srepok shared by Cambodia and Viet Nam together with the adjacent sub-basin of the Sekong shared by the Lao PDR and Cambodia

Figure 4. MWRAS identified geographic areas for possible World Bank ADB focus



Source: Urooj Malik, Asian Development Bank, PowerPoint presentation at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.

- Possible water transfers between Thailand and the Lao PDR;
- The flood/navigation/ agriculture/wetland nexus in the Mekong delta shared by Viet Nam and Cambodia.

According to the World Bank and ADB, these focus areas were chosen because they were already, or in the future might be, attracting large investment funds from either development banks or the private sector and are of major interest to the governments of Cambodia, the Lao PDR, Thailand and Viet Nam. Working on these sub-basin areas at the operational scale also allows for easier identification of issues and production of integrated benefits. The potential also exists for developing stronger governance institutions in these areas such as sub-basin River Basin Committees.¹⁵

The initial reaction of many Dialogue participants was to question the need for this programme. Rather than providing careful consideration of the development needs in the region, some suggested that it might just become an investment promotion and screening process for the World Bank-ADB and other partners. Some civil society representatives among the participants pointed out that they had not been involved in any previous consultation on MWRAS¹⁶. While not a proper consultation on the strategy, the Dialogue gave them an opportunity to comment on it; however, they lamented that key elements such as the focus areas had been determined already and some projects were already underway.

For some participants it was not clear whether the focus areas in MWRAS should refer to geographical sub-divisions, sectors affected or issues to be addressed (e.g., flood protection, hydrological management, livelihoods or water quality). They were apprehensive that some of the projects were already being implemented when the scientific bases of those schemes remained questionable. For example, the Integrated Basin Flow Management (IBFM)/E-flow had not been completed and the hydrological model had not been verified. The monitoring and evaluation mechanisms still had to be spelt out, they noted.

Dialogue representatives of the World Bank and ADB pointed out that opportunities remained open for improving stakeholder consultations for the strategy since the framework as such was being developed

and clarified up until 2006/2007. They explained that the focus areas and the corresponding projects were identified as national country development priorities, not new initiatives imposed by the two organisations.

The MWRAS document refers to MRC as a “key partner institution” for this programme. The document provides a lengthy assessment of the strengths and weaknesses of MRC, and concludes that MRC needs “considerable assistance”, both at the technical and organisational management levels, to realise the vision set forth in the 1995 Mekong Agreement that established the organisation.¹⁷

The MWRAS document argues that member States want MRC to assist in the facilitation of investments in the basin. MWRAS (or MWARP) would provide a programmatic framework for this to occur, although the roles and responsibilities between ADB, the World Bank and MRC are not made clear in the document. Possible support for a restructuring of the Secretariat is also mentioned, with the aim of strengthening the capacity of MRC to translate scientific knowledge on development scenarios and their trade-offs into information that governments can use in deciding on investment priorities.¹⁸

Participants at the Dialogue had different opinions regarding the appropriate role for MRC under MWARP.

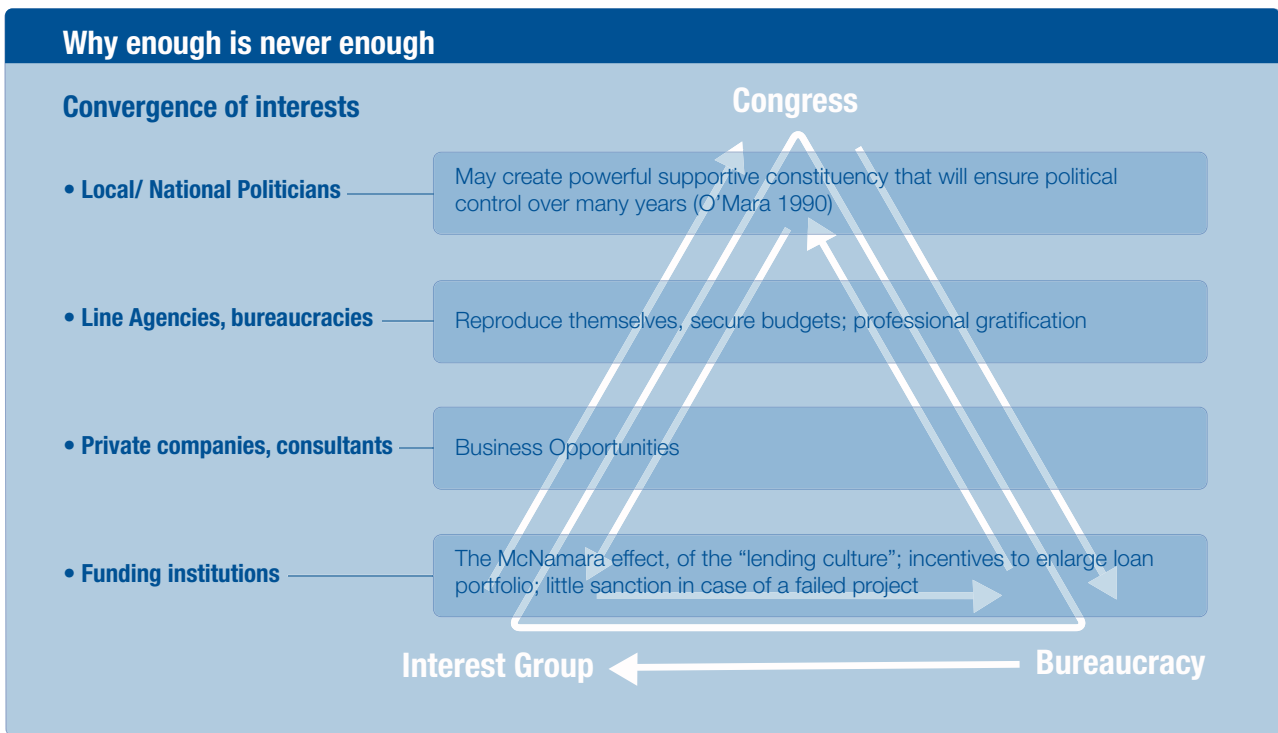
Figure 5. Why enough is never enough



Source: Francois Molle, IRD/IWMI PowerPoint presentation at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.



Figure 6. Why enough is never enough



Source: Francois Molle, IRD/IWMI PowerPoint presentation at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.

Some suggested that it should co-ordinate and implement the entire programme, rather than play a secondary role. Others observed that the proposed programme was actually an indication of the inability of MRC to co-ordinate water resources development in the basin. Some raised the potential for a conflict of interest if MRC pursued investment facilitation vis-à-vis its commitment to enforce policies that would safeguard and ensure the sustainable development of water resources in the basin.

As a way forward, it was suggested that MRC could still jointly implement the programme with the World Bank and ADB, not by promoting investments but by monitoring and evaluating this initiative. For the CEO of MRC, MWRAP could complement the implementation of the MRC Strategic Plan 2006–2010. It was felt that there was sufficient scope to establish an equitable partnership among these three organisations. (For a summary of the comments sent by the conveners to the World Bank and ADB concerning MWRAS, see Annex 5.)

Conclusion

Based on the strategic plans of MRC, ADB and the World Bank for the Mekong Region, all three agencies

are consistent in articulating their commitment to alleviating poverty through economic development. Investment promotion and economic growth are the core initiatives of each of these institutions.

At the Second GMS Summit in July 2005, heads of governments acknowledged that the GMS countries had overemphasised economic development and had not paid adequate attention to the development of social and environmental infrastructure and monitoring capabilities.¹⁹ Principles such as “balanced development” and some mechanisms intended to achieve sustainable and equitable use of water had been adopted by the governments and development institutions such as MRC, ADB and the World Bank. However, there remained a substantial gap between political rhetoric and practice.

With the actual and potential capacity of these institutions to initiate large-scale water resources development in the Mekong Region, there is a danger that they could become carried away in their preferred interpretation of the “meta-justifications”. Molle warned against this risk and the reality of “overbuilding river basins” that could overcommit resources.²⁰

As shown in figures 5 and 6, Molle explained that a convergence of interests among the ruling elite, the line agencies, the private sector and the funding institutions partly accounted for this situation. In that context, active participation of civil society becomes imperative.

Good governance practices are crucial to checking the soundness of the strategic development plans that are being promoted by MRC, ADB and the World Bank, in order to avoid a catastrophe of over-construction in the Mekong River basin and the region.

Notes

- ¹ The Mekong River Commission Strategic Plan, 2006-2010, (draft version), 19 June 2006, p.3.
- ² Francois Molle, "River basin development: some lessons to be learned from history", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6-7 July 2006.
- ³ Olivier Cogels, 2005, "The Mekong Programme, Regional Cooperation Programme for Sustainable Development of Water and Related Resources in the Mekong Basin: Applying IWRM at basin scale", Mekong River Commission, http://www.mrcmekong.org/mekong_program_ceo.htm.
- ⁴ While a focus on economic growth can increase gross domestic product per capita and reduce absolute poverty, studies in the Mekong Region have shown income disparity can also increase. In Thailand, the percentage of "poor" people dropped by 1 per cent between 1988 and 1992. However, if inequality had not also increased, the number of persons lifted "out of poverty" could have tripled. In the Lao PDR, poverty declined by 3 per cent annually in 1992-1993 and 1997-1998, but again inequality increased. Is increased inequality an inevitable feature of economic growth? (The above data are from Kakwani and Pernia, 2000, as cited by Mingsarn Kaosa-ard, "Poverty and globalisation" in Mingsarn Kaosa-ard and John Dore (eds.), *Social Challenges for the Mekong Region 2003*, Social Research Institute, Chiangmai University, Thailand; pp. 94-95.)
- ⁵ World Bank/ADB Working Paper on "Future Directions for Water Resources Management in the Mekong River Basin", 2006; p. 26.
- ⁶ The Mekong River Commission Strategic Plan, 2006-2010 was finally endorsed by the MRC Joint Committee at its meeting in Vientiane on 29 August 2006.
- ⁷ Mekong River Commission Strategic Plan, 2006-2010, (draft version), 19 June 2006; p. vii.
- ⁸ Mekong River Commission Strategic Plan, 2006-2010 (draft version), 19 June 2006; p. 12.
- ⁹ *Ibid.*, p. 13.
- ¹⁰ *Ibid.*, pp. 14-15.
- ¹¹ Asian Development Bank, November 2005, "Proposed Technical Assistance: Core Environment Program and Biodiversity Conservation Corridors Initiative in the Greater Mekong Subregion", ADB Project No. 39025. See website at <http://adb.org/Documents/TARs/REG/39025-GMS-TAR.pdf>.
- ¹² Asian Development Bank, March 2006, "Technical Assistance: Greater Mekong Subregion: Development Study of the North-South Economic Corridor", ADB Project No. 39084).
- ¹³ World Bank/ADB Working Paper on "Future Directions for Water Resources Management in the Mekong River Basin", 2006; p. 31.
- ¹⁴ *Ibid.*
- ¹⁵ *Ibid.*, pp. 32-33.
- ¹⁶ A civil society consultation workshop was organised by the World Bank in Vientiane in 2004, which was co-hosted by the Thailand Environment Institute. Many of the civil society groups at this Dialogue were not participants in that previous workshop. Many of the recommendations from that workshop were not taken up in the development of MWRAS subsequent to the consultation workshop.
- ¹⁷ World Bank/ADB Working Paper on "Future Directions for Water Resources Management in the Mekong River Basin", 2006; p. 6.
- ¹⁸ *Ibid.*, p. 49.
- ¹⁹ Kunming Declaration, "A Stronger GMS Partnership for Common Prosperity", Second GMS Summit, Kunming, Yunnan province of China, 4-5 July 2005.
- ²⁰ Francois Molle, "River basin development: some lessons to be learned from history", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6-7 July 2006.



4. Raising critical water governance concerns in the Mekong Region



Manwan Dam, the first hydropower project on the Lancang-Mekong River in China. © IUCN

Many issues concerning water governance exist in the Mekong Region. These issues are complex, requiring multidisciplinary analyses and collective understanding among the stakeholders. Some, such as the flood-pulse systems, are not widely understood by the public, much less given consideration in decision-making regarding water resource development in the region. To inform participants at the Dialogue and allow deeper discussion of some of these critical issues between participants and resource persons, workshops were organised on the topics of hydropower, irrigation, hydrology, floodplain ecosystems, the private sector, and fisheries.

Hydropower

There is significant potential for the development of hydropower throughout the Mekong Region, and all the countries of this region are interested in increasing their investment in this area. Growing regional energy demands plus the need to reduce dependency on coal form the core rationale for boosting hydropower development throughout the region.

China, the Lao PDR, Myanmar and Viet Nam have extensive hydropower development programmes in full swing. Cambodia will be increasing its hydropower production. Thailand has already developed hydropower within its borders and Thai developers are now active in dam construction in neighbouring countries, especially the Lao PDR and Myanmar. As government representatives at the Dialogue affirmed, all governments see hydropower as a legitimate and important component of their overall energy policy in the region.

Table 1 shows the hydropower development potential in the Mekong Region (excluding Guangxi province of China). Derived from an ADB-GMS energy sector study published in 1995, it refers to what is theoretically possible and is indicative only. What is feasibly practical from the engineering, economic, ecologic or social perspectives is substantially less.

According to the World Bank/ADB MWRAS, the lower Mekong basin has a hydropower development potential

Table 1. Mekong Region hydropower potential¹

Country/province	Developed (TWh/year)	Potential (TWh/year)	Percentage of potential already developed
Yunnan, China	7.9	450	1.8
Cambodia	0	41	0.0
Lao PDR	1.1	102	1.1
Myanmar	1.1	366	0.3
Thailand	4.6	49	9.4
Viet Nam	5.8	82	7.1
Total	20.5	1,090	

of about 6,000 MW, of which about 2,000 MW has already been developed.² For the whole basin, MRC estimates the hydropower potential to be about 53,000 MW.³

Hydropower construction is a very sensitive issue throughout the region. While it provides benefits, there are concerns about some of the negative impacts of altering the natural flow regime of rivers. Among the cited negative consequences are increased downstream erosion, serious disturbances of fisheries, destruction of annual agricultural cultivation along the riverbanks and disruption of flood-pulsed systems. In her presentation at the Dialogue, Grainne Ryder, Policy Director of Probe International, put the issues of good governance at the centre of the controversy over dams. As many of the participants affirmed, significant improvements need to be made in hydropower governance.

Across the region, there has been a lack of transparency in hydropower development projects. The participants insisted that decision-making, from the earliest stage of project planning, should be more open. Important documents such as memoranda of understanding, power purchasing agreements, economic appraisals and hydrological models used and contracts can be disclosed to allow proper review of proposals. Impact assessments can be scrutinised by stakeholders. For example, the participants queried, “if energy demand forecasts are artificially high, does this mean that the private sector and governments are investing in projects that may not be required?” As the participants noted, the greater the extent to which all relevant stakeholders were involved at all stages of decision-making, the better the governance.

Small group discussions held during the Dialogue also touched upon many possible components of future energy/hydropower regimes, including enforcing environmental taxes, promoting clean coal technology, combined cycle technology, co-generation and the exploration of other renewable sources of energy. The need to remove hidden subsidies was also raised, such as when rivers are provided “free” to developers the costs of using the rivers are more often than not “externalised”. These issues merit more discussions in future dialogues.

Irrigation

Irrigation has made a vast contribution to agricultural production in the past, but according to David Jezeph, Water Resources Advisor, current macro-economic trends will require major adjustments in irrigation development and management in the Mekong Region. These trends are: (a) the overall decline of the importance of agriculture in national income production; (b) increased domestic and international trade, which offers alternative sources of food; (c) changes in food demand, with people now eating more wheat, fat and protein; (d) the effect on the composition and population of farm labour by increasing migration to urban areas and abroad.⁴

According to Jezeph, the resulting agricultural labour scarcity coupled with the commercialisation of agriculture had resulted in more land being rented out or consolidated into commercial farms. The remaining small farms had concentrated on growing vegetables and other subsistence crops. In this context, he said, irrigation needs would be more demand driven. Irrigation systems would have to become more flexible, depending



on the changes in crops, size of farms, the amount of water available and other factors. The growing presence of older workers and women in crop cultivation and the involvement of non-farmers as irrigation users would also require new strategies for farm and water managers to service a different clientele, he explained.

In addition, increased demand for multiple uses in irrigation as well as greater need for industrial, domestic and other non-agricultural uses will give rise to water allocation issues. Jezeph said that water pricing, including irrigation service fees, and water rights would become controversial issues in the near future. Participants at the Dialogue agreed that these pricing schemes had to be made more transparent and that the political and other interests underlying these proposals needed to be examined closely.

As the need for irrigation water will be driven more by specialised demands and multiple uses, irrigation management has to become more effective and flexible. Some participants pointed out that irrigation systems would have to be redesigned for multiple water users and that alternative systems of irrigation needed to be explored. A rigorous assessment of inefficient, unutilised or abandoned irrigation systems was also recommended. It was suggested that irrigation system management and development should be integrated in river basin management.

In its Strategic Plan, 2006–2010, MRC cited the need to identify areas for irrigation expansion.⁵ Some participants also affirmed this need in the Mekong basin, particularly in mountainous areas where poor people depended on rain-fed farming for survival. However, other participants cautioned that any new irrigation systems should take full account of existing traditional systems. It was also pointed out that large-scale centralised systems had proven to be problematic in the past. The “blueprint approach” to irrigation development should be reviewed and management challenges tackled from different perspectives.

Jezeph concluded that the irrigation sector quickly needed to overcome many of the current water management and governance challenges, otherwise governments and financial institutions would shift their resources to other higher priority areas for development in the Mekong Region.⁶

Hydrology

Peter Adamson, Hydrology Consultant, explained hydrological modelling and its implications. A hydrological model can simulate the functioning of a watershed, water use and climate, using numerical approximations. Variables such as air and water pollution, land-use changes, and water off-takes can change the hydrological cycle and how it works in the atmosphere and across the landscape. More than one model is needed to simulate climate change, impacts of land-use change, water infrastructure and specific activities related to water. As the models get more complex, error increases, but so does their sensitivity. Thus, there is a trade-off of sensitivity and error. Simpler systems are more appropriate on a basin scale, while models that are more complex are appropriate at the watershed level.

The participants made many suggestions regarding what they would be interested in seeing in hydrological models, including:

- Cumulative impact assessment on a basin scale;
- Quantifying changes from the past to present, and from present to the future;
- Predictions of climate change for supporting adaptation;
- Simulation of sedimentation and changes due to dam construction;
- An understanding of likely morphological changes in the long term;
- Estimations of trade-offs among different development scenarios in order to support decision-making;
- Predictions of the impacts of natural events and human activities, particularly with regard to how land-use changes influence floodplain forests and other ecosystems;
- Setting of limitations on water development;
- Support for stakeholder consultations, using model outputs (Bayesian modelling of outcomes);
- Improved understanding of flow regimes and social dependence on ecosystems, such as impacts on fish production; and
- Estimates of the value of an upland watershed to lowland communities.

To make the models more dependable, the participants suggested:

- Ensuring proper calibration;

- Generating a “range” rather than one number in models;
- Using “uncertainty analysis” and systematic scenario analysis;
- Supplementing models with non-scientific data inputs (semi-qualitative options for parameters for which data are poor or non-existent); and
- Incorporating risk simulation and developing threshold changes to help identify “tipping points”.

Adamson noted that while there was interest in making the models more accessible and available to others, they were sophisticated systems that required a high level of skill to drive and understand. However, he agreed with suggestions from the participants that it would be possible to provide increased access to the source code, input data, results and confidence limits. This would enable independent verification and wider appreciation of the strengths and weaknesses of the models. More consultation among governments, experts, project managers, civil society, affected communities and other stakeholders would also enhance the credibility of the models and build trust in the results.

Floodplain ecosystems

The World Bank/ADB MWRAS and the MRC Strategic Plan, 2006–2010 both identify “floods and droughts” as development issues. MWRAS states that competition between countries such as Thailand, Cambodia and Viet Nam for dry-season abstraction of Mekong water as well as flood management and mitigation during the



wet season (which is crucial to Cambodia and Viet Nam), are important water governance issues in the region.⁷ MRC recently implemented a real-time water level monitoring in the Mekong River and a flood-forecasting programme.⁸ However, none of these institutions has contemplated “flood-pulsed systems”, except for a brief note by MRC regarding the need for integrated floodplain management.

According to Dirk Lamberts of the Laboratory for Aquatic Ecology, Katholieke Universiteit Leuven, Belgium, and Noeu Bonheur, Deputy Secretary of the Tonle Sap Biosphere Reserve Secretariat, Ministry of Environment, Cambodia, floodplains are integral to river/lake ecosystems such as in the Mekong River basin. Most floodplains have a natural pattern of regular flooding or flood pulse. A flood-pulsed system refers not only to the hydrological event of flooding, but also to all processes associated with exchanges of water, nutrients and organisms between a river or lake and the connected floodplain.⁹

They said that flood-pulsed systems such as the Mekong River were highly productive and rich in biodiversity. For example, more than 55 million people depend on the Mekong River for food and livelihoods, while the Biosphere reserves and Ramsar sites – which are biodiversity areas of global significance – are connected to floodplains in the Mekong Region. However, they are highly vulnerable to human alterations that usually result from development activities. The growing water and energy demands, for example, would change the flow of the Mekong River. Any such change in flow would change the flood pulse along the entire river, they warned.¹⁰

In spite of their central role in floodplain productivity and biodiversity, flood-pulsed systems and their importance are generally unknown or ignored. Participants at the Dialogue said that the concept of flood-pulsed systems must first be understood if it was to be accepted and brought more into decision-making. Its value in terms of impacts on people’s lives and livelihoods had to be demonstrated. An awareness-raising campaign, including the production of relevant materials such as a handbook in different languages, should be led by MRC in order to inform donors, governments and stakeholders in the Mekong Region about this concept. A proposed campaign message was “Protection of floods, not just from floods”.



The current approach of EIAs is not suited to gauging the impacts of flow alterations on flood pulse and its processes. EIA methods currently used by the World Bank, ADB and other organisations do not capture impacts that cut across sectors of the environment (e.g., pollution and water quality) such as the flood pulse. Such impacts per sector have to be integrated in a purposive manner in order to reflect the presence of flood-pulse processes. Underestimating the significance of flood-pulsed systems and their consequences, in terms of loss of productivity and biodiversity in a river basin, can lead to the false belief among decision makers that negative impacts can be mitigated.¹¹

Some participants recommended that by adopting a holistic basin-river management such as the IWRM and undertaking SEAs, not just EIAs, floodplain ecosystem issues could be introduced into the decision-making processes. Integrating it into IBFM modelling would also widen the range of its application. Since MRC was already working in this field, they suggested the organisation as the possible lead agency. In the meantime, participants advised that the adoption of the Precautionary Principle¹² would be wise in that regard.

Private sector

During the past decade, a marked increase in the involvement of the private sector in infrastructure projects ended the role of international financial institutions (IFIs) as the sole financiers of development projects. In the Mekong Region, in particular, the limited financial capacity of governments combined with the need to accelerate economic development has led to a bigger share of financing being invested by private companies for water infrastructure development in the region.

Thanin Bumrungsap, Vice-President, Italian-Thai Development Public Co., Ltd., said that efficiency in terms of time, costs, quality, and less bureaucratic procedures and processes were some of the distinct advantages of involving the private sector in constructing big infrastructure projects. (See figure, “Some international hydroelectric projects in GMS developed with private sector involvement”.)

However, there were drawbacks to businesses engaging in such projects, he said. Not all contractual conditions were fair and commercial loans involved higher financial costs than loans made to governments or the public sector.

Thanin said that challenges for private water infrastructure developers included

(a) full inclusion of social and environmental impacts in project analyses, and (b) full disclosure to the public by posting on their websites any information deemed commercially sensitive, such as the outputs of hydrological models, terms of agreement, contracts and other documents. Thanin maintained that in projects co-financed with IFIs such as the World Bank and ADB, “high and stringent assessment standards are required” and private companies had to comply.

Based on his 12 years of experience as a representative of the private sector in the formulation of the Nam Theun 2 project, Thanin noted that it was a long process. “The World Bank’s involvement made the process painful, but it yielded satisfactory results,” as the project proponents were forced to demonstrate dams could be built that met environmental and social safeguards, with the views of various stakeholders taken into consideration and with active participation by civil society.

While the participants agreed that EIAs had been incorporated as conditionalities for IFI loans to infrastructure projects, they suggested that these environmental and strategic impact assessments should be required by governments as part of the standard operating procedures for all development projects. In several Mekong countries, this is currently not the case, and the standards applied by project developers with private financing are lower than the environmental and social safeguards imposed by IFIs.

Moreover, companies working outside their own countries are bound by the laws of the nations where the projects are located, not the laws of their own countries. For example, in Thailand, EIAs are required, but this is not so in the Lao PDR or Myanmar. Thus, Ch Karnchang, a Thai hydropower project developer, did not have to conduct an EIA for Nam Ngum 2 and the Electricity Generating Authority of Thailand did not have to prepare an EIA for its proposed hydropower investment with the Government of Myanmar on the Salween River.

Participants at the Dialogue discussed the possibility of adopting transboundary environmental agreements in the Mekong Region that would require uniform or consistent environmental rules and safeguards for companies operating in two or more countries in the region. The four lower Mekong River basin countries are slowly developing

Figure 7. Some international hydroelectric projects in GMS developed with private sector involvement

Houay Ho	Xe Kaman 1
Theun Hinboun	Xe Kong 4
Nam Theun 2	Xe Kong 5
Nam Ngun 2	Nam Mo
Nam Ngun 3	Xe Katam
Jing Hong	Ngam Ngiap
Ta Sang (on Salwin)	Nam Sane 3
Nam Theun 1	Xe Pane Xe Nam
Xe Kaman 3	Hutgyi (on Salwin)

Source: Thanin Bumrungsap, Vice-President, Italian-Thai Development Public Company Ltd., PowerPoint presentation, Mekong Region Waters Dialogue, Vientiane, 6-7 July 2006.

a transboundary EIA protocol, based on the European Espoo Convention.¹³ The process is being facilitated by the MRC Secretariat.

Some participants argued that private companies should also voluntarily adopt high standards for all projects as an intrinsic element of their corporate social responsibility. Voluntary compliance with emerging international norms is crucial, especially since developers are now using more commercial bank financing that, in the past, imposed less onerous social and environmental requirements compared to IFI loans.

In addition, initiatives such as the Equator Principles of private banks and the Hong Kong and Shanghai Banking Corporation's Freshwater Guideline¹⁴ are significant as they promote benchmarks not for the private developers that undertake the projects, but for the financial industry itself to manage social and environmental issues in project financing.

Fisheries

The Mekong River is ranked third in the world in terms of the number of freshwater fish species and the fourth in terms of tonnage caught. Fish comprise an essential element of food and livelihood security in the region. The average consumption of freshwater fish is at 56/kg/person annually, and freshwater capture fisheries form one of the single most important economic activities in the basin.¹⁵ Some participants at the Dialogue pointed out that

fish were also related to health security, as decreasing amounts of fish in the average diet in the absence of comparable substitutes would lead to an adverse impact on health, especially in poorer communities.

Pech Sokhem, Researcher, Japan Science and Technology Agency and Kengo Sunada, Principal Investigator, Sustainable Water Policy Scenarios for Asian Monsoon River Basins, University of Yamanashi, Japan, asserted that despite ecological, economic, social and cultural significances, the true economic value of fisheries had often been ignored or given low priority in water development deliberations in the Mekong Region. As a result, the impact of large-scale development projects in the Mekong River basin on this sector had been assessed inaccurately and the proposed alternatives appeared inappropriate. For example, they said, the World Bank and ADB maintained in MWRAS that the decline of between 1-3 per cent in fish-feeding opportunities across the region was "manageable by creating new wetlands for fish spawning, developing aquaculture and other alternative sources of food and livelihood, or in the extreme, providing alternative sources of income in agriculture or through cash compensation".¹⁶

Sokhem and Sunada identified many challenges to providing an accurate ecological, economic and cultural valuation of fisheries in the Mekong Region. Laws and policies currently in place in the region do not provide a legal framework for the sustainable management of this sector. For example, there are no effective sanctions against illegal fishing, over-fishing or use of destructive fishing gear. Current laws are not enforced properly and there is a general need to improve legal institutions and regulatory mechanisms in the countries of the region.

"Institutions that have jurisdiction over the Mekong River basin, such as MRC and GMS, have been assessed as ineffective, with poor governance performance," they said. As table 2 shows, these organisations rate well in active engagements with State actors, but score extremely low rates for public participation, and compliance and verification processes. These institutions had convened many meetings and consultations, some at the insistence of donors and lending agencies, but this had not resulted in any substantial shift in policies and programmes that would ensure sustainable development in the region, according to Sokhem and Sunada. In addition, they noted, there were overlaps in functions, mismatches in roles and responsibilities, and a lack of co-ordination.



Sokhem and Sunada acknowledged that there was already a large and growing body of literature on the biophysical aspects of freshwater fisheries in the Mekong Region; however, there were still significant gaps in the areas of economic, social, institutional, policy and political understanding of the fishery sector. There was also a need to build on the production of useable data by integrating both conventional scientific knowledge and traditional or local knowledge from the communities. The linkage between knowledge generation and utilisation was also seen as poor. Sokhem and Sunada explained that there were also circumstances when available knowledge was simply derided or ignored, with the dominant view prevailing that natural resources could be exploited until the impacts were demonstrably destructive.

Many of the participants affirmed that fish stocks were declining in the Mekong Region due to intense commercial fishing, illegal fishing, rapid alternation of natural fish habitats caused by human interventions such as blasting of rapids, dam construction, high concentrations of pesticide run-off, wetland destruction and other factors. Since the real value of fisheries to the people in the Mekong Region was significantly higher than its represented value, declining fish stocks were of

growing concern and a problem that decision-makers must heed.¹⁷

Sokhem and Sunada concluded that fisheries and its contribution to rural food, health and livelihood security should be integrated into the development mission of the World Bank, ADB, MRC and other actors to reduce poverty through sustainable development in the region. The accurate valuation of the fisheries must find its way into the deliberations of decision makers and not be eclipsed by higher development priorities such as hydropower construction and other water resources projects, they stressed. However, participants at the Dialogue said that would not happen unless the voices of those who depended on fisheries – mostly underrepresented so far in decision-making processes – were actually heard.

Conclusion

As rights, risks and responsibilities over water resources are increasingly contested, issues of water governance in sectors such as hydropower development, irrigation systems and fisheries will have to be clarified among many different stakeholders. This is not an easy task considering the fact that different stakeholders

Table 2. Institutional arrangements and level of participation

Level of Access	ASEAN Mekong	GMS	MRC	Upstream navigation
Membership (MS)	5	5	2	2
Summit (SM)	5	4	0	0
Ministerial (MIN)	4	5	4	0
Executive (EX)	3	4	4	2
Technical meetings (TWS)	5	5	5	2
Permanent bodies (PB)	4	4	5	0
Public-Private dialogue (PPD)	4	4	1	0
Science-policy interface (SPI)	3	2	3	0
Public participation (PP)	2	2	2	0
Compliance and verification (CVP)	0	0	2	0
Total score	34	34	28	6

(Scoring: 0 = none, 1 = lesser frequent or important, 2 = low, 3 = Moderate, 4 = High, 5 = Very high)

Source: Pech Sokhem, Japan Science and Technology Agency and Kengo Sunada, University of Yamanashi, Japan, PowerPoint presentation, Mekong Region Waters Dialogue, Vientiane, 6-7 July 2006.

have different perspectives as well as different and, at many times, conflicting interests. Many of these issues are also complex. Knowledge is still limited in spite of the voluminous research and studies that have been completed. Many of these deliberations are also sensitive, since governance issues are inherently political. Therefore, venues for information exchange and collective learning that foster trust and respect among the participants, such as the Dialogue, are important mechanisms for improving water governance in the Mekong Region.

Notes

- ¹ Data extracted from David Plinston and Daming He, 1999, "Water resources and hydropower", report prepared for Asian Development Bank TA-3139: Policies and Strategies for Sustainable Development of the Lancang River Basin; p. 26.
- ² "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin", World Bank and Asian Development Bank, June 2006; p. 65.
- ³ Mekong River Commission Strategic Plan, 2006–2010 (draft version), 19 June 2006; p. 7.
- ⁴ David Jezeph, 2006, "Key issues for irrigation development in the Mekong Region", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.
- ⁵ Mekong River Commission Strategic Plan, 2006–2010, (draft version), 19 June 2006; p. 7.
- ⁶ David Jezeph, "Key issues for irrigation development in the Mekong Region", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.
- ⁷ World Bank, June 2006. "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin"; p. 14.
- ⁸ Mekong River Commission Strategic Plan, 2006–2010, (draft version), 19 June 2006; p. 8.
- ⁹ Dirk Lamberts and Neou Bonheur, 2006, "Major floodplain ecosystems governance issues in the Mekong Region", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.
- ¹⁰ *Ibid.*
- ¹¹ *Ibid.*
- ¹² The Precautionary Principle states that if a public action or policy may cause severe or irreversible harm it should not be carried out, despite the absence of full scientific certainty that harm would ensue. The burden of proof thus falls on those who would advocate taking the action.
- ¹³ The Espoo (EIA) Convention stipulates the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning. It also lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries. The Espoo Convention entered into force on 10 September 1997. See <http://www.unece.org/env/eia/eia.htm>.
- ¹⁴ The Equator Principles – see www.equator-principles.com. The Hong Kong and Shanghai Banking Corporation Freshwater Infrastructure Guideline is based on international sustainable development standards adopted by the World Commission on Dams as well as other international development agencies, major environmental non-governmental organisations and industry partners. See <http://www.hsbc.com/hsbc/csr/our-sustainable-approach-to-banking/products-and-services>.
- ¹⁵ Pech Sokhem and Kengo Sunada, 2006, "Key fisheries issues in the Mekong Region", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.
- ¹⁶ World Bank, June 2006, "WB/ADB Working Paper on Future Directions for Water Resources Management in the Mekong River Basin"; p. 64.
- ¹⁷ Pech Sokhem and Kengo Sunada, 2006, "Key fisheries issues in the Mekong Region", paper presented at the Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.

5. Developing tools to improve water governance



Women fishing in Sri Songkram, Thailand. © Taco Anema 2006

Good governance requires effort and different strategies and tools have been developed to attain it. Government agencies, civil society organisations, business groups, donors and development organisations use various governance manuals, tools and tips. Some of the tools applied by participants and the lessons they learnt from their experiences are described below.

Neglected knowledge

Noting that various types of knowledge (e.g., natural sciences, engineering and economics) were relevant to water governance, “neglected knowledge” was a term used at the Dialogue to refer to local knowledge of the use and sustainability of water resources in the Mekong Region, often neglected in water governance forums. However, the participants explained that while it might not often be considered in State decision-making, local knowledge was thriving.

Local knowledge pertains to information and expertise obtained by communities, including indigenous peoples, living in close proximity with water and ecosystems over long periods. Communities have intimate and important knowledge about natural resources changes and the impacts on their lives, but such knowledge is not valued by expert development planners who rely heavily on conventional scientific knowledge. In other cases,

according to the participants, local knowledge was “stolen” or appropriated by other users without benefiting the communities.

Local or situation knowledge had to be made explicit and utilised for sustainable water resources development, the participants said. The fact that such knowledge was neglected, according to one participant, could imply that “the demand side for development projects is not represented accurately”. Another participant ventured that ignoring local knowledge and the involvement of local communities in project planning and implementation was an unnecessary waste of a resource that could otherwise be tapped to plan or manage water resources projects.

Sombath Somphone, Director of the Participatory Development Training Centre (PADETC), Lao PDR and Chainarong Srettachau of Mahasarakham University, Thailand illustrated the different ways in which local knowledge was being harnessed in water development initiatives in some countries in the Mekong Region.

For example, Srettachau explained that the Tai Baan, an initiative in Thailand, had adopted a participatory local research to document the knowledge of communities about their environment and natural resources. The

participating villagers were the lead researchers. Those working with them to document were the assistants. Normal research hierarchies were thus turned upside down. The Tai Baan methodology was a mobilising strategy, he said, which empowered local people to address sustainable development issues in their communities by assembling their own knowledge, to complement knowledge being brought to their communities by others.

The participants at the Dialogue provided many examples of how local knowledge can be collected and harnessed to enhance water governance in the Mekong Region. They suggested that local knowledge frameworks, mechanisms and networks should be developed, and venues for their articulation should be created for local communities at different levels and scales.

To demonstrate their political will to adopt this form of knowledge, the participants also encouraged policy makers to develop an explicit policy development framework for gathering and disseminating local knowledge about water resource management. They asserted that the right of affected communities to represent their interests and be heard, which included considering their local knowledge, was a fundamental human right. Therefore, they recommended prioritising the provision of funding for research, capacity-building programmes and other resources to support local

knowledge development. Various ways of generating and disseminating local knowledge could be used, such as:

- Re-establishing local institutions;
- Organising traditional social events;
- Developing methodologies for, and case studies on local knowledge;
- Linking young researchers with traditional leaders;
- Communities and technical advisers working together;
- Integrating local knowledge in school curricula; and
- Tapping into the media.

Participants admitted that scaling up local knowledge to produce development scenarios might be problematic, and its limitations and potential needed to be clarified. However, they said, it could not be ignored completely. According to Somphone, valuing local knowledge would bring the dimensions of the heart and spirit into political governance, making governance easier and enhancing its practice. The participants also noted that tapping into local knowledge harnessed the capacity of local people to act as agents of change themselves.

Partnerships

Partnerships between different stakeholders can improve water governance to a great extent. For example, Kim Sangha, Project Co-ordinator of the 3S Rivers Protection Network, stated in his presentation, “non-governmental organisations, governments and the private sector cannot work without each other. The role (of civil society groups) is not to protest against the plans of the government, but rather to provide inputs and monitor actions to ensure that environmental and social development policies are respected and implemented fully”.¹

However, he lamented, such partnership were more the exception than the rule. In the case of hydropower construction along the Sesan River, such as the Yali Falls dam, the affected communities were now living in economic insecurity due to a sharp decline in fish catches and agricultural production. Many were abandoning their villages because they feared that the dam might break or they would be swept away in a water surge or flood. People were also complaining that they did not have safe water to drink, he said.²

He said the communities and civil society groups had tried to seek the attention of government officials from





Figure 8. Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme (MWBP) on strengthening capacity across levels



Source: Tawatchai Rattanasorn, Programme Co-ordinator in Thailand, Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme (MWBP)

the Lao PDR and Viet Nam, development agencies and other responsible authorities regarding the impact of the dam's construction on the people. However, until now, none of these negative impacts had been mitigated nor had the affected communities received any compensation. In addition to the Yali Falls dam, a cascade of dams is now being planned for the Sesan, Srepok and Sekong rivers, in both Viet Nam and the Lao PDR. Even though the EIAs had not yet been finalised, he said the construction of the dams was going ahead.

During a meeting in 2005 between his organisation and the Cambodian National Mekong Committee, the Standing Committee on the Co-ordination of Dams and Canals along the borders, and the National Assembly of Cambodia, he said it was collectively agreed to conduct a consultative workshop on the EIA reports recently prepared by Viet Nam. He was hopeful that this initiative

would be a fruitful partnership between the governments and civil society.

Tawatchai Rattanasorn, Programme Co-ordinator in Thailand, Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme (MWBP), utilised his presentation to share information about the partnership between the governments of Cambodia, the Lao PDR, Thailand and Viet Nam, together with UNDP, IUCN and MRC, which was focused on sustainable, multiple use of wetlands. (See figure 8)

The MWBP has focused its work in the Songkram River basin in Thailand, Attapeu province in southern Lao PDR, Stung Treng, Cambodia and the Plain of Reeds in the Mekong delta, Viet Nam. The strategies of the programme include: (a) raising awareness of wetland issues among the stakeholders; (b) building

resource user and knowledge networks; (c) encouraging participation in decision-making; (d) strengthening capacity at all levels; and (e) developing sustainable rural livelihoods.

Participants observed that partnerships were akin to dialogues, as they required the same elements of respect and trust, shared vision and common values. Sustained dialogue or multi-stakeholder processes could, in fact, build partnerships. Some partnerships worked as an informal arrangement while others needed formal structures; however, they noted, enforcing formal partnerships could sometimes exclude, rather than include different stakeholders.

Integrated basin flow management

Implemented by the MRC, integrated basin flow management (IBFM/E-Flow) “is a set of multi-disciplinary activities enabling a scientific assessment of the impacts of possible future changes in flow on the environmental, social and economic beneficial uses of the river”. IBFM aims to provide information and knowledge to decision makers about the predicted costs and benefits of water resources development in the Mekong basin in relation to river flow regimes.

Worawan Sukrarook, MRC Programme Officer, explained in her presentation that IBFM had three phases, with the third phase running from 2006–2008. The third phase would build on the previous IBFM activities and focus on research to reduce uncertainties of the predictions as well as a broad stakeholder consultation on the consequences of flow changes that would, in turn, provide feedback for the research. Specific outputs included an updatable Mekong Method for flow assessment and developed capacity of riparian staff to undertake IBFM activities, she said.

The participants noted that IBFM was an important tool for IWRM. However, the scope needed to be improved in order to enhance its usefulness. For example, the participants pointed out, IBFM was focused on the mainstream while most of the infrastructure development was on the tributaries. The possibilities of applying IBFM at the catchment or sub-basin levels should therefore be explored also. Some participants also suggested that IBFM be used to model groundwater, sedimentation and fisheries impacts.

Some participants also voiced concern that the flow of the river was not just a natural occurrence, but had





become highly politicised. For example, they said, the flow of the Mekong River can be controlled or altered by upstream countries or by the authorities managing hydropower dams in tributaries. The outputs of IBFM would become inputs to political discussions, so it was essential that there was transparency in the methods and indicators used, and that the rationale for different flow regime scenarios was clearly explained, they said.

Engagement of local communities must also be encouraged, the participants said, in terms of both carrying out IBFM activities and assessing the accuracy of the results. A regular mechanism for channelling information from the public should be built into the IBFM process. For example, the presentation of the different scenario models should be simplified and translated into regional languages, they said, so that more national and local actors could engage in debates about the implications of interfering with natural flow regimes.

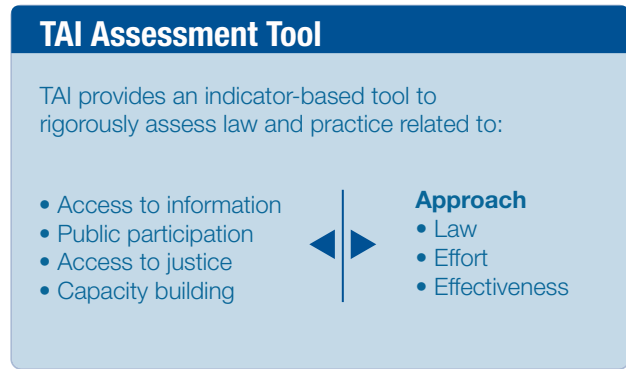
Law and governance assessment

Somrudee Nicro, Director of the Urbanization and Environment Program, TEI, presented The Access Initiative (TAI) (see figure 9), a global civil society coalition promoting access to information, participation and justice in decisions about the environment, as adopted under Principle 10 of the 1992 Rio Declaration. TAI aims to promote accelerated and enhanced implementation of Principle 10 at the national level.

To achieve this, TAI has developed an indicator-based tool to assess government performance, supported civil society advocacy for increasing the number of countries that will commit to conducting the assessment and urged governments to act on the assessment results. From 2003 to 2006, TAI has made significant progress with the completion of the assessment method and expansion of the initiative to more than 40 countries.

A Partnership for Principle 10 or PP 10 has also been convened, comprising governments, NGOs and international organisations who commit to adopt Principle 10 and translate the Rio principles into action by promoting “transparent, inclusive and accountable decision-making at the national level.” The partnership provides a platform for Principle 10 activities to be carried out worldwide.

Figure 9. The Access Initiative (TAI)



Source: Somrudee Nicro, TEI

Participants commented that the value of TAI was not just in increasing access to information. The process itself was productive, as it brought together a diverse group of actors who did not often work together. It provided a set of well-defined indicators to evaluate government performance in implementing policies and programmes on access to information, public participation and justice, they said.

One participant noted that, in Thailand, TAI had been useful, particularly in the case study of power sector reform. However, other participants said that TAI was still not being widely applied by some countries in the Mekong Region, as it required some level of skills; NGOs, government agencies and local communities needed to be trained to conduct the assessment and utilise the results appropriately.

Zhang Jiebin, Professor, Chinese Academy of Sciences at Xinjiang, China explained the role of law in water governance using the reforms of water-related laws in his country. “Appropriate legal, regulatory, institutional and technical frameworks are essential for the promotion of water governance”, he said.

He summarised by explaining that, in general, a legal system: (a) defined water rights or legal entitlements; (b) established a framework for the allocation of water resources; (c) provided institutional mechanisms that delineated the rights and responsibilities of stakeholders; and (d) instituted dispute resolution mechanisms.

He said a good legal system that provided a transparent, predictable and flexible framework, within which policies could be implemented and revised, could

be a powerful tool to support IWRM. Some participants observed that IWRM-related law should also learn from, and explicitly incorporate the rights, risks and responsibilities approach that was articulated in the WCD report. In many parts of the Mekong Region, these elements are already present in national legislations, although application varies.³

However, the presentation by Charm Tong, Advocacy Team Member, Shan Women Action Network (SWAN), illustrated that in the case of Myanmar, there is no functional legal system for adequately addressing violations committed in relation to water development projects. For example, she said, recent agreements had been signed for the building of a series of large dams on the Salween River. Local communities expected the construction and operation to cause serious environmental destruction and disruption of local communities already damaged by civil war.

In such circumstances, the participants suggested that international law, which establishes certain standards for a State's behaviour while developing the resources, was an important tool to be used in demanding State accountability. Consultations or multi-stakeholder platforms that exposed violations and mobilised actions for redress were also useful, they pointed out.

Conclusion

Many tools can be employed to enhance water governance in the Mekong Region and elsewhere. In many instances, these tools can facilitate broader participation by stakeholders, foster greater accountability to the public, mediate differences or resolve conflicts. However, as illustrated in the examples above, they are not foolproof. Rather, the participants noted that they would require constant assessment and modification to improve their usefulness and application.

Notes

- ¹ Kim Sangha, 2006, "Lessons learnt but not learnt: water governance in the 3S rivers region", Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006.
- ² Bruce McKenny, 2001, *Economic Valuation of Livelihood Income Losses and other Tangible Downstream Impacts from the Yali Falls Dam to the Se San River Basin in the Ratanakiri Province, Cambodia*. Oxford, America; cited in Kim Sangha, "Lessons learnt but not learnt: water governance in the 3S rivers region", Mekong Region Waters Dialogue, Vientiane, 6 -7 July 2006, pp. 4-5.
- ³ R. A. R. Oliver, P. Moore and K. Lazarus (eds.), 2006, *Mekong Region Water Resources Decision-making: National policy and legal frameworks vis-à-vis World Commission on Dams strategic priorities*, World Conservation Union (IUCN), Bangkok, and Gland, Switzerland.



6. Next steps



Keeping the Dialogue inclusive. © Taco Anema 2006

Several resource tools will be produced as a result of the three-day Dialogue. In addition to this report, a second volume will be published which will contain all the papers presented by resource persons at the consultation. A film that shows a collage of interviews with participants regarding the significance of the Dialogue in improving water governance in the Mekong Region is also being completed. The M-POWER website will continue to post resource materials related to this initiative. (See www.mpowernet.org)

This Dialogue is just one in a series of multi-stakeholder platforms planned for the Mekong Region for the next three years. Immediately following this regional consultation, a planning meeting for national dialogues was held on 8 July 2006 in Vientiane. Participants and partners at the meeting committed to organising national dialogues on water governance issues in five of the six countries the Mekong Region. The discussions from these dialogues will be fed into the next Mekong Region Waters Dialogue scheduled for mid-2007.

Aside from the national consultations, the conveners also submitted detailed feedback on their strategic plans to MRC, ADB and the World Bank (see annexes

3 to 5, post-Dialogue correspondence of the conveners with MRC, ADB and the World Bank). The conveners and many other participants are also continuing to engage with national governments, civil society organisations and regional institutions in a variety of ways, through new opportunities opened up by the Dialogue. For example, interested stakeholders are engaging in the re-examination by the Government of Thailand of its involvement in the proposed hydropower development in Myanmar. The conveners will also follow through on ADB's planned complementary analyses of social, ecological and governance aspects of NSEC.

Follow-up action after any Dialogue is vital, especially in the Mekong Region where many water governance issues remain controversial. As Surichai Wun'Gaeo, Faculty of Political Sciences, Chulalongkorn University, Bangkok, remarked during the closing session of the Dialogue, "we do not have a consensus on the best ways to use Mekong Region waters; however, we do have a consensus for continuing to conduct Dialogues (in order) to provide opportunities for more people to take constructive action and influence our water-related development directions".

Annex 1. Programme

Mekong Region Waters Dialogue - exploring water futures together

6 - 7 July 2006, Lao Plaza, Vientiane, Lao PDR

Time	Topic	Presenters	Location
Day One: 6 July 2006			
08:00-08:30	Registration		Vientiane Grand Ballroom
Opening Session: Welcome and Keynote Speaker			
08:30-08:45	Welcoming remarks	Somrudee Nicro Thailand Environment Institute, Co-convener	
08:45-09:15	Plural Voices, Scientific Uncertainties and Growing Aspirations	Dipak Gyawali Nepal Academy of Science & Technology	
Working Session 1: The Role of Mekong Institutions in Regional Waters			
<i>Objectives: To discuss the role of the World Bank, Asian Development Bank, and Mekong River Commission in regional waters use and development.</i>			
<i>Format: One hour will be spent on each institution. There will be two short presentations followed by facilitated roundtable discussion. All participants will be in the same room.</i>			
09:15-10:15	The World Bank	P. Illangovan The World Bank Francois Molle Institut de Recherche pour le Developpement (IRD)/ International Water Management Institute (IWMI)	Vientiane Grand Ballroom
10:15-10:30	Coffee Break		
10:30-11:30	Asian Development Bank	Peter N. King Institute for Global Environmental Strategies (IGES) Urooj Malik Agriculture, Environment, and Natural Resources Division, Mekong Department, ADB	
11:30-12:30	Mekong River Commission	John Dore The World Conservation Union (IUCN) Olivier Cogels Mekong River Commission	
Gallery Walk of key points from Working Session 1			
12:30-14:00	Lunch		International Buffet, Lao Plaza



Time	Topic	Presenters	Location
Working Session 2: Specific Issues in Mekong Region Water Governance			
<i>Objectives: To examine specific issues, actors and systems related to water governance.</i>			
<i>Format: Three concurrent breakout sessions each with a 10-15 minute presentation followed by facilitated discussion.</i>			
14:00-15:15	Hydropower	Grainne Ryder Probe International	Plaza Hall
	Irrigation	David Jezeph Water Resources Advisor	Plaza Hall II
	Floodplain ecosystems	Dirk Lamberts Laboratory for Aquatic Ecology, Katholieke Universiteit Leuven, Neou Bonheur Tonle Sap Biosphere Reserve Secretariat	Plaza Hall III
15:15-15:45	Coffee Break		
15:45-17:00	Hydrology	Peter Adamson Hydrology Consultant	Plaza Hall
	Private Sector	Thanin Bumrungsap Italian-Thai Development Public Company Ltd.	Plaza Hall II
	Fisheries	Pech Sokhem and Kengo Sunada University of Yamanashi	Plaza Hall III
17:00-18:00	Feedback to plenary	Chair: Hoanh Chu Thai , IWMI	Vientiane Grand Ballroom
18:30-20:00	Cocktail Party	Book Launch <i>Mekong Region Water Resources Decision-making: National Policy and Legal Frameworks vis-à-vis World Commission on Dams Strategic Priorities</i>	May Room, Lao Plaza
Day Two: 7 July 2006			
0830-09:30	Reflections from Day One	Chair: Kate Lazarus , IUCN	Vientiane Grand Ballroom
Working Session 3: Practical Ways to Improve Water Governance			
<i>Objectives: To examine innovative approaches and tools for improving water governance.</i>			
<i>Format: Two concurrent breakout sessions each with 20 minutes of presentation followed by facilitated discussion.</i>			
09:30-10:45	Neglected knowledge	Chainarong Srettachau Mahasarakham University Sombath Somphone Participatory Development Training Center (PADETC)	Plaza Hall

<i>Time</i>	<i>Topic</i>	<i>Presenters</i>	<i>Location</i>
	Partnerships	<p>Kim Sangha 3S Protection Network</p> <p>Tawatchai Rattanasorn Mekong Wetlands Biodiversity Conservation and Sustainable Use Programme</p>	Plaza III
10:45-11:15	Coffee Break		
11:15-12:30	Environmental Flows/ Integrated Basin Flow Management (IBFM)	<p>Nguyen Le Tuan Department of Water Resources MONRE, Vietnam</p> <p>Worawan Sukrarook Environment Programme, MRC</p>	Plaza Hall
	Law and Governance Assessment	<p>Zhang Jiebin Xinjiang Institute of Ecology and Geography, Chinese Academy of Sciences</p> <p>Somrudee Nicro Thailand Environment Institute The Access Initiative Core Team organisation for East and Southeast Asia</p> <p>Charm Tong Shan Women's Action Network (SWAN)</p>	Plaza III
12:30-14:00	Lunch		International Buffet, Lao Plaza
Working Session 4: Focus on Key Regional Strategies/Plans			
<i>Objectives: To examine important strategies and plans developed for the Mekong Region and engage in a dialogue with the proponent institutions.</i>			
<i>Format: Three concurrent breakout sessions.</i>			
14:00-17:15	The World Bank and Asian Development Bank's Mekong Water Resources Assistance Strategy (MWRAS)	<p>Guy Alaerts East Asia and Pacific Region, The World Bank</p> <p>Chris Wensley Southeast Asia Department, Asian Development Bank</p> <p>Kurt Morck Jensen Danish Ministry of Foreign Affairs</p>	Plaza Hall
	MRC Strategic Plan	<p>Olivier Cogels Mekong River Commission</p>	Plaza III
	Asian Development Bank's North-South Economic Corridor	<p>John Dore, Facilitator</p>	Plaza II
Closing Session			
17:15-18:15	Closing Remarks	<p>Chair: Surichai Wun'Gaeo Chulalongkorn University</p>	Vientiane Grand Ballroom

Annex 2. Participants list

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Annex 3. Co-conveners' feedback to MRC, including on the draft MRC Strategic Plan 2006-2010

11 August 2006

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Chief Executive Officer

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Dear Dr Cogels,

Re: Mekong Region Waters Dialogue 6-7 July 2006, Vientiane Lao PDR

Re: Feedback on MRC Strategic Plan 2006-2010 (draft dated 19 June 2006)

First, on behalf of the convenors I would like to thank you and your MRC colleagues on the spirit and substance of your engagement in the regional Dialogue event. This was appreciated by all Dialogue participants.

Second, as was agreed, we are providing comments from Dialogue participants, including the co-convenors, on the MRC (general) and contents of the draft MRC Strategic Plan 2006-2010.

As you are aware, the regional Dialogue event was convened by The World Conservation Union (IUCN), Thailand Environment Institute (TEI), International Water Management Institute (IWMI), and the water governance network of M-POWER – Mekong Program on Water Environment & Resilience. For regularly updated Dialogue details, see www.mpowernet.org

Yours sincerely,



John Dore

Coordinator – Asia Water and Wetlands Program

The World Conservation Union (IUCN), Asia Regional Office, Bangkok, Thailand

On behalf of IUCN, TEI, IWMI, M-POWER



Feedback to MRC from Mekong Region Waters Dialogue, Vientiane, Lao PDR, 6-7 July 2006

Key messages

1. MRC engagement in the Dialogue was appreciated by all participants, who were able to ask questions directly to MRC government officials, the CEO and staff, and gain a better understanding of the organisation's direction and challenges.
2. Many people in the Mekong Region have inadequate knowledge of the MRC intricacies, including its purpose and structure, and are not assisting it as they could, or benefiting from services it could provide.
3. If MRC is to be recognised as a 'knowledge broker' it needs to ensure more actors can contribute and receive information, and thus improve the knowledge base.
4. MRC needs to clarify its constituency, and decide how much scope to give the MRCS to engage with non-State actors, such as: non-government organisations, academe, community leaders, the private sector and others in the Mekong River Basin with water-related rights, risks or responsibilities.
5. There will be some contradictions apparent if MRCS tries to play too many roles, such as: independent knowledge broker, and, preparer/proponent of individual development projects.
6. MRC participation in a Dialogue can not substitute for more detailed, in-depth stakeholder consultation on significant, specific issues.

Suggestions

MRC should facilitate conflict resolution through provision of objective information to address important transboundary issues

The MRC has been largely absent in addressing critical transboundary impacts from development, such as: in the 3S region (Sesan, Sekong and Srepok), in negotiations on navigation improvement in the Upper Mekong, in engaging in Yunnan hydropower expansion, and in debate about development on other Mekong tributaries.

MRC must play a primary role in addressing difficult transboundary issues including, for example: possible Lao-Thai water transfers, possible inter-basin water diversions, and risks to the Tonle Sap and fisheries (already a part of the MRC led IBFM/E-flows).

Develop opportunities for incorporating local knowledge into decision-making

Build from local needs rather than external drivers using local knowledge in addition to conventional scientific knowledge

Both local and scientific knowledge should be valued and acknowledged

As a starting point, the MRC should look at the traditional uses of the river basin and determine how to adapt on-going and upcoming development to it. For example, the benefits of some levels of floods should be more recognised as important to agricultural production.

Expand partnerships of MRC to include local organisations

Local organisations can provide MRC on-the-ground experiences and assist MRC in gaining a broader understanding of different perspectives

Improve connections to the larger research community for sharing of information and joint collaboration

As a knowledge-based organisation, MRC needs to outreach to and partner with research entities within and outside the region. The M-POWER water governance network is an example of collaboration among NGOs, international organisations, and universities who are carrying out joint research in the Mekong Region.

Determine better uses for research and data collected by MRC to ensure information is utilised in decision-making

The MRC does not have a monitoring and evaluation system to determine how its knowledge generated it utilised in decision-making. What is the purpose of the knowledge generated? MRC should develop a monitoring and evaluation plan to track whether information disseminated by MRC reaches and influences, for example, government planners.

Develop a more comprehensive outreach strategy to disseminate information generated or gathered by MRC, and develop communication tools for local communities to communicate their knowledge back to the MRC and governments.

Build capacity of NMCs and line agencies to be more able to act as MRC contact points for local people.

Be a facilitator of local knowledge to government decision-makers

Comments on the Strategic Plan 2006-2010 (draft SP dated 19 June 2006)

The Mekong Region Waters Dialogue, held in Vientiane Lao PDR on 6-7 July 2006 provided an opportunity for participants to learn more about the MRC and its proposed new Strategic Plan. The CEO of the MRC made a presentation on the first day to the >150 participants, and another to ~45 participants in a special session focused on the SP on the second day.

This type of Dialogue exchange was appreciated by all, however, it cannot replace more detailed consultation on significant issues such as the preparation, finalisation and adoption of the MRC new SP for 2006 to 2010. The discussions at the Dialogue are a late contribution to a wider consultation process that has actively involved many State actors and donors, but given little opportunity for input by wider Mekong society.

The Executive Summary of the draft SP was made available by MRC a few days before the Dialogue event, but the full SP in hard copy was only available to Dialogue participants from when they arrived in Vientiane and received their event kit. Not surprisingly, many participants (often operating in their 2nd or 3rd language) therefore found it difficult – given the time available – to come to grips with the SP document, and to provide extensive comments. With the benefit of hindsight, the time allocated for focusing on the SP was too short, but given the full agenda, it was all that could be realistically allocated.

Although the Dialogue session provided limited time for in-depth discussion on the key points of the SP, we hope that MRC saw the benefits of this type of opportunity to share its work, and to seek feedback from regional stakeholders. Participants were able to ask questions directly to MRC government officials, the CEO and staff, and gain a better understanding of the organisation's direction and challenges.

It may be too late to influence the text of the soon to be adopted SP. Nevertheless, we present the following comments for consideration.



Introduction

Page 1, Introduction, 1.1

Several people in the discussions noted with pleasure the explicit reference in the SP that “*pro-poor impacts from developing water resources are not automatic*”. Whilst this point is obvious to many, it is not always expressed in the guiding documents of key actors. For example, the influential recent World Bank document ‘Water for Growth and Development’ falls back on generalisations which claim that water infrastructure investment automatically will increase wealth (usually proxied by a Gross Domestic Product derived indicator). The usual implication is that this will decrease poverty. Such claims are simplifications. General increases in wealth, may or may not lead to decreased poverty. The supporting data used by WB and others demand greater interrogation.

Page 2, Introduction, 1.3

Article 1 is explicit that the mandate of the MRC is the entire Mekong River Basin. The message from the Chairman at the 12th MRC Council meeting was that MRC should move towards more comprehensive implementation of the 1995 Mekong Agreement. Many would like to see the MRC take a more active role in the entire basin. This would require being more involved in analysing development in the tributaries.

Article 3 relates to the protection of the environment and ecological balance. It is of concern to many that MRC is often silent on the risks associated with many development projects – risks often borne involuntarily by those not clearly benefiting (or potentially benefiting) from project X. This silence extends to the document’s omission of the Precautionary Principle. What is the position of the MRC on risk and the Precautionary Principle?

Page 4, Introduction, 1.4

Following on from points already raised, the areas mentioned in the SP as being important for MRC to address include accountability and communication. Both these words require unpacking. Many would like to see the MRC more explicitly note its accountability to the wider Mekong society and citizenry. And, many would like to see communication being more two-way, with a wider set of actors. It is noted that MRC engagement in the Mekong Region Waters Dialogue 6-7 July 2006 is a step in this direction, but in the comments provided to the convenors after the event, many have pointed out to us that Dialogue is a complement to, but not a replacement for, higher-quality consultative and communicative processes.

The final paragraph of the Introduction speaks of different ‘values’ and ‘trade-offs’ but it is silent on the issue of rights. Bringing the ‘rights and risks’ approach of the World Commission on Dams into the operations of the MRC would be a step forward. Recent work by IUCN and others examines how to more practically take on board ‘rights, risks and responsibilities’ and incorporate that into water resources decision making.

Mekong Development Context

Page 6, 2.2.2, Livelihoods

The most pressing priority for all the member States may be to achieve higher levels of economic and social development, however, the pressing priority of many individuals and communities is to maintain or enhance their livelihood opportunities. It is good to see this specifically noted in the SP. Livelihood impacts of water resources development have often been downplayed, externalised or inadequately accounted for in economic analyses which may or may not have been used in Mekong River Basin project decision making. An active focus on livelihood impacts of different development scenarios would be a significant, relatively new contribution by MRC.

Page 7, 2.3.1, Irrigation

Many are pleased that MRC is now looking at irrigation more seriously than it ever has in the past. However, it was pointed out that whilst the SP text notes there is “*much potential for new development*” it is silent on the major issue

of inefficient, unutilised, and abandoned irrigation systems. There is an urgent need for a more rigorous assessment of the status of irrigation in the Mekong River Basin. There are questions over much of the official data.

Page 7, 2.3.2, Hydropower

The text mentions “a reliable power supply system can bring significant benefits to rural households when connected”. Many of the large hydropower schemes in the Mekong Basin, including Lancang mainstream and NT2 are not conceived or driven by the quest for increased household connections or “poverty alleviation activities if desired” (our underlining) Mining projects needing huge power, west to east power transfers (from Yunnan), competition between concessionaires, financial opportunities during the construction phase, the ability to externalise the cost of transmission networks, dubious load forecasting, low focus on demand management, low focus on clarifying existing and future options – these are all much more significant drivers of hydropower development than rural connections or local poverty alleviation.

The SP mentions MRC activities in this sector including assessment of proposed projects through the use of its modelling capacities. Two things would have to change – developers and country governments would need to be more open and transparent with construction possibilities, and the capacity of the MRC hydrological models to accurately predict hydrographs would need to be examined in the public sphere. That said, it was also pointed out in the Dialogue discussions that a hydrograph is not a river, and that social-ecological impacts cannot be too easily simulated – even if you get the hydrology right.

Page 8, 2.3.4, Floods and droughts

The SP notes that potential areas for MRC action include analysis of water storage, intra- and inter- basin transfers. This would be new territory for MRC secretariat, which has traditionally been excluded from within-State analysis of basin transfers and other infrastructure investment analysis. Many would welcome MRC contribution to public analysis of various options.

Page 9, 2.3.6, Fisheries

The SP draft mentions that “increasing population pressure and economic development are increasingly threatening the Mekong fishery”. What is not explicitly mentioned is the risk associated with changes to the natural flow regime. The staggeringly high production of the Mekong freshwater wild fishery is noted, the avoidable risks to it are downplayed. It was pointed out in submitted remarks that aquaculture optimism would have to be very high, before society could ‘rationally’ allow too much damage to the existing natural resource.

“Before society could ‘rationally’ allow significant degradation of existing fisheries natural resource, it would need more tangible evidence of aquaculture’s ability to substitute for them, both in terms of quantity, quality and livelihood accessibility.”]

Page 10, 2.4.4, Biodiversity

Earlier in the Executive Summary and later in the SP it is written “The MRC will need to strike a delicate balance between environment protection and development” (SP page 13). This conceptualisation is misleading. It reads as though it is ‘environmental protection’ or ‘development’. The more important linkage requiring increased emphasis is that there is a huge livelihood dependence on natural resources. In this section the claim is made that 80% of the population of the basin may derive at least some part of their livelihood directly from ‘wild’ resources. Quantifying this would seem rather important. It seems that environmental economics (or ecological economics, or natural resources economics) plus livelihood analysis has much more to contribute to Mekong water resources development decision making. Many analyses of development projects remain silent on these critical issues.



The role of the MRC

Page 12-13, 3.1, The mandate and expectations for the role of MRC

There has been much discussion of the MRC mandate and expectations in the years and months preceding the Dialogue. This letter cannot provide extensive new analysis, nor was there sufficient time for discussion of this issue in either Working Session 1 or Working Session 4 of the Vientiane event. However, many comments were submitted touching on these issues. These will be given more space in the more complete documentation which will be an output of the Dialogue.

A key point is for MRC to clarify its constituency, and decide how much scope to give the MRCS to engage with a wider constituency than just the parts of the member State governments that have been tasked with MRC representation.

MRC's challenge over the next 10 years is to build on what has been achieved and to provide strong leadership and guidance to decision makers on options and strategies for sustainable development in the basin, focusing on transboundary and large-scale development options (SP page 12).

This paragraph speaks of providing guidance to 'decision makers' on options and strategies. A key question is who are the decision makers? For MRC this is usually taken to mean Lower Mekong governments. If so, this leaves out many other active decision makers in society, including citizens who wish to inform and be informed by their governments about significant water-related decisions. It is suggested that 'decision makers' be replaced by 'society'.

MRC should be providing guidance on options and strategies to the wider society, of which governments are key actors, but not the only legitimate actors. Non-government organisations, academe, community leaders, the private sector and others with 'rights, risks or responsibilities' should also be respected and given opportunity to provide input and be informed. In the past MRC has severely restricted the extent of its engagement with Mekong 'civil society'. At the Dialogue the point was ironically made that donors and consultants have had far easier access to MRC than local civil society and Mekong academia.

Page 13-16, 3.2, Knowledge Organisation

The SP speaks (page 14) of MRC having "*potential for participation of stakeholders*" (vague, but true?) and also says "*MRC can provide a high quality and trustworthy assessment of project impacts*" (potentially). Again the question arises, to who would such an assessment – if undertaken – be made available? And if undertaking assessments, rather than reviewing them, which other actors would be enabled to interrogate the assessments?

The SP text which speaks of focusing the MRC as a knowledge-based international RBO is clear enough. Is the previous shift by MRC to being a 'knowledge broker' now being reframed? The terminology of being a knowledge broker implies helping the *complete* constituency to both contribute and receive knowledge. The SP text says that MRC needs to "*engage actively and visibly in large national projects*" to "*help national governments, development banks, and private sector investors...*". We note that national governments have a variety of different development perspectives, the diversity of which should not be lumped together with those of development banks and private sector interests.

There was clear consensus in the remarks of participants that they want the MRC to be a high-quality knowledge organisation. However, to meet the wider needs of society, more actors desire an opportunity to access, debate, and contribute to improving the knowledge base. This goes for many areas, including for claimed specialty areas (eg. SP page 16 "*tremendous comparative advantage in accumulated knowledge regarding the hydrology and environment*") and newer areas such as livelihoods and irrigation and impact assessment.

Page 16, 3.2.2, Governance

At all levels of operation, from local to basin-wide, it is important for MRC's work quality and credibility to be open and transparent and continuously work with stakeholders: the local population, local and national government agencies, civil society and NGOs, academia and the private sector. This can be achieved through a number of means, such as multi-stakeholder consultations as well as through partnering with civil society or NGOs on particular works (SP page 16).

This paragraph speaks of governance, and notes that MRC's work quality and credibility depend on being open and transparent, and continuously engaging with its many 'stakeholders'. State members are not the only actors in the MRC constituency. The co-convenors endorse the direction of this paragraph, and hope that it is given substantive attention in the SP implementation from 2006 to 2010. There are many actors in the Mekong Region wishing to constructively contribute to the operation of the MRC. A proactive policy of open engagement by the MRC with its diverse constituency would enable more informed deliberation and decision making.

Page 17-18, 3.2.3, The role of MRC in projects

MRC engagement in project preparation is assumed in the new SP as part of the development promotion role envisaged by the MRC Council, JC and CEO. A point of view expressed by several participants, and more regularly in the wider discourse before and since the Dialogue, is whether MRC staff resources should become tied up in preparing projects at all. There are so many projects already being prepared and implemented, driven largely by private-public cooperations of various types. Is a better role for MRC supporting national actors (State and other) to examine these projects, their likely impacts, and their claimed merits and costs?

MRC would require a substantial increase in its human resource skill base for it to undertake all the roles laid out in the SP, and some others suggested in this letter. As the Dialogue discussions showed, there is no consensus about whether MRC should, or should not, be playing some roles. An upcoming review will apparently examine the capacity of the organisation, and we look forward to seeing this analysis.



John Dore

The World Conservation Union (IUCN), Asia Regional Office, Bangkok, Thailand

On behalf of IUCN, TEI, IWMI, M-POWER

Co-Convenors of the Mekong Region Waters Dialogue, Vientiane, Lao PDR, 6-7 July 2006

11 August 2006



Annex 4. Co-conveners' preliminary feedback to ADB re North South Economic Corridor

17 October 2006

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Dear Urooj and Paul,

Re: Mekong Region Waters Dialogue 6-7 July 2006, Vientiane Lao PDR
Re: Feedback and reflections on North South Economic Corridor (NSEC) TA 39084

On behalf of the conveners I would like to thank ADB for your valuable contributions at the Dialogue convened in Vientiane in July 2006.

Urooj's plenary presentation on was appreciated by all conveners and participants attending the event. Your cooperation in providing some 'starting material' to assist a sub-group of participants better understand NSEC on 7 July was also appreciated. More generally, ADB engagement in the Dialogue was welcomed by all dialogue participants, who were able to ask questions directly to ADB staff, and gain greater insight to the organisation's direction and challenges in the Mekong Region.

The purpose of the Dialogue was to improve the governance of regional development planning, with emphasis on water resources and infrastructure. This letter provides some feedback to ADB from the conveners. Based on the discussions in Vientiane, and subsequently with ADB and other colleagues, we offer some remarks and suggestions of next steps. Full documentation regarding the Dialogue is in the final stages of preparation. This letter restricts itself to NSEC and SEA matters.

North South Economic Corridor

A power point presentation and the draft RETA TA 39084 paper were made available to participants and conveners at the start of the Dialogue. We view this as a starting point in the whole process of informing the wider community/civil society on the development options being considered within the NSEC portfolio.

A strength of the draft TA 39084 paper is that it is strongly results-oriented, for instance in producing an "issues paper," a "development strategy," and potentially a regional academic network (page 3). Those products are commendable.

Many participants appreciate the pro-active stance that the ADB/GMS are taking with respect to offering a roadmap for sustainable development in the NSEC as there is concern there is real potential for unregulated/unplanned development that may not be in the long term interests of the region.

At the Vientiane Dialogue, participants posed a number of provocative questions about NSEC:

“NSEC is only a very limited view of developments that are possible in the Mekong Region. There are also non-infrastructure investments that may also facilitate economic development and these need to be harmonised with infrastructure development” (participant)

“The draft RETA does not provide or foreshadow the production of an analysis of the potential impact of proposed infrastructure development on poverty alleviation. The RETA appears too focused on economic growth rather than poverty reduction. It can not be assumed that the former is a proxy for the latter.” (participant)

Will RETA 39084 be able to address these concerns? Based on what we heard in Vientiane from ADB, from other participants, as well as from the draft TA 39084, we can flag the following issues:

Need to improve access and transparency to the project portfolio

Is the NSEC portfolio publicly available? Are energy and water projects included in the NSEC portfolio? What is the current rationale for inclusion/exclusion? More transparency about these issues would be welcomed.


More inter-disciplinary and longitudinal analysis of corridor-associated development is desirable

The development model which seems to underpin RETA 39084 is the well-known growth-led model with Bank-coordinated private investment, focusing on “economic integration,” “trade integration,” and “investment integration” (pages 3–4) over an unspecified timeframe. RETA 39084 will not provide guidance on the future positive and negative distributional impacts of such integration (both in terms of altered patterns of inequality and altered environmental impacts). Yet understanding those impacts is a prerequisite for wise investment. There seems opportunity to link TA 39084 to important concurrent work within the ADB/GMS and to other regional research institutes. Improving these linkages would yield a vastly richer analysis of development opportunities and constraints than TA 39084 could as a stand-alone project. The conveners will be pleased to make suggestions of individuals that would be able to contribute to this important work.

Opportunity to link NSEC with SEA

A promising analytical framework within ADB/GMS to further such understanding is Strategic Environmental Assessment (SEA). As you are aware, the GMS Environmental Operations Centre will lead a rapid Strategic Environmental Assessment of the NSEC. There is an obvious need for the SEA analysis to inform and be informed by the economic integration analysis being commissioned via RETA 39084. At the same time, strategic assessment of NSEC can be strengthened by *longitudinal* economic analysis (e.g., 20-year scenarios for varying levels of economic integration). We recommend that ADB include such scenarios in TA 39084, or if the boundaries of that proposed work is fixed, that separate scenario analyses is undertaken as a part of the complementary Strategic Environment Assessment (SEA) process which also brings in other issues, such as: impacts on ecosystems and associated livelihoods, possible health benefits and costs, anticipated income distribution etc.. As it stands, RETA 39084 will contribute important analyses which will contribute to the bigger sustainable development picture.

As a next step we welcome the decision of ADB to accept invitations to join an event focused on the NSEC part of the Mekong Region being organized by Chiang Mai University’s Unit for Social and Environmental Research (CMU-USER) and the M-POWER governance network. This event, titled *Water, Trade and Environment Futures in the North South Economic Corridor* is set for 20-21 October 2006 in Chiang Mai.



Yours sincerely,



John Dore

Coordinator – Asia Water and Wetlands Program

The World Conservation Union (IUCN), Asia Regional Office, Bangkok, Thailand

On behalf of IUCN, TEI, IWMI, M-POWER

Co-Conveners of the Mekong Region Waters Dialogue, Vientiane, Lao PDR, 6-7 July 2006

Cc

Somrudee Nicro – TEI

Andrew Noble – IWMI

Masao Imamura & Louis Lebel – M-POWER Coordination Unit @ Chiang Mai University

Chris Wensley, Ronald Butiong, Pavit Ramachandran – ADB

Kate Lazarus, Tira Foran, Ranjith Mahindapala – IUCN

Annex 5. Co-conveners' feedback to the World Bank and ADB re draft Mekong Water Resources Assistance Strategy

25 September 2006

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Ian Makin
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Dear Guy, Ian and Chris:

Subject: Feedback on WB/ADB Joint Working Paper on Future Directions for Water Resources Management in the Mekong River Basin, Mekong Water Resources Assistance Strategy (MWRAS), June 2006

On behalf of the convenors of the Mekong Region Waters Dialogue – The World Conservation Union (IUCN), Thailand Environment Institute (TEI), International Water Management Institute (IWMI), and Mekong Program on Water Environment & Resilience (M-POWER) – I would like to thank you and your colleagues for your engagement in the regional Dialogue event. This was appreciated by all of us.

We are providing comments from Dialogue participants and the convenors, on the contents of the *WB/ADB Joint Working Paper on Future Directions for Water Resources Management in the Mekong River Basin, Mekong Water Resources Assistance Strategy (MWRAS), June 2006*.

We hope our feedback will be useful to the MWRAS/MWARP process and that our dialogue continues. For regularly updated Dialogue details, please see www.mpower.net.org.

Yours sincerely,



Somrudee Nicro
Director, Urbanization and Environment Program
Thailand Environment Institute

On behalf of IUCN, TEI, IWMI, M-POWER



Feedback to the World Bank and Asian Development Bank
from Participants and Conveners

of

The Mekong Region Waters Dialogue
held in Vientiane, Lao PDR, 6-8 July 2006

on

WB/ADB Joint Working Paper on Future Directions for Water Resources Management
in the Mekong River Basin,
Mekong Water Resources Assistance Strategy (MWRAS), June 2006

25 September 2006

I. Corrections Required

On the MWRAS civil society consultation workshop, Vientiane, December 2004

1. Para 71 states: *“The participants at the Strategizing Workshop with regional civil society (NGOs and academics of the six countries, as well as global NGOs)...support the MWRAS initiative,...”*. However, the *Summary*, the *Recommendations* and the *Meeting Record* of the civil society workshop on MWRAS, held in Vientiane in December 2004, do not confirm this statement. In the *Recommendations*, it says: *“Participants shared common concerns over the sustainability of Mekong River basin and the vulnerability of local livelihood and would like to see alternatives to large-scale development, conventionally supported by international financial institutions (IFIs) in this and other basins elsewhere. They were concerned about social and environmental ramifications of development. They would like to see social, environmental, right and equity issues taken into considerations of governments, regional body, IFIs and donors (p. 1).”* Para 85 of the *Meeting Record* of the workshop recorded the discussion of the Development Breakout Group. It states: *“The group suggested that it is vital to assess more options both at macro and micro levels.”*
2. Referring to participants of the civil society workshop, the Working Paper (para 71) states: *“They valued highly the efforts and transparency of the Banks, but they are still to be convinced of the openness of the MRCS, the governments and of some of the other development partners”*. During that consultation, it was only The World Bank (WB), and not the Asian Development Bank (ADB), that owned and presented the MWRAS. Participants of that workshop appreciated that particular consultation on MWRAS which WB and the Thailand Environment Institute (TEI) co-hosted. Their appreciation should not be overstated to cover other activities of WB.

On Mekong Region Waters Dialogue, Vientiane, July 2006

3. Para 72 claims: *“With ADB/WB support, IUCN and the Thailand Environment Institute are preparing for a second multi-stakeholder workshop in July 2006.”* This sentence will mislead readers to understand that the ADB and the WB provided financial support to the Mekong Region Waters Dialogue. Factually, the Dialogue was independent of the ADB/WB. Secondly, this was the first, not the second, multi-stakeholder workshop. Also, there were four convenors, not just the two mentioned. The co-convenors included International Water Management Institute (IWMI) and the Mekong Program on Water Environment and Resilience (M-POWER) water governance network.
4. Para 109 states: *“The MWARP works together with IUCN and other regional NGOs to convene a series of consultations with civil society and other stakeholders across the region.”* This is again misleading. The World Conservation Union (IUCN) is not working together with the Banks to convene a series of consultations with civil society and other stakeholders. IUCN’s discussions on how to assist the WB with consultations resulted in the

short session in the Dialogue which is not a proper consultation but rather a dialogue and exchange of information and views on the process. A true consultation needs to be more comprehensive and have more buy-in from the Banks (e.g. sending more staff to attend, assist and actively engage, providing full disclosure of materials, and ensuring attendance of other proponents of this strategy such as governments, donors, etc.).

II. Comments on the MWRAS/MWARP¹ process

5. The many papers/reports related to MWRAS are confusing. They include the following: Discussion Paper— Towards a Mekong Water Resources Assistance Strategy (November 2004), Future Directions for Water Resources Management in the Mekong River Basin (May 2005), the WB/ADB Joint Working Paper on Future Directions for Water Resources Management in the Mekong River Basin (June 2006), Priority Action and Dialogue Framework 2006-2010 and Mekong Water Resources Partnership Program (MWARP). Rationales, status and implications of these documents should be made clear to the public.
6. The Working Paper was released to the convenors and the public only a few days before the Mekong Region Waters Dialogue despite prior requests from NGO representatives. As such it did not help facilitate the dialogue as much as it could have and the short session within the dialogue cannot serve as an adequate formal consultation. Similarly, it did not help build trust in the process.
7. Civil society received mixed messages from ADB and WB representatives about the partnership in the MWRAS planning and implementation which has led to questions of ownership. Who owns the MWRAS and what is the relationship among the main partners (WB, ADB and MRC) in the formulation of the strategy? What collective endorsement is sought or required for the MWRAS? Work has already started on MWRAS background studies in several places. Donors were also confused about these questions, as was evident at the Mekong River Commission (MRC) donors meeting, attended by IUCN on 4 July 2006, just prior to the Mekong Region Waters Dialogue regional event.
8. Numerous meetings and discussions occurred between 2005 and 2006 with governments and donors with very limited, if any, civil society participation sought. Acquiring perspectives from other sectors is an important process of gaining understanding and ownership.

III. Comments on the substance of the working paper

9. **Hydrological model.** When presenting MWRAS, the usual point of departure is a hydrological model developed for the MRC as part of the Water Utilization Programme (WUP) processes. WB consultants have used this MRC model to run different infrastructure and water use development scenarios and estimate the hydrological impacts. It is said that *“The bottom line message of this Mekong Water Resources Assistance Strategy is that the analytical work on development scenarios has, for the first time, provided evidence that there remains considerable potential for development of the Mekong water resources (p.4).”* Also see para 21. And *“The development scenarios modeling exercise demonstrated that the Mekong river system has significant tolerance for development, including of hydropower and water diversion for irrigation (para 78).”* The model is a planning tool (Para 80), but a river is more than a hydrograph, and the hydrological impacts (if the models are accurate) are not a proxy for drawing conclusions about ecological and social impacts.
10. Moreover, the regularly produced hydrograph scenarios are themselves yet to be widely accepted in the wider basin community due to the unavailability in the public domain of the assumptions built into the model operation, and similarly unavailable assessments of the robustness of the model. Such assessments have probably been undertaken as part of the WUP review and could be easily shared by MRC, or WB, as part of Global Environment Facility (GEF) normal transparency practice. This comment echoes a recommendation of the team which undertook an appraisal of the MRC’s Basin Development Plan in January 2006.



11. **IWRM.** The MWRAS working paper proposes that the equity of benefit distribution is to be achieved by the use of IWRM. The general policy of IWRM is being embedded in national policies of particular Ministries in Lower Mekong Basin countries. However, we caution that rhetorical adoption of IWRM aspirations will not automatically deliver equity. ²
12. **Equity.** *“Importantly, benefits of investment or water management decisions need to be distributed more equitably, through seeking win-win solutions, through complementary programs, or through compensation (p.5).”* Para 73 reiterates the ensuring of ‘equitable benefit sharing’. Again and again the paper suggests that negative impacts on environment, countries, and communities should be avoided or compensated, although none of these positive and negative impacts are alluded to in the document. The point is ‘compensation’ is not the same as ‘equitable benefit sharing’. While beneficiaries are those who gain from the investment; those who are compensated are the ones experiencing loss due to the ‘development’ investment. They are compensated for what they have lost. Benefit is about the added value due to the investment, compensation is about the loss of asset which was there before the investment (in some cases compensation also includes opportunity loss). In contrast, equitable benefit sharing means the added value due to the investment is shared equitably.
13. **Stakeholders.** Para 77 states: *“The main stakeholders are the countries themselves, but include the MRC ‘system’, the GMS, and other regional networks, and civil society.”* Local communities, especially but not only, those who are directly affected by the development/investment have to be recognized as a main stakeholder. Concerned civil society organizations (CSOs) endeavour to profile and argue a case for the interests of local communities, but they do not necessarily have or claim the right to ‘represent’ local communities. In contrast, in para 87, communities are considered a stakeholder, but CSOs are not. Sometimes better informed, better connected and more vocal than local villagers, CSOs are an important stakeholder. Secondly, the two paragraphs show inconsistency of what ‘stakeholders’ encompass in this paper.
14. **Poverty.** Poverty is cited as a legitimate reason why the Mekong River Basin must move forward with development (para 78), yet the proposed development strategy does not specifically offer any development program to alleviate poverty. Only local community development programs and compensation are mentioned. But they alone cannot alleviate poverty in the basin or sub-basins.
15. **Water governance mechanism.** The only water governance institutional mechanism mentioned in the paper are river basin committees. Thailand’s experience is offered as a model that other riparian countries can learn from. In Thailand, however, the current ineffectiveness of the fledgling RBCs is widely recognized. Clearly the level of development of these RBCs (i.e. Bang Pakong) can best be described as rudimentary. Whilst it is heartening that there is recognition of the important role that RBCs – representative of a wider range of disciplines and interests than in past water resources development decision making – can play in water resources management and allocation. However, the current capacity of RBCs to govern and ‘deliver’ sustainable basin development should not be overstated.
16. **Accountability.** Given that the lack of accountability is one of the rationales for the 19-September military coup in Thailand, it is difficult to agree that *“Transparency and accountability are reasonably well developed in Thailand (para 95).”* More effort is needed to ensure accountability in the water governance of the Mekong river basin and the many sub-basins.
17. **Neutrality/objectivity.** The Banks would be aware that their ‘objective and neutral advice’ (para 125), as with that of other actors, is influenced by built-in pressures and some development direction biases. Hence, the need to ensure that other development perspectives are given full opportunity to be articulated and examined.

18. **The three selected sub-basins:** Thai-Lao sub-basin, the Sesan-Serepok-Sekong sub-basin, and the Cambodia-Viet Nam Delta have been selected, but the full selection criteria and process is not provided in the paper. Work is already underway. The terms of reference and purpose of the studies already underway, or soon to begin, have not been publicly disclosed. It is not correct to conclude that the three sites meet the criteria of “(vii) [b]roadly endorsable by all stakeholders, NGOs and civil society, thus mitigating controversy (para 83).” These are very sensitive development zones (e.g. 3S) and topics (e.g. bilateral water ‘transfers’). Dialogue participants request more information about just what is being proposed, so as to see how they can constructively engage in informing the development deliberations.
19. **Proposed strategy versus planned actions.** *“The impact of MWARP will be measured under four strategic results areas: balanced development, environmental and social safeguards, integrated water resources management, and governance (para 77).”* Despite many discussions on the importance of governance mechanisms, community and grassroots organization participation, and regional accountability frameworks, not a single activity to implement these issues is included in the MWARP Action and Dialogue Priority Framework (para 107 and Table 1). Among the MWARP activities listed in para 108, ‘strengthening of governance structure for sub-basin water management’ is included only in a parenthesis (iii). Community participation and civil society and media engagement are treated more like sideline activities. See para 109.

IV. Comments regarding rationale for MWRAS

20. **Driving force of MWRAS.** Is the MWRAS driven by the development needs of the people in the Mekong basin or by the governments’ priorities or by the need to invest on the part of the Banks? A real need for MWRAS is to be demonstrated. How is this ‘partnership’ to be different from the MRC partnership? Will this partnership be subsumed within the framework of the four country cooperation in the MRC? Is this what MRC, WB and ADB want? Is MWRAS really just a way of articulating the domains in which WB and ADB would like to contribute financial resources to the Mekong River Basin, via the umbrella of the MRC and associated forums. Or would this WB/ADB led cooperation have been better targeted by scaling up to the regional scale, involving waters resources development cooperation in the other basins of the Mekong Region (or in ADB parlance, the Greater Mekong Subregion)? If poverty alleviation is the driving force of MWRAS, an assessment of development options to address poverty and promote sustainable development in the basin/region (depending on the territorial domain) and a more meaningful and ongoing dialogue with a broader group of stakeholders should be undertaken.
21. **Partnership between the WB, ADB and MRC.** It is unclear what the actual partnership is between the WB, ADB and MRC and what the role of the MRC will be. There is also concern as to how the WB will link and not overlap with the MRC’s Strategic Plan. Or should the ideas and focal areas of MWRAS just be subsumed into the MRC workplan as the areas where the WB and ADB would like to focus part of their assistance to the countries sharing the Mekong River Basin. If the MWRAS/MWARP does intend to work through the MRC, how will this affect civil society participation given the MRC’s reticence to fully engage with the Mekong civil society to the same extent that it readily engages with donors? The MRC secretariat has not yet demonstrated a willingness to act as a two-way basin knowledge broker.
22. **Governance of MWRAS.** How and by whom is the MWRAS going to be monitored and assessed? How will the MWRAS implementers exemplify or contribute to improving water governance in the basin (or wider region)? It is stated that “[t]his will require a commitment for at least the next 5-7 years, willingness to build a team and mobilize the resources to develop and implement a multi-faceted program of activities in partnership with countries, MRC and civil society and other development partners (p. 6). However, it does not articulate any plan or mechanism as to who will be in this team, and how the team will engage with civil society. Clarification on this matter is required.



V. Recommendations

Development paradigm

23. **The MWRAS/MWARP should aim for ‘sustainable development’** and not redefine ‘balanced development’ concept to advocate the making of trade-off choices compromising the balance of economic benefits, social equity and ecological integrity. It should not attempt to revive the by-gone economic growth-led development concept. Instead, as world-class institutions best equipped with both financial and highly qualified human resources, the Banks should attempt to design a development program aiming for achieving ‘sustainable development’, accepted as *the* development paradigm by UN member countries during the UN Conference on Environment and Development (the Earth Summit) in 1992 and reaffirmed by participating governments and CSOs at the World Summit on Sustainable Development (WSSD) in 2002.

MWRAS components

24. Poverty alleviation is part of the rationale for MWRAS. Therefore, a **poverty alleviation element should be articulated in the MWRAS**. This means much more than including community development activities at investment sites. Poverty reduction is a national and local priority of each riparian country. Proposed benefits accruing from MWRAS should be explicitly examined as to how they will impact poverty.
25. **A more transparent assessment on water resources development ‘needs’ in the Mekong river basin would be welcomed.** MWRAS is choosing to focus on the Thai-Lao water diversions, the Sesan-Srepok-Sekong hydropower, and the Cambodia-Viet Nam Delta irrigation. The reasons for selecting these areas should be better explained by the MWRAS working paper authors. Why these areas? Why now? The MWRAS studies should build on the existing knowledge about the three sub-basins, instead of supporting additional studies which just recycle what already exists. There are many regional actors who could contribute to these studies.
26. **The Banks should jointly collaborate with CSOs** in the review and making of the following studies/activities: the regional investment policy review; the design of regional governance mechanisms; hydrological models; technical analysis referred to in the working paper as a further activity, including studies on hydropower development in para 86 and other studies mentioned in para 17 and 18; studies to test and refine the principles of sub-regional cooperation mentioned in the working paper; the MWARP framework, to be further developed and clarified further in 2006/2007 (para 76), and the ‘priority action and dialogue framework 2006-2010’ (para 107 and Table 1).
27. **Follow the Banks’ procedures for environmental and social impact analysis** of the proposed activities in the selected or to-be-selected areas and ensure that information is appropriately disclosed to the public for comment and critique.

Governance of the MWRAS and transparency/accountability of the Banks

28. **The MWRAS governance mechanisms should be innovatively designed and built on a multi-stakeholder participatory approach.** This can begin with making the roles of the WB, ADB, MRC and donors in the MWRAS clear to the public.
29. Moreover, the Banks are strongly encouraged to **pay due respect to the outputs of the consultation and not to create an opportunity for a false interpretation.** Failing to follow this recommendation will damage the participation process, damage the Banks’ reputation and not help the targeted communities of the development program.

30. Given the present flaws in the working paper (re para 1-4 above) which was circulated to civil society, the conveners see it important that **the Banks disclose other MWRAS/MWARP-related documents which the Banks prepared for other stakeholders, e.g. governments, MRC and donors**, and have so far been concealed from the civil society. This is to assure that no other similar misjudged statements have been included in other documents.
31. All in all, **it is strongly suggested that the Banks strictly abide by their accountability and transparency policies.**

Stakeholder involvement and consultation process/dialogue

32. **The following stakeholders should be involved throughout the MWRAS process: local communities, local and national government agencies, civil society and NGOs, scientific community, MRC, NMCs and the private sector.** While there are numerous meetings and discussions among governments, donors, and MRC about the matter, there are extremely limited meetings with civil society. To date, there has only been one civil society consultation workshop in 2004, and then the independent Mekong Region Waters Dialogue in 2006.
33. **The MWRAS review session at the Mekong Region Waters Dialogue should not be regarded as the Banks' official consultation.** The Dialogue was convened by the four conveners, independently of the Banks. As there were three concurrent review sessions, on MRC's Strategic Plan, ADB's North-South Economic Corridor, and the MWRAS, not all participants could participate fully in each session. Nevertheless, the session allowed an opportunity for participants to have access to the document, ask questions and voice their views to the Banks and for the Banks to clarify the MWRAS and learn of the participants' views. For these reasons, the conveners and the participants appreciated the participation of the Banks in the Dialogue.
34. While the conveners agree in principle that “[p]ublic involvement is increasing, and it will be important to approach this with two-way dialogue and fact-based communication (para 72),” that “community participation should be made systematic, networks across the region should be built, regional grassroots organizations should be structurally involved (para 99),” and that “regional civil society workshops should be mainstreamed (para 100),” we insist that **the involvement has to be meaningful and not merely a token involvement.** The lack of follow up actions from the WB to implement the recommendations made by participants of the civil society consultation in 2004 serves to undermine the previous understanding that the Banks will take the civil society involvement seriously.
35. **Consultation has to be of high-quality** in order to yield meaningful results. The release of related documents well in advance (as per the Banks' disclosure policies) is required so that participants can have sufficient time to study them and participate meaningfully in the consultation. In addition, as language is a barrier to many peoples' participation, the Banks should ensure that at least document summaries are translated into local languages in advance of a consultation. National consultations should be in the national languages. Rationales, status and implications of each of the MWRAS-related documents should be made clear to the public. They include all the documents mentioned in para 5 above and the documents listed in Annex I. Sufficient time has to be allocated for the consultation duration itself. Likewise, sending a few Banks' representatives to attend the consultation throughout is a way to express the Banks' commitment to the consultation.
36. **Related documents have to be made public.** In addition to the strategic documents listed in para 5 above, other documents relevant to the programmatic focal areas of the MWRAS should also be made public. They include, for instance, S. Seyama, *Inception Report: Scoping Study on Lao-Thai Joint Water Management and Development*, June 2006, in Annex I and the feasibility study for the 3S area produced by Cowi, a Danish consulting firm.



37. Recalling that after the first civil society consultation workshop on MWRAS in December 2004, the WB did not support any further consultation despite the strong recommendation from the participants to do so, doubt rises as to whether the Banks will actualize community and CSOs involvement in the MWRAS implementation. Similar doubts apply to the principles related to social values, equitable benefit sharing and the avoidance of environmental impacts outlined in the MWRAS. It is now critical for the Banks to **build concrete mechanisms and measures to ensure that the civil society involvement will be continued and built into the preparation, implementation, monitoring and assessment of the MWRAS process.** The convenors affirm the recommendations made by the participants at the civil society consultation workshop on MWRAS held in Vientiane in December 2004.
38. As proponents of the MWRAS, **the WB/ADB should be responsible for the cost of the consultation. But the consultation activity should be organized by a third-party organization or a coalition of them,** which is accepted by all key stakeholders, to ensure impartiality of the consultation.

Notes

- ¹ The Mekong Water Resources Assistance Strategy (MWRAS) is, since mid 2006, also being referred to as the Mekong Water Resources Partnership (MWARP). At the time of writing this letter both acronyms are being used. To avoid repetition this letter uses MWRAS.
- ² Asit K. Biswas, President of International Water Resources Association and President of Third World Centre for Water Management, recently questioned the whole concept of IWRM, particularly as it pertains to developing countries, and its ability to deliver the outcomes as described in the general documents produced by the Global Water Partnership (GWP). For a provocative critique, see Biswas AK (2004) 'Integrated Water Resources Management: A Reassessment. A Water Forum Contribution' Water International 29 (2) 248-256.

Mekong Region Waters Dialogue

Co-Conveners

The World Conservation Union (IUCN)

IUCN is a Union of State and non-State actors with 83 State government members, 110 government agency members, and over 850 civil society organisation members. In Asia, the IUCN secretariat has country offices in Bangladesh, China, India, Lao PDR, Nepal, Pakistan, Sri Lanka and Viet Nam.

IUCN Asia's water work is concentrated on:

- Water for ecosystems, including environmental flows;
- Water for food, including irrigation;
- Water for energy, focused on hydropower; and
- Water for people, focused on livelihoods and governance.

As a diverse Union we search for ways to include knowledge from many different actors to inform water-related negotiations at different scales.

www.iucn.org/water www.waterandnature.org

Thailand Environment Institute

The Thailand Environment Institute (TEI) is a non-profit, non-governmental organisation that has been active in tackling environmental problems and conserving natural resources at the grass-roots, national, regional and international levels. TEI works in partnership with multi-stakeholders to create policy impacts as well as changes on the ground in several areas, including environmental governance, urbanisation, environmental education, eco-labelling, energy conservation, climate change, clean technology, forest conservation and cultural environments.

Together with the World Resources Institute in the United States and the Centre for International Co-operation and Peace (CICP) in Cambodia, TEI has initiated the Regional Environmental Forum, a regional civil society network, the objective of which is to advance sustainable development in mainland South-East Asia. In recent years, TEI has implemented The Access Initiative (TAI) in order to promote public access to information, decision-making and justice. TEI serves as the TAI Core Team for East Asia.

www.tei.or.th www.accessinitiative.org www.pp10.org

IWMI – International Water Management Institute

IWMI is a non-profit scientific organisation funded by the Consultative Group on International Agricultural Research (CGIAR). IWMI's research agenda is organised around four priority themes - land, water, livelihoods, health and environment. The Institute concentrates on water and related land management challenges faced by poor rural communities related to nutrition, livelihoods and health, as well as the integrity of environmental services on which these depend. IWMI works through collaborative research with partners in the North and South, to develop tools and practices to help developing countries eradicate poverty and better manage their water and land resources. The target groups of IWMI's research are the scientific community, policy makers, project implementers and individual farmers.

www.iwmi.org

M-POWER – Mekong Program on Water Environment & Resilience

M-POWER aims to help democratise water governance and support sustainable livelihoods in the Mekong Region through action research. Activities are undertaken throughout mainland southeast Asia including major river basins such as the Irrawaddy, Salween, Chao Phraya, Mekong, and Red as well as other smaller basins.

Water governance involves negotiating decisions about how water resources are used. Benefits and risks—both voluntary and involuntary—are redistributed by such decisions.

Democratisation encompasses public participation and deliberation, separation of powers, trust in public institutions, social justice, protection of rights, representation, decentralisation, and accountability. Rather than assuming, however, that a single political model fits all social and resource contexts, our action research intends to aid diverse societies adaptively reform water governance. M-POWER's research program is carried out by multi-country research teams organised around a set of comparative and regional studies and governance themes. Key financial support is provided to the network by the CGIAR Challenge Program on Water and Food with funding from Echel-Eau and the International Fund for Agricultural Development (IFAD).

www.mpowernet.org