

**The International Forum on  
Integrated Water Resources  
Management of the  
Mekong River Basin**

**28-29 November 2005  
Chiang Rai, Thailand**

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

**Perspectives By  
Dr. George E. Radosevich**

**Important Dates & Events**  
**in the History of**  
**Cooperation in the Lower**  
**Mekong River Basin**

- 9/1957: Statute of the  
Committee For Co-Ordination Of  
Investigations Of The LMB**
- 1970: Indicative Basin Plan**
- 1/1975: Joint Declaration of  
Principles for the Utilization of  
Waters of LMB**
- 1978: Declaration of the IMC**
- 1987: Revised Indicative Basin Plan**
- 12/1992: Kuala Lumpur Joint  
Communiqué**
- 1993-1994: Negotiations for a New  
Mekong Agreement**
- 4/1995: Mekong Agreement  
On The Cooperation For The  
Sustainable Development Of the  
Mekong River Basin.**

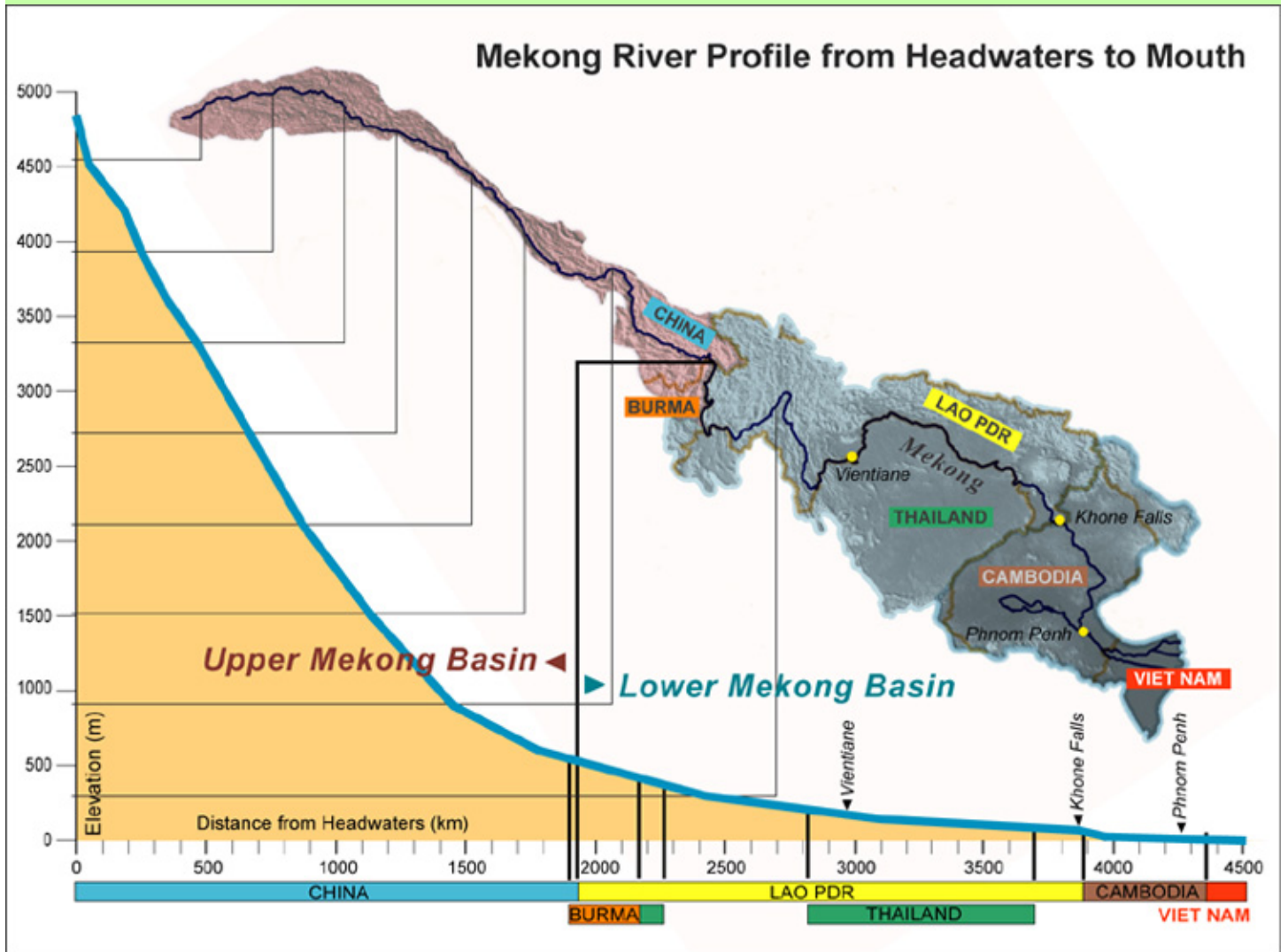
# Pre-MA Important IWRM Events

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

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

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

# Mekong River Basin



Longitudinal river profile of the Mekong River from source to delta

# Kaegbo Snow Mountain, Yunnan



# Underlying Expectations

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

## **MWG**

### **Negotiating Principles:**

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

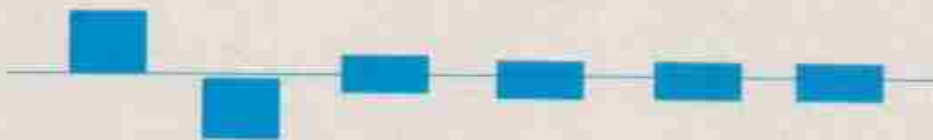
## **MWG**

### **Negotiating Process:**

- 1. Mekong Working Group**  
**Five Formal Meetings**
- 2. Technical Drafting Meetings**  
**Two informal Meetings**
- 3. National Meetings of SLA**
- 4. Highest acceptable common denominator in agreeing**
- 5. Process funded by UNDP**
- 6. Oct. 92-Nov. 94**

SUMMARY OF  
**THE MEKONG AGREEMENT:**  
MEMBER REQUIREMENTS FOR  
MUTUAL COOPERATION--OPTIONS

**NO WIN/ NO EQUITY**  
**Not Acceptable**



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**PARETO OPTIMUM**

**Minimum Requirement**



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**WIN/WIN CONDITION**

**At The Heart of the  
Agreement**



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**SUPERFAIRNESS**

**Highly Desirable**





AGREEMENT  
COOPERATION  
SUSTAINABLE

ON THE  
FOR THE  
DEVELOPMENT

OF THE  
**MEKONG RIVER BASIN**

**MEKONG WORKING GROUP - V**

HANOI, VIET NAM 28-29 November 1994

(Cambodia, Laos, Thailand, Viet Nam)



***AGREEMENT  
ON THE COOPERATION FOR THE  
SUSTAINABLE DEVELOPMENT  
OF THE MEKONG RIVER BASIN***

**Chapter I. Preamble**

**Chapter II. Definition of Terms**

**Chapter III. Objectives & Principles of  
Cooperation**

**Chapter IV. Institutional Framework**

**Chapter V. Addressing Differences and  
Disputes**

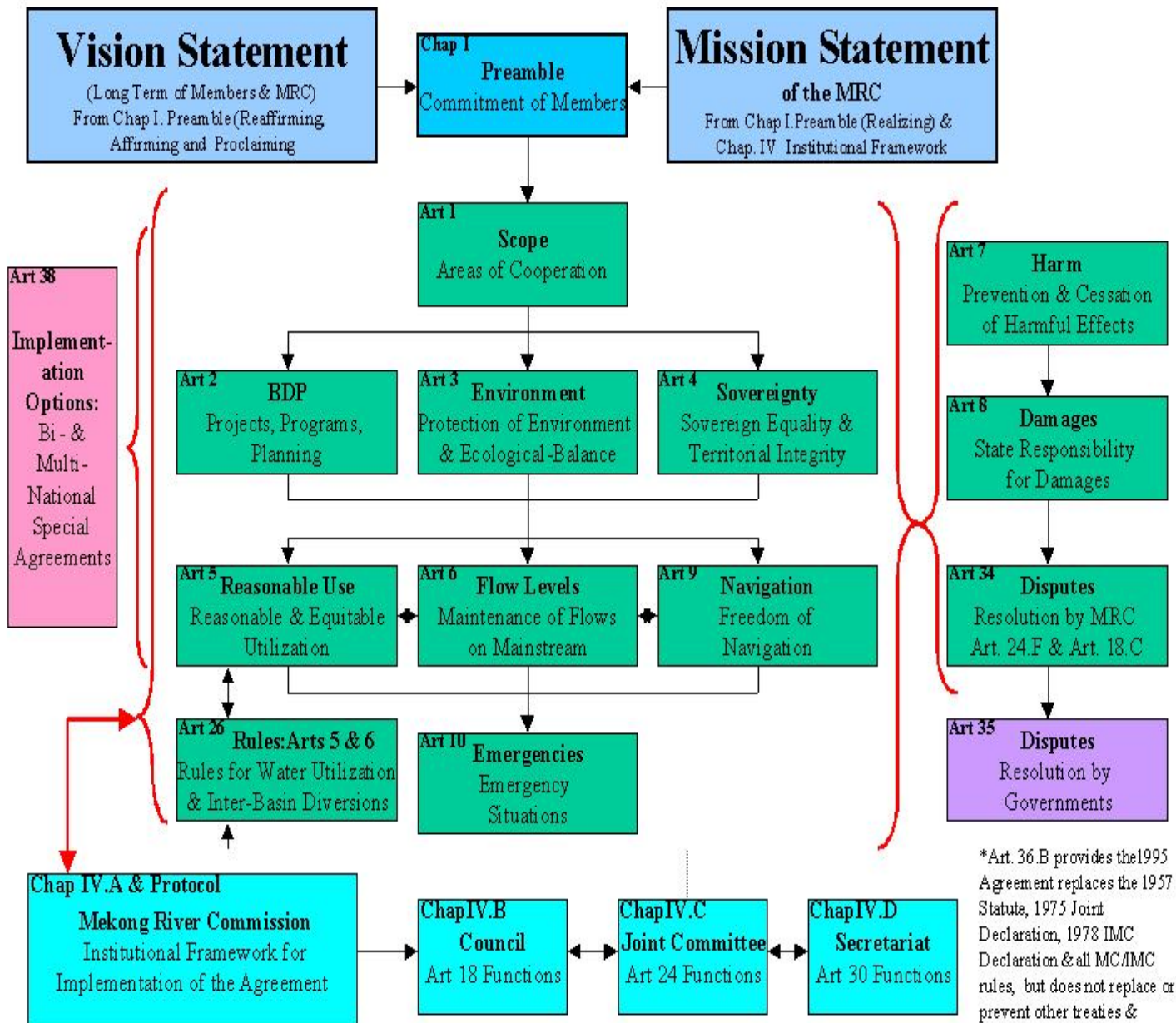
**Chapter VI. Final Provisions**

**[42 Articles in the 6 Chapters]**

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

**Signed by the Governments of  
Cambodia, Laos, Thailand and Viet Nam  
on April 5, 1995 at Chiang Rai, Thailand**

# The MEKONG AGREEMENT of 1995\*



\*Art. 36 B provides the 1995 Agreement replaces the 1957 Statute, 1975 Joint Declaration, 1978 IMC Declaration & all MC/IMC rules, but does not replace or prevent other treaties & agreements are consistent with the 1995 Agreement

**DRAFT 5/95**

**AGREEMENT  
ON THE  
COOPERATION  
FOR THE  
SUSTAINABLE  
DEVELOPMENT  
OF THE  
MEKONG  
RIVER BASIN**

**\* COMMENTARY & HISTORY \***

**PREPARED BY  
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MWG SENIOR ADVISOR/UNDP**

**1995**



# IWRM & MA '95

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

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

# Mekong Agreement '95

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

- **Title**
- **Chap 1. Preamble – cooperate & promote in mutually beneficial manner, for sustainable development of water and related resources, for social and economic development & include environment protection & ecological balance; promote interdependent sub-regional growth for regional benefits derived and detriments avoided.**
- **Chap 2. Definition of “Agreement”**
- **Chap 3. Objectives & Principles 1-6 & 9**
- **Chap 4. Institutional Framework – the who and how of the “process”**

# Post-MA Important IWRM Events

**1997 – UN Convention on the Law of Non-navigable Uses of International Watercourses:** ILC started in 1957, UN adopted 5/97, 12 countries ratified with 8 signatories – as of 6/04 not yet in effect.

**2000 – MDG** (U.N. Millennium Summit) Millennium Declaration - 8 MDGs mostly targeted for 2015.

**2002 – WSSD** (World Summit on Sustainable Development, Johannesburg) Plan of Implementation to achieve sustainable development per Rio principles and Agenda 21 and U.N. MDGs. Integrate three pillars of sustainable development; promote good governance, social equity, public-private partnerships, water and sanitation services, and poverty reduction; integrated water resources management and water use efficiency plans by 2005

**2002 - WSSD (WEHAB)** The WEHAB initiative proposed by UN Secretary-General with focus for action in five key thematic areas of water, energy, health, agriculture and biodiversity integral to a coherent international approach to implement sustainable development.

**2003 - WWF3** (World Water Forum, Kyoto) Recommendations were made in six areas including integrated adaptive management of land, mountain, forest and water resources and demand water management; mainstreaming water master plans, at basin level, preparation of IWRM plans by 2005

**11/2003 – Chiang Mai Ministerial Declaration**

**Chiang Mai Ministerial**  
**Declaration**  
**on Managing Water**  
**Resources in Southeast Asia**

**21st November 2003**

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

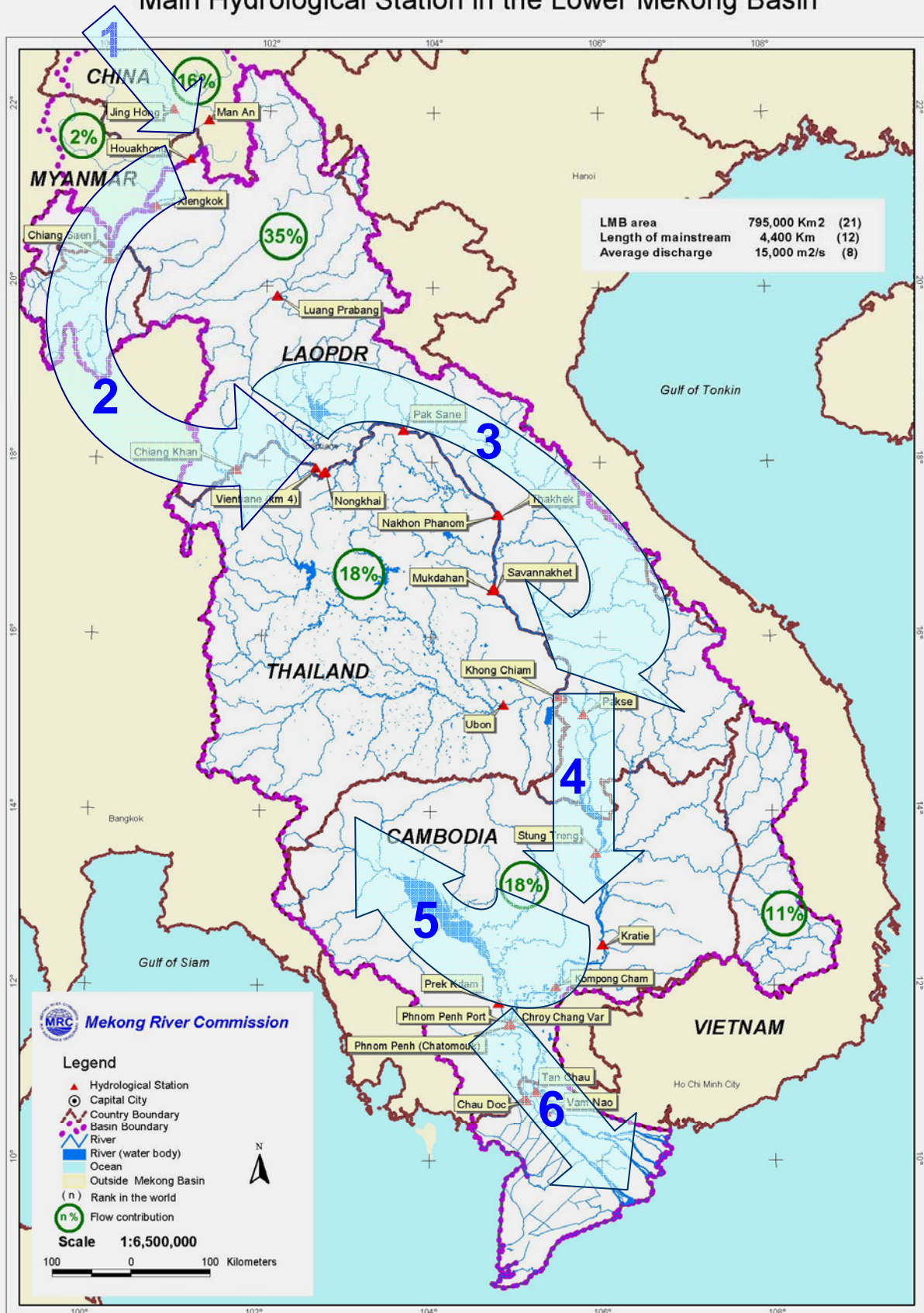
Adopted the following Guidelines:

- Implementation of the Integrated Water Resources Management (IWRM) by using the river basin approach including conjunctive use of surface and ground water as a starting point;
- Promotion of the national policy towards increasing investment levels in achieving the Millennium Development Goal (MDG) and the World Food Summit Goals in relation to effective water management;
- Encouragement of legal frameworks/guidelines for water allocation supported by good governance



Figure 2 Major geographical river reaches in the Lower Mekong Basin

Main Hydrological Station in the Lower Mekong Basin



# Manwan Dam, Yunnan



# In Conclusion

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