

Cultures of regulation, river basin organisations and IWRM in the Mekong River Basin

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IWRM: prescription or assessment/critique?

- IWRM as an end in itself?
- Or IWRM for...?
- IWRM as a critique of...
 - Uncoordinated
 - Fragmented
 - Unregulated

Water resource management

Fragmentation and river basins

- Geographical and political fragmentation
- Sectoral and bureaucratic fragmentation
- Scalar fragmentation
- Societal fragmentation
- Legal fragmentation

Integration and regulation

- Integration is the antithesis of fragmentation
- Legacies of fragmented river basin management
- Legacies of unregulated river basin development
- Integration and regulation in the Mekong: an opportunity and a challenge

Examples of regulation for IWRM

- EIA
- Water sharing rules (licenses, territorial / sectoral allocations, etc)
- Environmental flows
- Minimum flows
- Criteria for screening/planning/prioritising projects
- “do no harm” principles/ethos
- Redress for harm done
- etc

Regulation in the Mekong

- Two reasons to baulk at regulation:
 - Sovereignty questions
 - Development questions
- Regulation and rules
 - Legal
 - Bureaucratic
 - Social practices
 - International agreements
- Regulation and the triple bottom line
 - Efficiency and prosperity (economy)
 - Social justice (society)
 - Sustainability (environment)

Cultures of regulation

- Diplomatic cultures
- Country cultures
- Local cultures
- Legal cultures
- Bureaucratic cultures
- Civil society cultures
- Developmental cultures

Regulation and MRC

- Is the 1995 Agreement a regulatory document?
- Is the MRC a regulatory institution?
- Regulation and development planning: BDP
- Regulation and water sharing: WUP
- Regulation and environmental goods: EP
- Can MRC be seen as an IWRM agency without commitment to regulation?

Concluding points

- Unregulated river basin development has historically been economically inefficient, socially unjust and environmentally unsustainable
- IWRM implies coordination and agreed limits; limits usually imply hard or soft rules; rules imply regulation
- MRC already has regulatory instruments, but they are not yet applied
- Regulation is still only partly understood and tends to be avoided in polite discussion
- More thinking and open discussion is required about the role of regulation in managing the Mekong River as a shared resource

