Mekong Water politics Role Play

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1. Introduction

1.1 Mekong physical characteristics

The Mekong River is one of the world’s greatest river systems. It flows approximately 4,909 km through three provinces (Qinghai, Xizang and Yunnan) of China, continuing into Myanmar, Lao PDR, Thailand, Cambodia and Vietnam before emptying into the South China Sea. The basin of the Mekong River drains a total land area of 785,471 km$^2$ from the eastern watershed of the Tibetan Plateau to the Mekong Delta. More than 80 million people depend upon the Mekong River for resources ranging from drinking water, fishery, transport, and irrigation to the fertile land and forest products of its basin area. However, the utilization rate within individual countries varies dramatically ranging from Thailand (32.1%), the highest, to Cambodia (0.1%), the lowest. This rate reflects huge differential development process among the Mekong countries. From the population distribution perspective, the riverbank is the most suitable place for people to live. The lowest population density is 36.26 persons/ km$^2$, which means all the six countries and people heavily rely on the rich resources of this river as a source of social and economic development.

Table 1. Area, Discharge and Population of Mekong Basin

<table>
<thead>
<tr>
<th>Country (With national available water being utilized)</th>
<th>Area (km$^2$)</th>
<th>Discharge (km$^3$)</th>
<th>Population</th>
<th>Population Density (persons/km$^2$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>China (19.3%)</td>
<td>171,363(21.82%)</td>
<td>90(18.60%)</td>
<td>8,810,800(10.18%)</td>
<td>51.42</td>
</tr>
<tr>
<td>Myanmar (0.4%)</td>
<td>27,581(3.51%)</td>
<td>10(2.07%)</td>
<td>1,000,050(1.16%)</td>
<td>36.26</td>
</tr>
<tr>
<td>Laos , People's Democratic Republic of (0.8%)</td>
<td>197,254(25.11%)</td>
<td>176(36.36%)</td>
<td>8,639,810(9.99%)</td>
<td>43.80</td>
</tr>
<tr>
<td>Thailand (32.1%)</td>
<td>193,457(24.63%)</td>
<td>78(16.12%)</td>
<td>35,711,700(41.28%)</td>
<td>184.60</td>
</tr>
<tr>
<td>Cambodia (0.1%)</td>
<td>157,831(20.09%)</td>
<td>97(20.04%)</td>
<td>16,793,300(19.41%)</td>
<td>106.40</td>
</tr>
<tr>
<td>Vietnam (2.8%)</td>
<td>37,986(4.84%)</td>
<td>33(6.82%)</td>
<td>15,564,900(17.99%)</td>
<td>409.76</td>
</tr>
</tbody>
</table>
1.2 Mekong water politics

Since 1957, Four lower basin countries, namely Thailand, Cambodia, Laos and Vietnam, which contribute nearly 80% of the total river discharge, began to cooperate in managing the Lower Mekong basin through the “Committee for the Coordination of Investigations of the Lower Mekong Basin” or the “Mekong Committee” (a forerunner of the Mekong River Commission) under a statute supported by both the UN Economic Commission for Asia and the Far East (ECAFE) and the United States. The committee focuses on the development of a cascade dam system for hydropower purposes. In 1978, as the political situation in the region deteriorated, Cambodia withdrew from the Mekong cooperation and the Mekong Committee transformed to the Interim Mekong Committee. From then to the early 1990s, Mekong development was stunted due to political turmoil in the region. In early 1990s, the four lower riparian countries, Thailand, Cambodia, Laos and Vietnam, again banded together. After 21 months of negotiations, the four countries signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (MRC agreement) in Chiang Rai in Thailand on 5th April 1995. And at the same time, the Mekong River Commission was established.

At the turn of the Millennium, there exist more than ten international initiatives specialized in development or protection of Mekong water in this region. Most are nongovernmental organizations (NGOs) such as Mekong Regional Law Center (MRLC), Mekong Watch Japan, Imaging Our Mekong, Living River Siam, Mekong Programme on Water, Environment and Resilience (M-POWER), Save the Mekong etc., Whereas Mekong River Commission (MRC) is the only regional intergovernmental organization mandated by the international treaty with a clearer task of managing the Mekong River Basin among the four lower Mekong countries (China and Myanmar are observers only). The creation of a separate organization which keeps the MRC from interfering is a reflection of emergency of integrated management along the Mekong River. It puts lots of pressure--- the member countries would escape from MRC regulations--- on MRC if the MRC would not reform its mechanism.
After taking office in 2009, former US President Barack Obama showed a strong interest in Southeast Asia and made a high-profile "return" and launched a series of measures to strengthen his presence in Southeast Asia. During the Obama administration, under the guidance of the Asia Pacific rebalancing strategy, the United States gradually increased its political influence on Mekong River. During Trump's administration, although the United States tried to shrink on issues such as global environmental protection and climate change, its involvement in water politics in hot spots has not been reduced. The Biden government continues the Mekong-US partnership of the previous government and continues to support the governments and local communities in the Mekong region.

The Friends of the Mekong (FOM) was launched in July 2011. It is a multinational effort intended to create integrated sub-regional cooperation among Cambodia, Laos, Myanmar, Thailand, Viet Nam, and the United States. It is an important convening platform and mechanism to improve donor coordination in programming development assistance in the Mekong sub-region. Participating FOM members include Australia, Japan, New Zealand, the European Union, Asian Development Bank, and World Bank.\(^1\)

Under such circumstances, the Mekong-Lancang Cooperation (LMC) mechanism proposed by China was formally established in November 2015. The LMC aims to promote the socio-economic development of the Mekong Sub-region, narrow the development gap and promote the all-round cooperation between ASEAN and China. Members include Cambodia, China, Laos, Myanmar, Thailand and Vietnam - all countries along the Mekong River. The cooperation will focus on three pillars (political and security, economic and sustainable development, and social and people-to-people communications) and five key areas (connectivity, production capacity, cross-border economy, water resources, agriculture and poverty reduction).\(^2\)

By March 2021, the LMC had held three leaders' meetings, five foreign ministers' meetings, seven senior officials' meetings and 10 joint diplomatic working group meetings.\(^3\)

1.3 Role Play Rational

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1. [https://mekonguspartnership.org/partners/fom/](https://mekonguspartnership.org/partners/fom/)
2. [http://www.lmcchina.org/2017-12/08/content_41448201.htm](http://www.lmcchina.org/2017-12/08/content_41448201.htm)
On Dec 21st, 2021, the students from the class International Water Politics of HNC conducted a simulation of “Lancang-Mekong Cooperation Working Group Meeting”. The negotiation is designed to discuss the principles of the Declaration of Water Use under Lancang-Mekong Cooperation. Students are assigned roles as the representatives from the Lan-Mekong River riparian countries and international non-governmental organizations to discuss and modify the drafted 8 principles, the details are shown below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing the Country/Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>JIA Jiameizi @Beijing, China</td>
<td>UNEP (moderator)</td>
</tr>
<tr>
<td>HAN Xiaotian @ Nanjing, Jiangsu, China</td>
<td>China</td>
</tr>
<tr>
<td>Brooks, Daniel @ Saint Louis, MO, USA</td>
<td>Myanmar</td>
</tr>
<tr>
<td>Rose, Nathaniel @ Salt Lake City, UT, USA</td>
<td>Laos PDR</td>
</tr>
<tr>
<td>Hand, Stephanie @ Coalinga, CA, USA</td>
<td>Thailand</td>
</tr>
<tr>
<td>Tanos, Eljoy @ Silver Spring, MD, USA</td>
<td>Cambodia (Also the CEO of MRC)</td>
</tr>
<tr>
<td>Sorenson, Hannah @ Minneapolis, MN, USA</td>
<td>Vietnam</td>
</tr>
<tr>
<td>McGleam, Hailey @ Chicago and Taiwan</td>
<td>Friends of Lower Mekong (FLM)</td>
</tr>
<tr>
<td>JIANG Zhoujin @ Nanjing, Jiangsu</td>
<td>Observer and time keeper</td>
</tr>
<tr>
<td>WANG Zhijian @ Nanjing, Jiangsu</td>
<td>Instruction</td>
</tr>
</tbody>
</table>

Students have diverse academic backgrounds (Asian and Chinese studies, jurisprudence; international politics and economics; environmental politics and policy; water governance etc.) and different understandings of the relationships among water and politics, economy, environment and society. They live in diverse backgrounds, from humid and rainy areas (Nanjing, Chicago, etc.) to arid and semi-arid areas (background, Utah, California); therefore, they have different understandings of water.

Considering the coordination and environmental-related work UNEP has been doing in recent years, as well as China as an initiator of LMC, the representative from UNEP (JIA Jiameizi, PhD student of UCASS, Chinese nationality) and the representative of China (Han Xiaotian, Chinese nationality) drafted 8 principles of the declaration based on the principles of international law. All the representatives of downstream Mekong Countries as well as FOM
(Students of HNC, all American Nationality) are requested to state their positions and the opinions regarding the drafted principles, particularly on a list of specific consensuses the nations reached, such as how the principles should be modified, what states must do, what states may or may not do, and what states may do only when certain conditions apply. The simulation was designed to have 2 rounds of discussions to encourage all the representatives to address their positions based on their roles. This series of essays contains the analysis and the negotiation strategies from all the representatives to present their ideas.

2. General Principles with comments proposed by China

(Author: HAN Xiaotian from HNC)

China and the five Mekong River countries are long-standing friends, natural partners and close neighbours. Yet for the nascent Lancang-Mekong Cooperation (LMC) mechanism to grow strong, we shall act in accordance with the following general principles:

2.1 Sovereign Equality of States

All six countries have equal status in international law, regarding the territorial integrity and sovereignty of natural resources.

Comments: All the six countries have equal status in international law, regarding the territorial integrity and sovereignty of natural resources. They have equal voting rights.

2.2 Cooperation

The principle of cooperation between Lancang-Mekong countries on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection and conservation of the Lancang-Mekong River and to promote joint efforts to achieve social and economic development.

Comments: The principle of cooperation between Lancang-Mekong countries on the basis of sovereign equality, territorial integrity, mutual benefit and good faith exists in order to attain sustainable water development and utilization, hydrological data and information sharing, adequate water protection and environmental conservation, and conflict resolution of water rights of the Lancang-Mekong River and to promote joint efforts to achieve social and economic development.
2.3 Equitable and Reasonable Utilization
The principle of equitable and reasonable utilization of the waters of the Lancang-Mekong River System.
Comments: The principle of equitable and reasonable utilization is built upon no significant harm to the waters of the Lancang-Mekong River Stem Stream. Compensation shall be planned whereby inequitable and unreasonable is found.
Not cause significant harm should as the premise of fair and reasonable utilization, and make compensation to the institutions opposed to the resolution. The scope of the resolution is limited to the mainstream of the Mekong River, not the Mekong river region.

2.4 Hydrological Information and Data Sharing
Hydrological data, metadata, and information should be openly shared among Lancang-Mekong institution, subject to national or international jurisdictional laws and policies.
Comments: It should be persistence that hydrological information is the principle of national secret.

2.5 Water Protection
Water protection in areas of hydrological disaster prevention, minimum discharge maintenance of Lancang-Mekong mainstream, coordination among dams on Lancang-Mekong mainstream.
Comments: There should be coordination among water-related projects on Lancang-Mekong mainstream, not just dam.

2.6 Household Water Consumption Right within Territories
The basic household water consumption shall be protected within territories.
Comments: The basic household water consumption shall be protected within the Mekong Basin.

2.7 Majority Voting Mechanism
Lancang-Mekong Cooperation shall adopt all the drafted resolution by the majority vote (4 votes). Once approved, meeting minutes become a legal bylaw after 1 month without abjections; all parties shall act in accordance with the bylaw.
Comments: One country or NGO, one vote. All six countries have equal voting rights, which constitute 90% of total voting rights. Other funding NGOs share the remaining 10% voting rights proportionally to the funding. All drafted resolution shall pass by 60% of the vote.
2.8 Establish Lancang-Mekong Cooperation Organization

In order to form the Lancang-Mekong Cooperation Organization, each party shall send 3 representatives (a foreign affair representative, an environmental representative and a hydrological representative) to the institution. The LMCO welcomes third-party observer agencies to join. All parties shall share the funding for LMCO equitably.

Comments: All parties shall share the funding for LMCO equitably?

Establish the General Representative Conference

The General Representative Conference is the highest policy-making body. Each country and funding party shall send 3 representatives (a foreign affair representative, an environmental representative and a hydrological representative, electrical representative) to the institution.

3. Respond from the Lower Mekong Countries and FOM

(Author: Daniel Brooks Representing Myanmar, Nathaniel Rose Representing Lao PDR, Stephanie Hand Representing Thailand, Eljoy Tanos Representing Cambodia and MRC, Hannah Sorenson Representing Viet Nam, Hailey McGleam Representing FOM, All HNC Students)

3.1 sovereignty: is sovereignty the main focus or not?

Myanmar’s Tatmadaw government agrees to the fundamental principle that all nations have equal status in international law and firmly opposes any entities, be they governments or international companies, from interfering with Myanmar’s internal politics, i.e. by arranging hydro projects in collaboration with separatist elements or rebel ethnic groups in Myanmar’s border provinces.

Lao PDR upholds this principle as written. Lao PDR would also like to clarify that while the participation of NGOs and other non-governmental groups is appreciated, sovereignty is a right reserved for states.

Thailand: a. Thailand agrees with this concept. Principle 21 of the 1972 Stockholm Declaration claims that, “states have in accordance with the Charter of the United Nations and the principles of environmental law, the sovereign right to exploit their own natural resources pursuant to their own environmental policies, and the responsibility to ensure that activities...

1 The congress is the most important decision-making body. Only six countries and investment institutions can send representatives to form the congress.
within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.” (Dinar, 152)

b. The Sanakham Dam located in Laos near Thailand is an impediment to Thai sovereignty, posing a strong threat to civilian livelihood including agriculture and fisheries in Thailand.

Cambodia believes *national ownership* is the prerequisite for long-term sustainability of regional projects and initiatives. Therefore, Cambodia supports this principle and wishes for the principle of sovereignty to be adhered.

Viet Nam recognizes and wishes to preserve the sovereign equality of states, including territorial integrity and sovereignty of natural resources.

FOM: Acknowledge that this can include how one country affects another (water output affects overall Mekong ecosystem with dams, pollution, etc. /…….) . Then will agree.

3.2 Cooperation:

Myanmar takes no issue with this principle.

Lao PDR generally upholds this principle on the following bases

- Territorial integrety, plus principle 1, means that LAO PDR has claims to develop it’s *Mekong resources*.
- Mutual benefit could mean benefit sharing. Benefit Sharing means that Lao PDR has markets for the hydropower generation it is creating
- Joint efforts for development mean that countries can help finance Lao PDR projects. *Shared benefit; shared cost*.

Thailand: a. agrees with this principle. Laos and Thailand have cooperated on many hydrological projects with Thailand financing projects and benefiting from a portion of energy produced in Laos. As we aim to become increasingly environmentally conscious, however, we are worried about Laos’ increased dam production, especially the Sanakham Dam, a joint venture between China and Laos located near the Laos-Thailand border. While cooperation can help foster trust, it should not be done at the expense of other riparian countries

b. Thailand encourages the continuation of multilateral research, education and technology sharing programs. For example, the “Master Program on Youth Talents for Lancang-Mekong Water Recourses Cooperation” and the “Joint Assessment on the Current Status of Flood and
Drought Management in the Mekong River Basin (Phase 1)” project sponsored by the LMC fund.

**Cambodia** agrees with the practical cooperation due to LMC’s compatibility and complementarity with the existing regional mechanisms, including the South-South Cooperation, which refers to development cooperation and mutual support between developing countries.

In addition, Cambodia encourages the LMC to build synergies with existing regional mechanisms such as the MRC and GMS. Although the LMC includes sustainable management of the Mekong River, it hasn’t been clear how its work in this area will complement that played by the MRC. In order to promote good governance and strengthen institutional capacity, cooperation learning from existing regional mechanisms is necessary.

Lastly, Cambodia requests to define “joint efforts” and whether it includes multi-national management of hydropower and other water-related projects (perhaps in a separate meeting).

**Viet Nam** agrees to the principle of cooperation as stated above. Per the 1995 Agreement on the Cooperation for Sustainable Development of MRB (Thailand, Lao PDR, Cambodia, Viet Nam), Viet Nam supports the Lao PDR delegation’s request to specify benefit-sharing in hydropower development. Furthermore, Viet Nam would like LMC countries commit to formulating an Agreement on the Cooperation for Sustainable Basin Development that is inclusive to all LCM parties. The Vietnamese delegation likewise supports Civil Society Organization (CSO) observation of and participation in the cooperation process, but will not support voting power for CSOs.

**FOM:** We need to be more specific, conservation of the Lancang-Mekong River ecosystem, otherwise it provides legal loopholes to what is considered adequate protection. But overall, I agree.

3.3 Equitable:

**Myanmar:** So long as implementation of this concept takes into account all relevant factors and circumstances of involved states, including weighing and balancing the competing, albeit reasonable interests of states, including need for access to electricity for poor populations, Myanmar agrees.

**LAO PDR position:** equitable does mean some form of compensation
- Hydropower dams have a lot of storage capacity: battery of SE Asia doesn’t necessarily mean electricity
- There is an inherent trade-off between economic utility of water (as an input itself) and utility of electricity
  - Proposal: countries with hydodams can be compensated for letting water flow
    - What price?
      - Compromise: current spot price of electricity
      - Other potential: run through generator: price before revenue generated from sub-optimal flow

**Thailand:** a. The 1997 UN Convention of the Law of the Non-Navigational Uses of International Watercourses states in Article 7 that “…states shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse states.” (Dinar, 153)

  b. Currently, there is no existing written equitable water sharing agreement between China and lower riparian countries. Additionally, climate change and fluctuations in water availability should be taken into consideration.

**Cambodia** believes that the LMC will help to create strong political will and mutual trust necessary to solve environmental challenges and nontraditional security threats facing the Mekong sub-region. Thus, Cambodia believes that every member who agrees to this principle will strive for a balance between national interests and basin-wide needs. Therefore, Cambodia has no recommended change for this specific principle.

**Viet Nam:** In accordance with figures provided by the MRC secretariat (or new research conducted by LMC), Vietnam would like to suggest that this principle specifically identifies the average or expected resources per each country. As of July 2020, MRC’s figures suggest that of the river’s mean annual discharge (475 km3); approximately 17% is contributed by China, 1% by Myanmar, 41% by Lao PDR, 15% by Thailand, 19% by Cambodia, and 8% by Viet Nam. Viet Nam would like to embed in this principle the acknowledgment that each country is entitled to their approximate percentage of annual discharge, such that in severe drought conditions lower riparians are not without resources. Decision-making based on percentage also enables us to
adjust for lesser or greater annual flows, such that water shortages in any one country are not immediately blamed on another, and we may therefore continue to respect each other’s sovereign use of basin resources as well as seek to cooperate, meet needs, and support the entire basin’s growth (per principles 1-3).

**FOM**: Human development will lead to disruption of the Mekong environment as it already is, so utilization should be fair. Research into methods of resilience thinking should be highlighted.

### 3.4 Data Sharing: to what extent?

**Myanmar** Agrees;

**Lao PDR**: Agreed BUT China must also share its data

- Support the Thai position: must be some sort of binding commitment from China
  - Strike down the “subject to national.. laws” clause
    - *National laws must be changed to facilitate information sharing*
  - Why this position?
    - LAO PDR doesn’t want to get blamed for China’s lack of water.
      - Open data makes it so that blame can be spread to China
      - Open Data would be consistent with broader goal of creating water/energy market

**Thailand**: agrees with this principle. *On October 22, 2020 China agreed “to provide the MRC with year-round hydrological data, contributing to better river monitoring and flood and drought forecasting in the Mekong countries.”* We believe this is a vital step in fostering multilateral relations and ensuring the continued development of lower riparian countries.

**Cambodia** believes that transnational data sharing is an important factor of building mutual trust and sustainable cooperation. Therefore, the Cambodia supports this principle of data sharing.

**Viet Nam** supports the amended principle (*as written above*). Viet Nam likewise supports Thailand’s request that all riparians conduct comprehensive and coordinated research on the
impact of damming today and would like to expand the request to include construction of new
dams.

**FOM:** Agree

### 3.5 Protection: is it dominant value?

**Myanmar** agrees so long as benefit-sharing arrangements are arranged with all riparian
countries.

**Lao PDR:** coordination with compensation

**Thailand:** a. Lower riparian countries chronically suffer from droughts and flooding which
affect our agriculture, infrastructure and the livelihood of citizens. We all hope to continue to
benefit from a healthy Mekong River. We must thus focus our joint efforts on solving problems
such as climate change, increased natural disaster, pollution and stripping of nutrient rich
sediment from dams. While dams are necessary for the protection against floods, they can also
be harmful. It is thus necessary that both upper and lower riparian countries are transparent in
their river infrastructure projects and work hand-hand to develop more sustainable agricultural
and economic development methods.

b. In this vein, Thailand feels increasingly threatened by increased dam development in
Laos. As Laos strives to become the “Battery of Southeast Asia,” we worry that environmental
concerns are not being fully addressed. Economic development should not take precedence over
the health of our shared stream. Environmental concerns such as pollution caused by
construction, the stripping of nutrient rich sediment from dams that negatively affect our
fisheries and create a change in water flow should be taken in full consideration prior to dam
construction. Additionally, LMCO countries must possess the proper resources to properly
maintain their dams.

c. All infrastructure development on the Mekong River should receive at least four votes

**Cambodia** believes *that regional integration* is an important pathway towards narrowing the
existing development gap among the Mekong countries. For Cambodia, the main concern is the
management of *Mekong water resources*. The construction of hydropower dams on the main
river has caused significant damage to biodiversity and the quality and quantity of water flow
especially during the dry season, which in turn affects the livelihood and wellbeing of the local
people. Thus, Cambodia supports this principle with an emphasis on *coordination among dam
building*. 
**Viet Nam** agrees to principle of water protection and asks that it is expanded to include a coordinated year-round water release schedule along the entirety of the river so as to avoid both exacerbated drought conditions and *accidental flooding*.

**FOM:** There should be an agreement that no more main stem dams should be constructed, and even small dams because they often aren’t worth the environmental damage for the small amount of energy relatively that they provide. If dams are created, they need to be created with the highest standards and experienced companies. Strongly Disagree.

3.6 Water Right: How to define water rights? Is the water right within Territories or Basin? Does the water right belong to people or country?

**Myanmar** Agrees.

**LAO PDR:** no disagreement

- A practical reality: LAO citizens need to use the water

**Thailand:** a. agrees with this principle and would like to add the responsibility of China to assist lower riparian countries during times of drought. In other words, lower riparian countries should receive more water from China during times of drought. In the past, we have been denied assistance due to Chinese water shortage claims.

   b. The 1992 Dublin Statement on Water and Sustainable Development, states, in Principle 4, that it is the “basic right of all human beings to have access to clean water and sanitation at an affordable price.” (Dinar 153)

**The Cambodia** representative *encourages the principle to include that LMC member nations use the same calculation method* to calculate the basin household water consumption. This will help build trust within the information sharing system of the LMC.

**Viet Nam** supports this principle insofar as it complies with the *principle of sovereignty*. Viet Nam also firmly supports the MRC CEO’s request for countries to use the same standards in measuring sovereignty over water and reasserts the request to use average percentage proportion of Mekong discharge as a metric.

**FOM:** This also should explicitly state the inclusion of general water pollution with sediment, chemicals, and plastics. Agree
3.7 Voting Mechanism: 4 votes or 5 votes?

**Myanmar** supports the notion of a five-vote majority and opposes voting rights for outside observers.

**Lao PDR:** should be increased from 4 to 5

- Objections need to be clarified

**Thailand** agrees with this proposal.

**Cambodia** has no objection to this principle.

**Viet Nam** approves of the amended *five-vote majority* and firmly opposes *voting rights* for observing CSOs and NGOs.

**FOM:** Need to establish who will enforce resolution, since there is a strong imbalance of power due to China being the regional superpower. Otherwise, it will be worthless like the Kyoto Protocol. *Disagree due to the exclusion of FLM and other ENGOs and NGOs,* an independent body is important for ensuring fairness.

3.8 Organization: Fund Matters, Should NGO be engaged?

**Myanmar** approves of the 8th principle, and wishes for arbitration authority to be vested in the FLM organization to resolve disputes, and a provision to submit disputes to the ICJ should the FLM arbitration body prove insufficient.

**Lao PDR:** given the importance of hydropower to national economies and the health of the Mekong river itself, petition to add energy representatives to the institution.

**Thailand** requires greater clarification to the last statement that “All parties shall share the funding for the LMCO equitably.” We believe contributions should be made on a case-to-case basis taking into consideration financial restraints and economic development. Since China is far better off than fellow LMCO members, a greater portion of funding should thus come from China.

**Cambodia:** Since member countries have different levels of development and resources, Cambodia agrees with the “equitable” sharing of fundings. In addition, The Cambodia representative believes a further agreement and funding sharing should be discussed.
Viet Nam supports the eighth principle defining delegations and participation. Viet Nam asks participant countries to commit to building dispute resolution process, such that enforcement of LMCO agreement is not solely contingent upon extant international law.

**FOM:** Need to verify the reliability of the science representatives to ensure their fairness and honesty.

This is an important tenet of the agreement to include China, and although FLM is excluded from decisions, it’s *better to have at least some form of regional cooperation that includes China.* Amendments can be made in the future to include FLM when countries need more funding to development sustainably.

4. **Negotiation (Facility) Strategy**

4.1 China

**Author:** Xiaotian Han

The purpose of the Lancang-Mekong Cooperation Organization (LMCO) is to foster integrated river governance and cooperation in terms of sustainable water management, hydrological data and information sharing, ecological conservation and water rights dispute resolution, among China, Myanmar, Laos, Thailand, Cambodia and Vietnam. LMCO does not have a broad scope of cooperation like the Lancang-Mekong Cooperation, nor is it focused on coordinating aid programs among members like the Friends of Mekong, nor is it exclude Myanmar from the conversation like the Mekong River Commission. LMCO is dedicated to realizing the integrated river governance from theory to practice.

All international organization requires general principles. It is the foundation for cooperation as well as the guidance to general practice. The proposed LMCO principles need to support the initiation of integrated river governance as well as leave room for further modification. This paper proposed the following 8 principles.

**Sovereign Equality of States**
All six countries have equal status in international law, regarding the territorial integrity and sovereignty of natural resources. This is the most important principle because it recognizes the equal legal status of the six countries in LMCO, despite our differences in country size, population, resources, economics, culture and politics. Sovereign equality of the states guarantees the equal voting right among countries, and weighted voting rights for other members. In addition, Myanmar could be discriminated by other countries because they have unstable internal affairs and minimal water contribution to the Mekong River, this principle could prevent such unfair treatment toward each other. One emphasis on equality is the respect to the territorial integrity because many Mekong countries use the river as state boundary and the change of river could affect the territorial integrity. The other emphasis is the sovereignty of water as natural resources. In order to realize the integral river governance, we must recognize the nation’s sovereignty over its resources, thus the nation can participate in further water right resolution and trade. In conclusion, sovereignty is absolute but equality is relative.

Cooperation

The principle of cooperation between Lancang-Mekong countries on the basis of sovereign equality, territorial integrity, mutual benefit, and good faith exists in order to attain sustainable water development and utilization, hydrological data and information sharing, adequate water protection and environmental conservation, and conflict resolution of water rights of the Lancang-Mekong River and to promote joint efforts to achieve social and economic development. Poverty is an important index for social and economic development. The poverty index, Gross National Income per capita, and Gini Index are three commonly used indices for economic evaluation. However, theoretically, it is still unclear how hydro-management can promote social and economic development. Water right dispute will eventually resolved by specific clauses, the real conundrum is to define water right itself, but to include the word “water right” in the general principle is meaningful for the development of LMCO. Water protection and environmental conservation is interdependent, the problem is around environment damages by dam and other hydro-projects; but climate change,

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such as extreme El Nino, is also affecting the Mekong environment and dam is particularly useful in adjusting drought and flood. Thus we can use “Convention on Biological Diversity” as the foundation to define the purpose of environmental conservation on Mekong River or as a guide to restore the environment after completing any hydro-project. Water development and utilization cannot be realized without data sharing and information sharing, the data sharing procedures can be specified in further rules, but it is important to LMCO to include this notion. Sustainable water development is an ambiguous concept, but the basic requirement on sustainability is to do no more harm to water, environment, national or regional interests, and the purpose is to maximize the profits. Do no significant harm is also the foundation for mutual benefit, albeit very difficult to realize that for all countries. Thus the voting mechanism can help to realize relative justice in practice.

 Equity and Reasonable Utilization

The principle of equitable and reasonable utilization is built upon to no significant harm to the waters of the Lancang-Mekong River Stem Stream. Compensation shall be planned whereby inequitable and unreasonable is found. Equity is relative,¹ on operational point, it means fair voting mechanism and representative mechanism; on the beneficiary point, it means country as a main body to consider what’s fair to their nation; on the payer point, equity shall reflect “able man should do more work”; on practical point, do no harm shall be evaluated by individual country on how much they can take. And the compensation plan is particular useful in case of harm or disagreement done by relative equity.

 Hydrological Information and Data Sharing

Hydrological data, metadata, and information should be openly shared among Lancang-Mekong institutions, subject to national or international laws. This rule has many loopholes but hydrological data is not the end but the mean to achieve integral water governance. Gradual release of such data is useful to direct our focus to urgent matters. To China, such data is state secretes, gradual release create a buffer for China to adapt to this cooperation.

Water Protection

Water protection in areas of hydrological disaster prevention, minimum discharge maintenance of Lancang-Mekong mainstream, coordination among water-related projects on Lancang-Mekong mainstream. The main body of water protection is the river’s stem stream, not include tributaries. Hydrological disasters include drought and flood. Minimum maintenance needs to consider human consumption of water, environment consumption and other species need to water. Coordination among water project includes dam construction, water storage and release.

Household Water Consumption Right within Mekong Basin

The basic household water consumption shall be protected within the Mekong Basin. Water use includes household usage, industrial usage, agricultural usage, freight usage, recreational usage, environmental usage and hydropower usage, but this principle considers household water consumption as the most important usage of water. Water rights distribution is a complicated process but household water consumption is easy to calculate, thus this principle is about to protect the minimal household right to water, not the optimal amount of water.

Weighted Voting Mechanism

One country or one funding NGO, one vote. All six countries have equal voting rights, constituted 90% of total voting rights. Other funding NGOs share the remaining 10% voting rights proportionally to the funding of the year. All drafted resolution shall pass by 60% of the vote. LMCO is majorly cooperation among six countries, NGO is helpful in balancing power differences among countries but they are never the main body of the cooperation. 60% is 4 country votes; this regulation is helpful from an operational perspective.

Representative Mechanism

The General Representative Conference is the highest policy-making body. Each country and funding party shall send 3 representatives (a foreign affair representative, an
environmental representative and a hydrological representative, electrical representative) to the institution. The LMCO welcomes third-party observer agencies to join. A clear distinction between country, funding NGO and other NGO is helpful from an operational perspective.

Conclusion

The cooperation is limited to the stem stream of Mekong River, not the whole basin. From an operational perspective, LMCO cannot create significant harms to each other. From an administrative perspective, do no harm, equity, reasonable, and sustainable is based on the voting. And the voting is a relative justice among six countries.

4.2 Myanmar

Author: Daniel Brook

In the world of transboundary water politics, Myanmar is a special case. After the coup in early 2021, the international community has needed to reassess existing international commitments and systems, and thoroughly consider whether or not to begin to or continue cooperating with the Tatmadaw (Myanmar’s military) government. This article will summarize the main content of our class simulated conference, the special challenges presented by Myanmar, and my personal views on solving problems of this nature.

Conference Proceedings

During our mock conference, we found that it is extremely difficult to bring together multiple parties with often-conflicting interests and reach a binding treaty. It is very difficult to even establish the most basic, most general and abstract principles. From the beginning, the eight principles we discussed were all based on the basic common precepts of international law. Article 1 of Chapter 1 of the Charter of the United Nations stipulates: "This organization is based on the principle of the sovereign equality of all its members." Reasonable and fair utilization is also a concept full of contradictions. How do we define the rights of a country to use water sources? What kind of water resources projects are reasonable? In the meeting, the thinking of the Myanmar’s National League for Democracy and the armed forces was actually not very different. The biggest difference lies in the international community’s view of the new
government: Is the government of the coup legal? Can it participate in a formal international system?

Under the most ideal circumstances, the eight principles we set would be difficult to achieve. In politically chaotic Myanmar, these principles are even more difficult to realize. Before the coup, Myanmar wasn’t exactly characterized by political stability. In 2017, the military faced charges of genocide for attacking its Rohingya Muslim minority. Nobel Prize winner Aung San Suu Kyi has been condemned by the world for failing to stop the atrocities. At the same time, the state could not resolve the grievances of minorities or provide sufficient security for communities, which created a real arms race among minorities. As a result, this country now has dozens of powerful non-state armed groups in most border areas. In addition, the Burmese army has been the most powerful group in the central government since its liberation in 1948. This government is not afraid of murdering its own citizens en masse, as it did after the student-led protests against economic mismanagement in 1988.

Myanmar’s Special Challenges

Currently, despite the National League for Democracy having become Myanmar’s first non-military government in 54 years after the overwhelming electoral victory in 2015, the 2021 coup suddenly stopped the country’s long-awaited democratic transition. Any international political party that wants to deal with Myanmar will have to face the fact that their present government is illegitimate. Under such circumstances, what is the meaning of sovereignty? Is there any way for the international community to ensure a reasonable basis for cooperation? Can an illegal government really become a party to a legally binding international treaty?

These problems are difficult to solve. At present, the international community is unwilling to interfere in Myanmar's internal political situation. It seems that most countries are forced into reluctant dealings with the military government. As far as China is concerned, the reason for dealing with the Tatmadaw is obvious: there is investment that needs to be protected. At the same time, the best thing the United States has done is piecemeal sanctions, which may not have a lasting impact. In the mock meeting, enacting the coup was to show the dilemma that the political conditions of various countries have brought to the international cooperation organization.
Possible Solution

In my opinion, under special circumstances like Myanmar, protecting transboundary natural systems like rivers requires more than the authority of a country. The doctrine of humanitarian intervention has a controversial basis in international law, but it may be applied here. When a multi-party cooperative organization like the United Nations takes the initiative to intervene for humanitarian ideas, the screening is usually very weak, and the execution is inefficient. Even in extreme cases, our intervention basis is weak, so there isn’t much precedent for intervention on ecological terms. As I said in the previous essay, the only reasonable way to solve this problem is to delegate the management of transboundary river basins to a system-wide governance structure. Of course, this line of thinking contradicts our commitment to national sovereignty. However, there is a framework of thinking in international law: In 2001, the International Intervention and National Sovereignty Committee believed that sovereignty is accompanied by its responsibilities, and all countries have the responsibility to protect their citizens. In the case of atrocities, the committee believes that the international community has a responsibility to intervene.

A recent trend in the laws of some states is to grant ecological entity legal personality. If this trend can develop to its logical end, it should be possible to establish a system in a future world with a global population of 10 billion where, even if a country is not a signatory to the watercourse treaty, abuses of natural systems or “ecocide” can be managed, even through force, by international governing bodies.

Conclusion

Myanmar is very special. It can be said to be one of the most politically chaotic Mekong countries. With decades of military rule, its political society and its participation in international institutions have huge uncertainties. Currently, the armed forces do not seem to have a particularly bad policy on the Mekong. However, the 2021 coup indicates that unstable countries cannot become reliable international partners. The international community has recognized the basic idea that countries have the responsibility to protect the environment under various circumstances. However, international law actually only considers environmental crimes committed as deliberate acts of warfare. I think a more reasonable system will give river basins and other natural systems international legal personality. If a country commits environmental
atrocities, the system can use precedents of humanitarian intervention to justify the intervention in the country’s internal affairs. This will resolve the potential conflicts of sovereignty in a situation like Myanmar.

4.3 Lao PDR

**Author:** Nathan Rose

Lao PDR embraces such multilateral initiatives. Such multilateral initiatives may allow for a more integrated basin, and may facilitate mutual development and funding for LAO PDR projects. Lao PDR wants to become the battery of Southeast Asia. “Benefit Sharing” through a more integrated basin is not only a great way to gain investors for hydro-projects, but also to find markets for electricity generated from such projects. Thus, LAO PDR’s unilateral ambitions generally dovetail with a more cooperative basin under the LMC.

**Background:**

Lao PDR (also known as Laos) is centrally located in Southeast Asia and in the Indochina region, and is bordered by China to the North, Vietnam to the east, Cambodia to the south, and Thailand and Myanmar to the west.  

1. Regarding the Mekong River, Laos is in a relatively advantageous position relative to other Mekong basin countries: the Mekong mainstream flows from China upstream to a shared Myanmar-Laos border, then turns and flows into Laos, then runs along the Thailand-Laos border, then turns back into Laos, then finally flows into Cambodia.  

2. In other words: aside from shared borders with Myanmar and Thailand, most of the Mekong river mainstream is located within Laos’ borders. Moreover, Laos’ contribution to total Mekong river flows is relatively high, contributing 41% of Average Mekong flows (for comparison, the second highest contributing country is Cambodia at 19%).

3. Therefore, according to the principle of national resource sovereignty, Laos could build on the Mekong mainstream, which would strengthen its geographic power within the Mekong river hydro-political complex.

However, up to now opportunities for Laos to develop its own water resources have been limited. Although Laos’ poverty alleviation programs have experienced significant successes

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1. UNDP, “About Lao PDR”
over the past few decades, Laos is still considered a Least Developed Country (LDC). ¹ Because Laos is still a relatively poor country, it’s ability to unilaterally build projects on the Mekong river remain limited, and it must rely on outside investment to fund such projects. ² The Xayaburi Dam is an excellent example of such a project: although the Xayaburi dam is located in Laos territory, Thailand is the primary financer of the project, and most of the electricity generated by the dam is sold to Thailand. ³ Moreover, Laos’ development has been impeded by previous violent conflict. The Lao Civil war started in 1975 and just ended in 1991. ⁴ Because of the instability created from the civil war, it wasn’t feasible for Laos to develop national development strategies until after 1991. Therefore, despite having ample water resources, Laos hasn’t fully utilized the potential in its own water resources.

Now, building of infrastructure (especially hydroelectric dams) is a key part of Laos’ national development strategy. The Lao PDR government, in developing its water resources, has ambitions to become the “battery of South-east Asia.” ⁵ This plan has a couple advantages. First, according to the most recent Mekong River Commission Basin Development plan, Hydropower plays an important role in meeting the region’s future energy demand and increasing clean energy supply. ⁶ Moreover, developing its water resources represents a development opportunity for Laos. Laos already exports hydropower; by developing its own hydropower capacity, it can further develop it’s own economy and country. ⁷ However, a development strategy emphasizing hydropower development could also raise a lot of problems for Laos.

First is that hydro dams are very environmentally destructive. Dams on the Mekong River already threaten natural ecosystems and livelihoods, and thus are subject to much scrutiny and criticism. ⁸ Second is that Laos is in a relatively weak economic position relative to its neighboring countries. Because Laos is relatively poor, it relies on other countries to invest in

¹ UNDP, “About Lao PDR”
² Stimson, “Lao People’s Democratic Republic”
³ Stimson, “Lao People’s Democratic Republic”; Sasipornkarn, 15.01.2021; Ebbigahausen, 25.07.2018
⁴ UNDP, “About Lao PDR”
⁵ Stimson, “Lao People’s Democratic Republic”; Sasipornkarn, 15.01.2021; Ebbigahausen, 25.07.2018; The Economist, “Requiem for a River”
⁶ Mekong River Commission, “Basin-Wide Needs, Challenges, and Opportunities”
⁸ Stimson, “Lao People’s Democratic Republic”; Sasipornkarn, 15.01.2021; Ebbigahausen, 25.07.2018; The Economist, “Requiem for a River”
order to build its dams. If other countries do not approve of Laos’ dams, it can be very difficult for Laos to complete such projects without foreign support. Third, Laos hydroelectric exports are similarly vulnerable. Generally speaking, Laos sells hydropower to Thailand. But recently, electricity demand in Thailand has declined, and as other renewable energies become cheaper (and Thailand pursues its own renewable programs), Thailand has been considering the negative environmental consequences of Laos’ dams more recently, and is even considering boycotting Laos hydropower as a way to protect the environment. This situation reflects a flaw in Laos’ hydroelectric plan: Laos often builds dams to generate hydropower for export, but often neglects to secure purchasing agreements with neighbors, resulting in surplus hydropower. Finally, Laos’ power grid is underdeveloped. Laos doesn’t have a national grid, instead it has four sub-national regional grids. While there have been improvements made in grid connectivity in recent years, gaps in electrical supply still exist in Laos: Laos’ northern grid (where most of Laos’s generated hydropower is located) often has energy surpluses, while Lao’s southern regions lack energy. Moreover, Lao’s international grid is also underdeveloped: aside from Laos-Thailand connections, Laos’ international electric grid has relatively low voltage, limiting Lao’s ability to sell hydropower abroad. If Laos really wants to become the battery of Southeast Asia, then perhaps it is more important to improve its domestic and international grid rather than build more hydropower dams.

**Negotiating strategy:**

Lao PDR occupies an interesting space in the Mekong River hydro-security complex because it is both an upper basin and a lower basin country. As the Mekong River flows from China to Lao PDR, Lao PDR’s geography gives it a strategic advantage over other countries in the lower Mekong Basin (Vietnam, Cambodia, Thailand). Therefore, policies that benefit upper basin countries would also benefit Laos. At the same time, relative to China, Laos is a lower basin country. Therefore, policies that benefit lower basin countries would also benefit Laos.

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1 Stimson, “Lao People’s Democratic Republic”; UNDP, “About Lao PDR”
2 Sasi, 15.01.2021; Ebbighausen, 25.07.2018;
3 Stimson, “Lao People’s Democratic Republic”
4 Stimson, “Lao People’s Democratic Republic”
5 Stimson, “Lao People’s Democratic Republic”
6 Stimson, “Lao People’s Democratic Republic”
The strategy I adopted in the simulation can be approximated to “shared benefit, shared support.” Recognizing that aside from geographic advantage, Laos is a relatively weak country. Economically speaking, Laos is at a disadvantage: in order to develop the economy Laos relies on exporting hydropower. In order to export hydropower Laos needs dams, in order to build dams, Laos relies on foreign investment. In other words, Lao PDR’s economy relies on foreign support. However, because Laos has an upper basin geographic advantage, lower basin countries would certainly want to negotiate while Laos might not be that powerful of a country, it also cannot be ignored. In negotiations, if I could turn projects that I (as Laos) wanted to build into projects that could provide shared benefits, and then I could gain public support (and even possibly gain foreign investment). Moreover, hydropower could be considered a “public benefit”; under the principle of “benefit sharing”, it is possible to create new market opportunities for exported hydropower. Therefore, Laos supports the principle of benefit sharing; providing public benefits also provides Laos with benefits.

However, under the principle of national sovereignty, Laos vehemently opposes any prohibitions on building dams on the Mekong River. Because Friends of Mekong river (FLM) had the strongest anti-dam stance, Laos’ strategy was to attempt to isolate FLM, and emphasize country-to-country relationships and cooperation.
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4.4 Thailand

Author: Stephanie Hand

During the most recent Lancang-Mekong Cooperation Working Group Meeting Cambodia, China, Laos, Myanmar, Thailand, and Vietnam made substantial headway in forging a mutually beneficial framework to ensure the rights of lower-riparian countries and protect the biological health of the Lancang-Mekong River. The meeting covered the sovereign equality of states, cooperation, equitable and reasonable utilization of waterways, hydrological information and data sharing, water protection, household water consumption rights within territories, the majority voting mechanism, and the establishment of the Lancang-Mekong Cooperation Organization. Negotiations were successful with many countries in agreement on key issues. However, in creating the initial principles, China left out key phrasing paramount to the concerns of lower-riparian countries. This paper will address key concerns of Thailand and proposed alterations of these initial principles.

For the people of Thailand, the Mekong River is our lifeline. We rely on the river for drinking water, food, agriculture, transportation, and tourist industry growth. Our greatest concerns are irregular water flow, droughts, flooding and pollution. As the Mekong River is vital for the prosperity of all riparian countries, it is important that we focus our joint efforts on maintaining the health of the Mekong River. For this reason, upper and lower riparian countries must focus on joint initiatives such as data sharing, transparency on river development projects, and the development of new agricultural practices to curtail pollution.

Sovereign Equality of States and Cooperation

Thailand agrees with the principles of sovereign equality of states and cooperation. However, due to experience, we have our reservations. Laos and Thailand have cooperated on many hydrological projects in Laos with Thailand financing hydrological dams and benefiting from a portion of energy produced in Laos. As we aim to become increasingly environmentally

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conscious, however, we are worried about Laos’ increased dam production especially the Sanakham Dam, a joint venture between China and Laos located near the Laos-Thailand border.\(^1\) While cooperation can help foster trust, it should not be done at the expense of other riparian countries. The Sanakham Dam located in Laos near Thailand is an impediment to Thai sovereignty, posing a strong threat to civilian livelihood including agriculture and fisheries in Thailand.\(^2\) Thailand encourages the continuation of multilateral research, education and technology sharing programs. This includes, the “Master Program on Youth Talents for Lancang-Mekong Water Resources Cooperation” and the “Joint Assessment on the Current Status of Flood and Drought Management in the Mekong River Basin (Phase 1)” project sponsored by the Lancang-Mekong Cooperation (LMC) fund and spearheaded by China.\(^3\) These fore-mentioned cooperation opportunities are beneficial to all riparian countries helping foster trust and development through technology sharing and multinational learning institutions that increase education on sustainable water practices. The LMC should strive for mutually beneficial cooperation with respect to the sovereignty and development of all riparian countries.

**Equitable and Reasonable Sharing**

Regarding the equitable and reasonable utilization of the Lancang-Mekong River, Thailand agrees with the 1997 UN Convention of the Law of the Non-Navigational Uses of International Watercourses Article 7 that “…states shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse states.”\(^4\) The principle of the prevention of causing significant harm is often ignored by fellow riparian countries in their economic development initiatives. In construction of the Don

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Sahong dam project, Laos failed to comply with the 1995 Mekong Agreement by not notifying fellow MRC members prior to its construction. The construction of the Don Sahong has the potential of causing significant harm on our fisheries since “fish migration routes as the Hou Sahong has been the major migration channel for fish to migrate in the dry season.”¹ Thailand like many other riparian states uses dams for flood prevention and hydroelectricity, and by no means is calling for an end to the use of dams. However, fellow LMC members, especially MRC members, should give prior notification through respective official channels to prevent the disruption of the natural habitat and development of downstream countries. Countries such as China (with expansive dam operations upstream) and Laos (with a growing number of hydrological dams) should conduct greater research on the effect of their dam projects on water flow to lower riparian countries and ensure that resources are in place to ensure the proper management of their dams.² This will only be possible through hydrological information and data sharing.

**Hydrological Information and Data Sharing**

Thailand agrees with the initial principle on hydrological information and data sharing and is grateful for China’s increased cooperation and transparency with the MRC regarding river infrastructure projects and water flow. On October 22, 2020 China agreed “to provide the MRC with year-round hydrological data, contributing to better river monitoring and flood and drought forecasting in the Mekong countries.”³ Data sharing efforts are imperative to cooperation between upper and lower riparian countries. In the past China has denied responsibility for water shortages and increasingly severe droughts downstream. However due to a lack of transparency

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in the past, this was hard to substantiate.¹ Greater transparency and data sharing will help foster mutual trust and cooperation enabling joint efforts to protect our shared water resource. With the growing risk of climate change and existing water issues, agreements such as this help ensure prosperity among all LMC countries.

**Water Protection**

Lower riparian countries chronically suffer from droughts and flooding which affect our agriculture, infrastructure and the livelihood of citizens. We all hope to continue to benefit from a healthy Mekong River. We must thus focus our joint efforts on solving problems such as climate change, increased natural disasters, pollution and stripping of nutrient rich sediment from dams. While dams are necessary for protection against floods, they can also be harmful.² It is thus necessary that both upper and lower riparian countries are transparent in their river infrastructure projects and work together to develop more sustainable agricultural and economic development methods.

Thailand feels increasingly threatened by increased dam development in Laos. As Laos strives to become the “Battery of Southeast Asia,” we worry that environmental concerns are not being fully addressed.³ Economic development should not take precedence over the health of our shared stream. Environmental concerns such as pollution caused by construction, the stripping of nutrient rich sediment from dams that negatively affect our fisheries and create a change in water flow should be taken in full consideration prior to dam construction. Additionally, LMC countries must possess the proper resources to properly maintain their dams. All infrastructure development on the Lancang-Mekong River should receive at least five votes prior to construction.

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Household Water Consumption, Voting, and the Establishment of the LMCO

Thailand agrees with the last three general principles involving household water consumption, voting, and the establishment of the Lancang-Mekong Cooperation Organization (LMCO). However, certain principles are vague and do not place specific expectations on more economically endowed countries. We would like to add China’s duty to assist lower riparian countries during times of drought. Water resources should be allocated to provide greater water provisions to lower riparian countries during times of drought and less during rainier seasons to prevent flooding. In 2016, China released an emergency water supply to lower riparian countries suffering from severe drought.¹ We are optimistic with China’s increased efforts in the health, safety, and development of downstream countries and hope for the continuation of this trend. The establishment of the LMCO will help foster trust and accountability among members. Additionally, we agree that “All parties shall share the funding for the LMCO equitably.” We believe contributions should be made on a case-by-case basis taking into consideration financial constraints and economic development.

Concluding Remarks

Overall Thailand believes that the Lancang-Mekong Cooperation Working Group Meeting was successful and that the creation of the LMCO will lead to more equitable and efficient relations between all members. The Lancang-Mekong River is a vital life source to all riparian countries and should be treated as such. Economic development should not take precedence over environmental concerns, and countries must ensure the proper maintenance of their dams to prevent the environmental degradation of downstream countries. The equitable use of water and hydrological information and data sharing among riparian states will cultivate positive transparent relations among members and increase future cooperation. As the Lancang-Mekong River experiences climate change, it is increasingly important to develop sustainable practices on the Mekong River and communicate efficiently with all members of the LMC.

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Mekong Water Politics Role Play

4.5 Cambodia
Author: Eljoy Tanos

The Lancang-Mekong Cooperation (LMC) is one of the existing sub-regional institutions, and arguably currently the most influential one, within the Mekong River basin. It consists of six countries, namely China, Cambodia, Myanmar, Laos, Thailand, and Vietnam. The benefits that the LMC has on the basin-wide cooperation and the sustainability of the Mekong River basin is undeniable. The Mekong countries have expressed support for the China-led LMC in varying degrees. Myanmar, Thailand, and Vietnam are more cautious of China’s strategic intentions. On the other hand, Cambodia is enthusiastic about the LMC’s role in helping create sustainable social and economic development plans in the Mekong River basin. Specifically, Cambodia resonates with five key attributes of the LMC: collective leadership, mutual trust, practical cooperation, compatibility and complementarity with South-South cooperation and national ownership. Using existing information as the base, we can explain the positions that Cambodia and its representative most likely have regarding the LMC’s general principles.

Principle of Sovereign Equality of States

Cambodia believes national ownership is the prerequisite for long-term sustainability of regional projects and initiatives. National ownership refers to the effective exercise of a government's authority over development policies and activities. This is reflected on how Cambodia is intensifying development of its water resources. The country’s development projects include irrigation development, drainage works, and flood management around Tonle Sap and between Phnom Penh and the border with Vietnam. Therefore, Cambodia supports this principle because it reflects LMC’s respect for a country’s sovereignty over the use of its natural resources.

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2 Ibid., 1.
3 Ibid., 4.
Principle of Cooperation

This principle reflects LMC’s compatibility and complementarity with Cambodia’s push towards “South-South Cooperation”\(^1\). This concept refers to the deepening cooperation and mutual support between developing countries. In addition, any practical cooperation between Mekong countries requires the balancing between optimal utilization and adequate protection of the basin. Since this principle pays attention to this balancing principle, both Cambodia and its representatives are likely to support it.

One of the representatives of Cambodia in the MRC and current MRC Secretariat CEO, Dr. An Pich Hatda, agrees to LMC’s cooperation principle because he wishes for “deeper and stronger engagement from ‘friends’ of MRC”\(^2\). By incorporating China and Myanmar as voting members of the LMC, this institution encourages more possibilities of practical cooperation.

One suggestion that both Cambodia and its MRC representative has is for the LMC to build synergies with existing regional mechanisms such as the MRC and GMS\(^3\). This does not mean including other regional institutions as cooperation partners. Instead, the LMC should try to improve the quality of its program through analyzing how other regional institutions have tackled issues in the past. For example, MRC has included a plan on the sustainable management of the Mekong River. While the LMC also pays attention to this issue, it is not clear how its mechanisms will build on/improve on MRC’s previous works. In order to promote good governance and strengthen institutional capacity, learning from existing regional mechanisms is necessary.

Principle of Equitable and Reasonable Utilization

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Cambodia believes that the LMC will help to create strong political will and mutual trust necessary to solve environmental challenges and nontraditional security threats facing the Mekong sub-region. The country views this principle as a manifestation of the concept of mutual trust, which believes that each LMC member country will pay attention to how their utilization of water resources impact the other country’s ecology as well as its own.

**Principle of Hydrological Information and Data Sharing**

Both Cambodia and its representative (MRC CEO) push for the modernization of data and information acquisition, processing and sharing\(^1\). Therefore, Cambodia supports this principle of data sharing.

However, additional articles should emphasize the use of data sharing to strengthen trust with the civil society. One of the factors which hinder the MRC’s success is the unbalanced, biased, and incorrect statements and journalism on water-related issues in social and other media\(^2\). Misinformation has contributed to conflicting perceptions across stakeholder groups, feeding mistrust and affecting regional relations. Unfortunately, by concentrating on transnational relations, the LMC at the same time leaves out concerns of civil societies from its agenda\(^3\).

Based on the MRC’s data, to make successful long-term cooperation, regional institutions must gain the trust of civil society\(^4\). The reason is that understanding information such as differences in seasonal water discharge and fish migration routes will help the public assess the benefits and goals of the government’s water-related project. By being more transparent with the impact of water-related projects as well as making sure the civil society’s views are represented on LMC meetings, member countries, especially China, will gain more trust from the civil society of other nations.

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\(^2\) Ibid., 12.


Principle of Water Protection

Cambodia believes that regional integration is an important pathway towards narrowing the existing development gap among the Mekong countries. For Cambodia, the main concern is the management of Mekong water resources and its ecological impact. According to MRC’s report in *Basin Development Plan*, nationally planned development is not sustainable\(^1\). On the one hand, national development plans created large national economic benefits, particularly in the hydropower sector. On the other hand, water-related projects have also negatively impacted Cambodia’s civil society. For example, dam constructions have changed fishes’ migration patterns, which decrease the fish population in the Tonle Sap. This has also led to a decrease in unemployment, which shows the shortcoming of the current water development projects.

In addition, Cambodia is concerned with recent hydrological disasters caused by the poor management and regulations of dams in its neighbors\(^2\). Because this LMC principle aims to prevent future hydrological disasters and coordinate the management of water-related projects within the Mekong River basin, Cambodia hopes that this principle will help protect the migration route of its fish and stabilize the quality of life of its population.

One suggestion that the MRC CEO would propose is to set up joint basin expert groups to oversee and direct the management of these projects. The formation of these groups will reflect LMC’s goal of joint leadership, information sharing, and sustainable development.

Principle of Household Water Consumption Right within Territories

Due to its experience with data sharing in the MRC, Cambodia would encourage the principle to include that LMC member nations use the same calculation method to calculate the basin household water consumption. This includes defining how to calculate water use within the Mekong basin. Other than this suggestion, Cambodia has no other problem with this principle.

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Principle of Majority Voting Mechanism

Since this principle reflects the LMC’s respect for Cambodia’s sovereignty as well as the institution’s goal to emphasise collective leadership, Cambodia supports this principle. In addition, following the spirit of basin-wide sustainable development, the Cambodian representative would encourage the planning of further discussions about the repercussion or penalty of failing to follow a resolution.

Principle of Establish Lancang-Mekong Cooperation Organization

Since Mekong basin countries are at different levels of development and have different capabilities to manage resources, Cambodia wants to highlight with the principle’s aspect of “equitable” sharing of fundings. The term “equity” acknowledges that Cambodia does not have the same resources as some of its more developed neighbours.

One suggestion would be to discuss what responsibilities and power these representatives have. Particularly, since NGOs are able to participate and send representatives, Cambodia wants to clarity on how much influence they have in the organization. Cambodia sees the involvement of non-Mekong country members as a threat to its national ownership of resources.

Conclusion

Cambodia’s foreign policy is defined by the concept of economic pragmatism. In other words, Cambodia aligns its foreign policy with economic interests and diversifies strategic partnerships based on economic calculation. One representation of this characteristic is Cambodia’s long history of economic interaction with China. In fact, as of 2018, China now is the biggest trade partner for Cambodia, Myanmar, Thailand, and Vietnam. This trend will surely reflect Cambodia’s participation and commitment to the LMC.

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Through its participation in the LMC, Cambodia expresses its desire to participate in a more cooperative and transnational water-management program. However, the country does not only have economic goals. Cambodia has already felt the impact of poorly managed hydropower project. As a result, Cambodia also hopes that the LMC focuses on the long-term development of the Mekong River while balancing economic development to the preservation of the ecology of the basin which sixty-five million people that depend on.

References


4.6 Vietnam

Author: Hannah Sorenson

1. Opening Remarks

I am Hannah Sorenson, the representative for Vietnam, and I am grateful to have the opportunity to speak with each of you today. Since the birth of our country, Viet Nam has consistently engaged in cooperation with other countries. It is only through the cooperation of our friends—China, Thailand, the United States, Japan, Korea, and so on—that we can realize prosperity and development in our own country. We likewise emphasize cooperation with our close neighbors in Cambodia, Lao PDR, and Myanmar in the pursuit of shared development. It is on this basis that we have encouraged region-wide development and environmental protection of the Mekong River basin since 1995.

We gather today in light of the great risks posed to the Mekong basin. In each of our countries we are balancing economic development and environmental conservation. In our own country, the Mekong River flow has been drastically reduced, causing the Mekong delta to sink and serious losses for our agricultural industry. Rising sea levels bring sea water into the sinking delta, exacerbating these losses. Thus, the outcome of today’s negotiation is unimaginably significant for all of our interests, calling each delegation to work hard together to make the right choice.

The greatest issue faced by Vietnam is our water resource need. In today’s negotiation, our main concerns are twofold. First, we encourage Mekong riparians with developed infrastructure to take the lead in sustainable development by concentrating new water projects in those riparians still developing their infrastructural capacity. Second, no matter which governance mechanism is at play, Vietnam absolutely cannot overlook the dangers facing the Mekong delta,
namely the issues brought about by extant storage and release schedules. In order to improve water quality and quantity, and to avoid the already persistent droughts downstream brought about by upstream facilities, each country present today must thoroughly, consistently research the environmental impacts of water projects; construct a highly trans-boundary information sharing network; and establish a fair, timely, and regular water release schedule¹.

Lastly, regarding the proposed general principles, Viet Nam views principles 2-7 as the prerequisite for the first principle (sovereignty). Without information sharing, cooperation, or water protection, sovereignty has no meaning; without the consistent fulfilment of principles 2-7 by all riparians, Viet Nam has no Mekong River, only environmental disaster ².

2. Summary

In the Mekong River basin, Vietnam has a complicated status, making it difficult to determine whether the country holds an entirely advantageous or vulnerable position. For example, if one’s analysis is limited to the basin itself, although Vietnam faces water shortage, the country’s energy sector is comparatively developed and diverse compared to other riparians, suggesting a rather advantageous position. However, if one’s analytical framework is extended to include the entire Indo-Pacific region, Vietnam’s power is considerably less compared to China or the United States, making it a “middle power.” In order to properly reflect Vietnam’s complicated position in the virtual negotiation, I considered additional influences on Vietnam’s position equal to its position in basin management and on this basis evaluated the principles of the LMCO.

Generally speaking, the primary issue Vietnam faces is related to foreign affairs. Sun Wen, senior researcher at the Stimson Center, stated Vietnam currently resides in a difficult state of proximity to the US endangering the party’s legitimacy, and proximity to China endangering

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¹ By comparing my preparation for this negotiation with knowledge from other courses (specifically Prof. Arase’s “Indo-Pacific Strategy: Contestation and Cooperation), I argue that in such a negotiation, Vietnam’s greatest concern is sovereignty. Simply put, Vietnam can only resolve the environmental risks it faces in the Mekong Delta when its sovereignty and usage rights are fulfilled. Additionally, from a political angle, sovereignty shapes Sino-Vietnamese relations, such as preserving regime stability or in the question of territorial integrity and a shared border.

² In accordance with the above perspective, I argue that Vietnam would pay close attention to organizational and agreement structure, as well as how they shape basin order and preserve or destroy its own sovereignty.
national sovereignty (7)\(^1\). In the process of transboundary basin cooperation, the Sino-Vietnamese Spratly Islands dispute, and the larger Indo-Pacific competition have a certain degree of influence. Will China use hard power to protect its border, as it has done along the Sino-Indian border? Will China dispute the legitimacy and jurisdiction of extant international law? American media and civil society also contribute to the perception of China’s “hegemony” in the Mekong River basin, exacerbating the difficult equilibrium Vietnam faces\(^2\). However, Sino-Vietnamese cooperation are beneficial to Vietnam’s domestic regime stability by preserving the Vietnamese Communist Party’s continuity and general order. Additionally, China is among Vietnam’s primary trade partners, especially in the energy sector. Vietnam dedicates 5.8% of its GDP to energy and transportation annually, while also importing 1.5 terawatt hours of energy from China\(^3\).

In fact, advancing infrastructural development is a key policy goal for Vietnam, which has led the country to diversify its energy sector by obtaining foreign investment (e.g., Japan, South Korea, Singapore, Malaysia) and increasing solar, wind, water, and coal projects\(^4\). A diversified energy sector and multiple foreign investors are useful for Vietnam insofar as enabling the country to realize its own energy goals, yet also indelibly link the country’s energy goals with the interests of the entire region. Still, comprehensive Sino-Vietnamese water cooperation likewise contributes to Vietnam’s domestic energy goals. In addition to addressing Vietnam’s water needs and environmental challenges in our virtual negotiation, I viewed the Vietnamese delegation’s primary goal as mediating regional interests and domestic goals.

In addition to Sino-Vietnamese relations, basin relations similarly influence Vietnam’s considerations in a basin negotiation. Vietnam has built water projects in upstream Laos and exports approximately 1 terawatt hour of energy to neighboring Cambodia. Thailand is also one of the country’s primary trade partners and the Vietnamese government has notable connection

\(^1\) [https://www.stimson.org/2016/yun-sun-quoted-多维新闻网-us-china-vietnam-relations/]
\(^2\) This portion is my own perspective. Although I relied on the Stimson Center’s research in my preparation, I also recognize the complex role American think tanks and their researchers have on riparian decision-making processes. Also, when I was an undergraduate, my professor introduced me to the Stimson Center Southeast Asia Program Director Brian Eyler; this perspective is in part influenced by what I learned through conversation with him.
\(^3\) Stimson Center, “Vietnam’s Infrastructure Gap”
\(^4\) Ibid
to Myanmar’s Tatmadaw \(^1\). To summarize, Vietnam is intimately connected to its Southeast Asian neighbors and their development. Therefore, with the preservation of Vietnam’s sovereignty as a primary goal, I prioritized Vietnam and its neighbors’ developmental interests as a secondary strategy.

4.7 Friend of Mekong

**Author:** Hailey McGleam

Ecosystems underpin all human life and activities. The goods and services they provide are vital to sustaining well-being, and to future economic and social development. The benefits that the Mekong River system specifically provides include food, water, erosion prevention, air purification, soil formation, pollination, and other immeasurable cultural connections. This is not a plea that animals are more important than supporting the livelihoods of the people who rely on the Mekong River as some people think wrongly about environmental protection. But rather the health of communities that absolutely rely on the resources of the environment is at risk here. In other words, ecological security of the Mekong River is required for regional security and peace.

Despite long-term intensive human use, the freshwater system has maintained connectivity between 11/13 ecosystems, which represents about 60% of the Mekong basin system in total. The desperation for energy in the greater Mekong system has led to an uncontrolled rate of dam building, impacting the freshwater ecosystem stability, the river’s connectivity and flow, and generally the poorer people that rely on the benefits. Eleven dams are planned on the Mekong main stem. Main stem dams are dangerous: They cause ecosystem collapse and biodiversity loss; Hinder movements of fish up and down the river system to grow or spawn which fisherman rely on; Harm wild fishery industries in Laos, Thailand and Cambodia; Reduce sediments and nutrients that build and feed the delta’s productivity and therefore affects agricultural productivity; and overall degrade the functionality of the whole interconnected ecosystem through all the Mekong countries.

\(^1\) Stimson Center, “Vietnam’s Infrastructure Gap”; Nikkei Asia, “Vietnam’s ‘mediation diplomacy’ faces key test in Myanmar crisis”
Our goals are to protect this river system, which is the lifeblood of 300 million people across Southeast Asia for food, safe drinking water, renewable energy and sustainable livelihoods. Through protected area management, information sharing, community engagement and long-term financing, we need to work together to minimize the impacts of dams and water diversion. Only then can we continue to safeguard the water that supports life downstream.

WWF identifies four key drivers of change of the Mekong region ecosystem: one is human population growth and increasing population density, which is made worse by increasing income inequality as the rich abuse the natural resources that the poor depend on every day to eat. Another issue is that unsustainable levels of resource use throughout the region which have increased the demands of external economic growth as opposed to subsistence use. Furthermore, unplanned and unsustainable forms of infrastructure development, such as roads and dams, pose many long-term challenges to the region. Finally, all of these problems continue to go unsolved due to weak government policies, specifically a general lack of integrated planning, poor governance, corruption of resources, and wildlife crime on a massive scale.

This is where the Friends of the Lower Mekong come in. The Friends of the Mekong (FLM) is a multinational effort intended to create integrated sub-regional cooperation between Cambodia, Laos, Myanmar, Thailand, Vietnam, and the U.S. It also includes an extensive donor community, which consists of Australia, Japan, the Republic of Korea, New Zealand, the EU, the Asian Development Bank, and the World Bank. It is a vital and complex coordination platform, where the overall goal is to improve donor coordination, specifically financial development assistance. The Mekong River Commission also joined as a member in 2021, which is the oldest intergovernmental organization focusing on jointly managing the Mekong River’s water resources. Thus, increasing the political pressure, which can be put on other countries, and maintaining a sense of legitimacy with the FLM actions.

Without question, the Mekong plays a crucial role in the economies of lower Mekong Basin countries, and therefore the FLM focuses on international financial institutions and political coordination to increase coordination efficiency, identify and fill resource gaps, and avoid development redundancy. For instance, the Mekong supports one of the world’s largest inland fisheries, which has a total economic value estimated at about 3% of the region’s combined gross domestic product. Fisheries are more economically vital to Cambodia and Laos,
reflecting 18% and 12.8% of the economy respectively. Millions of local subsistence fishing communities also depend on the waterway for their survival and are not included in the previously mentioned statistics. Additionally, the river is also a source of irrigation for all four lower Mekong Basin countries. Unfortunately, all of these industries are likely to be affected by the construction of large dams, especially along the Mekong’s main stem, despite the claims of the Myanmar and Laos that there will be little effect to lower riparian countries.

China is crucial in leading the Asian region because it is the most powerful country in the region, so it should guide other smaller countries. If the quality and quantity of the Mekong River are not protected, supporting China's economic and regional stability will be at risk. Friendly relations on the Chinese border are particularly important. If the shared resources are not respected, it will bring border instability to China, which is very dangerous, because China is already very tense with Russia and India. This is especially true in Myanmar, because Myanmar is in the midst of a military coup, so the level of corruption is high, and considering environmental factors, it is also politically unstable. On the other hand, Vietnam is more affected in terms of food and environmental security than any other Mekong country. This is obvious in the debate. Compared with upstream countries, Vietnam has almost no say. If all countries focus only on their own economic interests for their own sovereignty. This may explain why every country continues to build dams for the benefit of its own people and for short-term benefits, with almost no safety standards. In contrast, the long-term benefits provided by a stable Mekong ecosystem can be supported by FLM's international organizations. Its purpose is sustainable development, such as the World Bank.

In short, it is clear that no country is willing to give political power to FLM, which may prompt countries to continue to follow economic motives rather than ecologically sustainable motives. Although countries may argue that dams are good because hydropower is a renewable resource, it is not worth sacrificing the lifeline of the region for development. Hydropower is also destructive to the environment, so Cambodia and Laos have shown little response to the fact that coal-fired power plants are used to avoid disruptions to their inefficient dams.

4.8 UNEP
4.8.1 “MRC+1” Working Group Meeting

**Round I: December 21th, 2021**

Participants:

- Country Representatives from Cambodia, China, Laos, Myanmar, Thailand, Vietnam
- International Organization Representative from UNEP
- Non-Governmental Organization Representative from FOM

Moderator: UNEP delegate

**Topic:** Building Regime of Langcang-Mekong Cooperation

The meeting is scheduled for 90 minutes

15 mins. Opening remarks from 7 representatives (2 mins. each in Chinese)

40 mins. Discussion of issues and interests and negotiation

- Please state clearly what is your country’s position regarding water use and management in this basin, are you satisfied with the status quo? Do you want to make any changes? What changes do you want to make?
- Please state in detail what challenges your country is facing in terms of water use and management in this basin.
- Please state clearly what you want to get from this negotiation.
- Do you want to make any concessions? Is concession absolutely unacceptable? Please think carefully what concessions you could make during the bargain.
- You might be able to get support for something you want from other members if you utilize "side payments," which are compromises or agreements made with another party on any topic that isn't part of the working group's stated focus. Consider what you have to offer and what compromises you would like in exchange when you prepare for this negotiation. Any such additional payment should be written down in a word document briefly with your typed signatures on it.
- Think carefully that do you want an official document as a result of this meeting?

20 mins. Draft an “MRC+1” Declaration 2021 (if you can reach this step), if not, explain why the parties cannot reach consensus and what the next step would be.

10 mins. Announce the results of this working group meeting

5-10 mins. Comments from Prof. Wang
Round II: December 23rd, 2021

Participants: same as Round I.

Topic: Negotiation of the eight LMC cooperation framework rules based on proposal of China

Background

The Five-year Action Plan of Lancang-Mekong Cooperation (2018-2022) 4.2.5 particularly mentioned there should be a “Five-year Action Plan on Water Resource Cooperation”. In reaction to this initiative, together with UNEP and Friends of Lower Mekong, LMC has formed a working group to hold a negotiation on the principles of the Declaration of Water Use under Lancang-Mekong Cooperation, the representative of China has drafted 8 principles for this Declaration, in this round of negotiation, the working group will discuss if the 8 principles are addressed appropriately.

LMC would like to have a list of specific consensuses the nations reach, such as how the principles should be modified, what states must do, what states may or may not do, and what states may do only when certain conditions apply.

LMC hopes that the whole working group can agree on at least 4 most significant principles, and that the ultimate result will be a balanced document that all working group members can endorse.

The meeting is scheduled for 90 minutes:

16 mins. Opening remarks from 8 representatives (2 mins. each in Chinese)
50 mins. Discussion of issues and interests and negotiation (in English).
20mins. Modify the principles of the Declaration of Water Use under Lancang-Mekong Cooperation, list the points that are endorsed by at least 4 parties in this negotiation. A declaration document will undoubtedly be a significant boost to the LMC as a whole. Points agreed by 5 or 6 of the 7 major parties will have some weight, and it will put political pressure on the lone dissenter. A 4-member agreement is of lesser significance, but it may aid the LMC states in better understanding the nature of main agreement hurdles.

5-10mins. Reactions from everyone & Comments from Prof. Wang

Procedure:
The MRC CEO will start the opening remark and introduce the moderator to the working group

The 50 mins’ discussion breaks into two rounds:

Round 1 (25 mins): The representative of China has 3 mins to introduce the
drafted principles, then the representatives take turns to address statements (followed by the alphabetic order, that is 谭乐杰—韩啸天—任宏斌—柏誉达—陈宜—苏涵娜—刘琳), each country has 3 mins to specify their positions regarding their most concerned principles.

**Round 2** (25 mins): free discussion and negotiation

During the 20 mins’ modification, 15 mins’ discussion is provided to modify the declaration and 5 mins for the final vote.

**Ground Rules**

1) Please state clearly what is your country’s position regarding water use and management in this basin, are you satisfied with the status quo? Do you want to make any changes? What changes do you want to make?

2) Please state in detail what challenges your country is facing in terms of water use and management in this basin.

3) Please state clearly what you want to get from this negotiation.

4) Do you want to make any concessions? Is concession absolutely unacceptable? Please think carefully what concessions you could make during the bargain.

5) You might be able to get support for something you want from other members if you utilize "side payments,” which are compromises or agreements made with another party on any topic that isn't part of the working group's stated focus. Consider what you have to offer and what compromises you would like in exchange when you prepare for this negotiation. Any such additional payment should be written down in a word document briefly with your typed signatures on it.

6) Think carefully that do you want an official document as a result of this meeting?

**4.8.2 General Principles-LMC with some results**

China and the five Mekong River countries are long-standing friends, natural partners and close neighbours. Yet for the nascent Lancang-Mekong Cooperation (LMC) mechanism to grow strong, we shall act in accordance with the following general principles:

1. **Sovereign Equality of States** ( 7 “agree” )
2. **Equitable and Reasonable Utilization** (Laos “disagree” if the rule add “no significant harm”)

3. **Hydrological Information and Data Sharing**

Myanmar: delete “subject to national or international jurisdictional laws and policies.”

FLM: No more dams

Cambodia: Coordination on water-related projects

Viet Nam: store/release water cooperation

Thailand: Enough resources to sustain the dam.

4. **Household Water Consumption Right within Territories** (7 “agree”)

The basic household water consumption shall be protected within the Mekong Basin.

MRC CEO: MRC countries use the same criteria to calculate water rights

China: Cannot include the whole national human water use in calculation Mekong River water rights

FLM: the right of pollution?

5. **Majority Voting Mechanism** (FLM “disagree”)

Lancang-Mekong Cooperation shall adopt all the drafted resolution by the two-thirds majority vote (5 votes). Once approved, meeting minutes become a legal bylaw after 1 month without abjections; all parties shall act in accordance with the bylaw.

FLM: enforced by whom?

Laos: 5 votes, NGO have no vote rights.

FLM: Need an independent bodies to establish voting mechanisms

China: Consider giving NGOs a certain amount of voting power, if only there is a certain percentage of funding from them.

Vietnam: LMC can have non-basin countries, or NGOs, but they can't vote.

6. **Establish Lancang-Mekong Cooperation Organization** (7 “agree”)

4.8.3 strategy for facilitation

Given that China now has at least five leadership positions in international institutions, it is highly likely that the Chinese could lead UNEC meetings and coordinate LMC meetings. But it
should be known that the delegate of UNEP has a dual status: his nationality of China makes his position in favor of China. On the other hand, as the representative of the UN agency, there should be certain fairness and the world and environmental protection view. Therefore, it is very necessary to give preferential treatment to MRC CEO (official from Cambodia).

Together with the representative from UNEP (JIA Jiameizi, PhD candidate of CASS Chinese nationality), the representative of China (Han Xiaotian, Chinese nationality) \(^1\) drafted the 8 principles of the declaration based on the principles of international law.

5. Discussion

5.1 Water sovereignty

Papers by

Kevin Wu (HNC American Student 2019)

Water sovereignty and international water cooperation (translated from Chinese)

Water sovereignty is a very important concept for international water politics. Since water is mobile and flowing all the time, there are some differences between water sovereignty and land sovereignty. For example, the use by one upstream country of the water resources of its international rivers may affect another country and become a matter of national water sovereignty. In addition, water sovereignty is the basic framework in the negotiation of international water treaties, since the creation of rights and obligations based on water sovereignty is the starting point for negotiations.

Water sovereignty is not an indivisible concept. It has several important factors, which should be discussed separately. The key points of water sovereignty are “independence rights” and “ownership rights.” Generally, independence and ownership are complementary within the framework of sovereignty, but if you want to analyze the impact of the two on water conflict and cooperation, you should separate them. The author believes that emphasizing ownership rather than independent rights is helpful to optimize the cooperation framework.

Logically, emphasizing independence leads to water disputes. The basic definition explains why: “just Don’t ask,” so within the framework of independent rights, international river basin states don’t concern how their use of water affects other countries’ interests. Downstream countries that emphasize independence, for example,

\(^1\) add: why it is reasonable
get free rides from upstream countries on flood control, leading to complaints from upstream countries. On the other hand, upstream countries may also because of its unrestricted development of river resources, affecting downstream countries, leading to complaints downstream countries. Upstream countries use their right to development to confront the natural river rights of downstream countries, which leads to the change of water politics from negotiation to power confrontation.

The emphasis on the right to independence has led to disputes typically occurring in the Aral Sea basins of Central Asia, namely the Amu and Syr international river basins. The dispute arose after the collapse of the Soviet Union. The upstream countries of the Amu and Syr rivers are Tajikistan and Kyrgyzstan, and the downstream countries are Uzbekistan and Kazakhstan. The dispute was clearly caused by an independent rights framework. Upstream countries complain that downstream countries benefit from flood control free of charge. Downstream countries fear that the development of hydropower in upstream countries will affect their own interests, so they try to prevent them from building more hydropower stations. More importantly, because the downstream countries are economically and politically strong in this case, they only emphasize their right to independence. In Central Asia, some of the treaties on the Aral Sea in the lower and middle reaches of the Aral Sea still provide free access to water resources, but require that upstream countries not develop large scale hydropower, demonstrating that under the framework of independence, a country can gain from a powerful one, leading to disputes and unfair treaties.

On the other hand, ownership frameworks help to optimize water cooperation. First, a country's emphasis on its ownership must recognize the ownership of others. If it does not recognize the ownership of another country in its own part of the river, it does not recognize its basic territorial sovereignty. But, because water is mobile, ownership is not just “someone else has to ask me for water,” but also “you can not use water without affecting someone else’s ownership.” Upstream countries will recognize that their use of water may affect the interests of downstream countries, and downstream countries will recognize the benefits they receive from upstream countries. Under the ownership framework, if upstream and downstream States do not wish to encroach on the ownership of another State, they are willing to negotiate, cooperate and conclude fair treaties.

The impact of the ownership framework can be seen in the Columbia River Treaty (CRT) in North America. Canada is an upstream country on the Columbia River and the United States is a downstream country. The details of the case show that the two countries recognize each other's ownership. Canada recognizes that its use of water
resources could affect American ownership, so it is willing to negotiate. For example, in terms of storage conditions and hydropower sharing. The United States acknowledges that he received downstream benefits from Canada, such as flood control benefits, so he is willing to pay downstream benefits compensation. Eventually, the concessions led to a stable treaty that allowed both countries to enjoy the benefits of water. Experts in Central Asia have also advocated a similar solution related to ownership.

The sovereign game theory in the figure below summarizes the above views. Both countries emphasize the advantages of ownership. Of course, if only one State emphasized the right to independence, that State would gain, but the dispute could not be avoided, as the other State would complain that it would switch to the framework of the right to independence, causing harm to both States.

Therefore, the ownership and the independent right of water sovereignty should be separated, emphasizing ownership rather than independence. So the concept of water sovereignty will still exist, because it is the basic guarantee of successful negotiations. Since the ownership analysis framework can lead to water cooperation, it will lead to fairer and deeper cooperation among future international river basin countries.

Main references:

3. 王志坚：《水霸权、安全秩序与制度构建》社会科学文献出版社，2015年版。

5.2 International water justice

**Thailand:**

![Water Justice in Thailand Slide]
Laos:

水正义概念

自然法
- 人类利益
- 个人利益
- 生态利益
- 自然权利
- 生态服务
- 公益
- 社会与国家之间
- 国家之间

实行法
- 合法利益
- 行动自由
- 环境权益
- 社会与国家之间
- 个人利益
- 生态利益
- 自然权利
- 生态服务
- 公益
- 自然与国家之间
- 国家之间

水政治复合体四种权力
- 地方权力
- 行政权力
- 经济与政治能力
- 基地政权与财政支持
- 民权主义
- 参与政治程序
- 政治权力
水政治复合体四种权力原来的问题
- 地理权力
- 上游削减水的能力
- 和平手段：大坝
- 物质权力
- 使用太多自然的能力
- 削弱的现政权能力：提高国家的权力
- 越多自然，越多权力
- 议会权力
- 不同时候控制的能力
- 无法控制，没有权力

新的秩序拥有如何原则？

建立限制人类水用权力
- 控制：基本的生计指标，可持续性
- 结构：区域经济化，不能减少与自然融合，不能使用破坏自然裸露
- 原始：不能使用有系统的自然权力
- 国家，30%总水量
- 1002公里（单个国家项目）最少10次之本
- 1020公里
- 市场
- 限制水的使用，为通过内的自然限制
- 议会：取决于基本的生计指标
- 建立限制人类水用权力

3：把水流出与议价权力连接
- 原始条件
- 强制条件：控制污染权力：用自然缓冲物质
- 政治权力：控制污染
- 限制条件
- 限制条件：控制自然的物质条件
- 议会条件：控制污染权力
- 市场条件：控制污染权力
- 市场条件：控制污染权力

在“主权”水流出算得对于国家提供物质优势
- 削减权力：蒸发
- 限制条件：控制污染条件
- 150米处：控制污染条件
- 上游国家呈现最佳才能获得名单制

例子：埃塞俄比大坝
- 1960
- 法国
- 1945
- 1936
- 多年
- 埃塞俄比亚大坝

让“主权”水流出算得对于国家提供物质优势
- 削减权力：蒸发
- 限制条件：控制污染条件
- 150米处：控制污染条件
- 上游国家呈现最佳才能获得名单制
Mekong Water Politics Role Play

Myanmar:

实现国际河流水正义
世界系统和emergy分析的角度

什么是水正义？

水正义的定义很模糊
国际河流非航行使用公约（1997年）
基于习惯国际法规
合理公平的制度
不造成资源的伤害

生效过程缓慢:

要治理一个系统，我们必须了解系统的真实性质

实现水正义有三个主要问题:

要理解水正义，我们需要一个基本的分析单元

什么是“emergy”？

Vietnam:

水行动主义与下一步

成功的水正义运动：
- Cochabamba, Bolivia
- 城市和农作物的农民运动
- 城市中的水危机
- 基于社区的水资源管理

水行动主义的长期目标

越南：

BIBLIOGRAPHY

FOM:

**Mekong Water Politics Role Play**

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**China:**

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**水权 = 使用权 + 主权**

水正义 = 形式正义 + 实质正义

- 水权概念：指取用水资源的权利和义务。
- 水权类型：包括用水权、取水权、用水许可等。
- 水权问题：水权的分配、使用和保护。
- 水权争议：不同地区、不同利益群体之间的水权争夺。
- 水权改革：水权分配制度的调整和优化。