

Stakeholder Engagement on Transboundary Water Management in Cambodia, Laos, and Vietnam

By Jake Brunner and Raphaël Glémet

The International Union for Conservation of Nature's (IUCN) Swiss-funded Building River Dialogue and Governance (BRIDGE) program supports countries that share river or lake basins to implement effective water management arrangements through a shared vision, benefit-sharing principles, and transparent and coherent institutional frameworks. BRIDGE works in 15 large transboundary river basins globally, including the Mekong.

Within the Mekong, BRIDGE focuses on the Sekong, Sesan and Srepok (3S) river basins in Cambodia, Laos, and Vietnam. Covering 10% of the Mekong river basin, the 3S provide 20% of its flow and a similar proportion of its suspended sediment. These rivers are also spawning grounds for many migratory fish species and freshwater biodiversity hotspots.

As in the Mekong basin as a whole, water management in the 3S is dominated by government agencies and allied businesses whose interests are narrowly institutional. This has two consequences: investment decisions that only consider the institutional or national benefit may have large negative transboundary externalities, and appeals to the impact of upstream projects on biodiversity and livelihoods downstream tend to fall on deaf ears.

There is no governance framework for managing the 3S. The Mekong River Commission's mandate only extends to the mainstream Mekong, which excludes the 3S. The 1995 Mekong Agreement refers to the term "tributary" but this is defined only in the external procedures, which are not legally binding. IUCN's recommendation to strengthen the MRC's mandate by revising the Mekong Agreement to incorporate the legally binding principles and procedures of the 1997 UN Watercourses Convention was resisted on the basis that this would threaten national sovereignty, or if the Mekong Agreement were reopened, it might completely unravel.

There is no river basin organization (RBO) for the 3S or indeed any river basin in Cambodia, Laos, and Vietnam. The closest attempt was a prime ministerial decision in 2007 to establish RBOs in 10 river basins in Vietnam, including the Sesan and Srepok (2S). In the face of strong institutional resistance, the decision was never implemented, nor was a more recent attempt to establish an RBO for the 2S as part of a World Bank project. The 2017 Lao Water Law and implementation decrees mention the creation of an RBO for the Sekong but there has been no progress to date.

In response to these challenges, IUCN and partners have had to adapt. First, they have argued for freshwater conservation on the basis of economic self-interest and energy security. This formed the basis of a water-food-energy nexus assessment of the 3S that IUCN completed in 2019. The assessment presented three broad recommendations of transboundary significance: joint energy planning and investment in the 2S to maximize river connectivity; transforming coffee production in Vietnam to a less

Jake Brunner and Raphaël Glémet, of the International Union for Conservation of Nature, explain that: "Investment decisions that only consider the institutional or national benefit may have large negative transboundary externalities, and appeals to the impact of upstream projects on biodiversity and livelihoods downstream tend to fall on deaf ears."

water consuming crop mix that increases dry season flow into Cambodia; and keeping the mainstream of the Sekong free-flowing to sustain regional fisheries and food security.

The 3S nexus assessment was an attempt to jump-start transboundary cooperation by identifying specific ways in which the rivers' benefits could be shared equitably, and in doing so enhance regional stability and prosperity. Follow-up studies were completed on 3S energy planning and coffee transformation, which provided more detailed analyses of options and associated costs and benefits.

Given the lack of a counterpart institution, the 3S nexus assessment was guided by a regional Technical Advisory Group (TAG) facilitated by IUCN. It included six members per country from national and provincial government agencies, CSOs, and academia, whom IUCN had mentored during an earlier BRIDGE phase. The TAG met four times during the assessment preparation. TAG members ensured that the assessment built on existing data and information, provided regular updates on how to link it with policy and planning at national and provincial levels, and acted as ambassadors to disseminate the assessment results in their own organizations and more widely.

Stakeholder engagement on the nexus assessment included high-influence but low-interest organizations when it comes to freshwater conservation such as the Communist Party of Vietnam (CPV), International Finance Corp., World Bank, and energy ministries. The key message has been that new technologies and regional cooperation can deliver energy security at much lower social and environmental costs. These are not necessarily new concepts. A more original finding is that the transition to solar and wind power, combined with more frequent droughts, essentially make destabilizing dams uneconomic.

This engagement has been multi-faceted, including briefings for senior government and party officials, trainings for multi-agency technical staff, consultations with think tanks and CSO networks, diplomatic engagement, analytical products, and op-eds.

This engagement has had some influence. In March 2019, in response to reservoirs running dry and extended power cuts, Cambodia issued a 10-year moratorium on Mekong mainstream dams. In February 2020, in response to conflicts of interest within the Ministry of Industry and Trade, CPV issued Resolution 55, which prioritizes renewables, especially solar and wind, over coal.

Most recent was a decision by the Mekong Delta Working Group, of which IUCN was a founding member, to consider expanding its mandate to include upstream impacts on the delta. This move came in response to the perceived vacuum when it comes to nexus thinking at the scale of the Mekong, despite growing concerns over the impact of dams on fisheries, sediment delivery, and regional food security. There are numerous bilateral discussions, but no regional platform to discuss energy, agriculture, and fisheries issues of strategic significance.

Finally, because disagreements over water tend to be a zero-sum, the "problem space" has been expanded beyond water to include protected areas (e.g., nomination of Hin Nam No in Laos as a transboundary extension to Vietnam's Phong Nha-Ke Bang World Heritage Site), forestry, and fisheries (e.g., better managed fishing in Gulf of Thailand between Cambodia and Vietnam). By doing so, hopefully new allies and new opportunities for reciprocity and mutual benefit will arise.

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