



# REGIONAL WORKSHOP ON WATER DIPLOMACY IN THE MEKONG RIVER BASIN

VIENTIANE, Lao PDR

29-30 November 2016

Final Report





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**Background**

Drawing on 21 years of experience since the signing of the 1995 Mekong Agreement, the Mekong River Commission (MRC) adopted a new Strategic Plan (SP) for the period 2016-2020. Whilst the plan needs to be seen as a continuation of MRC's efforts to promote and coordinate sustainable development and management of the Mekong's water and related natural resources, it also puts several emphases differently than in previous planning cycles.

Firstly, structural changes will continue to take place including revised country-secretariat mechanisms (expert groups) and continued decentralization of river basin management functions. Secondly, these changes are intended to enable a shift of emphasis – assuming greater responsibility towards MRC's ability to serve evidence-based policy-making and planning from a basin-perspective in its member countries as well as taking a more proactive role in strengthening regional cooperation by improving the application of its procedures and liaising with strategic partners and stakeholders.

The Strategic Plan views ***Water diplomacy as a strategic approach for basin development and recognizes some limitations of MRC.***

The Strategy identifies some limitations with regard to its ability to use water diplomacy effectively: *“The MRC has proven skills in facilitating discussion and debate at the technical level but faces challenges to engage political decision makers in the process”*

Under the title “Strengthening strategic engagement and water diplomacy” the Strategy spells out that “Equipped with sound technical knowledge, the MRC will aim to reinforce the value of cooperation among riparians by facilitating cost and benefit sharing in ‘win-win’ basin-wide and joint projects between Member Countries.





This will draw on analysis (based on the) enhancement of national plans, projects and resources from basin-wide perspectives but will still require discussion and negotiation between the countries and within sectors to find the ‘middle ground’ to which all can agree or compromise. Our longer term strategy is to develop deliberative processes and mechanisms to facilitate the development of informed, consensual solutions”.

On the short-term implementation path, “MRC will bolster existing capacity through targeted in-house capacity development in hydro or water diplomacy”

Among other necessary actions mentioned are: recruitment of staff able to work more strategically and politically, in-house capacity development in water diplomacy and partnering with trusted (multilateral) development partners, and River Basin Organizations (RBOs) etc.

### **Conduct of the Workshop**

***With the objective to support the development and implementation of the water diplomacy component of the MRC Strategic Plan 2016-2020, a two-day facilitated workshop was conducted on 29 – 30 November 2016 at MRC-Secretariat in Vientiane, Lao PDR.*** Having an inception character, representatives from the National Mekong Committees of Cambodia, Lao PDR, Thailand and Vietnam attended together with senior staff from the MRC Secretariat and international experts and resource persons. This initial workshop offered the platform to explore potential entry points for strengthening its ‘water diplomacy’ approach during the implementation of the strategic plan 2016-2020. The workshop format provided for sharing international experiences in water diplomacy and cooperation in international river basins, plenary and panel discussions as well as round-table discussions and the compilation of participants’ interventions and discussion results. Three themes had been selected to structure the workshop:

- Theme 1: Optimizing Development Opportunities
- Theme 2: Water Diplomacy to help manage differences
- Theme 3: Institutional Mechanisms and International Experience

Expected outputs of the workshop were:

1. forming a common understanding of the term “water diplomacy” and establishing the need for action within MRC with pro-active support from its Secretariat
2. establishing the potential need for further action, identifying possible approaches/entry points/strategic partners
3. providing the basis for a MRC reference paper including
  - clarifying the term of water diplomacy in the MRC context,
  - exploring the added value of water diplomacy approaches for MRC’s work,
  - highlighting promising water diplomacy tools/concepts in the MRC context,
  - identifying strategic partners/entry points,
  - outlining capacity development needs





## Introduction and Setting the Scene

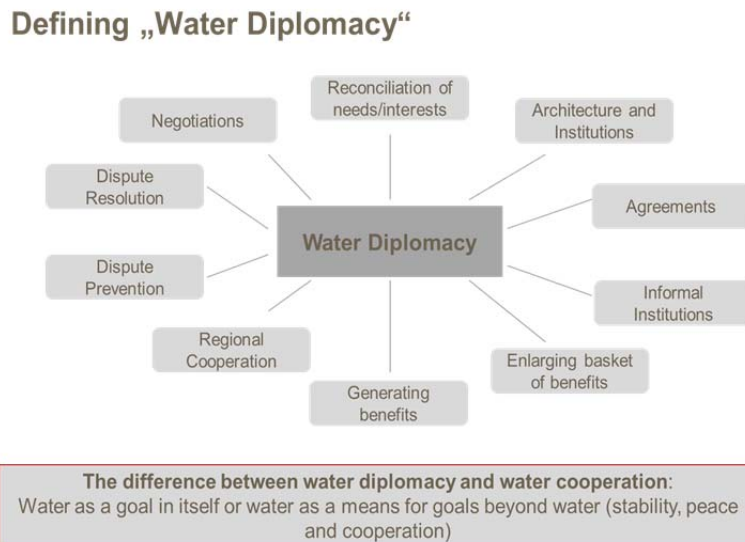
The workshop was opened by the Ambassador of the Federal Republic of Germany, Mr. Michael Grau, who appreciated the fact that MRC is increasing its water diplomacy efforts in line with regional efforts to furthering socio-economic development. Representing the Chief Executive Officer (CEO), MRCS Director of Planning, Mr. An Pich Hatda, welcomed participants and introduced the purpose and objectives of the meeting.

The facilitator, Mr. Aaron Wolf, introduced the workshop format and process and requested all participants to actively engage in the discussion providing national and individual insights, and experiences.

Subsequently, the agenda for the workshop was adopted. The List of Participants is attached as annex 1 and the Agenda as annex 2 to this report.

The endorsement of the agenda was followed by a series of overview presentations from international experts (Mr. Aaron Wolf, Ms Susanne Schmeier, Mr. Wolfgang Grabs) on principal concepts of water diplomacy, including definitions and their distinction from water cooperation. All presentations can be accessed under <http://www.mrcmekong.org/news-and-events/events/>. Figure 1 below provides an overview of essential components of water diplomacy.

**Fig. 1: Aspects of Water Diplomacy**





In an international diplomatic environment, basically five principles of peaceful co-existence are recognized ([http://www.fmprc.gov.cn/mfa\\_eng/ziliao\\_665539/3602\\_665543/3604\\_665547/t18053.shtml](http://www.fmprc.gov.cn/mfa_eng/ziliao_665539/3602_665543/3604_665547/t18053.shtml)):

- Mutual respect for each other's territorial integrity and sovereignty
- Mutual non-aggression against any country
- Mutual non-interference in each other's internal affairs
- Equality and mutual benefit
- Peaceful co-existence.

Translated in the context of water diplomacy, especially the item “mutual non-interference” is a subject of potential conflict and the item “equality and mutual benefit” offers development opportunities for all riparians in transboundary basins. Workshop participants accepted the following definition of water diplomacy:

*Water diplomacy is about **dialogue, negotiation and reconciling conflicting interests** among riparian states. It involves the institutional capacity and power politics of states (Hefny, 2011).*

Participants recognized that the terms “water diplomacy” and “water cooperation” in transboundary basins are not synonymous: Water diplomacy focuses on the political aspects of transboundary water management and related cooperation. If water cooperation is viewed mainly as a non-political, technical and science-oriented process, political aspects including different national interests, national development goals and political strategic plans may be ignored in a manner that could even stifle successful water cooperation. Water diplomacy can play a vital role in addressing the political aspects of joint water management, thus also facilitating and even enabling cooperation.

In further seeking a baseline common understanding on water diplomacy, participants noted the necessity to shift focus from

- “Sharing the water” to “sharing the benefits of joint water management”;
- From a culture of confrontation to a culture of dialogue and negotiation and
- Moving away from a focus on conflict resolution more to a focus on creating value from development opportunities through joint water development and management for all riparians, albeit in different scopes and aspects.

Interventions from participants with regard to different entry points for water diplomacy in a political context led to the understanding that water diplomacy is not a single-track approach but rather a multi-track approach including several levels including:







- Governments at government level through diplomatic channels
- Non-government/professional level or facilitation through conflict resolution and creation of value from mutually beneficial development opportunities
- Communications and the media and diplomacy through sound information bases
- Business or promotion of cooperation through commerce
- Research, training and education using water diplomacy tools including cooperation through learning
- Funding or fostering development through providing resources

and broadening a prevailing water-centric view to include a multitude of sectors including socio-economic aspects of joint water management.

A number of participants voiced the risk of water diplomatic efforts resulting in a “zero-sum” approach, representing a situation where gains by one party are matched by losses of another party or, in other words, where the negotiation process did not result in producing enough value so that competing interests of the parties can be met simultaneously.

Presentations and general discussions were followed by a Panel Discussion.

### **Panel Discussion - 21 years after the 1995 Mekong Agreement – MRC & Water Diplomacy, where do we stand?**

Members of the panel discussion were:

- H.E. Te Navuth, Secretary-General of the Cambodian National Mekong Committee Secretariat, Member of the MRC Joint Committee
- Dr. Inthavy Akkharath, Secretary-General a.i. of the Lao National Mekong Committee Secretariat, Member of the MRC Joint Committee
- Mr. Sathit Piroomchai, senior officer of the Thai National Mekong Committee Secretariat
- Ms. Le Thi Huong, Head of Division, Viet Nam National Mekong Committee Secretariat
- Dr. An Pich Hatda, Director of Planning Division, MRCS

The Head of each country delegation and Mr. An Pich Hatda (MRCS), gave an overview over their personal water diplomacy experience in MRC and their expectations on the workshop. The following notes provide a summary of the panel discussions:

The Procedures for Notification, Prior Consultation and Agreement (PNPCA) and other related procedures are presently the key water diplomatic processes undertaken in MRC; however these processes are complex and need better mutual understanding not so much as a procedural tool but as an essential component in pursuing negotiated mutual benefits in a sustainable manner recognizing differing national interests paired with environmental and socio-economic impacts.





The timely use of the PNPCA process is an issue of dispute and water diplomacy efforts should be undertaken in a mutually accepted manner at initial planning stages and not at a point when a national policy decision has already been made. This refers also to the experiences with the notification process in hydropower development projects.

There is the commonly shared understanding that the ultimate goal is sustainable development for the Mekong basin. Having this in mind, it requires a largely improved transparency of policy decision-making and planning processes at national levels including the engagement of stakeholders including governmental non-governmental institutions, the academia and public oversight groups to understand the complexity of issues in order to negotiate mutually beneficial solutions. This requires improved stakeholder engagement and public involvement/accountability needs to be strengthened and proactive provision of evidence to media is needed to feed public debates on benefits and controversies of water management activities in the transboundary context of the Mekong River Basin.

The point was made that it would be desirable if the application of water diplomacy would include a stronger engagement by MRC with/in ASEAN for example on water and environmental sectors

### **Strengthening water diplomacy in MRC key work**

From the viewpoint of MRCS, Mr. Anoulak Kittikhoun spelled out MRC's water diplomacy challenges, reminding participants that:

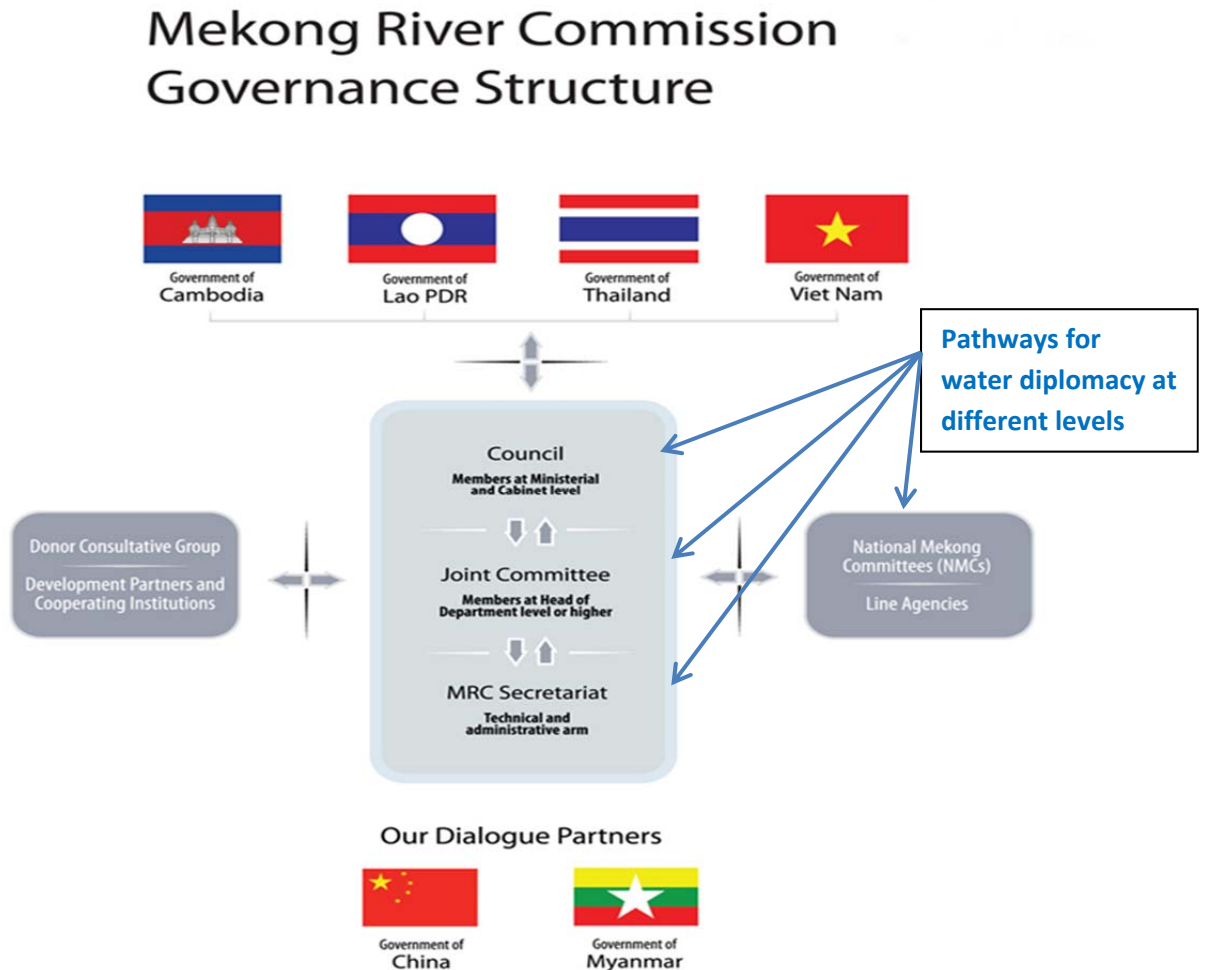
- MRC is a technical body (e.g. monitoring, studies, assessment, etc.) and a water diplomacy platform (e.g. governance meetings, stakeholder meetings and forums, media)
- MRC has experiences to date on water diplomacy although these are not made explicit and are not recognized as such.
- The new Basin Development Strategy and the MRC Strategic Plan 2016-2020 give clear directions to explicitly recognize and apply water diplomacy concept and tools to MRC work.
- Two areas in MRC Strategic Plan are of primary importance:
  - Enhancing national plans and projects through basin-wide strategies and guidelines
  - Enhancing cooperation and preventing tensions/conflicts through Procedures and cooperation with partners and stakeholders

In the context of the MRC governance structure, there are several pathways for the use of water diplomacy as outlined in the diagram below. Each of these pathways needs to be adequately addressed with a view to apply water diplomacy approaches at each level.





**Fig 2: Pathways for Water Diplomacy in the Mekong River Governance Structure**



### Theme 1: Optimizing Development Opportunities

The resource persons on this theme, Mr. Richard Paisley and Ms Daryl Fields presented lessons learnt from different basins and outlined the relationship of technical cooperation and water diplomacy. Some of their conclusions were:

- Conflict prevention is always better than conflict resolution; this requires more transparent planning processes and information sharing including through diplomatic channels;
- Focus on “sharing baskets of benefits” and “mutual gains” agreements in international watercourses in its entirety rather than negotiating single track solutions such as allocation of water;

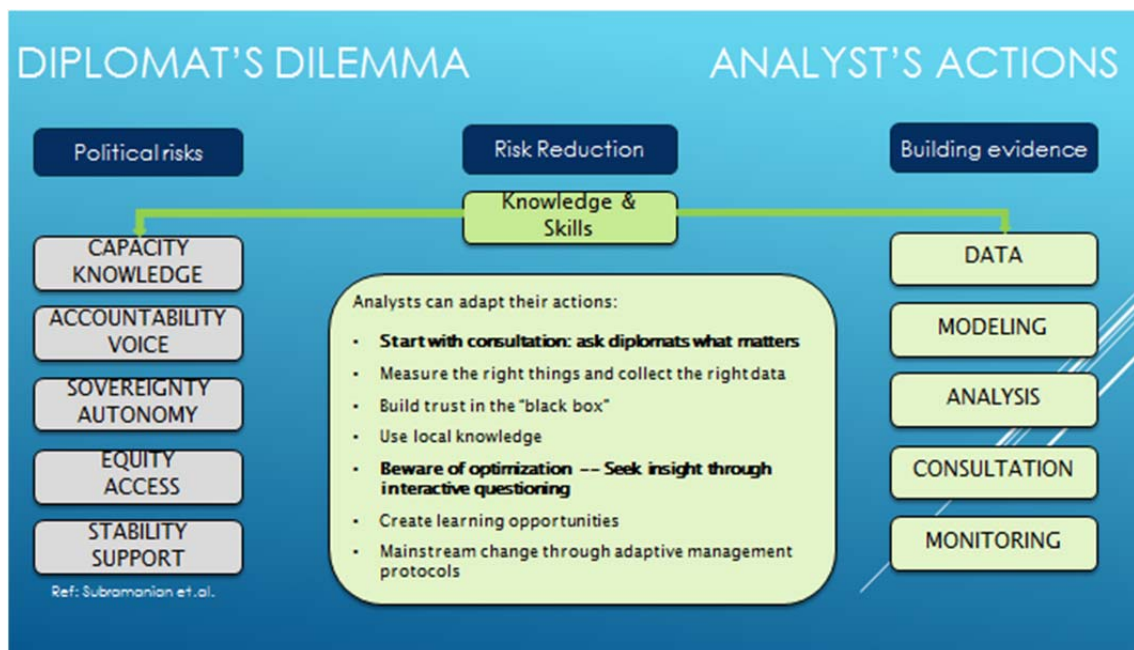






- Negotiating, and successfully implementing, mutual gains agreements takes leadership, skills and time especially to avoid a “zero-sum” solution that is often the case and marks unsatisfactory negotiations;
- Independent and coordinated multi-institutional support is important and available before, during and after negotiations;
- Recent Lancang Mekong Cooperation (LMC) initiative is seen as both: A challenge and opportunity;
- Analysts and diplomats can help each other -- and improve decision-making -- by building:
  - Deliberations that are information-rich; and
  - Science-based and trustworthy information that is politically astute;
- There are challenges (e.g., language, culture) but there are also easy changes (e.g., focus on insight and learning; adaptive management protocols);
- The result can be a more comprehensive and practical policy-decision support system.

**Fig. 3: Reduction of political risk on the basis of trusted data, information and analysis**



**Theme 2: Water Diplomacy to help manage differences – RBOs and the Water Diplomacy Process**

Ms Susanne Schmeier outlined the engagement of River Basin Organizations in water diplomacy and highlighted different legal, institutional and procedural frameworks for addressing differences and disputes. These are summarized in Figure 4 and 5 below:





Fig. 4: River Basin Organizations and Water Diplomacy

### River Basin Organizations and Water Diplomacy

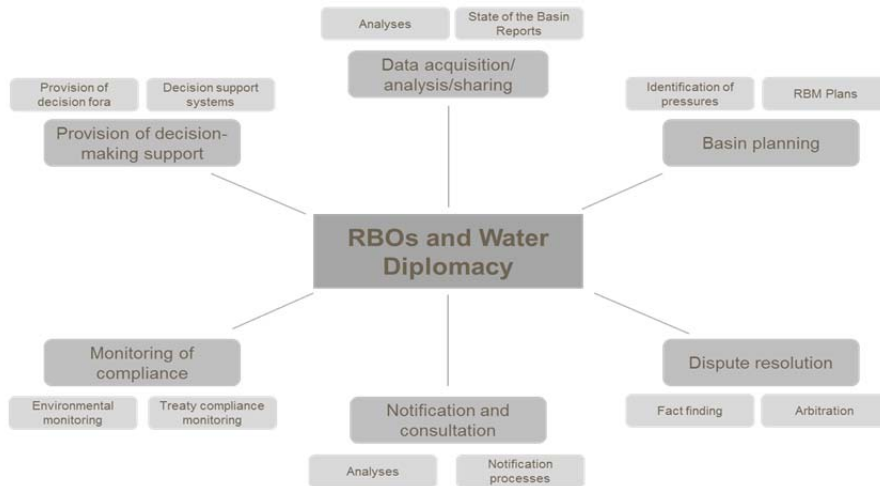
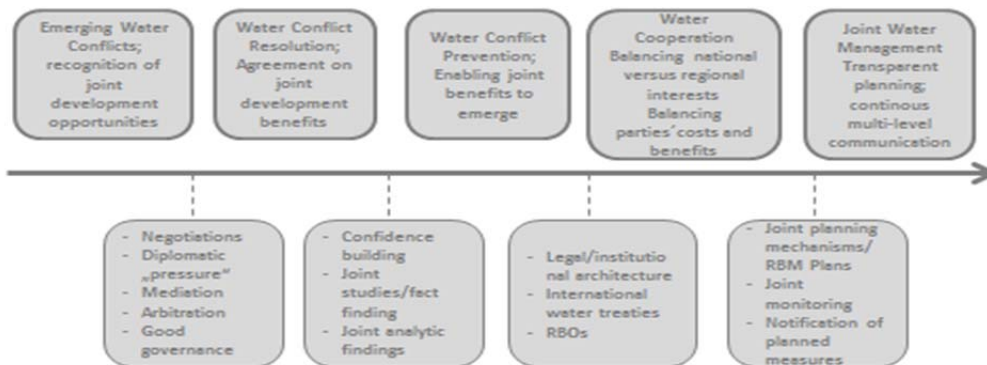


Fig. 5: The Water Diplomacy Process in Transboundary Basins

### The Water Diplomacy Process in Transboundary Basins





## Country Group Reflections

The enhanced engagement of National Mekong Committees (NMCs) was seen as overall important in the translation process of regional strategies and interests to national development agendas or, in other words, the challenge of NMCs to anchor regional policies and strategies into the national development process and vice-versa through national policy relevant institutions and the governance structure of the MRC. To this effect, participants gathered in country groups and reflected on their understanding of the different inputs and the opportunities and challenges for strengthening water diplomacy from their respective NMC perspective.

Country	Opportunity	Challenges
Viet Nam	A Chance to review what has been done in the past	<ul style="list-style-type: none"> <li>• Find way to maximize mutual benefits to avoid zero-sum result. Need to learn from other countries.</li> <li>• Water diplomacy always at the top level, but in reality water diplomacy can be effected at multiple levels</li> <li>• Recognition of mutual benefits and interests among different countries. Which would be an adequate platform to foster dialogue in MRC?</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>• Enhance development</li> <li>• Conflict prevention and resolution</li> <li>• Enhance Mutual Benefit</li> <li>• Enable regional cooperation/ strategic partnership</li> <li>• Enable negotiation platform</li> </ul>	<ul style="list-style-type: none"> <li>• Concern that over national versus regional interests water diplomacy enhancement could be difficult</li> <li>• National law/regulation somehow limit water diplomacy at regional level</li> <li>• Information sharing / public participation is seen as priority</li> <li>• Divergent view of political necessities and realities</li> <li>• Institutional memory and capacity lost every 6 years at the MRCS.</li> </ul>
Cambodia	<ul style="list-style-type: none"> <li>• Harmonize and enhance MRC strategy implementation. Need to have a more practical strategy implementation guidance document.</li> <li>• Improving regional cooperation and mutual understanding. There is a</li> </ul>	<ul style="list-style-type: none"> <li>• NMC and NMCSs capacity and knowledge need further enhancement to be able to work together at regional level.</li> <li>• People interest versus political interest groups at national and regional levels, peoples voice</li> </ul>



	<p>need among NMCs to have mutual understanding on issues and/or procedures/guidelines that have been pending.</p>	<p>not heard sufficiently</p> <ul style="list-style-type: none"> <li>• Coordinate and optimize development. Because all development needs to be balanced and optimized</li> <li>• Inclusiveness, stakeholders understanding on development project is important</li> <li>• Transparency and openness as well as timely sharing of information/data</li> <li>• Cost and Benefit sharing between upstream and downstream countries, information and dialogue is needed.</li> </ul>
Lao PDR	<ul style="list-style-type: none"> <li>• To solve problem/issue by peaceful means</li> <li>• To build trust, understanding, using MRC procedures</li> <li>• Preventive diplomacy to prevent problem to happen</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of capacity – need fund to support</li> <li>• Lack of transparency – if any riparian uses the water from the Mekong with no transparency this will upset others</li> <li>• Lack of sincere action (check voice record)</li> </ul>
MRCS	<ul style="list-style-type: none"> <li>• Strong on technical part but lack diplomacy particularly legal/law knowledge and negotiation skills. Opportunity to have Water Policy Officer will help MRC in implementing procedure</li> <li>• Establishment of ‘Expert Group’ in MRC will enhance implementation of MRC strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Very large and diverse number of actors e.g. LMC, Greater Mekong Sub-Region (GMS). The linkage with other institutions like these is a challenge.</li> <li>• Need to define relationship towards ASEAN, LMC – capitalize on synergies</li> </ul>



## Summary of Observations (Part 1)

As a result of the presentations and discussions documented above, the following observations and recommendations are summarized below.

### Process

- *Diplomacy is a compromise between differing interests that is achieved through dialogue and negotiations. National interests/developments may benefit from regional cooperation.*
- *Water diplomacy is the art to arrive at mutually acceptable solutions.*
- *Both analysis and diplomacy components exist in MRC and need to be refined in a water diplomacy framework*
- *Cooperation between countries is more than water cooperation*
- *Successful negotiations result in the recognition of partners that cooperation will provide benefits for partners although partners/countries will have different “baskets of benefits”*
- *Recognition that cost and benefit sharing are political decisions that need to be achieved through diplomatic negotiations*

### Actors

- *Success of MRC in water diplomacy is based on all levels of its governance structure and the actors at different levels, including national Line Agencies and MRC – Secretariat. NMCs have a pivotal role in embedding regional interests in national policy making and vice versa using water diplomacy tools: Making regional water management issues relevant in national policy development and implementation*
- *Need to seek professional and resource support in initializing a water diplomatic strain of activities in MRC, powered through MRCS as a “knowledge platform” in the Mekong region*
- *Need to define relationship towards ASEAN, LMC – capitalize on synergies*
- *National Ministries of Foreign Affairs and including their embassies in the region need to be aware of Mekong issues*
- *Importance to establish transparent planning and decision-making processes and pro-actively engage with media*
- *Recognition that cooperation between countries is more than water cooperation and needs to include cultural and socio-economic dimensions*

### Issues

- *Need to explicitly recognize and further develop MRC’s role as water diplomacy platform*
- *How far could MRC be further involved as a result of enlarging the scope of its activities beyond data, information generation and analysis in support of decision-making?*
- *How can water diplomacy help in improved sharing of national data and information at regional levels and likewise making MRCs activities more visible at the national level (at the stakeholder level)?*
- *Need to have the capacity to engage with stakeholders including at the political level*
- *Discussion on benefit sharing needs to move to implementation – issue of „hesitant“ MRC culture*



- *Scientific uncertainty („knowledge gaps“, contradicting evidence) often leads to decision-making inertia: Need to enhance capacity to support decision-making under uncertainty*
- *Can water diplomacy bridge knowledge – policy gap? How to engage decision-makers more and better?*

## Recommendations Part I

- *Capacity building: Need to develop and conduct tailored water diplomacy workshops in a number of areas including communication skills (negotiation versus discussion-based; interest-based versus position-based..);*
- *Scope for options for multi-track water diplomacy (such as the inclusion of multiple non-governmental stakeholders); in this regard: Shifting from single option solutions to multiple option solutions as a basis for negotiations at the political level;*
- *Seek for pathways to improve capacity of NMCs to make regional policies attractive at national levels; help anchoring regional policies in national policies (such as in national development plans) and vice versa;*
- *Identification of concrete areas addressed in the strategies where the use of water diplomacy could improve implementation of the strategy; in new strategies, inclusion of water diplomatic elements from the inception;*
- *Identification of multiple benefits added regional values over national values;*
- *Explore existence, role and effectiveness of regional and national legal frameworks as basis to anchor regional and national policies;*
- *Explore feasibility of the creation of a water diplomacy expert group (or a task team that eventually could evolve into an expert group);*
- *MRCs to offer function of a platform for water diplomacy negotiations.*

## Theme 3: Institutional Mechanisms and International Experience

The session highlighted specific experiences from international river basins including the Sava and Rhine River Basins.

Speaking on the Sava River Basin, Mr. Dejan Komatina highlighted institutional mechanisms and international experiences and practices in the Sava basin. He highlighted that a water diplomacy framework needs to be embedded in a legal and policy framework and negotiations using diplomatic tools and procedures. The Sava Water Council demonstrates the importance of public participation. The role of expert groups cannot be over-rated. These groups are facilitated by the secretariat, and work in continuation with strong support by experts from member countries

- The positive outcomes so far from water diplomacy approaches in the Sava River Basin are founded on the development and adoption of a shared vision and the recognition of shared development opportunities, prevention of conflicts



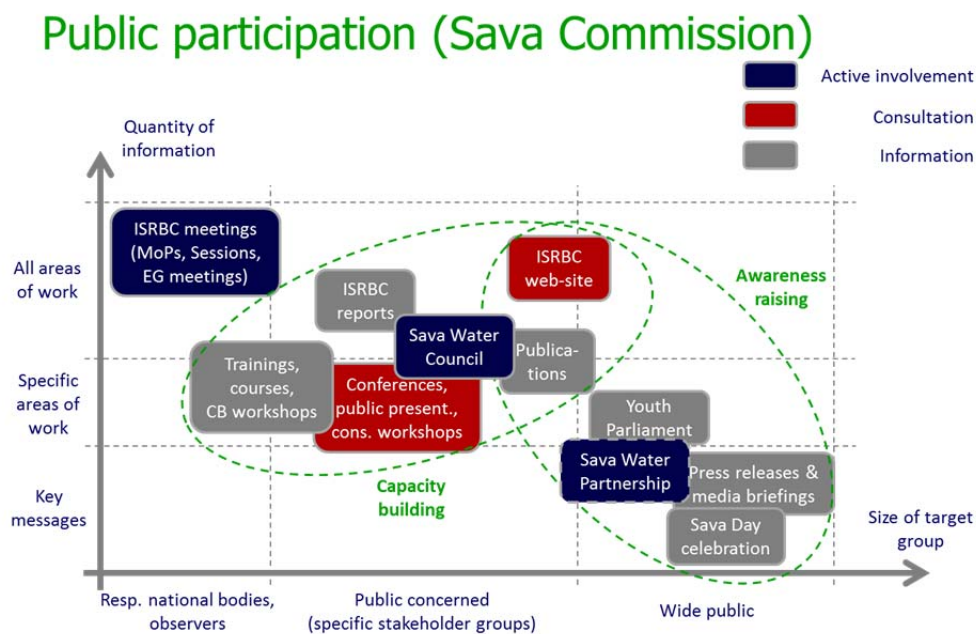




Being founded after a conflict situation between member countries, the evolution of the Sava RBO followed a path of increasing level of trust between countries on the following principles that have evolved over time:

- Whole basin – comparable benefits
- Part of the Basin – unequal benefits
- Resources provided by one country (depending on projects/activities) with benefits shared by more countries

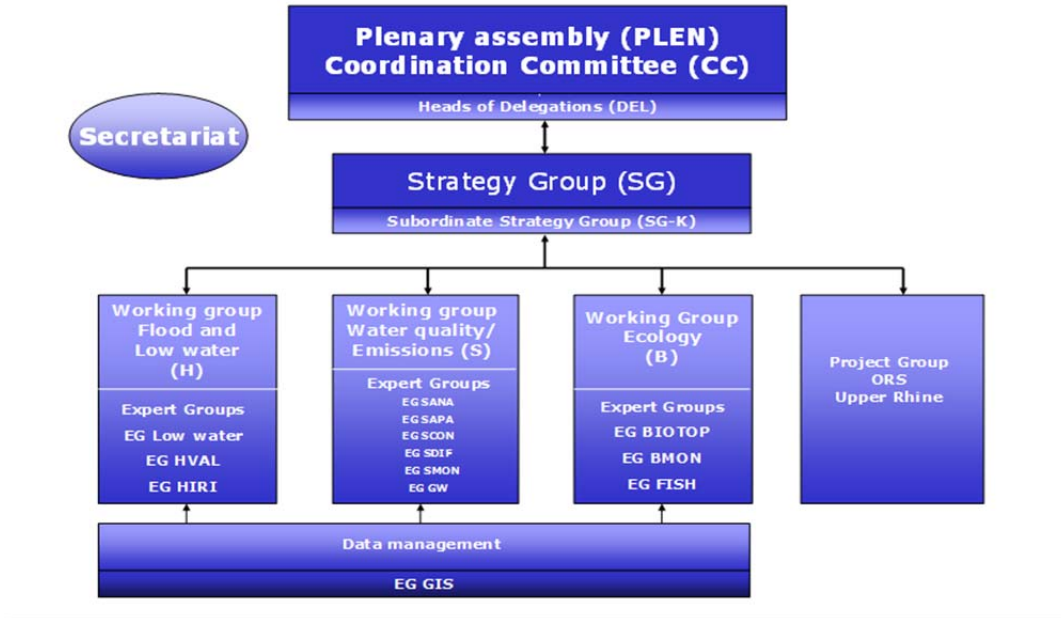
**Fig. 6: Public participation and communication in the International Sava River Basin Commission**



Presenting good practices in the Rhine Basin, Mr. Gustaaf Borchardt contributed on the role of public diplomacy in transboundary water management. He highlighted how the International Commission for the Protection of the Rhine River (ICPR) moved from only trust building and conventions building among the countries to institution building and common interest building. Working with a very small secretariat, the strength of the ICPR is founded in its expert groups with members from all riparians in the Rhine Basin and the integration of stakeholders where presently 29 Non-Governmental Organizations (NGOs) are registered as observers. Continued access to critical data and information is vital for sound analytical and politically astute findings from ICPR's expert groups.



Fig. 7: ICPR Working Structure 2011 - 2020



### Thematic Group Work

With the objective to better structure different impact-areas of water diplomacy, three thematic groups were formed for round table discussions with participation from all country delegations and resource persons:

1. Basin-wide strategies & guidelines including the Basin Development Strategy (BDS), Mekong Adaptation Strategy and Action Plan (MASAP), Environment, Hydropower, flood/drought, etc.
2. MRC Procedures
3. MRC and associated institutions, mechanisms, impact at the political level

Participants of each group reflected on the following questions:

1. (Proposed) actions at individual level / capacity development (at MRCS, NMCS, etc.)
2. (Proposed) actions at institutional levels (MRC governance bodies, working mechanisms, etc.)
3. (Proposed) actions for working with partners & stakeholders



The consolidated results from the group discussions were summarized by Mr Anoulak Kittikhoun.

### 1) Individual capacity development

- Customized water diplomacy training course / community of practice (revisit/finalize existing training material)
- Start knowledge generating processes with the end in mind – target-group specific products (and prepare policy briefs, info-graphs etc.)
- Capitalize on dialogue-oriented MRC outputs
- Junior riparian professionals – good for trust building and networking
- “Job shadowing” (on-the-job-learning, development of skills in water diplomacy) / exchange with other RBOs for mutual learning; River Basin Organization (RBO) conferences

### 2) Institutional processes and structures

- Improve internal water diplomacy (governance meetings – process vs. content)
- (Ad-hoc) working group to advise MRC Council on water diplomacy matters
- Consider the water diplomacy function of expert groups during their establishment
- Role of Joint Platform – include Ministries of Foreign Affairs of riparian countries
- Consider establishing a water policy staff position
- Consider to establish regular platform for NGOs, private sector, etc. (different tracks) at MRCS
- Revisit public participation guidelines to overcome fragmented approach
- China and Myanmar to be included in expert groups as observers

### 3) Strategic partnerships and meaningful stakeholder engagement

- High-level dialogue on specific Mekong water affairs/issues
- Visits/observations at other RBO events/operations
- Awareness raising with / engagement of Mekong countries embassies
- Media engagement – training/MRC awareness raising, permanent contact (press conference, liaison event)
- In general, seek strengthened cooperation with national and regional institutions (organizations) ...(including UN-ESCAP, other UN bodies of relevance: UNESCO, WMO, UNEP), AIT, ADPC, Lancang-Mekong, seek options to be closer engaged with ASEAN (at the diplomatic level)
- In particular, strengthen links to ASEAN, Lancang Mekong and GMS – info sharing, policy consistency, projects review (from basin perspective)
- Engagement with China – MRC (e.g. during Dialogue/JC/Council meetings) and non-MRC mechanisms
- Information sharing at NMC level on various initiatives (LMC, MRC, GMS)
- Through NMCs, engage in enhanced national stakeholder engagement and participation
- Engagement of neutral third parties



## Recommendations Part II

### Context

- *MRC as facilitator for regional cooperation*
- *UN conventions as framework for water diplomacy*
- *Values & demands change over time – how can RBOs be adaptive to long-term trajectories of change (climate change, biodiversity)*
- *Recognition of water diplomacy achievements & incorporation of new ideas*
- *Consider benefits beyond water sector (basket of benefits)*
- *At large benefits needed for all, but in small need for appreciation that benefits don't accrue equally to all countries*

### Stakeholders

- *Engage stakeholders early on to increase trust and equality*
- *Positive experience with stakeholder platform (water council) as sounding board*
- *Need structured approach to engage with stakeholders*

### Expert groups

- *Expert groups – permanent vs. ad-hoc; lean structure – not too many (combine issues)*
- *Expert groups – technical and political level should be kept separate*
- *Importance of country ownership of /participation in expert groups*

In plenary discussion participants raised the following additional issues:

There is a need to improve transparency and skills to negotiate compromises. This in turn requires “adaptive” negotiations (being flexible), following also negotiations along the lines to adapt a “policy of flexibility and no regret” (Note: Such a policy was adopted in the Rhine Basin on negotiations to agree on a policy on climate change and potential impacts).

In line of impact – based negotiations it is necessary to balance benefits from national interest versus regional (potentially positive or negative) impacts. It is also necessary to differentiate short-term benefits from long-term (sustainable) benefits at different levels (i.e. socio-economic benefits including energy supply and food security, environmental benefits, natural hazard reduction, sustainable use of natural resources, amongst a variety of others)

Impact-based negotiations serve to avoid, alleviate or mitigate negative downstream impacts from upstream activities. Here the Right of Water Use also comes into the picture

Water diplomacy could be used by expert groups to improve access to and understanding of scientific and technically complex issues/findings/analysis by decision and policy makers. For politicians, thinking in options rather than single solutions is important to avoid political risk. Scenarios help here if the scenarios are credibly underpinned with impact analysis in case one or the other option is taken.





This also falls in line to reduce risk in policy making and decision-making. Participants noted that for politicians a scientifically optimal solution may not be the solution of choice as decision-making takes place in an environment of uncertainties (stemming from many sources including future socio-economic developments) and therefore risk (for the person who makes a policy decision and stakeholders).

In support of political decision-making expert groups and specifically NMCs need to be empowered to use water diplomatic tools to further political relevance and impact as a result of technical/scientific analytical findings.

### Consolidated Recommendations and Actions

On the basis of the recommendations documented in Part I and Part II above, participants made the following general recommendations including on specific actions

- MRCS is requested to further structure the recommendations made by the workshop;
- There is the need to develop and conduct tailored water diplomacy workshops in a number of areas including communication skills
- MRCS is requested to explore the feasibility of the creation of a water diplomacy team
- MRCS needs to identify multiple benefits added regional values over national values
- On the basis of the workshop results and recommendations, the Team is requested to develop a consolidated Reference Paper on Water Diplomacy in the MRC for further discussion and debate the level of the MRCS engagement at the different levels of the MRC governance structure; the paper should contain consolidated information including on: Definition of Terms; tools & mechanisms; experiences and good practices and further recommendations for action;
- The Team should also draw on the inputs from selected workshop participants on a voluntary basis;
- The Team once established should explore the existence, role and effectiveness of regional and national legal frameworks as basis to anchor regional and national policies;
- The National Mekong Committees are requested to address those issues under the responsibility and provide consolidated information on possible next steps to the MRCS;
- Seek for pathways to improve capacity of NMCs to make regional policies attractive at national levels
- The Team should provide a mid-term Work Plan with expected outputs and schedule as well as distributed responsibilities for the provision of inputs to the “Reference paper on Water Diplomacy in the MRC”; this also includes planning for a potential follow-up event to this initial workshop on water diplomacy;
- MRCS is requested to compile in a first effort suitable materials for capacity building in Water Diplomacy for different levels and then seek avenues to develop tailor-made capacity-building materials and events;
- Participants further requested MRCS to review existing and new strategies/guidelines, Procedures and regional cooperation mechanisms with a view to incorporate recommendations made during the workshop in future activities;



- Participants requested the CEO of MRCS to provide all support to this endeavor within the capability and available resources of MRCS

**In addition, the recommendations as a result of the thematic working group discussions as documented above also need to be taken up in a mid-term Work Plan**

### **Closing Session**

Country representatives and resource persons acknowledged their appreciation of the organization of the workshop and its conduct and in particular expressed satisfaction that initial expectations to the outputs of the workshop were met.

His Excellency, the Ambassador of the Federal Republic of Germany, Mr. Michael Grau voiced his expectation that the results of the workshop and future activities are also communicated in the foreign affairs community of member states of the MRC.

Mr. An Pich Hatda on behalf of the CEO of MRC then closed the workshop by thanking all participants and supporting organizations for their valuable contributions and generous support. He called for continued efforts by all to strengthen water diplomacy in the work of MRC. He reminded participants to work towards the MRC objective to engage political decision-makers in the process of dialogue and debate at the technical, scientific and analytical process. The workshop closed in the late afternoon of 30 November 2016.







## ANNEX 1: List of Participants

LNMC		
1	Mr. Inthavy Akkharath	Acting Secretary General of LNMC
2	Mr. Kham in Khitchadet 29 Nov. Ms. Latthamonh Khammalavanh 30 Nov.	Director General of International Organization Department, MOFA Technical Officer of International Organization Department, MOFA
3	Mr. Thongthip Chandalasane	National PD Focal Point, LNMCS
CNMC		
1	H.E Mr. Te Navuth	Secretary General of CNMC
2	Mr. Yin Savuth	Director of DHRW, MOWRAM
3	Mr. Say Bunchheng	Chief of Mekong & GMS Office, Mekong Cooperation Department, MFAIC
VNMC		
1	Ms. Le Thi Huong	Senior PO, Head of Division, VNMC
2	Mr. Vu Minh Thien	Deputy Head of Division, VNMC
3	Mr. Le Thanh Bac	PO, VNMC
TNMC		
1	Ms. Chawee Wongprasittiporn	Director of Project Planning Division 2, Royal Irrigation Department, TNMC
2	Mr. Satit Phiomchai	Senior Policy and Plan Analyst, Department of Water Resource, TNMCS
3	Ms. Panporn Siwam	Senior Engineer, Department of Water Resources, TNMCS



MRCs and Resource Persons	
Mr. An Pich Hatda	Director of PD
Mr. Naruepon Sukumasavin	Director of AD
Mr. Truong Hong Tien	Director of ED
Mr. Bounlap Phethany	Director of TD
Mr. Anoulak Kittikhoun	Chief Strategy and Partnership Officer, OCEO
Mr. Thim Ly	Chief Basin Planner, PD
Mr. Piriya Uraiwong	MIWRM Specialist, OCEO
Mr. Praivan Limbanboon	Stakeholder engagement specialist, PD
Mr. Duong Hai Nhu	Communications officer, OCEO
Mr. Santi Baran	M&E Specialist, OCEO
Mr. Voradeth Phonekeo	Hydropower Expert
Mr. Aaron Wolf	Facilitator, Oregon State University
Mr. Dejan Komatina	Secretary, Sava River Basin Commission
Mr. Gustaaf Borchardt	President, International Rhine Commission
Mr. Wolfgang Grabs	Resource person/expert, German Federal Institute of Hydrology
Ms Susanne Schmeier	Resource person/expert, GIZ
Ms Daryl Fields	World Bank
Mr. Bertrand Meinier	GIZ
Ms Maria Koenig,	GIZ
Mr. Richard Paisley	UNDP/MSU
Ms Ana Felicio	GIZ



## ANNEX 2: Agenda of the Workshop

<p><b>Day 1 Morning</b> (concept and agenda setting)</p>	<p>8.30 Registration            9.00 Welcome and opening of the workshop: Director of PD and German Ambassador            9.15            Getting to know each other, introduction to the workshop and expected outcomes (Aaron Wolf, facilitator)            Setting the scene: Principal concepts of water diplomacy including definition of terms, distinction from water cooperation, components and mechanisms (Aron Wolf and Susanne Schmeier)            Pathways to Water Diplomacy – A German Perspective Water (Wolfgang Grabs)            Plenary Discussion            10.15 Coffee break            10.45 Panel session: 21 years after the 1995 Mekong Agreement – MRC &amp; water diplomacy, where do we stand? (one senior representative each from MCs, Mr. Hatda)            12.00 Lunch break</p>
<p><b>Day 1 Afternoon</b> (international experiences)</p>	<p>13.30 Strengthening water diplomacy in MRC key work (Anoulak Kittikhoun, MRCS)            14.00            Theme 1: Optimizing Development opportunities between Member countries and partners including sharing of costs and benefits from transboundary cooperation (Richard Paisley)            The link between technical cooperation and water diplomacy (Daryl Fields)            Theme 2: Water Diplomacy as a means to the prevention and management of differences and tensions including legal, procedural and institutional frameworks (Susanne Schmeier),            Plenary Discussion            15.00 Coffee break            15.30 Reflections and inputs (5 groups: 4 MCs – each supported by respective Director, MRCS), resource persons on call if clarifications needed            16:30 Closure Day 1</p>





<p><b>Day 2 Morning</b></p> <p>(Making water diplomacy work in the Mekong)</p>	<p>9.00 Recap Day 1</p> <p>9.15 Theme 3: Institutional mechanisms and international experiences and practices of RBOs in transboundary water diplomacy (Dejan Komatina, Sava)</p> <p>9.30 The role of public diplomacy in transboundary water diplomacy (Gustaaf Borchardt, Rhine), Q&amp;A</p> <p>10.15 Coffee break</p> <p>10.45 Summary of inputs and reflections from the three themes (Facilitator supported by Anoulak Kittikhoun)</p> <p>11.00 Parallel working group discussions, co-facilitated by one MRCS staff and one resource person – where does water diplomacy come in into our work? Where can which element of water diplomacy be of use?</p> <ul style="list-style-type: none"> <li>• Group 1: Relevance and application of water diplomacy in the MRC work on basin-wide strategies including BDS, MASAP, Environmental Strategy, Hydropower Strategy, BFMS, etc.</li> <li>• Group 2: Relevance and application of water diplomacy in the MRC Procedures work</li> <li>• Group 3: Relevance and application of water diplomacy into roles of MRC and associated institutions, mechanisms, impact at the political level</li> </ul> <p>12.15 Lunch break</p>
<p><b>Day 2 Afternoon</b></p> <p>(Summary of results, next steps)</p>	<p>13.30 Report back</p> <p>14.15 Panel reflection: Strengthening water diplomacy in the Mekong: 2 resource persons, one senior representative each from MCs</p> <p>15.00 Coffee break</p> <p>15.30 Conclusions and recommendations</p> <p>16.00 Agreement on next steps</p> <p>16.30 Closure</p>