



STRENGTHENING TRANSBOUNDARY RIVER GOVERNANCE IS KEY TO ASEAN CENTRALITY

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The following is adapted from [a report](#) on the “Indo-Pacific Conference on Strengthening Transboundary River Governance,” a half-day virtual conference organized by the East-West Center and hosted by the US Department of State that convened partners and stakeholders from across the Indo-Pacific region to share best practices and lessons learned related to the cooperative development and management of transboundary rivers.

The “Indo-Pacific Conference on Strengthening Transboundary River Governance” was designed to bring together a range of government and non-government expertise to chart a path forward to strengthen transboundary river governance on the Mekong. To that end, specific policy recommendations were made for key stakeholders that can serve as a roadmap for measurable next steps. The key stakeholders include the Mekong River Commission (MRC); Mekong region national governments; regional organizations such as ASEAN and [ACMECS](#); international stakeholders active in the region; and local and civil society organizations.

The policy recommendations articulated at the conference are also aligned with key objectives of the September 2020 [Mekong-US Partnership](#) (MUSP) agreed to by the foreign ministers of the Mekong countries and the US secretary of state. Key alignments between the conference recommendations and the official work of the MUSP include the prioritization of the Mekong region as an integral part of ASEAN—whose development is key to ASEAN achieving its vision of community. This should be done by first synergizing and creating complementarities between the [Mekong River Commission](#) (MRC) and other sub-regional cooperation frameworks such as ASEAN and ACMECS.

Efforts should be made to strengthen economic connectivity, sustainable water, natural resources, and environmental protection and conservation. Non-traditional security challenges such as health, transnational crime, and illicit trafficking in persons, drugs, and wildlife, as well as expanding human capital development (including women’s empowerment) must be addressed. Transparent and cooperative water data-sharing mechanisms should be created.

Adding to this, creating transparent and cooperative water data sharing mechanisms via tools such as [MekongWater.org](#) and the [Mekong Water Data Initiative](#) will help to improve coordination and response to natural disasters from floods and drought. Finally, cooperation among Mekong countries, the United States and development partners such as Japan, Australia, and the Republic of Korea, as well as members of the [Friends of the Mekong](#) should be enhanced.

The following is a list of specific policy recommendations by conference speakers and participants to ensure that transboundary river governance is conducted in such a way as to 1) maximize outcomes that benefit all stakeholders and 2) align with the objectives of the MUSP.

Mekong River Commission (MRC)

It is recommended that the role and capacity of the MRC be strengthened to promote reasonable and

equitable use of the Mekong River's resources. The promotion of good governance, based on rules and norms, as a principle for effective, efficient, and sustainable development is essential. This can be accomplished by supporting the MRC as both a knowledge hub and transboundary river management mechanism with the capacity to resolve conflicts within and outside the region, rather than simply a repository of data and tools. Additionally, the MRC should be supported as it continues to engage with its dialogue partners China and Myanmar. When conditions are met, Mekong region stakeholders and partners should find avenues for collaboration with China for which the MRC can play a central role in dialogues. Furthermore, Mekong region countries and the MRC could be encouraged to consider adopting the principles of international legal treaties such as the 1997 [UN Convention on the Law of Non-Navigational Uses of International Watercourses](#) or adopting the conceptual frameworks and legal guidance of other transboundary treaties such as the [Columbia River Treaty and the Boundary Waters Treaty](#), particularly with respect to independent dispute settlement capacities.

Finally, the MRC could also reconsider amending the [1995 Mekong Agreement](#) to incorporate legally binding principles and procedures as well as permanent platforms for local stakeholder engagement that include these stakeholders in the decision-making mechanisms. Current Mekong region countries' systems for local stakeholder engagement have been non-permanent, ad hoc, and lacking in tangible impact on policymaking. Strengthening governance by sharing responsibility, delivery, and power among key non-state actor stakeholders will reduce marginalization of these stakeholders, enhance transparency and perceptions of impartiality, improve water solutions, encourage local ownership, and create opportunities for bottom-up innovative inclusion practices.

Mekong Region Countries

Support should be provided for Mekong region countries' autonomy by holding international neighbors accountable in respecting international law and international borders. Additional support should be given to local law enforcement capacity to combat

criminal activities along the Mekong river. Moreover, providing transparent water data-sharing (e.g., mainstream river and tributaries flow data, dam construction, and operations data) can be initiated as a basic form of transboundary collaboration, and a way to address critical challenges posed by climate change, shifting hydrological conditions, chronic droughts, and natural disasters.

Countries should be held accountable to honor their data-sharing commitments. Failure to share data on upstream conditions limits governments' ability to prepare for and mitigate damage caused by dam operations, as well as to conduct effective disaster management. At the national and local level, transparency in providing information for public consultation creates an enabling environment for local stakeholder participation. Government stakeholders should also ensure that their departments and ministries are staffed with experts on water, energy, and the expertise necessary to inform negotiations, support policy formation and implementation, and recognize the needs of other stakeholders. Finally, Mekong region countries should also be encouraged to pursue alternative development opportunities less dependent on hydropower and extensive water-use production. New technologies and regional cooperation can deliver energy security at significantly lower social and environmental costs, and be more economically viable than environmentally destabilizing dams combined with more frequent droughts.

Regional Organizations and International Partners

International partners and regional organizations should support ASEAN's efforts in raising the profile of the Mekong region as a core component of ASEAN centrality, with ASEAN potentially playing a more central role in regional development, facilitating policy coordination, and elevating the water governance and water diplomacy of the Mekong region to Southeast Asia's regional agenda. Moreover, external partners already engaged in strengthening transboundary governance of the Mekong river should complement existing ASEAN efforts such as [ASEAN MPAC 2025](#) and [ASEAN's Vision on the Indo-Pacific](#). Support for other multilateral Mekong mechanisms, such as ACMECS and [CLMV](#), can help

solidify the political will and capability to promote sustainable use of the Mekong River's resources alongside international partners.

Lastly, international partners such as Japan, South Korea, Australia, India, and countries in the European Union should be engaged to support sustainable development and share global best practices related to data sharing, scientific analyses, remote sensing, and integrated water resource management. Lessons learned from international technical collaboration through the [International Commission on the Protection of the Danube River](#) contributed to the development of Eastern European countries after World War II. Strengthening programming with international partners in Mekong region cooperation can help narrow the development gap among ASEAN member states.

Local Stakeholders

Local issues such as pollution, inadequate resettlement logistics, and damage to livelihoods have affected water infrastructure development across the world, and the formation of both policy and decision-making must account for this. By expanding the problem space beyond water to include protected areas, forestry, fisheries, etc., water diplomacy can move away from being zero-sum to bringing in new actors and opportunities for mutually beneficial solutions on the basis of transparency, trust, and good will.

The inclusive participation of legitimate stakeholders in pursuing sustainable and collaborative management of transboundary waters must be ensured. Tensions over water resources often arise between affected communities and governments or commercial developers, or between the communities themselves. The exclusion of local and non-state actors risks negatively impacting these stakeholders by neglecting to recognize their legitimate interests, or by alienating them due to their exclusion from decision-making processes.

Encouraging a greater inclusion of non-state actors in consultations and decision-making processes can reduce risks, improve planning processes, help governments and economies more quickly reach

development goals, and give a sense of identity and ownership of processes and outcomes that work for all stakeholders. The benefits of public stakeholder engagement impact the economic, health, social, and environmental domains.

NGOs can be supported as they engage various stakeholders through briefings for senior government and party officials, training for multi-agency technical staff, consultations with think tanks and CSO networks, diplomatic engagement, analysis, and media op-eds. Adding to this, opportunities for academic exchanges among universities across the Mekong region and with international academic institutions can be fostered through seminars, workshops, training, and collaborative scientific research.

To encourage greater inclusivity, raise public awareness, and help curb predatory infrastructure development, investment in capacity-building efforts should be made. Programs that engage and educate local communities can include scholarships, vocational education and training, fostering civil society organizations, and raising local environmental concerns. Furthermore, stakeholders should make efforts to enhance [the role of women](#). Including gender specialists when conducting local stakeholder engagement will ensure that women are effectively empowered to participate in the process. Adding to this, the inclusion of indigenous peoples ensures policy decisions respect their rights, values, and water uses. It also contributes traditional knowledge to scientific analyses. Local media can be encouraged and empowered to report on the value of the river and the effects of unsustainable practices. Finally, enhancing opportunities for citizen science provides further accountability, validity to credible transboundary river governance tracking, encourages local ownership of river management, and highlights the priorities of local stakeholders.

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