



BRIDGE September 2015: International Water Laws Training Workshops & Seminars

Cambodia, Viet Nam, Thailand and Myanmar

September 2015





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GLOSSARY

Convention: The creation of a written agreement whereby the states participating bind themselves legally to act in a particular way or to set up particular relations between themselves. The term is used interchangeably with Treaty. Treaties are also known by a variety of differing names, ranging from International Agreements, Pacts, General Acts and Charters, through to Statutes, Declarations and Covenants.

Due Diligence: A standard of care that a state of similar standing in, for example, financial, legal, technical and administrative terms would adopt in similar circumstances.

Equitable and reasonable utilization: Equitable and reasonable is often considered as synonymous with fair and sustainable, respectively.

Entry into force: A treaty comes or enters into force at a time when it becomes legally binding on the parties to the treaty. A treaty does not enter into force when it is adopted. The date of entry into force may be a date specified in the treaty or a date on which a specified number of ratifications, approvals, acceptances or accessions have been deposited with the depositary.

Jurisdiction: The right in international law for a state to exercise authority over its national and persons and things in its territory.

Party: A state or regional economic integration organisation that has consented to be bound by the Convention once in force.

Ratification: Following signature, the expression of a state's consent to be bound by a treaty. Often the term ratification is used interchangeably with 'accession', 'approval' and 'acceptance'.

Significant harm: Something that is more than detectable but not necessarily to a level of serious or substantial. To be significant the harm must lead to a 'real detriment' to, for example, human health, industry, property, environment or agriculture.

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1 Background and introduction

1.1 The BRIDGE programme

The BRIDGE (Building River Dialogue and Governance) programme is facilitated by IUCN (International Union for Conservation of Nature) and financed by the Water Diplomacy Programme of the Swiss Agency for Development and Cooperation (SDC). It is a multi-regional project which is implemented in 14 river and lake basins across Asia, Africa, Mesoamerica and the South America. The project aims to build water governance capacities through learning, demonstration, leadership and consensus-building for sustainable river basin management.

At the basin level, strategic priorities for BRIDGE are guided by currently available mechanisms for trans-boundary cooperation on water issues. Where cooperation strategies or agreements are in place, the objective is to support implementation and help make the associated local, national and trans-boundary institutions operationally effective. Where no specific agreements are in place, the project focuses on building channels for dialogue, action and learning, in order to create spaces for cooperation.

In Asia, the BRIDGE project is working in the 3S Basins (Sekong, Sesan and Sre Pok Rivers) shared by Cambodia, Viet Nam and Lao PDR. The project has been operational since 2011, and is currently in the phase 2 which started in 2013 and is ending in December 2015. During the phase 2, the BRIDGE programme provided opportunities for dialogue and training programmes to build capacity for cooperative hydro-diplomacy for the key stakeholders from the 3S basins. The BRIDGE programme has also facilitated the sharing of information on Integrated Water Resources Management (IWRM), and consolidated data and studies to support technical discussions across basins.

The BRIDGE programme will enter into phase 3 in early 2016. This phase will focus on developing the capacity of stakeholders in cooperative hydro-diplomacy, and facilitating the development of a multistakeholder-led regional IWRM strategy for the 3S basins. The programme will also explore the possibility of expanding activities to other countries in the lower Mekong basin, such as Thailand and Myanmar.

1.2 BRIDGE September 2015 hydro-diplomacy trainings and seminars

In September 2015, the 3S component of the BRIDGE programme facilitated a series of training workshops and seminars on the theme '*Hydrodiplomacy: International Water Law and Regional Cooperation*'. These workshops were organized at the request of key stakeholders from four Lower Mekong Basin countries, Cambodia, Thailand, Myanmar and Viet Nam.

The aim of these workshops is to improve stakeholders' understanding of International Water Laws and its key provisions, in particular the UNWC (United Nations Convention on the Law of the Non-navigational Uses of International Watercourses), 1997. These workshops also provided a platform for discussion, giving participants the opportunity to compare the UNWC with the Mekong River Agreement (MRA), 1995 and understand how the two agreements complement one another.

Key objectives of the workshops:

- Provide relevant key agency officials from Cambodia, Viet Nam, Thailand and Myanmar with a better understanding of international water law and the key provisions (substantive and procedural rules and the institutional aspect) of the UNWC, 1997.
- Ensure that participants have an understanding of the implications of the UN Watercourses Convention, 1997 entering into force, and how its ratification by LMB countries could complement the Mekong River Agreement (MRA), 1995 and strengthen water cooperation.
- Better define how the BRIDGE programme can support the ratification and/or the implementation of the UNWC in the Lower Mekong Basin

1.3 Event details

The BRIDGE Hydro-diplomacy training package is designed for three days and includes the technical presentations aimed to help participants understand the principles and provisions of International Water Law (IWL) and the role play negotiation exercises to help the participants better understand how to apply IWL principals in practice.

The September 2015 hydro-diplomacy trainings were abridged version of the full training package and ran for only one or two days due to time availability and requirements of the different groups of stakeholder.

Dr Alejandro Iza (Director, IUCN Environment Law Centre, Bonn Germany) was the main trainer and resource person for the training sessions and he was supported by the BRIDGE regional team, which included Mr Jake Brunner (Deputy, IUCN Southeast Asia Group for Vietnam, Cambodia and Myanmar) and Mr Raphaël Glémet (Senior Programme Officer, Water and Wetlands, Natural Resources Group, IUCN Asia).

Below is an introduction of these workshop and seminars.

a) Phnom Penh, Cambodia September 21– September 23, 2015)

- **September 21-22:** The two day hydro diplomacy training on “International Water Law and Regional Cooperation” was co-organized by CNMC (Cambodia National Mekong Committee) and IUCN. The meeting was chaired by the Secretary General of the CNMC, HE Mr. Te Navuth and was attended by more than 30 participants coming from CNMC, national ministries and government departments, such as the Ministry of Foreign Affairs (MoFA), the Ministry of Environment, Ministry of rural development.

CNMC is a governmental institution operating under the direct supervision of the Royal Government of Cambodia. Its main mission is to coordinate the management, protection, conservation and development of water and other related resources in the Mekong River Basin.

- **September 23:** A one-day exchange workshop on “International Water Laws and Regional Cooperation” was organized for members of the 3rd Commission of the National Assembly (NA), Cambodia. The event was co-organized by the 3rd Commission of the NA of Cambodia, the NGO Forum Cambodia and IUCN. More

than 20 participants attended this workshop and the opening remark was delivered by H.E Mr Pol Ham, the Chairman of the 3rd Commission.

The 3rd Commission has a broad mandate and advises the Cambodian Parliament on a wide range of issues like planning, investment, agriculture, rural development environment and water resources related issues. The NGO Forum Cambodia is a membership based platform that builds NGO cooperation and capacity, supporting NGO networks and other civil society organizations to engage in policy dialogue, debate and advocacy.

b) Hanoi, Viet Nam (September 25, 2015)

- A half-day seminar with the theme “UNWC: Opportunities and Challenges for Viet Nam” was organised for representatives of the Institute of Legislative Studies (ILS). Over 40 participants attended the event and it was co-organized by ILS and IUCN.

The ILS is a technical institute established by the National Assembly of Viet Nam. It is the leading center for research, information, and policy analysis on legal matters.

c) Bangkok, Thailand (September 28, 2015)

- A one-day hydro diplomacy training on “International Water Laws and Regional Cooperation” was organized in Bangkok and attended by more than 15 participants from Thailand and Myanmar. From Thailand, a variety of organizations from both the government and the civil society, such as Office of Natural Resources & Environmental Policy and Planning (ONEP), MONRE Thailand; Wetland USEs Association, Thailand; Human Right Law Center and Thailand of Mekong River Conservation Network; Mekong-Salween Rivers Network; Earth Rights International; Thailand Water Resources Association attended the training. From Myanmar, the National Water Resources Committee of Myanmar and the Directorate of Water Resources & Improvement of River Systems, Myanmar attended the event.

Please see Annexure 1 for the Agenda and Annexure 2 for the Participants List of the each of the above events.

2 Proceedings of the September 2015 hydro-diplomacy trainings and seminars

As mentioned in section 1.3, the September 2016 training workshops and the seminars were based on the theme “International Water Laws and Regional Cooperation in the Lower Mekong Basin.” The sections below explain the rationale behind organising such workshops and include abstracts from technical presentations, as well as highlights of the main issues discussed during the training workshops.

2.1 International water laws and regional cooperation in the Lower Mekong Basin (LMB)

The Lower Mekong Basin is shared by Myanmar, Thailand, Cambodia, Lao PDR and Viet Nam, and is an important source of food, water and energy for over 60 million people. It is

also one of the world's most productive inland fishery zones providing approximately 25% of the global freshwater catch. In recent years, economic growth, hydropower development, and climate change have put pressure on the water resources and the ecology of the Mekong river basin. Strengthening cooperation between lower Mekong basin countries on water resources management can go a long way in ensuring long term socio-ecological sustainability and security of the region.

By setting rules and standards, the International Water Law can strengthen water governance, enforce principles, and facilitate relationship building between different stakeholders. International Water Laws also provides a clear mechanism to build consensus and reach agreements on shared water management.

Since coming into force in August 2014, the UNWC, 1997 has emerged as a promising tool for the Mekong region. The UNWC is the only treaty governing shared freshwater resources that is of universal applicability. It codifies three key principles: equitable and reasonable utilization, the duty to avoid significant harm, and the conservation of ecosystems. It provides clear mechanisms for parties to settle potential conflicts in the sharing of water resources. The UNWC is based on customary water laws and complements existing local laws and agreements such as the 1995 Mekong Agreement.

2.2 UNWC ratification by the LMB

The MRA was signed in 1995. The agreement was seen as a big achievement not just regionally but globally. The MRA is a statement of intent that talks about the goals and objectives that parties need to adhere to. The MRA is however not very clear about how to achieve these goals and objectives. The treaty by design is quite ambiguous and non-binding, so countries can still make independent decisions on how they use shared water resources.

Since the signing of the Mekong agreement twenty years ago, things have changed significantly in the LMB landscape. More disputes concerning hydroelectric power have occurred. In the next few years, it is estimated that LMB countries will construct 12 large hydropower countries on the Mekong mainstream. Once all these dams are commissioned, it might impact river flow pattern and block fish migration, thereby negatively impacting fish biodiversity and placing millions of people who depend on the Mekong for their food security and income generation at risk.

Analysis by various legal experts have clearly indicated that many of the MRA, 1995 provisions are weak due its non-binding language and unclear dispute resolution mechanisms. There is a need for a clear and legally binding agreement to ensure equitable and sustainable development in the Mekong region and the UNWC, 1997 provides an option.

The UNWC was approved by UN General Assembly in 1997; and came into force in 2014 when Viet Nam became the 35th country to ratify it. It is a framework convention providing guidance on regulation of interstate relations on trans-boundary water management by establishing clear rules and dispute resolution mechanisms. The UNWC could complement MRA, 1995 by establishing clear rules for water resource sharing and development. The September 2015 hydro-diplomacy trainings were aimed at creating awareness of IWL.

provisions and the implications of UNWC ratification amongst highest level policy makers from Cambodia, Viet Nam, Thailand and Myanmar.

2.3 Abstracts form the technical presentations

2.3.1 Governance of shared waters: legal and institutional aspects and Introduction to U.N. Watercourses Convention

Shared basins share common problems around the world, such as the increased occurrence of floods and droughts due to climate change. Data indicates that there are approximately 276 trans-boundary rivers in the world and 200 trans-boundary aquifers. More than 60% of the trans-boundary Rivers do not have a framework for cooperation.

At international level, there are various mechanisms available that could help achieve effective cooperation. IWRM (Integrated Water Resource Management) and Hydro-diplomacy provide policy approaches to cooperation, whereas the UNWC provides a legal basis for cooperation.

Cooperation, equitable and reasonable utilisation, avoidance of harm and protection of ecosystems are the four fundamental principles under international water laws, and these principles are incorporated in the UNWC, 1997 provisions. These principles and provisions have been taken from customary laws which historically formed part the States' practice in the form of treaties, declarations and the resolutions from the international organizations. These customary laws are also recognized in the decisions of international tribunals.

2.3.2 UNWC, 1997: An instrument for cooperative water governance

The UNWC is the most comprehensive and important codification of customary international watercourse laws. It was adopted in 1997, when 103 countries voted in favor of the UNWC at the UN General Assembly. This framework convention came into force in 2014, after Viet Nam became the 35th country to ratify this convention. The UNWC has a focus on non-navigational uses of watercourses. It also recognizes watercourses as a system of surface and ground water which is physically connected to one another, therefore also including tributaries and the coastal ecosystems in the definition of a basin.

The UNWC is based on three blocks of substantive rules, which includes the equitable and reasonable utilization of shared water resources; avoidance of harm due to any planned measures; and the protection of ecosystems. .On the other hand the UNWC procedural rules are based on the principles of equitable participation, duty to cooperate, regular exchange of data and information, and taking joint action for preserving the ecological integrity of shared waters. The procedural rule also establishes guidelines for the notification concerning planned measures with possible adverse effects.

Furthermore, the UNWC only codifies the use of international waters— it does not have its own institutional mechanism. However, the convention encourages states sharing a river or lake basin to sign specific agreements in order to cooperate on its management through an institutional setup. There is an implicit need for institutional arrangements, as indicated through various substantive and procedural provisions, to cooperate; not to cause harm; to preserve the environment and to share information.

2.3.3 Mekong River Agreement and the UN watercourses convention: A comparative analysis

Overall the two treaties are complementary; the legal rights and duties of the MRA member state will not be affected if the country also ratifies the UNWC. The ratification of UNWC by MRA member states can help align the provisions of MRA with the principles of International Water Law. Therefore, the UNWC does not replace but instead reinforce the MRA.

The MRA, as a treaty is binding, however many of its provisions are non-binding and in many cases provides room for misinterpretations. However, UNWC provisions are more stringent and less open to misinterpretations.

Critical legal elements are missing or inadequate under the MRA, such as the principles of equitable utilization, equal participation and no significant harm not adequately regulated in the MRA. In the MRA, procedures relating to prior notification do not apply in case the planned measures are on the tributaries of Mekong. The MRA also doesn't provide for clear and final binding dispute resolution mechanism.

On the other hand the UNWC applies the principle that water forms a system, and therefore all the physically connected water forms the part of the watercourses. This is not the case of the MRA, which does not include tributaries.

The ratification of the UNWC can improve Mekong governance by strengthening the MRA to govern the basin by adopting a globally recognized common legal platform. The MRA will also be strengthened by clear definition of dispute resolution, prior informed consent etc provided by the UNWC.

2.4 Summary of common points and specific issues discussed during various training workshops:

Given the common theme of the September 2016 training workshops and the similarity of issues and challenges that the LMB countries are facing as far as water resource management is concerned, the discussions at the workshop highlighted some common issues as well as country specific priority issues to tackle, so as to achieve sustainable water resource management in the LMB.

2.4.1 General Observations

Below are some common observations, suggestions and concerns raised by the participants during various September 2015 training workshops.

a) Multilevel stakeholder engagement and the capacity building on UNWC:

Currently the water sharing agreements are negotiated at executive levels, without much local involvement. The community is not aware about what is happening at the top and how decisions are being taken. There is a need to establish working groups involving people from all levels, from top executive to the local community.

There is a need to sensitize people working at all levels of the government and civil society on the various provisions and the application of UNWC and how it could support the sustainable development of trans-boundary water resources and contribute to regional security.

b) UNWC ratification by LMB countries

The participants of these training workshops agreed that the ratification of UNWC by all LMB countries will give them collective bargaining power and therefore would be helpful in dealing with the hydro-hegemony of powerful upstream neighbours. The collective ratification of UNWC by LMB will also help rectify current power imbalances within the LMB and therefore would contribute to regional security. Many states around the world are taking the same strategy to deal with their upstream neighbours. Syria and Iraq ratified UNWC, because they thought they could leverage the collective bargaining power against Turkey, which is an upper riparian.

The workshop participants felt that ASEAN can be a powerful platform to push for UNWC ratification. The participants also felt that could help to influence the private sector, which is one of the major drivers contributing to the degradation of the Mekong basin.

c) Identification and avoidance of significant harm:

Numerous discussions were held on UNWC provisions related to identification and quantification of transboundary harm. The UNWC convention doesn't provide any standards for the identification of significant harm. However, the UNWC is explicit that the parties to the convention need to take measures to avoid any transboundary impact due to planned measure or project by the country on the shared rivers. To avoid significant harm, the principle of Due Diligence applies. It implies that a country needs to take steps to prevent harm (Socio-economic, environmental etc). The significant harm has to be perceptible and has to be decided on a case by case basis. Therefore there is no set rule to decide whether significant harm has been caused.

There was a lot of interest, especially among the Cambodian participants during the Phnom Penh training workshops, on the provisions and principles related to avoidance of harm and how this principle can be operationalised, especially in the case of Lao PDR when dealing with issues like Dan Sahong dam construction. The workshops also highlighted that Lao PDR is a sovereign state that keeps national priorities in mind when making decisions. The discussion highlighted that even though this is the case, Lao PDR cannot in any way jeopardize the sovereignty of Cambodia. The latter too has a right, the right not to be negatively impacted by things happening in other countries. The UNWC provides a framework that could help protect these rights.

d) UNWC and the civil society:

The UNWC does not contain any explicit requirement for public participation, however, it is complemented by other international environmental instruments that address this issue in regards to transboundary waters such as the UNECE Water Convention of 1992 in its article 16 and the Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters of 1998.

It could be argued that the UNWC implies that States should use public participation procedures in a domestic context by recognizing and legitimizing the voice of civil society and of entities such as environmental organizations which promote the protection of shared waters.

2.4.2 Highlights from specific training workshops

Below are specific highlights from the four training workshops

Phnom Penh, Cambodia (21-23 September 2015)

Awareness of UNWC among law makers: In any country, the parliament is responsible for its national interest. The parliament needs to work with different stakeholders to achieve good governance of shared rivers. The participants from the 3rd Commission of NA, Cambodia acknowledged that the knowledge gained at the workshop will help them in making informed decisions. This sentiment was also highlighted by H.E Pol Ham (Chairman, 3rd Commission of National Assembly Cambodia) during his the closing speech on 23rd September meeting, when he said, *“UNWC is a new topic for the NA members and there is a need to create awareness and develop better understanding on the implications of its ratification by Cambodia.”*

Implications of UNWC ratification for Cambodia: During the Phnom Penh workshops, the participants showed keen interest in understanding the immediate implications of ratifying the UNWC. The discussions highlighted that as such there is not any immediate impact or financial implication due to UNWC ratification. The ratification will give traction to Cambodia to better negotiate with neighbours applying the principles and provisions of IWL. It will also contribute to the development of stronger and clearer legal framework at the national level for the management of transboundary resource sharing. The discussions also highlighted that becoming a party to UNWC convention is similar to being the member of the United Nations. It was discussed that the UNWC can help establish clear guidelines for the management and sharing of water resources in the LMB. The discussions also highlighted that there is no way to know if the UNWC ratification by Cambodia will impact the relationship with upstream neighbours like Lao PDR and China, particularly since they too have not ratified the UNWC convention.

Discussions highlighted that are no veto rights available under the MRA irrespective of the concerns over the dam by a country. The MRA carries very general provisions with regards to the construction of dams on the Mekong main stream. Also there is no legal binding agreement for the tributaries. The dispute resolution mechanism in the MRA is also not clear it is convoluted. The UNWC provides clarity and thus could complement the MRA. The 3rd commission has an important duty to monitor progress in relation to water governance; the participants from the NA of Cambodia shared that they are keeping a close watch on the happenings across borders, such as the proposed construction of the Dan Sahon dam in Lao PDR.

Hanoi, Viet Nam (September 25, 2015)

Viet Nam has already ratified the UNWC, 1997, therefore the focus of the Hanoi Seminar was on understanding the opportunities and challenges for Viet Nam as the country takes steps towards implementing the convention.

Viet Nam is facing a variety of issues related to sustainable water resource management. Forty per cent of the country is a delta, a zone of subsidence which is impacted by climate change induced sea level rise. By ratifying the UNWC, Vietnam has clearly shown that it wants to be the Water Champion in the LMB.

In his opening speech, Dr Dinh Xuan Thao, Director Institute of Legislative Studies (ILS), Viet Nam shared that the country is mostly a down-stream riparian, with 63% of the total volumes of water flowing through Viet Nam originate beyond its political boundaries. The availability of water in Vietnam, therefore, very much depends on developments happening

in the upstream of the river. Therefore, for Viet Nam, one of the motivations behind ratifying UNWC is to establish commons in trans-boundary water resource development.

For the next step, Vietnam needs to amend/revise its legal system to make it consistent with IWL and UNWC, so as to translate the content of the convention into implementation.

The training workshop in Hanoi clarified the need to create and strengthen awareness on the implication of UNWC ratification for the region. LMB needs a strong legal framework and concerted action by different countries and it also needs to involve different process and platform, such as ASEAN, so as to achieve effective water resource management in the region.

Discussions were also held on upcoming dams that were planned to be constructed on the Mekong and its impact on fishery resources, which is one of the major concerns for Viet Nam National Assembly. Concerns about the Pak Beng project in Laos were raised by participants.

Bangkok, Thailand (28th September 2015)

Myanmar and Thailand are facing similar problems in dealing with countries that hold upper riparian positions. The two countries need to come together to negotiate effectively with bigger neighbors like China which is not even party to the MRA, 1995.

UNWC ratification by Myanmar and Thailand:

The participants from the National Water Resource Committee (NWRC), Myanmar in agreement that the UNWC is an effective tool for trans-boundary water resource management and could contribute to sustainable management of rivers like Salween and the Irrawaddy. The representative from Myanmar shared that they will recommend for the UNWC ratification to the relevant ministries in Myanmar.

The participants from Thailand speaking on the ratification of UNWC felt that it is a long walk. There is a lot of awareness creation required within the national agencies on the of trans-boundary water resource management. There is a need to sensitize hundreds of professional working on the management of shared water resources to have an impact on ground. The Ministry of Water Resources, Thailand could be the focal point and leader within country to take the issue of UNWC ratification forward. But it is not clear which organization could lead on UNWC ratification process in Thailand. It was suggested that the participants from the Department of International Affairs of Thailand present at the training workshop will use the information and knowledge gained to inform the relevant people in their organization on the outcomes of this training workshop and will help in identification of the next steps and the focal organization for the purpose of UNWC ratification.

Discussions also highlighted that within country there are different voices and opinion and thus there is a need to coordinate and build awareness on the UNWC inside the country and then between countries on interstate governance of shared water.

NWRC participants from Myanmar invited BRIDGE to conduct National Seminar on UNWC and extend the BRIDGE project activities to Myanmar.

Management of Salween River and UNWC:

The 2815 km long Salween river runs parallel to the mighty Mekong River for much of its course and forms part of the border between Myanmar and Thailand. The discussion highlighted that Thailand should cooperate with the Myanmar government on the management of trans-boundary rivers, such as the Salween, where climate change is impacting the livelihoods of local people. Poor management decisions will not only impact the river but also the livelihoods of people who depend on it. Mekong River Commission (MRC) is there to assist in facilitating better cooperation on trans-boundary management of the Mekong river. And there is a need for a similar institution to deal with the management of the Salween river basin.

The river has important wetlands in trans-boundary areas - but there is a dearth of information sharing and knowledge generation on the management of these wetlands. Thailand and Myanmar can start cooperating and generating technical knowledge on how to conserve these wetlands, and this will lead to cooperation at policy level. Furthermore, both countries could apply for funding from the Global Environment facility (GEF) 6 that has budget allocated specially for the conservation of international water bodies.

The discussions on the wetland management and the application of UNWC provisions highlighted that it could complement and support the implementation of Ramsar convention on the wetlands. Participants acknowledged that the Ramsar convention mentions the need for cooperation for the conservation of transboundary wetlands. In addition, the UNWC provisions related to no harm and equitable benefit sharing would apply to transboundary wetlands.

3 Key decisions and next steps

Cambodia: the participants requested the BRIDGE programme to publish a detailed comparison report between MRA and UNWC and make this available in the Khmer language. It was also suggested that the BRIDGE programme should organise more briefings and seminars on IWL and UNWC for the representative of relevant national ministries, such as the MoFA (Ministry of Foreign Affairs), the MoWRAM (Ministry of Water Resources and Meteorology).to build further momentum for UNWC ratification by Cambodia.

Viet Nam: As Viet Nam has already ratified the UNWC, the Vietnamese participants felt that the country could play the role of Water Champions in the Mekong region. It was suggested to use Vietnamese representatives as UNWC ambassadors and organise informal diplomatic missions to other countries to share experience on implication of UNWC ratification by Viet Nam.

Thailand and Myanmar: The participants felt that a lot of awareness creation is required within the national agencies on the application of IWL and UNWC provisions. Participants from both the country requested the BRIDGE programme to organise a series of training workshops on IWL and UNWC to sensitize professionals working at different levels within relevant government departments and the civil society on the issue of water resource management within each country.

4 References

Event Media Coverage:

Op-ED Article: Reinvigorating the Mekong spirit –

- a) Vietnam News, 26 September 2015 -
<http://english.vietnamnet.vn/fms/environment/142328/un-watercourses-convention--opportunity-to-reinvigorate-the-mekong-spirit.html>
- b) Myanmar Times, 28 Sep (also in print version): <http://www.mmtimes.com/index.php/opinion/16719-reinvigorating-the-mekong-spirit.html>

Reporting on Cambodia National Assembly Trainings, 23rd September - Khmer

times: <http://www.khmertimeskh.com/news/16099/group-proposes-signing-un-water-pact/>

IUCN Resources:

- a) ELC
Website: https://www.iucn.org/about/work/programmes/environmental_law/elp_work/elc/
- b) IUCN Water Programme:
- c) <https://www.iucn.org/about/work/programmes/water/>
- d) BRIDGE 3S Website – <http://3sbasin.org>
- e) WANI Toolkits: <http://www.iucn.org/about/work/programmes/water/resources/toolkits/>

Link to Water Conventions and treaties:

- a) Link to UNWC framework: <http://www.mrcmekong.org/assets/Publications/policies/agreement-Apr95.pdf>
- b) UNECE: <http://www.unece.org/env/water/text/text.html>
- c) MRC Agreement: <http://www.mrcmekong.org/assets/Publications/policies/agreement-Apr95.pdf>

APPENDICES

Appendix	1
Agenda	

Agenda

HYDRODIPLOMACY TRAINING: INTERNATIONAL WATER LAW AND REGIONAL COOPERATION

Date: September 21-22, 2015
Venue: Cambodiana Hotel, Phnom Penh
Co-organized by: CNMC and IUCN

DAY 1: September 21	
8:30-9:00	Registration
9:00- 9:30	Opening Remarks HE Mr. Te Navuth, CNMC Secretary General Welcome remarks by Jake Brunner, Deputy Head, SEA Group, IUCN Viet Nam Introduction to the Workshop by Raphael Glemet, IUCN Asia Regional Office
9:00-9:30	Introduction to the BRIDGE project and on the benefits of international cooperation, Raphael Glemet, IUCN
9:30-10:00	Coffee break
10:00- 11:00	<i>Technical session I and II</i> Governance of shared waters: legal and institutional aspects and Introduction to U.N. Watercourses Convention
11:00- 12:15	<i>Technical session III</i> Thematic area 1: scope of the convention/substantive rules
12:15- 13:30	Lunch at venue of the Workshop
13:130- 14:45	<i>Technical session IV</i> Thematic area 2: procedural rules
14:45- 15:00	Coffee break
15:00- 16:30	Technical session V Entry into force of the UN Watercourses Convention aiding water governance in the Mekong River Basin

16:30-17:00	Wrap up
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DAY 2: September 22	
9:00-10:30	<i>Technical session V</i> Thematic area 3: institutional aspects
10:30-10:45	Coffee break
10:45-12:00	<i>Technical session VI</i> Thematic area 4: conflict resolution mechanisms
12:00-13:30	Lunch at venue of the Workshop
13:30-15:00	<i>Working Group discussions</i> What steps Cambodia needs to take to ratify the UNWC and what kind of external assistance is required ?
15:00-15:15	Coffee Break
15:15-16:15	<i>Plenary discussion</i> Priorities and workplan for BRIDGE phase 3 (20-16-2018)
16:15 - 16:30	Closing Remarks by HE Mr. Watt Botkosol, CNMC Secretary General

Agenda
EXCHANGE WORKSHOP:
INTERNATIONAL WATER LAW AND REGIONAL
COOPERATION

Date: September 23, 2015

Venue: Cambodiana Hotel, Phnom Penh

Co-organized by: IUCN, NGO Forum and the 3rd Commission of the National Assembly of the Kingdom of Cambodia

8:00-8:30	Registration
8:30-8:45	Opening and Welcome <ul style="list-style-type: none"> - Welcome remarks by Jake Brunner, IUCN - Key remarks on Water Management in Mekong and Cambodia by Tek Vannara, Executive Director of NGO Forum - Opening Remarks by H.E Pol Ham, Chairman of the 3rd Commission of the National Assembly of the Kingdom of Cambodia
8:45-9:00	Presentation on Role and Responsibility of the 3rd Commission of the National Assembly by H.E Hou Sry, Vice-Chairman of the 3rd Commission of the NA
9:00-9:15	Introduction to the BRIDGE project, Raphael Glemet, IUCN
9:15-10:00	<i>Technical session I and II</i> Governance of shared waters: legal and institutional aspects and Introduction to U.N. Watercourses Convention Part II: UNWC (An instrument for cooperative water governance)
10:00-10:15	Coffee break
10:15-12:00	<i>Technical Presentation:</i> UNWC on Planned Measures – the relevant provisions
12:00-13:00	Lunch at venue of the Workshop
13:00 – 16:00	<i>Technical session V and VI</i> Institutional aspects and conflict resolution mechanisms The UNWC: Institutional aspects The Mekong River Agreement and the UN watercourses convention: A comparative analysis Closing Remark by H.E Pol Ham , Chairman of the 3 rd Commission of the NA

Agenda

HYDRODIPLOMACY MEETING: INTERNATIONAL WATER LAWS, REGIONAL COOPERATION AND THE MEKONG AGREEMENT

Date: September 25, 2015
 Venue: Room A3, Institute of Legislative Studies,
 35 Ngo Quyen Street, Hoan Kiem, Hanoi
 Co-organized by: ILS and IUCN

Time	Description	Person in charge
8:30 – 9:00	Registration	IUCN/ILS
9:00 – 9:15	Introduction of participants and objectives of the roundtable	ILS
9:15 – 9:30	Welcome remarks	ILS/IUCN
9:30 – 10:30	The 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC 1997): key aspects of the convention	IUCN
10:30 – 11:00	Q&A	IUCN
11:00 – 11:30	Plenary: Opportunities and Challenges for Vietnam	All participants
11:30 – 11:45	Closing remarks	ILS/IUCN

Agenda

HYDRODIPLOMACY TRAINING: INTERNATIONAL WATER LAW AND REGIONAL COOPERATION

Date: September 28, 2015

Venue: Four Wings Hotel (Sukhumvit Soi 26, Bangkok)

8:00-8:30	Registration
8:30-9:00	Opening remarks by Jake (Director, IUCN Environmental Law Centre, Bonn, Germany)
9:00-9:15	Presentation - Introduction to the BRIDGE project, Raphael Glemet (BRIDGE Project Manager, IUCN ARO)
9:15-10:00	<i>Presentation - Technical session I and II</i> Governance of shared waters: legal and institutional aspects and Introduction to U.N. Watercourses Convention
10:00-10:15	Coffee break
10:15-12:00	Presentation - Technical session III Thematic area 1: scope of the convention/substantive rules
12:00-13:00	Lunch
14:00-14:15	Coffee break
14:15-15:45	Technical session V Legal analysis of why the UN Watercourses Convention (1997) in operation complements the Mekong Agreement (1995) and how this can improve transboundary water management within the Mekong Basin
15:45-17:00	Technical session V and VI Institutional aspects and conflict resolution mechanisms
17:00-17:15	Wrap up

Appendix 2

List of participants

Participants Hydroodplomacy Workshop:
INTERNATIONAL WATER LAW AND REGIONAL COOPERATION
Date: September 21-22, 2015
Venue: Cambodiana Hotel, Phnom Penh
Co-organized by: CNMC and IUCN

Nº	Name	Position/Institute
1	H.E Mr. Te Navuth	Secretary General, CNMC
2	H.E Mr. Watt Botkosal	Deputy Secretary General, CNMC
3	Ms. Mak Somean	Senior Assistant to National BDP Coordinator, CNMC
4	H.E Mr. Pich Dun	Advisor, CNMC
5	H.E Dr. An Pich Hatda	Deputy Secretary General, CNMC
6	H.E Mr. Long Saravuth	Deputy Secretary General, CNMC
7	Mr. Sok Khom	Director of Projects Department, CNMC
8	Mr. Kim Seiha	Deputy Director, Department of Planning and International Cooperation, CNMC
9	Mr. Thoun Sokchea	Duputy Director, Department of Informaton management and Awareness, CNMC
10	Mr. Thay Piseth	Deputy Director, Deparmrnt of Projects Networking and Programme, CNMC
12	Mr Preap Pintheary	Deputy General Director, MFA&IC
13	Mr. Hean Veasna	Head Office, Ministry of Mine and Energy
14	Mr. Phin Rady	Deputy General Director - Ministry of Enviromnent
15	Mr. Vin Bros	Duputy General Director - Minisry of Interior
16	Mr. Ly Hour	Deputy General Director - Ministry of Planning
17	Mr. Nouth Sokha	Deputy General Director - Ministry of Tourism
18	Ms. Pa Sokhavottay	Representaive - Ministry of Water Resources and Meteodolgy
19	Mr. Prok Novida	Deputy General Director - Ministry of Public Work and Transport
20	Mr. Ly Savuth	Deputy General Director- Ministry of Rural Development
21	Mr. Khun Sokha	Director of Department, NCDM
22	Mr. Yan Samrith	Director, Deparmrnt of Tonle Sap Authority
23	Phuong Nguyen	Policy Coordinator - Inclusion Project - Oxfam Australia
24	Mr. Kinna Remy	Oxfam , Consultant
25	Oreme Mallony	Oxfam
26	Eab Ngoun heng	MPWT
27	Dan Chadder	Intern- IUCN Cambodia

28	Mr. Sorn Pheakdey	Water and Wetlands Coordinator- IUCN
29	Mr. Sum Touch	Operation Officer - IUCN
30	Mr. Jake Brunner	IUCN
31	Mr. Reaphael GLEMET	IUCN
32	Mr. Sinha Vishwaranja	IUCN
33	Dr. Ajejandro Iza	IUCN
34	Mr. Mam Kosal	Translator
35	Mr. OUch Sovanna	Translator

**Participants List –
Exchange Experience Workshop on International Water Law
and Regional Water Cooperation for Parliamentary Members
23rd September 2015, Cambodiana Hotel, Phnom Penh**

Nº	Name	Position and Organization
1	H.E Pol Ham	Member, National Assembly, Cambodia
2	H.E Ms. Te Chanmony	Member, National Assembly, Cambodia
3	H.E Chea Oeung	Member, National Assembly, Cambodia
4	H.E Kong Sorphea	Member, National Assembly, Cambodia
5	H.E Lim Kimya	Member, National Assembly, Cambodia
6	H.E Lat Lettey	Member, National Assembly, Cambodia
7	H.E Ky Vandara	Member, National Assembly, Cambodia
8	H.E Lim Bunsidareth	Member, National Assembly, Cambodia
9	H.E Pot Pauv	Member, National Assembly, Cambodia
10	H.E Pin Rattana	Member, National Assembly, Cambodia
11	H.E Hem Honarith	Member, National Assembly, Cambodia

12	H.E Min Narom	Member, National Assembly, Cambodia
13	Mr. Om Sorphearum	Member, National Assembly, Cambodia
14	Mr. Bo Titheara	Member, National Assembly, Cambodia
15	Mr. Sok Pisal	Member, National Assembly, Cambodia
16	Mrs. Touch Sokun	Member, National Assembly, Cambodia
17	Mr. Pol Soryoung	Member, National Assembly, Cambodia
18	Mr. Tek Vannara	Executive Director, NGO Forum Cambodia
19	Mr. Chhuon La	National Advisor, OXFAM Australia
20	Mr. Sorn Pheakdey	Water and Wetlands Coordinator
21	Mr. Sum Touch	Operation Officer
22	Mr. Dan Chadder	Intern, IUCN
23	Mr. Jake Brunner	Deputy Head, SEA Group, IUCN Asia Regional Office
24	Mr. Raphael GLEMET	Senior Programme Officer, IUCN
25	Mr. SINHA Vishwaranjan	Programme Officer, IUCN
26	Dr. Alejandro Iza	Director, Environmental Law Centre, Bonn Germany
27	Mr. Mam Kosal	Translator/ Interpreter
28	Mr. Sot Bunpa	
29	Mr. Lean Sophara	

30	Mr. Prak Veasna	
31	Penh Socheat	SPO - PACT
32	Ly Tem	Research Assistant, PACT
33	Tracy Farrall	Director, Conservation International
34	Mallony Orme	Intern, Oxfam

Participants List Hydrodiplomacy Meeting:
**INTERNATIONAL WATER LAWS, REGIONAL COOPERATION
AND THE MEKONG AGREEMENT**

Date: September 25, 2015

**Venue: Room A3, Institute of Legislative Studies,
35 Ngo Quyen Street, Hoan Kiem, Hanoi**

Co-organized by: ILS and IUCN

No	Name	Position	Organization
1	Chu Son Ha	NA members	Members of Hanoi National Assembly
2	Bui Ngoc Chuong		Committee on social issues of the national assembly
3	Phung Van Hung		Economic Committee of the national assembly
4	Vu Hai Ha		Foreign Affairs Committee of the national assembly
5	Nguyen Thi Kim Thuy		Committee on social issues of the national assembly

Other participants

6	Dr.Dao Trong Tu	Director	CEWAREC
7	Nguyen Ngoc Mai	Officier	Department of law and international agreements, Ministry of Foreign Affairs
8	Le Thi Thuy Linh	Researcher	Diplomatic Academy of Vietnam
9	Truong Manh Tien		Coalition for Clean Water
10	Nguyen Dac Bo	Officier	Office of the national assembly
11	Luu Van Truong	Officier	Office of the national assembly
12	Nguyen Van Phuc	Officier	Office of the national assembly
13	Ngo Thanh Ha		Members of Hanoi National Assembly
14	Pham Bao Yen	Officier	Department of Information, Office of the National Assembly
15	Vu Hong Luu	Officier	Office of the National Assembly

16	Nguyen Huu Nam	Officier	Department of Agricultural Management
Media			
17	Le Thi Hoa	Journalist	People's Representatives Newspaper
18	Le Hoa	Journalist	People's representatives online newspaper
19	Luong Minh Tuan	Deputy Editor	Legislative Research journal
20	Douglas O'Neill	Head of Environment, science, technology and health	US Embassy in Vietnam
ILS			
21	Assoc. Prof. Dinh Xuan Thao	Director	Institute of Legal Studies
22	Assoc. Prof. Hoang Van Tu	Deputy Director	Institute of Legal Studies
23	Tran Quang Minh	Head of General Administration Department	Institute of Legal Studies
24	Truong Quoc Hung	Vice Head of General Administration Department	Institute of Legal Studies
25	Dao Song Duc		Institute of Legal Studies

26	Nguyen Nghia Hien		Institute of Legal Studies
27	Hoang Van Tu	Vice Director	Institute of Legal Studies
28	Dang Xuan Phuong	Vice Director	Institute of Legal Studies
29	Phan Thi Nguyet	Deputy Rector	Institute of Legal Studies
30	Vu Thanh Hung	Officier	Institute of Legal Study
31	Nguyen Thi Ngat	Officier	Institute of Legal Study
32	Ta Thi Nhu Quynh	Officier	Institute of Legal Studies
33	Nguyen Thi Thuy	Officier	Institute of Legal Studies
34	Le Phu Ha	Officier	Institute of Legal Studies
35	Do Ngoc Duy	Officier	Institute of Legal Studies

36	Tran Thuy Anh	Officier	Institute of Legal Studies
37	Pham Hong Hanh	Officier	Institute of Legal Studies
38	Dang Minh Dao	Vice Director	Institute of Legal Studies
39	Tran Ha Thu	Officier	Institute of Legal Studies
IUCN			
40	Dr. Alejandro Iza		IUCN
41	Mr. Raphael Glemet		IUCN
42	Mr. Jake Brunner		IUCN
43	Mr. Nguyễn Đức Tú		IUCN
44	Mr. Daniel Constable		IUCN
45	Le Thi Thanh Thuy		IUCN
46	Nguyen Thuy Anh		IUCN

**HIDRODIPLOMACY TRAINING:
INTERNATIONAL WATER LAW AND REGIONAL COOPERATION
September 28, 2015
Four Wings Hotel (Sukhumvit Soi 26, Bangkok)**

Title	Name	Designation	Organization
Mr	Ohn Myint	Advisory Group	National Water Resources Committee (NWRC), Myanmar
Mr	Cho Cho	Advisory Group	National Water Resources Committee (NWRC), Myanmar
Ms	Khin Kyu Kyu	Advisory Group	National Water Resources Committee (NWRC), Myanmar
Dr.	Khin Maung Lwin	Advisory Group	National Water Resources Committee (NWRC)
Ms	Aye Aye Thant	Advisory Group	National Water Resources Committee (NWRC), Myanmar
Mr	Ko Ko Oo	Deputy DG	Directorate of Water Resources & Improvement of River Systems, Myanmar
Ms	Khin Ni Ni Thein	Secretary	Advisory Group National Water Resources Committee (NWRC), Myanmar
Mr.	Suchakhri Srirat	Secretariat	Wetland USEs Association, Thailand
Mr.	Laofang Bunditderdsakul	Coordinator	Human Right Law Center and Thailand of Mekong River Conservation Network
Mr.	Pongpipat Meebenchamas	Coordinator	Mekong-Salween Rivers Network
Mr.	Thornthan Kanmangmee	Mekong Legal Fellow	Earth Rights International
Dr.	Apichart Anukularmphai	President	Thailand Water Resources Association
Ms.	Chalerm Sri Prasertsri		Lawyer, Community Resource Center
Mr.	Saharud Maneeneam		Department of Water Resource
Ms.	Nirawan Pipitsombat		Office of Natural Resources & Environmental Policy and Planning. (ONEP). Ministry of

			Natural Resources
Mr.	Wanlop Preechamart		Office of Natural Resources & Environmental Policy and Planning. (ONEP). Ministry of Natural Resources
Mr.	Phuriputr Huvanandana		Office of Natural Resources & Environmental Policy and Planning. (ONEP), Ministry of Natural Resources
Mr	Promnarin Timmontha		Office of Natural Resources & Environmental Policy and Planning. (ONEP). Ministry of Natural Resources
Mr.	Jake Brunner	Deputy, SEA Group	IUCN
Dr.	Alejandro Iza	Director, Environmental Law Centre	IUCN
Mr.	Raphael Glemet	Senior Programme Officer, Water and Wetlands, NRG	IUCN
Mr.	Vishwa Sinha	Programme Officer, NRG	IUCN
Ms.	Kulkanya H	Secretary, NRG	IUCN
Ms.	Tanya W	Programme Assistant, NRG	IUCN
Dr.	Chamniern Vorratnchaiphan	Head, Thailand Programme	IUCN