



Hydro-diplomacy training: International water law and regional cooperation

Report on the proceedings of the BRIDGE hydro-diplomacy training, Siem Reap, Cambodia, 27-28 April 2015



BRIDGE: Building River Dialogue and Governance

 Schweizerische Eidgenossenschaft
Confédération suisse
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and Cooperation SDC





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1. Introduction and background: Cambodia hydro-diplomacy training workshop

IUCN (International Union for Conservation of Nature) and the Cambodian National Mekong Committee (CNMC) collaborated to organise a two-day hydro-diplomacy training on international water law and regional co-operation, under the BRIDGE (Building River Dialogue and Governance) project. The workshop was organised in Siem Reap, Cambodia on 27-28 April 2015 and was financially supported by the Swiss Agency for Development and Cooperation (SDC). This workshop introduced participants to the basic principles governing the use of shared waters. A specific focus was to provide awareness and understanding of the provisions of the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC), which has universal applicability.

Workshop rationale

As the world's most productive inland fishery, the Mekong Basin provides 25% of the global freshwater catch and serves as an important source of food, water and energy for over 60 million people living in the basin. However, economic growth, hydropower development, and climate change have placed mounting pressure on this rich ecosystem. To ensure regional sustainability and security, it is necessary to strengthen cooperation on water resources management between riparian states.

International water law can support this process by setting rules and standards to strengthen water governance, enforce principles, and facilitate relationships between different parties. As such, it serves to build consensus and reach agreement on shared waters. Since coming into force in August 2014, the UNWC has emerged as a promising tool for regional cooperation.

The UNWC is one of the treaties governing shared freshwater resources that is of universal applicability. It codifies three key principles: equitable and reasonable utilisation, the duty to avoid significant harm, and the conservation of ecosystems. The convention includes a dispute resolution mechanism which provides a road map for parties to the convention to settle potential conflicts that may arise. Furthermore, the UNWC helps to reinforce existing laws and agreements such as the 1995 Mekong Agreement.

Workshop objective

The aim of this workshop was to provide CNMC and other key agency officials with a better understanding of principles governing the use of international waters and the application of key provisions, both substantive and procedural, as well as the institutional aspects as outlined in the 1997 UNWC.

Workshop organisation

The workshop was organised as a two-day event which included technical and practical sessions. The six technical sessions provided technical views, theories and practices regarding international water laws and conventions, with a focus on understanding the provisions of the UNWC. The practical session was organised for participants to apply

knowledge acquired during the training. (See workshop agenda, Appendix 1, for further details.)

The training workshop included a presentation on the new BRIDGE publication *Strategic priorities for trans-boundary water cooperation in the Sekong, Sesan and Sre Pok (3S) Basins*, drafted by HE Mr Watt Botkosal, Deputy Secretary General of CNMC, for the BRIDGE project. The paper evaluates the needs and opportunities for trans-boundary water cooperation in the Sekong, Sesan, and Sre Pok (3S) Basins based on existing documents and databases.

Discussions during and after each presentation ensured that participants understood the discourse and could gain clarity if need be.

The training workshop was delivered in English. However, as all the participants were from Cambodia, the event organisers ensured that live translation in Khmer was available for all sessions.

Participants' profiles

Twenty participants attended the workshop, including officials from CNMC and participants from relevant departments of various ministries involved in the management of shared water resources in Cambodia. (See the list of participants, Appendix 2, for further details).

High level officials from the Cambodian Government who were in attendance included the Secretary General (SG) and Deputy SG from the CNMC Secretariat; the Deputy Director of the Meteorology and River-Works Department of the Ministry of Water Resources and Meteorology (MOWRAM); and the Director of Planning and Legal Affairs from the Ministry of Environment (MOE).

The Manager of the Greater Mekong Program of Conservation International (CI) and independent consultants working in the 3S Basins represented civil society at the training workshop.

2. About the BRIDGE project and CNMC

The BRIDGE project

The BRIDGE project is facilitated by IUCN and financed by the Water Diplomacy Programme of SDC. The project aims to build water governance capacities through learning, demonstration, leadership and consensus building in trans-boundary hotspot river basins. It is a multi-regional project, implemented in a dozen river basins located across South and Meso-America, Africa and Asia.

In Asia, the BRIDGE project is working on the 3S Basins shared by Cambodia, Viet Nam and Lao PDR. The project has been operational since 2011, providing opportunities for dialogue and training on hydro-diplomacy for key stakeholders, facilitating the sharing of information on Integrated Water Resources Management (IWRM), and producing data and studies to support technical discussions across basins.

IUCN

IUCN is the world's oldest and largest global environmental organisation, with more than 1,200 government and NGO Members, and almost 15,000 volunteer experts in some 160 countries. IUCN's work is supported by over 1,000 staff in 45 offices and hundreds of partners in public, NGO and private sectors around the world.

IUCN's work focuses on valuing and conserving nature, ensuring effective and equitable governance of its use, and deploying nature-based solutions to global challenges in climate, food and development. IUCN supports scientific research, manages field projects all over the world, and brings governments, NGOs, the UN and companies together to develop policy, laws and best practice.

CNMC

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.

The goal of CNMC is to encourage, maintain and strengthen cooperation in the Mekong Region, and to improve the effectiveness in the management and development of the Mekong River in Cambodia and in the region. CNMC works towards improved sustainability of Cambodia and other countries of the Lower Mekong Basin who are members of the Mekong River Commission (MRC).

CNMC works together with other National Mekong Committees (NMCs) in coordinating the effective implementation of the Mekong Agreement, as well as in the preparation and implementation of projects and programmes under the MRC's Sustainable Development Framework for water and related resources in the Mekong River Basin.

3. Proceedings of the two-day workshop

3.1 Workshop preliminaries

Welcome speech by HE Mr TE Navuth Secretary General, CNMC Secretariat

HE Mr Navuth opened the training workshop and welcomed the participants from Cambodia and the team of IUCN trainers. He thanked SDC for supporting the BRIDGE project, which made this training workshop possible.

He stated that this workshop could be considered as the starting point for national hydro-diplomacy efforts through the BRIDGE project in Cambodia. He reiterated that CNMC has partnered with IUCN to organise this training workshop with the objective of providing CNMC and other key government agency officials with a better understanding of the provisions of the UNWC.

The opening speech highlighted the significance and timing of this hydro-diplomacy training workshop. HE Mr Navuth said, “*twenty years have passed since the signing of [the] 1995 Mekong agreement, however, the understanding of basic principles and laws governing [the] management of shared waters is still at [its] infancy in the 3S region. It is also [an] important time in the history of the MRC: the region is revising the Basin Development Strategy, [the] MRC strategic plan 2016-2020 is being discussed, and the organisational structure reform to implement decentralisation of Core River Basin Management Functions is underway.*”

The speech noted that since the signing of the Mekong Agreement in 1995, member countries have been trying to apply hydro-diplomacy approaches to water resource management through various MRC programmes. However in recent years, despite the rate of hydropower development in the Mekong region, member countries have hardly discussed the possibility of a common agreement to deal with the present and future trans-boundary impacts and conflicts arising from these developments.

In closing the speech, HE Mr Navuth encouraged all attendees to participate in discussions with an open mind and to freely share their views in an informal manner during the workshop.

Welcome speech by Mr Jacob Brunner, IUCN Programme Coordinator for Viet Nam, Cambodia and Myanmar

Mr Brunner welcomed the participants and introduced the topic of the workshop, announcing that while this hydro-diplomacy training course focuses on water, it also extends far beyond this issue. Global experiences have shown that water can pull countries together and also pull them apart. The speech noted that all Association of Southeast Asian Nations (ASEAN) member countries (except the Philippines) share international rivers. Therefore the ASEAN region could benefit from the adoption of a legal framework that governs the use of international rivers. The UNWC provides such a legal framework. It attempts to codify the customary international water laws and thus could help increase clarity, certainty and security among all ASEAN member countries on the issue of sustainable management of

shared waters. The speech emphasised that CNMC is the appropriate organisation to lead a national process of reflection and dialogue on the benefits of Cambodia acceding to the UNWC. The example of Viet Nam was illustrated; the country ratified the UNWC in May 2014 because it perceived that the benefits were substantial. Its decision to do so brought the UNWC into effect in August 2014.

The speech declared that the impact of developmental activities on the Mekong River and its major tributaries represent a threat to the national security of Cambodia, as it will negatively affect the freshwater fishery that sustains national food security and public health. To address this, Cambodia can turn to the UNWC as a tool that can be applied to defend vital national interests. The UNWC could complement the Mekong Agreement, which was signed 20 years ago when economic and political conditions in the region were notably different, but which lacks a clear dispute resolution mechanism. In the absence of a clear dispute resolution mechanism, there is a high probability that international negotiations concerning the use of shared rivers might not prove fruitful.

Mr Brunner disclosed during his speech that the UNWC is not anti-dam, and is working under the principle of "no significant harm," rather than "no harm." The issue therefore is not "dams vs. no dams," but rather, ensuring that dams are built to maximise power generation while minimising impacts on fish production and food security. The data and information needed to support such analyses are increasingly available. By acceding to the UNWC, and by prioritising dams based on an analysis of power vs. food security trade-offs, Cambodia has the opportunity to minimise risks to its long-term development. IUCN is willing to help CNMC lead such a process over the next few years through the BRIDGE project.



Photograph from the opening of training workshop. From left, Mr Jacob Brunner (IUCN), HE Mr TE Navuth (CNMC) and Dr Alejandro Iza (IUCN). © IUCN

3.2 Introduction to the BRIDGE project and its activities

Mr Raphaël Glémet

BRIDGE Project Manager, IUCN Asia Regional Office, Bangkok

The Mekong component of BRIDGE has been promoting leadership development in the 3S region. A central feature of the project has been a series of training workshops, aimed at building the capacity of government natural resource management agencies in hydro-diplomacy.

The BRIDGE project focuses on two key mechanisms to promote cooperation in the 3S Basins:

- Technical dialogue: with the aim of supporting trans-boundary cooperation through science based decision-making; and
- Hydro-diplomacy: enhancing leadership and governance capacities.

The project's priority for 2015 is the development of an enabling environment for trans-boundary cooperation in Cambodia, Lao PDR and Viet Nam, by facilitating cooperation, building capacities of key stakeholders and using water resource information to support wider, cross-sectoral dialogues at a regional level.

The BRIDGE project has developed strong linkages with national and local governments in the 3S region, particularly with departments related to water resources, environment or international cooperation within the various ministries, as well as with the three NMCs. The project has established effective cooperation with two MRC programmes, namely the Environment Programme and the Information and Knowledge Management Programme (IKMP). In the near future, BRIDGE will work on developing and strengthening links with grassroots level organisations in the 3S Basins. It will also aim to develop stronger links with Cambodia, Lao PDR and Viet Nam, ASEAN, academic institutions and the private sector in the 3S Basins.

3.3 Introduction to the publication *Strategic priorities for transboundary water cooperation in the Sekong, Sesan and Sre Pok (3S) Basins* (HE Mr Watt Botkosal, Deputy Secretary General, CNMC)

The presentation introduced participants to the BRIDGE publication *Strategic priorities for trans-boundary cooperation in the 3S Basins*, recently authored by HE Mr Watt Botkosal. This technical paper evaluates the needs and opportunities for trans-boundary water cooperation in the 3S Basins, based on the review of currently available data and information. The paper argues that a majority of the trans-boundary projects and studies in the 3S Basins have focused on visioning and stakeholder engagement approaches to promote trans-boundary water cooperation. Therefore, the author takes a technical approach and suggests that the implementation of a regional technical cooperative assessment is long overdue.

This publication calls attention to the Mekong spirit of cooperation, which encompasses building confidence and peace in the region. It implies an orientation towards consensus, and is aimed at minimising conflict. The paper furthermore focuses on building knowledge bases in a participatory manner.

To help strengthen trans-boundary cooperation in the 3S Basins, the paper identifies two strategic priorities for action. The first is to strengthen water resources management at the national level and the second is to increase cooperation among the Mekong countries by focusing on following areas:

- Water resources monitoring and the exchange of data;
- Flood forecasting and early warning;
- Coordination among cascading hydropower plants; and
- Cooperative Regional Assessment (CRA).

Please follow the link below to download this publication:

<http://3sbasin.org/news/project-news/item/413-strategic-priorities-for-trans-boundary-water-cooperation.html>



HE Mr Watt Botkosal introducing participants to the new BRIDGE publication *Strategic priorities for transboundary water cooperation in the Sekong, Sesan and Sre Pok (3S) Basins*. © IUCN

3.4 Technical presentations (by Alejandro Iza, Head, IUCN Environmental Law Programme, Bonn, Germany)

3.4.1 Technical sessions I and II: Governance of shared waters: Legal and institutional aspects, and an introduction to the UNWC

This presentation described the context in which international water laws operate and presented the globally accepted principles governing the use of shared waters. It traced the evolutionary pathway leading to the development of basin approaches for water resource management in a shared river basin. The scope of two global but complementary water treaties, the Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes (UNECE Water Convention) and the UNWC, was discussed.

The speaker stated that globally there are 148 countries whose territory encompasses one or more trans-boundary rivers. There are also 276 trans-boundary river basins and 200 trans-boundary aquifers. Despite this, 60% of the world's trans-boundary basins lack any type of cooperative management framework or agreement.

The presentation examined the basic principles governing international water laws. These principles set the basic framework for hydro-diplomacy, providing mutual benefits to all the stakeholders in trans-boundary basins. These principles have evolved over time and have been included in state practices and in various instruments (treaties, declarations and resolutions from international organisations). For example, both the Salzburg Resolution or the Resolution on the Utilization of Non-Maritime International Waters, adopted by the Institut de Droit International (IDI) in 1961 and the Helsinki Rules on the Uses of the Waters of International Rivers adopted by the International Law Association (ILA) in 1966, established the principles on reasonable and equitable benefit sharing of international waters.

The presentation introduced participants to the scope of the UNWC, which codifies progressive development of international water laws on non-navigational uses of water. The framework establishes procedural rules and institutional mechanisms, and provides guidance on dispute settlement between states sharing waters. The convention promotes legal framework for good governance, makes water a priority for international diplomacy, and sets the fundamental basis for inter-state relations. The suite of legal principles related to the governance of shared waters is organised under three pillars: equitable and reasonable utilisation (Articles 5, 6 & 10), no significant harm (Art. 7), and protection and preservation of ecosystems (Art. 20).

A comparison was made between the provisions of the UNWC and the UNECE Water Convention. It was noted that both these treaties seek to enhance the governance of shared waters and they work on the same basic principles. However, there are subtle differences in the scope and specific emphasis. The UNECE Water Convention features more detailed dispositions, particularly related to water quality and the no harm principle. On the other hand, the UNWC focuses on factors relevant for equitable and reasonable utilisation.

3.4.2 Technical session III: Scope of the UNWC (substantive rules)

The speaker noted the differences between the “basin” and “watercourses” concepts as described in the UNECE Water Convention and the UNWC treaties, respectively. He also remarked upon the scope of substantive rules and the limitations of various concepts related to possible uses of water in trans-boundary basins.

The presentation highlighted the role of the ILA in evolving the Helsinki Rules, which are based on the concept of “basin” and take into account geographical area for the purpose of defining shared basins. In contrast, The UNWC considers the “watercourses concept” rather than geographical area, and defines it as “a system of surface waters and groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus” (Art 2(b)).

Using case studies, the presentation explored how various uses of shared water are impacted by various UNWC substantive rules. The scope and limitations of these rules were also discussed. Examples of the principle of “equitable and reasonable uses” as defined in the UNWC, distinguished that the convention does not support an absolute prohibition of pollution or slight alteration of water quality. States have to regulate and control sources of pollution (certain pollutants are prohibited) and the pollution is wrongful only if it infringes the rights of other states.

The UNWC obligates states to protect and preserve the ecosystems of international watercourses. It requires states to take adequate steps to control and regulate sources of trans-boundary harm within their territory. This is an obligation for due diligence, in terms of keeping neighbours informed of any development on shared water resources. It does not mean absolute prohibition of all harm.

3.4.3 Technical session IV: Scope of the UNWC (procedural rules)

The presentation introduced participants to the main features of UNWC procedural aspects, which place a strong emphasis on processes and cooperation. The advantages of having procedural rules over and above substantive rules were acknowledged. Substantive rules are sometimes vague and offer little guidance to states on how they may proceed lawfully with the utilisation of shared waters. Procedural rules fill this gap; they are more precise and generally specify requirements for advance notice, consultation and decision procedures.

UNWC procedural rules emphasise 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 rules establish guidelines for notification concerning planned measures with possible adverse effects. These guidelines incorporate principles like duty to notify and exchange technical and other information related to any planned activity on shared river waters. The rules also establish that the duty to exchange information and establish no harm lies with the developer. They define a timeframe within which the other party needs to reply and investigate the case. During this period the developer cannot initiate the planned measures. UNWC’s Article 19 is an exception to this rule: it allows a developer to go ahead with planned measures in specific cases dealing with public health, safety and protection.

3.4.4 Technical presentation V: Scope of UNWC (institutional aspect)

The presentation explained the main features of joint institutional mechanisms as outlined in the UNWC. It likewise reviewed the interplay and complementarity between the provisions of the UNWC and the Mekong Agreement.

The UNWC only codifies the use of international waters—it does not have its own institutional mechanism. 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. Institutions are indispensable when states aim at achieving equitable utilisation and sustainable management of a shared basin. Institutions also provide continuity for cooperation and assist in coordinating activities, ideas and differences between parties.

There is an implicit need for institutional arrangements, as indicated through various substantive and procedural provisions, such as the duty to cooperate, not cause harm, preserve the environment and share information.

Establishment of joint management mechanisms by states sharing international waters can have a less formal structure, restricted to regular meetings between appropriate agencies of the concerned states. Countries can also establish more formal organisational arrangements, in the form of committees, commissions or authorities.

The presentation made comparisons between the provisions in the UNWC and the Mekong Agreement. The “watercourses” concept as outlined in the UNWC includes all physically connected surface and groundwater, whereas the Mekong Agreement builds on the “basin” concept, which is less inclusive and thus does not explicitly specify the major “tributaries.” Furthermore, UNWC provisions related to equitable and reasonable utilisation of shared water resources, avoidance of harm, and dispute resolution mechanisms are more clearly defined compared to the Mekong Agreement.

3.4.5 Technical presentation VI: Scope of UNWC (conflict resolution)

Case studies and real life examples from around the world illustrated different types of dispute resolution mechanisms available under the UNWC. The mechanisms and routes for dispute settlement under international laws are different from national laws. A key point is the sovereignty of nations. It is the states’ prerogative to decide or agree to submit a case to the international body for resolution.

Negotiation is the first and preferred step in any international law for dispute settlement. The negotiation must be conducted in good faith, and if the dispute remains unresolved, the parties may use mediation or the facility of a third party dispute resolution mechanism. Verdict of a third party dispute resolution mechanism can be non-binding (good offices, mediation and conciliation) or binding (arbitration and adjudication).

The various dispute resolution mechanisms available under the UNWC differ in the degree of control that a country has over the dispute resolution process. In the case of non-binding dispute resolution mechanisms, a country can have control over the dispute resolution process, whereas if a country opts for arbitration or adjudication, the tribunal takes full control of the process.



Dr Alejandro Iza (Head, IUCN Environmental Law Programme, Bonn, Germany) introducing participants to the key provisions of the 1997 UNWC during the technical session. © IUCN

Please follow the link below to download the IUCN publication *Governance of Shared Waters: Legal and Institutional Issues* for further reading on the principles governing utilisation of international waters: <https://portals.iucn.org/library/efiles/documents/EPLP-058-rev-En.pdf>

3.5 Highlights from the workshop discussions

Throughout the two days of the hydro-diplomacy training workshop, time was allotted for the participants to exchange ideas and discuss their thoughts on various issues. Some of the highlights from these discussions are summarised below:

BRIDGE project activities and the way forward

The need to further strengthen involvement with local communities in the BRIDGE project activities was emphasised, as this will help build local capacities and provide the communities with a voice in decision-making.

CNMC is an important stakeholder and partner for the BRIDGE project. IUCN and CNMC have been working closely together since the inception of the BRIDGE project (phase I), in 2011. The continued involvement of CNMC as a BRIDGE project partner in phase II was appreciated. As the project moves into phase III, CNMC can provide input on what type of activities can further strengthen the work done so far.

While discussing sustainable development in the 3S Basins, a CNMC participant explained that sustainable hydropower development in the 3S Basins was one of the objectives under which the BRIDGE project was developed. However, with over 15 operational dams in the 3S Basins, much of the potential is already being utilised, and producing visible impacts.

Therefore, one of the important considerations for phase III of the project would be how to address the impacts of hydro-project development.

HE Mr Watt Botkosal's presentation on the new BRIDGE publication

Discussions expressed the need to move from dialogue to action for sustainable development of the 3S Basins. The inclusion of local community voices in the planning and decision-making on basin management was highlighted.

The decision on hydropower development should be based on cost-benefit analysis. Some participants stated that there is currently too much focus on the negative aspects of dams. They added that the social responsibilities of hydropower development need to be considered and emphasised, such as the positive impacts on local and national economies.

It is necessary to provide clear evidence of the impact of hydropower development. The Mekong Agreement has provisions to deal with negative impacts of hydropower development. However, it is often difficult to provide clear evidence of impact for a particular dam construction or its operations. There is a need to conduct impact assessments of dams that are already operational in the 3S Basins. As a result, a cooperative regional assessment should be conducted by the 3S countries to fully understand and document the impact of particular hydropower projects. This is one area which BRIDGE can support and facilitate in future.

Technical sessions

Following each of the technical presentations, discussions took place on issues such as the process leading to ratification of the UNWC, the application of UNWC provisions in the 3S Basins, and the complementarities of UNWC provisions with those of the Mekong Agreement.

Using real life examples, such as trans-boundary flooding, participants considered how the UNWC can help and complement the Mekong Agreement. In this regard, the first step would be to determine whether the cause is natural or manmade. If the flood has anthropogenic origins, there is a need to establish how significant the harm is and ascertain if the country responsible for the flooding had properly applied the principle of due diligence.

Participants showed a keen interest in the processes that precede UNWC ratification by a country. An IUCN trainer explained that the convention itself provides guidance on the ratification process. However, the ratification process is subject to the national laws of the country. Ratification of the UNWC does not affect the rights and obligations of that country emanating from agreements to which it is already a party, such as the Mekong Agreement in the case of Cambodia. The discussions identified important areas where the UNWC can complement the Mekong Agreement, such as the conflict resolution mechanisms. For example, it was noted by a participant from CNMC that the mediation and dispute settlement mechanisms are available under the 1995 Mekong Agreement, however, they are complex and elongated compared to the 1997 UNWC provisions.

The perception that the UNWC favours downstream countries was also discussed. An IUCN trainer clarified that this is a misconception, as the focus of this treaty is 'equitable benefit

sharing' and 'cooperation', principles which apply equally to both the upper and lower riparian states.

Application of water laws at different levels, the differences between Memoranda of Understanding (MoU), treaties and conventions, and the various dispute settlement mechanisms available under the UNWC are some of the issues that were discussed by participants during the training workshop.



Scene from the practical session (Day 2). The discussion in the practical session gave participants the opportunity to use and apply the information and knowledge acquired during the two-day training workshop. © IUCN

3.6 Introduction to the practical exercise

IUCN has designed different training tools for use in courses, seminars, workshops, and other events held for the purpose of training and capacity building on the topic of hydro-diplomacy. These tools include scenarios that are structured to act as case studies. Though not related to any actual country (but rather fictional countries), the case studies contain all the elements needed to stimulate debate with respect to the application of international laws and international legal principles learned during the technical sessions.

The specific case study used during the hydro-diplomacy training in Siem Reap is referred to as the "Restless Coast." This case study describes the geography, historical and political context, territorial organisation and other factors to help participants analyse, reflect on, and discuss the case in relation to the challenges it presents for the governance of shared waters.

Conduct of the practical session

Explaining the case and methodology of the exercise

Study material was shared with all participants on day 1 so that they could familiarise themselves and prepare for the plenary session on day 2. Before working on the practical exercise, an IUCN trainer introduced participants to the basic ideas, skills and practices that would guide negotiations during the practical exercise.

Group work (I): Analysing conflict scenarios and preparing country positions

Participants were divided into six country groups, representing the six fictitious countries located in the imaginary “Restless Coast.” Another group was established to represent a “Technical Advisory Panel (TAP),” entrusted with the task of facilitating the discussions and negotiations among the six country groups.

Guiding questions helped the country groups to analyse and discuss the different conflict scenarios before the plenary negotiations.

Group work (II): Negotiations and plenary discussion

The country representatives presented and argued their case in a plenary convened by the TAP. Throughout the plenary, the TAP assisted in consensus building among the country groups on various sources of conflict, to help diffuse any deadlock.

Concepts that participants frequently applied during the negotiations included: the principles of good neighbourliness; the duty not to cause significant harm; equitable and reasonable use of waters; and the procedural principles of notification and negotiation in good faith.

For further information on IUCN water toolkits and training programmes, please visit the Water Law and Governance Support Platform (WLGSP) managed by the IUCN Environmental Law Centre (ELC): <http://www.waterlawandgovernance.org/en>.

3.7 Highlights from the wrap up session

During the wrap up session, participants shared that the training was constructive, as it provided knowledge on the basic principles governing international water laws and how they can be applied by the 3S countries for sustainable basin management. The training created awareness not only on the scope and principles as outlined in the UNWC framework, but also on the provisions of the Mekong Agreement. The participants agreed that the resource materials they received during the training would be used to develop further understanding of the legal aspects of water resource management in a trans-boundary context.

The next steps following this training workshop as identified by the participants are below:

- There is a need for closer cooperation and information sharing on water uses among different countries in the 3S Basins;
- Participants need to internalise the concepts and principles governing national water laws and apply these while negotiating water issues with their neighbours;
- The need for extending this hydro-diplomacy training facility to more Cambodian agencies in future was emphasised. The BRIDGE project needs to continue to support capacity building on hydro-diplomacy in Cambodia. Participants suggested

involving more organisations (other than CNMC), as this will help create awareness of the advantages of the UNWC. Participants strongly felt that the UNWC would support the Mekong Agreement.

Closing remarks from HE Mr Watt Botkosal (Deputy Secretary General, CNMC)

HE Mr Watt Botkosal thanked the IUCN team of trainers for successfully conducting this hydro-diplomacy training workshop. He stated that this training was helpful in understanding what is available globally, the different legal principles and mechanisms, and how they can be applied for negotiating water issues in a trans-boundary context. He expressed that the capacity of staff enhanced through this training workshop will ultimately contribute to the identification of strategic priorities for shared river basin management at the national level in Cambodia.

Commenting on the continued support from the BRIDGE project, he recommended that the project should focus on on-ground activities, going beyond hydro-diplomacy trainings.

HE Mr Watt Botkosal closed the workshop by stating, “[the] UNWC is not in conflict with the Mekong Agreement, the two actually complement each other and thus it is desirable and important for Cambodia to fully assess and understand the benefits of the ratification of the UNWC.”

APPENDICES

**HYDRO-DIPLOMACY TRAINING:
INTERNATIONAL WATER LAW AND REGIONAL COOPERATION**

**Angkor Paradise Hotel
Siam Reap, Kingdom of Cambodia
(27 - 28 April 2015)**

Agenda

DAY 1: APRIL 27	
8:00-8:30	Registration
8:30-9:00	Opening remarks HE Mr Te Navuth, Secretary General CNMC Welcome remarks by Mr Jake Brunner, IUCN Introduction to the workshop by Mr Raphael Glemet, IUCN
9:00-9:15	Introduction to the BRIDGE project, Raphael Glemet, IUCN
9:15-10:00	Presentation of publication <i>Strategic priorities for Transboundary Water Cooperation in the Sekong, Sesan and Sre Pok (3S) Basin</i> by HE Mr Watt Botkosal Q&A
10:00-10:15	Coffee break
10:15-12:00	<i>Technical session I and II</i> Governance of shared waters: Legal and institutional aspects and introduction to UNWC
12:00-13:00	Lunch at venue of the workshop
13:00-13:45	<i>Technical session III</i> Thematic area 1: substantive rules
13:45-14:30	<i>Technical session IV</i> Thematic area 2: procedural rules
14:30-14:45	Coffee break

14:45-15:15	<i>Practical session I</i> Explaining the case and methodology of the exercise Dividing the participants into groups
15:15-16:15	Practical session II Reading and discussing the case in groups
16:15-16:30	Wrap up
	DAY 2: APRIL 28
8:30-9:30	<i>Technical session V</i> Thematic area 3: institutional aspect
9:30-9:45	Q&A
9:45-10:15	<i>Technical session VI</i> Thematic area 4: conflict resolution mechanisms
10:15-10:30	Coffee break
10:30-12:00	<i>Practical session III</i> Group work discussion: analysing conflict scenarios
12:00-13:00	Lunch at venue of the workshop
13:00-14:30	<i>Practical session IV</i> Presentation of group work in plenary
14:30-14:45	Coffee break
14:45-15:45	<i>Facilitated discussion</i> How Cambodia can work with its neighbors to promote regional cooperation
15:45-16:00	Wrap up discussion and way forward Closing Remarks by HE Mr Watt Botkosal, Deputy Secretary General CNMC
16:00-16:30	Evaluation and feedback

**HYDRO-DIPLOMACY TRAINING:
INTERNATIONAL WATER LAW AND REGIONAL COOPERATION**

**Angkor Paradise Hotel
Siam Reap, Kingdom of Cambodia
(27 & 28 April 2015)**

A. Participants

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B. Facilitators

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