

EXPLORING RECIPROCITY AS AN INNOVATIVE APPROACH TO TRANSBOUNDARY WATER GOVERNANCE IN THE MEKONG-LANCANG BASIN

Introduction

In the Mekong-Lancang basin, there is simultaneously tension and cooperation across a wide range of issues related to transboundary water sharing. These relate to divergent visions for the basin, ranging from the importance of healthy ecosystems and access to local common pool resources that are the foundation of local livelihoods including wild capture fisheries and small-scale agriculture, to plans for large-scale hydropower dams, irrigation schemes and navigation that emphasize the importance of national and regional economic growth.

Transboundary water governance is complex in the Lancang-Mekong basin given the diverse range of state and non-state actors' interests. Two key institutions structuring transboundary water governance are the Mekong River Commission (MRC) and the Lancang-Mekong Cooperation (LMC) Framework. Recent research has highlighted the important role "reciprocity" plays in international law, institutions and international relations, including regarding the principle of Equitable and Reasonable Utilization (ERU) that is the cornerstone of international water law. Yet, how reciprocity is applied in practice in transboundary water governance is not well understood, and is the focus of our research activities in the Mekong-Lancang basin.

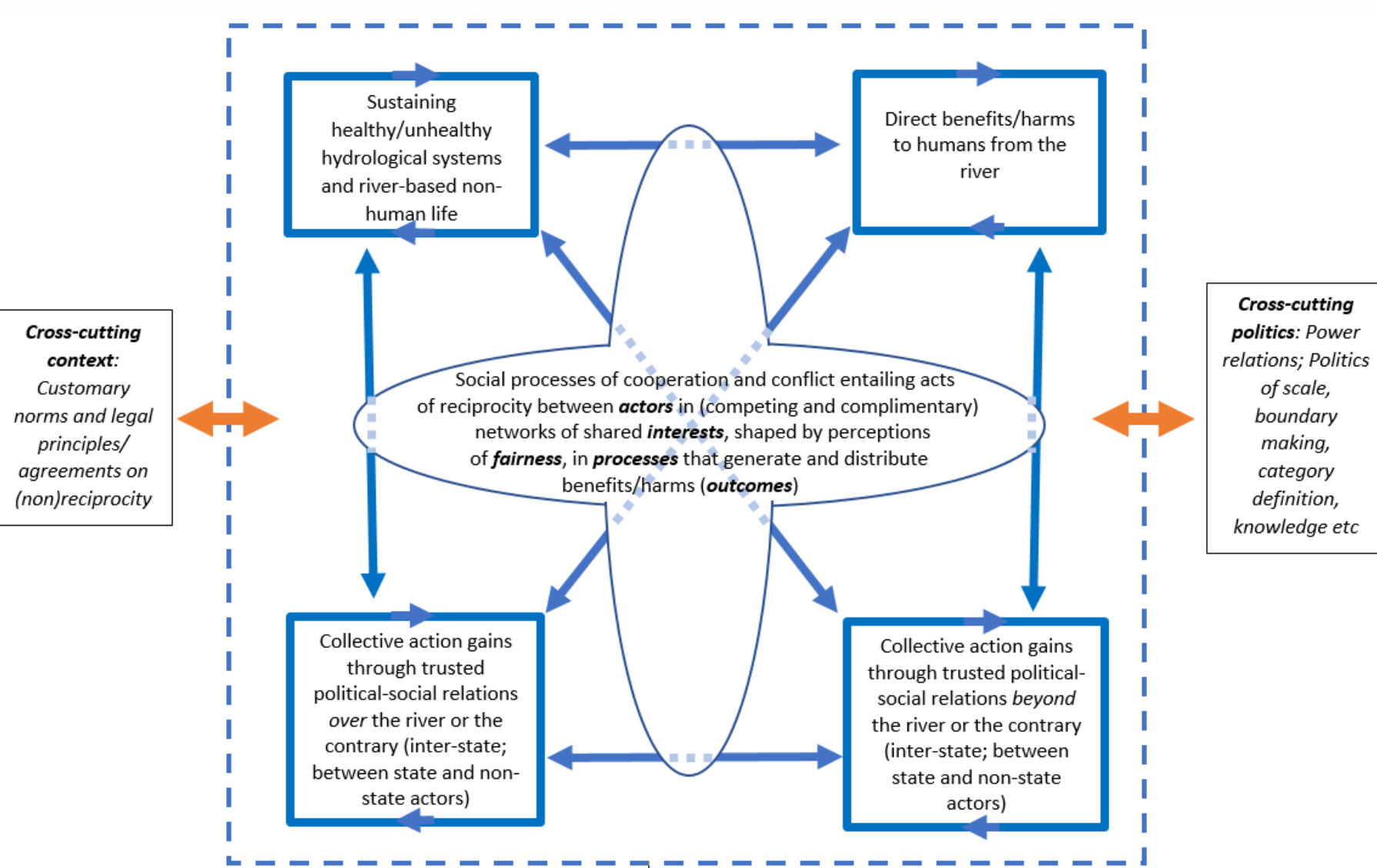
Research process

To explore the concept of reciprocity, CSDS organized a two-day Deep Dive in Bangkok on "Evolving Regional Architecture and Transboundary Water Governance in the Mekong Region" in September 2019, based on Chatham House rules. A total of 21 researchers from universities, think tanks and civil society joined the Deep Dive from all six countries of the Lancang-Mekong River. The main question addressed by the Deep Dive was: "Could reciprocity be a basis for rethinking policies and strategies for cooperation on transboundary rivers in the Mekong Region to maximize benefits and avoid/minimize costs?"

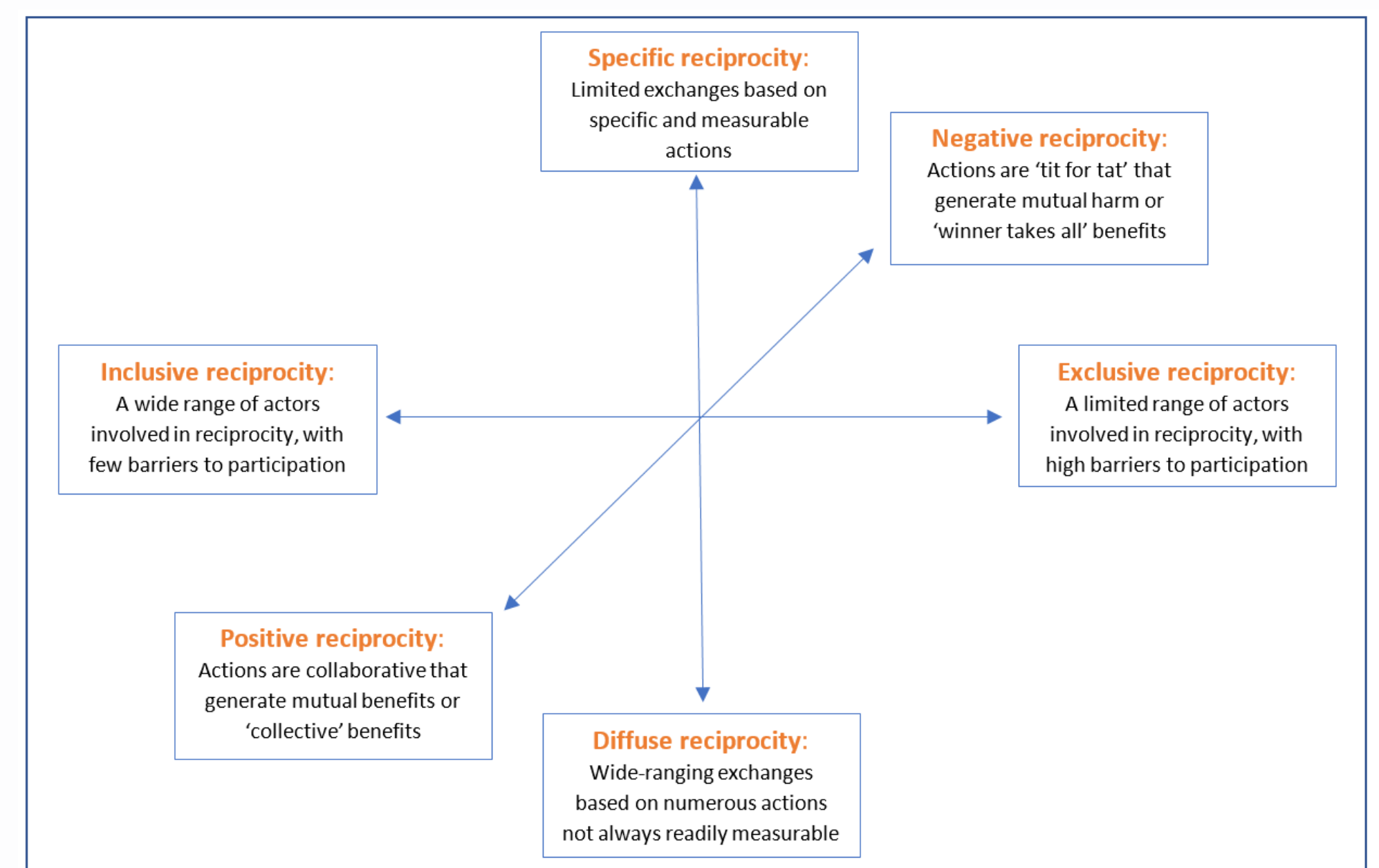
The Deep Dive built from a research report and policy brief presented to government officials, scholars and civil society from across the Mekong Region at a Track 1.5 "Mekong Policy Dialogue" on "Evolving Sub-Regional Architecture in the ACMECS Region" held in Bangkok in June 2019, hosted by The Asia Foundation and the Australian Embassy in Thailand with support from CSDS. An academic article titled "Reciprocity in practice: the hydro-politics of equitable and reasonable utilization in the Lancang-Mekong basin" by Dr. Carl Middleton and Dr. David J. Devlaeminck was published in October 2020 in the journal International Environmental Agreements.

Conceptualizing reciprocity

According to the Cambridge English Dictionary, reciprocity is defined as "behaviour in which two people or groups of people give each other help and advantages." In our research, we see 'reciprocity in practice' in international watercourses as interconnected legal, social and political processes by which state and non-state actors negotiate Equitable and Reasonable Utilization, and distribute various types of benefits and harms that include:



We disaggregate the concept of "reciprocity in practice" to be: specific or diffuse; positive or negative; and exclusive or inclusive.



Findings and policy implications

We apply our 'reciprocity in practice' framework to four contemporary issues in the Mekong-Lancang basin: commercial navigation; mainstream hydropower; drought and flood management; and regional economic integration. While these issues have commonly been siloed in policy, practice, and academic studies, taken together we show how various types of reciprocity occurs simultaneously across them.

Our detailed results can be found in the further reading materials. We propose that by better understanding "reciprocity in practice" innovative new institutional designs and policy approaches can be identified. Key findings and policy directions are:

- There is deepening cooperation between the Mekong River Commission (MRC) and Lancang Mekong Cooperation (LMC). The joint activities to date can be understood as examples of specific reciprocity. To further collaboration, regional governments will need to gradually move from specific reciprocity to diffuse reciprocity.
- Some potential directions for furthering collaboration include: a joint, systematic baseline assessment of the current ecological and socio-economic status of the Lancang-Mekong River and key drivers of change; a joint study on the existing legal rules, customary principles, and pledges maintained by each organization to identify points of commonality and difference; and a collaborative analysis to define reciprocity as a concept, and how it can be operationalized through relevant rules and regulations working towards a rules-based approach.
- The concept of reciprocity encompasses not just inter-state cooperation but also the interests and activities of non-state stakeholders, such as riverside communities. The MRC and LMC could co-organize multi-stakeholder dialogues to generate a more complete picture of the Lancang-Mekong River and its diverse economic, social and cultural values.

Further Reading:



Contact

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