

STUDENT CONTRIBUTION

Sustainable Development of Water Resources in the Mekong River Basin: Legal and Policy Implications of Dams in the Regional Context

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The article addresses the subject of dams and dam construction in the Mekong River Basin. The focus lies on whether, under the existing legal framework and in light of the Mekong dam projects, it is possible to achieve sustainable development of water resources on a regional level. As a number of these dam projects are accompanied with concern and debate regarding the environment and socio-economic impacts, the article discusses the effects noted so far and future expectations of dam usage on the Mekong mainstream and tributaries. The article will further look into the procedural elements needed for achieving sustainable development in the Mekong River Basin. The basis for this analysis is found in the relevant international and regional framework, such as the UN Watercourses Convention and the Mekong Agreement, and in regional cooperation that focuses on sustainability issues in the basin.

Keywords

Sustainable Development, Mekong River Basin, Transboundary River, Shared Resources, Hydropower Development, Mekong River Commission

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I. Introduction

The Lower Mekong River Basin (“LMRB”) is home to more than 60 million people,¹ covering parts of Cambodia, Thailand, Vietnam and Lao People’s Democratic Republic (hereinafter Lao PDR). For the majority of the basin residents, the river and its tributaries provide for fish and water supplies that are vital for securing food, income and access to fresh water. Due to significant varieties in topography and climatic features, the Mekong River Basin has evolved into a rich cradle of natural resources; the basin is only surpassed by the Amazon River Basin in terms of great diversity of flora and fauna.² The Mekong fresh water resource is essential for developing agricultural and manufacturing industries in the LMRB. Simultaneously, the natural raw energy of the Mekong mainstream and a number of its tributaries is an attractive resource that could be of great benefit to the social and economic development of the Mekong River region. Considering the multiple functions of the river, a well-established and manageable framework for water resources in the whole region is necessary for a sustainable development of the basin. Such a framework was developed in the context of the 1995 Mekong Agreement and is essential for managing the proposed dam cascades on the Lower and Upper Mekong mainstream.

The main purpose of this paper is to examine whether sustainable development of water resources is achievable in the Mekong River Basin under the existing regional and international legal framework when faced with the proposals of a far-reaching hydropower development on the Mekong mainstream. This article is composed of seven parts, including Introduction and Conclusion. Part II will briefly examine the proposal for the Mekong River development project. Part III will look closer at the regional and international legal framework concerning the usage of a transboundary river and its shared resources. Part IV will analyze the means of regional cooperation for shared water resources in the Mekong River Basin. Part V will discuss sustainability issues regarding the Mekong dams.

¹ Le-Huu Ti & Nguyen-Duc Lien, *Mekong Case Study*, UNESCO-IHP, 2 (2003), available at <http://unesdoc.unesco.org/images/0013/001332/133290e.pdf> (last visited on Apr. 1, 2012).

² Mekong River Commission (“MRC”), *Strategic Environmental Assessment of Hydropower on the Mekong Mainstream 86* (ICEM, 2010) [MRC Sea Report], available at <http://www.mrcmekong.org/assets/Publications/Consultations/SEA-Hydropower/SEA-Main-Final-Report.pdf> (last visited on Apr. 1, 2012).