



Transboundary Environmental

Assessment: *The Experience of the Mekong River Commission*

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Overview

- **The Mekong river basin and the Mekong River Commission (MRC)**
- **Development of a Transboundary EA procedure**
- **Obstacles to its elaboration / implementation**
- **Overcoming the obstacles: the importance of capacity and best practice**

The Mekong River Basin

- **Shared by 6 countries**
- **Basin supports 240 million people - amongst poorest in South East Asia**
- **$\frac{3}{4}$ of these earn living from fishing & agriculture**
- **Population growing fast: 2.3 - 2.6% p.a. amongst highest in Asia**
- **Economic growth 5-8% p.a.**
- **Economic potential of basin vast**

The Mekong River Commission



- **1995: “Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin”**
- **Thailand, Lao PDR, Cambodia and SR Vietnam**
- **Established the Mekong River Commission (MRC)**
- **Remit includes optimising** *“the use and mutual benefits of all riparians and to minimise harmful effects that may results from natural occurrences and man made activities”*

Transboundary EIA Policy for the Mekong

- **2002: ERM proposed a policy on transboundary EIA for the Lower Mekong Basin**
- **Based on Espoo & Draft North American agreements on Transboundary EIA**
- **Policy suggested draft elements of a framework transboundary EA procedure e.g.**
 - Trigger, notification procedure, EIA study preparation process, dispute resolution etc
- **Set a framework for MRC governments to determine & agree these elements**

Obstacles to a Transboundary EA agreement in the Lower Mekong Basin

- **In principle, MRC member countries see theoretical benefits of a transboundary EIA system**
- **In practice, adoption of an agreement has met with resistance and nervousness:**
 - Implications of identifying transboundary impacts: compensation?
 - Sovereignty: the “right” to develop national resources
 - Internal politics: development aspirations vs. sustainability
 - Weak national institutional structures: law enforcement & environmental protection
 - Limited national capacity on EIA
 - Limited knowledge and understanding of river system & impacts

Over-coming the obstacles

- **Find ways of making an agreement on transboundary EIA attractive to upper basin countries**
 - Role of ASEAN or UNESCAP?
- **Improve knowledge, trust & understanding**
 - Building understanding of river system through research
 - Learning from others' experiences
 - Developing and implementing best practice

MRC Study Tour to Europe, May 2003

- **Purpose to raise awareness amongst senior ministry leaders of how transboundary environmental impacts are being managed through agreements in Europe**
- **Covered the Espoo Convention and bilateral agreements & experience between Germany, Poland and Czech Republic**

MRC Study Tour to Europe, May 2003

- **Some of Key lessons from the study tour:**
 - Practical experience in carrying out a transboundary EIA crucial when developing bilateral agreements
 - Differences in legal and institutional structures necessitate broad regional framework and detailed bilateral agreements
 - Crucial that each country fully understands each party's transboundary EIA process
 - Clear lines of communication must be set up, widely disseminated and enforced

Developing good practice

- **Different levels of institutional & academic competence in each country**
- **Need good practice to:**
 - Ensure comparable standards in impact assessment
 - Give credibility to research / impact assessment results
 - Promote transparency in decision making
 - Forge an understanding and trust between countries

Developing good practice

- **The MRC is attempting to develop a standard level of good practice across its member countries on:**
 - EIA, SEA and CEA (e.g. Best Practice EA guidelines in a transboundary context)
 - Scientific research of the river basin & its dynamics (e.g. through its core programmes)
 - Data collection and interpretation methods for each member country
- **Achieving this by seeking experience of others**

Concluding remarks



- **MRC eager to learn from others' experiences on the development and implementation of transboundary EIA processes – need to overcome nervousness**
- **Also recognises the opportunity afforded by SEA and CEA type approaches – is great potential for such tools but v. little riparian capacity or understanding**
- **Sharing & development of practical best practice is therefore key to future environmental management of the Mekong**