

# Solutions in 4 Meetings !333

Process Approach and  
Implementation for TDG 3 and 4



# NMC Consultations 1

## Process Expectations:

- Fast, efficient, constructive
- Strengthen relationships - cooperation
- Well informed and sustainable outcomes
- HOW?
- Focus on interests not positions
  - Positions divide and slow the process down
  - Interests provide the basis for accommodation
  - Many ways to satisfy an interest and only one way to satisfy a position - compromise.
  - Responding to positions – questions, asserting interests
- Use technical and international experience to facilitate high quality results



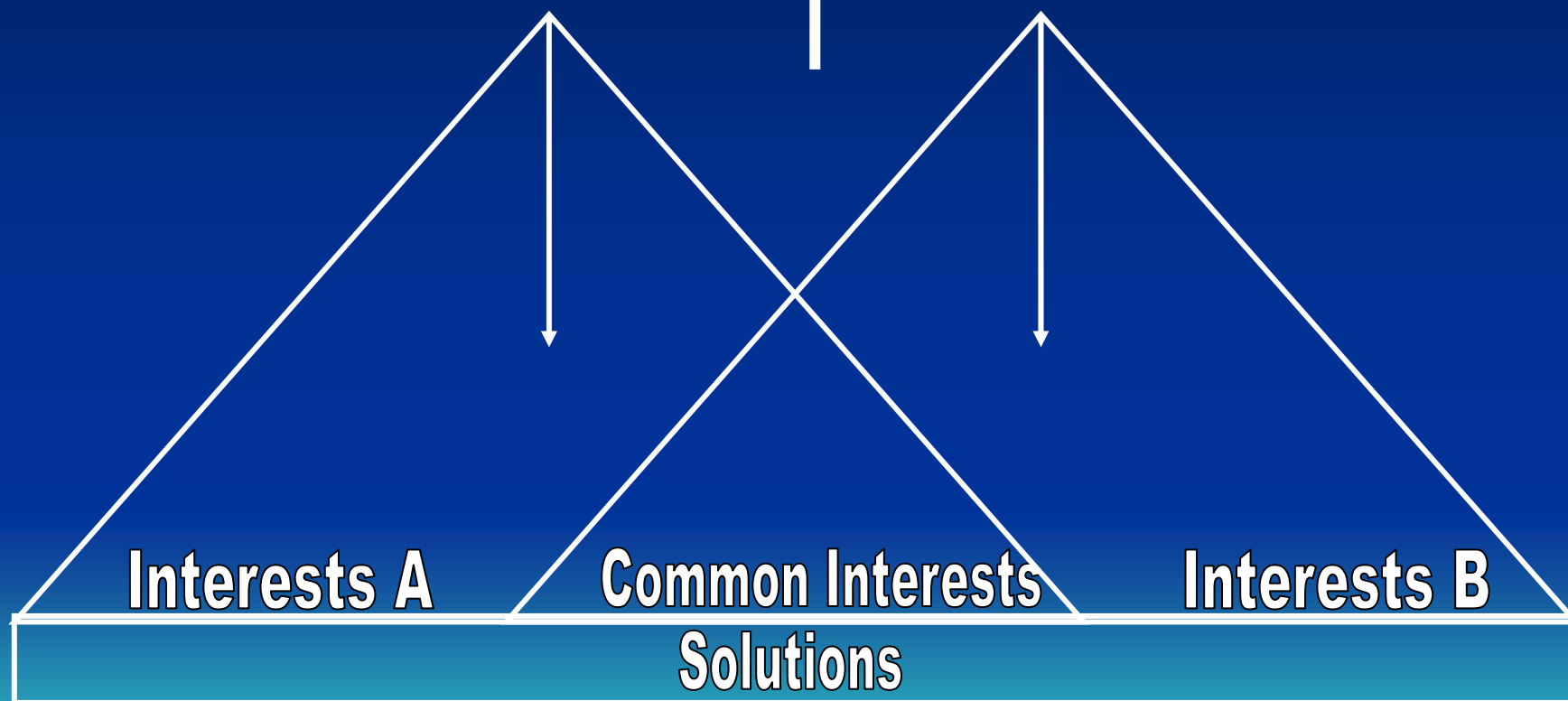
# NMC consultations 2

- Review of all the issues with each NMC
- Resulted in an initial summary of interests
- Discussion of interest-based approach
- Resulted in a commitment to work together in an interest-based manner
  - Develop clear and common understandings first
  - Then work collaboratively to develop solutions that accommodate all of the relevant interests
  - Take advantage of international experience and technical advice but do not be constrained by it
  - Work on the details after we have conceptual agreement on key issues



# Интересы против Позиций

**Position A** → | ← **Position B**



# The Mekong Agreement?

- Shield or sword or foundation for cooperation?
- Detailed discussion of interpretation may divert us from real issues
- Our Products are a Monitoring Framework and PNPCA
- Not an interpretation of the Agreement and not a new Agreement



# Implementation

- Collaborative working environment (Mics?)
- Adaptive meeting management
- Use small “breakout” groups to enable more discussion
- Meeting summaries – highlights without attribution (unless you specify?)
- Build informal relationships
  - Longer breaks
  - Informal dinners
  - Meeting locations
- Celebrate outcomes that accommodate all interests!



# Agenda TDG #3

## Today

- Process Confirmation
- Technical Advice and Context
- International Experience and Context
- Clarify Interests
- Consider a Framework Outline

## Tomorrow

- Resolve issues and develop the components of the outline
- Identify Actions to:
  - draft text
  - gather information to resolve outstanding issues



# Agenda – TDG #4

- International Context and Advice
- Review of Pending Issues
  - Scope – articles, definitions
  - Wet and Dry Season
  - In-country consultations, site visits
- Other potential improvements
- Identify Actions to:
  - draft resolutions
  - gather information to help resolve outstanding issues





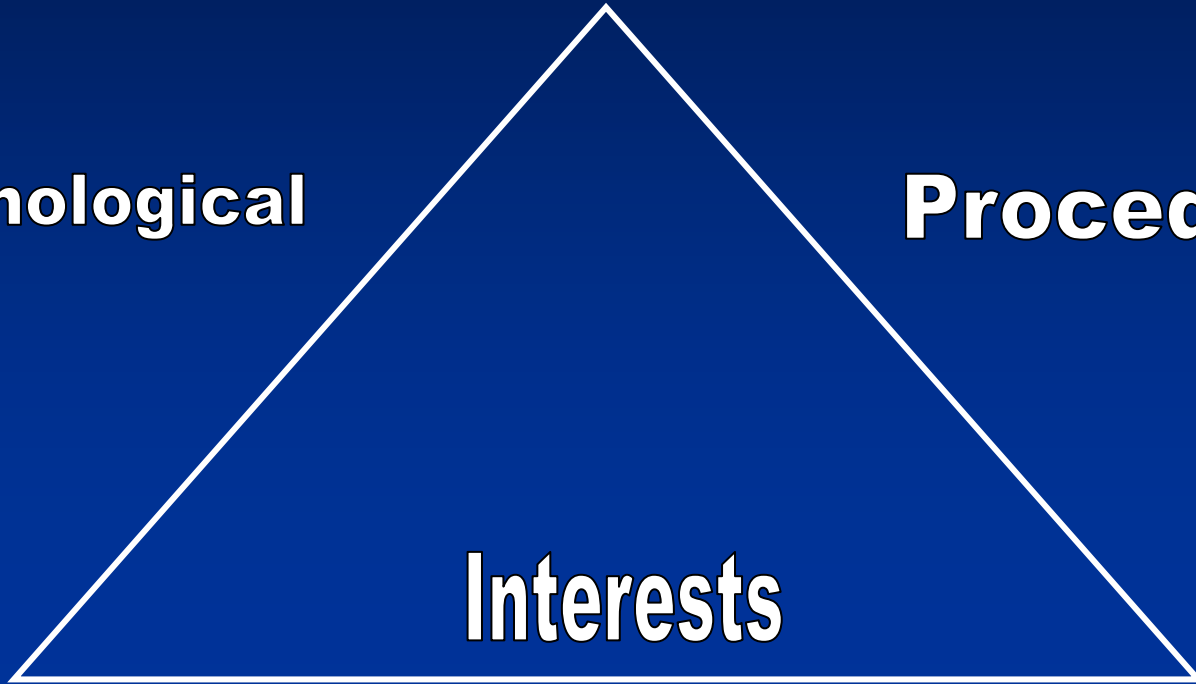
**Interests**

**Psychological**

**Procedural**

**Interests**

**Substantive**



# Interest Summary – Starting Point

## General

- Cooperate for sustainable development – use, conservation and management
- Sovereign equality and territorial integrity
- Reasonable and equitable use
- Maintain minimum flows
- Avoid, minimize and mitigate harmful effects
- Address damages
- Freedom of navigation
- Notification of emergencies
- Institutional arrangements for joint management
- Maintain consistency with the Agreement



# Interest Summary – Starting Point

## TDG 3

- Need technical feedback on the issues

### Scope

- Narrow will result in lack of monitoring required to support implementation of other articles
- Broad will be unnecessarily complex and overlap with other MRC monitoring activities
- Practical, implementable, coordinated with other MRC monitoring activities

### Mechanisms

- Capacity and resources to deliver improvements and create new mechanism
- Coordination between MRC and individual Riparian monitoring programs



# Interest Summary – Starting Point

## TDG #4

### **Scope**

- Resolution that supports sustainable development.
- Consistency with Mekong Agreement.
- Broad scope (beyond 5/indirect tributaries) will unnecessarily constrain, complicate or undermine ability of Nations to develop projects that do not have a significant impact on other states and thereby undermine the Mekong Agreement - interference.
- Narrow scope (article 5) will result in lack of appropriate notification, prior consultation and agreement for development projects that do have a significant impact on other Nations and undermine the Mekong Agreement.
- Practical, implementable, coordinated with other procedures that are developed to implement the Agreement.
- Compatible with international law and requirements of lending organizations



# Interest Summary – Starting Point

## ***Wet and Dry Season***

- Undermine MA obligations by limiting need to maintain flows and NPCA
- Unnecessarily constrain opportunity to utilize water.
- Need a technique for determining dates that is sensitive to variability between countries.
- Need increased technical understanding of the dates.

## ***Role of NMCs in site visit***

- Costs
- Collaboration between line agencies.
- Legality of JC decisions on this matter if there is no clause in the procedures.

## ***Improvements***

- Practical and implementable as possible.

