The Transboundary Water Diplomacy of China: Challenges and Responses

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1. INTRODUCTION

- China is one of the countries with abundant transboundary waters.

- The exploitation and utilization of these waters has become one of the core issues of Chinese borders and foreign affairs.

- China urgently needs to adjust its transboundary water diplomacy strategies.
2. THE STATUS OF INTERNATIONAL COOPERATION ON THE UTILIZATION AND DEVELOPMENT OF CHINA’S TRANSBOUNDARY WATERS

- The transboundary rivers in China involve the thirteen of total fourteen bordering countries.

- They are mainly located in the following three areas: the Northeast; the Northwest; the Southwest.

- These rivers affect nearly three billion people and many countries involved have high potential risk of water crisis.

- The competition for these transboundary waters will become increasingly fierce with the growing population and economic development.
Seventeen transboundary rivers are more important:

- Heilongjiang /Amur River (Mongolia, China, Russia)
- Suifen River (China, Russia)
- Tumenjiang River (China, North Korea, Russia)
- Yalujiang River (China, North Korea)
- Irtysh-Ob River (China, Kazakhstan, Russia)
- Argun River (China, Russia)
- Ili River (Kyrgyzstan, China, Kazakhstan)
- Tarim River (China, Kyrgyzstan)
- Senge Zangbo-the Indus (China, India, Pakistan)
- Yarlung Zangbo-Brahmaputra River (China, Bhutan, India, Bangladesh)
- Ganges (China, Nepal, India, Bangladesh)
- Ayeyarwady River (China, Myanmar)
- Nujiang/Salween River (China, Myanmar Thailand)
- Lancang River/Mekong River (China, Myanmar, Laos, Thailand, Cambodia, Vietnam)
- Yuanjiang River/Red River (China, Vietnam, Laos)
- Beilun River (China, Vietnam)
- Pearl/North River (China, Vietnam)
2.1 The status and trend of China’s exploitation and utilization of transboundary waters

- The overall exploitation to transboundary waters in China has been at a low level, with the Lancang, Ili and Irtysh rivers as the exception.

- 15 hydropower stations have been planned on Lancang River in Yunnan Province. So far four dams have been built and are in operation, while two dams are under construction, with many more in the pipeline.

- There are plans for a cascade of six dams on the Tibetan stretch of the Lancang River.
To guarantee the future development of oil fields, water diversion schemes for the Irtysh and the Ili are inevitable. Continuing large-scale population migration into Xinjiang from other provinces will also intensify the demand for transboundary water.

In the past ten more years, Chinese government took cautious approach to dam building in the ecologically sensitive and seismically active regions such as Nujiang and Yarlung Zangbo river basins in Yunnan Province and Tibet. But the situation is changing.

The combination of China’s energy needs, intensive lobbying by major dam builders and electricity companies and ambitious plans to meet low-carbon intensity goals in the 12th Five-Year Plan, have opened the way for a fresh round of dam building.
2.2 The transboundary water diplomacy strategy of China

- Over the past years, Chinese government officials, experts and scholars haven’t paid much attention to the transboundary waters in China, and they also lack the ‘international’ perspective in understanding, studying, and solving the issues surrounding the transboundary waters.

- China always carried out bilateral diplomacy and conducted bilateral transboundary water cooperation in answer to the appeal for its downstream neighbors, which can be called ‘responsive diplomacy’ or ‘bilateral path’.

- This kind of ‘responsive diplomacy’ or ‘bilateral path’ is slanted toward the following two: exchange of data and information, and consultation as the principal means of cooperation.
- China has adopted a very cautious approach in signing bilateral water treaties and conducting bilateral cooperation, not making any substantive commitments.

- As for the transboundary waters in Southwest China, there has been no formal bilateral and multilateral cooperation. But some informal arrangements and cooperation are currently under way.

- China voted against the adoption of the UNWC (The Convention on the Law of the Non-Navigational Uses of International Watercourses) in the 1997 UN General Assembly meeting and is one of only three countries voting against it.
3. THE MAIN CHALLENGES FACING CHINA’S TRANSBOUNDARY WATER DIPLOMACY STRATEGY

- China’s exploitation and utilization as well as ‘responsive diplomacy’ on transboundary waters has suffered unprecedented challenges and will suffer more challenges, with the enhancement of its exploitation and utilization of many transboundary waters.
3.1 The continuing criticism from the downstream countries and other stakeholders

- Given some of Chinese unilateral development and utilization of transboundary waters, as well as the slowness and reluctance in sharing information, China has been continuously criticized by the downstream countries and multi-stakeholders, and has been dubbed ‘upstream superpower’ or ‘upstream hegemony’ or ‘Water Hegemony’.

- The ‘bilateral path’ of China on the exploitation and utilization of multinational watercourses within its territory, has been challenged by the co-riparian States and condemned by third parties.
3.2 penetration and intervention from the USA and the EU

- The expansion of China’s influence in Southeast Asia in recent years, the Mekong region in particular, has caused concerns in the USA.

- Ever since the Obama administration took office in 2009, in order to retrieve its influences and control China, the USA initiated its high-profile ‘return’ to Asia-Pacific.

- The USA has been actively and constantly intervening the development of water resources and water environment management in the Mekong River Basin, as well as making related capital investment, supporting projects and conducting other activities.
Being an important part of its global water diplomacy, the EU has continuously instilled the concepts involving water governance, provided financial and project support to Kazakhstan transboundary water utilization and governance, under the framework of ‘EU Water Initiative’, ‘EU-Central Asia Strategic Cooperation Partnership ’ and ‘EU-Central Asia Environment and Water Initiative’.

In order to implement its global water diplomacy strategy, the EU launched a new water Initiative recently---The European Innovation Partnership on Water, EIP Water in short.
4. THE STRATEGIC AND POLICY RESPONSES IN TRANSBOUNDARY WATER DIPLOMACY

- China need to take into account the theory of common interest and make positive adjustment to its transboundary water diplomatic strategy and policy, i.e., transform the responsive diplomatic strategies into preventive ones.

- The preventive diplomatic strategy must be rule-oriented, which means that the drawing up and implementation of China’s transboundary water diplomacy must be based on International Rule of Law.

- China shall learn from the EU in occupying commanding elevation of International Rule of Law which stands for international morality so as to establish the image of ‘responsible great power’ or ‘responsible upstream’.
4.1 Understand, comply with and take advantage of International Water Law and International Environmental Law

- Accept/approve/ratify/access to the UNWC (it has been accepted/approved/ratified/accessed by thirty-four counties so far and is getting closer to reach the criterion for the entry into force when thirty-five states approve it)

- Strengthen its diplomatic outreach to co-riparian States and other stakeholders

- Take advantage of the favorable rules on the basis of understanding and complying with the basic rules.
4.2 Fulfill the general duty to cooperate

- Enhance international cooperation with the co-riparian States.
- Provide the hydrological data related to international watercourses, which is the first step in and the minimum level of international cooperation.
- Give full attention to the exchange of information and prior notification to planned measures with its co-riparian States.
4.3 Strengthen bilateral and multilateral negotiations and cooperation mechanisms

- Take into account of, borrow ideas from, and even actively implement the common interest theory on the basis of the restricted territorial sovereignty theory.

- Perhaps the best way of putting into effect the theory of common interest is Integrated Water Resources Management (IWRM).

- Strengthen bilateral and even multilateral negotiations and cooperation mechanisms with its downstream countries.

- Implement IWRM within its own territory.

- Whereas the conditions are ripe, carry out IWRM with its co-riparian States.
4.4 Carry out water right trading and conduct complementary development

- Carry out negotiations and consultations with the co-riparian states of its transboundary watercourses, trade their respective water rights with comparative advantages for other natural resources, and conduct complementary development.

- When considering and resolving transboundary water allocation problems, it might turn into a zero-sum game if the focus is solely put on the quantity of water: the gain of one party means the loss of other parties.

- If the involved parties take the economic approach by focusing on the economic benefits of water and trading water with other goods or money, it will benefit everyone so that the countries can better avoid conflicts of interest and achieve win-win outcomes.
4.5 Actively seek ecological compensation

- On the basis of understanding, complying with and making use of the international rules flexibly, try to formulate and develop rules.

- Actively seek ecological compensation from the downstream countries, if its development and utilization are affected because of the need to maintain the balance of ecosystems in the river basins or it abandon certain rights of exploitation, which lead to loss of economic development opportunities.

- Try to lead the policy-making process regarding ecological compensation in transboundary watercourses.
4.6 Safeguard comprehensively the overall interests in the transboundary watercourses

- Seek a more active and open approach to deal with and solve transboundary water issues instead of passively standing in the ‘dock’.

- Proactively pay attention to the dynamics of development in downstream countries to safeguard the interests of a whole basin.
Thank you for watching and listening