

**Memorandum of Understanding
Between
the Mekong River Commission Secretariat and
the ASEAN Secretariat**

Preamble

REAFFIRMING the development of partnership between the Association of Southeast Asian Nations Secretariat (the "ASEC") and the Mekong River Commission Secretariat (the "MRCS") to contribute towards the sustainable development of the Mekong Basin. The ASEC and the MRCS have agreed to increase their cooperation and enter into partnership in fields of common interest.

NOTING the Memorandum of Understanding (the "MoU") sets out the modalities under which ASEC and MRCS intend to closely collaborate.

Noting

1. The Association of Southeast Asian Nations (ASEAN) is an intergovernmental institution established on 8 August 1967 in Bangkok by the five original Member States, namely, Indonesia, Malaysia, Philippines, Singapore, and Thailand. Brunei Darussalam joined on 8 January 1984, Vietnam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999. The ASEAN Secretariat is located in Jakarta, Indonesia
2. The ASEAN Charter entered into force on 15 December 2008 and it is a legally binding agreement among the ten Member States. The Charter provides the legal and institutional framework for the realisation of the ASEAN Community by 2015.
3. At the 13th and 14th ASEAN Summits held in 2007 and 2008, respectively, the Leaders adopted the ASEAN Economic Community Blueprint, the ASEAN Socio-Cultural Community Blueprint and the ASEAN Political-Security

Community Blueprint and the IAI Work Plan II which serves as the Roadmap for an ASEAN Community (2009-2015).

4. The Roadmap provides strategic plan of actions in promoting sustainability of water resources to ensure equitable accessibility and sufficient water quantity of acceptable quality to meet the needs of the people of ASEAN.

5. The ASEAN has established an ASEAN Working Group on Water Resources Management (AWGWRM) under auspices of the ASEAN Senior Officials on the Environment (ASOEN) to coordinate and review regional cooperation related to water resources management in ASEAN. ASOEN agreed to develop the ASEAN Climate Change Initiative (ACCI). The objective of the initiatives is to enhance regional and international cooperation to address the issue of climate change and its impact on socio-economic development, health and the environment.

6. The ASEAN has developed specific mechanisms of specific relevance for the Mekong River Commission (MRC) such as the ASEAN-Mekong Basin Development Cooperation (AMBDC), ASEAN Community Blueprints (2009-2015), the IAI Work Plan II, the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity and the ASEAN Senior Officials on the Environment (ASOEN).

7. In 1996, the AMBDC has identified economic promotion and sustainable development of the Mekong River Basin as a major area of focus with a specific emphasis on traffic/transportation, trade and human resources development. In 2004, at the 10th ASEAN Summit in Vientiane, Lao PDR, the Heads of State and Government of the ASEAN agreed on enhancing economic cooperation and integration among Cambodia, Lao PDR, Myanmar and Viet Nam through the Vientiane Action Programme, which is now replaced by Roadmap for an ASEAN Community (2009-2015). The AMBDC has provided guidance and inspiration to

the Asian Development Bank (ADB) Greater Mekong Sub-region (GMS) as well as other donors regarding the issues and opportunities for Mekong support, and it has positioned the ASEAN Secretariat as a partner to the MRC Secretariat as well as to the MRC's Governments – through their respective National Mekong Committees (NMCs), the Joint Committee (JC), and the Ministries and line agencies.

8. The Plan of Action 2005-2010 to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity adopted at the 8th ASEAN-China Summit held in Vientiane on 29 November 2004 includes a section on the Mekong River Basin Development Cooperation (Section 2.9) that covers areas of involvement of MRC such as improvement of the navigational safety on the Lancang-Mekong River; expansion of the Environmental Impact Assessment of the navigation channel on the upper Mekong River; management and monitoring of water quality of Mekong river; sustainable use including the equitable access and benefit sharing of the sub-region's shared natural resources and their biodiversity; exchange of information and strengthen cooperation concerning the use of water in the Lancang-Mekong River, with a view to achieve sustainable development of all riparian countries; and cooperative activities to address global warming.

Noting

9. The MRC is an intergovernmental organization established through the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (the 1995 Agreement). The MRC aims at managing and developing the water resources of the Mekong River Basin in an integrated, sustainable and equitable manner for the mutual benefit of the basin countries. Based on the 1995 Mekong Agreement, the MRC vision is "an economically prosperous, socially just and environmentally sound Mekong River Basin, to promote and coordinate sustainable management and development of water and related

resources for the countries' mutual benefit and the people's well being".

10. The mandate of MRC is to coordinate and promote cooperation in all fields of sustainable development, utilization, management and conservation of the water and related resources of the Mekong Basin. The MRC has thus developed an expertise on integrated water resources management encompassing hydrological information, water based development scenario, basin development plan, environment, water quality and ecosystems, hydropower, fisheries, navigation, agriculture, irrigation, watershed management, flood forecast, flood mitigation and drought.

11. The four MRC Member Countries are also members of ASEAN and Mekong-related issues are being considered under various ASEAN frameworks such as the Initiative for ASEAN Integration, the AMBDC forum, the ASOEN as well as under the ASEAN-China Dialogue discussions.

12. The ASEC has been one of the observers to MRC Governance meetings since 2005. The ASEAN under the Japan-ASEAN Integration Fund (JAIF) has been supporting the MRC Initiative on Sustainable Hydropower since 2007¹.

Purpose

13. The ASEC can further expand regional integration through the MRCS with the sustainable development and joint management of water and related resources in the Mekong River Basin. The MRC can provide expertise on integrated water resources management to the wider ASEAN membership. The MRC can benefit from enhanced political recognition through relevant ASEAN frameworks.

14. Thus, the ASEC and the MRCS recognize that partnerships are essential, building on synergies of each organization's strengths and their shared vision of economic

¹ The initial project name is "Initial Analysis of Hydropower Potentials in Lower Mekong Basin in relation to Cumulative Transboundary Impacts"

integration and sustainable development. It is thus considered mutually beneficial for ASEC and MRCS – and the countries that they serve in the Mekong Basin – to develop closer, more formal working arrangements.

Objectives

15. The objective of this MoU is to provide a framework for developing and maintaining cooperation between ASEC and MRCS in the field of their common interests and to ensure close coordination, better utilization of resources so as to achieve effective outcomes on regional cooperation for the sustainable development of the Mekong River Basin. The MoU shall be reviewed regularly and adjusted as more experience is gained.

Areas of Cooperation

16. The ASEC and MRCS agreed to develop their partnership as follows:

16.1. Allow representatives to attend respective meetings, as deemed appropriate.

16.2. The ASEC and the MRCS intend to prepare joint activities under the following ASEAN focus areas:

16.2.1. (i) Provide more assistance to Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV) Countries in the implementation of the ASEAN Strategic Plan of Action on Water Resources Management.

Contextual activities at MRC would be the Basin Development Plan Programme that develops an IWRM-based basin development strategy and project portfolio for the management and development of water and related resources.

16.2.1. (ii) Organise training courses and workshops for CLMV countries to enhance capabilities in disaster responses, and search and rescue.

Contextual activities at MRC would be the MRC Flood Management and Mitigation Programme that works along the full spectrum of flood related risk, providing forecasting services, and promoting structural and institutional management and mitigation measures.

16.2.1. (iii) Assess the impact of climate change on biodiversity, water resources, climate related disasters such as floods and fires, and draw up adaptation and mitigation plans by 2012.

Contextual activities at MRC would be the MRC Climate Change and Adaptation Initiative that investigates the effects of climate variability and change in the basin, their implications on water and related resources and depending livelihoods, and aims to improve the resilience of the affected population.

16.2.1. (iv) Enhance the capacity of CLMV countries in managing environmental pollution.

Contextual activities at MRC would be the MRC Environmental Programme that coordinates water quality and bio-monitoring systems on the Mekong mainstream and selected tributaries. An initiative defining the significance of tributaries of the Mekong River system classifies all streams and catchments of the basin to international standards, establishes their key physical properties, and environmental and social features, as well as current and potential resource use and develops a methodology to assess up and downstream interdependencies and cumulative impacts of proposed developments.

16.3. Other areas of cooperation would be explored to build on synergies of each organization's strength such as principled common approaches to environmental standards or build on synergies between the policy level initiatives of ASEC and the technical level experience of MRCS.

Principles of Cooperation

17. From the foregoing, this partnership would move forward on the basis of the following premises:

- Mutual respect for each other's complementary strengths and objectives;
- Mutual support in fulfilling each other's mission;
- Mutual benefit in the activities ASEC and MRCS will collaborate on, under this MoU. Their selection and development to bring clear benefit to both organizations and their constituents;
- Mutual recognition: public statements and publications regarding activities undertaken jointly under this MoU will acknowledge this partnership;
- Enhancement of each other's effectiveness while avoiding duplication of effort;
- Commitment to finding ways to achieve more than either organization could accomplish independently;
- Commitment to a responsive, flexible, and transparent approach to developing and carrying out joint activities.

Mechanism of Cooperation

18. Specific cooperation in the areas set out in this MoU or other cooperation between the ASEC and the MRCS will be set out in specific documents detailing the implementation modalities, work plan and budgets for such cooperation. An annual consultation meeting will be held which will review current and planned cooperation and agree on an overall annual work plan for this MoU. Other matters of mutual interest may be raised at these meetings.

Responsibility for the partnership

19. The Head of the Initiative for ASEAN Integration & Narrowing the Development Gap Division, ASEC and the Chief Executive Officer of the MRC Secretariat shall have overall responsibility for ensuring that the objectives of this MoU are met. The present MoU is executed on behalf of the MRC through the MRC Secretariat.

Channel of Communication

20. The channel of communication between the two parties will be (i) for technical matters: for the MRCS: The Chief of International Cooperation and Communication Section (ICCS); for the ASEC: The Head of the Environment Division, the ASEAN Socio-Cultural Community Department; (ii) for policy matters: for the MRCS: The Chief Executive Officer (CEO) of the MRCS; for the ASEC: The Head of the Initiative for ASEAN Integration & Narrowing the Development Gap Division, the ASEAN Economic Community Department.

Limits to Agreement

21. Any sharing of confidential information between the Parties will be subject to respective policies and procedures of the party providing the information relating to the disclosure of confidential information.

Timeframe, Modification and Termination

22. This MoU shall come into force and effect upon signature by both Parties. The MoU will be for a period of five years and will be jointly reviewed by the Parties at least every two years.

23. This Memorandum may be modified or terminated at any time by mutual written agreement of the Parties. Further, the Memorandum may be terminated by either Party at its sole discretion with 60 days prior notice in writing to the other Party.

In witness whereof, the Parties have caused this Memorandum to be executed as of the day and date written below:

Done at Hua Hin, Thailand, this Fourth Day of March in the Year Two Thousand and Ten, in a two original copies in the English Language.