



Mekong River Commission

For Sustainable Development

Procedures for the Maintenance of Flows on the Mainstream

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Procedures for the Maintenance of Flows on the Mainstream

Preamble

Reaffirming the political commitment to continue to cooperate and promote in a constructive and mutually beneficial manner the utilization and development of water and related resources and protection of the environment of the Mekong River Basin as stated in the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, signed at Chiang Rai, Thailand on 5 April 1995, hereinafter referred to as "the Mekong Agreement";

Pursuant to the Mekong River Commission (MRC) Council Resolution on Water Utilization Program of 18th October 1999, and the decision of the MRC Joint Committee in December 2003 on the establishment of the Technical Drafting Group 5 to prepare the Rules for the Maintenance of Flows on the Mainstream, which was renamed Procedures for the Maintenance of Flows on the Mainstream at the 11th MRC Council Meeting in December 2004, hereinafter referred to as "the Procedures";

Recognizing the natural hydrological variability, changes and developments, in time and space, that occur in the basin;

Recognizing the comprehensive and adaptive approach in formulating the Procedures, which are an integral part of the Rules for Water Utilization and Inter-Basin Diversions specified in Article 26 of the Mekong Agreement;

Recognizing that the sustainable development of the water and related resources in and environment protection of the Mekong River Basin will not be possible if, together with other relevant factors, flows of the Mekong River are not appropriately maintained;

We hereby approve the following Procedures for the Maintenance of Flows on the Mainstream:

1. Definitions

Relevant and Key Definitions from the Mekong Agreement:

- **Acceptable Minimum Monthly Natural Flow**: The acceptable minimum monthly natural flow during each month of the dry season.
- **Acceptable Natural Reverse Flow**: The wet season flow level in the Mekong River at Kratie that allows the reverse flow of the Tonle Sap to an agreed upon optimum level of the Great Lake.

The technical definitions will be included in the Technical Guidelines to be established by the MRC Joint Committee.

2. Objectives

The objectives of the Procedures are to provide a framework for technical guidelines, institutional arrangements, directions and information to enable the MRC and its member States to maintain and manage the flows of the Mekong River mainstream as required by Articles 6 and 26 of the Mekong Agreement.

3. Principles

In addition to the principles stipulated in the Mekong Agreement, the Procedures shall be governed by the following principles:

- Practicality;
- Transparency;
- Cost effectiveness; and
- Reciprocity¹

4. Scope

The Procedures are applied to diversions, storage releases, or other actions of a permanent nature undertaken by the member States which may have a significant impact on the flows of the mainstream during the wet and dry seasons in accordance with Article 6 of the Mekong Agreement.

5. Maintenance of Flows on the Mainstream

5.1 Flows to be Maintained

Specifically, except in the cases of historically severe droughts and/or floods, the Procedures apply to cooperation in the maintenance of flows on the mainstream at selected stations:

- 5.1.1 Of not less than the acceptable minimum monthly natural flow during each month of the dry season under Article 6A;
- 5.1.2 To enable the acceptable natural reverse flow of the Tonle Sap to take place during the wet season under Article 6B; and
- 5.1.3 To prevent average daily peak flows greater than what naturally occur on the average during the flood season attributed to intentional water releases from manmade activities or other facilities under Article 6C.

The flows to be maintained at specified locations as stipulated in 5.1.1, 5.1.2 and 5.1.3 are set out in a separate document entitled Technical Guidelines to be adopted/established by the MRC Joint Committee.

¹ Means "mutual" and implies that each State shall treat each other in a like positive manner and expect the same treatment in return.

5.2 Hydrological Stations

Criteria for selection of the initial hydrological stations and a list of sites required for the implementation of the Procedures are set out in the Technical Guidelines to be established by the MRC Joint Committee.

5.3 Preparation, Review and Revision of the Technical Guidelines

The Technical Guidelines shall be prepared, reviewed and revised from time-to-time by the MRC Joint Committee in accordance with the objectives and principles of the Procedures.

6. Institutional Arrangements

Implementation of the Procedures requires the active participation of the MRC Council, the MRC Joint Committee, the MRC Secretariat and the National Mekong Committees with respective roles, functions, duties and responsibilities which are as follows:

6.1 MRC Council

The functions of the Council under the Procedures are in accordance with the provisions of the 1995 Mekong Agreement, its Rules of Procedures and other relevant procedures.

6.2 MRC Joint Committee

In addition to those stipulated in the Mekong Agreement and the Rules of Procedure of the MRC Joint Committee and other relevant rules and procedures approved by the MRC Council, the functions/roles/responsibilities of the MRC Joint Committee for the Procedures shall include, but are not limited to:

- 6.2.1 Establishing the location of hydrological stations and determining and maintaining the flow level requirements at each station on the Mekong mainstream serving the various provisions of Article 6 and in accordance with the objectives and principles of the Procedures and the Technical Guidelines prepared by the MRC Joint Committee;
- 6.2.2 Taking appropriate measures in the event of severe droughts and/or floods;
- 6.2.3 Coordinating with all National Mekong Committees for the effective implementation of the Procedures; and
- 6.2.4 Adopting the Technical Guidelines of the Procedures and any amendment or modification thereof.

The MRC Joint Committee may delegate all or some responsibilities to a technical body, formed as a permanent working group of the Mekong River Commission.

6.3 MRC Secretariat

In addition to the functions, duties, and responsibilities stipulated in the Mekong Agreement and those assigned to it by the MRC Council and Joint Committee and in other relevant rules and procedures, the roles and responsibilities of the MRC Secretariat respecting the implementation of the Procedures, shall include, but are not limited to:

- 6.3.1 Providing technical and administrative assistance to the MRC Joint Committee and the technical body in the assessment of flows and recommended options on acceptable flows at specified locations on the Mekong mainstream. As part of this assistance, the MRC Secretariat shall maintain the MRC-Information System and update, including preparation of a timetable for updating, upgrading, and utilizing, the Decision Support Framework as a key tool supporting the flow assessments required by the Procedures;
- 6.3.2 Facilitating the work of the MRC Joint Committee and the technical body through coordination, logistical support, technical analyses and assessments, preparing necessary reports, including an annual report to the MRC Joint Committee on the status of maintaining flows on the mainstream and providing appropriate documentation relevant to the discussions in a timely manner, and
- 6.3.3 Facilitating the problem-solving and consensus-building processes required to enable the technical assessments and recommendations to be carried out successfully and in a cost-effective manner.

6.4 National Mekong Committees

The functions, roles and responsibilities of the National Mekong Committees through the direction of their MRC Council and Joint Committee members and in accordance with the various provisions of the Mekong Agreement and relevant rules and procedures, shall include, but are not limited to:

- 6.4.1 Informing the relevant line agencies, local authorities and stakeholders of the Procedures to ensure the effective implementation of the Procedures;
- 6.4.2 Ensuring the monitoring, data gathering and reporting as required to implement the Procedures and transmit data from the selected stations to the MRC Secretariat;
- 6.4.3 Being responsible in cooperation with the MRC Secretariat, for establishment, maintenance and operation of the selected hydrological stations in each respective State;
- 6.4.4 Informing line agencies, local authorities and stakeholders concerned of the relevant plans, programs and activities to facilitate the maintenance of the required flows, specific operation and seasonal management conditions, and of the needs to maintain the flow requirements contained in the Procedures; and

6.4.5 Facilitating the MRC Secretariat in preparing the MRC annual report on the maintenance of flows on the mainstream by providing necessary information.

7. Final Provisions

7.1 Amendments or Modifications

Any amendment or modification to the Procedures shall be submitted by the MRC Joint Committee for approval by the MRC Council.

7.2 Entry into Force

The Procedures shall take effect among member States on the date of the approval of the MRC Council.

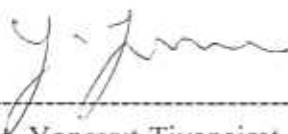
Approved by the MRC Council on the twenty second day of June of the year two thousand and six in Ho Chi Minh City, Socialist Republic of Viet Nam.



H.E. Mr. Lim Kean Hor
MRC Council Member for the Kingdom of Cambodia



H.E. Mr. Somphong Mongkhonvilay
MRC Council Member for the Lao People's Democratic Republic



H.E. Mr. Yongyut Tiypairat
MRC Council Member for the Kingdom of Thailand



H.E. Dr. Cao Duc Phat
MRC Council Member for the Socialist Republic of Viet Nam



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