

The Right to Water in the Lancang-Mekong River Basin Disputes

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Abstract : The Lancang-Mekong River is the most important international watercourse in mainland Southeast Asia. In recent years, the six riparian states, China, Myanmar, Laos, Thailand, Cambodia and Vietnam, have confronted increasing disputes over the use of the trans-boundary water. To settle these disputes and protect the fundamental right to water, quite a few inter-state mechanisms have been established, such as the Mekong River Commission, the economic cooperation program of the Greater Mekong Subregion, the 'Belt and Road Initiative' and the 'Lancang-Mekong Cooperation Mechanism' and the 'Lower Mekong Initiative'. Non-Governmental Organizations (NGOs) have also been an important and constructive institutional entrepreneur in trans-boundary water governance. Although the status and extent of the right to water are yet to be clearly defined, this paper aims to 1) unpack how the right to water is interpreted and exercised in the Lancang-Mekong River Basin Dispute; and 2) to evaluate the roles of the right to water in settling international water disputes. To achieve these objectives, Secondary data such as archival documents of international law and relevant stakeholders will be compiled for analysis. First-hand information about the organizational structure, accountability, values and strategies of the international mechanisms and NGOs in question will also be collected through fieldwork in the Mekong river basin. Semi-structural interviews, group discussions and participatory observation will be conducted to collect data. The authors have access to the fieldwork because they have abundant experience of collaborating with Mekong-based international NGOs in previous research projects. This research will display how the concepts and principles of international law and the UN guidelines are interpreted in practice. These principles include the definition and extent of the right to water, the practical use of 'vital human need', the indicators of 'adequacy of water' including 'availability, quality and accessibility', and how the right to water is related to the progressive realization of the right to life. This down-to earth research will enrich the theoretical discussion of international law, particularly international human rights law, within the UN framework. Moreover, the outcomes of this research will provide new insights into the roles that the right to water might play in consensus-building and dispute settlement in a rapidly changing context, where water is pivotal for poverty alleviation, biodiversity conservation and the promotion of sustainable livelihoods.

Keywords : international water dispute, Lancang-Mekong River, right to water, state and non-state actors

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