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# **‘Meetings, Meetings, Meetings, and Meetings’: Regional Governance, Cross-Border Environments and Sovereign Authority**

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## **Abstract**

This working paper considers what regional meetings, such as the Mekong River Commission (MRC) Summit, accomplish in terms of transboundary environmental governance and reinforcement of sovereign authority, and what the implications are for who can speak on behalf of cross-border ecologies. The working paper introduces 'summit ethnography' as an approach for studying regional governance. This approach is positioned as a way of studying the elusive notions of regional environmental governance and regional governance community in a more embodied manner, emphasising that those who participate or are included/excluded as experts in regional governance are at stake in these meetings and the regional plans for development.

Keywords: transboundary governance, sovereignty, event ethnography, Mekong

## **Biography**

Vanessa Lamb is a Junior Fellow (2013–2014) under the ASEAN-Canada Research Partnership. Dr Lamb is trained as a political ecologist and geographer. Her research interests include politics of ecological knowledge, cultural politics of environment and development, conservation and development, and understanding competing claims over and for water/rivers, particularly in Southeast Asia. Vanessa completed her PhD in Geography at York University, Toronto, in early 2014. Prior to commencing the programme at York University, Vanessa completed her Master's degree at the University of Wisconsin-Madison and has worked for Towards Ecological Recovery and Regional Alliance (TERRA), a Thai-based non-governmental organisation.

Her research for the 2013–2014 ASEAN-Canada Research Partnership Junior Fellowships programme was titled 'ASEAN regional energy development, sovereign authority, and the environmental impact assessment'. It explored the regional push for cross-border energy development and the tensions invoked around nation-state sovereignty and jurisdiction, particularly examining these tensions in regional governance. During the fellowship, Dr Lamb was a post-doctoral associate at the York Centre for Asian Research (YCAR), Toronto, and also affiliated with the Regional Center for Social Science and Sustainable Development (RCSD) at Chiang Mai University, Chiang Mai.

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## Introduction

Within Southeast Asia, national governments and regional institutions are proactively promoting cross-border regional development, particularly in the areas of energy development and trade. Yet, without the policies or procedures in place to assess transboundary impacts, such promotion can be seen as being at odds with ASEAN's goals of achieving sustainable growth for which the capacity to evaluate and respond to impacts that cross national borders is necessary.

These tensions are particularly acute when considering ASEAN's regional energy developments. According to plans for the ASEAN Power Grid, by 2025 cross-border power purchases in the region will equal the generation capacity of one of Asia's largest dam projects, the Three Gorges dam in China. The plan anticipates new energy developments, many of which cross national political borders; accompanying the increase in regional trade will be transboundary environmental impacts.

While important for achieving sustainable growth, cross-border governance carries with it anxieties between national sovereignty and increasing regional participation in governance, with the implication that the latter will necessarily lead to a cessation of local authority. This working paper focuses on the Mekong River Commission (MRC), a regional institution that includes member countries Thailand, Laos, Cambodia and Vietnam and is charged with overseeing the lower Mekong's development and management.<sup>1</sup> The MRC is examined as a key institutional body responsible for processes of regional and transboundary environmental governance in Southeast Asia. Particular focus is on the MRC and the case of the recent flashpoint, Xayaburi hydropower dam, construction of which has been proposed on the mainstream of the Mekong River in Laos to produce electricity as part of regional energy plans. This case serves to illustrate some of the multiscale tensions in transboundary environmental governance. This paper also introduces an innovative approach to the study of regional environmental governance and transboundary development in order to better understand these tensions: focus is turned on regional meetings as a way to study regional governance in practice.

As such, this paper is, in part, a critical report on a particular set of regional governance practices in action and, in part, an introduction to a methodology of 'summit ethnography'. I posit that summit ethnography is a way to gain insights into the multiscale, local-national-regional tensions in transboundary environmental governance. In this research, invoking 'sovereignty' and 'sovereign right' emerges as a key theme. The implications of invoking sovereign right for the multiscale governance are considered. Findings suggest that what is at stake here is who participates and who is involved in imagining transboundary environmental governance.

In focus is the Second MRC Summit and International Conference held in April 2014 in Ho Chi Minh City, Vietnam, as a way to gain insight into the tensions of transboundary governance. The Second MRC Summit (2nd MRC Summit, henceforth) was held on 5 April 2014 following a number of preparatory meetings on 3–4 April 2014. Also included are the MRC's International Conference, which was held on 2–3 April 2014 in the lead-up to the 2nd MRC Summit, and the Save the Mekong Coalition parallel meeting, which was organised by the regional civil society network of the same name and held on the morning before the 2nd MRC Summit officially began. These meetings have been approached as a site of research into regional governance processes and an opportunity to network with and identify

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<sup>1</sup> Myanmar and China have Mekong River Commission (MRC) observer status.

interviewees within the region that would, outside the context of the event, be more difficult to secure.

While the lack of more formalised or meaningful civil society engagement with regional institutions, such as the MRC<sup>2</sup> or ASEAN<sup>3</sup>, has been identified by other scholars, I argue that invoking sovereignty in regional or transboundary governance processes raises further questions about who gets to speak and make decisions at the regional scale about natural resources that simultaneously are 'local' and cross borders. Related to this dilemma are questions about what roles civil society actors can play or advocate for, and about whether national governments are the best representatives for environmental issues in a system that has primarily emphasised the acceleration and expansion of regional economic development.

## Conceptual Approach

Conceptually, this examination of regional and transboundary governance can speak to evolving debates on regionalism and sovereignty, specifically the notion that sovereignty is paramount, often described as the 'ASEAN way'<sup>4</sup>, or as the commitment of Southeast Asian states to traditional Westphalian understandings of state sovereignty over regional concerns<sup>5</sup>. The ways that sovereign authority is invoked or ignored in practice are examined; emphasising the contingency (rather than inevitability) and duplicity of appealing to sovereignty and sovereign right, it is argued that sovereignty can be done differently, and these meetings might also be seen as an opportunity for new invocations.

To make these arguments, attention is turned to earlier studies that have focused on regionalism and on reconceptualising sovereignty<sup>6</sup> as well as work on the civil society

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<sup>2</sup> Chris Sneddon and Coleen Fox, 'Power, development, and institutional change: Participatory governance in the Lower Mekong basin', *World Development* 35, no. 12 (2007): 2,161–81; Philip Hirsch et al., 'National interests and transboundary water governance in the Mekong' (Sydney: Australian Mekong Resource Centre [AMRC], Danish International Development Assistance [DANIDA] and University of Sydney, 2006); Philip Hirsch, '13 years of bad luck? A reflection on MRC and civil society in the Mekong', *Watershed: Peoples Forum on Ecology* 12, no. 3 (2008): 38–43; Gary Lee and Natalia Scurrah, 'Power and responsibility: The Mekong River Commission and Lower Mekong mainstream dams' (Victoria: Australian Mekong Resource Centre [AMRC], University of Sydney and Oxfam Australia, 2009); Natalia Scurrah and Gary Lee, 'The governance role of the MRC vis-à-vis Mekong mainstream dams' (Mekong Brief Number 10, Sydney: Australian Mekong Resource Center [AMRC], 2008).

<sup>3</sup> Kanishka Jayasuriya and Garry Rodan, 'Beyond hybrid regimes: More participation, less contestation in Southeast Asia', *Democratization* 14, no. 5 (2007): 773–94; Helen E. S. Nesadurai, 'The ASEAN People's Forum (APF) as authentic social forum: Regional civil society networking for an alternative regionalism', in *Routledge handbook of Asian regionalism*, eds Mark Beeson and Richard Stubbs (London and New York: Routledge, 2012), 166–76; Kelly Gerard, 'ASEAN and civil society activities in "created spaces": The limits of liberty', *The Pacific Review* 27 no. 2 (2014): 265–87.

<sup>4</sup> Amitav Acharya, *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order* (London and New York: Routledge, 2001).

<sup>5</sup> Shaun Narine, 'Asia, ASEAN and the question of sovereignty: The persistence of non-intervention in the Asia-Pacific', in *Routledge handbook of Asian regionalism*, op. cit., 155.

<sup>6</sup> Acharya, *Constructing a security community in Southeast Asia*, op. cit.; Amitav Acharya, *Whose ideas matter? Agency and power in Asian regionalism* (Ithaca and London: Cornell University Press, 2009); Lee Jones, *ASEAN, sovereignty and intervention in Southeast Asia*, Critical Studies of the Asia-Pacific Series (Basingstoke, UK, and New York: Palgrave Macmillan, 2012); Lee Jones, 'Sovereignty, intervention, and social order in revolutionary times', *Review of International Studies* 39, no. 5 (2013): 1,149–67.

relationship to evolving ASEAN regionalism<sup>7</sup>. In reference to sovereignty, there is a general thread that sovereignty has mostly been used or invoked to exclude non-state civil society actors. Yet, as Nesadurai explains,

A fairly coherent alternative regionalism has ... emerged out of research-based networking and advocacy through the SAPA [Solidarity for Asian People's Advocacy] network and in institutionalised public spaces such as the APF [ASEAN People's Forum], constituting a counter-hegemonic challenge to the dominant ASEAN framework of conservatism, illiberal political governance and neo-liberal economics.<sup>8</sup>

Considering the role of non-state actors in regionalism, Jones' critique of sovereignty, with its aim

... to cut through elite rhetoric to the reality of state practice, to disrupt the major area of scholarly consensus on ASEAN, to question the most common explanations given for the form Southeast Asian regionalism takes, and to provide a sounder basis for policy-making ...<sup>9</sup>

is particularly useful as a starting point for thinking through the focus on sovereign right in regional environmental governance.

To gain insight into the practices of sovereign authority and the ways that sovereignty is remade in relation to regional governance, this research approached from a conceptual grounding in the field of political geography. The field is concerned with the spatial aspects and impacts of development<sup>10</sup>, the territorial dimensions of governance<sup>11</sup>, and contests over sovereignty<sup>12</sup>. As such, political geography is

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<sup>7</sup> Nesadurai, 'The ASEAN People's Forum (APF) as authentic social forum', op. cit.; Mely Caballero-Anthony, 'ASEAN-ISIS and the ASEAN People's Assembly (APA): Paving a multi-track approach in regional community building', in *Twenty-two years of ASEAN ISIS*, eds Hadi Soesastro, Clara Joewono and Carolina Hernandez (Jakarta: Centre for Strategic and International Studies [CSIS], 2006); Mely Caballero-Anthony, 'Non-traditional security, democracy, and regionalism in Southeast Asia', in *Hard choices: Security, democracy, and regionalism in Southeast Asia*, ed. Donald K. Emmerson (Stanford: Walter H. Shorenstein Asia-Pacific Research Center Books, 2008).

<sup>8</sup> Nesadurai, 'The ASEAN People's Forum (APF) as authentic social forum', op. cit., 172.

<sup>9</sup> Jones, 'Sovereignty, intervention, and social order in revolutionary times', op. cit., 8.

<sup>10</sup> Karen Bakker, 'The politics of hydropower: Developing the Mekong', *Political Geography* 18, no. 2 (1999): 209–32; P. Hirsch, 'Large dams, restructuring and regional integration in Southeast Asia', *Asia Pacific Viewpoint* 37, no. 1 (1996): 1–20; Philip Hirsch, 'Globalisation, regionalisation and local voices: The Asian Development Bank and rescaled politics of environment in the Mekong region', *Singapore Journal of Tropical Geography* 22, no. 3 (2001): 237–51; Philip Hirsch, 'The changing political dynamics of dam building on the Mekong', *Water Alternatives* 3, no. 2 (2010): 312–23; Chris Sneddon and Coleen Fox, 'Rethinking transboundary waters: A critical hydropolitics of the Mekong basin', *Political Geography* 25, no. 2 (2006): 181–202; Sneddon and Fox, 'Power, development, and institutional change', op. cit.; Francois Molle, 'Scales and power in river basin management: The Chao Phraya River in Thailand', *The Geographical Journal* 173, no. 4 (2007): 358–73.

<sup>11</sup> Peter Vandergeest and Nancy Lee Peluso, 'Territorialization and state power in Thailand', *Theory and Society* 24, no. 3 (1995): 385–426; Emma S. Norman and Karen Bakker, 'Transgressing scales: Water governance across the Canada-U.S. borderland', *Annals of the Association of American Geographers* 99, no. 1 (2009): 99–117; Chris Sneddon et al., 'Contested waters: Conflict, scale, and sustainability in aquatic socioecological systems', *Society & Natural Resources: An International Journal* 15, no. 8 (2002): 663–75; Leila M. Harris and Samer Alatout, 'Negotiating hydro-scales, forging states: Comparison of the upper Tigris/Euphrates and Jordan River basins', *Political Geography* 29, no. 3 (2010): 148–56.

<sup>12</sup> John Agnew, 'Sovereignty regimes: Territoriality and state authority in contemporary world politics', *Annals of the Association of American Geographers* 95, no. 2 (2005): 437–61; Karin Dean, 'Spaces and territorialities on the Sino-Burmese boundary: China, Burma and the Kachin', *Political Geography*, no. 24 (2005): 808–30; David Newman, 'The resilience of territorial conflict in an era of globalization', in *Territoriality and conflict in an era of globalization*, eds Miles Kahler and Barbara F. Walter (Cambridge: Cambridge University Press, 2006), 85–110; Christian Lund, 'Fragmented

particularly well suited to frame and provide insight into questions of sovereign authority and the multiple scales invoked by transboundary environmental governance. In many ways, cross-border development challenges conventional notions of sovereign authority and political boundaries by invoking questions and problems that require cross-border or regional collaboration and communication at multiple scales.

The practice of privileging national sovereignty over transboundary cooperation has been discussed in relation to the success and challenges of transboundary environmental governance and the MRC.<sup>13</sup> Hirsch et al. explain that 'in the national interest' is a discursive strategy often invoked by the MRC, for instance, to legitimise large infrastructure projects whose environmental and social consequences may in fact be quite disastrous.<sup>14</sup> The authors argue that the appeal to national interest is a way of masking, under a guise of 'inclusiveness' and 'objectivity', considerations that actually focus on economic benefits to the exclusion of all else.<sup>15</sup>

More recently, Suhardiman et al. make the point that even one of the more seemingly 'neutral' ways forward for the MRC in terms of a basin-wide approach, Integrated Water Resources Management (IWRM), is meeting substantial stumbling blocks.<sup>16</sup> IWRM is a 'cross-sectoral policy approach, designed to replace the traditional, fragmented sectoral approach to water resources and management that has led to poor services and unsustainable resource use', an approach that emphasises coordinated management of the river basin.<sup>17</sup> In the Mekong, IWRM would see coordination between MRC government ministries. However, it has turned out to be mostly unsuccessful because the emphasis on regional coordination would require a serious change and challenge to the status quo.<sup>18</sup> For the MRC, necessary changes to environmental regulation presently depend on an authority that is delimited by national borders. Suhardiman et al. explain that, 'This restructuring generates potentially extensive conflicts and heavy bureaucratic infighting between the NMCs [National Mekong Committees], the agencies assigned with the regulation tasks, and sectoral ministries, the agencies who need to be coordinated'.<sup>19</sup> Their observations, alongside earlier critiques by Hirsch and others, point to very real challenges for regional governance in a region that prioritises sovereign right.

This 'national bias' is even shown in existing policy recommendations for better environmental governance (Table 1). Similar to the scholarship mentioned above, and the events detailed below, the literature and existing recommendations for improving cross-border assessment also focus on this issue of sovereign right. While

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sovereignty: Land reform and dispossession in Laos', *The Journal of Peasant Studies* 38, no. 4 (2011): 885–905; Jones, *ASEAN, sovereignty and intervention in Southeast Asia*, op. cit.; Jones, 'Sovereignty, intervention, and social order in revolutionary times', op. cit.

<sup>13</sup> It can be described as a kind of regional cooperation, which seeks to avoid conflict by privileging state sovereignty or national interest. See, Jian Ke and Qi Gao, 'Only one Mekong: Developing transboundary EIA procedures of Mekong River basin', *Pace Environmental Law Review* 30, no. 3 (2013): 950–1,004; Hirsch et al., 'National interests and transboundary water governance in the Mekong', op. cit.

<sup>14</sup> Hirsch et al., 'National interests and transboundary water governance in the Mekong', op. cit., xviii.

<sup>15</sup> Ibid.

<sup>16</sup> Diana Suhardiman, Mark Giordano and François Molle, 'Scalar Disconnect: The Logic of Transboundary Water Governance in the Mekong', *Society & Natural Resources* 25, no. 6 (2012): 572–86.

<sup>17</sup> Global Water Partnership. 'What is IWRM?', 25 March 2010, [www.gwp.org/The-Challenge/What-is-IWRM](http://www.gwp.org/The-Challenge/What-is-IWRM).

<sup>18</sup> Suhardiman et al. (2012).

<sup>19</sup> Suhardiman et al. (2012), 3–4.

scholars have identified gaps and provided a critique of national sovereignty as a challenge to transboundary assessment, many of their proposed recommendations are also focused on the nation-state level, essentially reinforcing and normalising the nation-state as the level of governance.

*Table 1: Improving transboundary environmental impact assessments.*

Recommendation	Explanation	Study (year)	Mentioned at the 2nd MRC Summit?	Scale of governance at which it would operate (nation, basin, or region)
Hard law	Stronger implementation and regulatory power	Hirsch et al. (2006) <sup>20</sup>	Yes	Nation-state
Improve national laws and policies		Hirsch et al. (2006) <sup>21</sup> , Xikun and Min (2007) <sup>22</sup>	Yes	Nation-state
Harmonise laws across the region		Hirsch et al. (2006) <sup>23</sup>	Yes	Nation-state
Encourage more 'buy in' from member countries		Kheng-Lian (2012) <sup>24</sup>	Yes	Nation-state
Work through or more strongly with GMS		Ke and Gao (2013) <sup>25</sup>	No	GMS also said to follow the ASEAN way
'Basic version' of TbEIA	Focus on cooperation rather than hard law	Ke and Gao (2013) <sup>26</sup>	No	Still adheres to the ASEAN way

GMS = Greater Mekong Subregion; MRC = Mekong River Commission; TbEIA = transboundary environmental impact assessment

To expand on the role of the environmental impact assessment (EIA) briefly, environmental assessments have been long discussed as a tool for better river governance. There are also critiques, with one key issue being that the EIA is largely seen as a national instrument, with legislation enacted at the national and not cross-

<sup>20</sup> Hirsch et al., 'National interests and transboundary water governance in the Mekong', op. cit.

<sup>21</sup> Ibid.

<sup>22</sup> L. Xikun and S. Min, 'Trans-boundary environmental impact assessment of hydroelectric resources exploitation in multi-jurisdictional river: A case study of the Lancang-Mekong River', *GMSARN International Journal*, 2007: 61–68 <http://gmsarnjournal.com/home/wp-content/uploads/2015/08/vol1no2-2.pdf>.

<sup>23</sup> Hirsch et al., 'National interests and transboundary water governance in the Mekong', op. cit.

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Koh Kheng-Lian, 'Transboundary and global environmental issues: The role of ASEAN', *Transnational Environmental Law*, no. 1 (2012): 67–82 [http://journals.cambridge.org/abstract\\_S2047102511000082](http://journals.cambridge.org/abstract_S2047102511000082).

<sup>25</sup> Ke and Gao, 'Only one Mekong', op. cit.

<sup>26</sup> Ibid.

border or transboundary scale. Furthermore, conflicts of interest can result when the assessments are carried out in coordination with and paid for by project developers, as is the normal practice in mainland Southeast Asia. Recent developments in the Mekong region, however, have seen discussion of transboundary EIA (TbEIA) protocols by the MRC (see further discussion below) and a recent strategic environmental assessment (SEA) conducted through the MRC.<sup>27</sup>

As seen in Table 1, key recommendations include, for instance, a focus on EIA, 'hard law', national law and policy enhancements. All these suggestions focus on the scale or level of the nation-state. This highlights the focus on sovereignty and questions how a continued focus on nation-state as the site or scale of the solution is not necessarily compatible with calls for increased regional civil society participation. In other words, there is a reinforcement of sovereign right even within the major critiques and policy recommendations, which is concerning; this is evidenced in calls for increased exercise of the regulatory or legal instruments of national governments, operating at the level of national policymaking that has already been identified as part of the obstacle to better transboundary cooperation.

Building on such critiques and the inherent focus on sovereignty in Southeast Asian regionalism, a slightly distinct approach is proposed here to understand the relationship between the MRC, so-called 'ASEAN' regionalism and sovereign authority. Conceptually, drawing on the aforementioned works in political geography, sovereignty is interpreted as a constantly mediated process that must be continually made and enacted in and through the practices of cross-border governance, regional development and (even) cross-border activism. 'Sovereign authority' is not assumed or taken to exist independent of regional governance or institutions. Instead, the meetings are approached as a site of the practice and performance of governance and the invocation/exercise of sovereign authority. This is reinforced through a focus on regional governance in practice, as outlined the Methodology section below.

## Methodology

Over a period of two months, key regional meetings that served to inform regional governance and transboundary development were observed and participated in. One of the motivations for event ethnography stems from the focus in anthropology and political ecology on a particular construction of the 'local' that has been built around rural communities. Scholars have questioned why researchers should not turn the same critical eye to organisations or institutions.<sup>28</sup> MacDonald notes that part of the problem is that scholars – anthropologists, geographers and political ecologists, for instance, 'assume that organisations do not "demand" the same degree of understanding as say the communities that many of us have worked within'.<sup>29</sup>

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<sup>27</sup> International Centre for Environmental Management (ICEM), 'MRC strategic environmental assessment (SEA) of hydropower on the Mekong mainstream: Final report' (Hanoi: Mekong River Commission [MRC], 2010), <http://www.mrcmekong.org/>.

<sup>28</sup>

K.I. MacDonald, *Political ecology and the demand for organizational ethnography*. (Unpublished manuscript, University of Toronto, 2003). <https://tspace.library.utoronto.ca/handle/1807/9920>; J. Peter Brosius and Lisa M. Campbell, 'Collaborative event ethnography: Conservation and development trade-offs at the Fourth World Conservation Congress', *Conservation & Society* 8, no. 4 (2010): 245–55; Kenneth Iain MacDonald, 'Business, biodiversity and new "Fields" of conservation: The World Conservation Congress and the renegotiation of organisational order', *Conservation & Society* 8, no. 4 (2010): 256–75; Chad Monfreda, 'Setting the stage for new global knowledge: Science, economics, and indigenous knowledge in "The economics of ecosystems and biodiversity" at the Fourth World Conservation Congress', *Conservation & Society* 8, no. 4 (2010): 276–85.

<sup>29</sup> MacDonald (2003), 33.

Increased attention to and an identified need for organisational ethnography emerged<sup>30</sup>, MacDonald argues, because ethnographically investigating institutional or organisational mechanisms has the potential to get

... underneath the surface of seemingly objective processes of, say, 'sustainability', 'self-reliance' or 'capacity building', [this is where the meaning lies, behind] laden concepts, symbols, systems of morality, and practical tasks oriented to value-based goals that operate to the disadvantage of particular sets of people, many of whom are meant to benefit from the application of such processes.<sup>31</sup>

Thus, building on work in organisational ethnography, event ethnography emerges as an approach that considers what is facilitated by 'events', such as conservation congresses or regional summits. Event ethnography also provides a useful approach to studying what can otherwise be the rather 'amorphous' and unlocatable work of regional governance. It presents a way to gain insight into issues that demand our attention, such as transboundary environmental governance.

Regional meetings, such as MRC summits, represent a site for research into regional governance processes on their own and also allow one to network with and identify interviewees within the region that might, outside the context of the event, be more difficult to achieve. In addition to the primary focus on participant observation at these meetings, more than 25 civil society representatives related to development projects and policymaking around cross-border environmental assessment, that are the concern of this paper, were interviewed.

The opportunity to attend and observe these key meetings, as well as the meetings that take place outside the venues in parallel to them, was an important component of this research into regional governance processes. The main focus was on participant observation at and around the 2nd MRC Summit in Ho Chi Minh City in April 2014, the 24th ASEAN Summit in Naypyitaw, Myanmar in May 2014, and the ASEAN Civil Society Conference/ASEAN People's Forum (ACSC/APF) 2014 (ACSC/APF 2014, henceforth) in March 2014 also held in Myanmar. Participant observation included attending, as permitted, meetings, press conferences alongside journalists, and other events taking place around the summits.

For the purposes of this working paper, particular focus is placed on the 2nd MRC Summit as a way to gain insight into the tensions of transboundary governance. While attending the MRC's International Conference in the lead-up to the 2nd MRC Summit as a participant, I was able to observe the MRC Summit speeches and addresses as well as the press conferences around the event. While I was able to attend the public addresses, permission could not be obtained to observe closed-door meetings of the summit held on 5 April 2014. Also included in this paper are discussions held during the Save the Mekong Coalition parallel meeting on 4 April 2014.

Within these meetings, attention was paid to recording the tensions that were invoked (for instance, environmental impacts being mooted as local while the project was to be developed for the national good), or the subjects, discussions and determinations that were necessarily avoided in the interest of sovereign right. Also identified were the kinds of experts or participants who were asked to speak on these issues at the regional meetings, and the interests or discourses these individuals

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<sup>30</sup> See also, Brosius and Campbell, 'Collaborative event ethnography', op. cit.

<sup>31</sup> MacDonald (2003), 28.

presented, paying particular attention to the use of local and expert knowledge. This is particularly important in the case of environmental governance and regulation in the region, where lack of expertise is one of the reasons routinely given for the absence of adequate studies and policies. As such, it is important to record and distinguish between individuals who are included and excluded as experts in forums where governance policy and capacity is formulated.

To provide deeper insight, I draw on my earlier, more conventional ethnographic works on transboundary environmental issues and environmental assessment in the region, such as the multiyear research on the cross-border Hatgyi dam.<sup>32</sup> In much the same way, both Gray<sup>33</sup> and MacDonald<sup>34</sup> have drawn on their

... detailed knowledge of specific issues gleaned through more traditional ethnographic work in particular places [which] allowed them to contextualise more abstract discussions held at the WCC [World Conservation Congress], to recognise particularly important 'moments' in related debates, and, more practically, provided them with contacts and networks that facilitated their research at the WCC.<sup>35</sup>

In this way, event or 'summit' ethnography can be used to make sense of the tensions or 'frictions' between multiple scales through and at which governance works and is made. Participant observation also allows for the researcher to directly observe and reveal the questions raised, the jokes made, and the gaps and silences through which policy and transboundary governance are ultimately made.

These methods are linked to the conceptual approach adopted for this study and the understanding of sovereignty as not 'pre-existing' but as an accomplishment. In other words, what we understand as sovereign authority is something that needs continual reassurance and re-enactment.<sup>36</sup> These meetings, with their potential to bring together a whole range of actors and ideas to further 'sustainable growth' and transboundary governance, matter precisely because they have the potential to invoke new ideas and perform differently. For instance, sovereign right need not be invoked in the service of excluding regional civil society; it can be done and practised differently.

### **The Mekong River Commission**

The work of the MRC represents more than simply a 'case' of transboundary environmental governance. The MRC is the only transboundary river basin commission in mainland Southeast Asia. Formed in 1995, but with a longer history that stems back to the formation of the 1957 Mekong Committee<sup>37</sup>, today the MRC's stated mission is 'To promote and coordinate sustainable management and

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<sup>32</sup> Lamb, V, *Ecologies of rule and resistance: Making knowledge, borders and environmental governance at the Salween River, Thailand*. (Dissertation for York University Department of Geography, Toronto, Canada, 2014a).

<sup>33</sup> Noella J. Gray, 'Sea change: Exploring the international effort to promote marine protected areas', *Conservation & Society* 8, no. 4 (2010): 331–8.

<sup>34</sup> MacDonald, 'Business, biodiversity and new "Fields" of conservation', op. cit.

<sup>35</sup> Brosius and Campbell, 'Collaborative event ethnography', op. cit., 248.

<sup>36</sup> Tyler McCreary and Vanessa Lamb, 'A political ecology of sovereignty in practice and on the map: The technicalities of law, participatory mapping, and environmental governance', *Leiden Journal of International Law* 27, no. 3 (2014): 595–619.

<sup>37</sup> The Mekong Committee (1957–1978) and Interim Committee (1978–1995) were precursors to the present-day MRC.

development of water and related resources for the countries' mutual benefit and the people's well-being'.<sup>38</sup>

As an intergovernmental river basin organisation, the MRC has multiple functions, each with their own 'institutional bodies', and engages with a range of partners, stakeholders and issues related to the governance of the basin.<sup>39</sup> The MRC includes the Council, a policymaking body comprised of four members of minister rank (or equivalent) from each of the member countries. Under the Council is the Joint Committee, the operational body responsible for institutional decision-making, and the MRC Secretariat, the technical unit that carries out the institution's everyday operations. The Joint Committee includes the head or director general of each member country's associated National Mekong Committee (NMC), which functions alongside the MRC's three bodies (the Council, Joint Committee and Secretariat). Located in the ministries of environment in Cambodia, Laos, Thailand and Vietnam, these national committees are meant to connect the MRC's regional work with the work of the national ministries. However, as scholars have noted, in practice, this connection is not necessarily made.<sup>40</sup>

The MRC is not funded through the member countries themselves, and has historically depended on international and regional donors to fund both its major initiatives and day-to-day operations. The MRC includes an increasing number of observers to the Council and Joint Committee, including representatives of development partners, such as Asian Development Bank (ADB) and other regional partner organisations. Since 2001, ASEAN has held observer status on the MRC Council and Joint Committee.

The MRC has also been increasingly involved in regional governance, with upscaled programmes focused on the basin or region as compared to nation-to-nation. This is seen in the push for regional water development strategy and linked to the development of regional trade and energy developments. As Dore argues, 'There is increasing regionalism in the Mekong Region ... [and] Much of the state-led cooperative regionalism is focused on economic growth, freeing up trade and installing infrastructure to facilitate increased interaction and economic activity'.<sup>41</sup>

Underlying a more regional approach, at the First MRC Summit in 2010, the ASEAN and MRC secretariats announced their intentions for increased partnership in future years, signalling a more deliberate move by the MRC to engage with regional partners. The then CEO Jeremy Bird highlighted the key regional roles these two institutions play, stating that,

There are true complementarities and unique synergy in this newly established partnership between the Secretariats of ASEAN and MRC. ASEAN is gaining a partner for piloting practical regional integration on the ground in the Lower Mekong Basin, and for the MRC, it is gaining closer access to a renowned regional political arena and can upscale and provide other ASEAN nations with its experience and its unique model for

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<sup>38</sup> Mekong River Commission (MRC), Strategic plan 2011-2015  
<http://www.mrcmekong.org/assets/Publications/strategies-workprog/Strategic-Plan-2011-2015-council-approved25012011-final-.pdf>

<sup>39</sup> While throughout the paper, I refer to the MRC as an 'actor' (singular), I do acknowledge that the MRC represents multiple viewpoints and goals, as shown in this paragraph's discussion of MRC bodies.

<sup>40</sup> Suhardiman et al. (2012).

<sup>41</sup> John Dore, 'The governance of increasing Mekong regionalism', in *Mediating for sustainable development in the Mekong basin*, ed. Abe Ken-ichi (Osaka: National Museum of Ethnology Japan, 2006), 26.

transboundary water development and management. Increased collaboration between the Secretariats of ASEAN and MRC will be mutually beneficial for the Mekong and beyond to the other nations of South East Asia.<sup>42</sup>

In addition to a higher profile as a regional actor (or set of actors) and increasing engagement with regional partners, the MRC has since 2001 also made moves to be a 'learning organisation' and to better engage a broader range of stakeholders in the basin alongside its scientific work and role as 'data custodians', as detailed in its annual reports.<sup>43</sup> The annual report for 2000 states that the MRC must 'drastically accelerate activities to promote public participation'.<sup>44</sup> Whether the MRC has been successful in these goals is debated, with many pointing out how to improve their practices<sup>45</sup>, including those participating in the 2014 meetings, as detailed below.

One key issue within transboundary governance that the MRC has engaged in of late are the plans for mainstream dams, including the Xayaburi hydropower project, a large dam that is to be built on the Mekong mainstream in Laos. With financial support from Thai banks, the bulk of electricity would be sold to Thailand, as part of a regional grid. Xayaburi has been cited as a flashpoint in transboundary river governance and assessment.

In 2010, the first SEA for the Lower Mekong basin was published, having been commissioned by the MRC, assessing all 11 of the proposed mainstream dams.<sup>46</sup> While noting the potential power generation from the 11 proposed mainstream dams, including the Xayaburi project, this SEA also concluded that the projects could seriously degrade the river's natural functions, cause a massive loss of 26 per cent to 42 per cent of fish in the river system, and displace an estimated 100,000 residents. The report ultimately recommended a 10-year moratorium on new dams in order to allow time for further studies to be conducted.<sup>47</sup>

That advice seems to have been largely ignored.<sup>48</sup> Laos has submitted the Xayaburi dam for notification and prior consultation processes under the Mekong agreement<sup>49</sup> and construction has already begun.<sup>50</sup> It appears that, although the 2010 SEA was

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<sup>42</sup> Mekong River Commission (MRC), 'ASEAN, MRC to boost cooperation on Mekong issues', 4 April 2010, <http://www.mrcmekong.org/news-and-events/news/asean-mrc-to-boost-cooperation-on-mekong-issues>.

<sup>43</sup> Mekong River Commission (MRC), 'State of the basin report 2010' (Vientiane: MRC, 2001).

<sup>44</sup> *Ibid.*, 23.

<sup>45</sup> Hirsch et al., 'National interests and transboundary water governance in the Mekong', *op. cit.*; and others, such as Save the Mekong Coalition.

<sup>46</sup> International Centre for Environmental Management (ICEM), 'MRC strategic environmental assessment (SEA) of hydropower on the Mekong mainstream', *op. cit.*

<sup>47</sup> *Ibid.*

<sup>48</sup> Kirk Herbertson, 'Xayaburi dam: How Laos violated the 1995 Mekong Agreement' (International Rivers, January 2013), [www.internationalrivers.org/files/attached-files/intl\\_rivers\\_analysis\\_of\\_mekong\\_agreement\\_january\\_2013\\_0.pdf](http://www.internationalrivers.org/files/attached-files/intl_rivers_analysis_of_mekong_agreement_january_2013_0.pdf).

<sup>49</sup> Mekong River Commission (MRC), 'FAQs to the MRC procedures for notification, prior consultation and agreement process', n.d., [www.mrcmekong.org/news-and-events/consultations/xayaburi-hydropower-project-prior-consultation-process/faqs-to-the-mrc-procedures-for-notification-prior-consultation-and-agreement-process/](http://www.mrcmekong.org/news-and-events/consultations/xayaburi-hydropower-project-prior-consultation-process/faqs-to-the-mrc-procedures-for-notification-prior-consultation-and-agreement-process/); Mekong River Commission (MRC), 'Xayaburi hydropower project prior consultation process', n.d., [www.mrcmekong.org/news-and-events/consultations/xayaburi-hydropower-project-prior-consultation-process/](http://www.mrcmekong.org/news-and-events/consultations/xayaburi-hydropower-project-prior-consultation-process/).

<sup>50</sup> 'Construction forges ahead at Xayaburi dam project', *Bangkok Post*, 22 July 2012, <http://www2.bangkokpost.com/news/local/303658/construction-forges-ahead-at-xayaburi-dam-project>; Parista Yuthamanop, 'Vientiane says sorry for broken Xayaburi ground', *Bangkok Post*, 25 Nov 2012,

written for use in policy and decision-making, it was not actually taken up in formal decision-making processes because the Laos government and its representatives were not in agreement with the SEA findings. Both Cambodia and Vietnam have now commissioned their own reports on the dam's anticipated impacts within their countries.

Concerns have been expressed from neighbouring countries, especially Vietnam and Cambodia, as well as by scientists, environmentalists and regional civil society networks. A former Thai Senator, Kraisak Choonhavan, who is also a leading environmental activist and former chairman of Thailand's Senate Foreign Affairs Committee, told reporters in Vietnam,

Cambodia and Vietnam have never approved the Xayaburi dam. Nevertheless, Laos is marching ahead with construction without agreement among its neighbours ... The Xayaburi project severely weakens the legitimacy of the MRC and threatens the health and productivity of the Mekong River and Delta, which could leave millions facing food insecurity.<sup>51</sup>

In the lead-up to the 2nd MRC Summit, media coverage underlined a widely held expectation that action would be taken against the Xayaburi project. For instance, Choonhavan also said, 'The Mekong Summit is the critical moment for Cambodia and Vietnam to take a strong stance and make their concerns heard loud and clear before it's too late'.<sup>52</sup>

As *Thanh Nien News* reported just before the summit, there exists substantial opposition to the Xayaburi project.<sup>53</sup> The expectations for action at the 2nd MRC Summit were high. While each year ministers of the four member countries of Cambodia, Laos, Thailand and Vietnam meet to discuss issues related to the Lower Mekong basin and its development, beginning in 2010, the MRC Summit is an opportunity to bring together member country Prime Ministers and 'dialogue partners' (China and Myanmar) along with other regional leaders, development partners and water experts. Held on a four-year rotation, the summit aims to 'address the most pressing issues on the Mekong River and its resources and set strategic directions and policy for the MRC'.<sup>54</sup>

#### *At the 2nd MRC Summit and International Conference*

'Well starting in 1957 and continuing now ... we have meetings, meetings, meetings, and meetings. Why do we have so many meetings?', said Hans Guttman, CEO of the MRC Secretariat, on 3 April 2014 at the 2nd MRC Summit.

Scholars, activists, officials and consultants alike can attest to the abundance of regional meetings in Southeast Asia. While Guttman's remarks in the quotation above were mostly received with smiles and laughter by those in attendance at the MRC meeting, his comment also acknowledges frustration or fatigue with what can seem like little progress or action to show for regional governance's many meetings.

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<http://www2.bangkokpost.com/news/investigation/322967/vientiane-says-sorry-for-broken-xayaburi-ground>.

<sup>51</sup> 'Environmental groups oppose controversial Laos dam on eve of regional summit', *Thanh Nien News*, 31 March 2014, <http://www.thanhniennews.com/world/environmental-groups-oppose-controversial-laos-dam-on-eve-of-regional-summit-24986.html>.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Mekong River Commission (MRC), 'Second MRC Summit and International Conference', n.d., <http://www.mrcsummit.org/>.

Levity aside, Guttman, in his address to the MRC's International Conference in 2014, emphasised the significance of these meetings in establishing trust between member countries of the MRC, and explained how the meetings were, on their own, an accomplishment of the MRC. My interest in these meetings is not only as MRC accomplishments but also for what they accomplish more broadly in terms of Southeast Asia's regional environmental governance.

Attendance at the MRC's International Conference and the public/open sessions of the 2nd MRC Summit provided an opportunity to observe and discuss issues of transboundary rivers and river basin development with a range of actors, including heads of state, international experts, development partners (such as the World Bank), CEO and staff of the MRC Secretariat, and representatives of NMCs.

Participation in these meetings allowed for insight into discussions over sovereignty, and the apparently contradictory ways in which sovereign right was invoked. Much of the discussions in and around the summit focused on the Xayaburi dam and the SEA; here, sovereignty was introduced as both an obstacle to cooperation and a point for making claims about the Mekong's future as a river of 'cooperation or conflict'.

### *Sovereign right and the MRC*

When addressing the MRC's International Conference, Guttman, expressing his intention that member countries become more invested in the MRC, stated that, 'The mandate of the MRC does not infringe on national sovereign rights'. He added that, 'The expectation of an independent agency arbitrating between countries for proposals of development are in my view unrealistic. The sense of sovereign right is very strong and MRC plays a good role in facilitating cooperation between the countries'.<sup>55</sup>

For several years, the MRC has been trying to put in place TbEIA protocols for the Mekong, aimed at facilitating improved cross-border cooperation and regulation of this international river. Guttman also explained that, unfortunately, the TbEIA '... remains elusive. For the past decade we have moved closer to a protocol, which is initially most likely to be voluntary'.<sup>56</sup> This is linked to the challenges associated with prioritising national interests over transboundary issues and the difficulties in 'getting buy in' from member countries on something that infringes on sovereignty.

Guttman's remarks demonstrate that for him and the MRC Secretariat, sovereign right is not necessarily something that is incompatible with cooperation but one that may present a challenge; he understands that preserving it is an important element of his and the MRC's work.

Sovereignty and sovereign right were continually invoked throughout these meetings, by heads of state and others. The points raised by Laos Prime Minister Thongsing Thammavong, in particular, are useful to this discussion. The Laos Prime Minister praised the MRC and its CEO for its work

... in the spirit of mutual respect of sovereignty and for mutual benefits ...  
[he noted how] the member countries have vigorously fulfilled our obligations pertaining Mekong River Basin development. [and ...] that

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<sup>55</sup> On 3 April 2014 at the Second MRC Summit and International Conference, which was held on 2–5 April 2014 in Ho Chi Minh City.

<sup>56</sup> The MRC webpage on TbEIA (<http://www.mrcmekong.org/aboutthemrc/programmes/environment-programme/transboundary-eia/>) is no longer available.

development activities in the Mekong River Basin have been properly managed without any tension and confrontation.<sup>57</sup>

Considering that the Laos government has proceeded with the Xayaburi project unilaterally, the Laos Prime Minister's focus on acknowledging the MRC's respect for sovereignty in its work is no coincidence.

Many scholars have argued that this emphasis on sovereign right or national interest facilitates 'national development'. As Philip Hirsch, a sympathetic critic of the MRC and long-time scholar on Mekong-related issues, and colleagues explain, 'in the national interest' is a discursive strategy often invoked to legitimise large infrastructure projects whose environmental and social consequences may, in fact, be quite disastrous.<sup>58</sup> Furthermore, this focus facilitates normalisation of the nation as the level of governance, and this default to the nation also homogenises a whole range of stakeholders (from government and industry to communities and environmental groups) into this single entity of invocation, the nation.

However, it is the omissions from the Laos Prime Minister's statements that are of particular interest. The Laos Prime Minister's statements did not mention that the Xayaburi project is funded by Thai banks and that the electricity will be sold across the border to Thailand. Certainly, this might invoke issues of sovereign right. However, it was only at the parallel Save the Mekong Coalition meeting that the possibility of this contradiction was raised.

The idea of national development within these more regional developments of an international river also leaves us with questions, and points to the reality that these practices of regional governance operate simultaneously at multiple scales. While one way to interpret Guttman's or Thammavong's comments is to note the lack of consistency in their use of sovereign right or national interest, a focus on their contradiction overlooks that: (i) these interests/practices are taking place simultaneously; and, (ii) it depends on 'who' we look to for an understanding of the benefits and costs – some actors stand to benefit from these multiple dimensions and tensions.<sup>59</sup>

### **Around the Meeting: Participation Concerns and a Regional Civil Society Network Parallel Meeting**

While a key theme invoked in the 2nd MRC Summit and International Conference was national sovereignty, participation in a parallel meeting held by the regional civil society network, Save the Mekong Coalition, revealed different themes, namely lack of accountability and trust, as well as a push for the use of science and for increased 'riparian' participation in and across national borders. Here, it is worth highlighting some of the differences in regard to inclusion of civil society actors by looking again at the MRC meetings. Even the MRC's International Conference, which was described as including 'a wide range of stakeholders'<sup>60</sup>, did not include presentations from dam-affected or development-displaced residents from across the Mekong

<sup>57</sup> Public speech transcript, 5 April 2014.

<sup>58</sup> Hirsch et al., 'National interests and transboundary water governance in the Mekong', *op. cit.*, xviii.

<sup>59</sup> While the role of China is significant for the broader discussions and future of the MRC, there was a limited presence of Chinese representatives at the conference and summit, and no presence at the parallel meeting. This is an issue I am interested in pursuing for further research, but due to focus and space, will not expand on in this paper.

<sup>60</sup> Mekong River Commission (MRC), 'Conference programme: International Conference on Cooperation for Water, Energy, and Food Security in Transboundary Basins under Changing Climate', 2 April 2014, <http://www.mrcsummit.org/international-conference.html>.

basin.<sup>61</sup> Meetings were not invoked by Guttman<sup>62</sup> in his welcome speech as a way to build trust with the Mekong basin's residents; indeed, the exclusion of civil society and the basin's residents from the 2nd MRC Summit and International Conference was invoked by participants throughout the meeting, in informal but also formal ways. For instance, one expert from Europe argued in a plenary session and again in a conference panel session on Day 2, that 'You [MRC] forgot about the people who live in the basin'.<sup>63</sup>

The lack of civil society actors as invited experts and keynote speakers at the International Conference was also addressed directly during the first day's question period. Questions were raised about the invited experts' lack of diversity and the failure to include regional voices. One participant who identified himself as an independent consultant from Thailand noted, after the eighth keynote, that he 'would like to see some riparian faces' at the front podium, as all the experts that had been invited to speak were from outside the region.<sup>64</sup> My attendance at these meetings helped to make clear who participated in these 'regional' discussions of the Mekong's future and the MRC and perhaps, more importantly, who did not.

During discussions with some regional civil society actors, around and outside the 2nd MRC Summit and International Conference, about their impressions of the summit and regional governance processes, it became evident that, around the International Conference, individuals representing local groups or non-governmental organisations were attending the event on their own, without the MRC's invitation or support. Among these conversations, several were with members of the Save the Mekong Coalition, which represents a broad group of civil society individuals and organisations.

One such conversation was with a local activist and member of a key national environmental network, who shared her frank impressions about the MRC's inability to engage regional civil society actors. The MRC, she argued, could be characterised as 'a money consuming machine' – more interested in funding cycles (and development partners) than in working for, or holding itself accountable to, the people of the basin.<sup>65</sup> Her comment underscored the MRC's ability to invite and fund a particular set of individuals while ignoring others.

This sentiment was echoed at other times by other individuals representing communities, civil society groups or non-governmental organisations. Concerns were also expressed at the Save the Mekong Coalition event, which was attended by 50 or so participants, including dam-affected residents, activists, academics and journalists from Thailand, Vietnam and international media outlets. As one speaker at the Save the Mekong Coalition meeting explained, 'Donors spend a lot of money [while] we

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<sup>61</sup> Mekong River Commission (MRC), 'Conference programme: International Conference on Cooperation for Water, Energy, and Food Security in Transboundary Basins under Changing Climate', 2 April 2014, [www.mrcsummit.org/programme-conf.html](http://www.mrcsummit.org/programme-conf.html).

<sup>62</sup> Quoted in Mekong River Commission (MRC), 'Conference programme', op. cit., 11.

<sup>63</sup> From notes taken during the MRC's International Conference, 3 April 2014.

<sup>64</sup> After many years of critique, the MRC has stated that it will attempt to riparianise all management positions in the MRC Secretariat by 2030, including the CEO. See, The statement by Dr Nguyen Thai Lai, Deputy Minister of Natural Resources and Environment of Vietnam: Mekong River Commission (MRC), 'The 17th Meeting of the MRC Council, Joint Meeting with the MRC Donor Consultative Group', 26 January 2011, <http://www.mrcmekong.org/news-and-events/speeches/the-17th-meeting-of-the-mrc-council-joint-meeting-with-the-mrc-donor-consultative-group-2/>.

<sup>65</sup> Interview, 3 April 2014.

[residents of the basin] don't even know the role of the MRC ... It seems that the governments ... don't think about the natural resource or care about the people'.<sup>66</sup>

These points reflected what was heard in similar conversations throughout these meetings, underlining a lack of trust between residents of the basin and the MRC<sup>67</sup>. In a letter sent to regional prime ministers, the coalition called for a halt to development, and noted that 'the MRC has failed to define its role and facilitate inclusive and accountable decision-making'.<sup>68</sup> Moreover, the perception was that the MRC is focused on facilitating development and proving their own relevance, and that issues of sovereignty and national interest are impeding both development and regional work of the MRC.

Drawing on the recent controversies associated with the Mekong mainstream SEA, there was particular frustration articulated about the MRC's inability to even push for 'neutral science' or, more specifically, the SEA in regional decision-making processes. During the International Conference, one activist said, '[the 2010] SEA is like a reference book'. She argued that, while she understands that currently state decisions to proceed with dam projects are not based on the SEA or other scientific studies, they should at least 'refer' to or consult it.<sup>69</sup>

While lack of trust is not necessarily new<sup>70</sup>, the MRC has normally been seen as more successful in the 'scientific' realm. However, widespread dissatisfaction with the process and results of the SEA has called into question even this area of supposed effectiveness and goodwill.

In addition to speakers from Cambodia and Thailand, one of the key speakers at Save the Mekong Coalition's parallel event, Mr Nguyen Minh Nhi, Former Chairman of People's Committee of An Giang Province, Vietnam, also informed those present about the hydropower development plans for the Mekong. Alluding to the lack of regional cooperation, he emphasised that the negative impact of these projects to biodiversity 'is more important than the boundaries of the countries'.

Mr Nguyen also directly commented on his impression of the 2nd MRC Summit, noting

We recognise that each nation has the ability to use its resources ... it must also consider the benefits for other countries ... We keep seeing more words than actions [and] we expect the four governments to show their commitment by actions' [at the summit, to happen the following day].<sup>71</sup>

In a call to action, he observed that 'economic development is important, but sharing information is also important'.<sup>72</sup>

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<sup>66</sup> Recording of the Save the Mekong Coalition meeting, 4 April 2014.

<sup>67</sup> I am using the term 'MRC' here, as it was used colloquially, as a singular actor.

<sup>68</sup> Letter submitted by Save the Mekong Coalition, dated 3 April 2014, [www.savethemekong.org](http://www.savethemekong.org).

<sup>69</sup> Interview, 3 April 2014.

<sup>70</sup> For example, Joakim Öjendal, Stina Hansson and Sofie Hellberg, eds, *Politics and development in a transboundary watershed: The case of the Lower Mekong basin* (Netherlands: Springer, 2011), 78; Thai People's Network for Mekong and The Rivers Coalition in Cambodia, 'Statement questioning the MRC's "Sustainable hydropower development"', 24 September 2008, <http://journal.probeinternational.org/2008/09/24/statement-questioning-mrcae%E2%84%A2s-aeoesustainable-hydropower-developmentae%C2%9D/>.

<sup>71</sup> Recording of the Save the Mekong Coalition meeting, op. cit.

<sup>72</sup> Ibid.

Following Mr Nguyen's remarks at the parallel event, Mr Meach Mean, the 3S River Protection Network (3SPN)<sup>73</sup> Coordinator from Cambodia, responded to journalist questions on the Xayaburi project and a discussion on the legality of the power development plan for the sale of the dam's electricity already signed between Laos and Thailand. Mean insisted that we needed to rethink how we understand national borders in the development of the Mekong. 'Fish', he insisted, 'don't have a passport'. As everyone in the room agreed, fish – as a biological species, and as a source of protein and livelihood for the basin's residents – were being overlooked in the development plans for the basin. He and others also identified the need to go 'beyond' borders in the basin's approach to governance. A review of some of these 'regional alternatives' presented by civil society groups, many of which were discussed at the Save the Mekong Coalition parallel meeting, is presented in Table 2.

*Table 2: Regional alternatives presented by civil society groups.*

<b>Proposed alternative for regional governance and assessment</b>	<b>Example; context</b>	<b>Scale of governance or study focus</b>
People's EIA	First conducted at Pak Mun dam, proposed on tributary of Mekong River in Thailand; local people work with academics to conduct EIA study	Basin or local area
Villager Research Network ( <i>ngan wijay thai baan</i> )	A network of local researchers across the basin; villager research was first conducted at Pak Mun in Thailand, with villagers as researchers (rather than outside experts); local context informs frame	Village and possibly basin-wide
ASEAN People's Forum (APF)	Begun in 2005, regional civil society meeting in the lead-up to the ASEAN summit ( <a href="http://aseanpeople.org/">http://aseanpeople.org/</a> )	ASEAN region
Mekong People's Forum	Proposed in 2004 in response to elite-based decision-making processes of the MRC and other regional institutions	Mekong region

EIA = environmental impact assessment; MRC = Mekong River Commission

As the meeting was winding down, members of the press that were present, including from Thai, Vietnamese and international news agencies, raised further questions, asking, for instance, about the possibility of sanctions on Laos and for clarifications regarding the Xayaburi dam environmental assessment. As this was happening, a member of the Save the Mekong Coalition interrupted, to ask, 'Why don't we raise our voices as riparians? As citizens?'<sup>74</sup>, underlining the room's commitments to participation in the regional governance process.

<sup>73</sup> The '3S' stands for the three tributary rivers of the Mekong in northern Cambodia, namely the Sesan, Srepok and Sekong.

<sup>74</sup> Recording of the Save the Mekong Coalition meeting, op. cit.

## Discussion

In 'Imagining the ASEAN community', Helen Nesadurai takes apart the standard narratives of regional governance. She asks,

Can there be a community of people built on limited Westphalian norms without also a shared commitment to the duties of states to peoples beyond national borders and to provide a just and humane system of governance? In other words, I am suggesting that while ASEAN may be, or is close to being, a community of states, it is not yet a community of people.<sup>75</sup>

The failure to involve affected people and to engage with civil society actors in the Mekong region, on a formal basis or otherwise, exemplifies one of the most pressing challenges for the MRC, for proponents of better regional governance, and for sustainable regional growth in the coming years. Alternatively, this gap in civil society participation, as evidenced in the meetings above, represents a significant opportunity for regional institutions to recognise regional civil society's ongoing work to meaningfully engage with and imagine a more sustainable regional development. In other words, there are both challenges and opportunities identified through analysis of these meetings.

It is the contingencies, rather than inevitabilities, of governance that are highlighted through participant observation at the 2nd MRC Summit and related meetings through summit ethnography. This approach was relied upon as a way to study the elusive notion of the regional environmental governance community in a more embodied manner that links directly to basin residents and regional civil society networks. This approach also has the potential to further contribute to a broader conversation in the region regarding what constitutes policy relevant research. Indeed, summit ethnography, I argue, is a potential contribution or addition to the policy relevant research toolbox. There has been a trend towards more quantitative methods based on the assumption that such data have more efficacy in achieving uptake by policymakers as demonstrated in the ASEAN-Canada Forum discussions in July 2014. While I agree that the 'packaging' of knowledge matters, in the same way that the Mekong SEA or Xayaburi EIA were not used in 'formal' decision-making, what is 'policy relevant' or relevant to decision-makers is under continual negotiation. As such, I argue for ethnographic research as part of a broadening of the scope for 'policy relevant' research to better understand the tensions of regional environmental governance.

In the MRC meetings detailed above, sovereignty was used and discussed in ways that rationalise or even facilitate the MRC's lack of regional work. Invocations of conventional understandings of sovereign right, for instance, by the MRC actors demonstrated above normalise top-down national development and the absence of civil society participation; this reinforcement of the nation-state is seen even in policy recommendations (Table 1). At the same time, examination of the remarks by individuals representing institutions responsible for regional governance, such as that of the MRC Secretariat CEO, demonstrate that sovereignty and sovereign right are invoked in multiple ways. Key contradictions and tensions are evidenced in the way that MRC actors invoke sovereign authority of member countries as something worth protecting and maintaining while, at the same time, invoking sovereign authority as a

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<sup>75</sup> Helen E. S. Nesadurai, 'Keynote address: Imagining the ASEAN community' (Sydney Southeast Asia Centre [SSEAC]), 11 October 2013, <http://sydney.edu.au/southeast-asia-centre/documents/nesadurai-asean-forum.pdf>, 2.

key challenge to meaningful regional governance. These differences are difficult to reconcile but emphasise the need for continued work at multiple scales.

In a similar vein, Suhardiman et al.'s institutional analysis of the MRC identifies that 'The missing linkages between national-level bureaucracies and transboundary decision-making processes bring to light a gap in much current analysis of international water governance'.<sup>76</sup> The authors point to the lack of a regional development plan or meaningful relationships between the MRC Secretariat and the NMCs.

I add to this argument that even in contexts where these actors, as institutions and individuals, are brought together to discuss regional governance, the language invoked privileges sovereign right, which while not determining the outcomes, certainly normalises top-down statist approaches to environmental governance. This is occurring to the point where, in 2014, after more than 10 years of the MRC moving towards a more people-oriented approach, civil society actors still need to organise their own parallel meetings in order to discuss issues of affected communities across the Mekong basin.

In the parallel meeting, it was noteworthy that civil society actors called for the role of science and identified the need to go beyond borders when approaching governance (Table 2). Importantly, these actors had to organise their own separate meeting in order to do so. Observers have identified the possibility of increasing participation from a range of actors by bringing civil society representatives into the annual MRC meetings through working with the NMCs.<sup>77</sup> This raises the question whether future meetings, the MRC Summit or International Conference might be rethought of as a way to demonstrate commitment to regional civil society actors and the notion of doing regional governance differently. In other words, the MRC has the potential to address key tensions between cross-border growth and sustainable development differently, with an enhanced focus on basin-wide governance and less focus on sovereign right.

## Conclusion

To conclude, I emphasise two overarching points. First, in this paper, an argument is made for summit ethnography. This approach takes meetings seriously, both as a way to reveal what's at stake in who gets to participate and to speak on behalf of the 'region' or the 'basin', and to provide insights into processes and instances of exclusion. Building on more conventional ethnographic approaches, it changes the communities of interest and provides a way of viewing and unravelling 'regional' or 'transboundary' governance in practice, along with their silences and tensions.

Second, I argue that this methodology matters to our understanding of the way that sovereignty is remade in transboundary environmental governance. While invoking and reinforcing sovereign right has been seemingly normalised as part of transboundary environmental governance and assessment in the region, this approach calls attention to the possibility that sovereignty might be done differently.

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<sup>76</sup> Suhardiman et al. (2012), 573.

<sup>77</sup> Lee and Scurrah, 'Power and responsibility', op. cit.