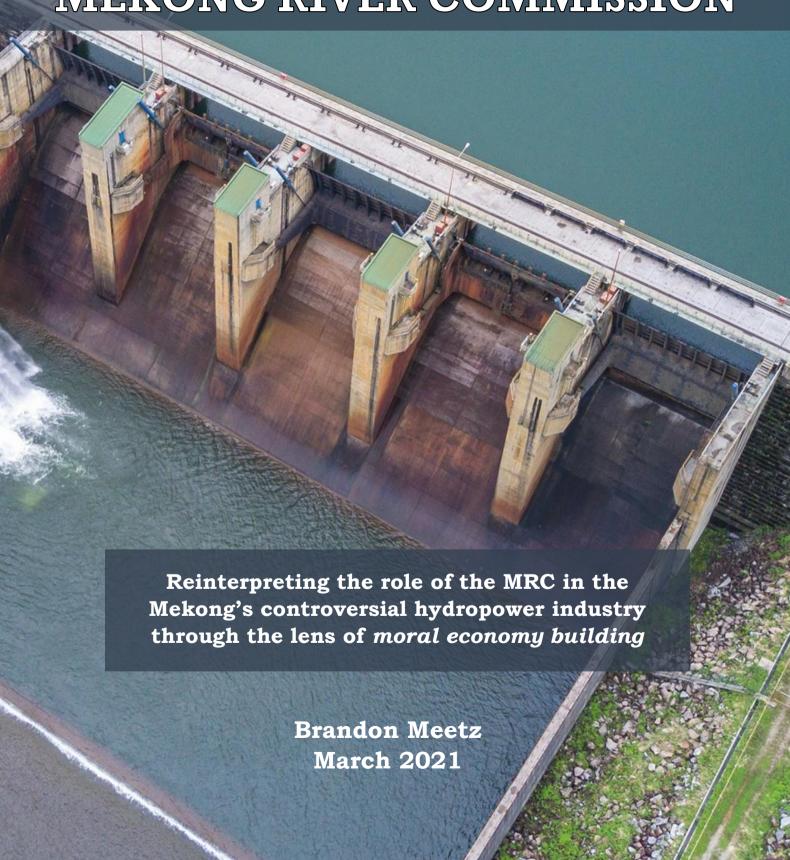
DAMS AND DEVELOPMENT: THE MORAL MISSION OF THE MEKONG RIVER COMMISSION



Dams and Development: the Moral Mission of the Mekong River Commission

Reinterpreting the role of the MRC in the Mekong's controversial hydropower industry through the lens of *moral economy building*

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Glossary

ECAFE Economic Commission for Asia and the Far East

ICEM International Centre for Environmental Management

ISH Initiative on Sustainable Hydropower

IWRM Integrated Water Resources Management

Lower Mekong Portion of the Mekong River Basin covered by parts of

Laos, Thailand, Cambodia and Vietnam

MRC Mekong River Commission

MRCS Mekong River Commission Secretariat

NMC National Mekong Committee

SEA Strategic Environmental Assessment

UN United Nations

Upper Mekong Portion of the Mekong River Basin covered by parts of

China and Myanmar

WCED World Commission on Environment and Development

WWF World Wildlife Fund

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Abstract

How do we promote sustainable use of common pools of natural resources on which we all depend? This is one of the most relevant questions of our time, as well as a highly complex one – especially when those resources are not under the control of one hegemonic power. An example of this is the Mekong River: a giant watercourse and economic lifeline that flows through six sovereign nations on the mainland of Southeast Asia.

The puzzle that I have addressed in this thesis relates to how the Mekong River Commission, an intergovernmental institution responsible for sustainable development of the Mekong and its surrounding land, has aimed to reform the regional hydropower industry into a more sustainable sector – *despite* the heavy constrains placed on its functioning due to the lack of formal authority to push riparian states or other key actors into action. As the Mekong River Commission mainly relies on the powers of persuasion to fulfil its sustainability plans for the basin, I used the concept of *moral economy building* as a suitable analytical tool while studying the Commission's official discourse in relation to its Initiative on Sustainable Hydropower from 2008 to 2015.

The application of this concept in the context of the Mekong's hydropower industry helped to gain a more informed understanding of the role taken by the Commission. It illustrated that the unifying strategy adopted by this river basin organisation – in its quest to moralise dam building processes – had a profound effect on (1) the definition and interpretation of sustainable hydropower, (2) the way in which basin-wide cooperation has been organised, and (3) practices with respect to knowledge management. As such, this thesis contributed to scholarly literature on the topic of transboundary water governance.

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1. INTRODUCTION

DAMMING THE MEKONG RIVER

1.1 The Mekong: Natural Wonder and Economic Lifeline

Mighty watercourses shape the international landscape in profound ways. As they cross geographical borders, rivers play an integral part in our cultures and societies, provide an abundance of natural resources for economic gain, help to conserve biodiversity and ecosystems, and have been a source of both peace and conflict throughout human history.

The Mekong River is no exception to the description laid down above. With an estimated length of 4,909 kilometres, this giant waterway ranks as the tenth longest river in the world. The Mekong originates in the eastern stretches of the Himalaya Mountains, known as the Tibetan Plateau. The river flows on Chinese territory (where it is named Lancang Jiang) for more than half of its length. Due to the rugged landscape, this portion of the basin is less suitable for residential purposes. Nearly the entire basin population of roughly 70 million people lives further downstream. Here, the Mekong flows through a small part of Myanmar, while covering significant parts of Laos, Thailand, Cambodia and Vietnam before finally reaching the South China Sea.

The regional and even global significance of this great river is undeniable. Cutting right through the mainland of Southeast Asia, the Mekong represents a lifeline for nature and local populations. Its basin is one of the most ecologically diverse areas of our planet. Among international watercourses, only the Amazon is endowed with an even greater variety of flora and fauna.³ Riverine populations have learned how to live with the whims of the river, and passed the knowledge on from generation to generation. This allowed the Mekong Basin to turn into a

¹ Liu, S., Lu, P., Liu, D., Jin, P. and Wang, W. (2009). "Pinpointing the sources and measuring the lengths of the principal rivers of the world". *International Journal of Digital Earth*, 2(1), p. 84.

² Eyler, B. (2019). Last Days of the Mighty Mekong. London: Zed Books, p. 6.

³ Ziv, G., Baran, E., Nam, S., Rodríguez-Iturbe, I. and Levin, S. A. (2012). "Trading-off fish biodiversity, food security, and hydropower in the Mekong River Basin". *Proceedings of the National Academy of Sciences*, 109(15), p. 5609.

beacon of cultural diversity. Hundreds of ethnic groups reside in the basin, each with their unique traditions and occupations.⁴

What unites all basin residents is their strong dependency on the river as main source of income and nutrition. To illustrate: 83 percent of the economically active population in the Lower Mekong Basin (formed by parts of Laos, Thailand, Vietnam and Cambodia) engages in water-related activities such as fisheries or agriculture as their main occupation.⁵ Although most of them only have modest incomes, they are able to feed their families with products coming directly from the river and the surrounding land.⁶ At the macro level, the economic relevance of the Mekong River is reflected in its status as the world's most productive inland fisheries – with approximately 2,3 million tonnes of fish being caught annually.⁷ On top of that, the basin is considered the "rice bowl of Asia".⁸

1.2 The "Hydropower Gold Rush": Revival of an Old Narrative

The Mekong River and its wetlands have been a rarely persistent factor in a region that has gone through massive transformations in recent decades. Since the end of the last century, large infrastructure projects and technical advances have made the region, which used to be remote and isolated, significantly more interconnected.⁹ The Mekong Basin counts as one of the fastest growing regions in the world – in terms of both GDP and population figures.¹⁰

While the ramped up exploitation of natural resources accounted for these impressive growth rates, concerns about the well-being of the Mekong have been mounting too. Scholars and activists especially expressed their concerns about the accelerating pace of *hydropower development*, as the basin has emerged as one of the world's hot spots for hydroelectric dam building in the 21st century.¹¹

⁴ Morton, L. W. and Olson, K. R. (2018). "The Pulses of the Mekong River Basin: Rivers and the Livelihoods of Farmers and Fishers". *Journal of Environmental Protection*, 9, p. 443.

⁵ Pearse-Smith, S. W. D. (2014). "The Return of Large Dams to the Development Agenda: a Post-Development Critique". *Consilience*, 11(1), p. 125.

⁶ Eyler (2019). Last Days of the Mighty Mekong, p. 7.

⁷ Intralawan, A. et al. (2018). "Tradeoff analysis between electricity generation and ecosystem services in the Lower Mekong Basin". *Ecosystem Services*, 30, p. 27.

⁸ Urban, F., Siciliano, G. and Nordensvard, J. (2018). "China's dam-builders: their role in transboundary river management in South-East Asia". *International Journal of Water Resources Development*, 34(5), p. 762.

⁹ Eyler (2019). Last Days of the Mighty Mekong, p. 13.

¹⁰ Ibid., p. 15.

¹¹ Pearse-Smith (2014). "The Return of Large Dams", p. 124.

Construction of these power stations across the river – as to store water in large reservoirs – pose a serious threat to biodiversity and ecosystems. Dams require large-scale deforestation, disrupt the river's natural flow, and curb free passage of fish and sediment. Indigenous populations may get forced to resettle, while those who are not displaced are still at risk to lose their main source of income due to adverse effects of dams on fisheries and agricultural yield. Whether the forced withdrawal from traditional lifestyles will result in a real improvement in living standards remains to be seen.

To understand the surge of hydroelectric powerplants across the Mekong, we must know that the seeds for this specific mode of development were already planted in the 1950s. Foreign experts and development institutions – including the United Nations' Economic Commission for Asia and the Far East (ECAFE) – became highly interested in valorising the Mekong's natural resources. Studies initiated by institutions such as the ECAFE underlined the river's wide potential for hydroelectricity generation. Development institutions helped to produce an influential narrative in which the Mekong Basin was framed as an *undeveloped* area. This storyline would legitimise dam building as the ultimate 'solution' to the widespread prevalence of extreme poverty in the region.

However, it would take decades before the long-awaited development plans could be put into action. The mainland of Southeast Asia was turned into a fiery battleground during the Cold War, only just after the Indochina Peninsula had liberated itself from colonial rule. Years of destruction and despair finally ended in 1992, when a diplomatic resolution of the Cambodian Conflict paved the way to relative peace in the region. ¹⁷ It ushered in a new era for the Mekong and its people. Policymakers believed time was upon them to revive the largely untapped

¹² Dugan, P. (2008). "Mainstream dams as barriers to fish migration: international learning and implications for the Mekong". *Catch and Culture*, 14, 9-15; Hirsch, P. and Mørck-Jensen, K. (2006). *National Interests and Transboundary Water Governance of the Mekong*. Australian Mekong Resource Centre in association with DANIDA and the University of Sydney, p. 17.

¹³ Cronin, R. and Hamlin, T. (2010). *Mekong Tipping Point: Hydropower Dams, Human Security and Regional Stability*. Washington D.C.: Stimson Center, p. 8; Eyler (2019). *Last Days of the Mighty Mekong*, p. 14.

¹⁴ Jacobs, J. W. (1995). "Mekong Committee History and Lessons for River Basin Development". *The Geographical Journal*, 161(2): p. 139.

¹⁵ Hirsch and Mørck-Jensen (2006). Transboundary Water Governance of the Mekong, p. 17.

¹⁶ Cooper, R. V. (2011). *Promoting and contesting hydropower development: actors and narratives in the Lower Mekong Basin's hydropolitical constellation.* PhD Thesis: University of Newcastle Upon Tyne, p. 85.

¹⁷ Eyler (2019). Last Days of the Mighty Mekong, p. 14.

potential for exploitation of natural resources. They aligned themselves with the principles of modernisation and economic liberation that underpinned classical development paradigms.¹⁸ This resulted in a rise of large infrastructure projects across the region, including dam building.

In the 1990s, China was the first country to construct large dam cascades on the Mekong's mainstream.¹⁹ In the years to follow, dams started to appear in every part of the basin (see figure 1), as other states joined the "hydropower gold rush".²⁰ Generation of hydroelectricity provides an attractive alternative to energy produced from fossil fuels. Prices of hydroelectricity are much more stable than those of oil and natural gas, while harnessing the power of moving water is less polluting in terms of carbon emissions.²¹ Further, hydropower development can yield major export earnings and also offers a vital tool to achieve energy security in the Mekong Region.²² In addition, the process of dam building is linked with job creation, infrastructural improvements and attraction of foreign investors.²³ Finally, dams – national paragons of "modernity and independence" – count as prestige projects for Mekong policymakers.²⁴ As such, the old narrative, in which dams are seen as a prime vehicle for development, is still very much alive.

1.3 The MRC: Failed Institution or Key Player?

In this study, I am intrigued by the question of how an acceptable balance between valorisation of the Mekong's resources, on the one hand, and protection of both man and nature against adverse consequences of that same valorisation, on the other hand, is maintained in relation to hydropower development. A key

¹⁸ Pearse-Smith (2014). "The Return of Large Dams to the Development Agenda", p. 124-125.

¹⁹ Goh, E. (2004). *China in the Mekong River Basin: the Regional Security Implications of Resource Development on the Lancang Jiang (Working Paper 69)*. Singapore: Institute of Defence and Strategic Studies, p. 2.

²⁰ Baker, C. G. (2012). *Dams, Power and Security in the Mekong: A Non-Traditional Security Assessment of Hydro-Development in the Mekong River Basin (Research Paper 8)*. Singapore: RSIS Centre for Non-Traditional Security Studies, p. 5.

²¹ Mekong River Commission (2010c). *State of the Basin Report*. Retrieved from: https://mrcmek.ong.org/assets/Publications/basin-reports/MRC-SOB-report-2010full-report.pdf, p. 26 & p. 221.

²² Pham Do, K. H. and Dinar, A. (2017). "Issue Linkage: A Mechanism For Managing Conflict, Applied To The Mekong Basin". In: Dinar, A. and Tsur, Y. (eds.). *Management of Transboundary Water Resources Under Scarcity: A Multidisciplinary Approach*. Singapore: World Scientific, p. 99. ²³ Williams, J. M. (2020). "The Hydropower Myth". *Environmental Science and Pollution Research*, 27, 12883.

²⁴ Sajor, E. E., Huong, L. T. T. and Ha, N. P. N. (2013). *Challenges in Developing a Basin-Wide Management Approach in the Lower Mekong.* Asian Institute of Technology, p. 15.

Figure 1. Overview of hydroelectric dam building across the Mekong Region in 2017.



figure in maintaining this balance is the Mekong River Commission (MRC). This river basin organisation was founded in 1995 by Cambodia, Laos, Thailand and Vietnam, which mandated it to "promote, support, cooperate and coordinate in the development of the full potential of sustainable benefits to all riparian states and the prevention of wasteful use of Mekong River Basin waters". The MRC's responsibilities include agriculture, fisheries, navigation, flood control, climate change adaption, and – obviously – hydropower.

The prevailing view in academic literature is that this transnational body has been unsuccessful in the fulfilment of its raison d'être: fostering responsible management of the river's resources. ²⁶ In *Last Days of the Mighty Mekong*, Brian Eyler captures the prevailing opinion by calling the MRC "a failed institution". ²⁷ As the Stimpson Center specialist on Mekong politics provides a comprehensive picture of trends going on in the basin, he concludes that the MRC has failed to stop dam projects from putting livelihoods and ecosystems in serious jeopardy. ²⁸ The main reason for its weak hold over the basin lies in its institutional design, as the Commission is thwarted by a lack of power to overrule its member states, unavailability of mechanisms to resolve disputes between key actors, the non-membership of China and Myanmar, and ambiguity about responsibilities held by stakeholders across the basin – as many scholars have noted. ²⁹

In 2016, the MRC paid a heavy price for the growing scepticism about its capability to as a true guardian of the Mekong. The intergovernmental body has always been highly dependent on financial support from donors. In the Annual Report of 2012, for example, it was reported that 90 percent of its budget was

²⁵ Mekong River Commission (1995). *Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin.* Chiang Rai: MRC, p. 3.

²⁶ E.g. Dore, J. and Lazarus, K. (2009). "De-marginalizing the Mekong River Commission." In: Molle, F., Foran, T. and Kakönen, F. (eds.). *Contested Waterscapes in the Mekong Region*. London: Earthscan, p. 360; Grumbine, R. E. and Xu, J. (2011). "Mekong Hydropower development". *Science*, 332(6026), p. 179; Lebel, L., Garden, P. and Imamura, M. (2005). "The politics of scale, position, and place in the governance of water resources in the Mekong region". *Ecology and Society*, 10(2). Retrieved from: http://www.ecologyandsociety.org/vol10/iss2/art18/. ²⁷ Eyler (2019). *Last Days of the Mighty Mekong*, p. 16.

²⁸ Ibid., p. 19.

²⁹ E.g. Campbell, I. C. (2016). "Integrated management in the Mekong River Basin". *Ecohydrology* & *Hydrobiology*, 16(4), p. 260-261; Grumbine, R. E., Dore, J. and Xu, J. (2012). "Mekong hydropower: drivers of change and governance challenges". *Frontiers in Ecology and the Environment*, 10(2), p. 95-96; Hensengerth, O. (2009). "Transboundary River Cooperation and the Regional Public Good: The Case of the Mekong River". *Contemporary Southeast Asia*, p. 330; Hirsch and Mørck-Jensen (2006). *Transboundary Water Governance of the Mekong*, p. xvi.

funded by external partners (mostly Western governments and organisations).³⁰ Yet, donors noticed to their disappointment that the institution failed to take a stronger role in the supervision of dam building initiatives.³¹ The inability of the MRC to prevent Laos from constructing two dams on the Mekong's mainstream (the Xayaburi Dam and the Don Sahong Dam) was the *final straw*. Prior to 2012, only China had constructed dams on its portion of the mainstream, while other riparian states limited themselves – due to international pressure – to tributary dams. Laos' controversial was a shock to the donor community, while the media framed it as emblematic of how the Commission could easily be sidelined by its own member states.³² Donors dropped their payments substantially: from \$115 million for 2011-2015 to only \$53 million for 2016-2020.³³ As a result, the MRC was forced to scale down its workforce by two-thirds.³⁴

Nevertheless, not all scholars agree with the dominant perception that the main blame for the disturbingly rapid pace of hydropower development lies with the MRC. Some claim that its internal shortcomings only tell half of the story, as the Commission is confronted with a set of external factors that makes effective water governance a highly difficult undertaking: the long history of conflict and distrust in the region, significant power imbalances, and – most importantly – strongly diverging views (especially between upstream and downstream riparian states) on the implementation of hydropower development.³⁵ Considering those issues, the MRC can actually be praised for its *accomplishments*. The institution plays a major role in bringing stakeholders closer together, facilitating a muchneeded platform for regional dialogue.³⁶ The Commission has also taken the lead in filling knowledge gaps on effects of dam infrastructure by promoting scientific

³⁰ Mekong River Commission (2014a). *Annual Report 2012*. Retrieved from: https://www.mrcmekong.org/assets/Publications/governance/MRC-Annual-Report-2012.pdf, p. 7.

³¹ Hirsch and Mørck-Jensen (2006). Transboundary Water Governance of the Mekong, p. 1.

 $^{^{32}}$ Wright, S. (2016). *Mekong effort fails after years of lavish foreign funding*. Bangkok: Associated Press. Retrieved from: https://apnews.com/article/31978ed8726449dca8ba47c62816137a.

³³ Kossov, I. and Samean, L. (2016). *Donors slash funding for MRC*. The Phnom Penh Post. Retrieved from: https://www.phnompenhpost.com/national/donors-slash-funding-mrc.

³⁴ Cronin, R., Eyler, B. and Weatherby, C. (2016). *Letters From the Mekong: a Call for Strategic Basin-Wide Energy Planning*. Washington D.C.: Stimson Center, p. 26.

³⁵ E.g. Backer Bruzelius, E. (2007). "The Mekong River Commission: Does It Work, and How Does the Mekong Basin's Geography Influence Its Effectiveness?" *Südostasien aktuell*, 26(4), p. 39-50; Ha, M. L. (2011). "The Role of Regional Institutions in Sustainable Development: A Review of the Mekong River Commission's First 15 Years". Consilience, 5(1), p. 126-127. Schmeier, S. (2013). *Governing International Watercourses*. New York: Routledge, p. 125-132.

³⁶ Jacobs, J. W. (2002). "The Mekong River Commission: transboundary water resources planning and regional security". *The Geographical Journal*, 168(4), p. 356.

research.³⁷ It prompted Susanne Schmeier, who compared transboundary water organisations around the world, to posit that the MRC contributed to "a state of the basin that is much better than it would have been without [its presence]".³⁸

1.4 Research Question and Method

This thesis joins the latter group of studies in which the functioning of the MRC is interpreted against the backdrop of the highly complex nature of Mekong hydropower diplomacy. Rather than getting caught up in narratives on the flaws that are clearly rooted in the institutional design of the MRC – which is the case with most studies – I intend to move beyond those familiar storylines by gaining an in-depth understanding of how the river basin organisation tries to guide the course of hydropower development, *despite* its limited formal power. This could yield insights that are relevant not only for the Mekong River Basin, but also for numerous other institutions around the globe that wish to promote sustainable policies with little or no legislative authority.

The main objective of my study is to reinterpret the role of the MRC in the Mekong's complex world of hydropower diplomacy. Since the institution has no means to impose its sustainability agenda on other key players simply by relying on legal-bureaucratic rule, the power of moral suasion provides an alternative strategy to (re)direct actions of stakeholders within the basin. Or put differently: if you cannot compel your partners to act in a certain way, you need to persuade them to do so. The concept of *moral economy building* will serve as an analytical tool to learn about the MRC's endeavour to reform the hydropower sector of the Lower Mekong into an economic system in which natural resources are utilised and managed through a shared sense of responsibility. As the first study to use this concept (which will be discussed further in the next chapter) in the context of the Mekong Region, I argue that this innovative approach enables me to grasp the dynamics of regional hydropower politics in an illuminating way.

The period under investigation starts in 2008, when the MRC established its regional programme in response to the accelerating interest in hydropower in the Lower Mekong Basin: the Initiative on Sustainable Hydropower (ISH). I delve

³⁷ Backer Bruzelius, E. (2006). *Paper Tiger Meets White Elephant? An Analysis of the Effectiveness of the Mekong River Regime*. Lysaker: Fridtjof Nansen Institute, p. 66.

³⁸ Schmeier (2013). Governing International Watercourses, p. 170.

into the rhetoric of the river basin organisation on dam-related matters until the end of 2015, when the Commission was set on a new course due to the fact that donors decided to slash their funding. I have not observed any notable changes in the general vision of the MRC on hydropower development from 2008 to 2015. The point of this thesis is, therefore, *not* to search for particular deviations that have appeared over time in the rhetoric of the Commission. The decision to treat the research period as a relatively stable time in the MRC's history is supported by the fact that the organisational focus under its CEO's Jeremy Bird (2008-11) and Hans Guttmann (2011-15) was quite constant – as both of them focused on formulating a regional approach for sustainable water management – compared to the stark contrasts between previous CEO's.³⁹

Even though the MRC is a highly popular target in academic research, no study has yet taken the effort to untangle the communication strategy adopted by the Commission on hydropower development. This limits our understanding of the dynamics of the Mekong's dam building industry, since institutions such as the MRC are in a strong position to influence actions of other actors through persuasive rhetoric. I will try to fill this research gap by examining the official discourse of the MRC in reports that have been published under the ISH and in other reports (such as Annual Reports) in which the organisation explicitly refers to hydropower-related affairs. In these documents, I have looked for passages in which the Commission shares its vision on what *sustainable hydropower* means and how this can be achieved. Following the lines of discourse analysis, I aimed to unravel the rationale behind the language used – while also looking for things which the MRC avoided to mention. In total, 17 reports (see Bibliography for the full list of primary sources) have been reviewed to answer the question:

How has the Mekong River Commission endeavoured to engage key actors involved in the Mekong's hydropower sector in its Initiative on Sustainable Hydropower from 2008 to 2015?

³⁹ Gerlak, A. K. and Schmeier, S. (2014). "Climate change and transboundary waters: a study of discourse in the Mekong River Commission". *The Journal of Environment & Development*, 23(3), p. 363; Haefner, A. (2013). "Regional environmental security: cooperation and challenges in the Mekong subregion". *Global Change, Peace & Security*, 25(1), p. 35-36.

 $^{^{40}}$ Disco, N. and Kranakis, E. (2013). "Conclusions". In: Disco, N. and Kranakis, E. (eds.). Cosmopolitan Commons. Cambridge: MIT Press, p. 327.

Following this introduction, I start by providing background knowledge on the MRC and the theoretical underpinnings of common resources management. The three chapters that follow hereafter constitute the main body of this study. Here, I will discuss three aspects of the moral economy that the MRC has helped to create for the Lower Mekong's hydropower sector: the purpose of this moral economy (chapter 3), the manner in which the ISH targets and engages the wide range of stakeholders involved (chapter 4), and the common base of knowledge upon which this moral economy ultimately rests (chapter 5). I will make frequent use of citations in order to capture the MRC's vision as accurately as possible. Then, in the final chapter, I will answer the research question and I discuss the wider implications of my thesis.

2. BACKGROUND

CARING FOR THE COMMONS

2.1 The MRC and the Mekong Spirit

This chapter gives an overview of relevant background information. Doing so, it helps to examine the complexity of common resources management in the Mekong Basin from a broader perspective. To begin, it contributes to answering questions such as how regional river basin governance is organised. As Mekong states shifted towards market-led economies at the end of the previous century, private sector investments became the main driver of development.⁴¹ However, it is – generally speaking – considered undesirable to leave management of scarce resources up to the indifferent rule of the market. Nor is it possible to leave it up to one national government, since international waterways like the Mekong flow through multiple sovereign countries.

Hence, the four Lower Mekong states recognised the need to canalise their diverging interests and create a regional platform to discuss basin-wide matters. In 1995, they founded the Mekong River Commission, although the roots of this transnational body trace back to the 1950s. At a time when the ECAFE aroused enthusiasm for the river's huge development potential, the UN body encouraged Lower Mekong states to join hands and work together on river basin planning.⁴² And so it happened that, in 1957, Cambodia, Laos, South Vietnam and Thailand formed the Mekong Committee under the aegis of the UN. The two other riparian nations took no part in this regional initiative. Myanmar was just not interested in joining, while China was no member of the UN back then.⁴³

From then on, the Lower Mekong states would not only be geographically separated from the much more mountainous Upper Mekong (the region covered by Myanmar's and China's portion of the basin), but also politically. Even when the upward ascension of cooperation in the Lower Mekong was slowed down by

⁴¹ Mekong River Commission (2010c). *State of the Basin Report*, p. 156.

⁴² Cooper (2011). Actors and narratives in the Lower Mekong Basin, p. 83.

⁴³ Jacobs (2002): "The Mekong River Commission", p. 356.

Cambodia's internal conflict and its related withdrawal in 1975, the three other countries continued to collaborate under the Interim Mekong Committee.⁴⁴ This helped to embed the notion of the *Mekong Spirit* in their joint activities. The term refers to the strong willingness among Lower Mekong states to look for common ground and collaborate for the purpose of mutual benefit, even when being faced with clashing views or diplomatic tensions.⁴⁵ Their colonial past – only Thailand has never been ruled by a Western power – helped to bind these states, but also triggered a strong aversion to handing over control to a higher body. Hence, the Mekong Spirit represents a preference for international partnerships guided by soft rules, national sovereignty and territorial integrity.⁴⁶

This would, subsequently, place constraints on the influence of the MRC. The intergovernmental body was given no legislative power when the four Lower Mekong states signed the Mekong Agreement in 1995 (after restoration of peace in Cambodia). Priority setting and decision making would remain entirely in the hands of the member states, being represented in the MRC Council (by their top leaders) and the Joint Committee (by representatives from national ministries).⁴⁷ Decisions taken by this two-tired political body are then implemented by the MRC Secretariat (MRCS). The MRCS is hailed by Schmeier for taking "a very important role in river basin governance", as it also provides administrative, research and technical services to member states.⁴⁸ To ensure smooth lines of communication between the MRC and its members, each state has a National Mekong Committee (NMC). These bodies are tasked to disseminate policy advice, research findings and other outputs to national ministries, while passing relevant issues from the ministries back up to the MRC. The NMCs are, nonetheless, criticised by Mekong scholars for their ineffectiveness in reducing the disconnect between what has been discussed on a regional level and what is put into practice on national and local levels.49

⁴⁴ Ibid., p. 358.

⁴⁵ Molle, F., Lebel, L. and Foran, T. (2009). "Contested Mekong Waterscapes: Where to Next?". In: Molle, F., Foran, T. and Kakönen, F. (eds.). *Contested Waterscapes in the Mekong Region*. London: Earthscan, p. 394.

⁴⁶ Hirsch and Mørck-Jensen (2006). Transboundary Water Governance of the Mekong, p. 32

⁴⁷ Schmeier (2013). Governing International Watercourses, p. 151.

⁴⁸ Ibid., p. 153.

⁴⁹ Menniken, T. (2008). *Hydrological Regionalism in the Mekong and the Nile Basin: International Politics along Transboundary Watercourses*. PhD Thesis: University of Freiburg, p. 143; Suhardiman, D., Giordano, M. and Molle, F. (2012). "Scalar Disconnect: The Logic of Transboundary Water Governance in the Mekong". *Society & Natural Resources*, 25(6), p. 579-81.

2.2 Managing Commons: From Tragedy to Moral Economy

Governance of a common pool of natural resources can be highly complex. The influential article *The Tragedy of the Commons* from Garrett Hardin figures as a common starting point for any theoretical reflection on challenges that are inherent to common resources management. In 1968, the American ecologist set out how the self-interested behaviour of human beings could eventually lead to the demise of systems of scarce resources – in cases where these systems cannot be claimed by one particular actor. Hardin used the example of a pasture that is open for herdsmen to let their cattle graze. He explained that each herder would feel tempted to maximise his flock, resulting in overgrazing and – as there is no intervening authority – resource depletion.⁵⁰

Hardin's widely cited work has been pivotal in sparking academic interest in governance of a shared set of resources. Later researchers were able to stand on his shoulders as they gradually broadened and deepened our understanding of common property management. In contemporary literature, Nil Disco and Eda Kranakis have enriched the debate by introducing the concept of *cosmopolitan commons* in their eponymous book. The term connotes the increasingly complex character of transnational systems of natural resources in the modern day and age. Because of far-reaching societal transformations such as industrialisation, bureaucratisation and globalisation, management of common goods has become even more difficult as their level of technicality, the size of governance networks and the spatial reach of commons have grown rapidly.⁵¹

There is, however, a fundamental difference between the school of thought represented by Disco and Kranakis – along with many others – on the one hand, and sceptics like Hardin on the other. Hardin believed that the ecosystems that provide publicly owned resources are prone to destructive forms of exploitation. "Ruin is the destination", he wrote, "toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons". 52 His gloomy prediction, illuminating the tragic fate of the commons, has however

⁵⁰ Hardin, G. (1968). "The Tragedy of the Commons". Science, 162(3859), p. 1244.

⁵¹ Disco, N. and Kranakis, E. (2013). "Toward a Theory of Cosmopolitan Commons". In: Disco, N. and Kranakis, E. (eds.). *Cosmopolitan Commons*. Cambridge: MIT Press, p. 13.

⁵² Hardin (1968). "Tragedy of the Commons", p. 1243.

attracted a great deal of criticism.⁵³ Hardin and other scholars who stand in the realist tradition of international relations tend to neglect the cooperative nature of human beings. Throughout history, people have shown a strong capability to solve common issues by relying on their collaborative spirit: they devised rules, came up with social norms, and created institutions to settle disputes. Hardin's case of the herdsmen would have been much more realistic if the herders would have started to communicate with one another and established rules about how to use this common resource properly – rather than standing idly by.

Relying on and vitalising the cooperative spirit among human beings thus opens up opportunities for common resources management. This applies to the individual level as well as to the state level. States usually demonstrate a strong commitment to take externalities for neighbouring countries into account when dealing with natural resources, as Schmeier has pointed out in her book.⁵⁴ She provides yet another counterargument to Hardin's pessimistic theory. According to her, national governments are inclined to cooperate on international resource management out of fear of conflicts that could otherwise arise. States establish institutional frameworks that include treaties, laws and transnational bodies.⁵⁵ Together, such institutions help to form a *regime*. The American scholar Stephan Krasner is well-known for his definition of regimes as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations".⁵⁶

The idea of regime building has been fundamental to Disco and Kranakis' work on cosmopolitan commons. As explained in their book, governance regimes of commons are essentially morally driven since there is no hegemonic power to dictate the process of resource valorisation.⁵⁷ Stakeholders will, therefore, have to interact with one another about how to use the common good properly. This gives them a chance to voice concerns, build trust and mutual understanding, and identify shared goals and values – such as reciprocity, or equitable sharing

⁵³ Examples of some famous critiques on Hardin's work: Cox, S. J. B. (1985). "No Tragedy on the Commons". *Environmental Ethics*, 7(1): p. 49–61; Ostrom, E. (1990). *Governing the commons: the evolution of institutions for collective action*. Cambridge: Cambridge University Press.

⁵⁴ Schmeier (2013). "Governing International Watercourses", p. 21.

⁵⁵ O'Neill, K. (2017). *The Environment and International Relations*. Cambridge: Cambridge University Press, p. 18.

⁵⁶ Krasner, S. D. (1982). "Structural Causes and Regime Consequences: Regimes as Intervening Variables". *International Organization*, 36(2), p. 186.

⁵⁷ Disco and Kranakis (2013). "Toward a Theory of Cosmopolitan Commons", p. 42.

of risks and benefits – to align and direct joint action toward responsible use of shared resources. In that way, economic systems that used to be plagued by the indifferent and destructive use of commons can slowly turn in *moral economies*: normative systems or regimes that promote a shared sense of responsibility and collective goals among resource users.⁵⁸ Moral economies could, finally, become "essential building blocks of environmental and societal sustainability".⁵⁹

2.3 Sustainability: Moral Compass or Unobtainable Target?

Throughout the world, the well-being of cosmopolitan commons has come under increasing pressure over the last decades. While unprecedented advances took place in both science and technology, the dominance of neo-liberal politics resulted in a widespread translation of those developments in harmful practices of mass consumption and overexploitation of natural resources. Our desperate urge for growth has caused massive deterioration of the ecosystems on which we all depend, while human rights have often been neglected in these processes too. Hence, mankind has arrived at "the Age of Sustainable Development", as the American economist Jeffrey Sachs dubbed this new era. 60

The concept of *sustainable development* was brought into public discourse in 1987. At a time when the adverse consequences of industrialisation – such as pollution and resource depletion – sparked growing public concern, the former UN World Commission on Environment and Development (WCED) published the Brundtland Report. This document stressed the urgency to get past our narrow focus on economic growth while shifting to "a development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs".⁶¹ Integration of awareness of natural limitations into our economic activities is at the heart of sustainable development. In addition to enhancing harmony between man and nature, the concept promotes adherence to fundamental human rights relating to equity and participation.⁶²

⁵⁸ Ibidem.

⁵⁹ Ibid., p. 46.

⁶⁰ Sachs, J. D. (2015). *The Age of Sustainable Development*. New York: Columbia University Press, p. xiii.

⁶¹ World Commission on Environment and Development (1987). *Our Common Future*. Oxford: Oxford University Press, p. 43

⁶² Sachs (2015). The Age of Sustainable Development, p. 1-3.

The notion of sustainable development provides a moral compass to guide our behaviour, as it emphasises the need to strike a balance between pursuing economic growth, protecting the environment and ensuring human well-being.⁶³ Given its relevance, it is not hard to see why the notion of sustainability is now so deeply embedded into our worldview. In international water management, the concept has become paramount to political discussions, while influencing other discourses too.⁶⁴ The idea that environmental limitations need to be proactively taken into account in the process of resource valorisation forms, for example, an essential principle of Integrated Water Resources Management (IWRM), which is a dominant paradigm in the water sector.⁶⁵

Despite its popularity, this concept is just as well a source of controversy. First, ambiguity has crept in the way in which sustainable development tends to be defined. Whereas one thinks that environmental degradation beyond certain limits is absolutely unacceptable (strong sustainability), another could consider that this would be legitimate as long as losses in natural assets are compensated fairly (weak sustainability).⁶⁶ In other words, the targets or minimum levels that need to be acquired to call an outcome sustainable or not remain vague. Nor is there a pre-established, broadly accepted model to assess the sustainability of a project. Usually, development projects are evaluated on the basis of cost-benefit analyses, but the approach that needs to be used for those highly complicated calculations is anything but fixed. As a result of their broad applicability, grand concepts like sustainable development can easily "be hijacked by state, sectoral or private interests seeking to legitimise their agendas".⁶⁷

Moreover, some have even questioned the degree to which the pursuit of sustainable development is actually achievable in practice.⁶⁸ Although economic growth is seen as the main driver to improve our quality of life, activities needed to achieve that growth are often at the expense of the environment. Destruction

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⁶³ O'Neill (2017). "The Environment and International Relations", p. 32-33.

 $^{^{64}}$ Molle, F. (2008). "Nirvana Concepts, Narratives and Policy Models: Insights From the Water Sector". Water Alternatives, 1(1), p. 132

⁶⁵ Hirsch and Mørck-Jensen (2006). Transboundary Water Governance of the Mekong, p. 24.

⁶⁶ Dietz, S. and Neumayer, E. (2007). "Weak and Strong Sustainability in the SEEA: Concepts and Measurement". *Ecological Economics*, 61(4), p. 618-619.

⁶⁷ Molle (2008). "Nirvana Concepts, Narratives and Policy Models", p. 134.

⁶⁸ Okereke, C. and Ehresman, T. G. (2015). "International Environmental Justice and the Quest for a Green Global Economy: Introduction to Special Issue". *International Environmental Agreements: Politics, Laws and Economics*, 15(1), p. 6

of ecological systems and loss of biodiversity, in turn, reduces human safety and well-being. Is it even feasible, then, to pursue harmonised economic, social and environmental standards at one and the same time? It will be interesting to find out – later in this thesis – how the MRC deals with such questions.

2.4 The Initiative on Sustainable Hydropower

Notwithstanding the controversy, the concept of sustainable development has become deeply entrenched in our thinking. When looking at the body which is of particular interest to this study, the Mekong River Commission, the notion of sustainable development even appears in the title of the agreement that forms the mandate of this river basin organisation.⁶⁹

Yet, it took until 2008 sustainability thinking also became the prevailing concept in regional hydropower policies. Prior to that time, member states used to perceive the construction of dams merely "as a means to underpin economic growth", as the MRC admits in one of its reports. This changed when the flow regime of the Mekong River was increasingly altered by the accelerating pace of hydropower development at the beginning of the 21st century, translated into mounting environmental and social concerns. The Lower Mekong states agreed that sustainability – rather than economic growth – had to become the guiding principle of their regional policies on hydropower. Hence, the MRC dubbed its corresponding new programme the *Initiative on Sustainable Hydropower*.

Under the ISH, the river basin organisation would not only play a role in supervising dam building proposals related to the Mekong's mainstream – as its mandate prescribes – but its scope expanded to include tributary dams as well.⁷² The Initiative needed to foster the transition from a misguided and state-centred orientation on dam building to sustainable forms of hydropower development. It would incorporate two main activities: (1) facilitation of international dialogue at different levels about basin-wide issues related to the hydropower sector, as well

⁶⁹ Mekong River Commission (1995). *Cooperation for the Sustainable Development of the Mekong.*

⁷⁰ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower (ISH): 2011-2015 Document.* Retrieved from: https://www.mrcmekong.org/assets/Publications/Programme-Documents/2011-2015-Initiative-Final-Version-30-OctISH.pdf, p. 10.

⁷¹ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*. Retrieved from: http://archive.iwlearn.net/mrcmekong.org/download/free_download/hydropower/MRC-Initiative-on-Sustainable-Hydro(ISH)-WorkPlan2009-03-01.pdf, p. 15.

⁷² Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 10.

as (2) acquiring and sharing relevant knowledge with stakeholders.⁷³ Those two principal activities will be discussed later (in chapter 4 and 5), as the next chapter explores how *sustainable hydropower* is interpreted under the ISH.

2.5 Conclusion

This chapter has helped us to learn about the origins of the MRC, as well as its hydropower programme. It has become clear, for example, that the history of cooperation in the Lower Mekong is strongly guided by a pragmatic approach to put regional tensions aside in order to ensure socioeconomic development. In the coming chapters, it will be illustrated that this Mekong Spirit continues to play a fundamental role in key principles that guide the ISH. Furthermore, this chapter explained why common resources management could be such a difficult undertaking, and how the creation of a moral economy offers a solution to this. Armed with this knowledge, I will now move on to examining the moral economy that the ISH has helped to create for the Mekong's hydropower industry.

 $^{^{73}}$ Mekong River Commission (2009a). Initiative on Sustainable Hydropower: Work Plan, p. 2.

3. THE GOAL

SUSTAINABLE DEVELOPMENT

3.1 Toward a Sustainable Future for the Mekong Basin

I have now arrived at the core of my thesis. In the next three chapters, the moral economy that the MRC aimed to create by establishing the ISH – in order to moralise the Mekong's hydropower industry – will be scrutinised. To begin, I will immerse myself in the ultimate goal of the MRC's hydropower programme: the realisation of a sustainable future for the Mekong River Basin.

As we have learned in the previous chapter, sustainable development has become a guiding spirit in modern society. This powerful concept – claiming that exploitation of natural resources needs to be aligned with harmonised economic, social and environmental standards – strongly affected the MRC too. But how is the idea of *sustainable development* interpreted by the organisation? The answer can be found in the general mission that has been drafted by its member states: achieving "an economically prosperous, socially just and environmentally sound Mekong Basin".⁷⁴ This objective reflects a shared belief among the MRC and its member states that it is feasible to achieve economic, environmental and social goals simultaneously through a proper sustainability agenda.

Hydropower development is one of the top priorities of the Commission.⁷⁵ The river basin institution considers it its job to provide clear projections on how development opportunities such as hydropower generation should be organised in order to become sustainable. "There has been increasing demand", the MRC puts forward in an evaluation of development scenarios for the river basin, "from both riparian countries and project developers for the provision of an integrated

⁷⁴ Mekong River Commission (2011). *IWRM-based Basin Development Strategy 2011-2015*. Retrieved from: https://www.mrcmekong.org/assets/Publications/strategies-workprog/BDP-Basin-Dev-Strategy-2013-Eng.pdf, p. 3.

⁷⁵ Mekong River Commission (2015c). *Development of Guidelines for Hydropower Environmental Impact Mitigation and Risk Management in the Lower Mekong Mainstream and Tributaries. Volume 1: Hydropower Risks and Impact Mitigation Guidelines and Recommendations.* Retrieved from: https://www.mrcmekong.org/assets/Publications/policies/1st-Interim-Report-ISH0306-Volume-1-The-Guidelines-Final.pdf, p. 11.

basin perspective on national water resources development plans and *the extent* of acceptability of their cumulative impacts".⁷⁶ In this chapter, I will explore what principles underpin the normative framework within which hydropower projects are expected to take place under the sustainability regime of the ISH.

3.2 Framing Hydropower: Looking for Middle Ground

The history of cooperation in the Lower Mekong has unfolded on the basis of a strong commitment among nations to put socioeconomic, cultural and even ideological differences aside in order to boost development figures. The so-called Mekong Spirit (discussed in section 2.1) requires riparian states to respect the territorial sovereignty and national interests of other countries. In line with this regional principle to avoid any unnecessary conflict at all costs, the MRC clearly wishes to make sure that its rhetoric on hydropower development does not give cause to any conflict or unrest. It refrains from making any explicit comment on the desirability of hydropower development in its reports.

The Commission explains that it intends to act as "a source of sound and impartial information".⁷⁷ Its neutral position on hydropower development could be regarded as an impediment to effective river basin governance. Scholars have, for example, highlighted that the MRC has often remained silent at times when controversial dam building activities took place.⁷⁸ Nonetheless, the Commission itself seems to believe that its impartiality is a prerequisite to keep stakeholders engaged in the ISH. For instance, large discrepancies exist between the interests of Laos – a relatively poor nation with vast hydropower potential – and those of Vietnam, which pays the price for upstream dams in the form of low water levels and the salinisation of its delta region.⁷⁹ Applauding or condemning hydropower would only add fuel to such a "highly contested issue".⁸⁰

The MRC, therefore, takes a very nuanced approach in its public reports when it comes to describing risks and benefits of dams. From one point of view,

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⁷⁶ Mekong River Commission (2010a). *Assessment of Basin-wide Development Scenarios (Main Report)*. Retrieved from: https://reliefweb.int/sites/reliefweb.int/files/resources/61EFA57FCBAB2D51492577D70021DE6B-Full_Report.pdf, p. viii.

⁷⁷ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 28

⁷⁸ Dore and Lazarus (2009). "De-marginalizing the Mekong River Commission", p. 375; Sajor et al. (2013). *Challenges in Developing a Basin-Wide Management Approach*, p. 14.

⁷⁹ Backer Bruzelius, E. (2007). "The Mekong River Commission", p. 39-42.

⁸⁰ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 46.

it believes that generation of hydropower represents "an important development opportunity for the Mekong River Basin and the people living within it".⁸¹ While on the other hand, the MRC is quick to point out the big threat which misguided hydropower planning poses to fisheries and agriculture, livelihoods of riverine populations, and to the Mekong's environmental integrity at large.⁸² Considering the significant risks and benefits, the Commission decides to occupy the middle ground as it frames hydroelectric dams as both "a major interest and challenge" on the path towards a sustainable future for the Mekong River Basin.⁸³

3.3 Strategic Planning to Avoid and Minimise Impacts

So, although the MRC regards it not as its duty to make explicit comments about the desirability of hydropower development, it does not turn its back to the rapid pace of hydropower development either. The Commission aligns itself with a merely pragmatic approach: if there – apparently – appears to be broad interest in capitalising the Mekong's potential for generation of hydroelectricity, the MRC wants to make sure that this interest is put into effect in a sustainable manner. The title of its *Initiative on Sustainable Hydropower* reflects a strong conviction that a transition to sustainable forms of dam building is feasible. In the coming sections, I will look at subsequent steps of the hydropower project cycle outlined under the ISH to make this transition, starting with the planning stage.

The Initiative conveys a ground belief that sustainable hydropower relies on "implementation of suitable measures to *mitigate* undesirable impacts".⁸⁴ It reveals that the practice of mitigation is central to the Commission's perception of sustainability. Mitigation does not only refer, the MRC says, to compensating adverse effects caused in the construction or operational phase. In fact, it starts already in earlier stages, when parties involved still have an opportunity to avoid or minimise detrimental impacts on man and nature.⁸⁵ As such, the institution regards strategic planning as a key factor in its mitigation strategy. In the 2012 Annual Report, the MRC explicitly turns away from narrow perspectives which

⁸¹ Mekong River Commission (2015c). Hydropower Risks and Impact Mitigation Guidelines, p. 11.

⁸² Mekong River Commission (2014d). *Rapid Basin-wide Hydropower Sustainability Assessment Tool: Summary*. Retrieved from: https://www.mrcmekong.org/assets/Publications/Reports/ISH-RSAT-Assessment-SummaryUpdated-2014.pdf, p. 9.

⁸³ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 5.

⁸⁴ Mekong River Commission (2009a). Initiative on Sustainable Hydropower: Work Plan, p. 28.

⁸⁵ Mekong River Commission (2015c). Hydropower Risks and Impact Mitigation Guidelines, p. 41.

perceive dams simply as "a way to satisfy the growing demand for power". 86 The Commission, instead, calls for addressing hydropower issues through a holistic approach in which the overall impact of dam projects comes first. 87

Holistic planning helps stakeholders to identify the wide range of impacts at an early stage, giving them time to find appropriate mitigation measures. The MRC stresses the necessity of *strategic siting and design* thinking in its reports. Promoting sustainable development outcomes starts with carefully considering which locations are appropriate for dam building. Project siting needs to be informed by hydrological (e.g. water availability), environmental (e.g. biodiversity loss) and social (e.g. population displacement) considerations.⁸⁸ To illustrate, a sub-programme of the ISH deals with the identification of Ecologically Sensitive Areas (ESA's) across the Mekong Basin. When a potential dam site is marked to be of high ecological value, dam proponents could take mitigation measures or look for alternative sites.⁸⁹

Furthermore, the MRC's commitment to a more comprehensive approach with regard to hydropower planning is also reflected in its repeated call to turn dams into multi-purpose projects. The organisation wants to prevent that poorly designed hydropower infrastructure operates as a barrier to navigation, fishing yields and agricultural productivity. Policymakers are, therefore, encouraged to think of hydropower dams "as a wider development intervention". ⁹⁰ By this, the MRC implies that the primary purpose – generation of hydroelectricity – must be combined with other targets such as flood prevention, integration of irrigation systems, and facilitation of dam reservoir fisheries. ⁹¹

⁸⁶ Mekong River Commission (2014a). Annual Report 2012, p. 36.

⁸⁷ Ibidem

⁸⁸ Mekong River Commission (2009b). *Preliminary Design Guidance for Proposed Mainstream Dams in the Lower Mekong Basin*. Retrieved from: https://www.mrcmekong.org/assets/ Publications/Consultations/SEA-Hydropower/Preliminary-DG-of-LMB-Mainstream-dams-FinalVersion-Sept09.pdf, p. 29.

⁸⁹ Mekong River Commission (2015f). *Pilot Testing in the Sre Pok Sub-Basin on the Identification of Ecologically Sensitive Sub-Basins for Sustainable Development of Hydropower on Tributaries*. Retrieved from: https://www.mrcmekong.org/assets/Publications/Reports/2015-07-Final-ISH01-Pilot-Testing.pdf, p. 64.

⁹⁰ Mekong River Commission (2010b). Initiative on Sustainable Hydropower: 2011-2015, p. 6.

⁹¹ Mekong River Commission (2010c). State of the Basin Report, p. 186.

3.4 Cost-Benefit Analysis as the Primary Balancing Tool

The MRC, nevertheless, recognises that unsustainable outcomes can only partly be avoided or minimised through preventive measures, since hydropower development inevitably involves complex trade-offs to be made.⁹² The river basin organisation claims that it balances economic, social and environmental issues "in an equally balanced way".⁹³ This statement warrants particular attention, as I will explore how the MRC envisions to reach this delicate balance.

The analysed documents reveal that the ISH mainly relies on the concept of *weak sustainability*. As discussed in section 2.3, this refers to a perception of sustainable development in which different forms of capital are to a large degree substitutable. The MRC's adherence to weak sustainability comes, in particular, to the fore in its promotion of cost-benefit analyses as the most feasible method to weigh the wider consequences of proposed hydropower schemes. When direct and indirect implications of hydropower projects have been identified, the next step is – according to the MRC – to ascribe monetary values to "as many of the [identified] costs and benefits".⁹⁴ An example cited by the river basin institution is to express deterioration of ecosystem services in terms of its economic impact, which makes it becomes possible to contrast environmental costs directly with financial gains from hydroelectricity generation.⁹⁵

The example above indicates that man-made capital (such as hydropower revenues) is – under the regulations of the ISH – substitutable with natural or social assets (such as the loss of ecosystems). It is, however, important to note that for hydropower projects to be sustainable, the MRC requires dam building proposals to possess the capacity "to fund social and environmental mitigation, compensation and off-set measures". ⁹⁶ In other words, loss of natural or social capital needs to be fairly compensated by the project proponent.

⁹² Mekong River Commission (2009a). Initiative on Sustainable Hydropower: Work Plan, p. 1.

⁹³ Mekong River Commission (2015c). Hydropower Risks and Impact Mitigation Guidelines, p. 44.

⁹⁴ Mekong River Commission (2015g). *The Evaluation of Hydropower and Multi-Purpose Project Portfolios: Main Report.* Retrieved from: https://www.mrcmekong.org/assets/Publications/ policies/1.-FINAL-ISH02-Guidelines-v1.5-updated-29Mar2016.pdf, p. 2.

⁹⁵ Mekong River Commission (2015d). *Guidelines for the Evaluation of Hydropower and Multi-Purpose Project Portfolios. Annex 1: Economics Practice Guide*. Retrieved from: https://www.mrcmekong.org/assets/Publications/policies/2.-FINAL-Annex1-ISH02-Economics-Guide-11-26-15-updated-29Mar2016.pdf, p. 4.

⁹⁶ Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 6-7.

How could we understand the fact that the MRC relies – to a considerable extent – on a monetary approach to weigh economic, social and environmental aspects of hydropower development? In academic literature, it is explained that all the Mekong states have experienced rapid development over the last decades, which triggers a deep longing among their respective governments to consolidate these economic growth rates in order to alleviate poverty that is still widespread in the region.⁹⁷ Additionally, the primacy of the economic imperative is strongly embedded in the Mekong Spirit. The MRC's decision to frame its sustainability message in monetary terms can, therefore, be interpreted as a strategy to make stakeholders more willing to take part in its Initiative.

3.5 Flexible Social and Environmental Standards

The economic approach of the ISH to weigh sustainability considerations does, nevertheless, not connote that environmental and social losses are always acceptable as long as they are compensated. The MRC explains that – in some cases – damage to ecosystems or riverine populations "cannot or should not be valued in economic terms". 98 An example named by the river basin organisation is the loss of flagship species due to damming. 99 Another example that has been mentioned relates to the threat that dam infrastructure represents to traditional lifestyles of ethnic groups living along the river. 100 For such complex cases, the MRC suggests to apply a non-monetary assessment *in addition* to the standard cost-benefit analysis. Environmental and social impacts are then valued through indicators, indicating if the impacts are either low, medium or high. 101

This leads to the following question: in what cases can environmental and social costs be valued in monetary terms, and when is this not possible? Where does the ISH draw a line in terms of the acceptability of the impacts of dams on society and ecosystems? The MRC's rhetoric is remarkably ambiguous. On the

⁹⁷ Eyler (2019). Last Days of the Mighty Mekong, p. 13; Goh (2004). China in the Mekong River Basin, p. 7.

⁹⁸ Mekong River Commission (2015d). Economics Practice Guide, p. 6.

⁹⁹ Mekong River Commission (2015e). *Guidelines for the Evaluation of Hydropower and Multi-Purpose Project Portfolios. Annex 2: Guidance on Non-Monetized Social and Environmental Indicators.* Retrieved from: https://www.mrcmekong.org/assets/Publications/policies/3-FINAL-Annex2-ISH02-Guidelines-9-12-15-updated-29Mar2016.pdf, p. 21.

¹⁰⁰ Ibid., p. 9.

¹⁰¹ Ibidem.

one hand, the Commission claims that a clear framework is needed that upholds "robust governance on sustainability". ¹⁰² In addition, the MRC calls for "rigorous basin-wide environmental and social objectives" to protect both man and nature against adverse effects of dam building initiatives. ¹⁰³

Surprisingly, however, the MRC fails to make its strong language tangible in its reports. In fact, thorough analysis learns that the ISH actually promotes a very *flexible approach* toward sustainability standards. There are, for instance, almost no concrete conditions connected to the siting and design processes (that were discussed in section 3.3). Moreover, the MRC remains merely vague about mitigation standards, stating that the most effective form of mitigation "will vary from project to project". ¹⁰⁴ Moreover, the commission makes no comment on the maximum permitted impact of dam infrastructure on society and environment, nor does it clarify which impacts should be valued in monetary terms and which should not.

The examples illustrate that the MRC proves to be highly reluctant to lay down strict rules and guidelines, which is in stark contrast to its rhetoric about 'rigorous environmental and social objectives'. The lack of any strong standards to prevent unwanted consequences of hydropower development could be viewed as a strategy to be more responsive to specific project contexts, as the MRC aims to allow "developers the flexibility to identify and propose the best solutions". The aversion to hard rules could be interpreted as yet another remnant of the Mekong Spirit. But, considering that the Commission itself underlined the need for rigorous standards, the flexible approach could just as well be the result of the widely varying position of member states, which prevent them from reaching a consensus on regulation of hydropower development.

3.6 Benefit Sharing: No Sustainability Without Equality

The final topic that will be highlighted now examines what should happen, according to the MRC, *after* the approval of a proposed dam project. As pointed out earlier, dam proponents are required by the Commission to mitigate adverse

¹⁰² Mekong River Commission (2014d). Hydropower Sustainability Assessment Tool, p. 1.

¹⁰³ Mekong River Commission (2011). Basin Development Strategy 2011-2015, p. 17.

¹⁰⁴ Mekong River Commission (2015d). Economics Practice Guide, p. 26.

¹⁰⁵ Mekong River Commission (2009b). *Preliminary Design Guidance*, p. 2.

(environmental) impacts. Still, it is advocated under the ISH that compensatory projects alone are not enough for sustainable completion of dam constructions. In addition to making up for the costs, benefits of hydropower development need to be distributed equitably too. In this respect, the notion of *benefit sharing* plays a major role. This is described as "a way to spread the benefits of a development project amongst designated participants over the long-term". ¹⁰⁶ Benefit sharing promotes overall levels of equality, it is thus viewed by the MRC as "vital to meet [the] hydropower sustainability challenge". ¹⁰⁷

Within the ISH, a distinction is made between two types of benefit sharing: national-to-local and transboundary benefit sharing mechanisms. National-to-local benefit sharing is driven by the recognition that, too often, it happens that promising prospects of grand development projects are not translated into true social progress. The MRC aims to ensure that affected communities "are counted amongst the first to benefit from hydropower projects and not the last". ¹⁰⁸ Dam proponents are, therefore, expected to take responsibility and invest a share of their profits in the enhancement of riverine livelihoods, either in a monetary or non-monetary form. Non-monetary forms of benefit sharing include, for example, employment creation and public infrastructure investment. ¹⁰⁹ National-to-local benefit sharing is championed in ISH reports as a tool to alleviate poverty, raise living standards and boost community acceptance of hydropower. ¹¹⁰

The second category – transboundary benefit sharing – is concerned with establishing mechanisms so that all four Lower Mekong countries reap the fruits of hydropower development in an equitable manner. Because Laos has the most ambitious damming policies, this nation would receive the lion's share of export revenues, while downstream neighbours pay the price (e.g. low water levels). The ISH combats such an morally unjustifiable spreading of benefits. Member states are therefore expected to negotiate arrangements to off-set hydropower impacts and share economic progress from country to country. 111 Yet again, the MRC is

¹⁰⁶ Mekong River Commission (2014a). Annual Report 2012, p. 38.

¹⁰⁷ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 34.

¹⁰⁸ Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 7.

¹⁰⁹ Mekong River Commission (2014a). Annual Report 2012, p. 38

¹¹⁰ Mekong River Commission (2014c). *National-to-Local Benefit Sharing Options for Hydropower on Mekong Tributaries*. *Regional Synthesis Paper: Main Report*. Retrieved from: https://www.mrcmekong.org/assets/Publications/Reports/Regional-Synthesis-Draft-Paper-FINAL.pdf, p. 43-45.

¹¹¹ Mekong River Commission (2010a). *Basin-wide Development Scenarios*, p. 114.

reluctant to commit its member states to strict measures, stating that there "are no set rules on what has to be shared and with whom". 112

3.7 Conclusion

In this chapter, I zoomed in on the ultimate goal of the moral economy for the Mekong's hydropower sector: sustainable development. Whereas some have questioned the extent to which it is possible to pursue economic, environmental and social objectives together (as discussed in section 2.4), there is no room for such doubt under the ISH. The MRC promotes – in an attempt to convince actors involved in the hydropower sector to commit to its sustainability plans - a moral of sustainability that is very much tailored to common perceptions in the region. The decades-old Mekong Spirit offers a solution to bridge the clashing views that some stakeholders have on hydropower development. Principles which underpin the interpretation of sustainable hydropower under the ISH can, therefore, to a large extent be traced back to this regional collaborative force. For example, the Initiative relies primarily on the idea of weak sustainability, as the preference for soft rules and the focus on economic growth are inherent to the Mekong Spirit. The notion of equitable sharing of benefits constitutes another bait to keep the broad range of stakeholders interested to participate in the ISH. The MRC itself deliberately refrains from choosing sides in the divided hydropower debate.

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¹¹² Mekong River Commission (2014a). Annual Report 2012, p. 38.

4. THE MEANS

BASIN-WIDE COOPERATION

4.1 Cultivation of a Collaborative Spirit

As the previous chapter has explored what the MRC exactly means by its goal to achieve sustainable hydropower and which principles underpin this goal, I will use this chapter and the one that follows to find out how the Commission aims to fulfil its sustainability objectives. After all, achieving a bright future for the Mekong requires much more than only formulating goals and guidelines. As with any ambition, the ISH could only fulfil its potential when all stakeholders involved get behind this initiative. Vitalising basin-wide cooperation is therefore considered a *sine qua non* by the MRC for the accomplishment of its sustainable mission, as the river basin institution posits that "no single organisation on its own can bring about sustainable outcomes". 113

But how does an intergovernmental body convince member states to put national interests aside – without having the authority to force them to do so? How does the MRC create a climate of cooperation in which the various parties involved – ranging from development banks to environmental organisations, and from energy regulators to civil society groups – feel heard under the ISH? Given the large amount of stakeholders and the clashing views they hold, the MRC considers it imperative to bring these players closer together. This is viewed by the Commission as the best strategy to bridge the gaps that exist between those actors, arguing that "sustainable hydropower development depends on [...] their level of collaboration and interaction with each other". 114

The MRC's primary strategy to cultivate a collaborative spirit – this study has found – is to unite stakeholders around shared values. In doing so, the river basin institution clearly builds on the notion of the Mekong Spirit, as has been described in the previous chapter too. The MRC hopes to inspire actors involved in the Mekong's hydropower sector to participate in its sustainability agenda by

¹¹³ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 6.

¹¹⁴ Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 1.

revisiting old core values. The organisation reminds its partners, for example, of the fact that the Mekong's decades-old framework for cooperation "is built on cooperation, coordination and mutual respect". The resilience of commons can, according to Disco and Kranakis, be strengthened through effective propagation of "positive rallying points [...] that encourage people to come together and think about interests and concerns larger than their own". The MRC also uses the concept of ownership as a rhetorical tool for persuasion. In the coming sections, I will examine how these concepts are used to foster basin-wide synthesis.

4.2 Striving for Broad Stakeholder Engagement

In today's network society, cosmopolitan commons are embedded in a rich web of cross-national relationships and interdependencies. Therefore, Disco and Kranakis emphasise the importance of building mutual trust, respect for rules and weighing clashing interests transparently. The most straightforward way to meet these imperatives is to reserve a seat for all key actors at the negotiation table; a message that has been clearly understood by the MRC. The organisation calls for "broad participation" in every stage of the hydropower project cycle. The ISH builds on the notion that when relevant parties of various backgrounds interact with one another, the level of sustainability that can be reached will be greater than the sum of the parts, as these partnerships "bring dynamic, creative and practical solutions that are acceptable to all MRC stakeholders". 119

The MRC itself figures, obviously, as the centre of the cooperative network that is created under the ISH (as will be discussed further in section 4.3). In the analysed reports, it becomes clear that – from all stakeholders – the MRC stays in closest contact with the four Lower Mekong states. The fact that those nations are framed as "the primary clients of the MRC" is unsurprising considering their status as member states of this organisation. These sovereign countries are, technically speaking, also among the most powerful players since they hold the

¹¹⁵ Mekong River Commission (2010a). Basin-wide Development Scenarios, p. 1.

¹¹⁶ Disco and Kranakis (2013). "Conclusions", p. 326.

¹¹⁷ Ibid., p. 321-322.

¹¹⁸ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 1.

¹¹⁹ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 34.

¹²⁰ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 17.

final say over dam projects planned on their territories. Strong engagement of these nations is therefore imperative for the ISH to succeed.

For the same reasons, the initiative wishes to deepen political ties with the two upstream nations: China and Myanmar. Both states are granted a position as Dialogue Partner. This means that representatives from China and Myanmar are invited once a year to join a so-called Dialogue Meeting in which they engage with MRC member states' officials and discuss ongoing basin developments. Furthermore, the ISH contributed to strengthening the relationship with China in terms of data exchange and site visits. Whereas this great power has been the subject of public criticism with regard to construction of large dam cascades on its portion of the river, the MRC refrains from questioning China's impact on hydropower in any of its reports. It typifies the *highly diplomatic* communication strategy of the commission. To promote basin-wide participation under the ISH, unifying rhetoric is preferred over publicly condemning unsustainable practices of one of the stakeholders.

Furthermore, the globalised character of today's commons that Disco and Kranakis describe in their book is clearly reflected in the efforts to involve actors from outside the Mekong Region in the ISH. The MRC argues, for instance, that participation of international financial institutions and donor agencies is crucial for the realisation of its sustainability ambitions. The river basin organisation also seeks to closely involve other intergovernmental institutions in discussions on the direction of hydropower politics along the Mekong. Regional bodies (such as ASEAN) and global ones (such as the World Bank) could help to navigate on the road towards sustainable hydropower, since they are capable of "bringing to the table experience and good practice from other regions". 124 In the same vein, the MRC invites NGOs and research institutions from around the world to share their knowledge and ideas with other Mekong stakeholders. 125

Lastly, the ISH promotes the inclusion of non-state actors. Given the fact that private sector investments are the main driver of hydropower development across the Mekong Region, it is considered essential to engage energy regulators,

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¹²¹ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 45.

¹²² Mekong River Commission (2015b). *Annual Report 2014*. Retrieved from: https://www.mrc mekong.org/assets/Publications/governance/MRC-Annual-Report-2014.pdf, p. 34.

¹²³ Mekong River Commission (2011). Basin Development Strategy 2011-2015, p. 38.

¹²⁴ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 65. ¹²⁵ Ibid., p. 45.

dam building companies, development banks and other relevant actors that can be linked to the private domain in the regional hydropower initiative. The MRC foresees that private actors might be less concerned with achieving sustainable outcomes, and claims – for that reason – that those private players "need to be open to public scrutiny and sensitive to civil society concerns". ¹²⁶ In addition to private sector involvement, the MRC values public acceptance of dam proposals as a building block of sustainable hydropower. Government authorities of Lower Mekong nations are urged by the organisation to anchor public participation in national decision making procedures – even though the MRC fails to specify how this should be done in practice. It nevertheless indicates that public involvement is seen as a prerequisite by the commission for sustainable outcomes.

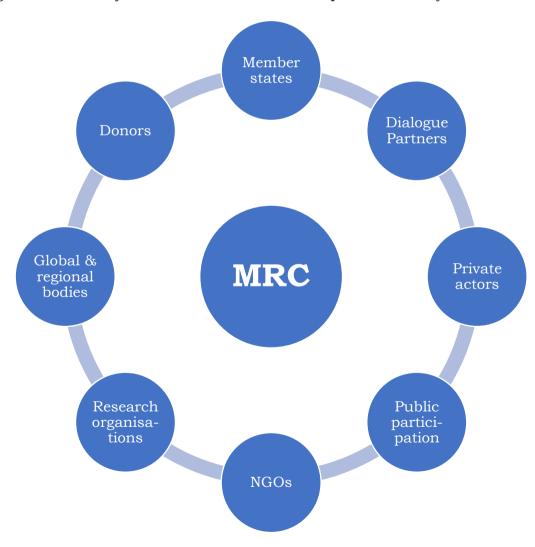


Figure 2. Overview of stakeholders included in the cooperation model of the ISH.

¹²⁶ Mekong River Commission (2011). *Basin Development Strategy 2011-2015*, p. 15.

4.3 The MRC as the "Focal Point" of Basin Cooperation

Figure 2 visualises the cooperative framework established under the ISH. In this model, I placed the MRC right in the centre of basin-wide affairs, as the Commission describes its own role as "focal point" of the Initiative. 127 But how does the intergovernmental body fulfil this responsibility? The MRC is, to begin, highly aware in terms of what it can and cannot as the Mekong's moral guardian. The MRC underlines that its member states have the final say about projects on their soil. It also explicitly distances itself from local and national issues that do not have any cumulative or transboundary impacts. 128 To illustrate: even though the river basin organisation voices concerns about resettlement of communities affected by dam building projects, it chooses to state that such domestic matters do not fall under its supervision. 129

Instead, the MRC considers it its job to *coordinate basin-wide affairs* from its position as a "central platform". ¹³⁰ It is noticeable that the Commission takes on a merely serving role in its relation to other stakeholders. The MRC confines itself to terms as "assist", "help" and "support" while describing its task to guide the hydropower industry on the road to sustainable resource management. The absence of any imperative demands in its rhetoric is yet another indication that the MRC accepts that it has no means to impose its will to other actors, and that it can do nothing more than to express its advice.

The Commission draws its added value as a regional institution from the idea that it occupies a great position to perform its serving, coordinating role. It believes that "no other organisation has the independence or credibility to reach out to the full range of stakeholders". The MRC claims that it has the unique capacity to look across all sectors: ranging from agriculture to navigation and from fisheries to flood prevention. By maintaining a helicopter view, the MRC can keep an eye on the overall development of the basin. Furthermore, the river basin organisation is convinced that its function as both a knowledge hub and

¹²⁷ Ibid., 13.

¹²⁸ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 30.

¹³⁰ Mekong River Commission (2015a). 20 Years of Cooperation. Retrieved from: https://www.mrcmekong.org/assets/Publications/20th-year-MRC-2016-.pdf, p. 23.

¹³¹ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 2.

¹³² Mekong River Commission (2015b). Annual Report 2014, p. 1.

facilitator of meetings between various parties involved in the hydropower sector helps to form a "common basis for dialogue and collaboration". 133

4.4 Strategies to Enhance Ownership and Responsibility

This brings us to the following – and maybe the most important – question of this chapter: how does the MRC encourage stakeholders to put self-interests aside? At least three main strategies were found through which the ISH boosts the sense of responsibility among key players. First, the facilitation of dialogue between different parties is considered a vital tool to raise awareness about the responsibility they hold in relation to the well-being of the basin. The very act of inviting institutions of varying backgrounds to gather around one and the same table is already expected to foster "development of a common understanding of the transboundary issues". ¹³⁴ As actors become more aware of economic, social and environmental concerns held by others, they will – the MRC reasons – feel more inclined to work toward sustainable solutions.

Second, the transnational body induces its partners to look beyond short term financial gains by maximising their sense of *ownership*. Since the MRC has no power to impose its will on actors involved in the hydropower sector, it turns to the strategy of emphasising greater individual accountability. The institution realises that the moral economy that is established under the ISH only stands a chance to fulfil its sustainability plans when actors responsible for dam building are repeatedly reminded of their moral obligation to work sustainably. The MRC stresses many times that its member states bear full responsibility for activities carried within their national borders. As such, the initiative "maximizes country ownership, responsibility and accountability". ¹³⁵ Building contractors are – on their turn – made aware of their duty to mitigate adverse impacts. ¹³⁶ In addition, the Commission highlights the high level of *vulnerability* of man and nature to hydropower development – for example by saying that "the livelihoods of millions depend on careful management of the river basin". ¹³⁷ This all fits in its strategy to encourage stakeholders to take responsibility.

¹³³ Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 1

¹³⁴ Mekong River Commission (2010a). Basin-wide Development Scenarios, p. 1.

¹³⁵ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 62.

¹³⁶ Mekong River Commission (2009b). Preliminary Design Guidance, p. 2-3.

¹³⁷ Mekong River Commission (2010c). State of the Basin Report, p. vii

Third, the ISH frames the Mekong River as a *regional good*. The initiative stimulates players involved in the hydropower sector to "move beyond national, sectoral planning towards comprehensive basin planning". ¹³⁸ In corresponding reports, there is hardly any word about specific sub-basins – although they can vary considerably in physiographic terms. ¹³⁹ Instead, the MRC intends to frame the Mekong River as one whole entity. It also emphasises the interdependencies that exist between different portions of the basin, warning that "cumulative and transboundary impacts become increasingly felt". ¹⁴⁰ Moreover, the beauty and magnificence of the Mekong is actively celebrated in the official discourse of the Commission. This helps to make actors aware that the Mekong is ultimately a cosmopolitan resource, rather than a local or national good – which could incite stakeholders to use its water more responsibly.

4.5 Mutual Respect: Conflict Management under the ISH

"Cosmopolitan commons are *not utopias*", Disco and Kranakis explain.¹⁴¹ They point at tensions that inevitably emerge in every large governance network. As with any other partnership, moral economies such as the one established by the ISH are vulnerable to discord, lack of action, rule breaking and other issues that thwart cooperative efforts. The MRC recognises that transboundary water management will – despite the strategies highlighted in the last section – involve situations in which stakeholders place their private or national interests above the common good, which "can cause conflicts between different water users".¹⁴² Since conflict management is at the heart of any long-lasting collaboration, this chapter closes with an examination of conflict prevention and resolution under the auspices of the ISH.

The Initiative adheres to the principle: prevention is better than the cure. The MRC believes that its role in facilitating dialogue and in guiding key actors through the hydropower project cycle already contributes greatly to avoidance of unnecessary conflicts. Existing guidelines regarding, for example, dam design or benefit sharing intend to let stakeholders act in favour of common interests. The

¹³⁸ Mekong River Commission (2011). Basin Development Strategy 2011-2015, p. iii.

¹³⁹ Mekong River Commission (2010c). State of the Basin Report, p. 10-11.

¹⁴⁰ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 10.

¹⁴¹ Disco and Kranakis (2013). "Toward a Theory of Cosmopolitan Commons", p. 45.

¹⁴² Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 10.

guidelines are nonetheless – as mentioned in section 3.5 – not bound by strict rules. The MRC trusts that a flexible approach enables stakeholders to identify solutions that are most suitable within a specific project context. Furthermore, the organisation calls for "mutual respect" – even in the face of widely diverging views – during dialogue and negotiation processes between stakeholders, in an attempt to clear the air in the fierce debate on damming the Mekong.¹⁴³

But what if a conflict *does* arise? The ISH does not prescribe any concrete conflict solving mechanisms, other than encouraging parties involved to pursue their dialogue in order to resolve the issue at stake. For example, when the three other Lower Mekong states opposed Laos's proposal for the construction of the Xayaburi Dam (the first dam on the Mekong's mainstream outside of China), the Commission urged its member states to continue the negotiation in the highest regional body: the MRC Council. Even though national leaders were still unable to reach consensus, they agreed that additional research should be carried out on the impact of such a big project. The research findings inspired Laos to revise the original dam design significantly, for example by including various proposed measures to reduce the environmental impact. The MRC finds that this kind of revision is "extremely rare for any hydropower development [project] around the world". The Commission cites this as an example for the willingness of states to find common ground, which is so typical for the Mekong Spirit. 145

4.6 Conclusion

Considering the wide range of actors involved in the Mekong's hydropower industry, the MRC recognises that its Initiative only stands a chance to succeed when the various stakeholders become connected in one basin-wide cooperation model. The river basin institution beliefs that it holds a unique position to reach out to the different stakeholders across the basin and spark interaction between them. In its reports, the Commission aligns itself with an optimistic rhetoric on the opportunities offered by regional cooperation. For example, instead of seeing the diverging backgrounds of stakeholders as a challenge, the MRC frames it as an opportunity to bring about dynamic and innovative solutions. Also, the MRC

¹⁴³ Mekong River Commission (2010a). Basin-wide Development Scenarios, p. 1.

¹⁴⁴ Mekong River Commission (2015a). 20 Years of Cooperation, p. 23.

¹⁴⁵ Ibidem.

does not perceive its lack of legal power as a problem, but chooses to emphasise that responsibility over the basin is fully born by member states and other key players. The various stakeholders are connected around unifying values such as *ownership* and *mutual respect*, which help to uphold a collaborative spirit.

5. THE COMMON BASE

KNOWLEDGE MANAGEMENT

5.1 The Need for a Shared Knowledge Base

The establishment of a moral economy to regulate exploitation processes ultimately rests on a shared understanding of relevant facts. After all, adequate knowledge helps to identify destructive mechanisms that could otherwise result in Hardin's *tragedy of the commons*. Such "perspicacious knowledge", as Disko and Kranakis call it, enables resource users to develop norms and rules in order to avoid the demise of the common good. ¹⁴⁶ Sustainable recourses management thus depends on generally accepted facts that remind parties of the need to put short-term self-interests aside if they want to protect commons in the long run. This explains why the acquisition and sharing of relevant knowledge is identified as the second key activity – in addition to promoting basin-wide cooperation – of the Initiative on Sustainable Hydropower. ¹⁴⁷

The MRC attaches much value to its role as knowledge hub in the Mekong Region. Gathering and disseminating information helps stakeholders within the basin to better adhere to sustainability standards, and is therefore viewed by the Commission as a primary capacity building tool. Think, for instance, of benefits that result from the development and sharing of intelligent technologies to boost the multifunctional use of dam designs, such as fish passages to conserve fish populations, techniques to transport trapped sediment, and navigation locks to ensure unhindered river-borne trade. Perspicacious knowledge is thus not only needed to identify existing problems. It can also provide smart solutions to tackle those problems. As such, "good information underpins all aspects of hydropower development and management", the MRC posits.¹⁴⁸

¹⁴⁶ Disco and Kranakis (2013). "Conclusions", p. 323.

¹⁴⁷ Mekong River Commission (2009b). *Initiative on Sustainable Hydropower: Work Plan*, p. 2.

¹⁴⁸ Mekong River Commission (2014b). *Guiding Considerations on Transboundary Monitoring for LMB Hydropower Planning and Management*. Retrieved from: https://www.mrc-mekong.org/assets/Publications/Reports/MRC-Guiding-Considerations-for-Transboundary-Monitoring-for-LMB-Hydropower.pdf, p. 4.

The Commission has a leading role in the management of knowledge with regard to hydropower development along the Mekong. The concept of knowledge management could be described as "the process of capturing, distributing, and effectively using knowledge", according to the widely cited definition by Thomas Davenport. I have chapter, I will illuminate how these different processes of knowledge management are approached under the ISH. Doing so, it will become clear that the MRC – on the one hand – strengthens the common knowledge base with new insights that fit within its envisioned moral of sustainability. But – on the other hand – the river basin organisation also has the opportunity to ignore uncomfortable questions, as I demonstrate later in this chapter.

5.2 Learning from Science and Best Practices

The first step to gain a better understanding of the MRC's procedures for knowledge management is to look into its methods for knowledge gathering. The analysed reports demonstrate that the Commission attaches great value to a *science-based approach*. When information about positive and negative impacts of a dam project is as accurately and reliably as possible, decisionmakers are in an optimal position to weigh economic, social and environmental factors. The ISH, therefore, advocates for decision-making based on "systematic, consistent and meaningful collection of good environmental and socio-economic information". Since the MRC keeps its distance from project-specific matters (as described in section 4.3), the institution focuses on giving an overview of basin-wide trends and conditions. Policymakers could then use this input to assess if the impacts of a project are acceptable from a sustainability viewpoint.

So which tools are used by the Commission to gather this 'consistent and meaningful' information? The intergovernmental body is equipped with its own data collection systems and services to track basin developments. This includes for instance hydrometeorological sites to measure changes in the Mekong's flow regime, sampling stations to assess water quality and surveys to gain insight in livelihoods of riparian populations. Besides its own models, the MRC regularly initiates external research studies to acquire an in-depth understanding of risks

¹⁴⁹ Davenport, T. H. (1994). "Saving IT's soul: human centered information management." *Harvard Business Review*, 72(2), p. 119.

¹⁵⁰ Mekong River Commission (2014b). Transboundary Monitoring for LMB Hydropower, p. 4.

and benefits related to hydropower development. Research or consultancy firms are then asked to map specific threats and opportunities. And when it comes to impacts with regard to individual dam projects, the MRC urges dam proponents to initiate and fund independent research – such as a Strategic Environmental Assessment (SEA) – which provides detailed information about estimated effects on the economy, social welfare and the environment.¹⁵¹

In addition to scientific knowledge, the MRC finds there are other sources of information which could just as well yield valuable insights for policymakers. The organisation argues that – as a regional platform – it holds a great position to gather *best practices* on how to realise sustainable outcomes in the different stages of the hydropower project cycle. Practical experiences and lessons from around the world with regard to subjects such as dam designs, benefit sharing, reducing environmental impact and other elements of hydropower development could help Mekong stakeholders. Next to learning from other regions, the MRC encourages actors involved in the ISH to share valuable experiences and lessons with each other as well during meetings. 153

5.3 From Knowledge Acquisition to Real Sustainable Action

Knowledge acquisition on its own will, however, not result in sustainable outcomes unless complementary action is taken. To start, there is a need for an authority that evaluates the current state of knowledge and navigates efforts to supplement the knowledge base with new data. The MRC is therefore entrusted by its member states with the weighty task to ensure adequate data availability on development opportunities.¹⁵⁴ In other words, the transnational organisation has the responsibility to identify and fill critical knowledge gaps. Throughout its reports, multiple gaps have been named, especially in relation to environmental and social impacts of dam infrastructure.¹⁵⁵ This, then, allows the MRC to carry out or commission new research studies.

Next to coordinative activities to gather information that is most needed, knowledge management also requires insights to be effectively distributed to the

¹⁵¹ Mekong River Commission (2015c). Hydropower Risks and Impact Mitigation Guidelines, p. 58.

¹⁵² Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 18.

¹⁵³ Mekong River Commission (2010b). *Initiative on Sustainable Hydropower: 2011-2015*, p. 7.

¹⁵⁴ Ibid., p. 41.

¹⁵⁵ Mekong River Commission (2014b). *Transboundary Monitoring for LMB Hydropower*, p. 85.

designated recipients. This has everything to do with *communication*. The MRC acknowledges the need to try to "increase the effectiveness of its communication strategy". After all, the collection of relevant knowledge only makes sense if the information is successfully passed on to actors responsible for decision making. The river basin organisation uses the close relationships it maintains with key players such as member states to ensure smooth communication. ¹⁵⁶ In addition, the Commission urges stakeholders to take their responsibility too. For example, national governments could play a vital role in expanding the local knowledge about hydropower development by actively sharing results of studies on dam building impacts with their populations, which can subsequently lead to better informed public participation. ¹⁵⁷

But even when knowledge is effectively shared, the question that remains is: will key actors actually make use of these insights? In section 3.4, multiple strategies have been discussed which help the MRC to remind partners of their responsibility to act in accordance with sustainability guidelines. On top of that, the Commission uses its public voice to make stakeholders more aware of the benefits of integrating (scientific) data in decision-making procedures. The MRC tries to convince Mekong countries, for instance, of the "win-win situation" that could emerge: applying perspicuous knowledge not only results in sustainable outcomes, but also helps hydropower projects to become more cost-effective. 158

5.4 The Case of the 2010 SEA Report

In 2009, Mira Kakönen and Philip Hirsch – respected scholars in the field of Mekong hydropower politics – published an article in which they reflected on the role of the MRC as a knowledge hub. The authors disputed the pretence of objectivity which the river basin organisation aimed to keep up. While this might not always be directly visible when reading its reports, the MRC is – as Kakönen and Hirsch argue – susceptible to distort or neglect research findings according to the interests of its member states. The article claims that the presentation of facts and estimations by the river basin institution on the impact of hydropower development is tailored to the dam building aspirations of Lower Mekong states,

¹⁵⁶ Mekong River Commission (2009a). *Initiative on Sustainable Hydropower: Work Plan*, p. 28.

¹⁵⁷ Ibidem

¹⁵⁸ Mekong River Commission (2015c). *Hydropower Risks and Impact Mitigation Guidelines*, p. 44.

and therefore positive effects tend to be overemphasised while serious risks are sometimes trivialised or even ignored.¹⁵⁹

In this thesis, I have found confirmation for the claim that the boundaries between science and politics can sometimes get blurred. This became especially apparent when noticing that the MRC disregarded a key recommendation from an important study that it had initiated itself. In 2010, the International Centre for Environmental Management (ICEM) – an Australian research institute based in Hanoi – was asked by the MRC to write a Strategic Environmental Assessment of the overall impact if the proposals to build 11 dams on the Lower Mekong's mainstream would be put into practice. The study is generally seen as one of the most influential Mekong studies released in the period under investigation, and is widely cited in academic literature. The MRC itself hailed the report as one of its "considerable achievements". 161

So, what were the main findings of the 2010 SEA report? Following their 12-month study, the ICEM team concluded that economic, social and especially the environmental impacts of dam cascades on the Lower Mekong's mainstream were surrounded by great risk and uncertainty. For that reason, the researchers strongly advised to *postpone* any further plans for construction of hydroelectric powerplants on the mainstream for a period of ten years. This period could be used to gain new insights on the consequences of mainstream dams, so to better inform political decisions. The MRC decided to – internally – endorse this crucial recommendation. 163

In its external communications, however, the Commission remained silent about the moratorium. Whereas one would expect the same organisation which had commissioned this study to publicly proclaim such a key recommendation, the MRC did not mention a single word on this specific aspect of the SEA report in any of the analysed reports. In fact, Laos decided to fulfil its large hydropower

¹⁵⁹ Kakönen, M. and Hirsch, P. (2009). "The Anti-Politics of Mekong Knowledge Production." In: Molle, F., Foran, T. and Kakönen, F. (eds.). *Contested Waterscapes in the Mekong Region*. London: Earthscan, p. 341-343.

¹⁶⁰ E.g. Eyler (2019). *Last Days of the Mighty Mekong*, p. 193; Grumbine et al. (2012). "Mekong hydropower: drivers of change and governance challenges", p. 94; Sajor et al. (2013). *Challenges in Developing a Basin-Wide Management Approach*, p. 14.

¹⁶¹ Mekong River Commission (2015a). 20 Years of Cooperation, p. 10.

¹⁶² International Centre for Environmental Management (2010). *MRC Strategic Environmental Assessment (SEA) of hydropower on the Mekong Mainstream*. Hanoi: ICEM, p. 136.

¹⁶³ Eyler (2019). Last Days of the Mighty Mekong, p. 194.

aspirations by starting with the construction of the Xayaburi Dam (in 2012) and the Don Sahong Dam (in 2016) on the Mekong's mainstream. This runs contrary to the recommendation from the ICEM team. Although the MRC highlighted that the proposals for these two dams were presented by the Laotian government, it fails to publicly refer to the moratorium – even in this situation.

5.5 Blurred Lines Between Science and Politics

The previous finding begs for further investigation. Does the MRC neglect more critical research observations in which generation of hydroelectricity as a dominant development model is being called into question? This question could be answered in the affirmative. Take, for example, its presentation of economic effects of dam building. Although the river basin institution frequently mentions that hydropower development is associated with considerable risks in terms of environmental degradation and social impacts, the MRC creates the image that dam building initiatives are always profitable from an economic point of view – if adequate benefit sharing mechanisms are in place. 164

Nevertheless, numerous critical comments have been made on the MRC's narrow economic framing. In 2011, a group of Mekong scholars concluded that the Commission tends to be overly optimistic about the economic effects of dam building. The so-called Constanza report warned the river basin organisation for the possibility that its evaluation of development scenarios could be distorted by a failure to capture the full range of risks and uncertainties. As such, the net benefits of dam building for the Lower Mekong could just as well turn out to be negative. Other scholars highlighted the great economic losses that can arise in sectors harmed by the barrier effect of dam infrastructure, such as fisheries and agriculture. Moreover, because hydropower development puts livelihoods and food security of riverine populations at risk, political unrest and mass migration movements are named as plausible consequences. Economic damage of such societal developments will be severe. And even if hydropower development leads

¹⁶⁴ Mekong River Commission (2010a). Basin-wide Development Scenarios, p. 74.

¹⁶⁵ Constanza, R. et al. (2011). *Planning Approaches for Water Resources Development in the Lower Mekong Basin*. Portland: Portland State University, p. 2.

¹⁶⁶ Baker (2012). *Dams, Power and Security in the Mekong*, p. 8; Pittock, J., Dumaresq, D. and Orr, S. (2017). "The Mekong River: trading off hydropower, fish, and food". *Regional Environmental Change*, 17(8), p. 2450-2452.

¹⁶⁷ Cronin and Hamlin (2010). Mekong Tipping Point, p. 5.

to major financial revenues, it remains to be seen to what extent these gains will trickle down to the affected populations. 168

In light of the clout of environmental, social and even economic concerns that surrounds the issue of damming, scholars and environmental organisations felt inclined to study other energy generation options for the Mekong River Basin. Research undertaken by the World Wildlife Fund (WWF) finds that all countries in the Lower Mekong are endowed with great potential for generating renewable energy other than hydropower. ¹⁶⁹ Its call for replacing hydropower development with regional investments in alternatives like wind and solar energy is supported in academic literature. ¹⁷⁰ Still, the MRC, while expressing intentions to evaluate other energy generation options for the Mekong River too, ¹⁷¹ never took the time to seriously consider any of these alternatives in its public reports. Furthermore, the Commission does not comment on any of the warnings named previously in this section – except from stressing that local populations need to be involved closely in distribution of economic revenues (see section 3.6).

So, apparently, the moral economy through which the ISH seeks to steer the behaviour of actors involved in the Mekong's hydropower industry leaves no room to openly question the desirability of hydropower development as the main mode of development in the basin. Why would the MRC want to ignore essential issues such as the ones that have been raised in this section? Throughout this thesis, I illustrated that the river basin organisation aims to engage other actors in its sustainability plans by relying on a unifying rhetoric which appeals to the imagination of the wide range of stakeholders. Publicly calling the desirability of hydropower development into question would directly contradict this strategy, as key players with vested interests in hydropower (e.g. states, development banks or dam building companies) could feel resentful. Laos could, for example, decide to withdraw from the ISH, which would be disastrous for this Initiative.

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¹⁶⁸ Williams (2020). "The Hydropower Myth", p. 12884–5.

¹⁶⁹ WWF (2016). *Greater Mekong Power Sector Vision 2050*. Retrieved from:

https://wwf.panda.org/wwf_news/?268530/Greater-Mekong-Region-Can-Reach-100-Percent-Renewable-and-Sustainable-Energy-by-2050-According-to-New-WWF-Study, p. 20.

¹⁷⁰ Cronin and Hamlin (2010). *Mekong Tipping Point*, p. 16; Eyler (2019). *Last Days of the Mighty Mekong*, p. 215-218; Fox, C. and Sneddon, C. (2019) "Political Borders, Epistemological Boundaries, and Contested Knowledges: Constructing Dams and Narratives in the Mekong River Basin". *Water*, 11. Retrieved from. https://www.mdpi.com/2073-4441/11/3/413, p. 13.

¹⁷¹ Mekong River Commission (2014d). *Hydropower Sustainability Assessment Tool*, p. 6.

5.6 Conclusion

The MRC attaches great importance to knowledge management processes within its hydropower programme. It understands that adequate information is imperative to realise sustainable outcomes. In its reports, the Commission pays particular attention to the need for decisions on hydropower development to be based on systematic and science-based data. Yet, it has been identified that the presentation of relevant information is guided by political considerations. Some important issues that have been found in scholarly literature are disregarded by the Commission. The intergovernmental body finds it better not to comment on statements or suggestions which emphatically call dam building into question. After all, it has been pointed out earlier in this thesis that publicly denouncing hydropower development could frustrate some of the actors involved, who might then decide to pursue their damming ambitions outside of the ISH.

6. CONCLUSION

REINTERPRETING THE MRC

Construction of hydroelectric powerplants is a matter of fierce contention in the whole world; the Mekong is not an exception. Dam proponents justify the construction of dam infrastructure by virtue of an old development narrative, in which dams are framed as the key to fulfil the Mekong's *undeveloped* potential. Hydropower development is – arguably – linked with socioeconomic progress, as dams could help to achieve a flourishing climate for investment, energy security, infrastructural improvements, and export earnings. Critics have, nevertheless, highlighted the detrimental impacts which those permanent constructions have on ecosystems. Furthermore, millions of people who reside in the Mekong Basin are at risk to lose their main source of income and nutrition.

In this study, I have reinterpreted the role played by a central body in the regional hydropower sector: the Mekong River Commission. This institution has figured as a popular target of criticism for scholars and activists who wished to express their disapproval of the flight that hydropower development has taken across the entire Mekong Region. Yet, I argue that – although their focus on the MRC is understandable, considering that this is the only institution tasked with the sustainable development of the basin – the prevailing picture of the MRC as an ineffective body for promoting responsible resource management is obscured by negligence of the highly complex world of hydropower diplomacy.

Instead of judging and evaluating the Commission as a legal-bureaucratic body, I advocate for an approach that appreciates the constrains that are placed on the authority of the MRC. After all, the means of this river basin organisation to exercise control over the course of regional developments are severely limited. Its member states – Cambodia, Laos, Thailand and Vietnam – were unwilling to hand over any formal power when they founded the intergovernmental body in 1995. Besides that, the Commission is settled with a weighty job to convince its member states and private investors of the need to match their strong economic orientations with environmental and social considerations. On top of that, large differences in opinion exist (e.g. between national and local perspectives) on the

question to what degree hydropower development offers a feasible and equitable mode of development for the Lower Mekong.

The puzzle that I have aimed to solve is straightforward: how has the MRC tried to engage the wide range of stakeholders in its sustainability agenda for the Mekong's hydropower industry, *despite* having no means to force its partners to act sustainably? The lack of access to legal-bureaucratic rule is a problem that many transboundary bodies need to deal with. Yet, Disco and Kranakis offer a hopeful message by positing that those institutions can – while being hampered by their lack of legislative power – still play a major role in protecting commons. The powers of persuasion provide an alternative method, they claim, to redirect other actors on the road to sustainable resources management. By establishing a regime in which collective values and responsible use of shared resources are promoted, the process of moral economy building represents a solution to avert the tragic fate of commons foreseen by sceptics like Hardin.

Therefore, I decided to apply the concept of *moral economy building* so as to better understand the engagement strategies used by the MRC. I specifically focussed on the hydropower programme that was launched by the Commission in 2008: the Initiative on Sustainable Hydropower. 17 reports (2008-15) related to this programme were analysed to learn what it means to rely primarily on the power of moral suasion to promote sustainable action. Doing so, I realised that the MRC's official discourse only represents a fraction of Mekong politics. After all, most discussions with respect to river basin governance take place behind closed doors. Acknowledging that, I find that the public rhetoric of the MRC on hydropower development – which has never been studied before – still provides valuable insight in sustainable river management. In fact, its public voice forms a strategic tool for the Commission to steer basin developments.

I found that the MRC has built its moral economy for the Lower Mekong's hydropower industry by giving due consideration to two constraints that restrict its hold on the basin: the high number of actors involved (e.g. state authorities, dam building firms, environmental organisations, civil society groups, etc.) and its lack of coercive means to impose its will on those actors. Hence, given these complicating factors, the organisation understands that its mission to promote responsible and equitable development can only be accomplished when a flame of cooperation, kinship and shared responsibility is ignited in the Mekong Basin.

The Commission therefore opts for a unifying rhetoric in its reports – which the various stakeholders could connect with.

In this study, I discovered that this unifying strategy had a profound effect on key considerations made by the MRC in the engagement of actors in the ISH. To begin, the moral of sustainability that the Initiative upholds is largely guided by an underlying attempt to gain broad acceptance for its sustainability agenda. Think, for instance, of the notion of benefit sharing or the MRC's appearance of impartiality that need to boost the willingness of actors of various backgrounds to participate in the hydropower programme. In addition, the interpretation and definition of *sustainable hydropower* is – under the ISH – aligned with principles related to the decades-old Mekong Spirit. Adherence to such a unifying regional cooperative force helps the MRC to connect actors around the same theme. Key principles that underpin the Mekong Spirit – such as flexible guidelines, respect for national sovereignty and primacy of the economic imperative – can therefore be found in the moral of sustainability promoted under the ISH.

For the second main theme of my thesis, I zoomed in on the way in which basin-wide cooperation has been organised in the MRC's moral economy. In line with the unifying strategy of the Commission, the river basin organisation aims to reach out to a wide range of stakeholders. Next to its own member states, the institution involves various other actors – including private firms, non-members China and Myanmar, other intergovernmental organisations and NGOs – in the ISH. The rationale behind this is that when parties with competing perceptions are invited to talk with one another, they can better understand other opinions, find common ground and come up with creative solutions. The MRC argues that its role is only to assist and coordinate the entire process. It seeks to persuade key players to take responsibility in protecting the Mekong River by enlarging their sense of ownership. Moreover, the Commission opts for a merely diplomatic approach in addressing undesirable actions. Rather than publicly condemning unsustainable practices, the MRC tends to magnify positive trends so as to uphold an optimistic, collaborative spirit.

As a final theme, the MRC's position as a knowledge hub was analysed. Creation of a common base of generally accepted information forms an essential instrument to get parties on the same page and foster regional synthesis. While the international body attaches much value to a reliable and scientific approach

for data collection, it has been illustrated that the presentation of knowledge by the MRC is strongly shaped by political considerations. The Commission dodges vital questions raised in other studies about the appropriateness of hydropower development as the Mekong's main development model (especially compared to alternative renewable energy options). If the MRC would call dam building into question in its public reports, it risks losing the involvement of dam proponents in its sustainable hydropower. Also, its unifying strategy would not benefit from raising doubt about the desired development model for the basin.

All in all, applying the concept of moral economy building to the Initiative on Sustainable Hydropower allowed me to shed new light of the role of the MRC. Approaching this river basin organisation as a moral guardian – as opposed to studies that judge the Commission as if it were a legal-bureaucratic ruler – has allowed me to appreciate more fully the complexities of engaging a wide group of stakeholders without having access to coercive means.

Moral economies are far from perfect, as this study has proved. Managing commons by adhering to a shared moral purpose means there is little room for voices or questions that deviate from that moral. I observed that the ISH affords no space to consider whether the very notion of sustainable development or the seemingly unshakable faith in the hydropower development model actually form the best available route to ensure a bright future for the Mekong and its people. Establishment of a moral economy also could not change the fact that the MRC still has no means to enforce compliance with sustainability standards.

Yet, I believe that the power of moral suasion offers an indispensable tool to protect commons against unsustainable practices that increasingly threaten their very survival in this day and age. In the case of the ISH, the unifying effect of the Initiative helped to avoid outcomes that could have been much worse from a sustainability viewpoint. I therefore encourage others to build on this work by doing further research on moral economy building. Since the book of Disco and Kranakis only focused on the operation of moral economies in Western contexts, it would be particularly interesting to learn from other regions as well. Also, the way in which moral economies evolve over time – an issue that was not included in the scope of this study – calls for more extensive investigation. Improving our understanding of moral economies is, after all, imperative for the protecting of commons on which we all ultimately depend.

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