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Author(s) / Autor(i): Richard Grünwald
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LANCANG-MEKONG COOPERATION: PRESENT AND FUTURE OF THE MEKONG RIVER BASIN¹

Richard Grünwald*

ABSTRACT

The main aim of this article is to analyse the role of the Lancang-Mekong Cooperation (LMC) and to explore current milestones and challenges in the context of regional water cooperation. The LMC represents a specific form of a sub-regional platform which has been established in 2016 by China's government. The purpose of this intergovernmental organization is to promote regional cooperation between six riparian states (China, Myanmar, Thailand, Laos, Cambodia and Vietnam) and ensure sustainable development of the Lancang-Mekong Sub-region. The results show that despite the LMC does not meet all the criteria to become a proper River Basin Organization (RBO), it still remains highly progressive and widely popular among the riparian states. Currently, according to RBOs database from Oregon State University (2019) there can be identified only three inter-basin RBOs which together ensure transboundary water cooperation in Southeast Asia. The author concludes that despite the LMC offering many opportunities for further river development, the LMC still did not reach its full potential and face several challenges. Data has been collected by process-tracing analysis of official documents and from secondary literature related to the LMC and Mekong River development. The author applied the concept of multi-track water diplomacy and compare the current performance of the LMC with other RBOs to illustrate the role of RBOs in TWM. The findings of this article therefore can be applied to other case studies where RBOs possess a strong position in shaping TWM and where China builds up viable regional cooperation.

* Mgr. Richard Grünwald, Ph.D. is a Post-doctoral Student at Yunnan University, Research Fellow at Institute of International Rivers and Eco-security and Researcher in the European Regional Development Fund Project 'Sinophone Borderlands – Interaction at the Edges' (CZ.02.1.01/0.0/0.0/16_019/0000791) at Palacky University in Olomouc (Czech Republic). The research for this article was supported by the Sinophone Borderlands project. Institute of International Rivers and Eco-security, 2 Cuihu N Rd, 650500 Kunming, Yunnan, China, e-mail: grunwaldrichard@ynu.edu.cn.

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Key words: transboundary water management, Lancang-Mekong River, LMC, RBO, China, MRC, GMS, AMBDC

Introduction

The Mekong River belongs to one of the biggest international rivers in Southeast Asia. The Mekong River is shared by six riparian states (China, Myanmar, Thailand, Laos, Cambodia, Vietnam) and thus presents strong incentives for transboundary water cooperation in the region. Until the 1990s, only three River Basin Organizations (RBOs) strengthening transboundary water management (TWM) and dealing with transboundary water governance (TWG) of the Mekong River Basin existed. In 2016, the People's Republic of China established the Lancang-Mekong Cooperation (LMC) as an intergovernmental organization for promoting regional water cooperation which is funded under the auspices of the One Belt, One Road Initiative (OBOR)². While the LMC currently represents a specific form of sub-regional cooperation platform building upon the tenet of “*spirit of equality, mutual assistance and win-win cooperation*” (Xinhua, 2017), some scholars claim that the LMC is rather China's prototype of “*financing [infrastructure] development and developing [China's] finance [in foreign countries]*” (Motta – Matthews, 2017).

The main objective of this article is to analyse the role of the LMC on TWM, examine differences between the LMC and other RBOs in the Mekong River Basin, and to show current milestones and challenges in the context of regional water cooperation. The text is divided into several sections. The first one outlines the multi-track water diplomacy and describes the relevance of RBOs in TWM. The second section is dedicated to the institutional evolution of three existing RBOs in the Mekong River Basin which were selected upon the River Basin Organization Database (OSU, 2019). The third section is focused on revealing the historical background and revising the current challenges of the LMC. The fourth chapter is left for the discussion about current challenges for the LMC in terms of strengthening actual TWM in the Mekong River Basin. The author worked with official documents, policy papers and other speech acts from China's official state media (Xinhua) and combined them with content analysis of secondary literature related to the LMC and China's water

² OBOR emerged in 2013 in accordance with the Go Out Policy (1993) and China's Peace and Development Strategy (2004) which fosters market and communication network between China and rest of the world, and also strengthens positive image of China's foreign policy (e.g. Hong, 2016: 29, Sevilla, 2017: 90).

diplomacy. Collected data about LMC then served as a guideline for illustrating the evolution of China's water diplomacy in the Mekong River Basin and for embedding the LMC into a broader hydro-political context. The RBOs dynamics has been also observed via the "Lancang-Mekong Water Cooperative Event Database" (1995-2015) designed by Yunnan University (Feng et al., 2019).

1 Multi-track water diplomacy and roles of RBOs on TWM

Water diplomacy belongs to a subsection of diplomacy which fosters acceptable benefits from the use of water, fulfill citizens' right to water and enables multi-level stakeholders to solve various international disputes over shared waters (e.g. Pangare, 2014, Marshall – Salamé – Wolf, 2017). Water diplomacy may be also perceived as a political tool for realizing certain objectives beyond water such as stability, security, peace, and cooperation (Schmeier, 2013). In other words, water diplomacy represents all kinds of measures which are undertaken by state and non-state actors to set up more equitable, sustainable, and peaceful TWM (Hutjens et al., 2016: 3). Stakeholders can be found both in the public and the state sector, and include various media, NGOs, governmental departments, state institutions, donors, and international communities. While supreme state authorities and other state-driven institutions are generally the key players in water diplomacy, non-state actors are also very important for TWM. For example, they may assist during various negotiation processes, provide additional technical reports, offer legislative assistance for local communities, train local water managers and farmers, ease the communication between a state's institutions, spread information enlightenment in the public, organize informal meetings or otherwise mitigate political tension over the water (Yasuda, 2018).

In this article, I applied the concept of multi-track water diplomacy developed by **Patrick Hutjens, Yumiko Yasuda, Ashok Swain, Rens de Man, Bjørn-Oliver Magsig and Shafiqul Islam** (2016) which examines stakeholder interaction within the international river basins in a three-level track continuum. The continuum varies in terms of formality, type of actors and its purpose, and show how particular stakeholders are involved in the TWM. *Track 1* represents the bilateral level of communication between governments and other state institutions. *Track 1* consists of the highest and most visible actors in TWG which delegate other sub-state and non-state actors to ensure

the national water security³. *Track II* can be characterized as an unofficial dialogue between privileged individuals (such as academics, religious, NGO, and other civil society leaders) who provide guidelines, feedbacks, and other types of recommendations on how to foster water cooperation in certain areas. In some cases, the high-ranking officials may also work together with particular non-state actors to resolve various conflicts in TWM⁴. *Track III* combines both *Track I* and *Track II*, and opens up the cooperation dialogue to multi-level stakeholders and a wider audience, including municipal and provincial agencies, think-tanks, universities, NGOs, and civil society organizations. The data for analysing multi-track water diplomacy are usually collected from interviews with stakeholders and by doing a content analysis of official documents, policy papers, and other speech acts. This method is very valuable because it provides another cross-check for field-based research and desktop-based research. However, the downside of this method lies in immense time consumption and higher possibility for information deviations during interviews.

To illustrate the stakeholder interaction, I decided to test multi-track water diplomacy in terms of RBOs which traditionally serve as umbrella organizations for water cooperation (GWP, 2009). The RBOs belong to one of the oldest intergovernmental organizations and have been established primarily for easing navigability and promoting regional water security of the waterways. Since the 19th Century, the role of RBOs has slowly expanded into solid basin-wide platforms which can “*standardize water policies across states, provide a discussion arena for diverse stakeholders and ensure viable water cooperation even during regional transformations, political fragmentation or armed conflicts*” (Gerlak, 2010: 6 cit. in Schmeier, 2013: 23). RBOs, therefore, represent “*institutionalized forms of cooperation that are based on binding international agreements covering the geographically defined area of international river or lake basins characterized by principles, norms, rules and governance mechanisms*” (Schmeier – Gerlak – Schultze, 2013: 8). Additionally, according

³ I use the term “national water security” in context of investigating the decisions-making process in water governance and effectiveness of water resources management rather than in context of seeking for water insecurities, water risks and other water-related threats that may negatively impact national or international security. For more information about the definition of national water security see (Grünwald 2018).

⁴ This process is sometimes labelled as a 1.5 track because it is on the edge between bilateral and multilateral level of water diplomacy (Hutjens et. al. 2016).

to **Susanne Schmeier, Andrea K. Gerlak, and Sabina Schultze** (2013: 9-12), there are three levels of indicators to identify RBOs.

The first level is called "*Internationalization*" and covers both legal bindingness of international law and political bindingness provided by RBO's member states (Bernauer, 1995: 352). Each RBO then must supervise a certain water resource (e.g. rivers, lakes, aquifers or icebergs) shared by two or more riparian states, rely either on legally or politically binding treaties, and show the commitment for managing international waters beyond national level (Schmeier – Gerlak – Schultze, 2013: 9-10). The second category called "*Institutionalization*" captures the degree of permanence, organization structure, and capacity of RBO to act independently in the international system (Schmeier – Gerlak – Schultze, 2013: 11). RBOs must be able to conduct their scientific studies, encourage water-related reforms, enforce international water law, and promote other forms of water cooperation. RBOs must be also transparent and diversify the source of their income between donors and its members. The last aspect for identifying an RBO is called "*Governance*" and comprises various principles, norms, rules, and water governance mechanisms which can be usually found in RBOs' founding treaties, policy papers, and other official documents (Schmeier – Gerlak – Schultze, 2013: 11). Firstly, every RBO needs to formulate certain principles which set normative standards how to govern and share international waters. Such principles cover general beliefs about sustainable and equitable protection of basin environment, obligations to not cause significant harm or conviction not to over-exploit international waters for socio-economic purposes (Schmeier, 2013: 23). Secondly, RBOs need to design various norms which outline obligations, rights and commitments upon which riparian states shape their behaviour towards TWM. Such norms may lead to more strict environmental protection, increase of joint investments in various water projects or further river development in particular economic sectors. Thirdly, RBOs need to set up binding rules which more specifically operationalize principles and norms. The rules have both prescriptive and proscriptive character and may include water allocation provisions, requirements for prior notification of co-riparian states or other water-related limits (Schmeier – Gerlak – Schultze, 2013: 12). However, general designs and consequences for not fulfilling such obligations still depend on the willingness of riparian states which institutionally anchor the effectiveness of RBOs (Schmeier – Shubber, 2018: 119). Fourthly, each RBO must possess water governance

mechanisms which provide legislative tools for pursuing its goals and developing its agenda. Such mechanisms are generally related to good governance, sharing data and information, designing mechanisms for solving conflict disputes, or otherwise redefining TWM practices that may potentially spill-over into deeper water cooperation (Schmeier – Gerlak – Schultze, 2013: 11-12; Schmeier, 2013: 23).

Currently, there are more than 116 RBOs (OSU, 2019). Most of them are generally informal, advisory, non-binding, and highly dependent institutions both financially and legislatively on riparian states (such as water committees and water councils). Nevertheless, there can be also identified formal, independent, and supranational coordinative institutions (such as water commissions and water authorities) (Wingqvist – Nilsson, 2015: 7-8) which are essential for this kind of study. The RBOs' effectiveness depends on several factors. Firstly, there are exogenous factors which are related to risk management, number and capacities of stakeholders, and power relations between riparian states. Secondly, there are endogenous factors related to the organizational structure, mandate, sources of income, and level of dependency on stakeholders (Schmeier, 2013: 26-40; Wingqvist – Nilsson, 2015: 5). Regardless of these factors, the most challenging issue remains in terms of multi-level stakeholder engagement in TWM where RBOs lack effective mechanisms for their further involvement. Until now, there has been no perfect mechanism to find a balance between the participation of multi-stakeholders and their involvement in TWM (Yasuda, 2018). With too many stakeholders, the negotiation process may lag and be ineffective. With fewer stakeholders, an RBO may marginalize certain issues in TWM or take an action in favor of privileged groups which may collide with other stakeholders. Therefore, seeking for better multi-stakeholder engagement within RBOs is more about estimating their contribution to actual water cooperation, evaluating their feedback, and finding mutual understanding rather than just expanding their privileges and responsibilities in TWG (Yasuda, 2018). To conclude, RBOs represent an important institutionalized form of basin-wide cooperation designed to overcome various water-related conflicts by providing binding legislative mechanisms for TWG over shared water resources (Schmeier – Gerlak – Schultze, 2013: 3-4).

2 Water cooperation in the Mekong River Basin

Since the 1990s, water cooperation in the Mekong River Basin has been facilitated by three RBOs⁵ – the Greater Mekong Sub-region Initiative (GMS), the Mekong River Commission (MRC), and the ASEAN Mekong Basin Development Cooperation (AMBDC). The first one, GMS, was established in 1992 as an investment program of the Asian Development Bank (ADB). GMS was designed “to enhance the economic relations among all six riparian states, strengthen infrastructure linkages, facilitate cross-border trade, investments, and tourism, enhance the private sector, develop human resources and promote sustainable use of shared natural resources” (ADB, 2002: 3). In fact, GMS initially set some cooperation mechanisms and outlined controlled political-economic integration in several economic sectors (ADB, 2008: 1). Since 1998, GMS has accelerated economic development through three “economic corridors” (East-West, North-South, Southern) which extended benefits from interstate cooperation in more distant regions, optimized investments across various economic sectors, and effectively linked riparian countries with other regional initiatives. As a part of the strategy, the GMS also supported special economic zones along the borders to strengthen the rural-urban ties, promote cross-border trade and connect riparian states into a broader road grid (ADB, 2018: 4).

Although GMS does not primarily deal with TWM, GMS has been recently more active in TWM by supporting the “GMS Core Environment Program” (CEP), and through information and communication exchanges which together boost regional water cooperation. The popularity of GMS, therefore, lies in its exclusive economic orientation and lenient regulations for member states. On the other hand, GMS has also some drawbacks. Firstly, GMS’s budget (currently about 7 billion USD) is highly dependent on the Asian Development Bank (ADB) and other foreign donors rather than the member states (ADB, 2008: i). Secondly, GMS was incapable of strengthening regional water cooperation and build trust among member states until 2002 when the shared vision about future cooperation has been established (ADB, 2008: 1). Thirdly,

⁵ In general, we can identify twelve cooperation mechanisms in the Mekong Sub-region such as the Lower Mekong Initiative (LMI), Mekong Integrated Water Resources Management Project under the auspice of the World Bank (IWRMP/WB), Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) etc. However, only GMS, MRC and AMBDC comply with the requirements for being identified as “full” RBOs (see OSU 2019).

GMS lacks strict environmental standards for TWM and fails to address the rising conflict of interests caused by rapid infrastructure development and deforestation in the basin. Moreover, even after the adoption of the new GMS Action Plan (2018-2022) which refined some of GMS' goals, most of the changes still remain vague (ADB, 2018).

Another dominant RBO is the MRC which was established in 1995 by the Mekong Agreement. The MRC heavily draws from the legacy of the Mekong Committee (MC) which until the 1990s was widely considered as an archetype of positive water cooperation (e.g. Wolf, 2007: 243). Compared to GMS, the MRC includes only four riparian states (Thailand, Laos, Cambodia, and Vietnam) and provides more complex assistance for TWM, including effective utilization, sustainable development, and environmental protection of local environments in the Mekong River Basin. The MRC also facilitates communication between riparian states and ensures compliance with international law, international arrangements, and other water-sharing standards. After its establishment in 1995, the MRC underwent several institutional reforms. The first one was the revision of the Procedure for Notification, Prior Consultation and Agreement (PNPCA) which now only monitors the development on the mainstream rather than the whole river basin. This change led to "uncontrolled" hydropower development on river tributaries and turned out to be a new source of conflict of interests among riparian states. The impact of PNPCA on TWM was lowered after November 2012 when the Laotian government formally rejected to suspend the construction process of the Xayaburi Dam. Despite strong criticism from other riparian countries, "*Laos legally fulfilled all amendments for regular consultation with stakeholders, conducted a legal evaluation of the Xayaburi project, and concluded that the Xayaburi dam follows the MRC design guidelines*" (PPLC, 2011: 14; Yasuda, 2015: 117-121). Secondly, the MRC's budget (currently about 15 million USD), similarly to GMS, is strongly reliant on external donors who represent a majority of the MRC's funds (Haefner, 2016: 50). The financial burdens lie on donors which simultaneously limit the manoeuvrability of the MRC, decrease institutional independence, and create another conflict of interest among stakeholders. Thirdly, the MRC does not involve all riparian states. China and Myanmar have the status of dialogue partners with less responsibility for TWM and virtually no limits for utilizing shared waters.

Even though the MRC tries to retain its optimistic legacy from the time of MC, the MRC still represents a "paper tiger" (Backer, 2007: 37) which runs away

from direct confrontation with its members (Cosslett – Coslett, 2014: 122-123) and maintains the “spirit of the water cooperation” at all cost. Ironically, relying on rule-based water-sharing schemes and strict environmental standards (i.e. equitable utilization, no harm principle) rather than sharing of benefits and building mutual trust among riparian states (Backer, 2007: 37) contributes to the decrease of political attractiveness and reduces the impact of the MRC on TWM. The second downside of the MRC comes with prolonging historical conflicts among riparian states. Such examples can be found between Thailand and Vietnam which both compete for the nominal leadership in the MRC (Sneddon – Fox, 2006: 192), or in the incapability to adapt the MRC’s institutional structure for dialogue partners.⁶ Thirdly, since 2016 the MRC has been dealing with a gradual decline of its funds from donors for joint river development due to rapid personnel reorganization, over-reliance on donors, and low relevance of proposed projects (MRC, 2016).

The last existing RBO is the AMBDC which was established in 1996 and comprises eleven states, including all six riparian states in the Mekong River Basin (ASEAN, 1996). Similarly like the GMS, the AMBDC fosters sub-regional economic development, enhances the policy dialogue between its members, and speeds up the economic linkages and sectorial interconnections between ASEAN countries (ASEAN, 1996). The AMBDC also seeks for improving the distribution of natural resources (Sunchindah, 2005) and providing mediation during various territorial disputes among ASEAN states. Such disputes can be especially identified in terms of the Paracel and the Spratley Islands in the South China Sea, the Cambodian-Thai litigation over the Preah Vihear Temple, or the lack of mutual respect between cross-border police patrols in the Golden Triangle and the Malacca Strait. However, these efforts are highly inconsistent which contributes to the dissipation of the AMBDC’s resources on duplicated human-economic projects (Feng et al., 2019: 66, Parks et al., 2018: 47, Tomas-Vilamyaor et. al., 2016: 243).

Another noteworthy activity of the AMBDC is based on coordination with RBOs, donors, and other cooperative programs. Since 2002, the AMBDC has intensified cooperation in regional water security, enhanced multi-stakeholder

⁶ In fact, if both dialogue partners will ever join, the MRC will need to at least re-design its goals, recalculate membership fees, balance the number of representatives, make several trade-offs in environmental protection and most importantly get the consent from all other riparian states to accept such institutional changes which will change the actual status quo in the MRC.

participation in the decision-making process, and otherwise implemented the principles of equitable and reasonable use in practice (Sunchindah, 2005). Unlike other RBOs, the AMBDC constitutes some sort of a lighthouse which attracts Chinese stakeholders to closer dialogue with ASEAN states. The AMBDC is then limited to acting as a specific platform for facilitating economic transition, promoting cross-border integration and encouraging closer economic ties between member states to mitigate potential conflict of interests (Goh, 2007: 26-27). Another drawback of the AMBDC is a weak cooperation mechanism which mostly refers privileges rather than responsibilities for member states and a lack of collective understanding between maritime and mainland countries about the AMBDC's political agenda (Parks et al., 2018: 5; Ho –Pitakdumrongkit, 2019).

3 The Lancang-Mekong Cooperation (LMC) – ascension of a new RBO?

The story of the LMC started in 2012 when Thailand proposed the Initiative of Sustainable Development of the Lancang-Mekong Sub-region. The initiative got a positive response and inspired Chinese Premier Li Keqiang at the 17th China-ASEAN Summit (2014) to establish closer cooperation between Mekong countries. In November 2015, China launched the LMC as a part of China's diplomatic agenda and economic statecraft (Chheang, 2018: 2). In the beginning, the LMC was just a vision of promoting socio-economic development in the Lancang-Mekong Sub-region, designing sustainable TWM, and mobilizing OBOR funds in practice⁷. The LMC is fully complementary with the principles and goals of OBOR. Moreover, with the OBOR funds, the LMC holds an “internationally prominent position” which may eventually reformulate concerns of Southeast Asian states about China's “all-round” cooperation (Hong, 2016: 25-26, Wei, 2017: 383, Williams, 2018: 10-11).

China's wishes came true in March 2016 on the 1st LMC Leaders' Meeting when high-ranking political representatives from all riparian states released the

⁷ Some authors may claim that China's LMC was not driven as an inevitable outcome of altruism, peace and mutual economic growth, but by the necessity to stabilize other regions that will allow China furthermore to grow and prosper. These concerns are mainly precipitated by “China Threat Theory” reiterated for example by USA at 17th Ministerial Meeting of the ASEAN Regional Forum (July 2010), “hydro-egoism” backed by Indian fears and “trickle down” diplomacy discussed particularly by lower Mekong countries, particularly by Vietnam (e.g. Wu, 2018, Thu, 2016).

Sanya Declaration which formulated a comprehensive framework for TWM. The Sanya Declaration identified five cooperation priority areas which include the focus on “*connectivity, production capacity, cross-border economic cooperation, water resources, agriculture, and poverty reduction*” (LMC, 2016). Since then, the LMC started to boost regional socio-economic integration, improve competitiveness, strengthen mutual trust, and systematically deal with non-traditional security issues (LMC, 2016). Some authors, however, claim that China’s strong interests in developing LMC stem from gaining substantial control over the Mekong Sub-region, delimiting influence of external actors (especially USA and Japan)⁸ and promoting synergy with the OBOR that will push forward China’s neighbourhood diplomacy (Biba, 2018, Middleton – Allouche, 2016).

Another LMC’s milestone can be identified in terms of the 2nd LMC Leaders’ Meeting in January 2018, when the Five-Year Plan of Action on the Lancang-Mekong Cooperation (FYP LMC 2018-2022) (LMC, 2018) was approved. The FYP LMC 2018-2022 was issued in accordance with the Sanya Declaration and formally reaffirmed to speed up practical win-win cooperation based on shared benefits, deepening of connectiveness with existing sub-regional cooperation mechanisms and encouraging the OBOR and other relevant development programs in Mekong countries (LMC, 2016). In 2018, China suggested to expand the cooperation areas, increase the number of proposed projects, and enhance water cooperation in technical exchanges, capacity building, drought and flood management, data and information sharing, and joint research and analysis (Dong, 2018). However, there is still a long way to consider the LMC as a rightful RBO because the LMC is still mainly a project-oriented initiative supervised by governments with limited participation from multi-level stakeholders.

Currently, two major institutional bodies under the auspices of the LMC can be identified. The first one is called the Lancang-Mekong Water Resources

⁸ The influences of both countries significantly vary. Whereas Japan mostly focus on infrastructure development and increasing mutual trade via the ADB, the GMS, the Japan International Cooperation Agency (JICA) and the Mekong-Japan Initiative, the USA more invest in improved services and other aid for local communities with high-added value within the Mekong Initiative (LMI) and U.S. Agency for International Development (USAID). However, some authors claim that US-Japan efforts are also driven by opposing China influence in Southeast Asia, especially in terms of access to the South-China Sea (regular US Navy exercises) and Indian Ocean (Japan hold majority of ownership of Myanmar ports) (e.g. Eyster, 2013, Shi, 2016).

Cooperation Center (LMWRCC) which provides comprehensive support for the implementation of the FYP LMC 2018-2022 and develops new alternatives for further regional water cooperation. The LMWRCC along with the Global Water Partnership (GWP) also discuss the establishment of the Lancang-Mekong Multi-stakeholders Platform (LMMP) which should help overcome various challenges, bring sustainable solutions and facilitate joint knowledge with multi-level stakeholders (Tun, 2018). Until now, the LMMP vision has been repeatedly consulted with various water professionals at numerous workshops, meetings, and even on the internal GWP online forum where they can submit their ideas (Yasuda, 2018). The second one is the Lancang-Mekong Environmental Cooperation Center (LMEC) which promotes environmental protection and eases negotiations between local governments, environmental specialists, and environmental NGOs (LMEC, 2019). The LMEC together with LMWRCC also respond to global economic and food crisis challenges via *“dispute management, shared vision planning, and consensus building [that will not] compromise the sustainability of vital ecosystems”* (GWP, 2000: 22; Houdret – Kramer – Carius, 2010: 8). Such a framework is widely recognized as the Integrated Water Resources Management (IWRM) and presents systemic urban planning and river management processes which seek for appropriate options rather than ultimate solutions for sustainable human and environmental development (Smith – Clausen, 2017: 9). Similarly like in the case of the LMMP, the IWRM may constitute a concept of innovating the TWG. However, since 2006 when the concept was introduced, there has been no consensus about how to apply the IWRM in practice (Cook – Bakker, 2012). Although some attempts by the MRC to implement the IWRM in practice can be identified (e.g. MRC, 2017), the IWRM procedures are still limited to certain sectors.

Another dimension of the LMC lies in keeping China’s legacy of regional cooperation and enlarging the pie of benefits within other riparian states. For this purpose, Chinese officials often rely on the principle of the “Mekong Spirit” of water cooperation⁹ (e.g. MWR, 2017; FYP LMC, 2018-2022; Xinhua, 2018a) which symbolizes viability, harmony, and prosperity among nations. The principle has been widely known since the 1950s when the MC used this term for accelerating regional water cooperation and promoting joint river

⁹ For simplification, I merge this concept with MRC even though China use similar symbolic equivalents in official documents like: Paukphaw cooperation (Sino-Myanmar brotherhood relations), spirit of Lancang-Mekong River, spirit of openness, win-win spirit, spirit of LMC etc.

development between MC countries (Sneddon –Fox, 2006; Backer, 2007: 38). From then onwards, the “Mekong Spirit” has slowly evolved and has become an informal token of goodwill, a form of unscrupulous justification of economic interests and a strong incentive for ensuring fragile hydro-political relations among states (Grünwald, 2018: 97). China’s officials then incorporated this principle into LMC to get credit for further basin development backed by Chinese investors and to imbue a specific form of “tributary gratitude”¹⁰ which informally reminds countries “how to please China” in exchange for China’s “brotherhood patronage” of the Lancang-Mekong River (LMC, 2016, Matthews and Motta, 2017, Urban – Siciliano – Nordensvard, 2018). Although China is medially criticized for prolonged territorial disputes in the South China Sea, tense relations with Taiwan, or permanent border disputes over the Himalayan region with India, the number of cooperative events within the Mekong Sub-region still overshadows the existing conflicts (PWCMT, 2018)¹¹. Moreover, China via OBOR and LMC invest far more effort to promote regional stability and build up mutual trust (e.g. Wei, 2017: 389, Tay, 2018: 38) than any other riparian state.

Along with state officials, a big help for promoting China’s water diplomacy also comes from several Chinese State-Owned Enterprises (SOEs). The SOEs represent various lobbyist groups and other pro-business agencies which are involved in high-level politics. These subjects such as the China Development Bank (CDB), EXIM Bank, Sinohydro, Gezhouba, or Huidian (IR, 2014a) heavily promote big infrastructure projects which may outweigh any positive outcome for local communities and environments. Since the 1990s, China has made significant progress in revising compensation policies, involving more non-state actors in TWG, and establishing robust environmental projects within and above its borders. Additionally, China has accelerated anti-corruption campaigns to delimit “toxic behaviour” of particular SOEs and several political individuals in high political circles that might spread negative sentiment from China’s foreign policy (Fabre, 2015; Shih, 2010). Although this campaign looks like foreplay before the official launch of the Social Credit System in 2020 which should have

¹⁰ According to Motta and Matthews (2017), all Chinese loans comes with “strings” which have influence on the state’s economic growth and political behaviour of hydrocracies in host countries.

¹¹ According to PWCMT (2018), between 1995 and 2008 there have been in total 96 different water events among six riparian states in the Mekong River Basin. China has been directly or indirectly involved in 40 water events from which 27 records were considered as a mildly, moderately and highly positive (BAR 1-6), and the rest of 13 records measured as a mildly negative (BAR 0 and -1).

a more significant impact on corruption and criminality at all levels of China's society (Dai, 2018: 39), China still predominantly “*puts the faith in formal government to government consultations rather than in reaching out to the societies at the grassroots level*” (Daojiong, 2015: 45). This can be especially apparent in terms of SOEs which leave the compensation policy and negotiation with affected communities up to local governments and other host state authorities (e.g. Matthews and Geheb, 2015).

4 Perspectives of the LMC and water cooperation in the Mekong River Basin

What to expect from “China’s rising star”? The LMC is highly complementary with all three existing RBOs (Chheang, 2018: 5) and possesses a solid basis to become a proper RBO in the upcoming years. Since 2016, the LMC has regularly organized conferences, meetings, and various workshops to build up trust, speed up actual cooperation, and develop additional backup plans for further cross-border economic integration. The LMC’s meetings are quite frequent and provide useful coordination between high-level officials. There are several reasons why the LMC become so popular in recent years. Firstly, the LMC has been primarily initiated by riparian states rather than external donors and it has been exclusively designed for the Mekong Sub-region. The “forgotten” half of ASEAN countries therefore finally got their voice and started to negotiate about its inland’s troublesome issues (Busburat, 2018: 2). Secondly, the LMC enjoys strong political support from all riparian states and possesses high commitment from China to ensure regional cooperation and pro-development legacy since the Deng Xiaoping era (Tellis – Szalwinski – Wills, 2019: 7, Buzan, 2010: 16). Thirdly, the LMC provides a flexible institutional design which simulates benefits from existing RBOs and stimulates practical affinity between riparian states according to “*Lancang-Mekong Spirit which puts development first, encourages equal consultation, promotes pragmatism and high efficiency, and enhances openness and inclusiveness [among states]*” (MOFA, 2018). Fourthly, the LMC motivates other countries to spend money on renewable sources of energy (RWS), particularly on solar parks and hydropower dams. China as the global leader in RWS has enough experience, technical capacity, and capability to diversify energy consumption, reduce reliance on fossil fuels, and decrease the environmental pollution. Fifthly, China decided to debate about consistent water governance scheme and other

water scheme mechanisms that will allow other riparian states to get more water in a dry season even though China inevitably face future water crisis and repeatedly refused to consult the development on the Lancang-Mekong River with previous RBOs.

Although the LMC has already made a degree of effort in last years and keeps positive outcomes in terms of promoting regional economic development, improving people's livelihood, protecting the environment or intensifying socio-cultural exchanges (e.g. Wei, 2017: 388; MOFA, 2018), there are still many challenges which may potentially wash away the LMC's effort. Firstly, while the LMC represents a big opportunity for fuelling South-East Asian economies, accessible and affordable loans funded via OBOR simultaneously pose a strong temptation for riparian states. High economic dependence and willingness to receive cheaper loans and other lucrative aid from China may then lead to a "debt trap" (Hurley – Morris – Portelance, 2018; Nguyen, 2018)¹². This trend is especially apparent in terms of build-operate-transfer (BOT) projects in Cambodia, Laos, and Myanmar which brings high-returns to Chinese SOEs and allows financing a host state's development without undertaking structural reforms.¹³The host governments and affiliated state institutions absorb risks and provide various guarantees for SOEs, such as better prices for renting the land or bending legislation in favour of investors. Chinese SOEs then share long-term profits and cover most of the expenditures related to the operation and modernization of BOT projects (Middleton – Matthews – Mirumachi, 2015: 129).

Within just three years, the LMC with the help of OBOR financed more than half of 45 "early bird" projects (e.g. roads, railways, waterways, airways, energy projects) by 11.54 billion USD, enhanced confidence in multilateral cooperation, and shrank the list of controversial joint-infrastructure projects (Xinhua, 2018b; Busburat, 2018: 3; Wang, 2018). Additionally, China has committed to funding the South-South Cooperation (200 million USD), creating a special LMC Fund (300 million USD) that will provide support for small- and medium-sized

¹² Ian Baird mentioned that LMC's members would like access to China's money, but at the same time they would like to get respect their sovereignty and to keep cooperation without Chinas influence (Boyle – Narin, 2018) which is not possible. This approach can be interpreted as a "hypocrisy of downstream countries" where these states may pose negative impact on water utilization in upstream countries (Pongsudhirak, 2016).

¹³ BOT projects represent various large-scale infrastructure facilities which are predominantly financed by foreign SOEs and designed to the demands of the host state. BOT projects are usually operated by several foreign SOEs for approximately 20 to 50 years and give the full ownership into the hands of host government at no cost after the time pass (Weatherby, 2012: 21).

cooperation projects (Wang, 2018), and is willing to support another 132 “expansion” projects which will deepen mutual economic and non-economic ties (Xinhua, 2018c). Among the most important BOT projects we can identify e.g. the Kyaukpyu port or the suspended Myitsone hydropower dam in Myanmar, the high-speed railway from China to Laos, the Thai-Chinese highway from Kunming to Bangkok, Lower Sesan II hydropower dam in Cambodia or the Long Giang Industrial Park in Vietnam (Xinhua, 2018a; Busburat, 2018: 3; Xinhua, 2018c).

The second challenge can be found in unclear ambitions of the LMC. The LMC might aspire to overshadow other RBOs and be more benevolent to the sustainable development of the Mekong Sub-region (Cheang, 2018: 5). China is not interested in full involvement in the MRC (Tomas-Vilamayor et al., 2016: 7) or any other RBOs (Zheng, 2017) for several reasons. One of them is that the Mekong River is an additional transboundary water source for China where most of the water- and weather-related challenges are not perceived as imminent as in other riparian countries. Another reason is related to the controllability of Chinese funds. China would like to maintain full control over its investments and spend money on technically feasible and environmentally sustainable projects. Rather than being controlled by various foreign sponsors and donors like in other RBOs, China wants to consolidate technical-environmental knowledge, offer a plausible centrally-regulated investment platform, and facilitate several projects with multi-level stakeholder’s involvement on a flexible basis (Sach, 2018: 19-20). Ultimately, the reasons are connected with having to share hydrological data. Although sharing hydrological data belongs to one of the essential principles derived from international law, the willingness and capacity to share such data vary significantly among the riparian states. Spreading panic and feeding resentment against China’s infrastructure projects (e.g. Koutsoukis, 2018; Bernstein, 2017; Laureyn, 2017) therefore lead Chinese state officials and Chinese SOEs to debate about the side effects of joint river development at *Track I* and *Track II* rather *Track III*.¹⁴

¹⁴ Riparian countries do not often criticize adverse impacts of Chinese hydropower dams due to the fear of possible retaliatory actions from China (Titthara, 2015). In fact, for many stakeholders there is no place for open criticism, but only polite feedback that may not collide with pro-business interests. The most significant retaliatory action can be identified in Myanmar where the total volume of Chinese investments dropped from 7.5 billion USD (2011) to 407 million USD (2012/2013) due to suspension of the Myitsone hydropower dam (Sun, 2013: 1) or in Cambodia

On the other hand, China has been repeatedly commended by riparian states for increasing the volume and scope of shared hydrological data (MRC, 2011: 38; MRC, 2013) and for increasing water discharge flow from the Jinghong hydropower dam to alleviate seasonal droughts¹⁵ (MRC, 2018).

The third challenge is represented by China's national water security and completion of the Yunnan Cascade which consists of several mainstream hydropower dams. Although many researchers associate rapid river development with lowering water discharge, declining of fishery and gradual loss of water sediments, there is lack of long-term monitoring (>10 years), a plethora of scientific uncertainties (absence of systemic studies and data flaws) and various disputes over scientific conclusions which hamper accurate evaluation of contemporary water challenges (Dang – Ouillon, 2018: 15-17). Additionally, changing the landscape during construction, or weak participation in relocation and resettlement policy present strong incentives for protesting against Chinese SOEs, particularly Sinohydro (Walker, 2014) or Hydrolancang International Energy (IR, 2014b). However, the danger of these watershed problems lies neither in over-utilization, nor in China's lust for water (Sinha, 2015: 168), but rather in the capacity to successfully ensure its national water security and the capability to contribute towards sustainable development of the basin.

The fourth challenge represents mutual trust, misunderstanding, and prejudice to the LMC. So far, the foreign and state media put resentment from changing the quantity and quantity of the shared waters on account of China's water diplomacy rather than debating about cumulative effects of joint river development. While using China as a "political basher" and "public villain" meet with a great public audience and popular narrative in recent years whenever is true or not (e.g. The Nation 2019, Yang 2019), feeding such black-and-white insight may instead create "communication walls" that will be harder to get rid of in future. For example, when China released more water from Jinghong hydropower dam in March 2016 after series of severe droughts which is what Vietnam and other riparian states on the lower reach of the Mekong River wanted, some scholars claim that this event should not be interpreted as a

where Hun Sen's government vehemently supports inflow of Chinese investments into state's development regardless of the impact on local communities and local environments (RGC, 2008).

¹⁵ Some authors (e.g. Straffor 2016) claim that water discharge from Jinghong hydropower dam had low impact on mitigating the severe droughts and only deepen downstream concerns about water regulations scenarios in future (so called "trickle-down diplomacy").

“token of goodwill or showing the spirit of water cooperation” but rather as an act of “merciful charity”, “showing the influence over the water flow” or more surprisingly as a “weapon for enforcing its control over Southeast Asia” (e.g. Son, 2016; Chellaney, 2016, Stratfor, 2016). The LMC, therefore, does not aim to be over-ambitious as it was the “Peaceful Rise Strategy” (November 2003) (MOFA, 2016) and try to find common ground for solving the conflict of interests over the Mekong River very carefully.

To conclude, China negotiates at all levels of water diplomacy. Although *Track I* and *Track II* are the most visible characteristics of China’s water diplomacy, the LMC also accelerated its activities in *Track III* by organizing various workshops, exchange meetings, and other non-economic events (Xinhua, 2019a, Xinhua, 2019b) which raise public awareness about the LMC. Nevertheless, *Track III* has still not been fully developed and mainly depends on the willingness of riparian states, degree of transparency of LMC activities, and level of involvement of non-state actors in the LMMP and the IWRM. While blaming China for any deterioration of quality and quantity of Mekong waters represent popular discourse among riparian states how to shift most of the domestic failures and troublesome issues on shoulders of Chinese authorities, it simultaneously creates a breeding ground for mutual distrust and leaves regional water cooperation far behind its full potential.

Conclusion

It might be too early to compare the LMC with other RBOs, but the LMC already showed a big commitment to protect and develop the Mekong waters. The LMC cannot solve all water disputes among riparian states overnight, but it might at least address various concerns from its member states, solve some unsettled bilateral issues and allow multi-level stakeholders to build trust and overcome various difficulties in TWG (Wang, 2018). The LMC, therefore, represents a new kind of RBO which draws from existing RBOs (GMS, AMBDC, MRC), but simultaneously follows its unique way to strengthen regional water cooperation and positively enhance China’s water diplomacy image in the Mekong Sub-region. The comparison between existing RBOs highlighted several challenges which are impeding actual regional water cooperation. Firstly, RBOs’ budgets are significantly dependent on donors rather than riparian state subsidies. Additionally, all existing RBOs were initiated by outsiders and not primarily according to the common will of riparian states.

Some RBOs, notably the MRC, also lack enough stable working personnel and deal with an insufficient amount of funds for conducting more systemic research within the basin. Secondly, most RBOs focus on increasing economic competitiveness, enlarging economic benefits, and establishing more effective connectiveness rather than easing non-economic cooperation, building mutual trust, or reinforcing TWG. Although the MRC has made more effort in sustainable development and international law enforcement than the GMS or the AMBDC, the MRC's PNPCA mechanism has been already breached and the MRC does not provide any guarantee of solving similar problems in the future. Compared to the LMC, China is able to enforce bindingness of such legal procedures and repeatedly proved that it can act in the time of need. One such example can be found in 2011 when China with other riparian states established joint border patrols as a response to endangered water transportation safety by Naw Kham's gang. This kind of water cooperation was spontaneous and showed how China's call for justice may be effective (West, 2018: 269). However, it also highlighted that China's jurisdiction is not limited by the state boundaries and that China will treat any criminal actions that endanger good neighbourhood relations (Perlez – Feng, 2013).

The key to success for the LMC, therefore, lies in the active engagement of Chinese stakeholders through official support of China's government in joint river basin development funded via OBOR, frequent high-level political meetings (*Track I* and *Track II*) and flexible all-round mandate which automatically includes all riparian states. Moreover, riparian states may also get more opportunities to shape TWG along with other RBOs and get a better position for squeezing China's "goodwill" for joint river development in their favour. On the other hand, the LMC is not yet a "full" RBO because it lacks coherent water governance mechanisms and binding rules. The LMMP and the IWRM scheme (*Track III*) are also still in the discussion process and it is hard to say when the LMC will take a step towards deeper non-economic water cooperation. Although both the LMEC and the LMWRCC are quite active in various workshops, conferences, and other public events dedicated to the Lancang-Mekong River development and effective TWG (*Track III*), the LMC is still mainly project-oriented and not a fully transparent project. Moreover, similarly like in other RBOs where institutional effectiveness comes from financial assets, the LMC rise and falls with OBOR funds (Hong, 2016: 25, Williams, 2018: 11).

To conclude, the LMC has a big potential to help riparian states to ensure their national water security, establish a solid TWM scheme without escalating

conflict of interests and promote versatile regional water cooperation in the Mekong Sub-region. While the LMC might evoke uncertainties from spreading China's influence over Southeast Asia or raise concerns about payback terms and deadlines, the LMC itself does not present a threat, but rather a big opportunity for riparian states which may set a new path for sustainable TWG over the Lancang-Mekong River Basin. Instead, the question is: "Who to blame?" China's government for showing an open hand full of easy money and other lucrative opportunities with "strings attached"? RBOs which accelerated unsustainable river development without deepening trust? Or governments from riparian states willing to grab from the outstretched hand without considering the consequences? Additionally, while the LMC might get more credit for increasing mutual benefits from river basin development in future, it might simultaneously absorb all risk and gain responsibility for ensuring better quantity and quality of Mekong waters (Hecht – Lacombe, 2014: 5; Heikkilla – Gerlak – Wolf, 2014: 13).

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