Public Participation and Contested Hydropower Governance in the Lower Mekong River Basin

Ming Li Yong
School of Geosciences, Faculty of Science
The University of Sydney

A Thesis Submitted in Fulfilment of Requirements for the Degree of Doctor of Philosophy
2019
STATEMENT OF ORIGINALITY

This is to certify that to the best of my knowledge, the content of this thesis is my own work. This thesis has not been submitted for any degree or other purposes.

Ming Li Yong

January 2019
ABSTRACT

The thesis is concerned with how different forms of public participation have been conceived of, implemented and contested in the context of hydropower governance in the Lower Mekong River Basin, specifically in relation to dam development on the river’s mainstream. Through the case studies of Thailand and Cambodia, the thesis examines the public stakeholder consultations organised under the framework of the intergovernmental Mekong River Commission (MRC) in relation to the Xayaburi, Don Sahong and Pak Beng dams, and how this has come to be criticised as an unmeaningful process in contrast to participatory events organised by a regional transnational activist network known as the Save the Mekong Coalition (STM). First, this involves examining how an effective analysis of the public stakeholder consultations depends on a nuanced understanding of national institutional contexts, and how public participation has been framed by technical government agencies as domains for government intervention. Second, the thesis examines how technical discourses and actors have come to dominate stakeholder consultations. Through the use of event ethnography, the intimate spaces of the stakeholder consultations are studied both in terms of how power dynamics are generated through their physical and spatial dimensions, and the ‘performances’ of state and nonstate actors. The tensions arising from state attempts to render the stakeholder consultations ‘non-political’ and to contain challenges to the status quo are examined through this perspective. Third, the thesis considers the elements that constitute meaningful spaces of participation for local communities, and how these spaces are situated in wider power relations at the national and local level.

These discussions are situated in a conceptual framework that emphasises the notions of 1) rendering technical, 2) a co-produced, emergent and relational understanding of public participation, and 3) performativity. The thesis posits that the state-organised public stakeholder consultations have been rendered technical by state actors in ways that draw upon uncritical assumptions relating to publics, place, scale, and time, and legitimise technical discourses over the lived experiences and concerns of local communities. The public stakeholder consultations were found to be concerned with technical categorisations of the Mekong River and largely dislocated from the wider political-economic drivers of hydropower development in the Mekong Region. In contrast, the alternative participatory spaces organised by the STM Coalition emphasised the authority of community voices, the pursuit of accountability through multiple avenues, and a critical evaluation of the technical information relating to the proposed dam projects. The thesis argues that it is necessary to consider state and nonstate forms of public participation in relation to one another as the experiences of participants in one site influences their perceptions of another. Critically, this perspective creates a wider and more nuanced understanding of what public participation may encompass. By situating participatory spaces within their wider multiscalar political contexts, the thesis considers how this landscape of participation presents both opportunities and challenges for wider public participation in Mekong hydropower governance.
ACKNOWLEDGEMENTS

I would like to acknowledge and express my appreciation to the following people, without whom the completion of this thesis would not have been possible:

My supervisors, Dr. Robert Fisher and Dr. Josephine Gillespie, for their steadfast support throughout the course of the PhD. Their enthusiasm and faith in this project have been vital in helping me to overcome various obstacles and challenges, and in pushing this research project forward. Their support, supervision, and encouragement especially during the last few months of writing, were critical for the completion of this thesis. I would also like to acknowledge their contributions in making editorial suggestions to the thesis.

Academic staff in the School of Geosciences at University of Sydney for their support. I would like to thank Professor Philip Hirsch for contributing ideas and assisting with this research project especially in its early stages. Special thanks go to Professor John Connell, for the coffee breaks, chats, and encouragement that have no doubt fuelled the pushing back of the frontiers of knowledge.

Past members and friends of the Mekong Research Group at the University of Sydney for their assistance, especially for engaging in discussions in the scoping stages and providing invaluable contacts for this research. I would like to thank Dr. Wora Sukraroek, Dr. Kanokwan Manorom, Dr. Ham Kimkong, Dr. Chem Phalla, Ms. Chea Phallika and Mr. Michael Victor.

Academic staff in Thai and Cambodian universities who have taken the time to speak to me and suggesting various research directions and contacts I could pursue. Thank you to Dr. Avorn Opatpanakit, Dr. Chayan Vaddhanaphuti, Dr. Carl Middleton, and Dr. Sok Serey.

Dr. Mak Sithirith and the Cambodia Development Resource Institute for hosting me while I was carrying out fieldwork in Cambodia, and for providing much-needed work space and fieldwork assistance. Special thanks to the Environment Unit (Chhuong, Monin, Marong, Pisey) and the Governance Unit (Netra, Theavy, Votey, and especially Hong) for their enthusiastic assistance, care and friendship.

My interpreters and now friends, Nan and Sai, for not only providing invaluable assistance with facilitating my field visits and data collection, but also for making fieldwork enjoyable with their patience, good company, and friendship.

Others who have helped in one important way or another. Yikang Feng, for his very kind assistance in producing the beautiful maps in this thesis. Sopheap Meas, for going out of his way to fulfil all my
MRC-related requests. The Sydney Southeast Asia Centre, for funding my participation in various conferences where I have received useful feedback on this research.

From the Madsen Building, Danny and Sopheak for their assistance and company both in Sydney and in the field, and Ngoc Pham and Wenchao for their support. The rest of the postgraduate students, academic and administrative staff from Geosciences who have helped and supported me in one way or another throughout my candidature. From everywhere else in Sydney, Minna, Rini, Dewi, Asty, Yue, Tamara, Jannette, and Ben for all their concern, care, and wonderful company. From the National University of Singapore, Dr. Carl Grundy-Warr and Dr. Alan Ziegler for their assistance in getting me started on this journey. Shaun and Yikang for helping me with access to NUS Libraries, and Rini and Thong for generously providing me with desk space. And from Singapore, all my friends who have encouraged me in one way or another from afar.

My family. Without their support, care and understanding, this journey would not have been possible.

Last by most definitely not least, everyone from Bangkok, Chiang Khong, Nong Khai, Phnom Penh, Preah Rumkel, Kampong Phluk and Kampong Khleang who participated in this research project. I am constantly in wonder of the generosity that they have demonstrated in taking the time to share their knowledge and views with an ‘outsider’ like myself, especially those who have gone a step further to facilitate my fieldwork. I would like to thank all of them, and to acknowledge that this thesis is built on their generous contributions.
TABLE OF CONTENTS

Abstract 1
Acknowledgements II
List of Figures and Tables IX
List of Abbreviations XI

Chapter One | Introduction
   1.1. Preamble 1
   1.2. Key objectives and research questions 3
   1.3. Brief note on methods 4
   1.4. Outline of the thesis 5

Chapter Two | Context
   2.1. Introduction 7
   2.2. The Mekong River and impacts of hydropower development 7
   2.3. History and political economy of hydropower development in the LMB 10
      2.3.1. The Mekong Committee and origins of hydropower development 10
      2.3.2. The ‘battery’ of Southeast Asia and a new regional political economy 12
   2.4. The LMB mainstream dam cascade 13
   2.5. The Mekong River Commission and the PNPCA 15
      2.5.1. The governance arrangements of the MRC 15
      2.5.2. Criticisms of the MRC 17
      2.5.3. The PNPCA and Prior Consultation 18
      2.5.4. Prior Consultation: Xayaburi Dam 21
      2.5.5. Prior Consultation: Don Sahong Dam 22
      2.5.6. Prior Consultation: Pak Beng Dam 23
      2.5.7. Controversies over the PNPCA 23
   2.6. Social movements against hydropower development in the Mekong Region 24
      2.6.1. Contesting the Xayaburi and Don Sahong dams 25
      2.6.2. History and legacy of contested hydropower in Thailand 26
      2.6.3. History and legacy of contested hydropower in Cambodia 29
   2.7. Conclusion 32

Chapter Three | Conceptual Framework: Rendering Technical, Public Participation and Performativity
   3.1. Introduction 33
3.2. Rendering technical

3.2.1. Governmentality and an analytics of government
3.2.2. Problematisation
3.2.3. Antipolitics: creating a regime of truth
3.2.4. Possibilities for a counter-politics
3.2.5. Influence of political ecology scholarship and the LMB

3.3. Public participation

3.3.1. Critical perspectives on public participation
3.3.2. Rendering participation technical: containing challenges to the status quo
3.3.3. The relational spaces of public participation
3.3.4. Public participation, water governance and the LMB

3.4. Performativity and the spaces of public participation

3.4.1. Performance, performativity and subjectivity
3.4.2. Spatialising performativity and public participation
3.4.3. Potential of a performative account of participation for the LMB

3.5. Conclusion

Chapter Four | Methodology

4.1. Introduction
4.2. Key field sites
4.3. In-depth semi-structured interviews
4.3.1. Utilising the semi-structured interview
4.4. Participant observation and event ethnography
4.4.1. Participant observation
4.4.2. Event ethnography
4.4.3. The field(s) of hydropower governance in the Mekong Region
4.5. Literature review and discourse analysis
4.6. Note on uneven datasets between Thailand and Cambodia
4.7. Reflexivity and limitations in the field
4.7.1. Negotiating being an insider/outsider
4.7.2. Implications for research findings
4.8. Conclusion

Chapter Five | Problematising Spaces of Public Participation

5.1. Introduction
5.2. Public participation and the MRC
5.3. Problematising public participation in uneven landscapes of participation

5.3.1. National Mekong Committees

5.3.2. Institutional geographies: the TNMC Secretariat

5.3.3. Institutional geographies: the CNMC Secretariat

5.3.4. Jurisdictional differences: national legal frameworks and public participation

5.3.5. Enabling government at a distance: the PNPCA as technology of government

5.3.6. ‘Proper’ channels of engagement: the conduct of conduct

5.4. Problematising publics, place, scale and time: bringing participatory spaces into being

5.4.1. Enrolling actors into the PNPCA network

5.4.2. Politics of place

5.4.3. Politics of scale

5.4.4. Politics of the temporal

5.5. Conclusion

Chapter Six | Contesting a Technical Regime of Truth: Performativity and Participatory Spaces of Prior Consultation

6.1. Introduction

6.2. Creating a regime of truth: mobilising flows of technical information

6.2.1. Contesting and translating flows of technical information

6.2.2. Experts of truth and the mediation of information flows

6.3. The co-production of PNPCA stakeholder consultations as realms of technical expertise

6.3.1. Problematising and segmenting a river basin: producing technical modes of perception

6.3.2. Micro-geographies and technologies of government: creating realms of technical expertise

6.3.3. Technologies of participation: distinguishing information sharing and consultation

6.4. Contesting the antipolitics of PNPCA stakeholder consultations

6.4.1. Rendering public participation antipolitical

6.4.2. Containing challenges to the status quo: accountability and absences in the PNPCA

6.4.3. Performative slippages and the limits of government
6.5. Politics of the technical

6.6. Conclusion

Chapter 7 | The Meaningful and Relational Spaces of Participation: Opportunities and Challenges

7.1. Introduction

7.2. Contesting a rubber stamp: understanding the elements of meaningful participation

7.3. Giving communities a voice: reconfiguring power dynamics
   7.3.1. Reconfiguring participatory spaces, technologies, and information
   7.3.2. Spaces of meaningful consultation: critical flows of information
   7.3.3. Reshaping the boundaries of action

7.4. Performing, enrolling and re-centring the Mekong River

7.5. Participation and power-geometries: encountering the heterogeneous state
   7.5.1. Thailand
   7.5.2. Cambodia
   7.5.3. Situating anti-participatory forces in political context

7.6. Constructions of the local: the challenges of community participation
   7.6.1. The local as a site of representation and spatial legitimacy
   7.6.2. Local level power-geometries
   7.6.3. The intentionality of participation: ‘hard’ and ‘soft’ advocacy
   7.6.4. Sustaining engagement beyond events: creating environmental subjects

7.7. Conclusion

Chapter Eight | Conclusion

8.1. Introduction

8.2. Key contributions of the thesis

8.3. Common themes
   8.3.1. Rendering technical: problematisation
   8.3.2. Challenging an antipolitical regime of truth
   8.3.3. The co-produced, emergent and relational spaces of public participation
   8.3.4. The performative dimensions of public participation
   8.3.5. Reconciling these themes

8.4. Implications for hydropower governance in the Mekong Region
   8.4.1. Rendering technical, rendering legitimacy
   8.4.2. Increasing disconnect between local communities and PNPCA
8.4.3. Reflecting on PNPCA community stakeholder consultations 190
8.4.4. Polarisation of narratives 190
8.4.5. Decreasing opportunities for local community mobilisation 191
8.4.6. Engaging local communities in place 191

8.5. Limitations of the study 192
8.5.1. Uneven data sets 192
8.5.2. Gender specific issues and intersectionality 192
8.5.3. Working alone and event ethnography 193

8.6. Future research directions 193
8.6.1. Longer term impacts of the Save the Mekong campaign 193
8.6.2. Impacts of the PNPCA on institutions, private sector actors, and 194
  ‘sustainable’ hydropower development

References 196

Appendices
Appendix A: Xayaburi Dam timeline 235
Appendix B: Don Sahong Dam timeline 236
Appendix C: List of interviewees 238
Appendix D: Human ethics protocol approval 242
Appendix E: PNPCA reply form 244
Appendix F: MRC regional stakeholder forum schedule 245
# LIST OF FIGURES AND TABLES

<table>
<thead>
<tr>
<th>Figures</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1.1</td>
<td>The Xayaburi Dam, as seen during the study trip held on 24 February 2017</td>
<td>2</td>
</tr>
<tr>
<td>Figure 2.1</td>
<td>Map of the Mekong River Basin</td>
<td>8</td>
</tr>
<tr>
<td>Figure 2.2</td>
<td>Map of mainstream dams on the Mekong River, including key tributary dams: the Pak Mun Dam in Thailand, the Lower Sesan 2 Dam in Cambodia, and the Yali Falls Dam in Vietnam</td>
<td>14</td>
</tr>
<tr>
<td>Figure 2.3</td>
<td>Governance structure of the MRC</td>
<td>16</td>
</tr>
<tr>
<td>Figure 4.1</td>
<td>Village-based field sites in Thailand</td>
<td>57</td>
</tr>
<tr>
<td>Figure 4.2</td>
<td>Village-based field sites in Cambodia</td>
<td>58</td>
</tr>
<tr>
<td>Figure 5.1</td>
<td>Map of the eight Mekong provinces in Thailand, and meeting venues for the Pak Beng PNPCA</td>
<td>99</td>
</tr>
<tr>
<td>Figure 5.2</td>
<td>Map of meeting venues for the Don Sahong PNPCA in Cambodia</td>
<td>100</td>
</tr>
<tr>
<td>Figure 5.3</td>
<td>Summary of participants at MRC Regional Stakeholder Forum for the Pak Beng Dam, 22 February 2017</td>
<td>102</td>
</tr>
<tr>
<td>Figure 6.1</td>
<td>Opening session of the 2nd MRC Regional Stakeholder Forum in Vientiane, Laos, May 2017</td>
<td>122</td>
</tr>
<tr>
<td>Figure 6.2</td>
<td>Pak Beng PNPCA stakeholder consultation in Nong Khai Province, Thailand, March 2017</td>
<td>122</td>
</tr>
<tr>
<td>Figure 6.3</td>
<td>Diagrammatic representation of stakeholder consultations. This reflects the possible positions taken up by presenters at the front ‘stage’ area, and two different consultative formats.</td>
<td>123</td>
</tr>
<tr>
<td>Figure 6.4</td>
<td>Use of PowerPoint slides and diagrams to explain the proposed design of the Pak Beng Dam at the PNPCA stakeholder consultation in Nong Khai Province, Thailand, March 2017</td>
<td>124</td>
</tr>
<tr>
<td>Figure 6.5</td>
<td>Map showing the Pak Beng Dam in relation to Chiang Rai Province in Thailand</td>
<td>129</td>
</tr>
<tr>
<td>Figure 7.1</td>
<td>Save the Mekong Public Forum, 2017. This picture shows local community representatives from Thailand and Cambodia forming a panel during the session on community experiences.</td>
<td>149</td>
</tr>
<tr>
<td>Figure 7.2</td>
<td>The small group discussion held in the village temple of Ban Huai Leuk</td>
<td>152</td>
</tr>
<tr>
<td>Figure 7.3</td>
<td>The use of a hand-drawn map during the small group discussion. The map illustrated discrepancies between the data from the Pak Beng Dam project documents and knowledge from villagers and civil society.</td>
<td>153</td>
</tr>
</tbody>
</table>
Figure 7.4. Reading of the Chiang Khong Declaration by the Save the Mekong Coalition

Figure 7.5. Release of an anti-dam float on the Mekong River

Figure 7.6. The Kaeng Pha Dai reef in Wiang Kaen District, Chiang Rai Province

Tables

Table 2.1. Territory within the catchment of the six Mekong River Basin countries

Table 2.2. Determining factors and corresponding processes under the PNPCA

Table 3.1. Comparison between the key elements of Chilvers & Kearne’s (2016a) conceptions of residual realist and co-produced participation

Table 3.2. MOP framework for the mainstream hydropower governance and the LMB

Table 4.1. Summary of interviewees by country and category

Table 4.2. List of events attended, in relation to hydropower governance in the LMB

Table 5.1. Composition of TNMC

Table 5.2. Composition of the CNMC

Table 5.3. List of PNPCA stakeholder consultations at regional and national levels, excluding Laos
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3SPN</td>
<td>3S Rivers Protection Network</td>
</tr>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AMRC</td>
<td>Mekong Research Group</td>
</tr>
<tr>
<td>AGM</td>
<td>annual general meeting</td>
</tr>
<tr>
<td>ANT</td>
<td>actor-network theory</td>
</tr>
<tr>
<td>AOP</td>
<td>Assembly of the Poor</td>
</tr>
<tr>
<td>ASEM</td>
<td>Asia-Europe Meeting</td>
</tr>
<tr>
<td>BDP</td>
<td>Basin Development Plan</td>
</tr>
<tr>
<td>CBO</td>
<td>community-based organisation</td>
</tr>
<tr>
<td>CCE</td>
<td>collaborative event ethnography</td>
</tr>
<tr>
<td>CEPA</td>
<td>Culture and Environment Preservation Association</td>
</tr>
<tr>
<td>CNMC</td>
<td>Cambodia National Mekong Committee</td>
</tr>
<tr>
<td>CNRP</td>
<td>Cambodia National Rescue Party</td>
</tr>
<tr>
<td>CRC</td>
<td>Community Resource Centre</td>
</tr>
<tr>
<td>CRDT</td>
<td>Cambodia Rural Development Team</td>
</tr>
<tr>
<td>CPP</td>
<td>Cambodian People’s Party</td>
</tr>
<tr>
<td>DANIDA</td>
<td>Danish International Development Agency</td>
</tr>
<tr>
<td>DP</td>
<td>Development Partner</td>
</tr>
<tr>
<td>DWR</td>
<td>Department of Water Resources</td>
</tr>
<tr>
<td>EIA</td>
<td>environmental impact assessment</td>
</tr>
<tr>
<td>ERI</td>
<td>EarthRights International</td>
</tr>
<tr>
<td>EDL</td>
<td>Électricité du Laos</td>
</tr>
<tr>
<td>EGAT</td>
<td>Electricity Generating Authority of Thailand</td>
</tr>
<tr>
<td>FACT</td>
<td>Fisheries Action Coalition Team</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organisation of the United Nations</td>
</tr>
<tr>
<td>FiA</td>
<td>Fisheries Administration</td>
</tr>
<tr>
<td>FPIC</td>
<td>Free Prior and Informed Consent</td>
</tr>
<tr>
<td>GMS</td>
<td>Greater Mekong Subregion</td>
</tr>
<tr>
<td>IUCN</td>
<td>International Union for Conservation of Nature</td>
</tr>
<tr>
<td>IWRM</td>
<td>Integrated Water Resource Management</td>
</tr>
<tr>
<td>LMB</td>
<td>Lower Mekong Basin</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>LNMC</td>
<td>Lao National Mekong Committee</td>
</tr>
<tr>
<td>LS2 Dam</td>
<td>Lower Sesan 2 Dam</td>
</tr>
<tr>
<td>JAP</td>
<td>Joint Action Plan</td>
</tr>
<tr>
<td>MFCB</td>
<td>Mega First Corporation Berhad</td>
</tr>
<tr>
<td>MME</td>
<td>Ministry of Mines and Energy</td>
</tr>
<tr>
<td>MONRE</td>
<td>Ministry of Natural Resources and Environment</td>
</tr>
<tr>
<td>MOU</td>
<td>memorandum of understanding</td>
</tr>
<tr>
<td>MOWRM</td>
<td>Ministry of Water Resources and Meteorology</td>
</tr>
<tr>
<td>MRC</td>
<td>Mekong River Commission</td>
</tr>
<tr>
<td>MRC JC</td>
<td>MRC Joint Committee</td>
</tr>
<tr>
<td>NEQA</td>
<td>Enhancement and Conservation of National Environmental Quality Act</td>
</tr>
<tr>
<td>NGO</td>
<td>non-governmental organisation</td>
</tr>
<tr>
<td>NGO Forum</td>
<td>NGO Forum on Cambodia</td>
</tr>
<tr>
<td>NHRC</td>
<td>National Human Rights Commission of Thailand</td>
</tr>
<tr>
<td>NMC</td>
<td>National Mekong Committee</td>
</tr>
<tr>
<td>NRD</td>
<td>Northeastern Rural Development</td>
</tr>
<tr>
<td>NT2 Dam</td>
<td>Nam Theun 2 Dam</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>PNPCA</td>
<td>Procedures for Notification, Prior Consultation and Agreement</td>
</tr>
<tr>
<td>PNPCA JCWG</td>
<td>PNPCA Joint Committee Working Group</td>
</tr>
<tr>
<td>PNPCA TG</td>
<td>PNPCA Task Group</td>
</tr>
<tr>
<td>PPA</td>
<td>power purchase agreement</td>
</tr>
<tr>
<td>RBO</td>
<td>River Basin Organisation</td>
</tr>
<tr>
<td>RCC</td>
<td>Rivers Coalition of Cambodia</td>
</tr>
<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
</tr>
<tr>
<td>SIA</td>
<td>social impact assessment</td>
</tr>
<tr>
<td>SUHAKAM</td>
<td>Human Rights Commission of Malaysia</td>
</tr>
<tr>
<td>STM</td>
<td>Save the Mekong</td>
</tr>
<tr>
<td>SEI</td>
<td>Stockholm Environment Institute</td>
</tr>
<tr>
<td>SPN</td>
<td>Sesan Protection Network</td>
</tr>
<tr>
<td>SWG</td>
<td>Sesan Working Group</td>
</tr>
<tr>
<td>TERRA</td>
<td>Towards Ecological Recovery and Regional Alliance</td>
</tr>
<tr>
<td>TNMC</td>
<td>Thai National Mekong Committee</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Name</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>TWG</td>
<td>Technical Working Group</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNECAFE</td>
<td>United Nations Economic Commission for Asia and the Far East</td>
</tr>
<tr>
<td>WCD</td>
<td>World Commission on Dams</td>
</tr>
<tr>
<td>WWF</td>
<td>World Wide Fund for Nature</td>
</tr>
</tbody>
</table>
CHAPTER ONE
INTRODUCTION

1.1. Preamble

On 24 February 2017 I found myself, quite unexpectedly, overlooking the Xayaburi Dam in Laos (see Figure 1.1). My first research project on the Mekong River dealt with the politics of knowledge around the proposed mainstream Don Sahong Dam in Laos. Later, during the time I was conducting fieldwork for my second project on community-level management of the Mekong River in northern Thailand in early 2012, a ‘Stop Xayaburi Dam [sic]’ banner was one that I walked past almost every day. Given the fierce contestation and high stakes around mainstream dam development at the time, little did I think that a mere five years later, I would be looking at the three quarters-complete Xayaburi Dam with my very own eyes. For this PhD project, I had embarked on fieldwork in the Mekong Region in early January 2017 with the broad goal of investigating and documenting Thai and Cambodian civil society and local community resistance to the Lao Mekong mainstream dams over the previous decade. Coincidentally, the Mekong River Commission’s (MRC) six-month Prior Consultation mechanism for the proposed mainstream Pak Beng Dam in Laos had recently begun in December 2016 and I jumped at the opportunity to attend the MRC’s regional stakeholder forum for the proposed dam and the MRC Council Study, which was held on 22-23 February 2017 in Luang Prabang.

Having only followed the events leading up to the construction of the Xayaburi and Don Sahong dams from afar, I was interested to experience the process of Prior Consultation for myself. While I had previously read reports made about the stakeholder consultations, these appeared to be extremely sanitised and ordered accounts of what had transpired during the meetings, void of emotion and tone. I felt that one had to read between the lines to discern where the lines of tension occurred. The regional stakeholder forum was an eye-opening experience, appearing to me to be a microcosm of what I had understood about the politics of mainstream hydropower development in the Lower Mekong Basin (LMB), especially in terms of the differentiated stakeholders present and the concerns they raised about the proposed dam. More importantly, the dynamics, passions, emotions and tensions that were generated through the space of the forum were stark. As the meeting progressed, I was struck by the technical nature of the discussions and found myself relating to some of the criticisms levelled at the stakeholder consultations held for the Xayaburi and Don Sahong dams, which were related to the difficulties of understanding technical information about the dams and their impacts and the inadequate amount of time for participants to make clarifications. I realised that these issues were generated within the specificities of the time-space of the event.

The implications of these observations will be discussed later in the chapter, but for now I would like to return to the scene that I opened the chapter with. The study trip to the Xayaburi Dam
construction site was unexpectedly announced by the Lao Minister of Environment and Natural Resources on the first day of the forum and took place the day after the forum concluded. Standing at the vantage point overlooking the Xayaburi Dam, there were various conversations that one could overhear. A Thai government official was explaining how their technical recommendations about the fish passage had been taken into account by the project developers. A group of Chinese engineers from the Pak Beng Dam’s project developer Datang were discussing the technical features of the dam. On the journey back from the dam construction site, I was seated next to a friendly Thai civil society representative from Nong Khai Province and asked him how he felt about seeing the dam. I could not fully understand what he said, but his demeanor turned solemn as he spoke. We met again the next month at the Thai stakeholder consultation for the Pak Beng Dam, and I asked him again through my interpreter how he felt when he saw the Xayaburi Dam. I will end this preamble with an excerpt of his reply, which stood in contrast with the technical discussions that took place at the forum:

When I saw the Xayaburi Dam I felt that the life of people in Mekong communities will be changed a lot, and there is going to be a huge impact to the communities. Maybe the cost to communities will be more than the cost of building the dam. The social and cultural aspects of community lives are going to change too. The people who use the fisheries will disappear, and the ecosystem will totally change too. The relationship between the people along the Mekong River in Thailand and Laos is going to change too. Before, we consider ourselves relatives, we are sisters and brothers… Dams are the disaster of the Mekong River… the Mekong River is just like my mother, and I think that my mother is dying.

Figure 1.1. The Xayaburi Dam, as seen during the study trip held on 24 February 2017
1.2. Key objectives and research questions

There are eleven dams planned for the mainstream of the Lower Mekong River. To date, the MRC’s process of Prior Consultation, under the Procedures for Notification, Prior Consultation and Agreement (PNPCA), has been activated four times by the Lao government in relation to dams to be constructed on the mainstream of the Mekong River: the Xayaburi Dam (October 2010 – April 2011), the Don Sahong Dam (July 2014 – January 2015), the Pak Beng Dam (December 2016 – June 2017), and the Pak Lay Dam (August 2018 – March 2019). Prior Consultation is a six-month process of technical evaluation and consultation between Thailand, Laos, Cambodia, and Vietnam, who are members of the MRC. The main objectives of this thesis are to examine how state and nonstate sites of public participation have emerged through mainstream hydropower governance in the LMB, how they relate to and contrast with one another through multiple interpretations of what public participation means, and how this has served as a source of contention between state and nonstate actors. Only the first three iterations of Prior Consultation for the Xayaburi, Don Sahong and Pak Beng dams are considered in this thesis. A focus is placed on Thailand and Cambodia to highlight the transboundary dynamics and challenges involved for MRC member states in implementing Prior Consultation within their respective national contexts, and nonstate actors in challenging a dam project belonging to another sovereign state.

Although this thesis focuses on the Xayaburi, Don Sahong and Pak Beng dams, the significance of this research can be situated within recent developments relating to the Pak Lay Dam. On 13 June 2018, the Lao government informed the MRC of its intention to submit the proposed Pak Lay Dam project under Prior Consultation. Despite the Lao government’s call for new dam investments to be halted following the deadly collapse of a saddle dam of the Xe Pian Xe Namnoy hydropower project in July 2018 that killed 40 people and displaced thousands in Laos and Cambodia, the MRC eventually announced in early August 2018 that Prior Consultation for the Pak Lay Dam had begun (Gerin, 2018). The Save the Mekong (STM) Coalition, which is a regional activist network of civil society organisations and local communities that opposes Mekong mainstream dam development, announced that it would boycott the Pak Lay Prior Consultation as they ‘do not believe that the process can be conducted in a way that is meaningful or effective, or ensure the trust and participation of dam-affected communities and the public’ unless their outstanding concerns relating to the Xayaburi, Don Sahong and Pak Beng dams were addressed (Save the Mekong, 2018, p. 1). While individual members of the STM Coalition had previously boycotted the public stakeholder consultations conducted under Prior Consultation, this is the first time that the coalition as a whole has boycotted the process.

This thesis therefore attempts to investigate how the public participation component of Prior Consultation has been implemented in Thailand and Cambodia, and how it has come to be perceived as an unmeaningful and ineffective process by the STM Coalition. While many studies have critiqued the
procedural and legal aspects of the PNPCA, especially in the landmark case of the Xayaburi Dam, few have paid substantial attention to the component of public participation. In this thesis, a focus is placed on how the PNPCA’s participatory processes and spaces have emerged, been experienced, and become distanced from decision making processes and the social, cultural and political-economic contexts relating to both hydropower development and the lived experiences of riparian communities. To understand what the STM Coalition considers to be meaningful participation, the PNPCA stakeholder consultations are contrasted with civil society-organised participatory events, which have more often been studied from the perspective of advocacy strategies and resistance rather than as forms of public participation. Attention is paid to the intimate spaces of public participation and the actions of participants within these spaces. These different forms of public participation are considered in relation to one another, as well as being situated in their particular socio-political contexts. Together, this sheds light on the wider challenges and implications for public participation in Mekong hydropower governance. Drawing upon a conceptual framework that emphasises the notions of 1) rendering technical, 2) a co-produced, emergent and relational understanding of public participation, and 3) performativity, this thesis is guided by the following research questions:

1. How have the different national institutional contexts that frame public participation influenced the development of PNPCA public stakeholder consultations in Thailand and Cambodia?

2. How have the PNPCA stakeholder consultations become distanced from the political-economic context of hydropower development and decision making, and how is this effect produced through the spaces of the stakeholder consultations and the actions of its state and nonstate participants?

3. What do meaningful spaces of participation look like to the STM Coalition and in contrast to the PNPCA public stakeholder consultations, and what are the challenges for engaging a wider public in hydropower governance?

1.3. Brief note on methods

To answer these research questions, I carried out fieldwork between January and November 2017 while mostly being based in Thailand and Cambodia. I conducted interviews with government officials in Thailand and Cambodia, MRC officials, civil society representatives, and local community members in Thailand (Chiang Rai Province and Nong Khai Province) and Cambodia (Siem Reap Province and Stung Treng Province). I also carried out ‘event ethnography’ as a novel approach to understand and generate an in-depth understanding of the intimate spaces and dynamics of participatory spaces within Mekong hydropower governance. I attended key PNPCA events including the two MRC regional stakeholder forums for the Pak Beng Dam that were held in Laos, and two Thai stakeholder
consultations in the provinces of Nong Khai and Chiang Rai. I also attended a STM Coalition event that was held in conjunction with their annual general meeting and the International Day of Action for Rivers. In addition to interviews and event ethnography, I also depended heavily on secondary sources relating to the Xayaburi and Don Sahong PNPCAs to reconstruct some of the events that had occurred at the time. These methods will be elaborated in Chapter 4.

1.4. Outline of the thesis

Chapter 2 provides the context for the historical trajectory behind the emergence of the MRC and mainstream hydropower development in the LMB. The PNPCA, and, in particular, Prior Consultation will be explained and a summary of the key developments relating to the Xayaburi, Don Sahong and Pak Beng PNPCAs provided. Finally, attention is turned to social movements against hydropower development in the LMB, where the actions of the STM Coalition against mainstream dam development will be outlined, and a historical trajectory of social movements against hydropower development in Thailand and Cambodia provided. Chapter 3 provides the conceptual framework for this thesis, expanding on Tania Li’s (2007) conceptualisation of rendering technical. In particular, the elements of problematisation and antipolitics will be examined in relation to the theory of governmentality, especially relating how regimes of truth are constructed by the actions of government. Next, the concept of public participation is examined in relation to the third element of rendering technical, the containment of challenges to the status quo. Critical perspectives critiquing the ‘tyranny’ of participation will be explored, and an argument made for a co-produced, emergent and relational understanding of public participation. Finally, the concept of performativity will be introduced, in considering how spaces of public participation are brought into being through the performative acts of state and nonstate actors. Chapter 4, as mentioned in the previous section, provides an elaboration on the methodology for this research project.

Chapters 5, 6, and 7 contain the empirical findings and analysis, and correlate to the three research questions that were set out in Section 1.2. Chapter 5 delves in detail into the inclusion of the public participation component in Prior Consultation and examines how the emergence of these participatory spaces in Thailand and Cambodia are situated within their specific national legal frameworks relating to public participation. Special attention is given to the Thai and Cambodia National Mekong Committee (NMC) Secretariats that are responsible for organising these stakeholder consultations, the institutional contexts in which these NMC Secretariat are located, and the value that these actors attach to the PNPCA and the stakeholder consultations. The considerations underlying the formation of these stakeholder consultations and the criticisms levelled at them will be considered from the multi-faceted dimensions of the public, place, scale, and time. Chapter 6 discusses how mainstream hydropower governance is rendered technical through the spaces of the PNPCA stakeholder consultations, which reveal how hydropower governance has been problematised as a technical field of
intelligibility. Drawing upon observations made through event ethnography, this chapter looks into how micro-geographies and the mundane tools of government tilt the balance of power towards state actors and scientific experts rather than communities. A performative lens is used to emphasise the antipolitics of public participation that renders hydropower governance non-political, and the resultant tensions that arise between state and nonstate actors through these participatory spaces. Through these perspectives, the chapter considers whether the PNPCA, which functions as a technical process, may have also operated as a deliberate measure to contain challenges to the status quo.

Chapter 7 turns its attention towards the spaces of public participation initiated by the STM Coalition, which are compared and contrasted with the PNPCA stakeholder consultations. It is through a recognition of their similarities that the differences between these spaces become stark, especially in terms of how the balance of power is tilted towards local communities. Attention is paid to how these spaces come to be perceived as meaningful forms of public participation, again in terms of their micro-geographies and performative dimensions, which serve to re-centre not only local communities but also the Mekong River itself. These participatory events are then situated within national and local political contexts, which will reveal the challenges of strengthening local-level public participation and sustained community engagement. Chapter 8 concludes the thesis by reiterating its significance and key findings, drawing out the implications and limitations of the study, and proposing future research directions.
CHAPTER TWO

CONTEXT

2.1. Introduction

The pace of hydropower development in the Lower Mekong Basin comprising Laos, Thailand, Cambodia, and Vietnam, has quickened in the past decade due to increasing electricity demand and a rise in private investment in hydropower dams, providing the conditions required for mainstream dam construction to proceed (Hirsch, 2016). This chapter provides context to the debates and politics surrounding Mekong mainstream dams. First, an introduction to the Mekong River and the potential impacts of hydropower development on the river’s ecology are presented. Second, the historical and contemporary drivers of hydropower dam development in the LMB are discussed, set within grandiose visions in the 1950s to tame the Mekong River through technical and engineering prowess, the intersecting desires for regional integration, economic development and a seamless regional power grid, leading up to the formation of the Mekong River Commission. Third, a description of the current status of mainstream dam development in the LMB is provided. Fourth, this chapter discusses the governance arrangements of the MRC, its limitations, and how mainstream hydropower governance has taken place through the Procedures for Notification, Prior Consultation and Agreement (PNPCA). Finally, the focus is turned towards social movements against hydropower development, first looking at how the Save the Mekong (STM) Coalition has contested mainstream dams and then turning to the historical roots and legacies of civil society movements against hydropower development in Thailand and Cambodia.

2.2. The Mekong River and impacts of hydropower development

The name of the Mekong River is derived from its Thai and Lao name ‘Mae Nam Khong’, which translates into ‘mother of water’ (Carew-Reid, 2016). The Mekong River, with a length of about 4,400 km, runs through six countries: China, Myanmar, Thailand, Laos, Cambodia, and Vietnam. The river discharges 475 cubic kilometres of water into the South China Sea annually, of which Laos contributes about 35%, followed by Thailand and Cambodia with 18% each, China with 16%, Vietnam with 11%, and Myanmar with 2% (Osborne, 2004) (Figure 2.1). The source of the Mekong River is located in the Tibetan plateau, from which it flows into the steep, mountainous gorges of China’s Yunnan province. In China the river is known as the Lancang Jiang meaning ‘turbulent river’ (Carling, 2009). From China, it carries on its journey into mainland Southeast Asia, forming a small part of the international border between Myanmar and Laos. The river then flows between Laos and Thailand, forming 850 km of the Lao-Thai international border in the northern and north-eastern provinces of Thailand (Carew-Reid, 2016). The river basin comprises a dominant part of Laos, as the river’s catchment area makes up 97 percent of Lao territory (ibid.) (see Table 2.1). The river then flows out.
from Southern Laos into Cambodia, where 86 percent of the country’s territory falls into the river basin, and then into Vietnam, where the river branches and fans out into the Mekong Delta before flowing into the South China Sea (*ibid.*). As this thesis is about mainstream dam development in the LMB, the ecological characteristics of the LMB are the main focus of this section.

*Figure 2.1. Map of the Mekong River Basin (adapted from Ti et al., 2003)*
Table 2.1. Territory within the catchment of the six Mekong River Basin countries (Source: MRC, 2003a)

<table>
<thead>
<tr>
<th>Description</th>
<th>Country or province</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yunnan Province, China</td>
</tr>
<tr>
<td>Area (km²)</td>
<td>165,000</td>
</tr>
<tr>
<td>Catchment as % of country or province</td>
<td>38</td>
</tr>
<tr>
<td>Catchment as % of Mekong River Basin</td>
<td>21</td>
</tr>
</tbody>
</table>

The construction of hydropower dams on the tributaries and mainstream of the Mekong River will have impacts on the river’s hydrology, fisheries and sediment transport (Pukinsis & Gehab, 2012). As the three elements are interconnected, this will in turn impact the ecological productivity of the Mekong River Basin and the people who depend on the river’s resources for their livelihoods (ibid.). This will provide the basis for understanding discussions in the thesis about some of the technical debates about hydropower development. Hecht & Lacombe’s (2014) compilation of the available scientific literature on hydropower development and its impacts on the Mekong River’s hydrology note that, in general, hydropower development is expected to modify the hydrology of the river system by decreasing and delaying wet season flows and increasing dry season flows. While the regulation of the river’s flow may aid irrigation, navigation, and hydropower production, the ecosystems and livelihoods adapted to the flood pulse of the Mekong River will be negatively impacted (ibid.). Issues of dam safety and the possibility of dam failure that may induce flooding also have to be taken into account, especially as a substantial portion of hydropower dams in the LMB are located within an earthquake source zone, if dam operators make large emergency releases of water in response to dam safety, or if the dams fail (ibid.).

One of the key concerns about hydropower development on the Mekong River and its tributaries relates to wild capture fisheries. First, dams obstruct fish passage both in terms of their small-scale movements and large-scale migrations (Baran, 2010). The construction of dams will restrict or prevent fish passage, reduce spawning success, reduce the survival and growth of larval and juvenile fish, prevent fish from moving to refuge habitats, and thus reduce productivity and biodiversity across the national boundaries (Hortle & So, 2017). Dams will also reduce the magnitude of the Mekong River’s flood pulse, which is likely to reduce fisheries productivity due to knock-on impacts on fish migrations and breeding cycles that rely on hydrological triggers. This disruption will be exemplified
in Cambodia’s Tonle Sap Lake, where current fisheries production correlates with flood magnitudes (Pukinskis & Gehab, 2012). Cambodia and Laos would be hardest hit by the loss of fisheries and associated proteins, as up to 30% of their national protein supply would be at risk if all 11 mainstream dams were to be built (ICEM, 2010). In Cambodia, more than one million people who depend on fisheries are at risk from mainstream dam development. The degradation of wild capture fisheries is likely to disproportionately impact the poor in the region as fishers are overrepresented in poor and vulnerable LMB communities (ibid.).

Dams create a physical barrier that results in sediment trapping behind the dams. This is a key transboundary concern, as substantial reductions in sediment supply may cause massive changes to the shape, course and structure of a river, which will in turn have impacts on habitats, ecosystems and agricultural productivity (Baran & Myschowoda, 2009; ICEM, 2010; also see Baird et al., 2015 on the Nam Theun 2 Dam and Molle et al., 2009 on dams in Northeast Thailand). ‘Sediment hungry’ water released from dams may cause riverbed and riverbank erosion that may result in the alteration of river habitats, including the elimination of many fish spawning beds (Pukinskis, 2013). The reduction of nutrient-rich suspended sediment may decrease the biological productivity of the Mekong River, including fish and other aquatic species which may be unable to adapt to changes in their feeding and spawning grounds and the reduction in aquatic plant growth (Pukinskis, 2013; WCD, 2000). Agricultural productivity will also be negatively impacted by reduced sediment loads, which will cause the loss of agricultural land in inundated areas, riverbank gardens and floodplains. The floodplains of the Tonle Sap Lake and the Mekong Delta may bear the brunt of these losses (Lu et al., 2014; Pukinskis, 2013). Sediment trapping behind the dam walls may also reduce the storage capacity of reservoirs (Kummu et al., 2010; Kummu & Varis, 2007), thus reducing the power generation potential of the dam itself (Pukinskis, 2013).

2.3. The history and political economy of hydropower development in the LMB

2.3.1. The Mekong Committee and the origins of hydropower development

The blueprints behind the Mekong mainstream dams are not new, and the technical nature of mainstream hydropower governance today that will be discussed in this thesis has its roots in the MRC’s origins. In the 1950s, the United Nations Economic Commission for Asia and the Far East (UNECAFE)\(^1\) surveyed the LMB with the objectives of promoting irrigation, hydroelectric power, navigation, and fisheries development, in addition to forging transboundary cooperation between the four LMB countries (Hori, 2000). These goals, coupled with US Cold War interests in the region and the joint interest of riparian governments, led the UNECAFE to initiate and sponsor the formation of the

---
\(^1\) Known today as the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP).
Committee for Coordination of Investigations of the Lower Mekong Basin in October 1957, which was also known as the Mekong Committee. The Mekong Committee comprised Laos, Thailand, Cambodia, and South Vietnam, and was also supported financially and technically by donor nations \textit{(ibid)}. The period between 1957 and 1969 was characterised by much optimism as the Mekong Committee would set a precedent for large-scale river basin development planning in Asia (Jacobs, 1995), driven by UNECAFE’s and the US Bureau of Reclamation’s vision to ‘tame the Mekong River’ for irrigation and hydropower development (Middleton, 2016, p. 210). The Mekong Committee Secretariat included American and European engineers who contributed expertise towards the Mekong Committee’s operational guidelines, studies, and projects (Boer et al., 2015; Jokinen, 2001).

This climate of optimism was also driven by three influential studies and the belief that major developments could be achieved through engineering prowess (Boer et al., 2015; Hori, 2000). The first study by the UNECAFE in 1957 included proposals for four mainstream dams (Hori, 2000). The second study, the ‘Wheeler Report’, was published in 1958 and helped produce a road map that catalysed the enhancement of regional co-operation and the acceleration of the pace of work (Hori, 2000; Öjendal, 1995). The resulting proposals for hydropower development comprised almost exclusively technical perspectives, leading to the commissioning of the ‘White Report’ that was published in 1962. The report incorporated socioeconomic considerations and helped in postponing mainstream dam construction until experience could be gained through tributary dam development (Hori, 2000; Jacobs, 1995). In 1970, the Mekong Committee’s Indicative Basin Plan was initiated in order to address the piecemeal nature of previous studies and to consolidate major studies (Jacobs, 1995; Öjendal, 1995). The plan emphasised implementation over planning and proposed a cascade of seven mainstream multi-purpose dams for electricity generation, flood control and irrigation, along with approximately 170 tributary projects (Boer et al., 2015; Middleton, 2016; Middleton, et al., 2009). The basin plan also afforded more attention towards ecological and socioeconomic studies (Öjendal, 1995).

However, the beginning of the 1970s saw rising political tensions and conflict in the region and put a halt to the Mekong Committee’s activities and ambitions (Jacobs, 1995; Jokinen, 2001). With regional stability largely restored by the late 1980s and the onset of major geopolitical shifts caused by the collapse of the Soviet Union in 1991, the Mekong Region underwent major changes in its political and economic landscapes (Middleton et al., 2009). This period also saw the involvement of Western aid agencies, the World Bank and the Asian Development Bank (ADB), with the agenda of supporting hydropower development as part of aid and investment opportunities \textit{(ibid.)}. The Mekong Committee Secretariat also held hopes of moving forward with the mainstream development projects, and to expand its mandate and powers in order to coordinate the comprehensive development of the Mekong subregion (Jokinen, 2001). The \textit{Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin} (henceforth known as the 1995 Mekong Agreement) was signed on 5 April 1995 by the
four LMB countries in Chiang Rai, Thailand, thus bringing the MRC into existence. China and Myanmar were invited to join but they had declined.

2.3.2. The ‘battery’ of Southeast Asia and a new regional political economy

Processes of economic regional integration and hydropower development since the early 1990s coincided with the period leading up to the formation of the MRC. In 1992, the ADB launched the Greater Mekong Subregion (GMS) Economic Cooperation Programme as a key prong of its post-Cold War global economic integrative agenda (Boer et al., 2015), which articulated former Thai Prime Minister Chatchai Choonhaven’s vision in 1989 to transform the region from a ‘battlefield to a marketplace’ (Glassman, 2010). The programme was endorsed by the governments of Cambodia, Laos, Myanmar, Thailand, Vietnam, and China’s Yunnan Province. Regional physical interconnectivity was emphasised through major cross-border infrastructural projects including hydropower dams and high-voltage electricity transmission lines (ADB, 2004; Boer et al., 2015). The GMS was the ‘dominant geopolitical vision of the Mekong as an engine of regional development’ (Sneddon & Fox, 2006, p. 187) at the time, and came to replace the Mekong Committee as the principal framework for channelling economic development assistance into regional projects (Middleton et al., 2009). The integration of electricity through regional power trading and the establishment of a regional transmission grid, also known as the Mekong Power Grid, was one of the key features of the GMS Programme (Boer et al., 2015; International Rivers, 2006).

A key impact of the GMS has been to facilitate Lao’s aspirations to become the ‘battery’ of Southeast Asia through exporting hydropower. Ninety-seven percent of the landlocked country lies within the Mekong River’s catchment area and its mountainous topography holds an estimated 18,000 megawatts (MW) of hydropower potential out the 30,000MW in the LMB (Carew-Reid, 2016; ICEM, 2010). Since the late 1980s, the ADB, World Bank, the United Nations Development Programme (UNDP) and bilateral Western donors have consistently encouraged the Lao government to develop its hydropower potential as one of its few possible development options (Middleton et al., 2009). By 1995, the Lao government had signed memoranda of understanding (MOUs) on 23 feasibility studies for dams with a combined capacity of 6,676MW (Middleton et al., 2009). However, the 1997 Asian financial crisis halted these plans as electricity demand in Thailand went through a sudden decline (Lee & Scurrah, 2009). Despite this, it is important to note that the introduction of the Chinese mainstream dam cascade on the Lancang River during this time, with the completion of the Manwan dam in 1995, drove the logic of dam building downstream by providing precedence for mainstream dam construction on the transboundary river (Hirsch, 2011a).

Since 2007, large hydropower dam construction in the Mekong Region became situated within a new regional economy where a discernible shift has taken place away from the public financing of
hydropower dams towards private sector actors (Boer et al., 2015; Hirsch, 2016; Middleton, 2016). While the hydropower export projects of the 1990s in Laos were supported by Western capital and expertise, in the early 2000s the projects that were suspended with the onset of the 1997 Asian financial crisis were mostly taken on by Thai, Vietnamese, and Chinese companies (Middleton, 2016). This growing momentum has also been driven by support from Lao government policies and regional trends including the growth of electricity demand and the limited prospects for further exploitation of hydropower potential especially in Thailand and Vietnam (Boer et al., 2015; Middleton, 2016). These factors have facilitated the cross-border importation of hydropower generated by independent power producers from Thailand and Vietnam, who have become the leading hydropower investors in neighbouring countries (Middleton, 2016). Of concern is that these private sector actors have not committed to international standards or social-environmental safeguards recommended by the ADB, World Bank, and the World Commission on Dams (WCD) (Middleton et al., 2009), and as this thesis will show, they are not obligated to participate in Prior Consultation for mainstream dam development².

2.4. The LMB mainstream dam cascade

There are currently 11 run-of-river mainstream hydropower dams planned for LMB with a total installed capacity of 12,578 MW (Figure 2.2). Nine of the planned dams are located in Laos and two are in Cambodia (MRC, 2017). Compared to earlier versions of these mainstream dams that would have had large storage reservoirs, run-of-river dams have small or no reservoirs, and have limited storage capacity compared to traditional reservoir dams that store large quantities of water during the wet season to allow for year-round releases to generate power (Hirsch, 2011a; International Rivers, 2017a). When the MRC-commissioned Strategic Environmental Assessment (SEA) of Hydropower on the Mekong Mainstream was published in 2010, the report assessed that mainstream dams accounted for up to 28 percent of the national hydropower potential of the four LMB countries and would bring substantial increases to the region’s power generated and generation capacity (see ICEM, 2010). However, there have been high levels of concern centred around their transboundary impacts, especially relating to the river’s hydrology, sediment levels, fisheries, and crucially, the livelihoods and food security of the 60 million people who live in the LMB. About 40 percent of these people live and work within a 15-kilometre corridor along the Mekong River, most within five kilometres of the river’s mainstream (MRC, n.d.a).

² While private dam developers have their own internal standards and safeguards, this may vary from company to company. See http://www.hydroscorecard.org/ for an example of how policies and practices of Chinese hydropower developers have been benchmarked by International Rivers.
Figure 2.2. Map of mainstream dams on the Mekong River, including key tributary dams: the Pak Mun Dam in Thailand, the Lower Sesan 2 Dam in Cambodia, and the Yali Falls Dam in Vietnam (Adapted from International Rivers, 2017b)

It was in the climate of renewed interest in the LMB mainstream dams, alongside the precedent set by the upstream China mainstream dams (Carew-Reid, 2016), and in light of donor concerns surrounding the mainstream hydropower development agenda of member states (Suhardiman et al., 2015) that the SEA was launched in May 2009 to consider ‘the full range of social, environmental and cross-sector development impacts within the LMB’ (ICEM, 2010, p. 2), rather than on a project-by-project basis. While acknowledging some of the benefits that mainstream hydropower dams would bring in terms of power generation and economic development, the SEA also identified potentially
devastating impacts in terms of ecosystem integrity, fisheries and food security, and social systems in
the LMB if all mainstream dams were to be built. The SEA therefore recommended that decisions on
mainstream dams should be deferred by 10 years to undertake comprehensive feasibility studies, and
warned that ‘the Mekong mainstream should never be used as a test case for proving and improving full
dam hydropower technologies’ (ICEM, 2010, p. 24). However, just as the SEA report was submitted,
Laos submitted the Xayaburi Dam project under the PNPCA, diverting attention away from the SEA
(Carew-Reid, 2016, p. 351). As of 2019, the recommendations for the deferment has largely been left
behind and two LMB mainstream dams are already well under construction in Laos: the Xayaburi Dam
and the Don Sahong Dam. The relationship between the SEA and the PNPCA will be further elaborated
on in Section 2.5.3.

2.5. The Mekong River Commission and the PNPCA

2.5.1. The governance arrangements of the MRC

The MRC today describes itself as ‘a regional facilitating and advisory body governed by water
and environment ministers of the four countries’, and that is also governed by ‘a specific set of rules
developed to coordinate technical cooperation among its members’ (MRC, n.d.b). It envisions itself as
a facilitator of regional and transboundary cooperation that transcends differences in national interests
as member states share the mutual benefits from the development of common water resources. It also
perceives itself as ‘regional knowledge hub on water resources’ that would assist in informing decision-
making processes based on scientific evidence (ibid.). The MRC’s decision-making framework on
water resources development is based on science and informed by technical studies, which are
supported by investments in furthering scientific understandings of the river basin through various
programme initiatives (ibid.) that cover a range of thematic areas including agriculture and irrigation,
the basin development plan, flood management and mitigation, fisheries, integrated water resources
management, and sustainable hydropower (MRC, n.d.c). While the previous sections have briefly
described the MRC’s historical context it is necessary to also pay close attention to the ways in which
decision making in the MRC is carried out.
Chapter IV of the 1995 Mekong Agreement sets out the institutional framework that establishes the MRC (Figure 2.3). The MRC comprises three permanent bodies: The Council, Joint Committee (JC) and the MRC Secretariat. The Council is the top decision-making body in the MRC and comprises one member from each riparian state at the Ministerial and Cabinet level (no less than Vice-Minister level), who would be ‘empowered to make policy decisions on behalf of his/her government’ (MRC, 1995, p. 6). Thailand, Laos, and Vietnam are currently represented by their respective Ministers of Natural Resources and the Environment, while Cambodia is represented by the Minister of Water Resources and Meteorology. The ability of these ministers to make policy decisions on behalf of their governments is limited, as the ministries they represent tend to be less powerful compared to the key energy, finance and planning ministries in their countries that play a role in planning and approving key projects on the Mekong River and its tributaries (Boer et al., 2015).

The second body making up the MRC is the JC, which implements initiatives from the Council and also supervises the activities of the MRC Secretariat (Lee & Scurrah, 2009). The JC comprises one member from each riparian state at Head of Department Level or higher. These members are currently the Secretary-Generals of the Cambodia National Mekong Committee (CNMC) and Lao NMC (LNMC), and the Director-Generals of the Vietnam NMC and the Thai Department of Water Resources (DWR), under which the Thai NMC (TNMC) Secretariat sits. Decisions made by the Council and JC should be by unanimous vote, unless otherwise provided for in their respective Rules of Procedures. The MRC Secretariat is the technical and administrative arm of the MRC, rendering assistance to the Council and
JC and carrying out the day-to-day work of the MRC (Boer et al., 2015). The MRC Secretariat comprises an administrative division, a planning division, an environment management division, and a technical support division. The MRC Secretariat is headed by a Chief Executive Officer (CEO), who is appointed by the Council from a shortlist of candidates selected by the JC. One of the key functions of the MRC Secretariat has been to run key programmes listed at the beginning of this section.

The MRC also works closely with actors who are not specifically mentioned in the 1995 Mekong Agreement. The NMCs serve as a coordinating agency between the MRC and the relevant line governmental agencies in their respective countries. The NMCs are serviced by a Secretariat, who, like the MRC Secretariat, are the administrative and technical arm that carry out the day-to-day work. The MRC also coordinates with a Donor Consultative Group, comprising what the MRC terms as ‘development partners’ (DP). The work of the MRC Secretariat has largely been funded by these donors, comprising agencies who administer official development assistance from the governments of Europe, Australia, North America and Japan (Boer et al., 2015), and also international financial institutions or non-governmental organisations (NGOs). In 2009, donor funding comprised 90 per cent of the MRC’s funding (Lee & Scurrah, 2009). However, in 2016 the MRC saw funding from DPs slashed by more than half, from US$115 million for 2011-2015 to just US$53 million for 2016-2020, due to perceptions of the MRC’s ineffectiveness to resolve pressing issues relating to development along the river (Kossov & Lay, 2016). As a result, the MRC reduced its staff numbers by almost 50 percent, delegated functions such as water monitoring to member states (ibid.), and downsized the MRC Secretariat from 12 programmes to four core functions (Gerlak and Haefner, 2017).

2.5.2. Criticisms of the MRC

The MRC can be said to have a contested governance mandate to engage in the development of the LMB’s water resources on the river’s mainstream, tributaries, and lands (Dore & Lazarus, 2009). It has come under much criticism for its ineffectiveness in governing the Mekong River Basin, especially in terms of its marginalisation from state decision making processes and resolving disputes over hydropower development (see Dore & Lazarus, 2009; Dore & Lebel, 2010; Lee & Scurrah, 2009; Suhardiman et al., 2012). Certain tensions have been identified in analyses of the MRC’s responsibilities, such the MRC’s neglect of developments on the Mekong River’s tributaries as compared to its mainstream and whether it should play the role of a knowledge broker or an investment promoter (Molle et al., 2009). It is worth emphasising that the MRC is characterised by a heterogeneous group of actors from different nation-states and levels that participate in its governance arrangements (ibid.). The relations between the five parts of the MRC are therefore necessarily underlain by political dynamics, with constant negotiation between one another to reach a consensus or position (ibid.). This heterogeneity of interests is especially pronounced as national interests have been perceived to trump the transboundary river basin interest that the MRC purports to represent. Due to the ambiguity of the
1995 Mekong Agreement as ‘soft’ law (Boer et al., 2015), the role and mandate of the MRC has become subject to multiple understandings and interpretations by multiple stakeholders (Lee & Scurrah, 2009).

While it is acknowledged that the MRC is not 1) a supranational organisation with regulatory power, 2) an organisation that can make decisions or intervene in its own right, or 3) one that is directly accountable to the broader public, there are still grey areas in which the MRC can exert authority (Lee & Scurrah, 2009). These areas relate to the allowable extent of public engagement and accountability, its role as a proactive knowledge-based river basin organisation, its responsiveness to knowledge requests by the public and its capacity to influence development decisions in the Mekong River Basin (ibid.). In the case of the Mekong mainstream dams, Suhardiman et al. (2015) have noted that although the MRC operates in a constrained political environment, it has used the SEA as a way of opening up political space and discussion on dams to the wider public. The authors argue that the events relating to the SEA have demonstrated that scientific assessments can shape multi-level governance alliances, and to some degree democratise decision making processes. This politics of the technical will be further discussed in Chapter 6. It is also necessary to acknowledge how the MRC as an institution plays a key role in influencing the nature of water governance in the Mekong Region, through shaping powerful discursive imaginations of the Mekong River and interactions between state and nonstate actors (see Chapter 3, Section 3.2 for discussions on environmental governance and political ecology relating to the Mekong River).

2.5.3. The PNPCA and Prior Consultation

Article 5 of the 1995 Mekong Agreement emphasises the principle of ‘reasonable and equitable’ utilisation, and is supplemented by five procedures developed under the MRC’s Water Utilisation Programme which ran from 2000 to 2008. The set of five procedures for water utilisation in the LMB are: The Procedures for Data and Information Exchange and Sharing, the Procedures for Water Use Monitoring, the PNPCA, the Procedures for Maintenance of Flows on the Mainstream, and the Procedures of Water Quality. The PNPCA in particular has become one of the key arenas in which mainstream hydropower dam construction has been contested, as the proposed mainstream dam projects have to be submitted under Prior Consultation (Middleton & Pritchard, 2016). The PNPCA was adopted in November 2003 and sets out three processes (Notification, Prior Consultation, or Specific Agreement) that MRC member countries have to undertake for proposed development projects depending on the type of river (mainstream or tributary), the season (dry or wet), and the scope of water use (inter-basin or intra-basin) (MRC, 2016a) (see Table 2.2).
Table 2. Determining factors and corresponding processes under the PNPCA (adapted from MRC, 2016a)

<table>
<thead>
<tr>
<th>Type of River</th>
<th>Season</th>
<th>Scope of water-use</th>
<th>Required procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainstream</td>
<td>Dry</td>
<td>Inter-basin (from Mekong basin to another basin)</td>
<td>Specific Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intra-basin (within the Mekong basin)</td>
<td>Prior Consultation</td>
</tr>
<tr>
<td>Wet</td>
<td></td>
<td>Inter-basin</td>
<td>Prior Consultation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intra-basin</td>
<td>Notification</td>
</tr>
<tr>
<td>Tributary</td>
<td>Dry and Wet</td>
<td>Both inter and intra-basin</td>
<td>Notification</td>
</tr>
</tbody>
</table>

There are only two fields in which Prior Consultation is carried out: 1) mainstream development projects that would involve intra-basin use during the dry season and 2) inter-basin use during the wet season. While hydropower dams constructed on the river’s tributaries would only require the proposing member country to notify the MRC and member countries of the project’s details before commencing its proposed use, mainstream dams come under Prior Consultation, which refers to:

…timely notification plus additional data and information to the Joint Committee… that would allow the other member riparians to discuss and evaluate the impact of the proposed use upon their uses of water and any other affects, which is the basis for arriving at an agreement. Prior consultation is *neither a right to veto the use nor unilateral right to use water by any riparian without taking into account other riparians’ rights*’ (MRC, 1995, p. 3, emphasis added).

Prior Consultation is a six-month process of formal consultations and technical evaluation, ‘where notified member states have an opportunity to assess any potential transboundary impact on ecosystems and livelihoods, and to recommend measures to address those issues before water is used’ (MRC, 2016a, p. 3). The role of the MRC, as an intergovernmental advisory body, is to ‘advise on the project proposal’s risks and opportunities and to facilitate common views for basin development that minimise any adverse impacts and scope for conflict’ (MRC, n.d.c). Prior Consultation comprises three main parts: 1) submission of documents, 2) evaluation and reply to proposed use, and 3) a decision by the MRC JC. The submission of documents includes a summary of impact assessment documents and ‘additional available technical data [emphasis added]’ that will enable the other member states to evaluate the project and reply to the proposing country. This is meant to be a ‘timely submission’ by the proposing NMC, carried out ‘at least 6 months prior to commencement of project implementation’ (MRC, 2005a, p. 5). The MRC Secretariat is then responsible for checking the documents for completeness, and then circulating the documents to the MRC JC and the other NMCs (MRC, 2003b).
In the evaluation phase, the MRC Secretariat plays a key technical role as its responsibilities include having to ‘review, analyse and provide technical advice to the MRC JC’ and to ‘provide available technical support for evaluation’ (MRC, 2003b, p. 8). Once member states have evaluated the proposed use, they are to relay their concerns to the MRC JC through a reply form.

One of the major outcomes of Prior Consultation for the Xayaburi, Don Sahong, and Pak Beng dams has been a technical review of the proposed projects. The technical review sets out to ‘determine compliance with the MRC procedures on flow regime and water quality, assesses any possible impact on environment and livelihoods, and suggests measures to address those concerns’ (MRC, 2016a, p. 4). This is done through a series of working groups. First, the MRC JC sets up a PNPCA Joint Committee Working Group (JCWG) that comprises up to four representatives from their respective countries, and functions as an advisory body that ‘will meet to guide the [MRC] Secretariat in facilitating the process and discuss emerging issues’ (MRC, n.d.d). An MRC Secretariat PNPCA Task Group (TG) is set up to assist the JCWG and is the technical body that is mainly responsible for the technical review. Its main task being to ‘synthesise the results of their analysis and assessment for reporting to the PNPCW JCWG, and the Joint Committee for consideration’ (ibid.). The MRC Secretariat TG is supported by Sector Expert Groups that cover topics requiring expert and special consideration such as fisheries and sediments, and comprise senior international experts and regional specialists (ibid.).

It is necessary to highlight that the PNPCA is not a stand-alone procedure in the evaluation of Mekong mainstream hydropower projects. It must be considered in relation to the other MRC procedures, and governance arrangements and dynamics discussed in Sections 2.5.1 and 2.5.2. The PNPCA is driven by multiple groups of stakeholders not only within the MRC, but also by member state governments and international donors. It should also be emphasised that the PNPCA is strongly interlinked with the SEA (introduced in Section 2.4). The SEA, as a cumulative impact study of all the planned mainstream hydropower dams, was designed to provide input to the PNPCA by serving two main purposes: 1) to overcome the weakness of the PNPCA, which would have only studied mainstream dams on a project-by-project basis without reference to their cumulative impacts, and 2) to not only encourage member states to comply with the PNPCA while they planned dam construction, but to reinforce the MRC’s power and legitimacy to ensure that member states did so (Suhardiman et al., 2015). Intentionally released as a consultant report (ibid.), the SEA was never formally adopted by the MRC – while Vietnam and Cambodia welcomed the SEA’s recommendations, Laos did not (Carew-Reid, 2016). This is an important development to note as it reflects the Lao government’s resistance towards the SEA’s recommendation to postpone mainstream dam development, which would be reflected in their attitudes and actions towards the PNPCA.
2.5.4. Prior Consultation: Xayaburi Dam

The Xayaburi Dam is located 150 km downstream from Luang Prabang (see Figure 2.2) and will have an installed capacity of 1,285 MW; the dam will be 32 metres high and 820 metres long (ICEM, 2010; MRC Secretariat, 2011). The $3.5 billion dam is being constructed with significant Thai involvement. It is financed by six Thai banks, developed by Thai construction company CH. Karnchang, and 95 percent of the electricity generated from the dam will be sold to Thai state utility Electricity Generating Authority of Thailand (EGAT) (International Rivers, n.d.). Being the first mainstream dam to undergo Prior Consultation and be constructed on the Mekong River, the Xayaburi Dam was fiercely debated and contested by multiple stakeholders, and perceived as a potential trigger of a domino effect that would lead to the construction of other mainstream dams in the LMB (Osborne, 2013). Prior Consultation was initiated for the first time on 20 September 2010 when the LNMC submitted the project documents to the MRC Secretariat (Rieu-Clarke, 2015), and officially began on 22 October 2010 (MRC, n.d.e). The MRC Secretariat’s technical review of the key project documents, which was released on 24 March 2011, noted that there were many areas of uncertainty relating to the dam’s transboundary impacts and the required mitigation measures, and also identified negative impacts to fish migration and hydrology (MRC Secretariat, 2011).

At the special MRC JC meeting that took place on 19 April 2011, Laos insisted that the concerns raised would be taken into consideration and that Prior Consultation should be over, while Thailand, Cambodia, and Vietnam suggested that further impact assessments and wider consultations should be carried out (Rieu-Clarke, 2015; Yasuda, 2015). The final decision was to defer and elevate the decision on the Xayaburi Dam to the ministerial level (International Rivers, 2011a) of the MRC Council. At the MRC Council meeting held in December 2011, the four ministers were still unable to reach a compromise and a decision was made to commission a study to further investigate the sustainable development and management of the Mekong River, which would include the impact of mainstream hydropower dam projects (MRC, 2011a). However, Laos proceeded with construction on the Xayaburi Dam despite disagreements that continued to resurface with MRC member countries such as Cambodia (Rieu-Clarke, 2015), and eventually held a ground breaking ceremony for the dam in November 2012 (Chenaphun, 2012). (See Appendix A for a timeline of the Xayaburi Dam.)

---

3 Siam Commercial Bank, Kasikorn Bank, Bangkok Bank, Krung Thai Bank, TISCO and the Export-Import Bank of Thailand.
4 This study, known as the MRC Council Study, was only completed in December 2017 – half a year after the Pak Beng PNPCA had concluded. See http://www.mrcmekong.org/highlights/the-study-on-sustainable-management-and-development-of-the-mekong-river-including-impacts-of-mainstream-hydropower-projects/.
The Don Sahong Dam is currently under construction in Siphandon in Southern Laos (see Figure 2.2) and built across the Hou Sahong channel, one of the more than 10 rocky channels that the Mekong mainstream is split into in that section of the river, which is the only channel through which fish can easily pass through all year round, including the dry season (Baird, 2011). It will have an installed capacity of 260 MW and be 25 metres in height (Don Sahong Power Company Ltd, 2019). It is located less than two kilometres upstream from the Lao-Cambodia border, and in close proximity to Cambodia’s Stung Treng Ramsar site5 (International Rivers, 2015). The Don Sahong Dam is developed by Malaysian company Mega First Corporation Berhad (MFCB) and the power generated will be mostly headed to Thailand (ICEM, 2010). MFCB disputed Baird’s finding that the Hou Sahong channel was the only channel through which fish could easily migrate all year round and planned to develop surrounding channels to further facilitate fish migration (Barron, 2013a). The Lao government initially submitted the project documents in September 2013 under the PNPCA process of Notification (MRC, n.d.f), based on the justification that the Don Sahong Dam was situated in one of the many channels of the Mekong River and does not block the entire river mainstream (Boer et al., 2015). However, Laos came under pressure from the remaining MRC states to submit the project under Prior Consultation (Barron, 2013b) and during the MRC Council meeting on 26 June 2014, Laos reluctantly agreed to submit the project under Prior Consultation (Boer et al., 2015). While the official start date of Prior Consultation was on 25 July 2014, this date was only publicly confirmed almost two months into the process, during a meeting of the MRC JC in early October 2014 (International Rivers, 2014a).

The path that the Don Sahong PNPCA took was similar to that of the Xayaburi PNPCA. The MRC’s technical review of the dam identified ‘significant gaps’ in the project information submitted, particularly in relation to the dam’s transboundary impacts (MRC Secretariat, 2015, p. 46), and highlighted ambiguity surrounding the proposed mitigation measures (International Rivers, 2016). The technical review also made a recommendation to the MRC JC to consider extending the Prior Consultation period for additional data to be analysed and to provide opportunity for a further round of public consultations (MRC Secretariat, 2015). Thailand, Cambodia and Vietnam also recommended in their submitted reply forms for an extension of Prior Consultation for further studies to be conducted (CNMC, 2015; TNMC, 2015; VNMC, 2015). However, Laos announced that it considered the process to be complete (Boer et al., 2015). The issue was once again deferred upwards to the MRC Council (ibid.). In early January 2016, the Lao government held a ground breaking ceremony for the Don Sahong Dam, following what Vietnamese media Than Nien News noted as ‘months of silence’ on the status

5 The Ramsar Convention’s mission relates to the conservation and wise use of wetlands, and Ramsar sites are wetlands of international importance. See https://rsis.ramsar.org/ris/999 for information on the Stung Treng Ramsar site.
of the prior consultation process, and by June 2016 construction had rapidly progressed to the point where the Hou Sahong Channel had been completely blocked (Thanh Nien News, 2016). (See Appendix B for a timeline of the Don Sahong Dam.)

2.5.6. Prior Consultation: Pak Beng Dam

The Pak Beng Dam is the northernmost dam in the LMB mainstream dam cascade (see Figure 2.2), and its proposed site is about 174 kilometres upstream from Luang Prabang and 258 kilometres upstream from the Xayaburi Dam (MRC Secretariat, 2017a). Construction on the dam has not yet begun at the time of writing. The dam will have an installed capacity of 912 MW and will be about 64 metres high and 896 metres in length (ibid.). The dam is developed by the Chinese hydropower company Datang International Power Generation Co. Ltd., which signed an MoU with the Lao government in 2007 (International Rivers, 2017c). About 10 percent of the power produced by the dam will be made available to Lao state utility Électricité du Laos (EDL) while the remaining 90 percent would be sold to Thailand (MRC Secretariat, 2017a), although Thai state utility EGAT announced in mid-February 2018 that it had delayed a decision to purchase power from the dam until an ongoing review of Thailand’s power development plan was complete (Southerland, 2018). The Pak Beng Dam is located less than 100 kilometres downstream of the Thai-Lao border, and will have transboundary effects on Thailand as its reservoir will extend into Wiang Kaen District in Chiang Rai Province (International Rivers, 2017d).

The project documents for the Pak Beng Dam were submitted to the MRC Secretariat on 4 November 2016, and the official start date of Prior Consultation was on 20 December 2016 (MRC, 2016b). Compared to the Xayaburi and Don Sahong PNPCAs, the Pak Beng PNPCA was relatively uncontroversial at the level of state-to-state relations. While the reply forms from Thailand, Cambodia and Vietnam all called for more studies to be conducted, they did not carry recommendations for the prior consultation process to be extended (CNMC, 2017; TNMC, 2017; VNMC, 2017). After the special session of the MRC JC held at the end of the six-month prior consultation period on 19 June 2017, the JC released a statement calling on the Lao government to ‘make every effort to address any potential adverse transboundary impacts’ of the Pak Beng Dam (MRC Joint Committee, 2017, p. 2). The main concerns were listed, the MRC Secretariat was requested to support preparation of a Joint Action Plan (JAP) that would outline a post prior consultation process (ibid.).

2.5.7. Controversies over the PNPCA

The cases of the Xayaburi and Don Sahong PNPCAs resulted in tensions over the ambiguity of the legal status of the PNPCA and its guidelines, which were not ratified at the national level and thus were not legally binding as a ‘Treaty’ according to international law (Rieu-Clairek, 2015). The 1995
Mekong Agreement and PNPCA fall into the realm of ‘soft’ rather than ‘hard’ law (Boer et al., 2015). In contrast to ‘hard’ law where legal norms ‘are relatively clear and binding’, such as in legislation and treaties, ‘soft’ law operates in a realm where the obligations imposed through the agreement are weak and subject to the discretion of decision-makers, although still exerting ‘quasi-legal force in the sense that they shape conduct and induce some “compliance pull”’ (Boer et al., 2015, p. 45). This has compromised the ability of the Agreement and PNPCA to be enforced effectively (Armstrong, 2015; Bearden, 2010). Prior Consultation for the Xayaburi and Don Sahong dams represented another area where the mandate of the MRC has been severely tested, as member countries sought to impose and test their interpretations of the PNPCA and the 1995 Mekong Agreement according to their interests.

Rieu-Clarke (2015) identified several areas of ambiguity and contention in his analysis of the Xayaburi PNPCA, although some of these issues also persisted in the Don Sahong and Pak Beng PNPCAs. These relate to disagreements over what ‘timely’ notification meant, divergent expectations around the collection and exchange of ‘available’ and ‘relevant’ data and the information required to evaluate the proposed project, the difficulty of adhering to the six-month timeframe, and the lack of recourse following disputes over whether or not Prior Consultation had been concluded. This thesis treats the public stakeholder consultation component in the PNPCA as another key area of ambiguity and contestation. This section has outlined the key events that have occurred in relation to the Xayaburi, Don Sahong and Pak Beng dams to provide the broader context in which the public stakeholder consultations were situated in, and Chapters 5, 6 and 7 will examine the Thai and Cambodian stakeholder consultations in greater detail.

2.6. Social movements against hydropower development in the Mekong Region

The mainstream hydropower dams have been strongly contested by the Save the Mekong (STM) Coalition, a transnational activism network that was officially launched in 2009 when plans for the Don Sahong Dam were progressing (Yasuda, 2015). The STM Coalition is a regional network of local, national, regional and international NGOs, and includes community groups, academics, artists and ordinary citizens who share concerns about the future of the Mekong River system (Save the Mekong, n.d.). The coalition does not have a formal structure and is informally coordinated by two Bangkok-based organisations (Yasuda, 2015). The first is the International Rivers, an international NGO headquartered in the USA that runs campaigns against large-scale hydropower development around the world (see https://www.internationalrivers.org/). The campaign is coordinated by its Southeast Asia Program, which has its office in Bangkok. The second is Thai environmental NGO Towards Ecological Recovery and Regional Alliance (TERRA) (see http://www.terraer.org/web/en). The STM Coalition comprises coalitions of NGOs and local communities from Mekong countries: the Network of Thai People in Eight Mekong Provinces (henceforth known as the Thai Mekong People’s Network), the Rivers Coalition of Cambodia (RCC), and the Vietnam Rivers Network. The trajectories through which
these national-level coalitions have emerged are the result of the different ways in which state-society relations had evolved in relation to large-scale development projects and their impacts to the environment. This thesis considers social movements against hydropower as a form of public participation, and this section discusses such movements in relation to the mainstream hydropower dams and also hydropower development in Thailand and Cambodia.

2.6.1. Contesting the Xayaburi and Don Sahong dams

Before, during and after the Xayaburi and Don Sahong PNPCAs, the STM Coalition utilised a variety of strategies targeted at a range of stakeholders, especially regional decision makers, national decision makers, stakeholders in affected areas, and the general public (Yasuda, 2015). These included letter-writing campaigns to decision makers, the holding of workshops and public forums, and community awareness-raising events (ibid.). In Thailand, protests were organised by the Thai Mekong People’s Network both in Bangkok, outside the headquarters of CH. Karnchang and one of the Thai banks financing the Xayaburi Dam (Ganjanakhundee, 2012), and on the Mekong River, notably in Nong Khai during the Asia-Europe Meeting (ASEM) that took place in November 2012 on the opposite banks of the river in Vientiane, Laos (Herbertson, 2012). In Cambodia, community thumbprint petitions were organised against the Xayaburi Dam (Yasuda, 2015) and a wider international petition campaign was organised by the World Wide Fund for Nature (WWF) Cambodia against the Don Sahong Dam (WWF, 2014). Protests were also held along the Mekong River in Cambodia against the Don Sahong Dam (Crothers & Hul, 2014; WWF, 2015). Several international NGOs have also engaged in a science-based approach. For example, International Rivers had commissioned independent technical reviews that critiqued the EIAs for the Xayaburi, Don Sahong and Pak Beng dams (International Rivers, 2011b, 2014b, 2017e), and the WorldFish Centre and the WWF contributed scientific studies on the Don Sahong Dam (Yong & Grundy-Warr, 2012).

Another important strategy that has emerged from civil society has been the use of legal and complaint mechanisms to target the myriad proponents of mainstream dam development. In Thailand, Thai villagers filed a landmark lawsuit against the Thai government in August 2012 to challenge the government’s extra-territorial obligations relating to the Xayaburi Dam (Middleton & Pritchard, 2016), and once again in June 2017 over the poor quality of public consultation carried out for the Pak Beng Dam (Rujivanarom, 2017a). A complaint was also submitted by EarthRights International (ERI) and other members of the STM Coalition under the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises mediation process, against the Austrian manufacturer of the Xayaburi Dam’s turbines, which had denied negative impacts of the dam despite the existence of scientific data stating the contrary (Kinna, 2017). For the Don Sahong Dam, a complaint was filed against the dam’s Malaysian project developer MFCB through the Human Rights Commission of Malaysia (SUHAKAM) in October 2014, alleging that MFCB had done little to understand and
minimise the impacts of the dam and had not consulted with affected communities (Community Resource Centre et al., 2014). While the STM Coalition ultimately has not been able to stop the Lao government from proceeding with the construction of the mainstream dams, they have had some degree of success in terms of putting pressure on the Lao government to seriously take action on mitigation, and putting pressure on the MRC and NMCs to improve the PNPCA stakeholder consultations.

2.6.2. History and legacy of contested hydropower in Thailand

The development of large water infrastructure projects in Thailand was closely intertwined with the establishment of the Mekong Committee, and led by Thai government agencies that play a role in the national management of water, such as EGAT and the Royal Irrigation Department (Mirumachi, 2012). The Thai hydraulic mission of modernisation (Middleton, 2016) was undergirded not just by the international and regional drivers for large-scale hydropower development in the region, but also nation-building imperatives to both bring natural sources and local populations under state control (Mirumachi, 2012) and to bolster the political and ideological authority of the monarchy (Blake, 2015). The Thai government was focused on developing its relatively arid northeast Isan region where agricultural productivity lagged behind the central Chao Phraya region, in order to improve food security for a growing rural population and to secure the region against the communist insurgency taking place in Laos (ibid.). In the 1960s the Thai government undertook extensive water infrastructure planning and construction with aid and technical support from US agencies such as USAID, the Bureau of Reclamation, and the US-aligned World Bank (Middleton, 2016; Molle et al., 2009). Large dams in Thailand were mixed use dams that were constructed primarily for hydropower generation, and then irrigation as a secondary concern (Middleton, 2016).

While the growth of NGOs and increasing public space to engage state decision making took place in the 1970s (Foran & Manorom, 2009), it was in the late 1980s that civil society in Thailand started voicing concerns over environmental issues, contributing towards a climate of increasing public opposition towards damaging environmental projects (Mirumachi, 2012). Growing economic disparities between urban and rural areas, environmental degradation and conflict over natural resources that came with Thailand’s economic boom, and the concurrent changes in NGO compositions gave rise to a dramatic increase in environmental protests and mass mobilisations (Phatharathananunth, 2006). The grand vision of successive Thai governments to irrigate Isan through medium- and large-scale dam and diversion schemes were exemplified in the ‘Green Isan’ project initiated in 1987 and the Khong-Chi-Mun water diversion project approved in 1989 (Missingham, 2003). The central role of rural people in political activism and protests during the 1990s was unprecedented in Thai history and could be seen as a result of three intersecting trends: a rural crisis resulting from uneven economic development, the long history of rural struggle and opposition, and middle-class activism pushing for social and political reform against elite power (ibid.). The Thai government’s developmentalist visions involving large
Water infrastructural projects became a source of heated contestation, and Isan would become a focal point for several large-scale and successful protests against dam development in the 1980s and 1990s (Mirumachi, 2012).

This had implications for Thailand’s dam-building programme, which would go on to face strong challenges from civil society (Middleton, 2016). The first publicised dispute and successful opposition to a large dam in Thailand was over the Nam Choan Project that was proposed in 1982 by EGAT, which would have flooded part of a wildlife sanctuary in Kanchanaburi Province, northwest of Bangkok (Foran & Manorom, 2009). The dam project was eventually shelved by the government in 1988 due to civil society’s success in applying pressure to the central government. The Nam Choan Dam campaign was coordinated by Thai NGO Project for Ecological Recovery, which was established in 1986 and would go on to play a key role in the campaign against the Pak Mun Dam in Ubon Ratchathani Province (see Figure 2.2) (Foran & Manorom, 2009). Its sister organisation TERRA was established in 1991. The Nam Choan Dam campaign was deemed as a watershed in Thai environmental politics that encouraged resistance to other dam projects and increased the legitimacy of environmental discourses mobilised in opposition to state development projects (Missingham, 2003).

The Assembly of the Poor (AOP) was established amidst this political climate in 1995, comprising a loosely structured network that provided villagers’ organisations country-wide with a platform to exchange information and resources, and to leverage on their collective bargaining power as part of a larger umbrella organisation (Missingham, 2003). The long-standing contestation around the Pak Mun Dam was one of the core movements within the AOP. The 136 MW dam is situated on the Mun River and located 5.5 km upstream of the confluence between the Mun and Mekong rivers. The state’s determination to proceed with the Pak Mun Dam in 1989 has been interpreted by some as a reaction to the setback experienced by EGAT with the Nam Choan case (Foran & Manorom, 2009). The dam was built primarily for power generation rather than as a development project for local communities or Isan (TDRI, 2000). The Pak Mun Dam was selected as one of the eight in-depth studies carried out by the WCD, which was part of a multi-stakeholder process that would attempt to undertake participatory studies relating to the performance of large dams worldwide (Foran & Manorom, 2009). The study found that the dam caused 1,700 households to be resettled, at least 6,200 households to suffer loss of livelihoods, a 44 percent loss in pre-dam fish biodiversity, and up to an 80 percent drop in fishery yields upstream of the dam (Middleton, 2012).

The movement against the Pak Mun Dam took place over the course of more than two decades and successive Thai governments. Protests were carried out through occupying the dam site, extended rallies in Bangkok and encampments outside government houses (Middleton, 2012). Such mass mobilisation posed direct challenges towards EGAT and state agencies. Apart from demonstrations, the campaign also engaged in a politics of knowledge. The WCD study was carried out a time when
Thailand had limited experience with ‘formalised knowledge-building multi-stakeholder processes’ (Foran & Manorom, 2009, p. 67). Its criticism of the EIA, resettlement and consultations processes and the overestimation of the dam’s economic and power benefits were contested by EGAT and the World Bank (ibid.). Thai villager-led research, known as Thai Baan Research, was carried out for the first time in Thailand in tandem with Thai NGO Living River Siam (the then-Southeast Asia River Network) and Thai academics, and would later be replicated in other parts of Thailand and Cambodia (Käkönén & Hirsch, 2009). Despite some incidents of government repression, violent confrontation, and the continued operation of the dam, the social movement secured concessions from state agencies such as the opening of the dam gates from 2001 to 2002, and the Thaksin government’s decision to keep the gates open four months a year (Middleton, 2012).

Overall, this legacy of the Pak Mun Dam played a significant role in restructuring Thai state-society relationships and in influencing the current trajectory of hydropower development not just in Thailand, but in the region (Middleton, 2012). Faced with opposition to large domestic hydropower projects, the Thai government has invested in power projects in neighbouring Laos and Myanmar where there has been less political space for opposition to such projects (ibid.). The movement helped to socialise Thai society to tolerate and participate in street demonstrations, opened up new spaces for deliberative politics, such as the National Human Rights Commission (NHRC) set up under the 1997 Constitution, and helped civil society to mobilise in multi-scalar coalitions, re-politicise knowledge and capture public arenas of deliberations (Foran & Manorom, 2009). However, there has also been a polarisation of debate and distrust between the state and civil society (Molle et al., 2009). Because of the international prominence of the Pak Mun Dam case, advocates not just in Thailand, have learned to question all project studies from the start, including the project’s feasibility (Foran & Manorom, 2009). This legacy can be seen from the STM Coalition’s strategy of delegitimising dam project EIAs mentioned in Section 2.6.1. It is also worth mentioning that the WCD’s legacy in terms of promoting a participatory and process-oriented agenda has also been reflected in MRC initiatives such as the SEA and its Hydropower Sustainability Assessment Forum (Hirsch, 2010).

Although the Thai government no longer builds large-scale hydropower dams in Thailand, there is still strong civil society opposition towards the LMB mainstream dams. The environmental movement against the LMB mainstream dams today comprises of several key organisations. While TERRA informally coordinates the STM Coalition, the Mekong Community Institute (formerly Living River Siam) coordinates and supports the Thai civil society network comprising local NGOs and communities. The Thai Mekong People’s Network is the umbrella network comprising two major groups: first the Rak Chiang Khong environmental group based in Chiang Khong, Chiang Rai Province in northern Thailand, which arose in opposition to a China-led navigation project to blast ecologically and culturally significant rapids in the area, and a network that covers the seven Mekong provinces in
Isan. As the rest of the thesis will show, these groups would come to play prominent roles in opposing mainstream hydropower development in the LMB.

2.6.3. History and legacy of contested hydropower in Cambodia

While the prior section has noted that hydropower development in Thailand has been driven by national security, nation-building and irrigation, hydropower development in Cambodia has been driven by a desire for cheap electricity to sustain its economic growth and to improve the country’s energy security (Weatherby & Eyler, 2017). Because of political instability beginning with the Khmer Rouge period (1975-1979) and later, problematic governance and transparency issues, the development of Cambodia’s power sector had been held back (ibid.). Only about 58 percent of Cambodia’s population has secure access to electricity, and electricity prices in Cambodia are among the region’s highest due to a high reliance on imported diesel fuel (ibid.). In order to improve reliable access to electricity and to bring down electricity prices, the development of the energy sector and hydropower has been a key priority for the Cambodian government (Grimsditch, 2012). A 2003 National Sector Review for Hydropower estimated that Cambodia holds a hydropower potential of 10,000 MW, of which 50 percent is from the mainstream of the Mekong River, 40 percent on its tributaries and 10 percent in southwestern Cambodia (Beck, 2014).

Hydropower development in Cambodia has taken place within the new regional political economy where private financing was more readily available. China has been a key player in Cambodia’s hydropower development, with its investments in hydropower reaching US$2.4 billion in 2016 (Pheakdey, 2017). The Cambodian government has welcomed China’s ‘unconditional’ development assistance and investments that provide a preferable alternative to Western aid and assistance, which often come with conditions that have become increasingly frustrating for the Cambodian government (Grimsditch, 2012), especially in relation to those concerning social-environmental standards and safeguards (see Section 2.3.2). The proposed Sambor and Stung Treng mainstream dams are also to be developed by Chinese hydropower companies. There has been growing concern within civil society about the socioeconomic and environmental impacts of such dam development, especially as the Chinese companies are perceived to be exploiting Cambodia’s natural resources with little regard for environmental safeguards and human rights (Pheakdey, 2017).

It was not domestic dam building, but the Yali Falls Dam in Vietnam built on the transboundary Sesan tributary that laid the foundations for the present-day Cambodian civil society movement opposing hydropower dams. Following the unexpected floods of 2000 in Cambodia’s north-eastern Ratanakiri Province caused by the unexpected release of water from the Yali Falls Dam, a loosely bound coalition of local community, local NGOs and international NGOs formed the Sesan Working Group (SWG) to coordinate investigative work on the local reports of widespread flooding; key international
supporters included TERRA and International Rivers (Hirsch & Wyatt, 2004; Yasuda, 2015). The formation of the SWG was driven by both the needs of affected communities and interests of external partners (Yasuda, 2015). Subsequently, the Sesan Protection Network (SPN) spanning the northeastern provinces of Ratanakiri and Stung Treng was set up in December 2001, with the aim to assist with the formation of a community network and to build a multi-scalar coalition (Hirsch & Wyatt, 2004). The SPN was the first local grassroots civil society group created in response to hydropower dam impacts in Cambodia, and played an instrumental role in mobilising grassroots community support for advocacy initiatives (Thim, 2013). It was with the establishment of the SPN that the development and strengthening of a community network began to gain momentum. (Hirsch & Wyatt, 2004)

The SPN utilised strategies to influence policy-makers at national and international levels. One key strategy was to build the capacity of the local network such that community members could understand issues related to hydropower development and represent themselves in negotiations (Hirsch & Wyatt, 2004; Thim, 2013). According to Thim’s (2013) account of this issue, the capacity-building programme included opportunities for local network members to access training, workshops, study tours and meetings that would enhance their ability to advocate and articulate their concerns towards government officials and policy makers. The SPN also created spaces for transboundary dialogue through organising a national workshop on issues relating to the Sesan River in November 2002, where findings of an impact study were discussed and affected communities given the opportunity to voice their concerns and suggestions. While the SPN served to create a strong local-level network, it also became part of a broader NGO coalition including Phnom Penh-based NGOs: the NGO Forum of Cambodia (henceforth known as NGO Forum), which would coordinate advocacy efforts at the national level, and the Culture and Environment Preservation Association (CEPA) which supported local-level networks in Stung Treng Province.

The multi-scalar nature of this movement against hydropower reflected the unique circumstances under which civil society developed in Cambodia. Unlike Thailand, the emergence of Cambodian civil society in the 1990s was driven by international organisations and donors rather than attributable to local initiatives or an opening up of democratic space in the country (Öjendal, 2013). The ‘explosion’ of NGO numbers in the early 1990s stood in contrast to the almost non-existent civil society landscape before, and can be contextualised within the country’s path towards political stability during the same period that was heavily driven by international intervention, notably the signing of the 1991 Paris Peace Agreements and then the UN-sponsored elections of 1993 (Ou & Kim, 2013). The early 2000s saw the growth of community-based organisations (CBOs) such as community fisheries, but these were not organic processes of local mobilisation (Öjendal, 2013). In other words, these processes were not grounded in local relations and institutions. Rather these foundations of self-mobilisation were
introduced through the influence of basic recovery processes in rural areas, growing acceptance of participatory political pluralism, and role-modelling by existing NGOs (ibid.).

The SPN eventually extended its coverage from the Sesan River to include the Srepok and Sekong rivers, and was renamed as 3SPN in 2005. Similar to the use of Thai Baan Research in the case of the Pak Mun Dam, 3SPN has also promoted community-based research as one way to strengthen capacity building efforts among local networks and produce formal documents that could function as tools for advocacy, wider dissemination, and empowerment (Thim, 2013). The SWG served as the basis for the establishment of the RCC in 2007, an umbrella NGO group created in response to expanding efforts to manage hydropower dam development issues country-wide (Thim, 2013; Yasuda, 2015). The RCC today includes 3SPN, NGO Forum and CEPA, and other Cambodian NGOs such as the Fisheries Action Coalition Team (FACT) that coordinates CBOs around the Tonle Sap Lake, and international NGOs Oxfam America and Oxfam Australia (NGO Forum, 2016). The RCC also engages with the NGO Forum’s working group on river protection, providing member organisations with multiple channels to connect with one another (Wells-Dang, 2013). The RCC has been an active member in the STM Coalition and has opposed the mainstream Mekong hydropower dams in Laos, although the stance of RCC members towards proposed hydropower dams in Cambodia has generally been more ambiguous (Baird, 2016).

Around the same time that the STM campaign was underway, there was also heated opposition to hydropower dam development in Cambodia. The contested dams were the proposed 108 MW Cheay Areng Dam in Koh Kong Province, southwestern Cambodia and the 400 MW Lower Sesan 2 (LS2) Dam on the Sesan River in Stung Treng Province (Hensengerth, 2017). In particular, there were high levels of concern directed towards the LS2 Dam, which would be the largest hydropower project ever initiated in Cambodia and estimated to be the single most destructive tributary dam on the Mekong River system (Baird, 2016). There were concerns about its effects on the environment and food security in Cambodia’s Tonle Sap Lake, and also its transboundary impacts on Vietnam, Thailand, and Laos (Baird, 2016; Hensengerth, 2017). Moreover, concern among local communities also stemmed from negative experiences with the impacts of the Yali Falls Dam (Baird, 2016). Despite protests carried out by local communities and the refusal of 118 households from two affected villages to relocate, the LS2 Dam was inaugurated in September 2017 (Denton, 2017; Phak & Chen, 2017) and opened in December 2018 (Soth, 2018). However, it is possible that the combined opposition towards domestic and Lao dams led to an announcement by the Minister of Mines and Energy in January 2016 that the Cambodian government would not allow the construction of any new dams until 2020 (Chea, 2016).
2.7. Conclusion

This chapter has largely dealt with 1) the history and political economy in which hydropower development had emerged in the LMB, 2) the MRC’s governance arrangements and the PNPCA, and 3) civil society movements against hydropower development in the Mekong Region. The ecological, historical, social, political, and economic contexts underlying the current phase of mainstream dam development along the Mekong River cannot be understated, as strands of these varied trajectories remain embedded in the debates and politics to come. In considering how mainstream hydropower governance and public participation are rendered technical, it is pertinent to consider how the mission of the MRC and its predecessors had been driven from the start by engineering perspectives, expertise, and goals, laying the ground for the entrenchment and stickiness of technical discourses that form the basis of decision-making today. An examination of Prior Consultation, which has taken place for the Xayaburi, Don Sahong and Pak Beng dams demonstrates how a technical process is embedded within a politics of knowledge and divergent national interests. The thesis’s attention to the rendering technical of mainstream hydropower governance and public participation (Chapters 5 and 6) has to be situated within this context, and the theoretical foundations of rendering technical will be discussed in Chapter 3.

This chapter has also outlined how hydropower development has been contested by the STM Coalition and the historical legacies of hydropower contestation in Thailand and Cambodia, which are considered as forms of public participation. The historical circumstances driving hydropower development in Thailand and Cambodia have influenced the respective state stances towards mainstream hydropower development today and the ways in which they have engaged with civil society over these issues, with some degree of congruence across time and space. The unique trajectories through which state-civil society relations in each country have developed are also significant, which may be situated within the notion of public participation being emergent, co-produced and relational, which will be elucidated in Chapter 3. While the STM Coalition operates on a regional level, the networks, organisations, and communities within each country also seek to influence decision-making at the national level, especially as the impacts of the proposed projects on each country varies. The state-civil society dynamics continue to play out as these heterogeneous groups of actors encounter, cooperate with, or challenge one another when brought together within the spaces of public participation of the PNPCA. These dynamics will be especially pertinent to Chapter 7, which examines how alternative participatory spaces emerge outside of the PNPCA when the limitations of the PNPCA stakeholder consultations in influencing decision-making come to light.
CHAPTER THREE

CONCEPTUAL FRAMEWORK: RENDERING TECHNICAL, PUBLIC PARTICIPATION AND PERFORMATIVITY

3.1. Introduction

This chapter examines three major themes that form the conceptual basis for this thesis. First, the concept of rendering technical is introduced. One of its major elements is that of problematisation, which is closely linked to the Foucauldian notion of governmentality. Drawing on the work of governmentality scholars, the notion of problematisation is used to understand how the LMB and mainstream hydropower development have been framed as an intelligible field for intervention. The second element, antipolitics, is discussed in relation to other aspects of governmentality including the relationship between power and knowledge. Second, this chapter examines the concept of public participation, while also identifying some of the assumptions that have been associated with the concept when applied in development or environmental governance. This is discussed in relation to the third element of rendering technical, the containment of challenges to the status quo. An argument is made for a relational, co-produced and emergent understanding of public participation, and its implications for understanding public participation in the LMB. Third, the concept of performativity is introduced, along with its relevance for furthering an understanding of public participation and rendering technical. This chapter also touches on how these concepts are interwoven with geographical concepts relating to environmental governance, political ecology, scale, and place.

3.2. Geographies of governmentality: Rendering technical

This section draws heavily on the notion of rendering technical introduced in Tania Li’s (2007) book, which interrogated governmental interventions aimed at improving landscapes and livelihoods in Indonesia. Li (2007) identifies two practices necessary in translating this will to improve into explicit programmes, the first being problematisation and the second being a practice she calls rendering technical. First, Li notes that the two practices of problematisation and rendering technical are not mutually exclusive. The practice of problematisation, where ‘the bounding and characterisation of an “intelligible field” appropriate for intervention anticipates the kinds of interventions that experts have to offer’, and the practice of rendering technical maintains the boundaries between the experts who diagnose the problems and those who are subject to receiving the interventions (ibid., p. 7). The second dimension has to do with the emergence of an antipolitics, whereby Li (ibid., p. 7) argues that ‘questions that are rendered technical are simultaneously rendered nonpolitical’. This is especially so because, she argues, some experts tend to frame interventions in technical terms rather than situating issues in their wider political-economic contexts. The third dimension that Li (ibid., p. 8) identifies is an extension of
antipolitics, as she contends that programmes are designed as ‘deliberate measures to contain a challenge to the status quo’. This section pays close attention to the emergence of problematisation and antipolitics, while the third element will be further discussed in Section 3.3 in relation to public participation.

3.2.1. Governmentality and an analytics of government

Before delving into the notion of problematisation, it is necessary to introduce the notion of governmentality on which these concepts are based. The perspective of governmentality involves paying attention to the shifting targets of government, as ‘one never governs a state, a territory, or a political structure’, but rather people, individuals, or groups (Foucault, 2007, p. 122). Government is not defined by adherence to a common good, but rather, has as its objective, a ‘whole series of specific finalities’ (Foucault, 1991, p. 95). Government has come to be defined as the conduct of conduct, which could be thought of as an activity, or practices, aimed at shaping, guiding, or affecting the behaviours or actions of persons (Gordon, 1991). Dean (2010, p. 18) explains that government comprises a plurality of agencies and authorities, behaviours to be governed, norms, purposes, and outcomes, and has defined government as:

…any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes.

An analytics of government views government as a heterogeneous field of thought and action comprising a plurality of ‘authorities, knowledges, strategies and devices’ (Inda, 2008, p. 7) and involves close examination of the conditions through which governmental practices emerge, are sustained and transformed (Dean, 2010). These governmental practices may be seen as a regime of practices, which are fairly coherent sets of ways of doing things, including institutional practices (Dean, 2010). As Rose (1999, p. 57) argues, an analytics of government is an empirical project where the aim is not to locate an essence of government but to diagnose, isolate, group, and organise the ‘symptoms’ of government. This involves the non-hermeneutic analysis of arguments, strategies and tactics on their own terms, moving beyond assigning motives, strategies, and interests to actors where they may not actually exist, and not essentialising the interests of different groups based on the strategies or tactics they employ (ibid). This is especially important for this thesis as the participatory spaces initiated by state and nonstate actors may be structured similarly.

‘How to govern oneself, how to be governed, how to govern others, by whom the people will accept being governed’ – these are questions that Foucault posed in relation to governmentality (Foucault, 1991, p. 87). An analytics of government prioritises the questions of ‘how’ (Dean, 2010),
which may be helpful in disentangling the heterogeneous encounters involved within the complex processes of governmentality in the LMB. This involves understanding how particular locales come to be endowed with authority, how plural actors are assembled with specific powers, and how differing domains are constituted as governable or administrable (Dean, 2010). The spaces of participation that have emerged as part of LMB mainstream hydropower governance may function as key arenas in which these dynamics of power and government can be observed.

3.2.2. Problematisation

Problematisation is a key component of the analytics of government and closely linked to the notion of political rationalities. Political rationalities can be conceptualised as ‘intellectual machineries that render reality thinkable in such a manner as to make it calculable and governable’ (Inda, 2008, p. 7). Political rationalities are a problem-oriented field, and Dean (2010) notes that that a key starting point in the analytics of government is identifying specific situations where the activity of ‘conduct of conduct’ is called into question or becomes a problem; thus a ‘problematisation’. Inda (2008, p. 8) notes that government is innately ‘a problematising sphere of activity’, and its practices are directed with the goal ofarticulating the nature of the problems identified and to formulate strategies to resolve them. Governmentality is thus concerned with how events, processes, and phenomena come to be framed as problems (ibid). Thus, in studying hydropower governance and public participation in the LMB, it will be important to understand how both dimensions come to be framed through the political rationalities underpinning the governance of a transnational river basin.

Problematisation is also related to the technologies of government that constitute another key component within the analytics of government. This refers to the domain of ‘practical mechanisms, devices, calculations, procedures, apparatuses, and documents’ (Inda, 2008, p. 9). Rose (1999, p. 52) notes that technology refers to ‘an assembly of forms of knowledge with a variety of mechanical devices and an assortment of little techniques oriented to produce certain practical outcomes’, related to the shaping of conduct towards the desired ends of government. Inda (2008) identifies two main components in the technological domain studied by scholars on governmentality. The first major component is that of specific technical instruments: these are mundane, prosaic instruments or tools that render things ‘visible’ and into calculable, knowable and programmable forms:

These are all the mundane tools – surveys, reports, statistical methodologies, pamphlets, manuals, architectural plans, written reports, drawings, pictures, numbers, bureaucratic rules and guidelines, charts, graphs, statistics, and so forth – that represent events and phenomena as information, data, and knowledge. (Inda, 2008, p. 9)

The second major concern that Inda (2008) identifies is with the programmatic and problem-oriented character of government. Government interventions, such as those Li (2007) is concerned with, are
based on the underlying assumption that that issues are ‘amenable to diagnosis, reform, and improvement’ (Inda, 2008, p. 10). Governments then devise specific programmes that are constituted by practical strategies targeted at reforming reality, pursuing varied but specific aims and reflecting the ‘eternally optimistic disposition of government’ in its unceasing belief that the effective management of reality can always be improved (ibid.).

These technologies also enable government at a distance as they travel between different contexts and spaces, such as between the micro-spaces of participatory events and broader spaces of government. Scholars of governmentality have sought to bridge the gap between micro- and macro-physical spaces of government by drawing upon actor-network theory (ANT), which highlights the plurality of materials, practices and discourses ‘in which power relations are both embedded and transported [original emphasis]’ (Murdoch, 2006, p. 58). Both Murdoch (2006) and Rose (1999) identify translation as a key mechanism that makes government possible by connecting actors and interests, or ‘enrolling’ entities into the actor-network. Translation suggests that the spatial-temporal extension of networks is dependent on the ‘interest’ of natural and social actors in a network, and translation is successful if an actor is persuaded to ‘identify’ with the network either through consensus or coercion (Murdoch, 2006). This is important in order to establish governmental interventions across space. Rutland & Aylett (2008, p. 633) argue that ANT provides a complementary toolset to governmentality, by uncovering ‘how political priorities and the capacity to achieve them emerge over time from the dispersed energies of diverse actants, both human and non-human’, therefore directing attention to the socio-material conditions that make environmental governance possible.

Space is very much implicated within processes of translation as the extension and consolidation of these actor networks are dependent on the transformation of spaces, especially in establishing relations between a centre of authority and other micro-locales that are enrolled into the network (Murdoch, 2006). Material artefacts and technologies play a key role in the consolidation of a network, as they become ‘delegates’ within a mutually dependent relationship between the centre and enrolled localities (Murdoch, 2006, p. 65). Latour (1986, p. 7) argued that to mobilise the process of translation, ‘you have to invent objects which have the properties of being mobile, but also immutable, presentable, readable, and combinable with one another [original emphasis]’. Also known as immutable mobiles, these delegates carry political rationalities outwards from the centre to the enrolled localities, and also in turn carry aspects of these localities inwards such that the centre can then exert and maintain control over the network (Latour, 1986; Murdoch, 2006). Technologies of government such as documents, for example, are not only critical immutable mobiles that enable the enrolling of entities into actor-networks but are also the product of multiple practices (Müller, 2015), and Chapter 5 will elaborate on how the 1995 Mekong Agreement functions as a key immutable mobile. Technologies may also be thought of in terms of boundary objects, which are standardised forms which can be abstract or concrete, and are ‘plastic enough to adapt to local needs and constraints of the several
parties employing them, yet robust enough to maintain a common identity across sites’ (Star & Griesemer, 1989, p. 393). This will be elaborated on in Chapter 7, in understanding how similar participatory formats used by state and nonstate actors can produce very different effects, reflecting different problematisations.

Technologies of government are integral elements for establishing regimes of intelligibility and truth (see Section 3.2.3 to follow) in processes of rendering technical. These tangible technologies also function as useful empirical tools that can be traced within the complex webs of relationships comprising power, knowledge, truth, and multiple participatory spatialities. The governance of the LMB and its resources is very much constituted by the technologies, as later chapters in this thesis will show – from the 1995 Mekong Agreement and the PNPCA, the technical project documents that circulate within hydropower governance, and participatory formats. These technologies of government also co-produce the spaces of public participation within the PNPCA, and will thus constitute a key diagnostic tool for understanding the regime of practices that render technical hydropower governance and public participation in the LMB.

3.2.3. Antipolitics: creating a regime of truth

The second element in rendering technical is the emergence of an antipolitics. The notion of antipolitics can be traced to Ferguson’s (1994) influential book The Anti-Politics Machine. Ferguson argued that high-profile development projects taking place under the innocuous guise of neutral and technical missions may in reality provide a vehicle for politically sensitive operations to establish and extend the reach of institutional state power. This illusion of neutrality is created through the worldwide uniformity and institutionalisation of development interventions, achieved through the standardisation of 1) personnel comprising a relatively small network of development ‘experts’, 2) program elements, and 3) state-centred development discourse (ibid.). Ferguson noted that the characteristic of governmentality is widespread in such interventions, and observed that the entrenched discourse of development allows justification for the state-centred notion that developmental interventions can only take place through the agency of state actors and experts. It is in this vein that Li (2007) has theorised how rendering technical played a key role in governmental development interventions to ‘improve’ landscapes and livelihoods in Indonesia.

To understand how an antipolitics emerges, it is first necessary to acknowledge that a power-knowledge nexus is implicated in the act of government. The act of governing necessarily takes place within what Rose (1999) calls a particular regime of intelligibility, and an analytics of government is concerned with knowledge and regimes of truth. A regime of truth is tied up with the aims and aspirations of government (Huxley, 2007). Key in this project is questioning the self-evident nature of what comes to count as ‘truth’, and the circulatory nature of power within the regime of truth:
It is thus a matter of analysing what counts as truth, who has the power to define truth, the role of different authorities of truth, and the epistemological, institutional and technical conditions for the production and circulation of truths. (Rose, 1999, p. 30)

In the case of Mekong hydropower governance, this thesis argues that it is technical knowledge that constitutes the regime of truth established by state actors and mediated through experts of truth who legitimise the technical narrative underlying the PNPCA (discussed in Chapter 6). The practices of rendering technical take place within these regimes of intelligibility and truth and they become part of the political rationalities of government. For example, Rose (1999, p. 231) notes how numbers function as an indispensable element within complex technologies of government as governments seek to exercise and justify power. It is therefore within the mundane technical practices and knowledge that the analytics of government must turn to, in order to destabilise assumptions around the neutrality of technical knowledge that have come to dominate Mekong hydropower governance. Paraphrasing Rose’s (1993, p. 232) mission to locate a ‘morality of numbers within its own politico-ethical matrix’, there is also perhaps a need to locate a ‘morality of the technical’ within the politico-ethical matrix of hydropower governance in the LMB.

The movement against mainstream hydropower development in the LMB may be seen as an attempt to challenge state-centred regimes of truth. It is worth reiterating that a regime of truth is not only established discursively but also through practices, materials, and technologies. In particular, the discussion on technologies of government in Section 3.2.2 above demonstrates that materials and technologies can also be political. Barry (2001, p. 9) cautions against a simplistic conflation of technology with politics, noting that ‘technical designs and devices are bound up with the constitution of the human and the social’. As such, an attempt to challenge a social order is likely to also involve a contestation of the development and deployment of technology, technical designs, and practices, which may in turn open up new objects and sites of politics (ibid).

This perspective demonstrates a need to rethink power as a productive rather than repressive force, and to refocus attention from the contents of a powerful, centralising discourse to how it functions and what its effects are. Foucault cautions against a totalising conceptualisation of power, emphasising the productive, circulatory and networked nature of power in which ‘individuals are the vehicles of power, not its points of application’ (Foucault, 1980, p. 98). A bottom-up analysis of power is emphasised in this approach, paying attention to localised techniques, tactics and mechanisms of power and how these trajectories are influenced by wider processes. Such a view will have implications for understanding the wider settings in which discourses circulating within participatory spaces gain legitimacy and authority. It is therefore important to investigate the techniques of the state that have led to a particular regime of truth being established, legitimised, and contested in the field of Mekong.
hydropower governance, and the productive effects of such a regime on discourses and subject formation.

These concepts raised in relation to governmentality, power, and knowledge should also be recognised as some of the key tenets of a political ecology approach. Political ecology is broadly defined as the ‘welding together of ecology and political economy’ (Watts & Peet, 2004, p. 7). Poststructuralist political ecology has demonstrated a concern with the power-knowledge nexus that underlies unequal power relations in contestations over the environment, paying attention to the discourses and practices through which nature has been historically produced and known (Escobar, 1996), a politics of knowledge examining how scientific and local knowledge are framed in relation to one another (Bryant, 1998), and how such issues arise from the problematisation of environmental knowledges (Watts & Peet, 2004). Political ecology also pays attention to the different meanings of environmental governance (see Section 3.2.4 to follow), which incorporates ideas of ‘green governmentality’ based on Rose's (1999) notion of ‘governable spaces’ (Watts & Peet, 2004), and the formation of environmental subjects and identity through social struggles (Robbins, 2012). Political ecology is also concerned with how state, nonstate, and biophysical processes are implicated in the interactions between power, agency and a scalar politics (Neumann, 2009). Elements of political ecology have strongly characterised the existing literature on water governance in the LMB (see Section 3.2.5), and while this thesis draws upon this tradition, it also moves beyond a political ecology approach to study public participation in the LMB.

3.2.4. Possibilities for a counter-politics

Understanding government through the perspectives discussed thus far reveals the conditions for counter-politics to emerge. The attempt to govern through a field of heterogeneity provides opportunities for the ‘strategic reversibility’ of power relations relating to the ‘ways in which the terms of governmental practice can be turned around into focuses of resistance’ (Gordon, 1991, p. 5). The implication of having to govern through Foucault's (1991, p. 95) notion of ‘a whole series of specific finalities’, is that these diverse ends may be incompatible, leading to governmental interventions and practices that produce tensions or contradictions (Li, 2007). Li (2007, p. 11) notes that this intimate linking of opening and closures lends itself towards a situation where governance struggles are characterised by what Foucault calls ‘permanent provocation’:

At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of an ‘agonism’ – of a relationship which is at the same time reciprocal incitation and struggle: less of a face-to-face confrontation which paralyses both sides than a permanent provocation (Foucault, 1983, pp. 221–222).
In thinking about contested hydropower governance in the LMB, it will be important to destabilise notions of state power as totalising, instead drawing upon Sharp et al.’s (2000) recognition of the entangled spatialities of power, which views power in both its positive and negative dimensions that operate within moments of both domination and resistance. This relates to Agnew’s (1994) conceptualisation of the ‘territorial trap’ which argues against a geographical assumption that a territorial state exists prior to, and as a container of society. The dangers of the territorial trap lie in its assumption that power is territorialised at the scale of a rigidly-bounded nation-state, thus denying power to alternative spatial configurations which involve place-making and spatial interaction (Agnew, 2010). This perspective is in line with Foucault’s early conceptualisations of governmentality, which appeared to emphasise how the exercise of power is not undertaken in relation to territorial boundaries, but rather in terms of diverse strategies to govern people and populations (Elden, 2007). This is not to say that territorial boundaries no longer matter, but rather that there is a need to develop a more nuanced understanding of how power is exercised in relation to space. This would involve drawing upon Elden’s (2007) argument that Foucault’s formulations of governmentality extended the notion of territory beyond land itself, and brought into being a concept of ‘space’ as a political category subject to multiple forms of societal control.

There is therefore a more fundamental need to employ a dynamic understanding of space drawing upon Massey’s (1992, p. 81) notion of a ‘power-geometry’, which conceptualises space to be created from social relations and ‘by its very nature full of power and symbolism, a complex web of relations of domination and subordination, of solidarity and cooperation’. The notion of a permanent provocation may therefore be situated within a power-geometry. The tools used in carrying out an analytics of government, such as that of problematisation, may also be applied to what I propose may be called an analytics of resistance, which draws upon Cresswell’s (2000) argument that resistance does not occur in opposition to power; rather, the notion of resistance diagnoses the deployment of power. These perspectives relating to the entanglements of domination and resistance will resonate throughout the thesis, demonstrating how power relations are generated both within and beyond the spaces of public participation that emerge through mainstream hydropower governance in the LMB.

Understanding such complex power dynamics becomes even more important when contextualised in environmental governance. The concept of governance draws attention beyond formal state institutions and structures, to the ways in which state and non-state actors work together (Goodwin, 2009) and play a variety of roles (Bulkeley, 2005). These networked interactions of state and nonstate actors take place at multiple sites and scales (Himley, 2008), whereby the domination and subjugation of particular scales are intrinsic to processes of scaling and rescaling (Bulkeley, 2005). The practices emerging through the dynamics of power relationships work to produce spaces of governance (Griffin, 2012). Environmental governance draws attention to the biophysical properties of ecological systems that ‘impinge on and shape the organisational and institutional systems through which they are governed’
41

(Himley, 2008, p. 440). A relevant example in the context of the Mekong would be to understand how Bakker’s (2003) conceptualisation of water, as an ‘uncooperative’ commodity, comes to be governed. This interaction of state, nonstate, and nonhuman actors in Mekong hydropower governance will be further discussed in the later sections.

3.2.5 Influence of political ecology scholarship and the LMB

While this section has discussed a range of concepts, it is largely from the perspective of political ecology that contested hydropower development in the Mekong Region has been studied. Elements of a critical geopolitical and political ecology approach can be found in the works of Bakker (1999) and Sneddon & Fox (2006), which share a common goal of de-naturalising the ecological and political boundaries through which the Mekong River Basin has been problematised as a watershed. Bakker (1999) demonstrates how the Mekong River Basin has been discursively framed through powerful discourses of development that legitimate resource exploitation along the river. Sneddon & Fox (2006) similarly advocate for a ‘critical hydropolitics’ that considers how the Mekong River Basin is discursively carved out by powerful actors through strategies such as the 1995 Mekong Agreement, the ecological ramifications of a discursively simplified river basin, and alternative imaginings of the river basin that may emerge from nonstate actors and the river itself. More recently, Hirsch (2016) has argued that shifting regional geopolitics have contributed towards a resurgence of mainstream hydropower along the Mekong River, which was met with responses that elaborated on the need to understand China as a multiplicity of entities (Ptak, 2017), the importance of re-centring local struggles and voices (Dean, 2017), a consideration of the biophysical and ecological elements embedded within the geopolitics of hydropower development (Grundy-Warr, 2017), and China’s multifaceted relationships with Cambodia and Vietnam that involve differing geopolitical attitudes, ethnic Chinese populations and national identities (Sithirith & Gillen, 2017).

Another major theme in the Mekong literature relates to how issues of scale and power are inextricably linked to environmental conflict and transboundary water governance in the Mekong River Basin. Hydropower development in the Mekong Region has always involved actors from the levels of the community to the international, and a critical hydropolitics demonstrated how the discursive simplification of the natural environment ‘both generates and sustains the power of states to carve out and favour certain political scales’, that ‘ultimately confers benefits upon specific kinds of transnational and national actors’ (Sneddon & Fox, 2006, p. 192). The power relations underlying the contradictions and reconfiguration of scale has been studied in the context of Isan through examining the scalar effects of water infrastructure projects in the Nam Phong and Khong-Chi-Mun river basins (Sneddon, 2002, 2003). This has triggered the ‘scaling-up’ of civil society responses to contest hydropower dam projects such as the Pak Mun, Rasi Salai and Yali Falls dams in terms of targeting dam proponents at the national, regional, and international levels (Glassman, 2001; Hirsch, 2001; Hirsch & Wyatt, 2004; Sneddon,
The scalar challenges and issues associated with the governance of the Mekong River Basin have also been studied in relation to a politics of scale, position and place (Lebel et al., 2005), deliberative forms and engagement between different scales and levels (Dore & Lebel, 2010), and a scalar disconnect between national and regional levels in relation to the MRC (Suhardiman et al., 2012).

A common thread that binds these themes together is the construction of powerful discourses that have created particular imaginaries and scales through which the resources of the Mekong River are perceived, exploited, and legitimated. Implicit within the power of such discursive-material framings is the power-knowledge nexus. This politics of knowledge has been examined in relation to a politics of legitimacy, and the process of rendering technical has been studied especially in terms of how scientific knowledge has come to dominate processes of decision-making. The hydrological models of the MRC have been shown to create an ‘anti-politics’ of knowledge production that obscure the politics behind decision-making and exclude more participatory forms of knowledge production taking place at the local level (Kikkinen & Hirsch, 2009). Such a selective isolation of knowledge, for example in the case of Mekong fisheries, contributes to the construction of a larger truth regime (Goldman, 2005). A diverse range of anti-dam actors also play a key role within such a politics of legitimacy and negotiate the power-knowledge nexus produced by producing counter-narratives that converge and diverge in a fluid manner (Yong & Grundy-Warr, 2012). All these perspectives set the wider context for the ways in which a critical regime of truth emerges in the participatory spaces of the LMB.

However, in the Mekong literature less attention has been paid to the specific, mundane, technical instruments that comprise technologies of government, and their performative dimensions (see Section 3.4 on performativity). One exception is Singh’s (2014) ethnographic work on ritual governance in Laos, which described in detail how state-sponsored rituals were carried out in tandem with, and in contrast to, a village meeting discussing the Nam Theun 2 hydropower project. The spaces of public participation that have emerged in relation to the Xayaburi, Don Sahong, and Pak Beng dams provide a useful arena to examine how such technologies, including those specific to participation, circulate between different actors and sites and constitute a key dimension of their performative practices. While elements of governmentality such as discourse, power-knowledge, and problematisation have been applied to hydropower governance in the Mekong Region, this has not so much been the case for elements of ANT. One example of an application of ANT to the Mekong River is in Sneddon's (2003) study of the reconfiguration of scale and power in the Khong-Chi-Mun river basin in Isan, Thailand. Sneddon argues that one of the strengths of an actor-network approach lies in its inclusion of ecological entities that are key to understanding the relations that contribute towards the production of power, and that the approach provides a useful framework that might show how the Khong-Chi-Mun project actively recruited and enrolled social entities over a distance.
3.3. Public participation

The thesis is concerned with how multiple and varied processes of public participation have unfolded through mainstream hydropower governance in the LMB. The public participation component within Prior Consultation came under fierce criticism from civil society, leading some representatives to label the PNPCA as a ‘rubber-stamping’ procedure rather than one that meaningfully incorporates input from riverine communities and civil society. This dissatisfaction with the PNPCA stakeholder consultations can be contextualised in the ways that mainstream hydropower governance is rendered technical through these participatory spaces. This will be explored in detail in Chapters 5 and 6. In this context, there is a need to interrogate the normative and conceptual underpinnings of public participation in relation to environmental governance and development, which is often assumed to be a positive phenomenon. However, public participation is a contested concept in practice, not just in its procedural but also its substantive forms. It is through understanding the conceptual framing underpinning public participation that its incompatibilities with grounded political realities becomes especially apparent.

3.3.1. Critical perspectives on public participation

The idea of citizen participation is a little like eating spinach: no one is against it in principle because it is good for you. (Arnstein, 1969, p. 216)

The shifting relations between state and nonstate actors in environmental governance have laid the ground for a ‘participative turn’ to take place in environmental governance where a wider range of ‘publics’ exert an influence on decision making (Bulkeley & Mol, 2003). Participation has been described as a ‘mantra’ in environmental governance, reinforced by international legal frameworks such as the Aarhus Convention (Wesselink et al., 2011). While drawing upon the literature on public participation and environmental governance, this section also examines public participation in development discourse and practice. The World Bank defined participation as ‘a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them’ (Berry & Mollard, 2010, p. xx). Hickey & Kothari (2009) explain that the mainstreaming of participatory approaches took place in the 1980s and 1990s within the aid industry, with the dominant understanding of participation within a specific set of interventions such as projects. This approach ostensibly aimed to re-centre socially and economically marginal people within the projects of development and is also associated with a re-centring of local knowledge that would check the supremacy of expert knowledge (ibid.). Participatory development would therefore deliver benefits such as better-informed analyses, a higher sense of commitment among all parties involved, the empowerment of marginalised people as they develop a self-awareness of their position within power dynamics, and the production of more ‘truthful’ information and knowledge (ibid.).
However, there is vagueness around what exactly ‘participation’ means to different actors (Cornwall, 2008). ‘Participation’, as a ‘buzzword’ in development discourse that can be simultaneously aspirational yet ambiguous, risks being appropriated by powerful actors (Cornwall, 2007). In one of the earliest and most well-known typologies of participation developed by Arnstein (1969), participation is conceptualised as a ‘ladder’ that represents a spectrum with non-participation at one end, degrees of tokenism in the middle, and degrees of citizen power at the other end. As such, participation may function as an empty ritual rather than a redistribution of power that would have a real impact on the outcome of issues (ibid). Pretty's (1995) typology of participation similarly lays out a spectrum from manipulative participation to self-mobilisation, while White's (1996) framework disaggregates participation by their forms (from nominal to transformative), interests, and functions. Cornwall (2008) notes that these typologies are implicitly normative as they identify progression towards more ‘genuine’ participatory forms, but also cautions that when contextualised in practice, these participatory forms become more ambiguous and the boundaries between each participatory ‘type’ may become indistinct. Nonetheless, these typologies serve to question the often unchallenged assumptions tied to participatory development, which Cleaver (1999) identifies as: 1) participation is inherently good; 2) the success of such approaches would depend on ‘getting the techniques right’; and 3) any consideration of power and politics was divisive and should therefore be avoided.

3.3.2. Rendering participation technical: containing challenges to the status quo

This section delves into the third element of rendering technical: the containment of challenges to the status quo. This may be seen in criticisms levelled at the mainstreaming of participation, of which one particular form focuses primarily on ‘definition differences, debates over the objectives of participation and the applicability and appropriateness of the methodologies and techniques’ (Hickey & Kothari, 2009, p. 87) and contributes towards what Cleaver (1999, p. 599) calls ‘the tyranny of techniques’. Also described as ‘technologised procedures’ by Chilvers & Kearnes (2016a), this approach places a focus on the development and standardisation of techniques, instruments or tool-based procedures which form the basis for ‘best practices’ that may be uncritically applied across different contexts. A preoccupation with technologised procedures runs the risk of downplaying, or even ignoring power relationships and complexities that perpetuate inequalities and stand in the way of enacting meaningful social change (see Braun & Könninger, 2017; Cleaver, 1999; Hickey & Mohan, 2005).

This relates closely to what Cooke & Kothari (2001) have described as the ‘tyranny’ of participation, whereby participation may function as an unjust exercise of power that results in political co-option. Public participation often forms an appendage to already-institutionalised procedures which are ‘too rare, too small, too brief, and too late’, and remains disconnected from exerting any meaningful influence on governance processes (Braun & Könninger, 2017, p. 3). Participatory approaches may
actually conceal and sustain inequalities and injustices ‘by co-opting and thus reducing potential spaces of conflict and dissent’ (Hickey & Kothari, 2009, p. 88). In the context of Southeast Asia, Rodan (2018) questions the permissible boundaries of public participation where political regimes do not conform to ideals of democracy. In doing so, Rodan seeks to understand the paradox of participation, where more public participation often occurs in tandem with lower levels of political contestation, indicating that participation may instead function as a strategy to contain political conflict.

It is important to situate public participation in LMB mainstream hydropower governance in this Southeast Asian context, especially in considering how such a context may be (in)compatible with the ideals of public participation that have emerged from a Western tradition of deliberative democracy. These ideals are characterised by assumptions that disputes may be solved through reasoning and mutual respect (Braun & Könninger, 2017), the inclusion of different interests and equality (Michels & Graaf, 2010), the existence of unbiased citizens and an exclusion of self-interest (Wehling, 2012), and the privileging of consensus in decision making as a desirable outcome (Hickey & Kothari, 2009; Rydin & Pennington, 2000). This scrutiny on deliberative participatory approaches has also been seen in the emergence of a body of work that has pointed out how public participation has the potential to ‘exclude, disempower and oppress’ (Chilvers & Kearnes, 2016a, p. 9):

Many scholars writing from this standpoint view the rise of public participation methods as an extension of modes of social control – particularly through the instantiation of relatively prescriptive subject positions evident in deliberative democratic practice – that maintain a distinction between, for example, ‘publics’ and ‘experts’ in ways that circumscribe and delimit ‘public input’ to participatory processes within technocratic discursive formations… More broadly, this work has pointed to the often profoundly anti-democratic implications of public participation… (ibid.)

The quote above relates to the elements of rendering technical that were discussed in Section 3.2, whereby participatory spaces are problematised as ‘governable spaces’ in which a regime of truth and desired subjectivities are established through participatory processes. It has also been argued that the ideals of deliberative democracy have the potential to serve as a catalyst for reflexive environmental governance by managing the tensions that arise within multiple dimensions, including between public participation and expertise (Dryzek & Pickering, 2017). This distinction and tension between the public and expert will be further discussed in Chapters 6. In the context of water governance in the LMB, it will be important to critically examine the normative dimensions of public participation that lend legitimacy and moral authority to publics that are based on ideas of consensus (Braun & Schultz, 2010), whereby public opinions that support policy-makers are preferred over those of ‘mobilised counterpublics’ (Wehling, 2012, p. 46).
3.3.3. The relational spaces of public participation

This thesis argues for an understanding of public participation as co-produced, relational, and emergent, as Chilvers & Kearnes (2016a) have proposed. Framed as ‘ecologies of participation’, publics engage in participation through collective participatory practices, forming the foundation for understanding how all participatory forms emerge as ‘heterogeneous socio-material collectives comprising the mutual interweaving of social, normative, cognitive and material elements’ (Chilvers et al., 2018, p. 201). Collective participatory practices are co-produced through three key elements: 1) subjects (publics), 2) objects (issues or material devices) and 3) models (political ontologies or formats) of participation; these three elements are in turn actively co-produced through collective participatory practices (ibid). This perspective emphasises the emergence of participatory practices and experiences through contingent and situated pathways, rather than falling into assumptions underlying the notion of public participation. This approach seeks to explain how participatory practices and social-political orders mutually shape one another in a multiplicity of ways (ibid.).

The differences between what Chilvers & Kearnes (2016a) call a ‘residual realist’ approach, which corresponds to the technologised and procedural approach discussed above in Section 3.3.2, and a co-productionist approach, are summarised in Table 3.1. Nonetheless, the boundaries between these two approaches may not always be clearly defined. The emergence of a residual realist approach may be co-produced, relational and emergent as well. In considering how public participation is rendered technical in LMB mainstream hydropower governance, it is also important to understand the procedural elements of public participation, what their limitations are, and how they have been challenged. The ‘tyranny’ of participation cannot be easily erased, but can be contextualised within a relational approach that pays attention to the conditions in which such forms of participation arise.
Table 3.1 Comparison between the key elements of Chilvers & Kearne’s (2016a) conceptions of residual realist and co-produced participation

<table>
<thead>
<tr>
<th>Residual Realist</th>
<th>Co-produced, relational, emergent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Publics as external to participation</td>
<td>Publics as mediated and emergent</td>
</tr>
<tr>
<td>2. Publics as an aggregation of autonomous individuals</td>
<td>Publics as collectives</td>
</tr>
<tr>
<td>3. Participatory democracy as pre-given and ready-made</td>
<td>Participation as collective experimental practices ‘in the making’</td>
</tr>
<tr>
<td>4. Participation as technologised procedures</td>
<td>Participatory collectives as co-produced, material and diverse</td>
</tr>
<tr>
<td>5. Participation as discrete and ephemeral events</td>
<td>Relational ecologies of participation</td>
</tr>
<tr>
<td>6. Inclusion as a key quality of successful participation</td>
<td>Reflexivity and humility as key qualities of successful participation</td>
</tr>
<tr>
<td>7. Linear model of participation and engagement</td>
<td>Participation as non-linear and multiply productive</td>
</tr>
<tr>
<td>8. Participation as separate from science and democracy</td>
<td>Participation as constitutive of science and democracy</td>
</tr>
</tbody>
</table>

For this thesis, a relational understanding of public participation is important for three reasons. First, there is a need to contextualise public participation within the wider socio-political and power relations that extend beyond the participatory spaces themselves. For example, Wesselink et al. (2011) stress the importance of accounting for institutional and political contexts, and Hickey & Mohan (2005) argue for a participatory politics of cultural identity, material redistribution and social justice. Braun & Könninger (2017, p. 3) note that issues are often framed as risks which are ‘endlessly debated’ while shifting the focus away from power and justice, and Oakley (1991) calls for a recognition of the powerful, multi-dimensional and anti-participatory forces that stand in the way of an uncritical application of the concept of participation. It is clear that public participation needs to be situated in the power dynamics between state and nonstate actors that were described in Section 3.2.

Second, a relational understanding of public participation is needed to appreciate the multiplicity of forms that public participation can take and how they relate to one another. Cornwall (2004, 2008) makes a distinction between invited and popular spaces of public participation, stressing that both the contrast and relationships between them are important. Invited spaces may be made available by governments or civil society and are ‘often structured and owned by those who provide them, no matter how participatory they may seek to be’ (Cornwall, 2008, p. 275). Popular spaces are arenas that people create for themselves and could take the form of protests or social movements (Cornwall, 2004). Compared to invited spaces, popular spaces are often ‘marked less by the
considerable differences of status and power’ (Cornwall, 2008, p. 275). Importantly, the boundaries between both categories are mutable, as popular spaces may become institutionalised, and invited spaces may become sites of dissent (Cornwall, 2004). Similarly, Gaventa (2006) distinguishes between 1) closed spaces, where decision making takes place behind closed doors, 2) invited spaces, where authorities invite others to participate, and 3) claimed spaces that correspond to the notion of popular spaces described above. Rodan (2018) has also proposed a modes of participation (MOP) framework that distinguishes between not only between sites of participation (akin to invited and popular spaces), but also levels of inclusion (individual; collective). This may be applied to the LMB (see Table 3.2). While deliberative approaches perhaps do not quite provide the language to capture ‘popular’ spaces of participation that may be characterised by dissent, these conceptualisations expand understandings of public participation beyond state-sponsored sites.

<table>
<thead>
<tr>
<th>Level of Inclusion</th>
<th>Sites of Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State and Trans-State Sponsored</td>
</tr>
<tr>
<td>Individual</td>
<td>Administrative Incorporation</td>
</tr>
<tr>
<td></td>
<td>Public grievance processes</td>
</tr>
<tr>
<td></td>
<td>Public feedback mechanisms</td>
</tr>
<tr>
<td></td>
<td>(PNPCA Stakeholder Consultations)</td>
</tr>
<tr>
<td>Collective</td>
<td>Societal Incorporation</td>
</tr>
<tr>
<td></td>
<td><em>(Thailand: River Basin Organisations; Cambodia: Technical Working Groups)</em></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Table 3.2. MOP framework for the mainstream hydropower governance and the LMB (Adapted from Rodan, 2018)*

This leads to the third reason: a relational understanding of public participation, critically, has to be more broadly situated within a relational understanding of space. Massey (2005) argues that the notion of global/space is just as concrete as that of the local/place, and calls for a relational understanding of how the local and global are mutually constituted:

One cannot seriously posit space as the outside of place as lived, or simply equate ‘the everyday’ with the local. If we really think space relationally, then it is the sum of all our connections, and in that sense utterly grounded, and those connections may go round the world. (Massey, 2005, p. 185)
This is a critical perspective to take especially in considering how public participation engages with notions of the ‘community’ or the ‘local’. Public participation often assumes a homogeneous notion of community that share common interests (Cleaver, 1999; Cooke & Kothari, 2001). This is problematic as such simplistic understandings conceal power relations within the ‘community’ and also conceal biases in interests and needs based on categories such as age, class, ethnicity, or gender (Cooke & Kothari, 2001). In particular, Chapter 7 will draw upon Mohan & Stokke’s (2000) interrogation of the ‘dangers of localism’ in participatory development, and Bosca & Gillespie’s (2018) discussion on the implications of differentiated constructions of the ‘local’ by different stakeholders. These perspectives also engage with a reconceptualisation of ‘scale’ as a category brought into being through practices as opposed to a pre-existing entity (Moore, 2008). Such a politics of place that emerges from these participatory spaces are also closely intertwined with a scalar politics taking place at multiple levels from the local to the international, and this will be explored in Chapters 5 and 7.

3.3.4. Public participation, water governance and the LMB

Studies on water governance in the Mekong Region have always demonstrated a keen awareness of the complexities that have arisen from the sheer multitude of multi-scalar stakeholders involved and have recognised the multi-scalar sites in which participation intersects with water governance. Dore’s (2007) work on the potential of multi-stakeholder platforms to facilitate dialogue in the context of water governance in the Mekong Region identified four types of governance forums: 1) Track 1 relating to formal and informal processes of governments; 2) Track 2 relating to governance processes involving the state, donors, and civil society but still led by actors closely aligned with states; 3) Track 3 relating to research, dialogue and advocacy efforts led by civil society; and 4) Track 4 comprising civil society organisations that support locally-led governance processes. Hirsch (2011b) questions the effectiveness of utilising Integrated Water Resource Management (IWRM) as a participatory governance framework in the Mekong Region, suggesting that there is a need to understand participation and IWRM as essentially political rather than technical, and that participation and IWRM must incorporate ‘bottom up’ approaches that emphasise the perspectives of riverine communities and their lived experiences. These perspectives recognise ‘popular’ spaces of participation that emerge as part of civil society or community-led initiatives, and all four elements in the MOP framework discussed in the prior subsection.

Deliberative approaches to water governance have been proposed as a constructive way forward in relation to multi-stakeholder engagement in the Mekong Region. Dore & Lebel (2010) acknowledge that water governance in the Mekong Region is complicated by a politics of scale, where actors must navigate (dis)connections between institutions, ad-hoc arrangements, and issues that take place and move between different levels. However, they see deliberative engagement as a potentially helpful way to encourage stakeholders to ‘articulate assumptions and reasoning about the different opportunities and risks associated with alternative options’, and in the process enabling ‘higher-quality conversations
within and across scales and within and between levels’ (Dore & Lebel, 2010, p. 60). Dore (2014, p. 195) also furthers an agenda for deliberative water governance, which he defines as:

…constructive engagement in water governance arenas through promotion of inclusive, deliberative processes that emphasise different perspectives, critical analysis, learning and institution-building whilst respecting rights, accounting for risks, acknowledging responsibilities and fairly distributing rewards.

This may take place through multi-track arenas that a complex array of stakeholders can engage in, and Dore (2014, p. 210) observes that a ‘patchy, systemic deliberative turn’ has been occurring within the politics of water governance in the Mekong Region. Dore (ibid.) also noted that such multi-track pressure, arising from sources such as the MRC-commissioned SEA and civil society engagement, have led to more open scrutiny of the LMB mainstream dams. Nonetheless, lying somewhere in between perspectives on deliberative participation and Rodan’s (2018) perspectives through the MOP framework, the literature on participation and water governance in the Mekong Region acknowledges that it is unrealistic to expect the ideals of deliberative democracy to be fully taken on in the region. Sneddon & Fox (2008) point out that notions of democracy take on particular forms and constructions in specific contexts, while Dore & Lebel (2010) recognise that deliberative engagement will be impacted by the absence of deliberative norms in the region and put forth a more grounded proposal:

Deliberative engagement among diverse stakeholders cannot be expected to reach consensus or address all the challenges in making policy and institutional changes. However, it should at least improve mutual understanding among actors, allow exploration of alternative options, help define rights, risks, and responsibilities, and have some constructive influence on future behaviour (Dore & Lebel, 2010, p. 78).

Dore (2014) also identifies how deliberative processes that have been inserted into multi-track arenas have improved water governance, by recalibrating power imbalances and helping negotiations to be more transparent. The intersections between multi-track arenas are shown to influence one another, providing a greater range of options through which marginalised people and civil society may be able to influence decision-making. On one hand, the literature on the Mekong River Basin recognises that participation is conceived, implemented and contested in relation to the contingent political, socio-ecological and institutional conditions of the Mekong Region (Sneddon & Fox, 2007). There is also a recognition that public participation can take on many forms. On the other hand, the literature on deliberation in the Mekong Region still retains strands of a residual realist approach, especially in terms of viewing participation from the perspective of deliberation, procedural matters, and in terms of achieving more inclusion. The Xayaburi PNPCA for example, has largely been analysed through the lenses of procedural and legal frameworks (Boer et al., 2015; Gao, 2014; Middleton & Pritchard, 2016; Rieu-Carke, 2015) or deliberative engagement (Dore, 2014). This discussion does not mean to discount the value of such studies, which still make very important points about the limitations of such
procedures and the need for more meaningful and sustained forms of stakeholder engagement to deliver social and environmental justice.

3.4. **Performativity and spaces of public participation**

3.4.1. **Performance, performativity and subjectivity**

The co-productionist approach advocated by Chilvers & Kearnes (2016a, p. 13) is one that aims to provide a performative account of participation that highlights the ‘active and contingent processes involved in the enactment or performance of participation’. However, there is more that can be done to foreground the relational and productive role of space in such a conceptualisation of participation. The concept of performativity has been an important one within the field of critical human geography, and therefore considering the enactment of public participation through a performative lens provides a key opportunity to expand a conceptualisation about the spatialities of public participation. This section draws upon the argument of Gregson & Rose (2000, p. 434), who stress that critical human geography needs to draw upon the notions of performance and performativity in order to understand the linkages between social identities, differences, and power relations, and how they are articulated through space:

Specifically, our argument is that performance – what individual subjects do, say, ‘act out’ – and performativity – the citational practices which reproduce and/or subvert discourse and which enable and discipline subjects and their performances, – are intrinsically connected, through the saturation of performers with power. Furthermore, we suggest that similar arguments need to be extended to space. *Space too needs to be thought of as brought into being through performances and as a performative articulation of power.* [Emphasis added]

The notion of performativity is inseparable from a consideration of power relations and may shed light on how spaces of public participation are entangled with issues of political authority and legitimacy. Rose-Redwood & Glass (2014, p. 7) argue for a theory of political performativity that ‘views sovereignty as a material-discursive effect of *reiterative and citational practices* that attempt to call forth the very political “realities” that they claim to merely describe or represent [emphasis added]’. The performatory force of authority is therefore not absolute but lies in its continuous reassertion and re-enactment (*ibid.*). Performativity may also be used to consider how particular subjectivities, or the *conduct of conduct*, are demonstrated or produced in participatory spaces. As Rose-Redwood & Glass (2014, p. 9) explain, performativity demonstrates how political agency is ‘both produced and constrained by social norms’. It is this consideration of the underlying conditions and limitations of agency that distinguishes the notion of performativity from that of performance, as the former is not reducible to the latter (Butler, 2004). A relational understanding of public participation will consider how participatory spaces are constituted by *performativity*, both in terms of the power relations that
underlie the performances in these spaces, and what their performative effects may be in terms of enacting and challenging state authority.

Rose-Redwood & Glass (2014, p. 8) argue that Butler’s notion of performativity ‘opens up the radical possibility for political agency by illustrating how social norms can be challenged through performative acts of material-discursive rearticulation’, through a disruption of the reiterative processes and practices inherent in the exercise of power. This also creates the possibility that such normalising practices ‘can indeed be rearticulated and transformed by the very “agency” that such norms have produced in the first place’ (ibid., p. 9). Gregson & Rose (2000) point out that Butler conceptualises discourses as having both productive and disciplinary effects, and that it is precisely in the iterative nature of its productivity that one can find possibilities for disruption. Therefore, a critical account of performativity must insist on the possibility of performative slippages occurring within such reiterations and re-articulations of performative, citational acts (ibid), although care should be taken not to prioritise the discursive realm over the material (Rose-Redwood & Glass, 2014). This relates back to the discussion in Section 3.2.4 that emphasises the entanglements of domination and resistance. Paying attention to performative slippages within the participatory spaces of the PNPCA will reveal the gaps through which state authority may be destabilised and challenged.

3.4.2. Spatialising performativity and public participation

Gregson & Rose (2000, p. 433) demonstrate the need to consider spaces as performative, and to make more of the ‘complexity and instability of performances and performed spaces’. In their view, space is not merely a container in which performance unfolds:

> These ‘stages’ do not pre-exist their performances, waiting in some sense to be mapped out by performances; rather, specific performances bring these spaces into being. And, since these performances are themselves articulations of power, of particular subject positions, then we maintain that we need to think of spaces too as performative of power relations. (Gregson & Rose, 2000, p. 441)

This has implications for the way we think about the formation of diverse participatory spaces, especially in terms of examining how state authority is constituted through performative practices and overcoming assumptions tied to that of the territorial trap (Agnew, 1995; Section 3.2.4). Rose-Redwood & Glass (2014, p. 22) argue that ‘it is through the assertions of sovereign power that the structural effect of “the state” is performed [original emphasis]’. The notion of performativity destabilises the notion of a unitary state, by revealing the ‘the gaps, fissures, and misfiring that rupture the boundaries stabilising nation and state as pre-existing, reified things’ (Kaiser, 2014, p. 122). Such a perspective is potentially useful even when applied to an analysis of authoritarian states in the Mekong Region (for example, see Creak and Barney, 2018 for an analysis on the Lao nation-state’s central state apparatus). Based on the discussion in Section 3.2 that pays attention to both the human and nonhuman entities that constitute
rendering technical, there is therefore a need to examine how the performative practices of the sovereign state are constituted and challenged by technologies of government and the materiality of the Mekong River. This will be further discussed in Chapter 6 which pays attention to the performative effects of technologies of government and participation, and in Chapter 7, where the nonhuman elements of the Mekong River will be shown to be critical entities in bringing participatory spaces into being.

Political participation has also been described as a ‘special form of “theatre”’, that comes into being through the deployment of very particular instruments and props in specific settings (Marres, 2012, p. 4). Instances of public participation can therefore be understood as a performance. It is worth reiterating that participatory events occupy distinctive spatialities, especially from the perspective of a co-productionist approach that considers how these spaces are assembled in contingent and emergent ways. This thesis will include an examination of how participatory spaces are constituted by their spatial layouts and specific technologies of participation. In particular, attention will be drawn towards the productive dimensions of power that are generated from the spatial layouts of micro-spaces (Allen, 2003), such as Foucault had done in his study of Bentham’s panopticon by providing a diagrammatic representation of how power was institutionalised in a particular space (Allen, 2003; Dean, 2010). Paying attention to how participatory spaces are constituted by objects (material devices) and models (formats) (Chilvers et al., 2018) also provides opportunities to observe how state authority is enacted in relation to these distinctive participatory spatialities.

The performative dimensions of participatory events also reveal how both state and nonstate actors establish alliances or challenge one another. These tensions that emerge may represent politically productive potentialities. Kaiser (2014) notes that the performative nature of states is made visible through events and draws upon the work of Dewsbury (2000) to show that events are immanent to performativity. These perspectives demonstrate how socio-spatial norms may be challenged or destabilised as ‘performativity remains a situated convergence of human and nonhuman elements and force relations through which people, places, and things emerge or become’ Kaiser (2014, p. 123). Dewsbury (2000, pp. 475–476) argues that it is within these specific sites of the event where performativity reveals the potential for ‘refusal, fracture, and torsion’, and exposes ‘the ruptures, folds, fissures, and ephemeral alliances’. This relates to the idea of how reiterative processes hold both the potential for the disruption of state authority and the containment of challenges to the status quo, and participatory spaces represent an ideal space within which these complex dynamics of performativity can be observed. These perspectives will be especially important in discussing how the events of public participation in the LMB may serve as sites in which state authority and processes of rendering technical can be challenged.
3.4.3. Potential of a performative account of participation for the LMB

A relational and performative account of participation will be able to provide a ‘thicker’ description of how the limitations of the PNPCA stakeholder consultations arise and persist, especially across successive iterations. A good example of such an account is in Singh's (2009) study of public participation and the World Bank-funded Nam Theun 2 Dam in Laos, which draws upon ethnographic observations of multi-level stakeholder workshops. Singh pays particular attention to the practices emerging from the ground and argues that ‘participation is a negotiated performance whereby competing representations emerge through the interaction between village, state and international actors’ (ibid., p. 487). In Singh’s (2014) paper on ritual governance (mentioned in Section 3.2.5), the performative dimensions of participation are implicit in Singh’s in-depth ethnographic descriptions of the grounded, ‘micro’ ritual practices carried out by lower-level government representatives in a Lao village, which were also contextualised within authoritarian state governance. Apart from Singh’s work in relation to the Nam Theun 2 Dam, the contested development of the Mekong River has not been studied in detail from a performative perspective, although Boer et al., (2015) do make mention of the performative dimension of legal action. There is potential to explore contested hydropower development and public participation through a performative lens, whether through the calculated performances exhibited in protests, or the mundane performances enacted by state actors in the public consultations of the PNPCA. The dynamics that are produced through the contingent nature of such participatory spaces provide a useful starting point to observe or diagnose how state authority and regimes of truth are instituted or contested. Through this perspective, it will also be possible to also understand what genuine and meaningful participation may mean to affected communities and civil society, beyond the constraints of residual realist frameworks.

Overall, there is also more room to consider the heterogeneous associations through which differentiated state and non-state actors are constituted as subjects. A consideration of the materiality of nature has been emphasised in some studies of the Mekong River (see Grundy-Warr et al., 2015; Sneddon, 2003, 2007), in the sense that the material biophysical and ecological elements of the Mekong River should be considered key drivers in the ways that water governance in the Mekong Region have been established and contested. However, as mentioned in Section 3.2.5, less attention has been paid to the materiality of other non-natural actors such as the technologies of government. Incorporating these elements through the perspective of performativity potentially provides a more robust picture of how participatory spaces are brought into being through objects and issues, procedural formats, and facilitators. This also provides an opportunity to understand how state and nonstate participatory spaces relate to one another. The role of civil society in contesting damaging hydropower projects has been studied through perspectives such as an examination of scalar strategies and a politics of legitimacy (Yong & Grundy-Warr, 2012), or how advocacy strategies are influenced by regional and national-level rules and norms (Yasuda, 2015). However, there is room to examine how a regime of truth is also
generated and contested through multiple spaces of public participation. This includes paying attention to the agency of various actors and their shifting performativity within different participatory spaces, the heterogeneous associations that enable these performances, and the performatve slippages through which state authority is challenged. Such a perspective has the potential not only to understand how participatory processes may be controlled by state actors, but also to develop new ways of understanding how meaningful and genuine participation may be conceived of in the LMB.

3.5. Conclusion

This chapter has laid down the conceptual foundations for this thesis. Three major concepts were discussed, in relation to rendering technical, public participation, and performativity. Li's (2007) notion of rendering technical can be understood through its three elements. The first two elements, comprising problematisation and an antipolitics, have been discussed in relation to the concept of governmentality. These elements will be integral in this thesis in terms of understanding how mainstream hydropower governance and public participation in the LMB have been problematised and rendered intelligible as a governable space, and how participatory spaces are constituted by the establishment and contestation of a regime of truth characterised by technical knowledge. The contested concept of public participation was discussed in its relation to the third dimension of rendering technical: the containment of challenges to the status quo. A co-produced, relational, and emergent approach towards understanding public participation (Chilvers & Kearnes, 2016a) is instead advocated. This perspective opens up avenues for understanding how participatory spaces are situated in wider socio-political contexts and how novel forms of participatory spatialities might be articulated in relation to state authority. The concept of performativity has been discussed in relation to how participatory spaces and subjectivities are produced through the performance of state authority and rendering technical, yet also creating openings for state authority to be challenged, although these challenges may result in varying degrees of impact. Weaving through these major conceptual themes are also the notions of power relations, relational space, and heterogeneous associations.

This provides a novel approach with which to examine the contingent pathways that have given rise to very particular forms and experiences of public participation in relation to the Xayaburi, Don Sahong, and Pak Beng dams. The following chapters will discuss how participatory spaces relating to the Mekong mainstream dams are politicised spaces. It is through understanding how dynamics and tensions differ between multiple sites of participation that a bottom-up understanding of meaningful or genuine participation can be constructed, especially as what counts as ‘good’ public participation differs from stakeholder to stakeholder. The friction found between these interactions serves as a reminder that ‘heterogeneous and unequal encounters can lead to new arrangements of culture and power’ (Tsing, 2005, p. 5), and such a perspective may help to explain how shifts in participatory arrangements occur and their implications for broader processes of decision making.
CHAPTER FOUR

METHODOLOGY

4.1. Introduction

What constitutes ‘the field’ is contentious: Is it merely a physical location, conveniently cordoned off from the life of the researcher? That conception is insufficient. ‘The “field” is not naturalised in terms of “a place” or “a people”; it is instead located and defined in terms of specific political objectives that (as such) cut across time and space’ [Nast, 1994:57] (Hyndman, 2001, p. 263)

When multi-sited and multi-event fieldwork was conducted for this research, it became apparent that the field was much more than just a physical location determined by the researcher. These multiple ‘fields’ were infused with differentiated spatial-temporal rhythms, cultures, power relations, political objectives, non-human elements, and the situated identities of both the researcher and the researched. In this chapter, I will first discuss the key sites and events in which data collection was undertaken. This will be followed by the methodological considerations underlying my choice to carry out semi-structured interviews, event ethnography, and discourse analysis, and how these methods were employed to generate data from the field. The chapter will then conclude with reflections on self-reflexivity and how my positionality in the field was unavoidably caught up in shifting the power dynamics of the field, and the implications of this for situating the knowledge produced in this thesis.

4.2. Key field sites

The main phase of the multi-sited fieldwork took place during January – November 2017, when I was based in Bangkok, Thailand, and Phnom Penh, Cambodia. Village-based fieldwork was also conducted with the assistance of a translator in a total of four provinces across Thailand and Cambodia, for a duration of 1-2 weeks each time:

1) Chiang Rai Province, Thailand (May 2017)
2) Nong Khai Province, Thailand (June 2017)
3) Stung Treng Province, Cambodia (October 2017)
4) The Tonle Sap Lake in Siem Reap Province, Cambodia (November 2017)

The sites in Chiang Rai Province (districts of Chiang Saen, Chiang Khong and Wiang Kaen) and Stung Treng Province (Preah Rumkel Commune) were selected for their proximity to the Pak Beng and the Don Sahong dams respectively (see Figures 4.1 and 4.2). Nong Khai Province and the Tonle Sap Lake (Kampong Phluk and Kampong Khleang communes in Siem Reap Province) were selected as sites of prominent community activism around mainstream hydropower projects despite being located a greater distance away from the mainstream Mekong. I also attended meetings in various
locations throughout Thailand, Cambodia, Laos, and Myanmar that related to hydropower development along the Mekong River (see Section 4.4.3). In the following sections, I will discuss the key methods used for data collection: in-depth semi-structured interviews, participant observation in relation to event ethnography, and discourse analysis.

Figure 4.1. Village-based field sites in Thailand
4.3. In-depth semi-structured interviews

The semi-structured interview was one of the key methods used. Interviews have been described as conversations with a purpose (Phillips & Johns, 2012; Valentine, 2005) where the researcher and interviewee engage in a constructive dialogue. Semi-structured interviews fall in the middle of the qualitative interview spectrum, with structured interviews and unstructured interviews on either end. While structured interviews utilise a standardised set of questions and unstructured interviews are led by the interviewee, semi-structured interviews allow for flexibility while following certain predetermined questions and themes (Dunn, 2005). The aim of conducting semi-structured interviews was to allow interviewees to construct their own individual accounts of their experiences, knowledge and opinions, and the meanings attached to these (see Dunn, 2005; Longhurst, 2003; Valentine, 2005). The major strengths of qualitative interviewing include the generation of ‘rich, detailed and multi-layered’ accounts, allowing the interviewee to raise unanticipated issues, and drawing the researcher’s attention to the issues that interviewees deem relevant (Valentine, 2005, p. 111). The subjectivity inherent in this approach has the potential to challenge established truth claims circulating within a given phenomenon, in this case relating to the regime of truth established through public participation and mainstream hydropower governance in the LMB.
4.3.1. Utilising the semi-structured interview

A total of 107 semi-structured interviews were conducted. Four major groups of interviewees were identified to gather a range of stakeholder perspectives. The first group comprised key community or civil society representatives residing by the Mekong River, although it should be noted that these two categories may overlap. In Thailand, interviews were conducted with community members who belonged to or were affiliated with the Thai Mekong People’s Network, which is a part of the Save the Mekong (STM) Coalition, and community members who were part of a volunteer network working with the Thai Department of Water Resources. These community members mostly lived in cities, towns, or villages adjacent to the Mekong River. In Cambodia, interviews were conducted with community members from Preah Rumkel Commune in Stung Treng Province, including members of its eco-tourism committee. Interviewees from Preah Rumkel were mostly engaged in fishing and/or farming as their primary occupations, and the residents of Preah Rumkel are mostly ethnic Lao. Community members from the Tonle Sap Lake comprised community fishery leaders from the provinces of Siem Reap, Kampong Thom, Kampong Cham, Kampong Chnang, and Battambang, all of whom I had interviewed at a workshop, and the rest were villagers from Kampong Khleang and Kampong Phluk communes in Siem Reap Province. Interviewees from Kampong Khleang and Kampong Phluk were mostly engaged in fishing as their primary occupation, and were ethnic Khmer. Interviews were conducted with the assistance of interpreters (see Section 4.7.1 for a more detailed reflection on working with interpreters).

The second group comprised civil society representatives from the STM Coalition, representing local, national, regional, and international NGOs based in Thailand and Cambodia. The third group comprised government and MRC officials. This included officials and advisors from the Thai National Mekong Committee (TNMC) Secretariat, the Cambodia National Mekong Committee (CNMC) Secretariat, Thailand’s Department of Fisheries, Cambodia’s Fisheries Administration, and local government officials in Thailand and Cambodia. Local government officials included village headmen (Thailand and Cambodia), and commune officials (Cambodia). It should be noted that village headmen also represented community interests despite being classified as local government officials. MRC officials and consultants to the MRC were also interviewed. The fourth group was academics or researchers who had knowledge and experience in researching and writing on Mekong River hydropower development. I also met informally with various academics, civil society representatives, and development practitioners who provided helpful and insightful perspectives into the wider dynamics of Mekong hydropower governance.

An overview of the research participants is provided in Table 4.1 and a full list can be found in Appendix C. In this thesis, all respondents are anonymised and referred to by a code and number. The code will refer to: 1) country – ‘T’ for Thailand, ‘C’ for Cambodia, and ‘I’ for International; and 2)
categories of respondents – ‘C’ for community members, ‘N’ for NGOs, and ‘G’ for government. These codes are listed in the ‘category’ column in Table 4.1.

<table>
<thead>
<tr>
<th>Country</th>
<th>Category</th>
<th>Field site</th>
<th>No. of interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thailand</td>
<td>Community Members (TC)</td>
<td>Chiang Rai Province</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nong Khai Province</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Civil Society Representatives (TN)</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Government Officials (TG)</td>
<td>Chiang Rai Province</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nong Khai Province</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bangkok</td>
<td>3</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Community Members (CC)</td>
<td>Stung Treng Province</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tonle Sap Lake</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Civil Society Representatives (CN)</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Government Officials (CG)</td>
<td>Stung Treng Province</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tonle Sap Lake</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Phnom Penh</td>
<td>2</td>
</tr>
<tr>
<td>N/A</td>
<td>Mekong River Commission Officials (MRC)</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>International NGOs (IN)</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Academies (A)</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>107</strong></td>
</tr>
</tbody>
</table>

*Table 4.1. Summary of interviewees by country and category*

Interviewees were recruited mainly through snowballing where existing contacts and interviewees assisted in providing access to potential participants with relevant experiences and backgrounds (Dunn, 2005; Valentine, 2005). Snowballing did not take place just within each of the five groups, but sometimes across groups (e.g. between civil society representatives and government officials), thus reducing the risk that recruitment was taking place within a ‘narrow circle of like-minded people’ (Valentine, 2005, p. 117). Contacts and introductions provided by former students and staff of the University of Sydney’s Mekong Research Group (AMRC) were invaluable to this process. In rural settings in Thailand and Cambodia, my interpreters and I depended on key community representatives to introduce others to us. This also involved ‘purposeful sampling’ (Longhurst, 2003, p. 122) where interviewees were selected based on their experiences that were relevant to this research project’s aims and objectives. In addition to snowballing, potential interviewees were also identified from news articles and documents relating to the research topic, or from the meetings I attended. Interview invitations were carried out in line with ethics protocol approved by the University of Sydney Human Research Ethics Committee in November 2016 (see Appendix D). Where possible, an invitation to participate in an interview was emailed to potential participants. However, in rural Thailand and in
Cambodia, phone numbers were usually provided by contacts and this was the accepted and most effective mode of communication.

Interview guides containing a list of themes and questions were tailored to each interviewee prior to the interview. Every interview began with an introduction of the university-approved ethics protocol, with an emphasis on participant confidentiality and consent. While interviewing, I generally employed a hybrid of funnel and pyramid structures of questioning beginning with simple questions relating to their occupations, roles, and responsibilities, followed by general and more abstract questions, and then eventually progressing to specific and potentially sensitive issues (Dunn, 2005). Each interview lasted between 20 minutes and two hours and was audio-recorded with the interviewee’s permission. While I preferred the use of audio-recordings to concentrate on the interview and to maintain accurate records of what was said, there were instances where participants declined to be recorded. This could be because they were unsure of my intentions in interviewing them, especially in Cambodia which was facing heightened political tension at the time due to crackdowns on press freedom, opposition elements, and tightened regulations on NGOs (Croissant, 2018; Curley, 2018). In these cases, I would reiterate the purpose of my research and the measures I would take to maintain confidentiality. Verbatim notes were taken on my laptop or notebook, or notes were written from memory after the interview.

4.4. Participant observation and event ethnography

4.4.1. Participant observation

While interviews remain a cornerstone of qualitative methods, they are increasingly complemented and enriched by other qualitative methods (Dowling et al., 2015), especially since the relatively formal and structured format of an interview remains detached from the spatial-temporal flows of everyday life (Kearns, 2005; Phillips & Johns, 2012). In contrast, participant observation, which is another key method in qualitative research, provides the researcher with direct access to phenomena (Laurier, 2003) and to personally watch activities unfold (Cook, 2005). This goes beyond making observations as the researcher becomes an active participant in the phenomena being studied. Kearns (2005, p. 196) notes that this involves ‘strategically placing oneself in situations in which systematic understandings of place are most likely to arise’ either for the purposes of counting, providing complementary evidence, or contextual understanding. While these purposes are not mutually exclusive, this research project focused on developing a contextual understanding of participatory spaces. This had the aim of constructing in-depth interpretations of specific time-spaces through direct experience and where first-hand observations also feature as a main source of data (Kearns, 2005). Importantly, participant observation also provides a key opportunity to capture nonhuman elements in the field by allowing ‘the place of invisible beings [nonhuman elements] in social life to be apprehended and recorded’ (Dowling et al., 2017, p. 826). This method thus complements the project’s conceptual
framework (see Chapter 3) that places an emphasis on the nonhuman elements that enable rendering technical and the emergence of participatory spaces.

4.4.2. Event ethnography

Participant observation is commonly associated with immersing oneself in community life, although the settings often vary vastly in their spatial-temporal compositions (Cook, 2005; Laurier, 2003). As opposed to conducting participant observation in sites defined by a community bounded in space, I carried out participant observation at events where a wide range of stakeholders involved in the governance of the Mekong River converged for public consultations, stakeholder forums, and conferences. Event ethnography recognises that temporary sites such as meetings are as important as spatially-bounded sites for understanding the ‘unfolding of professional and organisational practices’ (Delgado & Cruz, 2014, p. 44), and the politics of translation in environmental governance (Campbell et al., 2014) (see Chapter 3, Section 3.2.2 on translation and ANT). Corson et al. (2014) and Delgado & Cruz (2014) emphasise the importance of carrying out not just multi-sited, but multi-event studies to capture the complex multi-scalar relations between actors and processes across time and space. This stems from a need to rethink translocal environmental governance as being increasingly characterised by contingent trajectories, alongside translocal, dispersed, and multi-scalar decision-making processes involving a diverse range of actors (Campbell et al., 2014).

To study environmental governance ethnographically, ephemeral settings such as meetings and conferences can be considered as nodes (Campbell et al., 2014) within which dispersed and multi-scalar actors converge temporally and spatially. These can be referred to as field-configuring events, which are critical nodes functioning both as outcomes and drivers of evolution of the field (Lampel & Meyer, 2008, p. 1028). These nodes are further linked through actors that move across time-spaces in connection with past decisions, other meeting sites, or future meetings (Campbell et al., 2014). Campbell et al. (2014, p. 7) note that these political spaces can be understood as ‘social devices subject to orchestration through which institutional and organisational ends can be achieved, legitimised, and contested’, and are infused with a politics of knowledge, scale, and performance. Such a politics relates to the discussions on knowledge, scale, and performativity in Chapter 3. Corson et al. (2014) move beyond the analysis of negotiations themselves as an ethnographic object, by capturing the multiplicity of actor configurations that continuously (re)align themselves around particular concepts at particular moments. This may illuminate how hegemonic discourse is constructed over time in its intersections with informal relationships, individual agency, and situated knowledge (Duffy, 2014).

The multi-event approach is especially suited to addressing the methodological challenges of studying translocal organisations, where difficulties arise from the tracing of flows within and between these organisations and across ‘discontinuous time and space’ (Delgado & Cruz, 2014, p. 46). One of the difficulties in conducting multi-sited fieldwork is in ‘bounding the empirical field’, which inevitably
raises questions about the extent to which the ethnographer can understand the ‘life-worlds’ of research participants who are spatially and temporally dispersed (ibid., p. 47). This is especially the case for research on hydropower governance in the Mekong Region, where multi-sited and multi-scalar stakeholders are spread across the region. Through multi-event ethnography, it is the actors themselves, rather than the researcher, who define the boundaries of the field site where interconnections are forged between these actors, their ideas, interests, and practices (Delgado & Cruz, 2014). Event ethnography has the potential to address both spatial (where) and temporal (when) concerns of the field (Scheffer, 2007). While geographers and ethnographers are traditionally concerned with spatially defining the field, events can potentially produce refined accounts of spatial-temporal nuances in the field. These nuances allow the researcher to reflect upon the implications of events that are past, present, or future, early or late, relevant or irrelevant, or weighted differently (Scheffer, 2007).

4.4.3. The field(s) of hydropower governance in the Mekong Region

I had the opportunity to attend key meetings that were carried out for the Pak Beng PNPCA, which can be considered as nodes within mainstream hydropower governance in the LMB. I attended four PNPCA meetings for the Pak Beng Dam: the two MRC regional stakeholder forums in Laos and two community stakeholder consultations organised by the TNMC Secretariat in Thailand. I also attended meetings and conferences relating to the wider landscape of water governance and hydropower development in the LMB. The full list of the events I attended is provided in Table 4.2. This thesis builds mainly on the ethnographic observations made at the PNPCA meetings in Laos and Thailand, and the International Day of Action for Rivers organised by the STM Coalition in March 2017 (highlighted in grey in Table 4.2), but the other events were useful in terms of providing further contextual understanding of participatory spaces, observing wider processes in environmental governance, and networking.
While I had previously depended on newspaper articles, summary reports, and meeting minutes to understand what had taken place during meetings related to mainstream hydropower development, these mainly focused on relating the main outcomes of the meetings. As mentioned in Chapter 1, it was only through attending the meetings myself that it became very apparent that the meeting’s processes and dynamics contributed towards particular outcomes. Lamb (2017, p. 1) also utilised this approach in the context of the MRC and termed ‘summit ethnography’ as an innovative method to shed ‘insights into the multiscale, local-national-regional tensions in transboundary environmental governance’ at the 2nd MRC Summit and International Conference held in April 2014. Similar to Lamb’s (ibid.) approach, during the events I paid attention to tensions that were discursively invoked, the types of speakers, facilitators and participants present, and the interests and discourses that they raised. Doing so was especially useful in eliciting multi-scalar tensions particularly between differing groups of stakeholders, ideas, or discourses. The PNPCA meetings offered rare opportunities to observe state actors and their interactions with other state and nonstate actors in a public setting, as they otherwise worked behind the scenes through the series of MRC working groups described in Chapter 2 (Section 2.5.3).

In addition to the actors present at the meetings and the languages, representations, and knowledges they carried and performed, attention was also paid towards how interactions were...
influenced by elements such as the room structures, discussion formats, materials disseminated, event schedules as Corson et al. (2014) had done, along with how different actors were located in relation to one another. Event ethnography enriched the data collected from interviews, as I could observe the ways in which some interviewees publicly performed, represented and negotiated their positionality while actively participating in governance processes. In addition, it was critical to note not just what was present, but absences and slippages at the meetings. This included a recognition of the stakeholders who were not represented amongst the speakers or participants, the languages, knowledges, or discourses that were not used or foregrounded, and unanticipated events that unfolded during the meetings. This will be discussed in Chapter 6, where the absences of certain actors or knowledge types are considered to be reflective of a disconnect between the technical issues discussed at the PNPCA stakeholder consultations and the wider political-economic context of LMB hydropower development.

Where possible I audio-recorded the sessions while making notes of who said what, and at the end of each meeting I made detailed field notes about my impressions based on the factors discussed above. Overall, all these elements relate to an observation of the spatial layouts, technologies, and performative dimensions of participatory events, especially in eliciting the enactments of state authority and the performative slippages that occur in these enactments (discussed in Chapter 3, Section 3.4.1).

Lamb (2017) notes that the meetings were not just an ethnographic site but also presented opportunities to network with potential interviewees based all over the Mekong Region, who would otherwise have been difficult to gain access to. Being in this actor-defined field was pivotal towards recruiting participants whom I may not have identified, or who were spread out over the country. In the context of Thailand and Cambodia where face to face meetings are usually more effective than digital communications, I was able to personally introduce myself to and secure an appointment with some interviewees who had not replied to my invitation emails. There was also a memorable encounter when a Thai official who had not replied to my invitation email made it a point to track me down at a meeting after spotting my name in the MRC regional stakeholder forum participant list. As a participant at the International Conference on Thai Studies 2017, attending a relevant session conducted by civil society groups also provided an opportunity to pose a question to a speaker I had been unable to gain access to.

4.5. Literature review and discourse analysis

In addition to the data generated from interviews and events, I also depended on secondary data in the form of documents such as scientific studies, meeting reports, strategic plans, terms of reference, concept notes, agreements, guidelines, procedures, complaints, news articles, commentaries, and materials disseminated during the meetings. These documents were generated and made public as part of the PNPCA and were amassed from a variety of sources – the MRC, government agencies, think tanks, civil society, and the events I attended. In addition to data relating to the PNPCA, historical materials were also studied to trace the origins of Mekong hydropower development since the 1950s.
Due to my limited language capabilities, the materials analysed were mostly in English, although my Thai translator assisted me with the translation of some Thai materials. There was little documentation collected from Cambodia as compared to Thailand. The analysis of the statements articulated in the interviews, events, and documents is especially important in the context of contested hydropower development and the Mekong River, where a politics of knowledge is very much inherent and often involving discourses mobilising scientific and local knowledges (Käkönen & Hirsch, 2009; Yong & Grundy-Warr, 2012). These texts and knowledges, in tandem with other observable forms of communication such as ‘body language, interactions, symbolic acts, [and] technologies’ (Dittmer, 2010, p. 275) are all part of these contested discourses.

Discourse analysis has the potential to further elucidate the contexts in which truth claims are situated, thus assisting in making sense of the data collected through the semi-structured interview and event ethnography. Discourse analysis aims to explore the actions, perceptions or attitudes resulting from discourses, identify the regulatory frameworks that comprise the production, circulation and communication of statements within which different actors articulate themselves, and challenge hegemonic or ‘common-sense’ statements or understandings (Dittmer, 2010; Waitt, 2005). The regime of truth created and perpetuated by powerful actors in Mekong hydropower governance does not exist a-priori and is constantly challenged, negotiated, and reinstated as actors navigate and attempt to manipulate the power/knowledge nexus in their favour (see Chapter 3, Section 3.2.3). Discourse analysis can assist especially in identifying how practices of power and the formation of knowledge are interlinked in driving public participation and contestation around hydropower development in the Mekong region. For this thesis, attention was paid to documentation that described the rationale behind the PNPCA stakeholder consultations and contained criticisms of the stakeholder consultations, which shed light on how public participation had been problematised by state actors, the narratives that disrupted processes of rendering technical, and the spatial-temporal assumptions and dynamics that underlie these discourses.

4.6. Note on uneven datasets between Thailand and Cambodia

The data sets for Thailand and Cambodia are uneven in two ways. The first dimension is in terms of the number of community members interviewed, where the number of community members interviewed in Cambodia was more than three times of that in Thailand. Working with a more experienced interpreter in Cambodia I was able to interview many community members at the village level as compared to in Thailand. The second dimension is in terms of event ethnography, as I was unable to gain access to PNPCA stakeholder consultations in Cambodia. Having been introduced to TNMC Secretariat officials at the MRC regional stakeholder forums, I was invited to observe the Thai stakeholder consultations that took place in March and May 2017. However, I did not have CNMC Secretariat contacts during this time. As Chapter 5 will discuss, invitations to the Cambodian PNPCA
stakeholder consultations were also more tightly controlled than in Thailand. As such, while data from interviews, event ethnography and secondary materials are used to supplement one another as far as possible to reconstruct certain events, a direct comparison between Thailand and Cambodia is not always possible. Rather, the strengths and depth of information from these different datasets is used to illustrate and highlight the multifaceted issues that are raised in a study of public participation in the LMB.

4.7. Reflexivity and limitations in the field

There exists a continuum between the researcher and the researched. We do not conduct fieldwork on the unmediated world of the researched, but on the world between ourselves and the researched. At the same time this ‘betweenness’ is shaped by the researcher’s biography, which filters the ‘data’ and our perceptions and interpretations of the fieldwork experience. (England, 1994, p. 86)

Feminist geographers have been pivotal in calling for the need to address the issue of reflexivity in qualitative research, as it is apparent to them that knowledge production can never be truly objective, value-free and detached from the field of power relations in which the research is conducted. They thus argue for the need to situate knowledge production by recognising the researcher’s own positionality through developing self-awareness of one’s position within the field and to reflect upon how this positionality has an impact on knowledge production (Mohammad, 2001; Rose, 1997). While the researcher has to take care not to indulge in ‘navel gazing’ (England, 1994), partaking in critical self-reflexivity may lead to insights that potentially enrich the research (King & Horrocks, 2010), especially where cross-cultural research is concerned (Skelton, 2001). This involves an acknowledgement that one’s conclusions are limited and partial rather than universal, as a way to approach the issue of power relations and to develop an awareness of how the researcher is destabilised and constructed in the process (England, 1994; Rose, 1997).

4.7.1. Negotiating being an insider/outsider

I will begin this section with a brief biography: I am a 30-year old\(^6\), ethnically Chinese female from Singapore who is pursuing a PhD in Geography at the University of Sydney in Australia. This was very much how I chose to present myself throughout the fieldwork process. In many respects, I was very much an ‘outsider’ in the field engaging in cross-cultural research, as I did not speak fluently any of the languages of the Mekong Region, and had never been directly involved in issue of hydropower development in a hands-on manner. Despite being from an ASEAN ‘neighbour’, I was sometimes asked by my interviewees why I was conducting research in this issue – perhaps because the Singapore

---

\(^6\) Although apparently younger looking, often mistaken for an undergraduate student and very occasionally, a high school student.
government and Singapore’s academic institutions generally had not paid much attention to development issues involving the Mekong River. As mentioned in Section 4.3.1, in order to gain access to interviewees I also depended very much on the contacts and introductions of insiders who were either my personal contacts or affiliated with the AMRC as former students or staff.

Nonetheless, having prior research experience in this field for an honours and a masters thesis, I found myself adopting some strategies to establish myself, to at least a small degree, as an ‘insider’ especially where the research was concerned with ‘studying up’. Power relations are configured differently when studying up (Mukherjee, 2017), and in situations where the researched were experts in their fields I did not want to be perceived as unknowledgeable, which might have affected the quality of information shared with me. I tried to demonstrate prior knowledge during interviews by bringing up my previous experience in conducting research related to hydropower development on the Mekong River, addressing very specific issues, and sharing my opinions. I also made the effort to establish reciprocal relationships. For example, Chiang Khong was a former field site and during this visit I met again with the leader of the community-based organisation, taking the opportunity to give him a copy of my master’s thesis and share my main research findings to him. With several interviewees whom I had interviewed for past research projects, our exchanges felt more candid than before.

Being an ‘outsider’ was not necessarily negative, especially in studying a contested issue like hydropower development where I hoped to gather the views of different stakeholder groups who were sometimes at odds with one another. The blurred lines between my insider/outsider status affected the research process in varied ways. In order to elicit the multiplicity of subjectivities across the heterogeneous stakeholders, I chose to adopt an empathetic, ‘sympathetic, and non-judgmental’ role (Cook, 2005, p. 179) in my interactions with people. In general, I adopted a supplicant position which accepts that the people I meet have greater knowledge than the researcher (England, 1994). As an outsider, it was likely that certain informants remained reticent about sharing candid or controversial views with me. But I would also argue that being perceived as a ‘unthreatening’ female (England, 1994), an ‘outsider’ in terms of my nationality and being an independent researcher unaffiliated with any stakeholder group might have helped in playing this somewhat neutral role and to gain relatively good access to information.

It is also necessary to highlight the pivotal role that interpreters played in my research. The ‘betweenness’ of the field was also mediated through them. The interpreter is not merely a ‘neutral mouthpiece’ (Edwards, 1998, p. 202), and the consideration of reflexivity is a good reminder that the process of translation can never be neutral when mediated through situated identities (Temple & Young, 2004). The field between the researcher and the researched becomes even more complex when taking into account the presence of the interpreter. Recognising that my ‘outsider’ status would be even more apparent in rural settings due to disparities in ethnicity, language and education levels, I depended very
much on my Thai and Cambodian interpreters’ ability to take the lead in establishing rapport with research participants (also see Borchgrevink, 2003; Edwards, 1998; Watson, 2004 who have discussed similar issues on language and working with interpreters). From experience, I found that this was more effective than trying to exert control over all aspects of the interview myself. My interpreters did not always provide word for word translations, but usually gave interviewees their full attention while taking notes and then relaying what the interviewees had said to me, sometimes in summarised form, after the interviewee had finished speaking on a particular point or issue. They sometimes provided additional contextual information for my benefit. During the interviews and transcription of the interviews, I tried my best to maintain a sensitivity towards distinguishing between what the interviewees had said and my interpreters’ personal viewpoints.

I worked with a female interpreter in Thailand, and a male interpreter in Cambodia, both of whom were a few years older than me. My interpreters were able to conduct interviews in the local languages in Nong Khai Province (Isan dialect) and Stung Treng Province (Lao), although this was not possible in Chiang Rai Province as my Thai interpreter, who was from Isan, did not speak the northern Thai dialect. The importance of speaking local languages was highlighted along the Cambodia-Lao border in Stung Treng Province, where many people preferred to speak Lao despite being Cambodian citizens. My interpreter was able to switch to Lao when he sensed that interviewees were not as comfortable speaking in Khmer, and an interviewee even told him that villagers might not be so open to speaking to him if he did not speak Lao. Both interpreters were experienced with working in rural contexts and with issues relating to the Mekong River. In addition to adopting a sympathetic and non-judgmental role during the interviews, they were also able to put research participants at ease by empathising and joking with them. They sometimes took the lead in asking questions once they gained familiarity with my lines of questioning, which helped in downplaying my presence during the interviews. My Thai interpreter also played a critical role when I carried out event ethnography as she translated the proceedings of the Thai PNPCA stakeholder consultations. There were some limitations to this approach as there were technical aspects of the discussion that she could not understand, but this also served as a reflection of how these meetings could sometimes be overly-technical in nature (see Chapter 6, Section 6.4.1).

4.7.2. Implications for research findings

The main implication of engaging in critical self-reflexivity is in having to critically rethink how knowledges are necessarily limited and partial, and grounding knowledge through a consideration of positionality (Rose, 1997). Having to negotiate multiple roles and identities has also made me more aware of the performative dimensions of the interview, in terms of how respondents may have to negotiate and perform their positions in relation to me. This meant being more sensitive to potential partialities in their accounts, and recognising their experiences and narrations as discursive formations
emerging from contingent and particular circumstances (Domosh, 2003). However, there are limitations to which engaging in self-reflexivity may establish a more equitable field of power relations between the researcher and the researched. England (1994, p. 86) argues that ‘reflexivity can make us more aware of asymmetrical or exploitative relationships, but it cannot remove them’, but Mohammad (2001) takes this argument one step further to challenge entrenched assumptions that researchers necessarily hold power over the researched, and to say that there are always elements in the researched and power relations that cannot be rendered visible to us. The researcher may sometimes feel disempowered, especially as an outsider to the field.

This was made clear when interviewing experts, and even more so during uncomfortable spaces and moments in the field: a community representative declaring that my questioning was pointless for them, another participant sidestepping my questions and going off on another tangent, the interview being co-opted for purposes other than my own. There is no straightforward way to address and remedy such situations, as Coddington (2017) argues in her analysis of the ethical and methodological dilemmas of ‘giving voice’ to participants in qualitative research. These effects of the invisible power relations in the field may be considered in tandem with other limitations faced in data collection: meanings being lost in translation, being unable to cover concurrent sessions at meetings, and a dependence on English-language materials. While it is impossible to completely overcome these limitations, attempts were made to mitigate them. Where possible, the data collected from the different sources have been triangulated with data from other sources to verify and interrogate various claims and narratives, not just that of research participants but also my own.

4.8. Conclusion

It is necessary to acknowledge that the knowledge produced in this thesis can only be partial. This is not to undermine the validity of the data collected and arguments to be made. The discussion of the methodological concerns has addressed the value of semi-structured interviews, event ethnography, literature review and discourse analysis in meeting the research objectives and in enriching one another. But it is also important to recognise that the findings of this thesis are situated within the ‘betweenness’ of the field described above, which inevitably generates partial, specific and limited knowledges. The researcher’s presence in the field inevitably generates a partially unknowable field of power relations between the researcher and the researched, producing sometimes unpredictable or uncomfortable interactions which further limit the extent to which we can claim that our knowledge is truly representative. This negotiation of positionality had both benefited and limited the data generated and collected. As this thesis attempts to demonstrate how multiple participatory spaces disrupt the truth claims made through rendering technical, a reflection on the different understandings of truth in the process of data collection may help to shed light on the emergence of competing truth claims in the contested hydropower governance of the LMB.
CHAPTER FIVE

PROBLEMatisING SPACES OF PUBLIC PARTICIPATION

5.1. Introduction

This chapter discusses how public participation has been problematised under the framework of the Procedures for Notification, Prior Consultation and Agreement (PNPCA). It draws upon data from both secondary sources and fieldwork. First, it examines how public participation came to be included in Prior Consultation. Second, the chapter pays attention to how the problematisation of these participatory spaces is mediated by the National Mekong Committees (NMCs), their institutional geographies, and the frictions encountered within differentiated national legal frameworks. The PNPCA is treated as a technology of government that enables the NMCs to enact government at a distance, which enrols distant localities into ‘proper’ channels of participation and creates specific types of subjectivities within these channels. In the next part of the chapter, attention is turned to how these participatory spaces are problematised and brought into being through the elements of publics, place, scale, and time. This involves a discussion on how the ‘public’ is determined, and how modifications to the stakeholder consultations can be understood through the lenses of place, scale, and the temporal. A politics of place, scale and time may therefore be used to understand some of the major criticisms associated with the PNPCA stakeholder consultations and illuminate the issues that stand in the way of meaningful public participation.

5.2. Public participation and the MRC

The MRC is aware that stakeholder involvement in decision-making is fundamental to achieving feasible, equitable and lasting solutions and that the quality of decisions can be improved by the inclusion of a broad range of stakeholders who can bring important local knowledge and relevant perspectives to the process. Since its inception in 1995, the MRC has adopted a participatory approach in the work of all its core programmes and sector programmes and is envisaging ways to expand the opportunities for collaboration with both internal and external stakeholders. (MRC, 2005b, p. 3)

Within Prior Consultation, the component of public participation is a small but important one. The 1995 Mekong Agreement and the PNPCA do not mention the need to include public participation, and as discussed in Chapter 2, Prior Consultation was set out as a technical process to facilitate information sharing between the MRC member states to evaluate a proposed project. From the wording of the PNPCA, the prerogative to initiate public consultations appears to lie with the MRC Joint Committee (JC), as one of the responsibilities of the NMCs is to ‘facilitate any consultations, presentations, evaluation and site visited as requested by the MRC JC for the proposed use’ (MRC, 2003b, p. 7). Close to the beginning of the Xayaburi PNPCA, the PNPCA Joint Committee Working
Group (JCWG) came to a decision at their first meeting on 26 October 2010 to incorporate public participation into the process (MRC, n.d.e).

The concept of public participation is not new to the MRC. Following the establishment of the MRC, a donor-funded study on public participation was initiated in 1996 so that participatory approaches could be incorporated into the MRC’s Basin Development Plan (BDP) and Water Utilisation Programme (Kaosa-ard et al., 1998; MRC Secretariat, 1999). The resulting report published in 1998 (see Kaosa-ard et al., 1998) and a 1999 report by the MRC Secretariat (see MRC Secretariat, 1999) provided a set of guidelines and mechanisms for public participation. Public participation is defined as ‘a process through which key stakeholders gain influence and take part in decision making in the planning, implementation, monitoring and evaluation of MRC programs and projects [original emphasis]’ (MRC Secretariat, 1999, p. 3), and is proposed to be a ‘normal and essential process in MRC and NMC activities’ (ibid., p. 7). According to a 2005 MRC publication on public participation, stakeholders are classified into two groups: 1) internal stakeholders that include the government bodies in the MRC’s institutional structure, and 2) external stakeholders that broadly cover nonstate actors who ‘have interests or stakes to lose or gain’ (MRC, 2005b, p. 3). Sneddon & Fox (2007) observe that this differentiation highlights a disjuncture between the MRC Secretariat’s ‘well-intentioned aim’ of incorporating a participatory approach into governance activities, and the assertion by MRC member countries that the MRC chiefly serves to further their development goals. The 2005 publication also states that there is a ‘compelling case’ for any hydropower development strategy in the LMB to incorporate a participatory approach that would contribute towards decision making, and that the MRC was in a unique position to bring together ‘technical experts and high-level decision makers’ while also linking this to a process of public participation (MRC, 2005b, p. 19).

Prior to the PNPCA, the multiple programmes implemented through the MRC Secretariat had created differentiated spaces for participation in accordance with their respective agendas. Sneddon & Fox (2007) identified the BDP programme as the most prominent area in which this institutional context for public participation was demonstrated after the MRC’s establishment. The BDP represented MRC efforts to institutionalise a participatory planning process involving not only internal stakeholders but also external stakeholders (Dore & Lebel, 2010), and also represented the most extensive form of ‘stakeholder engagements’ through stakeholder forums held in Vientiane in 2008 and 2010, and in Chiang Rai in 2009 (Hirsch, 2011b). Nonetheless, the proceedings, agendas, and conclusions of the forums were still largely determined by the MRC Secretariat and overarching member state interests (ibid.) and privileged the quantification of hydrographs over human responses (Lebel et al., 2010). This participatory approach took place in tension with the decades-old hydropower agendas of MRC member states (Sneddon & Fox, 2007), and overall these issues would bear similarities to that of the PNPCA. A contrasting participatory space was created through the MRC’s Fisheries Programme that was established in the 1990s in response to these hydropower agendas, to assess and value the productivity
of capture fisheries in the Mekong River (Friend et al., 2009). This was relatively successful in implementing participatory research involving both government officials and community fishers (Sneddon & Fox, 2007). However, even in the fisheries programme, expert knowledge was privileged over local knowledge (Kääkönen & Hirsch, 2009).

Gao (2014, p. 159) has noted that the 1999 MRC Secretariat report mainly addresses participation in relation to the MRC’s plans, programmes and policies, but ‘largely ignores’ specific development projects and therefore provides ‘very limited guidance’ on decision making for mainstream hydropower dam projects. The feasibility of incorporating these participatory approaches into mainstream dam development may therefore be stymied when considering whether hydropower dam construction was considered to be part of the MRC’s hydropower programme. As discussed in Chapter 2, Mekong hydropower dams today are essentially public-private projects that are part of a sovereign state’s development plans and built on a project by project basis and lack a commitment towards international standards and socio-environmental safeguards recommended by international development actors such as the ADB, World Bank, and the WCD. With the ‘model’ Nam Theun 2 Dam in Laos, the inclusion of public participation was driven primarily by the World Bank (Manorom et al., 2017; Singh, 2009), but this may not be the case for the public-private projects in a new political economy of hydropower development. The MRC’s limitations in enforcing a coherent hydropower strategy across the region became clear with the side-lining of the Strategic Environmental Assessment (SEA) when the Xayaburi Dam PNPCA began, as the MRC member countries never officially endorsed the SEA (Carew-Reid, 2016; Suhardiman et al., 2015) (see Chapter 2, Section 2.4 and 2.5.3).

The inclusion of public participation in Prior Consultation, rather than being a ‘normal and essential’ process, appeared to be driven by pressure from internal stakeholders (Vietnamese officials), external stakeholders (civil society), and MRC Secretariat personnel (Whitehead, 2011). Notwithstanding the limited influence of the public participation component on decision making, its inclusion was nonetheless significant for civil society and Mekong local communities:

It is important as one of the very few public platforms where there is greater attention to public participation and stakeholder engagement, one of the few platforms where affected communities and civil society can actually ask questions about the project. But we don’t see it as an effective platform to challenge decision making about whether or not the project goes ahead. (Interview, IN1)

These public consultation sessions opened critical physical spaces on a transboundary scale, where information about the proposed mainstream dams could be disseminated to potentially affected communities and local civil society, and where questions could be directed towards government authority. Spaces of participation may be both abstract or concrete, and the act of participating ‘can be seen as bringing spaces to life as well as carving out new spaces and creating new social forms with
their own momentum and impetus’ (Cornwall, 2002, p. 2). This is significant as the project information would otherwise be mediated behind the scenes through the MRC’s series of PNPCA working groups (see Chapter 2, Section 2.5.3). Project documents were also made available on the MRC’s website or obtained through informal channels, and civil society utilised channels such as the media and the MRC to get their feedback heard. However, internet penetration tends to be lower in rural areas (Tengtrakul & Peha, 2011) and the use of the internet in rural areas through smartphones to look up information is lower as compared to urban areas, especially with older age groups (Phong et al., 2016). It is the physical spaces of public consultations that have opened new avenues for the public to challenge decision-making about dams, most notably in providing the grounds for 37 Thai villagers to file a lawsuit against the Thai government (see Section 5.3.4).

5.3. Problematising public participation in uneven landscapes of participation

Public participation in the LMB may be thought of in terms of regimes of practices, which are generally coherent sets of ways of doing things, including institutional practices (Dean, 2010). As part of the analytics of government discussed in Chapter 3, this chapter has the aim of investigating the conditions that underlie the emergence, maintenance, and transformation of the regimes of practices constituting public participation. This section examines how public participation has been problematised, the first element of rendering technical. Drawing upon Inda's (2008) work, this involves identifying the political rationalities that render the field of public participation calculable and governable. The landscape of public participation created through the PNPCA is a highly uneven one. The PNPCA JCWG for the Xayaburi Dam stated that participatory process and meetings were to be designed ‘as required by their [LMB countries] national context, frameworks and legislation’ (MRC, 2011b, p. 9). The difficulties involved in incorporating participatory practices into very different national contexts had previously been recognised by the MRC (Kaosa-ard et al., 1998; Sneddon & Fox, 2007). Examining national contexts, institutions, and legislative frameworks give insight into the political rationalities underlying public participation as a regime of practices, reflecting how public participation has been problematised.

5.3.1. National Mekong Committees

One way to draw out the political rationalities of public participation is to pay attention to the institutions that organise the PNPCA stakeholder consultations: the NMCs who coordinate between their respective countries’ government line agencies and the MRC. The NMCs occupy a unique position within their respective governments, as they fulfil obligations and responsibilities to both their country governments and the MRC. The 1995 Mekong Agreement itself does not mention NMCs, but their functions and responsibilities become clearer in the five accompanying technical procedures for water utilisation that include the PNPCA (see Chapter 2, Section 2.5.3). These procedures indicate that the NMCs are problematised as technical and coordinative entities that would support wider decision-
making processes in Mekong water governance. In the procedures for water utilisation, maintenance of flows, and water quality, the NMCs are responsible for technical areas such as data gathering, monitoring and reporting, informing their relevant line agencies of the MRC Procedures, and coordination with the MRC Secretariat and MRC JC. Under the PNPCA the responsibilities of the NMCs are mainly coordinative, such as to inform the relevant line agencies of the requirements for Prior Consultation, to receive, review and check documentation for a project submitted under Prior Consultation, and to transmit documentation between the relevant actors.

As one of the key responsibilities of the NMCs is to facilitate any consultations as requested by the MRC JC, they are key actors in shaping the landscape of public participation under Prior Consultation. In the 1998 report on public participation, the NMCs are identified as the primary audience for its recommendations and guidelines, and they are also identified as ‘key stakeholders in any project executed or coordinated by the MRC Secretariat’ (Kaosa-ard et al., 1998, p. 56). NMCs display spatial-temporal variations as their structure, composition, and functions differ between countries and have been altered throughout the decades, therefore carrying with them different institutional histories. It is also important to distinguish between the NMCs and their secretariats, even though this is not usually done in practice. An NMC generally comprises representatives from the relevant ministries and line agencies, and has an ephemeral function and presence in the government. In contrast, an NMC Secretariat serves the NMC by carrying out the day-to-day work and supporting policy and decision making and have a permanent and physical presence within state structures. The role of the NMC Secretariats is characterised by coordination, in contrast to most government agencies who implement government policies (Interview, CG1). While they lack influence on decision making, their constraints still serve as useful diagnostic tools within the analytics of government.

It is necessary to situate the NMC Secretariats within an institutional geography to assess the degree of their influence in facilitating the stakeholder consultations. NMC Secretariats should be considered as one of many state actors that carry out the rational activities of a heterogeneous government, for ‘definite but shifting ends’ and with diverse outcomes (Dean, 2010, p. 18). An institutional geography considers their relationships to wider cultural, political and economic processes, along with the distinct social and spatial relationships that arise when their political and spatial locations are considered in relation to peoples, land uses, and resources (Billo & Mountz, 2016; Philo & Parr, 2000). Understanding how NMCs shape participatory spaces in Mekong hydropower governance can also be helped by the notion of critical institutionalism, which places an emphasis on how institutions play a dynamic role in mediating relationships between people, natural resources and society (Cleaver & de Koning, 2015). Of particular relevance to the discussion of the NMCs and their respective secretariats in this section are Cleaver & de Koning’s (ibid., p. 6) suggestions that the historical trajectories of institutions are important in terms of how their ‘sedimented layers of governance arrangements’ influence their functions today, and that change often takes place at the ‘messy middle’,

75
or meso-level, of institutions. The relationships between NMC Secretariats and other government agencies are also intertwined with power relationships, reflecting Tooke's (2000) suggestion that institutions should also be analysed through the lens of Massey's (1992) conception of a power-geometry which destabilises notions of state power as totalising (See Chapter 3, Section 3.2.4 that emphasised the entanglements of domination and resistance in the context of environmental governance). NMC Secretariats are entangled within this web that not only constitutes the physical geography, but also the economic landscape of each country.

5.3.2. Institutional geographies: the Thai National Mekong Committee (TNMC) Secretariat

Although the TNMC Secretariat is part of the central government, its functions may be incompatible with government agencies tasked with water resource and economic development. Since the 2002 administrative reforms in Thailand, the TNMC Secretariat has been positioned as a bureau under the Department of Water Resources (DWR), which in turn is situated within the Ministry of Natural Resources and Environment (MONRE) (Dore & Lebel, 2010). Dore & Lebel (2010, p. 68) argue that this structure served Thailand’s interests by ‘appointing an NMC marginalised from real decision-making and water resources development planning and investment within the country’. The TNMC Secretariat has weak connections with and little influence over historically more powerful agencies such as the Royal Irrigation Department and the Electricity Generating Authority of Thailand (EGAT) (ibid.). Even though the TNMC comprises representatives from EGAT and the Energy Planning and Policy office, the representatives that attended meetings were not top-level officials and lacked decision making authority (Interview, TG1). The TNMC Secretariat’s marginalised position also relates to the physical geography of Thailand. Thailand is subdivided into 25 river basins, and the Mekong River Basin only accounts for 36% of Thailand’s land area (Carew-Reid, 2016). TG1 stressed the need to consider the ‘physical constraints’ of the TNMC Secretariat in managing the Mekong River system in Thailand:

> You have to understand that in our case, the condition of the basin itself, because if you look at the northeast of Thailand that is part of the Mekong system, it is only part of the whole country and we also have other river basins like the Chao Phraya. So when they established the DWR, it not only looked after the Mekong, but it looked after other river basins as well. (Interview, TG1)

The functions of the TNMC Secretariat were not always incompatible with that of the energy sector. As discussed in Chapter 2, the Mekong River and its tributaries were considered as a vehicle for Thailand’s development especially in Isan and this was reflected in the institutional structures that supported this development. During the time of the Mekong Committee, the TNMC Secretariat was situated under the government’s energy sector and was attached to the National Energy Administration (Kamkongsak & Law, 2001). According to TG1, the TNMC used to be bigger and was chaired by then-
Prime Minister Chuan Leekpai, ‘but now the level of importance of the work has become lessened, because the country is already advanced or developed’ (Interview, TG1). Today, the TNMC is chaired by the Minister of MONRE. The only other ministries in the TNMC are the Ministry of Agriculture and Cooperatives and the Ministry of Interior who are represented by their permanent secretaries. The rest of the Departments, including the Royal Irrigation Department, the Department of Fisheries, and Department of Alternative Energy Development and Efficiency, are represented at Director-General level (TNMC, 2016) (see Table 5.1). Tracing these developments, in Thailand, the TNMC Secretariat has experienced a double marginalisation at the regional and national levels as both the MRC and the Thai sections of the Mekong River became less of a priority for Thai economic development. Nonetheless, the TNMC Secretariat has a higher budget and a higher level of technical expertise compared to their Cambodian counterparts (see Section 5.3.3 to follow and Chapter 6, Section 6.2.2).

<table>
<thead>
<tr>
<th>Thai National Mekong Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>13</td>
</tr>
<tr>
<td>14</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>20-23</td>
</tr>
</tbody>
</table>

Table 5.1. Composition of the TNMC (Source: TNMC, 2016)

5.3.3. Institutional geographies: the Cambodia National Mekong Committee (CNMC) Secretariat

In Cambodia, the CNMC Secretariat is higher placed in the government hierarchy as compared to the TNMC Secretariat. The CNMC Secretariat is part of the central government. Since the 1999 Government Sub-decree came into effect, the CNMC has been established as an inter-ministerial agency that operates directly under the Office of the Council of Ministers, and the CNMC Secretariat sits under this agency (Thim, 2010). The CNMC is currently chaired by the Minister of Water Resources and Meteorology (MOWRM), and the 17 ministries and government agencies in the CNMC are represented
at the vice minister level (Interview, CG1) (see Table 5.2). According to CG1, the Secretary General of the CNMC Secretariat is equivalent to the rank of a vice-minister in Cambodia, indicating that the CNMC Secretariat is of higher status as compared to the TNMC Secretariat. The physical geography of Cambodia is also different from that of Thailand, as the Mekong River Basin comprises 86% of Cambodia’s land area (Carew-Reid, 2016). However, despite being higher up in the government hierarchy as compared to the TNMC Secretariat, the CNMC Secretariat is similarly marginalised from the decision-making centres of government. Thim (2010, p. 140) notes that even though the CNMC ‘is the only cross-sectoral body capable of an overall water coordination and responsibility in the country’, it is still often described as a weak body as its role in water resources management is a secondary one in comparison to regular line ministries. CG1 explained that:

> Especially with the CNMC, it is clear that our role is only coordination, we are not an implementing agency. If you look at the implementing agencies in Cambodia, they have their own department at the provincial level, they have their own office at district level. But for us, no, we only have a General Secretariat. When we have to go down to the province, we have to coordinate at the provincial level, and then to the department level. (Interview, CG1)

Also speaking on the CNMC’s capacity to influence decision-making, a Cambodian civil society representative said that:

> It’s a really big question, it’s very hard to say. For sure they have some sort of capacity to coordinate, but not really much. But compared with their capacity to influence, this is a very big challenge. I used to raise some questions to some of them, and then they say that their mandate is just to conduct research, to provide the recommendations from the research, but they have no authority, they do not have capacity to influence the decision makers. (Interview, CN5)

Historically, Cambodia was absent from the Interim Mekong Committee during the Khmer Rouge period, when water resources development was not a priority. By the time Cambodia had joined the MRC under the 1995 Mekong Agreement, member states could no longer veto the development projects of others and the MRC presented less of an obstacle to national water resource development. Like the TNMC Secretariat, the CNMC Secretariat does not have much influence over the power sector and appears to be similarly marginalised from decision making relating to hydropower development. The Ministry of Mines and Energy (MME) is a member of the CNMC, but the MME does not share their plans for hydropower development with the CNMC Secretariat, most notably in the case of the planned Sambor mainstream dam (Thim, 2010; Interview, CG1). MRC1 pointed out that the CNMC Secretariat had limited financial resources that were channelled through the MOWRM, especially compared to that of the TNMC Secretariat:
Being part of the Department of Water Resources, the TNMC is very, very well positioned in terms of having millions of dollars of budget. One TNMC annual budget is about three times the annual budget of the Ministry of Water Resources in Cambodia.

This lack of financial resources has implications on the capacity of the CNMC Secretariat to facilitate public consultations. The CNMC Secretariat has always organised fewer stakeholder consultations than the TNMC Secretariat (see Table 5.3 in Section 5.4). In addition, the CNMC Secretariat also lacks the technical capacity and expertise to assess technical project documents disseminated through the PNPCA (to be discussed in Chapter 6, Section 6.2.2).

<table>
<thead>
<tr>
<th>Cambodia National Mekong Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ministry of Water Resources and Meteorology (Chairperson)</td>
</tr>
<tr>
<td>2. Cabinet of the Council of Ministers</td>
</tr>
<tr>
<td>3. Ministry of Foreign Affairs and International Cooperation</td>
</tr>
<tr>
<td>4. Ministry of Interior</td>
</tr>
<tr>
<td>5. Ministry of Environment</td>
</tr>
<tr>
<td>6. Ministry of Agriculture, Forestry and Fisheries</td>
</tr>
<tr>
<td>7. Ministry of Public Works and Transport</td>
</tr>
<tr>
<td>8. Ministry of Mines and Energy</td>
</tr>
<tr>
<td>9. Ministry of Planning</td>
</tr>
<tr>
<td>10. Ministry of Rural Development</td>
</tr>
<tr>
<td>11. Ministry of Land Management, Urban Planning and Construction</td>
</tr>
<tr>
<td>12. Ministry of Tourism</td>
</tr>
<tr>
<td>13. Ministry of Economy and Finance</td>
</tr>
<tr>
<td>14. Ministry of Women Affairs</td>
</tr>
<tr>
<td>15. National Committee for Disaster Management</td>
</tr>
<tr>
<td>16. Council for Development Cambodia</td>
</tr>
<tr>
<td>17. Tonle Sap Authority</td>
</tr>
</tbody>
</table>

*Table 5.2. Composition of the CNMC (Source: CNMC, n.d.)*

As coordinating agencies between the MRC and their respective governments, the NMC Secretariats are located within a power-geometry shaped by the complex interactions at the regional and national levels. The NMC Secretariats, as state institutions, were problematised and brought into being through the regional institutional framework of the MRC, rather than emerging as part of each nation state’s political rationalities. Yet, the positioning of NMC Secretariats within an institutional geography reflects the priorities of the nation-state, especially in relation to energy agencies that play key roles in economic development (Interview, TG1). For example, the TNMC Secretariat is located under the environmental ministry, which Wells-Dang et al. (2016, p. 37) have described as ‘almost universally’ the weakest government agencies in any nation in terms of power and influence.
Nonetheless, NMC Secretariats play a key role in problematising public participation for the PNPCA and in creating the regime of practices that come to constitute the PNPCA stakeholder consultations.

These issues reflect the perspectives of critical institutionalism that were discussed in Section 5.3.1, whereby institutions were considered to mediate relationships with people, natural resources and society in dynamic ways. In examining how meso-level institutions such as the NMC Secretariats influence the creation and characteristics of participatory spaces in relation to Mekong hydropower governance, it is again useful to draw upon the observations of Cleaver & de Koning (2015), who note that institutions are formed through the dynamic intersections between the exercise of agency and constraints imposed by wider relations of power. Importantly, this in turn influences how different actors find room to manoeuvre through their interactions with specific institutions and issues of social justice (ibid.). Returning to the case of the NMC Secretariats, there are strong spatial implications here when these relatively small and uninfluential institutions within the central governments coordinate public consultations located at the peripheries of the nation-state. They play a role in (re)producing the power geometries that Mekong local communities are entangled and have to manoeuvre within. As Section 5.4 will discuss, these spatial implications can be examined in relation to the elements of publics, place, scale, and the temporal.

5.3.4. Jurisdictional differences: national legal frameworks and public participation

A second way to observe the problematisation of public participation under the PNPCA is to examine the legal frameworks for public participation as forms of political rationalities in each country. The PNPCA JCWG had directed the LMB countries to design public consultation meetings according to their respective national contexts, frameworks and legislation and agreed that these stakeholder consultations were ‘a national matter for each country concerned’ (MRC, 2011b, p. 2). As Prior Consultation had never been activated prior to the Xayaburi PNPCA in 2011, this case also represented the first time that the Thai, Cambodian, and Vietnamese NMC Secretariats had to organise public consultations to discuss a hydropower project that was not located within their national boundaries. PNPCA stakeholder consultations have therefore taken place within an uneven landscape of public participation, due to the differing standards for public participation between the four countries. According to the MRC-commissioned study on public participation in 1998 (discussed in Chapter 5, Section 5.2), of the four LMB countries, Thailand had the most developed political, environment and legal framework for public participation (Kaosa-ard et al., 1998) and still does today. In Thailand, the notion of ‘participation’, or kaan mii suan ruam (having a part in joining), first gained traction among NGOs in the 1980s (Käkönen & Hirsch, 2009). Despite coming to be imbued with differing interpretations, this notion of participation has become entrenched especially with the promulgation of the progressive 1997 Thai Constitution (ibid.). The TNMC Secretariat therefore faced a conundrum relating to transboundary complications:
Within our own system we have Thai laws and it is stipulated under the Thai Constitution that when the government wants to do something, they have to consult people and create a participatory forum to debate the issue. This is our national system. But the difficulty is now when the project is not within our own national boundary. So how could we impose our own system on something that belongs to our neighbours? We simply cannot force the PNPCA to be in line with our own national system. (Interview, TG1)

This was not just a matter of imposing Thai standards of public participation onto a Lao project, but also a case where the incomplete disclosure of the project information by the Lao government did not measure up to Thai regulations on public hearings. This reflects Gao's (2014) argument that transparency of information is necessary for meaningful public participation. The MRC Secretariat’s report on the Xayaburi PNPCA stakeholder consultations showed that the preliminary feedback collected from the Thai meetings included a concern that ‘the meeting cannot be recognised and accepted as public participation in line with Thailand public participation legislation and the Constitution’ (MRC, 2011b, p. 13). At the time, the 2007 Thai Constitution contained articles that provided for information disclosure and local community participation. The 1992 Enhancement and Conservation of National Environmental Quality Act also linked public participation and environmental protection (Gao, 2014). The 2005 Office of the Prime Minister's regulations on public consultation stated that information disseminated to the public relating to the Thai government’s projects should include ‘substantial matter of the project’ and the ‘possible impacts on people who live or work within the project’s area and its vicinity and on general public’ that included mitigation measures to be taken (Nilprapun, 2006, p. 2). Given the lack of a transboundary impact assessment and that the EIA and feasibility study for the Xayaburi Dam were only released to the public after public stakeholder consultations were conducted, the overall lack of information disclosure and the preliminary nature of the Prior Consultation process provided grounds for civil society to challenge the PNPCA process.

The contradictions between Thai legal frameworks and the PNPCA stakeholder consultations have made their way into another Thai jurisdictional arena. Thirty-seven Thai villagers filed a landmark lawsuit against the Thai government in the Administrative Court of Thailand on 7 August 2012, more than a year after the Xayaburi PNPCA had been deemed by the Lao government to be concluded. The lawsuit was brought against EGAT, the National Energy Policy Office, Ministry of Energy, MONRE, and the Thai Cabinet on three grounds, that: 1) the Power Purchase Agreement (PPA) signed between EGAT and CH. Karnchang subsidiary Xayaburi Power Company Ltd. was invalid, 2) the PNPCA process did not comply with domestic laws, and 3) the cabinet’s and other defendants’ approval to sign the PPA was not legitimate (Thai Supreme Administrative Court, 2015). The case was initially rejected by the Administrative Court on the basis that Thai courts had no jurisdiction over these matters, but after the Thai villagers filed an appeal to the Thai Supreme Administrative Court on 21 March 2013,
the Supreme Court reversed the Administrative Court’s decision on 24 June 2014. While the two grounds relating to the PPA were not considered, the Supreme Administrative Court’s ruling noted that there was ‘incomplete information disclosure and public participation and non-legal compliances’ under the Thai Constitution and regulations (Thai Supreme Administrative Court, 2015). This was the first time a lawsuit had been filed in Thai courts to challenge the government’s extra-territorial obligations (Middleton & Pritchard, 2016).

The Administrative Court eventually ruled in the Thai government’s favour on 25 December 2015 and found that the DWR had ‘completely fulfilled its responsibility to conduct public consultations according to the PNPCA’ (Thai Supreme Administrative Court, 2015). In addition to the lawsuit, the TNMC Secretariat also had to answer to civil society concerns submitted to the Thai National Human Rights Commission (NHRC) and came under pressure to improve subsequent public consultations for the Don Sahong and Pak Beng PNPCAs (Interview, TG3). These developments put the TNMC Secretariat on the defensive, reflecting Chompunth & Chomphan’s (2012) observation that the growth of public participation in Thai environmental decision making has largely stemmed from public pressure. According to TG2, the Xayaburi lawsuit has caused the TNMC Secretariat to ‘protect themselves and be concerned’ about issues including disseminating and making information accessible to local communities, ‘so that they cannot say to the courts that the Thai NMC hasn’t given any information to them’. It is interesting to note that for the Don Sahong and Pak Beng stakeholder consultations, the TNMC Secretariat chose to characterise the meetings as ‘information sharing’ sessions rather than ‘consultations’ (MRC, 2014a; TNMC Secretariat, 2015). According to TG3, the TNMC Secretariat now posts relevant data on its website (www.tnmc-is.org) and distributes information through community radio stations. Since 2015, the TNMC Secretariat has also acquired a budget for a 15-year scientific study conducted by Thai universities relating to the study and monitoring of the transboundary impact of mainstream hydropower development on Thailand (see TNMC Secretariat, 2016 for a sample report, in Thai).

In Cambodia, there is less attention paid to a need to conform to Cambodian legal frameworks on public participation. According to CG1, the higher levels of government did not issue instructions to improve stakeholder consultations for the Don Sahong PNPCA. Rather, the CNMC Secretariat took the initiative to make improvements, partly in response to criticism and blame from civil society over how the process was carried out for the Xayaburi PNPCA (Interview, CG1). The NGO Forum has noted that the existing legal framework in Cambodia does not provide for concrete procedures relating to public participation (The NGO Forum on Cambodia, 2017). Article 35 of Cambodia’s Constitution only mentions that ‘Khmer citizens … have the right to participate actively in the political, economic, social and cultural life of the nation’ (Constitutional Council of the Kingdom of Cambodia, 2010, p. 11). The

---

3 Coinciding with the Don Sahong Prior Consultation period (June 2014 to January 2015)
1996 *Law on Environmental Protection and Natural Resource Management* states in Article 16 that when the Ministry of Environment receives a request from the public, it ‘shall provide information on its activities, and shall encourage public participation in environmental protection and natural resource management’. Gao (2014, p. 212) argues that this is essentially a ‘meaningless statement’ due to the lack of obligation to actively disclose information and enforce public participation. Article 17 states that the procedures for public participation and access to information will be then determined by a Sub-decree; although the 1999 Sub-Decree on EIA Process only states that public participation should be ‘encouraged’ in the implementation of EIA processes (MLMUPC, 1996; Royal Government of Cambodia, 1999).

Rather, recalling Rodan’s (2018) mode of participation (MOP) framework (see Chapter 3, Section 3.3.3), Cambodian civil society has participated in hydropower governance through state-sponsored sites that involve societal incorporation. This can be contextualised in Cambodia’s official discourse of participation, *kaa chaul ruam* (enter-join), which indicates the joining of pre-determined state agendas (Käkönén & Hirsch, 2009). Representatives from the Fisheries Administration (FiA) and international NGOs, including Oxfam, International Rivers and WWF Cambodia were involved in a technical sub-working group on hydropower dams situated within the Technical Working Group (TWG) on fisheries (Interviews, CG5, IN1, IN3, IN6). There are 19 TWGs distinguished by sector in Cambodia, which were a mechanism that was initially led by Cambodia’s Development Partners (DPs). The TWGs comprise representatives from the Cambodian government and its DPs, and each TWG is facilitated by a lead donor facilitator (Ballard, 2015; Cambodian Rehabilitation and Development Board, 2006). TWGs also comprise sub-groups which deal with important technical and sometimes policy matters, making recommendations for discussion and/or decision at the higher level of the TWGs (Ballard, 2015). According to IN3, the sub-group on hydropower comprised four to five people, including NGO representatives and government staff who were experts on fisheries. The technical sub-working group provided an avenue through which these NGO representatives could channel their comments to the CNMC, after which they would monitor whether these comments were included in the PNPCA reply form (Interview, IN3) (see Section 5.3.5). In addition to the TWGs, some civil society representatives also said that information dissemination and discussions also took place through informal channels such as their personal contacts in the government (Interviews, CN5, IN3).

Overall, the problematisation and implementation of the PNPCA stakeholder consultations were complicated by the different political rationalities underlying public participation legal frameworks and different forms of what Rose (1999) calls governable spaces. In Thailand, the contradictions inherent between national and regional problematisations of public participation have provided grounds for the emergence of counter-politics (see Chapter 3, Section 3.2.4). Civil society’s perception of the inadequacy of the TNMC Secretariat in implementing the stakeholder consultations has opened opportunities to challenge the state by seeking out gaps in the diverse but ‘specific finalities’
(Foucault, 1991) pursued by the TNMC Secretariat and Thai legal institutions. In Cambodia, there is a lack of state problematisation relating to public participation. The lack of frameworks, procedures, and guidelines on public participation had left the CNMC Secretariat to design the PNPCA stakeholder consultations with limited resources. However, alternative participatory channels are found in the political rationalities underlying the TWG mechanism that exists due to the influence of DPs. This further demonstrates the friction that the PNPCA undergoes in the multiple national contexts of the Mekong region, and lays the groundwork for understanding the different levels of significance attached to public participation by the multiple stakeholders in mainstream hydropower governance.

5.3.5. Enabling government at a distance: the PNPCA as technology of government

The programmatic character of government in designing interventions (Inda, 2008) in the form of public participation has to involve a consideration of technologies of government. These technologies refer to the mundane technical instruments used by government (ibid.) that enable government at a distance, by travelling between the spaces of public participation and broader spaces of government and enrolling actors into a network of interest through the process of translation (see Chapter 3, Section 3.2.2). The 1995 Mekong Agreement may be considered a technology of government that enables multiple state actors to exert an influence on governing the Mekong River, by enrolling multi-scalar actors across the LMB. More specifically, the 1995 Mekong Agreement and the PNPCA can be considered immutable mobiles (see Chapter 3, Section 3.2.2). As immutable mobiles that enable the extension and consolidation of a network through its properties of being mobile, presentable, readable and combinable with each other (Latour, 1986), the Mekong Agreement and the PNPCA shape the dynamics of translation through enabling a convergence of interests between state and non-state actors. The PNPCA and its specific problematisation of hydropower governance in the LMB as a technical process enable a two-fold enrolment of actors across space: first, carrying this problematisation outwards from the MRC to member state governments, and then again outwards from the centres of government to the localities where PNPCA stakeholder consultations are held.

As coordinating agencies, the NMC Secretariats are key conduits through which information is distributed, and feedback collated. Within the MRC’s official communication channels for Prior Consultation, the NMC Secretariats were technically the only government agencies that are authorised to communicate between the national and regional levels, and according to CG1, any direct communication from other governmental line agencies to the MRC would be disregarded. The NMC Secretariats were therefore located within multiple channels of communication and information flows: firstly, within their respective governments as the coordinators between line agencies; secondly, within the MRC’s technical working groups relating to the PNPCA; and thirdly, between the channels that constitute public participation. Information flows via the MRC Secretariat and the NMC Secretariats also took place through the use of the internet, as relevant documents, data and information about not
just PNPCA-related matters but also data relating to the Mekong River were uploaded onto their respective websites, although it will be important to consider the accessibility and limitations of this information due to limited access to the internet and lower levels of literacy especially among rural riverine communities (Chenoweth et al., 2002).

It is important to locate the problematisation of public participation within the channels of information flows and decision making set out by the PNPCA, as the PNPCA creates ‘proper’ channels and expectations through which things should be done and decisions made. The importance of the 1995 Mekong Agreement and the PNPCA as a technology of government, more specifically a material artefact and an immutable mobile, which strongly influences the governance of the LMB should not be understated. This was somewhat inadvertently demonstrated at the start of two separate interviews held with TG1 and CG1; both had brought with them a physical copy of the 1995 Mekong Agreement that they had laid out on the table at the start of the interview. The importance of its contents was accentuated by the performative aspects of the interviews when the officials directly interacted with this physical manifestation of the Articles and Procedures by quoting from their copies of the Agreement, thumbing through it, or pointing at it to emphasise a point. The political rationalities that gave rise to the 1995 Mekong Agreement also constitute the political rationalities that form the basis for NMC Secretariats in terms of their roles and responsibilities, which the NMC Secretariat officials took seriously.

This was clear in the case of Thailand. The enrolling of localities into the network of interests set out by the PNPCA was carried out through improving public understanding about the PNPCA and the rationales underpinning the 1995 Mekong Agreement. The TNMC Secretariat perceived a need to forge better alignments with local communities, which in part stemmed from the pressure they faced when fierce resistance against the Xayaburi Dam took place outside of the channels of the PNPCA. The TNMC Secretariat set great store in public participation through the PNPCA channels, which could be seen from the attention paid to explaining the Prior Consultation process during the Pak Beng PNPCA community stakeholder consultations that I had attended. Almost one hour of the meeting was allocated to explaining the PNPCA, the 1995 Mekong Agreement, and the national and regional roadmaps for the Pak Beng PNPCA. Thai translations of the 1995 Mekong Agreement and the PNPCA were provided in the information booklets and pamphlets disseminated to the participants at the meetings. This appeared to be conscious effort to manage the expectations of participants in relation to the PNPCA, and how the PNPCA functions in relation to the principles laid out in the 1995 Mekong Agreement. TG1 explained:

We are trying to modify the process of how to inform Thai people about the 1995 Mekong Agreement and its procedures. If you look now at our process, we not only go out to local communities and the region to talk about the PNPCA, but also to talk about the Agreement, to make them understand better the strengths and weaknesses provided by the Agreement in order to
understand why Laos takes such a position. We cannot throw rocks at them just because they are developing, which might have impacts on us. Just like our own people did during the Xayaburi case, you can feel the frustration but that is not the proper way. (Interview, TG1)

In terms of the flow of information back towards the MRC, there are two main outputs through which the MRC JC will evaluate the proposed mainstream dam projects. The first is the official reply form from the MRC member states (discussed in this section) and the second is the MRC Secretariat’s Technical Review of the project (see Chapter 2, Section 2.5.3). Public participation contributes towards both documents. The reply form is an annex in the PNPCA, and apart from a standard cover page, there are no guidelines on how the substantial reply should be structured (see Appendix E). The reply forms are submitted by all other member countries other than the proposing country. Their concerns and feedback about the project, which are partly gathered from the stakeholder consultations and the technical review, are submitted to the MRC Secretariat via this form, which is then conveyed to the proposing country. The submitted reply forms are generally relatively short, and range between three to six pages long. NMC Secretariats play a key role in ‘curating’ the reply forms such that it reflects the concerns of state and non-state stakeholders. According to MRC3, the reply forms functioned as official records of the member country responses that will be taken into account by the MRC JC.

In Cambodia, there appeared to be a high degree of importance attached to the reply form as a channel of communication and official record of concerns. The reply form also served as a technology of government that forged alignments between state and non-state actors to challenge the Don Sahong Dam. CG5 was part of a core technical team put together by the CNMC to review EIA documents and participate in all public consultations, and he emphasised that their responsibility was to ‘make sure that our [Cambodia’s] concerns are in the reply form, that is the only official document submitted to the MRC and other countries’. The issue of the reply form was raised by CG1, CG5, CN1, and IN3 from a Phnom Penh-based international NGO, who took part in the public consultations. This was possibly due to a relatively more interdependent relationship between the government and civil society at the time. IN3 saw the reply form as a way of corroborating whether the CNMC Secretariat had taken their feedback into account:

We can see that the government staff have technical capacity, but do not have so much social knowledge [knowledge on social issues]. And then we give some of our social knowledge … and we can monitor how our work is elaborated or illustrated in the formal reply form … You can see two main channels to be involved in the formal reply form. One is through government staff. One is through the PNPCA consultation, but you have to be specific about what to say. You talk about fisheries, dam impacts, sediments, social, whichever area you want to highlight. (Interview, IN3)
In Thailand, the reply form was not brought up by either TNMC Secretariat officials or NGO representatives unless respondents were directly asked about it, perhaps indicating that other channels of communication, information flows, and decision making were considered more important by both state and nonstate actors. TN4 voiced a critical view of this role accorded to the TNMC Secretariat and the reply form:

> The DWR is like a postman’s job – that has been something people have criticised. This is the most you can do. You are just a courier. But you are the DWR, you are the TNMC, you should do much more than this… There were stronger views and points made in the meetings, and those points were not flagged [in the reply form]. (Interview, TN4)

Overall, as Murdoch (2006) has explained, such technologies play key roles in consolidating a network as they function as ‘delegates’ between the centre and enrolled localities. These immutable mobiles travel by different pathways and acquire differing levels of significance in specific state contexts that are mediated by the NMC Secretariats. In Thailand, the 1995 Mekong Agreement and the PNPCA travelling outwards towards the Mekong local communities were emphasised by the TNMC Secretariat during the Pak Beng PNPCA, while in Cambodia the reply form that travelled back towards the MRC and Lao government took on greater significance during the Don Sahong PNPCA. The inclusion of stakeholder consultations in the PNPCA created an additional layer of friction as the immutable mobiles travelled from the centres of each nation-state to the localities where communities reside by the Mekong River, and through the spaces of participation themselves. For the NMC Secretariats, government at a distance was therefore complicated by the dynamics of translation when these technologies encountered friction within differentiated networks of interests, stakeholder alignments, and participatory spaces. The competing interests of states, the ambiguities within the PNPCA and selective interpretations of the Agreement and the PNPCA challenged the cohesion of this translation of interests across the region. The rendering technical of mainstream hydropower governance in the LMB, which will be further discussed in Chapter 6, must therefore be grounded within the technologies that make problematisation and government at a distance possible.

5.3.6. ‘Proper’ channels of engagement: the conduct of conduct

While the discussion has thus far focused on government institutions and technologies, it is important to recall that governmentality is also defined by the conduct of conduct, or practices aimed towards shaping the behaviours or actions of people towards a variety of ends (see Chapter 3, Section 3.2.1). PNPCA stakeholder consultations may have come to be problematised as a channel through which the ‘conduct’ of civil society and local communities were shaped not just to be in line with the norms of diplomatic behaviour between governments, but in some cases to subvert these conventions. The NMC Secretariats, through negotiating their direct engagements with both state and non-state actors through Prior Consultation, reflected the types of subjectivities that were valued when engaging in the
PNPCA. In Thailand, this could be seen when TNMC Secretariat officials contrasted confrontational advocacy strategies to the official, state-sponsored channels of the PNPCA. In Cambodia, the CNMC Secretariat saw an opportunity for civil society to voice concerns that state actors could not through these official channels.

The Thai Mekong People’s Network organised protests against the Xayaburi Dam at various venues (see Chapter 2, Section 2.6.1), but the protest involving 250 Thai villagers who carried out a protest on the Mekong River in Nong Khai during the 2012 ASEM in Vientiane stood out. The incident was publicised through a press release from International Rivers (see Herbertson, 2012) and picked up by the Thai and international media (see Alpert, 2012; Bangkok Post and Bloomberg, 2012). TG1 argued that this attempt to paint Laos in a bad light was not the ‘proper way to behave towards neighbouring countries’ at a time when Laos was hosting a big event on the international stage. This reaction can be situated within Jackson’s (2004) conceptualisation of the Thai regime of images, whereby actions and statements articulated in the public realm are strictly monitored, and where formal and informal modes of power may be exerted should such actions and statements disrupt idealised representations of the Thai state. Prior Consultation is considered as one of the diplomatic channels through which Mekong countries deal with one another, and this view about the PNPCA being the ‘proper’ channel to raise concerns was brought up by other Thai officials as well (Interviews TG2, TG3).

TG3 spoke about how stakeholders had ‘improved’ themselves by participating in state channels to seek accountability:

> Sometimes they [stakeholders] have a group against the government office for the Xayaburi and Don Sahong, they have a group to show their signs [protest banners] to stop the dam and everything. But here [at the Pak Beng PNPCA], maybe because this is the third project of Laos, they improve themselves as well. They not only come to the forum and show their signs, but they go to the NHRC… and the commissioner has to ask the department that is involved to answer the question. That means stakeholders themselves adapt themselves as well. (Interview, TG3)

TG2 also described how stakeholders had changed their tactics since then:

> Now local people are more informed than before… When the Xayaburi started, there were many protests against us because they strongly did not want the dam… Now they have changed, because if they do like that they can’t achieve anything. So we say to them if you want to have [compensation] you need to have… good data to show that the change comes from the hydropower project. (Interview, TG2)

These comments reflect how particular types of conduct by civil society or local communities were valued over others, and to some degree reflect what Braun & Könninger (2017, p. 5) identified as an ‘enduring assumption’ by the government that the fundamental problem associated with public
participation is the public’s lack of trust in the process, therefore implying that it is the public, rather than institutions, which has to change. The problematisation of public participation within the PNPCA channels therefore involved creating subjects that maintained good diplomatic relations between the MRC member countries. These expectations of ‘acceptable’ conduct extended towards state actors, who were subject to even tighter restrictions in relation to diplomatic conduct. However, by incorporating the ‘public’ and nonstate subjectivities, the PNPCA stakeholder consultations provided avenues for the NMC Secretariats to circumvent the limitations imposed by state-centric and official ‘Track 1’ arenas (see Chapter 3, Section 3.3.4). The formality of these Track 1 processes limited room for negotiation, as state representatives had to perform a role reflecting state interests:

Track 1 is a formal process where representatives from the government come to meetings and discuss, debate, and negotiate on behalf of their governments… It is difficult to come to a conclusion and resolution even on small issues because of this issue of being representatives of the government. They could not get things done because they talk in a formal way… We figured out in those days that Track 1 is not always helpful or useful. (Interview, TG1)

This is where the notion of performativity intersects with rendering technical, especially in relation to its second key element, antipolitics. Recalling that performativity comprises citational and reiterative acts that reproduce and/or subvert discourses, and which enable and discipline subjects (Gregson & Rose, 2000), the problematisation of hydropower governance through the technical channels of the MRC was infused with this performative dynamic in which state representatives could not overstep the limits imposed by state interests. This performative force of sovereign authority in the Mekong region was reinforced not just through the MRC, but through the reiterative practices that were reasserted and re-enacted in the context of ASEAN. Such performances were underpinned by the ‘ASEAN Way’ and ‘Mekong Spirit’ of cooperation, characterised by a principle of non-interference in sovereign affairs and avoiding negative attitudes to neighbouring countries, which not only had the effect of suppressing conflict but also limiting cooperation over issues such as Mekong mainstream dams (Hirsch & Jensen, 2006; Mirumachi, 2015). This was demonstrated when both TG1 and CG1 spoke about the need for their countries to respect the Lao government’s right to pursue economic development.

The PNPCA stakeholder consultations fell under Track 2 semi-official governance forums that involved a wider range of stakeholders but still privileged state actors. The enrolment of non-state actors into the network extended through the stakeholder consultations offered opportunities for state actors to indirectly subvert the limitations imposed by state authority because the performances of nonstate actors were not subject to the same disciplinary norms. In the case of the Don Sahong PNPCA, several respondents agreed that there were relatively high levels of concern about the impacts of the dam to the
fisheries of Cambodia. At the discretion of the CNMC Secretariat, there was some dependence on Cambodian civil society to speak out where the Cambodian government could not:

That was not the instructions from the top. But based on my analysis and understanding… when I am with the government, I know the limitations of speech. And sometimes I borrowed the voices of civil society. That is the tactic of negotiation. (Interview, CG1)

The multiple spaces of public participation that emerged in Cambodia for the Don Sahong Dam, both within and beyond the channels of the PNPCA, could be attributed to this temporary alignment of interests between the top levels of the Cambodian government and Cambodian civil society (also see Chapters 6 and 7). The space that was opened for civil society to advocate against the Don Sahong Dam was especially stark when contrasted with the controversial and politically sensitive case of the domestic LS2 Dam in Stung Treng Province (introduced in Chapter 2, Section 2.6.3). The Cambodian government was tight-lipped about the potentially negative impacts of the LS2 Dam, less open in terms of information disclosure, and more sensitive to public criticism (Interviews, CC1, CN3, CN5, IN5). CN5 said:

We see that if we compare with the sensitive cases at the moment, the Sambor, Lower Sesan 2, and Stung Treng dams, all the project documents, the government are not allowed to disclose. But for the case of the Don Sahong, since it belongs to Laos, even though it has a transboundary impact but it’s in Laos. So we still have space to work with them [the Cambodian government], to cooperate with them. And they also still have space to cooperate with civil society groups. Because there are not too many demands from their supervisors. (Interview, CN5)

From the perspective of state actors, PNPCA stakeholder consultations could therefore be problematised to serve multiple ends of government. While the initial incorporation of public participation into Prior Consultation may have been driven by internal and external actors to the MRC who had high levels of concern around the negative impacts of mainstream hydropower dam development, the implementation of stakeholder consultations became a key responsibility of the NMC Secretariats. As such, the stakeholder consultations were problematised according to the logics of government specific to each country’s circumstances, as discussed in Section 5.3, and were also co-opted by state actors. In addition to these national-level contexts, the problematisation of the PNPCA stakeholder consultations must also be examined in relation to the political rationalities and technologies of government utilised by the MRC and NMC Secretariats, especially in their efforts to enact government at a distance by enrolling distant localities into state-dominated networks of interests that frame hydropower governance in the LMB.

As argued in Chapter 3 (Section 3.3.2), public participation is closely linked to the third element of rendering technical relating to a containment of challenges to the status quo. As Chapter 6 will show,
the containment of political contestation was carried out through the element of rendering technical that created an antipolitics of hydropower development. The problematisation of the PNPCA stakeholder consultations has also been infused with performative dimensions relating to the shaping of particular subjectivities. The conduct of conduct, here associated with the state’s attempt to shape behaviours through the participatory spaces opened up through the PNPCA, was utilised to a variety of ends by the NMC Secretariats, who have to some degree defined ‘the permissible bounds of conflict’ (Rodan, 2018, p. 42) in relation to the PNPCA. In Thailand, the need to ‘educate’ the public about the PNPCA and the 1995 Mekong Agreement may be perceived as a way of shaping governable subjects such that they did not jeopardise state-to-state relations. The case of Cambodia also showed that public participation may also be utilised as a means of manoeuvring the limitations of official channels of communication, albeit at the discretion of the prevailing interests of policy makers and implementors at the time.

5.4. Problematising publics, place, scale, and time: bringing participatory spaces into being

This section moves the focus from underlying political rationalities that have problematised public participation in the LMB to understanding how the PNPCA stakeholder consultations have been established as a regime of practices from the perspectives of publics, place, scale, and time. During the Xayaburi PNPCA, stakeholder consultations were classified into community-based and national consultation meetings. Community-based meetings were primarily targeted at the local level, including potentially affected community groups. National consultation meetings were targeted at a ‘wider range of stakeholder representatives’ including government agencies, NGOs, parliamentarians, and research institutes (MRC, 2011b, p. 9). These meetings were first organised in January and February 2011, midway into the Xayaburi PNPCA, with two meetings in Cambodia, four in Thailand, and two in Vietnam. The Lao government noted that consultations with potentially affected communities were already conducted in the preparation of the Social Impact Assessment and Resettlement Action Plan for the Xayaburi Dam project, and did not hold any further consultations during the Prior Consultation period. For subsequent iterations of Prior Consultation, community-based and national consultation meetings were held in Thailand, Cambodia, and Vietnam but not Laos, which only hosted the regional stakeholder consultations. This thesis focuses on the country-based community-based meetings, which will henceforth be called ‘community stakeholder consultations’.
A common complaint voiced by civil society and local communities was that potentially affected communities were not adequately represented at the public consultations, both because not enough local representatives were invited and too few public consultations were held. This was a complaint that government officials themselves recognised, as I observed during the 2nd MRC Regional Stakeholder Forum for the Pak Beng Dam while sitting at the same table with CNMC Secretariat staff and a TNMC Secretariat official. Close to the beginning of the forum, the TNMC Secretariat official asked the CNMC Secretariat officials how many public consultations they had held, to which they replied they had held two. The TNMC Secretariat official then said that Thailand would be holding four public consultations, but still received complaints that this was not enough. She added that they did not have the budget to hold any more meetings and quipped that even if they held eight sessions, they would probably still get complaints that this was insufficient. This is linked to the assumption discussed in Chapter 3 that more public participation is always better (Braun & Könninger, 2017) and that inclusion is a key quality of successful participation (Chilvers & Kearnes, 2016a). Nonetheless, in the Mekong Region these are valid concerns especially in considering the regional impacts of mainstream hydropower dam development to 60 million people in the LMB. Table 5.3 shows how many stakeholder consultations were held for the Xayaburi, Don Sahong, and Pak Beng PNPCA, and in which locations:

<table>
<thead>
<tr>
<th>PNPCA</th>
<th>Regional</th>
<th>Don Sahong PNPCA (June 2014 - January 2015)</th>
<th>Pak Beng PNPCA (December 2016 - June 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
<td>12 Dec 2014 - Pakse, Laos</td>
<td>22 Feb 2017 - Luang Prabang, Laos</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>05 May 2017 - Vientiane, Laos</td>
</tr>
<tr>
<td>Cambodia</td>
<td>10 Feb 2011 - Kratie Province</td>
<td>16-17 Oct 2014 - Stung Treng Province</td>
<td>17 March 2017 - Siem Reap</td>
</tr>
<tr>
<td></td>
<td>26 Feb 2011 - Siem Reap</td>
<td>30-31 Oct 2014 - Batamibang Province</td>
<td>02-03 May 2017 - Siem Reap</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 Nov 2014 - Phanom Penh</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>08 Dec 2014 - Phanom Penh</td>
<td></td>
</tr>
<tr>
<td>Thailand</td>
<td>22 Jan 2011 - Chiang Rai Province</td>
<td>10 Nov 2014 - Ubou Ratchathani Province</td>
<td>09 Feb 2017 - Chiang Rai Province</td>
</tr>
<tr>
<td></td>
<td>10 Feb 2011 - Loei Province</td>
<td>12 Nov 2014 - Nakhoon Phanom Province</td>
<td>16 March 2017 - Nong Khai Province</td>
</tr>
<tr>
<td></td>
<td>16 Feb 2011 - Bangkok</td>
<td>16 Dec 2014 - Nong Khai Province</td>
<td>18 May 2017 - Chiang Rai Province</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17 Dec 2014 - Loei Province</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>07 Jan 2015 – Bangkok</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>23 Dec 2014 - Can Tho</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 Dec 2014 - Can Tho</td>
<td></td>
</tr>
</tbody>
</table>

Table 5.3. List of PNPCA stakeholder consultations at regional and national levels, excluding Laos

There were some key differences between each iteration of Prior Consultation. During the Don Sahong PNPCA, several changes were made to the stakeholder consultations. More stakeholder consultations were held across the region and especially in Thailand and Cambodia, and one regional stakeholder consultation held in Laos. This was partly in response to heavy criticism of the Xayaburi PNPCA, which was acknowledged by the then-MRCS CEO Hans Guttman in his opening speech at the regional public consultation for the Don Sahong Dam on 12 December 2014:

… the process [of holding stakeholder consultations for the Xayaburi Dam] was justifiably criticised from two points. Firstly the national consultations were inadequate to account for
national practices and reaching a significant portion of concerned stakeholders. Secondly, no regional consultation was provided for those actors which did not have the opportunity to participate in the national consultations. (MRC, 2014b)

These changes may be seen in terms of extending the spatial reach of the stakeholder consultations to include a wider proportion of locales and local stakeholders in Prior Consultation. In terms of government at a distance, this meant that a wider number of localities had to be enrolled into the PNPCA network of interest. Murdoch (2006) notes that the extension and consolidation of networks occur in tandem with the transformation of space that establish relations between a central authority and micro-locales, and the following sections pay closer attention to the spatial-temporal dimensions of the participatory spaces that have emerged through the PNPCA. Understanding the problematisation of public participation in terms of its implementation involves an examination of the ways in which these stakeholder consultations were problematised through publics, place, scale, and time. A consideration of the politics associated with these elements will highlight the challenges that accompany the enrolment of local community stakeholders into the networks extending from the MRC Secretariat and the NMC Secretariats.

5.4.1. Enrolling actors into the PNPCA network

In their proposal for a co-produced, emergent and relational understanding of public participation, Chilvers & Kearnes (2016a) criticise ‘residual realist’ conceptions of the public in two ways: first, that publics are imagined to exist in a ‘natural’ state external to the practices of participation, and second that publics are presented as aggregations of autonomous, individual human subjects. A relational understanding of participation sees publics as mediated and emergent and as parts of socio-material collectives (ibid). In the context of Mekong hydropower governance, Boer et al. (2015, p. 151) identify how EIA regulations encourage ‘segmentation of the population into particular categories and subcategories, or the eliciting of certain subjectivities (such as those of ‘stakeholders’ and ‘affected groups’)’ [original emphasis]. As discussed in the previous section, these subjectivities were situated within the problematisation of the PNPCA as the ‘proper’ channel for participation. In this way, normative ideals of ‘ideal publics’ (Chilvers & Kearnes, 2016b) come into being. The formation of publics is one dimension of a participatory regime of practices, reflecting one aspect of problematisation that enrols civil society and local communities into Prior Consultation. This subsection examines how particular stakeholders come to be included or excluded from the PNPCA stakeholder consultations.

In Thailand, invitations to the PNPCA community stakeholder consultations were generally extended to members of River Basin Organisations (RBOs) that were created in 2003 ‘under the DWR’s rhetoric of promoting participation under Integrated Water Resource Management principles’ (Blake, 2016, p. 35). This reflects the intersection of multiple participatory regimes of practices initiated by the DWR. Similar to Cambodia’s TWGs, the RBOs constitute part of Rodan's (2018) MOP framework
relating to state-societal incorporation. There are RBOs in the 25 river basins of Thailand, which comprise part of the DWR’s civil society network. The TNMC Secretariat also runs a volunteer network named the ‘Network of Civil Society Monitoring the Impact in Eight Mekong Provinces’ (henceforth known as the ‘DWR Volunteer Network’) that assists them with data collection for the 15-year study mentioned in Section 5.3.4 earlier. However, such representation has been criticised by members of the STM Coalition and local community members, who argued that local representatives from RBOs, despite living in the Mekong River Basin, do not necessarily work on issues relating to the Mekong River, or may not be directly affected by environmental impacts arising from mainstream dam development:

The public consultation was held in Chiang Rai for the first time and it turned out that the participants were hand-picked by the organisers [DWR], because DWR has its own network… So they extended invitations to these people mostly. People who mostly did not have anything to do with the Mekong River. So when those people came to attend how could they contribute anything critical? (Interview, TN4)

A community representative from Nong Khai and the Thai Mekong People’s Network was also critical about the invitations and representation at the community stakeholder consultations held in Isan for the Xayaburi Dam:

For the PNPCA in Nakhon Phanom, they [DWR] said they announced it on their website but nobody told us, and we knew about it from NGO friends… We demanded that the PNPCA should be held in every province. The distance from Loei to Nong Khai is about 200km, and just only 30 or 40 people from each province is not enough … The people who came had a good relationship with DWR, so they have a hidden agenda together. (Interview, TC2)

This issue appears to have persisted into the Don Sahong and Pak Beng community stakeholder consultations. According to a blog post by International Rivers, members from the Thai Mekong People’s Network were not invited to the first stakeholder consultation held for the Don Sahong PNPCA in Ubon Ratchathani. The Thai Mekong People’s Network found out about the meeting through the media, and about 70 people from the network and the Pak Mun Dam area ended up protesting inside the meeting venue despite being refused entry by soldiers and security staff (International Rivers, 2014c). TC2 said that for the Don Sahong PNPCA in Nong Khai, the DWR had approached her to invite participants, but ‘the questions from the affected people were very strong, and the DWR felt embarrassed and so they have not worked with me again’. For the Pak Beng PNPCA, she was unaware that a PNPCA stakeholder consultation would take place (Interview, TC2) and several interviewees mentioned how most of the participants at the meetings were from RBOs (Interviews, TG4, TC4, TC10, TC11). This issue was even brought up by a member of the DWR Volunteer Network in Nong Khai:
When there is a public consultation, we have a platform with the DWR, who only invite people from their network, people who can raise their voice but not people who will be affected by the future project. So before a big project is started, there should be a hearing. I’m very stressed about this, because the DWR invited people who do not have much to do with the dam. But the DWR invites people in their network, so they can score points. And if something happens [after the project goes ahead], the people who will face trouble will be the people who live along the Mekong River. (Interview, TC11)

However, there were others who appreciated the presence of diverse stakeholders:

The objective of this meeting is to improve understanding between the government and local communities … this meeting is not only attended by NGO people, many people attend the meetings and they can be farmers, workers, or in the tourism industry. You can have many opinions, not only NGO opinions. (Interview, TC15)

The TNMC Secretariat did not exercise full control over the participant list, as invitations were extended through the RBOs and DWR Volunteer Network. Information about the stakeholder consultations was also spread by word of mouth. While the flow of information about the stakeholder consultations may not have been directly communicated to the Thai Mekong People’s Network, there were no tight controls on who eventually turned up for the meetings. TG1 acknowledged criticism that the TNMC Secretariat had not been able to engage with all the relevant stakeholders and said that the TNMC Secretariat had ‘two or three permanent invitees from NGOs’ who would communicate the information about the meetings to their respective networks (Interview, TG1). For the Pak Beng PNPCA, a representative from the DWR Volunteer Network said that the TNMC Secretariat allowed the chairperson of the network to decide who to invite to the meeting (Interview, TC3). Whether or not STM Coalition members were invited to the PNPCA public consultations appeared to depend on their relationship with RBO members and the DWR Volunteer Network. For example, the Rak Chiang Khong was invited to attend the public consultation meetings for the Pak Beng PNPCA possibly because of their strong influence in the area and working relationships with district authorities (Interview, TC1).

In Cambodia, the formation of the ‘public’ took place in a different way. The TNMC Secretariat largely depended on its existing networks, which could be considered as existing participatory regimes of practices established by the DWR. However, the CNMC Secretariat did not have such institutionally-embedded networks to draw upon. Although Sneddon & Fox’s (2007) study showed that the CNMC Secretariat had organised stakeholder consultations for the MRC’s BDP in the early 2000s, CG1 said that the CNMC Secretariat did not have the experience to organise the Xayaburi stakeholder consultations, and that even with some instructions from the government it was difficult for them to decide on how to structure the consultations (Interview, CG1). CG1 spoke about how the CNMC
Secretariat rationalised the formation of a ‘public’ to be invited to these meetings based on their limited resources:

We have the government component, we have the community component, we have the civil society component. But of course, we cannot invite everybody who would like to come. We have to make the grouping relating to their motivation, relating to mitigation issues. Because we have limited budget and we have limited time, we have to make these groupings. (Interview, CG1)

There was also a spatial dimension involved in selecting where the stakeholder consultations were to be held, especially considering that the Mekong River Basin accounts for the majority of Cambodia’s land area, and the Tonle Sap Lake is bordered by six provinces:

As for the area where we can hold public consultations, we can only do it along the Mekong River and around the Tonle Sap. We cannot do it for the whole country. And then along the Mekong River, how many provinces [to select], and around the Tonle Sap Lake how many provinces, then we narrow it down. We will consider the communities, civil society, local authorities, and local line departments to invite. (Interview, CG1)

Compared to the TNMC Secretariat, the CNMC Secretariat exercised a higher degree of control over the invitations to the stakeholder consultations (Whitehead, 2011). The decision to hold more stakeholder consultations and to include local communities in the Don Sahong PNPCA was due to the proximity of the Don Sahong Dam to Stung Treng Province and government concerns about the impacts of the dam to the fisheries of Cambodia. However, the community stakeholder consultations were not publicly announced and only those invited from NGOs, government, and communities received personal notification about the meetings (Sok, 2014). Regarding the inclusion of community-level representation, the CNMC Secretariat depended on members of the Rivers Coalition of Cambodia (RCC) to recommend community representatives who should be invited to the meetings:

The PNPCA was useful for local authorities, government and the community because the communities have a space to raise concerns and lobby with decision makers. But there were not enough representatives from the community – only three representatives from Mekong River communities joined the meetings … Only about four to five NGOs joined the PNPCA; they [CNMC] called the NGOs in Stung Treng and Siem Reap, and at the national level the RCC. The CNMC decided on the invitations. When we saw the representatives invited, we tried to coordinate to add more representatives, but there was limited space and budget to do so. (Interview, CN4)

They [CNMC] asked us to submit the names to identify who should be invited. And then we gave them [the names] for the community for the Mekong, but it was only around three to four out of all our selected participants that were invited to attend the meeting … We understand that the space is not big enough for
larger participation, but at least there should be coordination to collect concerns, comments and recommendations from the ground. (Interview, CN5)

These NGOs also had their own preferred community contacts whom they would invite to participate in the meetings:

Usually… only community representatives could join the [PNPCA] consultations. And those representatives are usually people who are active in their village. And when they are active, these people are usually very busy, and are always invited by NGOs. So we question whether they consult with their community, and whether they are selected by the community or the NGOs. (Interview, IN5)

In Cambodia, a smaller range of stakeholders, especially at the community level, was able to attend the PNPCA stakeholder consultations as compared to Thailand. The RCC’s joint statement on their concerns about the Don Sahong PNPCA stated that out of 80 invited participants who took part in the subnational consultations, only six were local community members (RCC, 2014). However, during the Pak Beng PNPCA, local communities were not invited to the public consultations at all, and only about five NGOs received invitations, including NGO Forum (Interviews, IN3, CN1, CN5). CN5 noted that for the Pak Beng PNPCA, the CNMC Secretariat planned to conduct two national consultations, but the CNMC Secretariat said that because of budgetary limitations the second one would not involve NGOs. CN5 added that it was likely that the second would have been a closed-door consultation where only technical personnel were invited.

Overall, in Thailand and Cambodia it was apparent, to some extent, that the more public consultations were carried out, a wider spectrum of stakeholders could be enrolled into the PNPCA process. However, the ways in which the formation of these publics were problematised were grounded in the political rationalities of the TNMC Secretariat and CNMC Secretariat. In Thailand, the formation of an ‘ideal public’ was predicated on the DWR’s existing participatory networks. But because the invitation of participants was delegated to the DWR’s networks, there were openings for other concerned segments of the public to participate in the stakeholder consultations. In Cambodia, the segmentation of the population into categories and perceived subjectivities was more deliberate, as there was a high degree of central control over the invitations. Nonetheless, the RCC was able to nominate community participants to attend the consultations, albeit to a very limited degree. Rather than drawing upon assumptions that participants are part of a homogeneous community (Cooke & Kothari, 2001), a relational understanding of participation is required to understand how publics come into being.

5.4.2. Politics of place

Place is defined by Cresswell (2009, p. 169) as a ‘meaningful site’ that brings together location, locale, and a sense of place. The problematisation of public participation involves a consideration of location which Cresswell (ibid.) describes as the where of place. The problematisation of PNPCA
stakeholder consultations may be considered in terms of where the public consultations should be held, based on the limited resources of the NMC Secretariats. The remaining elements of place relating to *locale*, or material setting for social relations, and a *sense of place*, relating to the meanings attached to a place (ibid), did not appear to be major considerations for the NMC Secretariats. Compared to the Xayaburi PNPCA, at least twice the number of stakeholder consultations were organised for the Don Sahong PNPCA, although this number fell for the Pak Beng PNPCA. The places selected for stakeholder consultations must be considered in relation to the physical locations of the proposed mainstream dams, as certain areas would be hardest hit by the impacts. This was the case for Stung Treng Province in Cambodia, which is about two kilometres downstream of the Don Sahong Dam, and for Chiang Rai province in Thailand, which is about a hundred kilometres upstream of the proposed Pak Beng Dam. Concerns about the impacts of mainstream dams to the fisheries of Cambodia and the Tonle Sap Lake were also reflected in the choosing of Battambang, one of the six provinces bordering the Tonle Sap Lake, as a meeting location. These issues were noted by civil society representatives in Thailand and Cambodia:

They [TNMC Secretariat] made more consultation meetings and bring a few people from every province, and the village heads go to the meetings. For the Pak Beng we heard that they are starting to do so. We know that MRC Thailand [TNMC Secretariat] is trying to make it more open for people’s participation which is good … even if they do not do [the consultations] properly, at least they have more. I heard that at least they try to make it very complete, try to give more information, and have more time for the questions and answers. It seems that we have some development. At least they are aware. (Interview, TN3)

You can see in terms of the procedure, the quality is there, and for the Don Sahong [PNPCA] I would say it was better than the Xayaburi in terms of participation. That means that more people were involved in terms of participation at the grassroots. Even if they disagree, they are involved in the discussion. (Interview, IN3)

The locations of the public consultations mattered because this has an impact on who was able to attend the meetings. A participant may have to travel to another district or province to attend the meeting closest to them, which may involve hours of travel as these distances typically span hundreds of kilometres. An anecdote from the Pak Beng PNPCA meeting in Nong Khai might illustrate the effort required to attend such meetings. The meeting started later than the scheduled 9.30AM, as the group from Nakhon Phanom, about four hours away by road, was delayed. The meeting was attended by representatives from four of the seven provinces that border the Mekong River in Isan: Nong Khai, Loei, Nakhon Phanom, and Bueng Kan (see Figure 5.1). Representatives from Udon Thani Province were also present, even though the province does not border the Mekong River. This meant that resources were required for participants to take part in the meetings, especially in terms of transport and foregoing
their income for the day. In the case of Cambodia, CN5 said that even for national NGOs, ‘It’s also a big challenge for them even if they are invited, but they don’t have the money to support [their participation], because the CNMC does not have the budget [to support them]’ (Interview, CN5). This was also noted by Sok (2014) in his study of the Don Sahong PNPCA consultation that was held in the provincial capital of Stung Treng, which was located at least three hours away from affected communities by boat and taxi (see Figure 5.2).

**Figure 5.1.** Map of the eight Mekong provinces in Thailand, and the meeting venues for the Pak Beng PNPCA.
This politics of place could also be seen in terms of the venues chosen for the public consultations, which demonstrate how the notion of place in terms of locale and sense of place are closely intertwined and challenge state problematisations of public participation that drew upon a seemingly simplistic understanding of place as location. Places are constituted by power relations, and choices made in relation to the choosing of locations venues may possibly be an enactment of state authority. This was especially apparent when the Thai Mekong People’s Network chose to boycott the final stakeholder consultation for the Don Sahong PNPCA, which was held at the Royal Army Club in Bangkok on 7 January 2015. The political climate of Thailand at the time was largely dictated by a military government, following the coup of 22 May 2014. In explaining their reasons for the boycott to the Bangkok Post, the leader of the Rak Chiang Khong group said:

I am very upset that the forum will be conducted at a military venue. It shows the department lacks sincerity in collecting opinions from participants and stakeholders. The military cannot offer an atmosphere of freedom of expression. (Wipatayotin, 2015)

The choice of location and consistent use of government venues for stakeholder consultations constitutes a performative demonstration of state authority, whether intentional or merely an outcome of pragmatic considerations or protocol. The venue for the public consultations were usually
government buildings or hotels. Through the ‘staged’ nature of these public consultations, state authority and formality were reinforced through the meeting proceedings. From my observations at the Thai stakeholder consultations for the Pak Beng PNPCA, participants must register their identification details before receiving information handouts, and the substantial sessions within the meetings were usually preceded by opening addresses from a representative from the provincial or district governor’s office and/or the DWR. This confers an air of formality on the proceedings and may reinforce a disconnect between the NMCs, who are part of the central government, and the peripheral localities that were to be enrolled into the ‘proper’ channels of the PNPCA.

In the case of Cambodia’s public consultations during the Don Sahong PNPCA, Sok (2014, p. 20), noted that ‘there was no forum or local consultation at the community level where more villagers could attend and where they would feel more “at home” asking questions and voicing concerns’. Such choices in locations and venues might have exacerbated imbalances in power relations especially given that community representatives only constituted a small minority of the participants at the stakeholder consultations in Cambodia. This performance of state authority will be further discussed in Chapter 6 in relation to the performative acts of rendering technical. Chapter 7 will discuss how this politics of place was also very apparent in civil society-organised events. For now, it is sufficient to note that the problematisation of public participation has thus far been centred around an understanding of place as location, but it is necessary to consider the multi-faceted dimensions of place if one is to adopt a co-produced, emergent, and relation understanding of public participation.

5.4.3. Politics of scale

The second key difference between successive iterations of Prior Consultation was also spatial in nature, relating to scale. The spatial-temporal ‘scalar disconnect’ (Suhardiman et al., 2012) that has characterised transboundary water governance of the Mekong River privileges the imperatives of the state at the expense of the local, who are often excluded from participating in decision making as many observers have noted (Dore & Lebel, 2010; Fox & Sneddon, 2005; Lebel et al., 2005; Sneddon & Fox, 2007). It is necessary to reiterate that scale should not be conceptualised as an a priori construct (MacKinnon, 2011), but rather, considered as categories that emerge through practice (Moore, 2008). Given that mainstream hydropower dams would have transboundary impacts, the problematisation of stakeholder consultations at the national level was deemed to be insufficient to address the transboundary implication of the dams. This could also be seen in calls from the STM Coalition and downstream governments Cambodia and Vietnam for transboundary impact assessments. The Xayaburi PNPCA lacked a regional public consultation, which the STM Coalition had demanded for in an open letter to the MRC and its DPs (Save the Mekong, 2012). Regional consultations were incorporated into the Don Sahong and Pak Beng PNPCAs, which were hosted in Laos. One regional stakeholder forum was organised for the Don Sahong PNPCA and two were organised for the Pak Beng PNPCA.
According to a speech made by the then-MRCS CEO Hans Guttman at the Don Sahong regional stakeholder consultation, the regional consultations aimed to ‘provide an additional venue for regional and international organisations, civil society, the media, research institutes and the MRC’s Development Partners who may not have had the opportunity to participate in the national events’ (MRC, 2014b). This problematised the ‘regional’ as a category that was characterised by very particular practices and actors, which involved the technical review as the key object of concern and the emergence of a ‘public’ comprising the stakeholders mentioned by the Mr. Guttman. This also suggests strongly that consultations with local communities still fell under the purview of each national government. It is therefore important to pay attention to the absences at these regional meetings, as argued in the discussion on event ethnography (Chapter 4, Section 4.4.3). At the regional level, there was little representation from local communities and local civil society organisations (see Figure 5.3). These were also my observations at the two regional stakeholder forums for the Pak Beng Dam, which were conducted in English and therefore posed a language barrier even if local community representatives were to attend.

![Figure 5.3: Summary of participants at MRC Regional Stakeholder Forum for the Pak Beng Dam, 22 February 2017 (Based on participant list distributed at the forum)](image)

At the first regional stakeholder forum, the only Mekong community representatives present were part of the Thai government delegation. The TNMC Secretariat had included two local civil society representatives from their network in their entourage. According to one of the representatives,
this was the first time that the TNMC Secretariat had done so at the regional level (Interview, TC3). I observed the Thai officials translating the proceedings for the local community representatives who had limited understanding of English; one representative later had the opportunity to share his experience at the community stakeholder consultation in Nong Khai. At the second forum the TNMC Secretariat included one of their ‘permanent invites’ civil society representatives on the final reflection panel during the forum, who spoke about his concerns regarding the upstream impact of the Pak Beng Dam to Chiang Rai Province. This representative, Mr. Hannarong Yaowalers, leads the Thai Water Partnership (a water-related NGO in Thailand), and had also been involved with the STM campaign. This inclusion of civil society representation could be attributed to the TNMC Secretariat’s concern with improving stakeholder engagement. This inclusion could also possibly be attributed their concerns about the direct impacts of the Pak Beng Dam to Thailand, which may have been similar to the CNMC Secretariat’s strategy during the Don Sahong PNPCA to encourage civil society voices to speak out on their behalf.

In the case of Cambodia, CN4 recalled that their Stung Treng-based organisation was involved in the provincial and national-level public consultations for the Don Sahong PNPCA but did not receive an invitation to participate in the regional public consultation. CG1 recounted that given the limitations of what the CNMC could say as representatives of the Cambodian government, this was a key opportunity for Cambodian civil society to voice their concerns at a regional level. However, he felt ‘frustrated’ when WWF Cambodia boycotted the meeting. In addition, civil society and community representatives from the NGO Forum and Stung Treng did not make it to the meeting after running into administrative complications at the Cambodia-Lao border crossing8 (Interview, CG1). As for the Pak Beng PNPCA regional stakeholder consultations, the RCC was represented by Phnom Penh-based Oxfam Australia at the first forum, and then by the NGO Forum at the second forum. Overall, there appeared to be a disconnect between the regional and local levels of hydropower governance due to the way different scalar categories of public participation are problematised and created through the PNPCA. Local communities had little opportunity to provide direct input into Prior Consultation. Rather, their voices were usually mediated, either through civil society representatives at national and regional stakeholder consultations, or through the NMC Secretariats via the reply form.

A consideration of the Mekong as an arena of contested development must also account for shifting relations between centres and peripheries (Hirsch, 2016), further illustrating how community stakeholder consultations remain separate from the literal centres of decision making. Meetings held in the country’s capital usually included key government line agencies, national and international NGOs, while meetings held in the provinces usually involved provincial agencies, local authorities, NGOs and

8 The Cambodian delegation was travelling by van to Pakse, Laos, via the border crossing in Stung Treng Province. However, the driver of the van carrying these representatives had forgotten to bring his passport, and as a result the entire delegation returned to Cambodia (Interview, CG1).
communities. This may not always be a result of deliberate exclusions or rationalisation, reflecting Ferguson’s (1994, p. 275) argument that planned interventions do not always carry with them strong intentionality, but rather must be seen as but a cog in a larger machine which comprises ‘anonymous sets of interrelations’ which may then be attributed with ‘retrospective coherence’. For example, in Cambodia, Phnom Penh-based NGOs in the RCC were given priority to attend national level consultations because it is more convenient for them to do so (Interview, CN3). It is also important to look at the level of government representation at community stakeholder consultations. TN1 had observed at the Thai consultations that the government was often represented by lower level officials who lacked the knowledge to answer participant questions (Interview, TN1). Although TC3 noted that higher ranking officials such as the Deputy Director-General of the DWR were present at the community stakeholder consultations for the Pak Beng PNPCA, which was not the case for the Xayaburi and Don Sahong meetings, TG6 argued that higher level representatives with decision making authority should have been present at the meetings (Interviews, TC3, TG6).

Overall, the previous two subsections have questioned the simplistic assumptions underlying the notions of publics and place in the problematisation of public participation, and this section argues the same for scale. It is necessary to recognise how the construction of the ‘regional’ involves particular and exclusionary practices, and also how a disconnect is reinforced between central governments and Mekong local communities in the peripheries.

5.4.4. Politics of the temporal

In addition to place and scale, a consideration of the formation of publics and the landscapes of public participation has to take into account a politics of the temporal. Massey (2005) argues for space and time to be considered in tandem instead of in opposition to one another, and that space, as opposed to being associated with stasis and closure, is instead lively and relational. In thinking about the emergence, transformation, and maintenance of the regime of practices that constitute the PNPCA stakeholder consultations, it is necessary to incorporate this notion of temporality. The regional and community consultations for the Don Sahong and Pak Beng PNPCAs generally took place earlier in the Prior Consultation process as compared to the Xayaburi PNPCA. Prior to the Pak Beng PNPCA, Vietnam was the only country to hold multiple national consultations in the same province, Can Tho. The Pak Beng dam PNPCA was different in that follow-up public consultations were held at the regional level, the first taking place relatively early in the PNPCA period and the second towards the end. TG1 noted that there were advantages and disadvantages to both ways of doing so:

What we heard from the stakeholders or what people told us during the Don Sahong regional forum, we could not put together in time and address them towards Laos. So now the MRC tries, and members agree that the first regional meeting should be organised early in the process. But there is also some danger in this way as we don’t have a total understanding of the
whole system [of the Pak Beng Dam] yet, because we are still trying to learn and digest the report itself. (Interview, TG1)

Such an approach was also taken at the community stakeholder consultations in Thailand, with two public consultations being held in Chiang Rai province, albeit in different districts (see Figure 5.1). The second Chiang Rai public consultation was possibly timed, as a procedural improvement, to take place after all the other Thai stakeholder consultations and the 2nd MRC Regional Stakeholder Forum. During that public consultation, the concerns collected from the previous three community stakeholder consultations were summarised, along with the issues and concerns that were raised during the regional forum relating to the impact of the Pak Beng Dam on Thailand. Therefore, there were some procedural improvements in terms of seeing public participation as a process at different stages of the project where feedback and updates were circulated among participants, rather than as one-off consultations with no follow-ups.

The politics of temporality also had to do with the timing of invitations to the stakeholder consultations and the dissemination of relevant information to participants. It was a common complaint from civil society and community representatives for all three iterations of the PNPCA that invitations were often issued on short notice and that the information to be shared during the stakeholder consultations were either circulated at short notice (ranging from two days to week), or not at all circulated to participants prior to the meetings (Interviews, TN4, IN3, CN4, CN5). This has hindered meaningful participation during the public consultations themselves, as participants were unable to peruse the heavily-technical documents before the meetings (also to be discussed in Chapter 6, Section 6.2.1). TC4, who attended the Thai national consultations in Chiang Rai for the Pak Beng Dam, said:

> The information provided by the government is useful, but they only gave me the information on the day of the meeting. It was a lot of information. How can you finish studying and know everything about the information within one hour? They should provide the information three months earlier so that the villagers can study it and raise their concerns, and know what is in the information. (Interview, TC4)

A politics of temporality can also be observed within the participatory spaces themselves, in terms of the format of the consultation and the amount of time allocated to different stakeholders to voice their concerns (to be discussed in Chapters 6 and 7). In addition, Prior Consultation itself takes place at a preliminary stage of dam development, whereby the design of the proposed mainstream dam has yet to be finalised. This falls short of the principles and guidelines in the 1999 MRC Secretariat report noting that public participation should be evident throughout a project cycle (MRC Secretariat, 1999), which were also reflected in the WCD’s recommendations (WCD, 2000). An implication of this is that stakeholders must deal with uncertainties over the possible impacts of mainstream dams. The PNPCA’s participatory spaces and the tensions that arise within them are closely intertwined with uncertainty about the future. There is no official mechanism for accountability beyond the Prior
Consultation period. It was only during the Pak Beng PNPCA that the MRC has announced a post-Prior Consultation Joint Action Plan would be developed to reflect how the concerns of member countries had been addressed (Save the Mekong, 2018), but at the time of writing this has not been publicly released. The politics of the temporal therefore extends beyond the Prior Consultation period itself, especially as the PNPCA consider the proposed mainstream dams on a project-by-project basis, rather than an expanded spatial-temporal scale to account for the cumulative impacts of hydropower development planned for the entire Mekong River Basin.

Overall, this section has turned a geographical lens onto the emergence of public participation as a regime of practice by examining how problematisation has taken place through considerations and assumptions made about publics, place, scale, and time. While Murdoch (2006) and Rose (1999) have identified space as a key issue in terms of understanding how government at a distance takes place through the process of translation, this section shows how in the case of public participation in the Mekong hydropower governance, the dynamics of translation and enrolment of stakeholders into the PNPCA also involved some of the key tenets of geographical enquiry. The problematisation and implementation of successive iterations of the Prior Consultation process, however, was predicated on a seemingly self-evident understanding of place, scale, and temporality. As a result, the procedural tweaks made to the stakeholder consultation processes have to some extent reflected what Cleaver (1999) had called a ‘tyranny of techniques’ associated with the refining of techniques and practical solutions to improve inclusion in participation. This demonstrates how the invited spaces of participation (Cornwall, 2008; Gaventa, 2006) created through the PNPCA, and comprising the components of publics, place, scale, and temporality, were largely defined by state actors. A consideration of the multifaceted and relational dimensions of place, scale, and temporality and their roles in bringing participatory spaces into being sheds light on how contestations surrounding the perceived inadequacy of these participatory spaces arise, and demonstrates that these contestations may not be easily resolved.

5.5. Conclusion

Studies by Chenoweth et al. (2002), Gao (2014) and Sneddon & Fox (2007) have shown how approaches to public participation came to be incorporated in the MRC’s programmes, although the effective incorporation of these ideals have been hindered by a vagueness in guidelines, the challenges of uneven legislative and regulatory frameworks across the region, and the differentiated, vested interests of states. Depending on the perspective and motivations of the different stakeholder groups, the Prior Consultation stakeholder consultations lie on a spectrum between success and failure. Therefore, to understand these contestations it is useful to adopt Sneddon & Fox’s (2007) perspective that participation is always a work in progress and that the multiple pathways in which participatory development is conceived, implemented and contested may be understood through analysing their underlying political, socioecological, and institutional conditions. It is especially necessary to
understand the different national contexts in which the stakeholder consultations have emerged and unfolded. In order to lay the groundwork for the discussions to come, especially in relation to the limited influence of the PNPCA stakeholder consultations on decision-making and Mekong hydropower governance, this chapter has examined how the PNPCA stakeholder consultations have come to be problematised and brought into being as regimes of practices by utilising an analytics of government, and then showing how contestations emerge through considering a politics of place, scale, and the temporal.

This chapter has examined in detail the first element of rendering technical: problematisation. It has discussed how the problematisation of public participation was situated in an uneven landscape of participation formed within the regional mechanisms set out by the 1995 Mekong Agreement and national political contexts. The NMC Secretariats were considered as key actors within the PNPCA, which constituted an important link between the line agencies in their respective governments, and also between the government and the public. The NMC Secretariats were located within webs of power relations where their responsibilities were subordinated to more powerful economic interests. Nonetheless, their influence was most apparent in bringing the PNPCA stakeholder consultations into being, which involved the eliciting of particular subjectivities and the forging of alignments of interests between different stakeholders. This happened even as the 1995 Mekong Agreement as a technology of government (Inda, 2008) encountered friction within national spaces and created differentiated dynamics of translation due to different legislative frameworks, state-to-state relations and drivers. The participatory spaces were therefore problematised in multiple ways to serve different alignments of interests, but also created unique openings for the state to be challenged. A good example of this was the Xayaburi lawsuit, despite its limited influence on halting destructive hydropower development on the Mekong River.

The discussion then turned to examining public participation as a regime of practices, paying attention to how the stakeholder consultations were problematised through publics, place, scale, and time. To understand the persistent criticisms aimed at the PNPCA stakeholder consultations, it is necessary to question the simplistic assumptions that underlie these concepts. It is necessary to consider the politics of space, scale, and the temporal that are interwove with performative dimension of state authority in constituting these landscapes of public participation. All these issues demonstrated that while procedural adjustments and improvements to the PNPCA stakeholder consultations have been made in these respective areas, these adjustments fall into the same assumptions through which public participation has been problematised and thus rendered technical. This may cause the stakeholder consultations to continue falling short of civil society and community expectations. The problematisation of these participatory spaces is but one element of the process of rendering technical, and while this chapter has excavated the conditions underlying this process, Chapter 6 will turn towards
an in-depth, ethnographic examination of how mainstream hydropower governance is further rendered technical through the participatory spaces themselves.
CHAPTER SIX

CONTESTING A TECHNICAL REGIME OF TRUTH: PERFORMATIVITY AND PARTICIPATORY SPACES OF PRIOR CONSULTATION

6.1. Introduction

This chapter examines how rendering technical has taken place through the spaces of public participation formed as part of the PNPCA. The sharing of information is one of the key components within the PNPCA that is valued by stakeholders. However, a politics of knowledge ensues because of the overly technical nature of the information, and its transformations within spaces of public participation when mediated through a range of performative actions. This chapter first investigates how a technical regime of truth is established through the dissemination of technical information, and the challenges faced by the MRC and NMC secretariats in making this information accessible to the public. Second, the participatory spaces and their performative aspects are analysed to shed light on how hydropower governance and public participation are rendered antipolitical. Using the data collected from event ethnography, this chapter will demonstrate how the PNPCA’s participatory spaces come into being through the structuring and segmentation of knowledge, the micro-geographies and technologies of government that emphasise the role of the expert, and the performance of consultation. Third, this chapter examines how the PNPCA stakeholder consultations function as a technical process that may be considered as a deliberate measure to contain challenges to the status quo, but also observes the performative slippages that occur by demonstrating how state actors have been challenged in these spaces. Finally, this is linked to how a politics of the technical has occurred within the PNPCA.

6.2. Creating a regime of truth: mobilising flows of technical information

The 1995 Mekong Agreement reimagines the Mekong region as a governable space relating to the creation of powerful discourses that envision the Mekong River primarily as a watercourse rather than a complex socioecological system (Bakker, 1999; Sneddon & Fox, 2006). This is reminiscent of James Scott’s (1999) concept of state simplification, in the sense that the river has been rendered legible according to state-centric reasoning (Käkönen & Hirsch, 2009). Problematised as an intelligible field for intervention (Li, 2007; Rose, 1999), the 1995 Mekong Agreement defines boundaries of this governable space, and in line with Rose’s (1999, p. 33) conceptualisation, renders visible the entities within them, assembles information about its included component parts, and finally devises techniques to mobilise the revealed entities and forces. In the case of the PNPCA, mainstream projects are rationalised as being ‘more likely to have a significant impact on the mainstream of the Mekong River’, and therefore more extensive technical data and information are required for Prior Consultation as compared to Notification for tributary projects (MRC, 2005a, p. 5). With the MRC viewing transparency as a guiding principle for the PNPCA processes (Gao, 2014), Prior Consultation functioned as a mechanism for the assembling and mobilising of information about mainstream
hydropower governance. While the discussions in chapters 2 and 5 have established that Prior Consultation has reimagined hydropower governance as an intelligible field for technocratic interventions, this section pays closer attention to how a regime of truth in LMB mainstream hydropower governance is constituted by technical flows of information. Technical information may be considered as technologies of government that enable the MRC and NMCs to extend their governance reach over the LMB at a distance (Rose, 1999) alongside the processes of rendering technical.

6.2.1. Contesting and translating flows of technical information

One of the key outcomes associated with Prior Consultation, to date, has been in relation to information sharing about the dam projects. IN2 said: ‘I think the information sharing aspect of the PNPCA is crucial. The fact that it outlines some kind of procedural basis for assessing and mitigating impacts for mainstream dams is a positive, because otherwise there is a void of process’ (Interview, IN2). TG1 stressed the importance of the PNPCA as an information sharing platform that was underscored by goodwill between MRC member countries:

Imagine if you don’t have the PNPCA – the [MRC] members will do according with what they wish to do. You wouldn’t even have a chance to see any report. So how could you get the information? But when we have the PNPCA, we start getting something from the other members… Goodwill will lead to sharing of good information, and with good information, we will be able to assess as close as possible to the real situation or the projected situation. (Interview, TG1)

This was also a point brought up by MRCS 1:

We are trying to say to them [stakeholders] that without the PNPCA, they would not get this information. Where in the world, when you have an independent country’s project, would you get this information publicly? So, they should recognise that. (Interview, MRC3)

It should be noted that provisions for information sharing across a transboundary context exists in international law, such as in the 1997 Watercourses Convention and 1991 Convention on Transboundary Impact Assessment in a Transboundary Context. Nonetheless, A2, a water governance expert, noted that in the context of LMB hydropower governance ‘The PNPCA is an opportunity to bring some things into the public domain, that otherwise would not be’. The release of project information into the public realm has been useful for civil society, especially for the Save the Mekong (STM) Coalition which has issued its own studies contesting the validity of the EIAs provided by the Lao government (see Chapter 2, Section 2.6.1). The PNPCA stakeholder consultations may be considered a key arena through which information is not only disseminated, but also generated (Rieu-Clarke, 2015). However, while technical documents circulated through the MRC website are provided
in their entirety, the dissemination of information through the discrete time-spaces of public participation presented a different challenge. As immutable mobiles in the network of interest established by the PNPCA, the project documents are only able to enrol actors with the requisite amount of technical expertise to evaluate these studies. However, in travelling through the PNPCA’s participatory spaces, the information contained in the project documents is condensed according to the spatial and temporal constraints of these spaces. While state actors or international NGOs may possess the knowledge and capacity to process and evaluate the English-language technical information, public consultations are one of the key arenas through which this information is filtered down to potentially affected communities and local civil society actors.

The main areas of contention about information dissemination centre around the quantity, quality, and accessibility of the information. The ambiguity of the PNPCA as to exactly what and how much data the proposing country should provide, and the varied expectations of data provision from the other member countries have been discussed by authors including Gao (2014) and Rieu-Clarke (2015), but this chapter focuses on the expectations from the perspectives of civil society and local communities. To date, two reviews of the PNPCA involving MRC member countries have been carried out. The first review took place in 2012 in relation to the Xayaburi PNPCA, and the second was initiated by Thailand and took place in February 2016 in the form of a one-day workshop, in relation to both the Xayaburi and Don Sahong PNPCAs. A summary of the 2012 review commissioned by Australia’s aid programme (AusAID) noted that Thai and Cambodian civil society representatives were ‘dissatisfied with the quality of the official Prior Consultation process and the information provided’, as the only information made available at national consultations were summarised documents in the form of PowerPoint presentations (DFAT, 2014, p. 4). This was compounded by the fact that the final Xayaburi EIA was not yet made public, there was no transboundary impact assessment, and the dam designs were incomplete when the stakeholder consultations were carried out (Save the Mekong, 2014). This was problematic as the availability of key, relevant information by stakeholders was considered to be ‘crucial for meaningful engagement and participation’ (MRC, 2016c, p. 7).

In addition, there were concerns that the information made available was too technical for a layperson to understand. The February 2016 workshop report noted that although comprehensive technical information was useful to certain groups of stakeholders, the language used in public consultations could be ‘overly complex’ for other groups such that the relevant information ‘may not be comprehensible to some important stakeholders’ (MRC, 2016c, p. 7). This was an issue faced by those who attended the Xayaburi PNPCA stakeholder consultations in Thailand, as observed by a representative from the Thai Mekong People’s Network:

I attended the meetings at Loei, Nakhon Phanom, Ubon Ratchathani and Bangkok; at first when I attended the speaker was speaking in English, and I didn’t understand what the
PNPCA meant, and they talk about [the Xayaburi dam] in technical terms. (Interview, TC2)

This issue was also raised by several interviewees from Cambodia (Interviews, IN3, IN6, CN1, CN3) and was clearly reflected in a joint statement issued by the RCC about the Don Sahong PNPCA:

Provincial-level consultations in Cambodia have largely failed their core purpose of helping participants to understand the project, its implications and discussions fully, which were too technical and complex at many points. Specifically, printed documents are mostly in English. Both presentations and printed documents contained many technical words that were not properly explained to the participants. (RCC, 2014, p. 2)

Chapter 5 has discussed the notion of translation in the context of ANT that describes the enrolment of actors into an expanding network of interest, but here translation is considered in its literal sense. The uneven landscapes of public participation in the LMB were also formed through the issue of language, as consultations with communities were conducted in their respective national languages. However, the technical project documents submitted by the Lao government under Prior Consultation were written in English, which presented a double barrier for local communities and local civil society groups. The 2012 PNPCA review noted that civil society interviewees ‘stressed the importance of making the information available in the national language of all the riparian countries’, and quoted an interviewee who was of the opinion that the EIA report should have been translated in its entirety and that the costs of doing so should have been borne by the project developers (DFAT, 2014, p. 5). Rather, in Thailand and Cambodia the responsibility of translating the documents fell to the NMC Secretariats. To understand the processes through which information is literally and metaphorically translated across these spaces of public participation, it becomes necessary to understand how these agencies have problematised this issue in relation to their limited resources.

6.2.2. Experts of truth and the mediation of information flows

One of the effects of the PNPCA as a technical process has been the enrolment of experts into hydropower governance in the Mekong Region. In their discussion of how sustainable territories are assembled, Vandergeest et al. (2015, p. 1909) argue that these territories are defined by expertise that is understood in terms of ‘a bundle of codified and concentrated knowledges’, and ‘experts’ may be defined as those who have ‘the exclusive capacity and qualifications to create or apply these knowledges’ and to ‘produce the rules that define the central objects of concern’. Experts of truth are entangled in a regime of truth, which constitutes the criteria of truth, the actors who have the power to define truth, the roles of different authorities of truth, and the conditions that underlie the ‘the production and circulation of truths’ (Rose, 1999, p. 30) (see Chapter 3, Section 3.2.3). Experts are actors who can define truth, and where they intersect with state authority, they become authorities of truth. Experts produce knowledge that plays a critical role in processes of legitimisation, and in the LMB the politics
of knowledge has previously been studied through drawing lines of tension between expert, scientific knowledge that supports governance agendas and local knowledge (Käkönen & Hirsch, 2009).

Technical experts within the MRC and NMC secretariats play key roles in defining, mediating, and presenting the knowledge that is deemed to be relevant for participants in the stakeholder consultations. However, the production of a coherent regime of truth within Prior Consultation is severely challenged by the uneven landscape of participation and a multitude of authorities of truth across the region. Technical project documents, which include EIAs and details about the proposed dam design, are constituted by specific types of expertise. These are commissioned and/or produced by the private dam developers, but the evaluation of these documents enrols experts and expertise from the secretariats of the MRC and NMCs. The first time that stakeholder consultations were conducted for the Xayaburi PNPCA, MRC Secretariat staff assisted with presenting the technical information. To get some sense of the problems associated with the absence of the project developers, who were not obligated to be present at the stakeholder consultations, it is worth citing the findings of the 2012 PNPCA review:

MRC Secretariat staff were on-hand to assist in presenting about the Xayaburi project at all of the official Prior Consultation nation meetings. However, they could not always respond to participants’ questions effectively, and the project developer was nowhere in sight. As a result, the consultation process was widely viewed as constituting only a forum for giving out information about the project, without adequate explanation of its potential impacts on the ecology and livelihood of people along the Mekong. (DFAT, 2014, p. 4)

The legitimacy of the stakeholder consultations was therefore threatened by the absence of the experts who produced the information in the first place (further discussed in Section 6.4.2). The absence of a publicly available EIA and a transboundary EIA at the time exacerbated the issue, possibly contributing to the situation alluded to in the excerpt of the 2012 PNPCA review above, where technical information about the Xayaburi Dam itself was emphasised over information about its potential impacts. To evaluate the proposed mainstream dam projects during the six-month Prior Consultation period was a challenge, and for the TNMC Secretariat, this challenge was first and foremost a technical one:

The first weakness of the Xayaburi PNPCA is a technical one… [T]he consultation time period of six months was too short, because it takes time for us to digest the information, prepare and translate the documents. We cannot translate the entire feasibility study, only abstracts from it, and the whole process becomes difficult within itself. (Interview, TG1)

It is useful to understand the volume and nature of the technical project documents submitted under Prior Consultation. For the purposes of this analysis, the social impact assessments (SIA) are excluded as they pertain to Lao communities in the vicinity of the proposed dam rather than
communities at a regional scale. These documents are available through the MRC’s website (MRC, n.d.e, n.d.g, n.d.h), and all are in English. For the Xayaburi PNPCA, the feasibility study (231 pages) and EIA (399 pages) came to a total of 530 pages. As noted above, during the time of the public consultations the EIA was not publicly available. More documents were submitted for the Don Sahong PNPCA: two engineering status reports (332 pages), an EIA (254 pages including separate annexes), environmental management and monitoring plan (53 pages), and a cumulative impact assessment (76 pages), coming to a total of 715 pages. For the Pak Beng PNPCA, a total of 20 documents were submitted, which included engineering status reports (386 pages), an EIA (401 pages), an environmental management and monitoring plan (148 pages), a transboundary environmental and social impact assessment and cumulative impact assessment (313 pages), and other studies relating to various aspects of hydrology, sediment, and fish. Excluding the SIAs, these documents totalled 1,924 pages. Given that the NMC Secretariats and MRC Secretariat bore the responsibility of summarising these documents for the PNPCA stakeholder consultations, they therefore played key roles in defining the objects of concerns by deciding on what abstracts would be presented at the consultations.

It was not just the translation of the technical reports that posed a challenge, but also understanding what the technical information meant. TG1 noted that there were different levels of difficulty to overcome relating to the technical nature of the information. First, the member countries themselves faced some difficulties in understanding the technical reports. Second, the engineering community believed that the experts should be trusted because they knew what was best for the layperson. Third, it was difficult to explain such information and draw out its implications in a way that local communities could understand (Interview, TG1). Understanding the technical details relating to dam design required engineering knowledge, and understanding EIAs required expertise relating to hydrology, sediment, or fisheries. The TNMC Secretariat was relatively more well positioned in this aspect, as it had personnel trained in engineering which, based on my personal observations, included a few individuals with PhDs in engineering. This may be partially related to its institutional history. Blake (2016, p. 28) identifies the DWR as one of the many state agencies from Thailand’s water resources sector which tended to subscribe to a discourse with a ‘technocratic bias that stressed the superior expert knowledge and problem-solving capacity of state agencies’. TN4 also noted that the TNMC Secretariat had traditionally been staffed by technocrats and engineers, dating back to the time it was situated under the Thai National Energy Administration (Interview, TN4).

These technical challenges were heightened for the CNMC Secretariat, which lacked technical expertise as compared to its Thai counterpart. This could be observed from the stakeholder consultations held under the Pak Beng PNPCA. Although the TNMC Secretariat continued to rely on the MRC Secretariat staff to present technical information during the Don Sahong PNPCA (TNMC Secretariat, 2015), during the Pak Beng PNPCA they was able to carry out the stakeholder consultations without assistance from the MRC. In contrast, the CNMC Secretariat still relied on the MRC Secretariat for
assistance during the Pak Beng PNPCA stakeholder consultations (Interviews, MRC1, MRC2). MRC2 noted that the CNMC lacked the technical capacity to assess the technical project documents and therefore had to depend on the MRC Secretariat for technical support, whereas the TNMC Secretariat had the technical capacity to do so (Interview, MRC2). IN3 emphasised the CNMC Secretariat’s coordinating role over its technical one during the Don Sahong PNPCA meetings: ‘The CNMC just does the hosting, organising – they are the organisers for the logistical arrangements and for planning and data collection. But the technical discussion is done by MRC Secretariat staff’ (Interview, IN3). IN3 added:

The documents were in Khmer or English; sometimes in only one language, English or Khmer, sometimes in both languages. The translation quality is sometimes good, sometimes it’s not so good, because of the terminology. If you have a background in water or fisheries, you can understand it very well. But if you do not have a background in hydrology, I would say it is very hard to understand what is sediment, what is water flow, the capacity of the dam, the dam height, the dam site, the reservoir, and so on. These are terms difficult for the non-technical person. (Interview, IN3)

CG1 also acknowledged the CNMC Secretariat’s limited technical capacity especially in relation to hydropower dam engineering: ‘In general, they [CNMC Secretariat] understand the environmental impact, but if they look at the engineering design of the dam, they have no knowledge about that’, and said that there were few individuals in the Cambodian government who had such expertise (Interview, CG1). MRC1 also noted that the technical capacity of the NMC Secretariats were also related to their respective financial resources:

For Thailand, they always have their own budget … and they can also afford more national consultations. They have more different people to look at it [the project documents] and present it in their own language, rather than expect the consultant to come and explain to them in English... So they [CNMC Secretariat] don’t have the technical capacity, they don’t have the resources, and all the time if they want to get something done they always write a request for money from the MRCS or from someone else.

Therefore, while the volume of technical project documents submitted for each successive PNPCA had increased, this likely posed additional challenges for the NMC Secretariats in terms of evaluating and translating the documents. CN1 viewed these challenges as an obstacle to meaningful participation, noting that the translation of information into the languages of ethnic minorities might pose an additional difficulty for the CNMC Secretariat (Interview, CN1). The limited technical capacity of the CNMC Secretariat, along with the heightened levels of concern within the government about the Don Sahong Dam had led Cambodian government agencies to depend on not just the MRC but also civil society for technical and scientific expertise. CG5 who was involved in the Don Sahong PNPCA
said that he found the MRC-commissioned Strategic Environmental Assessment (SEA) very useful, although they could not openly refer to it as it had not been officially endorsed by all MRC member countries (Interview, CG5; see Chapter 2, Section 2.4 and 2.5.3 on the SEA and its relevance to the PNPCA). This will be further discussed in Section 6.5.

It is worth noting that some of these issues are not completely new. Suhardiman et al. (2015) observed that officials from the environmental ministries and scientists who participated in the SEA national consultation meetings in Vietnam, Thailand and Cambodia were disappointed with the focus on the technical design of dams than their potential impacts, and the limited dissemination of technical information due to issues of confidentiality. What this section has shown thus far is that the PNPCA (re)produces the LMB as a governable space by mobilising the flows of technical information, which function as technologies of government that enrol experts into the PNPCA’s network of interest. However, in passing through the PNPCA’s participatory spaces, these flows of technical information have come to be perceived by nonstate participants as inadequate. The NMC Secretariats, with varying resources and capacities, must evaluate, summarise, and translate the technical project documents, causing inadequacies in the information that is finally disseminated in the stakeholder consultations. This section has also examined the role of experts in defining the objects of concern and producing what Rose (1999) has termed as a regime of truth. This heterogeneous group of experts has influenced the emergence of participatory spaces within the PNPCA through their presences and absences, and has contributed towards this contested, technical regime of truth. In the process of rendering mainstream hydropower governance technical, these are some of the underlying institutional and technical conditions that bring a contested regime of truth into being.

6.3. The co-production of PNPCA stakeholder consultations as realms of technical expertise

To understand how mainstream hydropower governance is rendered technical through PNPCA stakeholder consultations, this section draws upon the understanding that public participation is co-produced, relational, and emergent, and comprising three key elements that make up collective participatory practices: 1) subjects (publics and their concerns), 2) objects (issues and material devices), and 3) models (including formats and participatory procedures) (Chilvers et al., 2018) (See Chapter 3, Section 3.3.3). Using the approach of event ethnography, this section focuses on observing how the intertwining of objects (technical categories of knowledge and technologies of government) and models (proceedings and micro-geographies) produce specific and technical participatory practices within Prior Consultation. This draws upon the understanding that spaces are brought into being by performances and function as a performative articulation of power (Rose-Redwood & Glass, 2014). These participatory spaces may be considered a microcosm of governance processes relating to Mekong mainstream hydropower development, where the performative dimensions of state authority and state-nonstate actor dynamics may be directly observed.
6.3.1. Problematising and segmenting a river basin: producing technical modes of perception

This discussion returns to an examination of how the 1995 Mekong Agreement discursively problematises the Mekong River primarily as a watercourse. As an innately problematising sphere of activity (Inda, 2008), government sees a need to translate the complex material conditions of the Mekong River into a governable form. This is challenging especially taking into account Bakker’s (2003) well-known description of water as an ‘uncooperative commodity’ due to its fluid and dense biophysical characteristics that prevent it from being easily captured. Rose (1999, p. 32) notes that the use of technical means to form governable spaces creates the conditions that produce new modes of perception. The PNPCA stakeholder consultations are not only produced as governable spaces through their publics, spatial dimensions, and technical flows of information, but also reflect how hydropower governance in the LMB has been construed as a governable space. Paying attention to the objects and models of public participation provides insight into this realm of problematisation.

There are several ways in which public consultations reflect this problematisation of hydropower governance. First, the information disseminated at the stakeholder consultations, or issues of concern, reflect the types of knowledge that the MRC deems to be important for assessing mainstream dam projects. Second, the model, or proceedings of the stakeholder consultations, which structures these issues provide a clearer reflection of such a problematisation. There are congruences in the way this information is presented and shared during regional and national stakeholder consultation meetings, because technical information about the proposed projects is disseminated from the MRC Secretariat to the NMC Secretariats, and MRC Secretariat staff assisted with presenting information at the stakeholder consultations in Thailand and Cambodia. These combinations of objects and models may be considered as technologies of participation specific to the PNPCA stakeholder consultations, in terms of what Chilvers & Kearnes (2016b) have noted as the standardisation and mobility of public participation tools across time and space. This section will show how rendering technical takes place through the segmentation of knowledge into the following issues: 1) the PNPCA, 2) proposed dam design, 3) hydrology and sediment, 4) dam safety and navigation, 5) environment and fisheries, and 6) socio-economic issues.

As discussed in Chapter 5, the PNPCA, which functions as a key technology of government, problematises hydropower governance in terms of establishing specific channels for information and feedback to flow between multiple stakeholders. At the regional and national stakeholder consultations that I attended for the Pak Beng PNPCA, these procedures occupied a prominent part of the meeting agendas (also discussed in Chapter 5, Section 5.3.5 in relation to Thailand). Presentations on the rationale and objectives behind the 1995 Mekong Agreement and the PNPCA were accompanied by a detailed roadmap for the Pak Beng PNPCA. These presentations took place before the presentations that would delve into the technical aspects of the Pak Beng Dam. This was possibly carried out in order
to alleviate concerns and criticisms arising from the lack of clarity in the Xayaburi and Don Sahong PNPCAs relating to the objectives, timeline, and responsibilities of key actors (see MRC, 2016c). In this context, the clarification and setting of objectives is perhaps designed to manage the expectations of stakeholders, especially in terms of explaining the objectives of the meetings and the ‘proper’ channels for engagement. As discussed in Chapter 5, this relates to the ‘conduct of conduct’ in governmentality (Dean, 2010), where the stakeholder consultations function as a channel through which the subjectivities and behaviours of participants may be shaped in accordance with state interests and expectations.

At the MRC regional stakeholder forums for the Pak Beng Dam, it was made clear that the feedback from participants would contribute towards the MRCS’s technical review. This participatory space was therefore brought into being with the technical review as a central issue of concern. With this aim, there was a need to collect reasonably in-depth feedback from stakeholders and to structure the consultation such that the MRC Secretariat could draw upon the relevant expertise from participants, including scientific experts from the region and abroad. The segment relating to the PNPCA and the proposed dam design involved everyone present, but participants were later split into two parallel sessions (see Appendix F for the schedule). The first parallel session covered the topics of 1) hydrology and sediment and 2) dam safety and navigation, and the second session covered 3) environment and fisheries and 4) socio-economic issues. Within these two sessions, several MRC Secretariat technical experts made their presentations (five to 10 minutes each), which were followed by 10 minutes of clarifying questions. Next, participants within each session were further divided into four subgroups that would discuss each topic. The intertwining of the objects (issues) and models (proceedings) of public participation was seen clearly here, reflecting the ways in which participatory spaces reproduced the discursive rendering of Mekong hydropower governance into neat technical categories. Emerging as sites for participatory intervention (Chilvers & Kearnes, 2016b), the PNPCA stakeholder consultations reflected how public participation was problematised in relation to hydropower governance.

The following observations are from the first MRC regional stakeholder forum held on 22 February 2017, in the parallel session that comprised presentations on the topics of environment (5 minutes), fisheries (5 minutes), and socio-economic issues (10 minutes). During this session, the challenge of whittling down almost 2,000 pages of technical documents into a series of short presentations became clear. The presentations only provided an overview of the issues raised in the documents and, generally, a broad indication of what the possible impacts may be. Because the proposed dam design had not been finalised and there was still an existing lack of comprehensive data relating to the complexities of the Mekong River’s massive ecosystems, the studies could not state with absolute certainty what the impacts of the dam might be. In addition, the environment and fisheries presentations allocated time towards explaining the MRC Secretariat’s approach and methodology for
the technical review. The brevity of the presentations inevitably led to many questions and comments from participants, including critiques relating to the parameters of the studies and how the MRC Secretariat would reconcile the studies with its own datasets and methodologies. Sensing some frustration in the room, a high-level MRC Secretariat official said at the end of the presentations:

You may think that we [MRC] are holding back in our views. This is the first time we are opening up to share how we are conducting the technical review, and to incorporate a participatory approach in terms of our assessment methods. We are focusing more on information sharing rather than views.

This had implications for the discussions that took place during the small group sessions. I joined the group discussing socioeconomic issues and were asked to provide feedback on the methodology and approach taken by the project developers. This served to reinforce the technical review as the primary object of concern around which interventions were sought. MRC Secretariat staff and the facilitator from the Bangkok-based Stockholm Environment Institute (SEI) were keen to seek feedback, and the facilitator described the session as a ‘co-designing [of] the review process’. There were many participants who actively suggested factors (e.g. gender, ethnicity, youth, best practices) that the MRC Secretariat should account for, but at times the facilitators would not receive responses to their elicitations for feedback. I noted that one possible reason for this could be because participants did not have enough information on hand to identify gaps in the study due to the brevity of the prior presentations, unless they had read the project documents in full beforehand. The segmentation of the participants into the four reflection groups, while facilitating a more intimate discussion (see Section 6.3.2 to follow), did not provide the opportunity for linkages to be drawn between the four topics. The socio-economic issues discussed were closely linked to the river’s hydrology, sediment flow, and fisheries, yet it was unclear from the presentations and discussions how one would impact the other. In the final session, each group had five minutes to report on the key messages and follow-up actions to be taken for the technical review, followed by reflections from the audience on the key messages and actions and the MRC’s next steps for the Pak Beng PNPCA. However, neither the facilitators nor the MRC Secretariat staff discussed the linkages between these topics.

This segmentation and compartmentalisation of knowledges was also replicated in the Thai stakeholder consultations, although MRC Secretariat technical review was not foregrounded as much. For the Pak Beng PNPCA held in Nong Khai in March 2017, the public consultations were divided into two segments: information sharing relating to the PNPCA and the Pak Beng Dam before lunch, and questions and answers after lunch. Half an hour was allocated to presentations on the design of the proposed dam, and another half an hour was allocated to the presentations on hydrology, sediment, fisheries, and socio-economic issues. In Cambodia, the format of the stakeholder consultations for the Don Sahong PNPCA began with information sharing about the PNPCA, followed by the formation of sub-groups based on either their affiliations (government, NGOs, communities) or topics such as
fisheries and social issues (Interview, IN3). At both the Thai national consultations I attended, discussions from the MRC regional stakeholder forums and earlier Thai community stakeholder consultations were also summarised for the participants, reflecting how information flowed between multi-scalar sites of public consultations. While this sub-section has largely focused on the MRC’s regional stakeholder forum, the Thai and Cambodian stakeholder consultations will be treated with greater detail in the rest of this chapter.

Looking into the objects and models of the PNPCA’s participatory spaces provides critical insight into the performative effects of the specific participatory practices that render Mekong mainstream hydropower governance technical. This draws upon Cohen & Harris's (2014) argument that performative approaches focus on the *effects* produced by citational practices. The ‘intelligible field’ designated for intervention is bounded by the PNPCA, creating new modes of perception in the public realm in terms of technical categorisations. In the case of the MRC regional stakeholder forums for the Pak Beng Dam, this was also defined by designating the technical review as the primary field for intervention. This segmentation of knowledges is not unique to the mainstream dams. As Baird & Barney (2017) have also demonstrated in the cases of large resource projects in Mekong tributary river basins in Laos and Cambodia, including hydropower dams, there exists a segmentation of knowledges due to the bureaucratic separation of land and water resource management, as well as professional and disciplinary expertise. This discursive reimagining of the Mekong River and its ecosystems may be viewed from the perspectives of a production of socio-nature (Castree, 1995), or the creation of waterscapes where altered or new socionatural forms are produced as ‘both medium and expression of shifting power positions’ (Swyngedouw, 1999, p. 460). As Tavares (2013) points out in his study of environmental governmentality, nature is deeply integrated into the mechanisms through which government operates. Through such a reimagination of the LMB, stakeholders within these participatory spaces are made to perceive the Mekong River and hydropower development through these technical lenses.

### 6.3.2. Micro-geographies and technologies of government: creating realms of technical expertise

This subsection examines the material models (micro-geographies) and objects (technologies of government) of public participation that reinforce PNPCA stakeholder consultations as realms of technical expertise, constituting the regime of truth in Mekong hydropower governance and shedding light on the entanglements between power and space. Foucault (1984, p. 252) noted that ‘space is fundamental in any exercise of power’, and his study of Bentham’s panopticon provided a diagrammatic representation of power that made a spatiality of power visible in an institutional micro-space (Allen, 2003). These spatial representations of power demonstrate how power is both dispersed in materials, techniques and practices, and concentrated in particular processes (Murdoch, 2006), and will be referred to as *micro-geographies* in this thesis. Critically, they demonstrate how power relationships are
produced within particular settings (Allen, 2003). The focus is placed on the productive dimensions of power, where space intersects with techniques and strategies ‘to channel the conduct of individuals in a certain direction’ (ibid., p. 71). This subsection will demonstrate how these micro-geographies generate power dynamics that elevate the authority of technical experts within a technical regime of truth.

Attention is then given to the objects of public participation that include technologies of government. As discussed in Chapter 3 (Section 3.2.2), these technologies are mundane tools that render things visible and into calculable, knowable and programmable forms, such as graphs, tables, statistics, or rules (Inda, 2008). These material devices and technologies are closely intertwined with the constitution of the human and social (Barry, 2001), and are a key component of the collective participatory practices constituting the PNPCA. While experts play a critical role in bringing spaces of public participation into being, it is also important to consider how they are aided by technologies that represent and transfer technical knowledge to stakeholders, which creates a performative articulation of authority and power. While Section 6.2.2 demonstrated how experts and expertise varied between different institutional contexts and contributed towards an uneven flow of information across the LMB, this section focuses on their roles within the spaces of public participation themselves. Together, these micro-geographies and technologies of government create participatory practices through which the PNPCA stakeholder consultations emerge as realms of technical expertise.

The micro-geographies of participatory spaces here encompass the spatial layout of the public consultations, how different actors are physically positioned in relation to one another, and the power dynamics that are generated as a result. These micro-geographies were relatively similar at the regional and national level, as seen from the pictures of the MRC regional stakeholder forum (Figure 6.1) and the Thai community stakeholder consultations (Figure 6.2) for the Pak Beng PNPCA. The front of the room functioned as a ‘stage’ for government representatives and experts who would address the audience. This area usually included a projector screen and a row of seats and/or a table provided for a panel of presenters. An elevated stage was sometimes used especially where higher-ranking government officials were involved, but the technical staff made their presentations from the same ‘level’ as the audience. Nevertheless, the act of addressing the audience from the front of a large room had the performative effect of designating the speaker with the authority; this is similar to the attention commanded by a performer in a theatre. This privileged spatial position was reinforced by the temporal structuring of the public consultations, where the speakers are allocated most of the time to speak uninterrupted. Therefore, if one were to map a spatial representation of power based on not just the PNPCA spaces of participation, but also similar settings such as a theatre, seminar, or conference, the production of power relationships occurs when certain actors occupy not just a spatially, but also temporally privileged position (Figure 6.3).
Figure 6.1. Opening session of the 2nd MRC Regional Stakeholder Forum in Vientiane, Laos, May 2017

Figure 6.2. Pak Beng PNPCA stakeholder consultation in Nong Khai Province, Thailand, March 2017
To understand how the specificities of the PNPCA’s participatory spaces are brought into being, there is an additional need to examine the technologies of government that were used during these events. The role of the expert, in particular, was designated through the use of the prosaic tools (Inda, 2008) that rendered the LMB knowable in relation to the proposed mainstream dam projects. At the stakeholder consultations, there were multiple experts on hand to present the various topics relating to dam design, hydrology, sediment, fisheries, and socio-economic issues. The presentation of technical information was always accompanied by PowerPoint slides. Technical expertise was reinforced through the tables, models, graphs, numbers, flow charts, and animations of the proposed dam that were flashed onto the projector screens (Figure 6.4). These tools (re)produced power relations between the experts and the participants and reinforced the centrality of quantitative methods that render the LMB and dam projects intelligible and technical. Such technologies therefore constitute a key component in constructing a regime of truth.

Figure 6.3. Diagrammatic representation of stakeholder consultations. This reflects the possible positions taken up by presenters at the front ‘stage’ area, and two different consultative formats.
These models (micro-geographies) and objects (technologies of government) were entangled in the production of the PNPCA’s participatory spaces. The micro-geographies of these spaces were akin to spatial representations of power that made visible the dispersion of power in actors, materials, techniques, and strategies. The technologies of government brought these participatory spaces into being by playing an integral role in the performative acts of government and expert authorities, which in turn contributed to the generation of power relations that reinforced the technical dimensions of hydropower governance. Therefore, in thinking about how hydropower governance in the LMB was rendered technical through participatory spaces, it is useful to view the emergence of unique participatory spaces through the lens of collective participatory practices (discussed in Chapter 3, Section 3.3.3).

6.3.3 Technologies of participation: distinguishing information sharing and consultation

At this point, there is a distinction to be made between information sharing and consultation, which correspond to Arnstein’s (1969) distinction between differing degrees of tokenism (informing, consulting, and placation). This subsection pays attention to how micro-geographies and technologies bring the element of ‘consultation’ into being. While the preceding subsection spoke of technologies of government relating to information sharing, the focus here is turned towards technologies of participation relating to the act of consultation. Technologies of participation comprise particular formats, configurations and skills that become standardised and ‘black boxed’ as established and persistent designs, which then travel between different contexts (Chilvers & Kearnes, 2016b).
Technologies of participation reflect some degree of effort to make the act of collecting public concerns transparent, and to re-centre participants within the proceedings. In the PNPCA stakeholder consultations, this collection of concerns raised by participants was performed. For example, a ‘living document’, in the digital form of a Microsoft Word document was projected onto screens, at both the MRC stakeholder consultations and Thai community stakeholder consultations, where participants could see their concerns and issues being recorded in real time.

In the PNPCA stakeholder consultations, there were two dominant models of participatory technologies: 1) the question and answer (Q&A) format and 2) the small group discussion format (Figure 6.3). The Q&A format allowed participants to pose questions to a speaker after a presentation and was used in the MRC regional stakeholder forums and the Thai community stakeholder consultations. Drawing upon my observations at the Thai community stakeholder consultations, participants who asked questions had to walk to a microphone that was usually set up close to the front of the room where the TNMC Secretariat officials and experts were seated. In terms of such a micro-geography, participants may find it intimidating to raise their concerns in front of a large audience. The temporal dimensions of this micro-geography also mattered. The TNMC Secretariat facilitator would allow two to four participants to ask questions before turning to the panel of experts for their responses. There was no time allocated for a reflection on participant concerns, and during the stakeholder consultation in Nong Khai the Q&A session was cut off abruptly by TNMC Secretariat staff when the scheduled meeting time came to an end. Even though the time scheduled for Q&A was equivalent to the time allocated for presentations, this time had to be shared between all participants. In such a format, it was the experts who had the last say, rather than the participants. There were instances during the first MRC regional stakeholder forum where questions were not directly addressed unless probed by an independent facilitator from SEI. In addition, technologies of government remained the tools of experts. The participants did not have such opportunity to use ‘expert’ tools to raise their concerns, and instead only made their points verbally. Even in the act of consultation, the Q&A format ultimately privileged the position of the speakers over the participants.

The other dominant technology of participation used was small group discussions. In contrast to the more rigidly structured Q&A format, small group discussions were geared towards facilitating dialogue between participants, facilitators, and experts. Smaller reflection groups that were part of the MRC regional stakeholder forums attempted to create less formal settings, using ‘workshopping’ tools such as paper and marker pens to create a temporarily ‘living document’ that reflected the exchange between stakeholders. The Don Sahong PNPCA stakeholder consultations in Cambodia used a similar format, where stakeholders were divided into groups either by issues of concern or interest groups (see Section 6.3.1). This format may reinforce the segmentation of knowledge discussed in Section 6.3.1 but facilitates intimate discussions that may be less intimidating than asking a question in front of a large number of state officials, experts and participants. A sense of being ‘consulted’ also has to do with how
the facilitation of the discussion was carried out. IN3, who attended the Don Sahong PNPCA stakeholder consultation held in Battambang Province, said:

For me, I felt that the discussion was free-flowing. You can speak what you want, with no problem. Whether they record your voice or take notes, these are just steps. But I observed that at the end of the day they try to summarise what the group heard from the participants, and cross check whether it is right or wrong, where were the mistakes, and what were the gaps. I would say what I joined was quite a good discussion and showed transparency in terms of data collection. (Interview, IN3)

While much of the criticism around the PNPCA stakeholder consultations discussed thus far has centred around the issues of information disclosure, and the elements of publics, place, scale, and the temporal, this chapter argues that it is equally important to scrutinise the technologies of participation that became ‘black boxed’ through the PNPCA. Rose (1999, p. 208) notes that this technique of ‘black boxing’ renders an entity ‘invisible and hence incontestable’, which may be true of the regime of practices that constitute the participatory spaces of the PNPCA. Through an examination of multiple PNPCA stakeholder consultations, similarities can be seen in the ways the LMB and hydropower governance are problematised as an intelligible field for interventions, the micro-geographies and technologies of government mobilised, and the technologies of participation used. Ultimately, these participatory spaces remained a realm very much dominated by technical experts, who became established as what Rose (1999) terms ‘authorities of truth’ through the power relations generated in these spaces. This in turn further contributes towards the rendering technical of mainstream hydropower governance in the Mekong region, by establishing and reinforcing a regime of truth that is dominated by technical knowledge.

6.4. Contesting the antipolitics of PNPCA stakeholder consultations

On the notion of antipolitics, Li (2007, p. 7) argues that questions that are rendered technical are at the same time rendered non-political, especially when experts frame interventions and solutions in technical terms rather than situating issues in their political-economic contexts. This argument corresponds to Braun & Könninger’s (2017) critique of public participation and scientific governance, in which they observe that the framing of issues as risks that are ‘endlessly debated’ in effect distances these issues from those of power and justice. In the context of knowledge production in the MRC, Käkönen & Hirsch (2009) draw upon Dean’s (2010) argument that risk is a set of ways of ordering reality and rendering it into a calculable form. They add that the way risk is used in knowledge production is part of the political technologies of the MRC and a key aspect of rendering technical. This technical debate about the risks, especially for proposed dam projects that did not yet exist, was prominent in the participatory spaces of the PNPCA, leading to situations where uncertainties about the possible impacts became a source of frustration for participants. Working through these issues will also
lead us to consider the third dimension of rendering technical: whether the PNPCA as a technical process may be considered as a deliberate measure to contain challenges to the status quo.

6.4.1. Rendering public participation antipolitical

The information is not clear. Laos said the [Pak Beng] dam is not going to impact us, but Thailand says that it will. On behalf of the Thai government, do you think that the dam will impact Thai villagers or not? You have to make it clear whether we will be affected or not. You cannot let the villagers just think and predict [on their own], I need clear information from you. What are your concerns? Are you concerned about money, or people’s livelihoods, or about the relationship between Thailand and Laos? What is your stand? And are you going to be responsible for us?

(Excerpt from Q&A session in Nong Khai)

This quote from a community representative at the stakeholder consultation held in Nong Khai in March 2017 encapsulates several key issues. First, it is important to pay attention to the linkages between subjectivity and performativity, relating to the ‘conduct of conduct’. In Thailand, possibly because of the presenters’ positionalities as a technical expert and/or TNMC Secretariat official, the presenters could only directly address questions, or parts of the questions that came under their purview. One of the TNMC Secretariat experts would preface his responses to questions with statements such as ‘I will answer the questions I am responsible for’, or ‘I would like to address the technical parts for these questions’. This reinforced the difficulties that participants faced in understanding the technical information, which was also demonstrated from my personal experience. I attended the Thai stakeholder consultations with my interpreter, and when a TNMC Secretariat expert was answering the technical aspects of a question she fell silent. When I probed her for details about what was being said, she replied, ‘I’m sorry, I don’t understand what he is saying because it’s too technical!’.

As discussed in the previous section, rendering technical took place through the use of technologies of government such as numbers, statistics, and models. However, these tools made it difficult for local community representatives to understand the extent to which they would be impacted by the dam in lay terms. There were also limitations to which scientific modelling can predict transboundary impacts to localised areas, and in some cases, there was also a lack of data, which led to problems with pinpointing the exact impact to local community livelihoods. This led to some frustration about the information disseminated at the meeting. It is important to recall that the notion of a regime of truth is intertwined with knowledge and the aspirations of government (Huxley, 2007). The TNMC Secretariat has an inherently technical role as prescribed by the five procedures attached to the 1995 Mekong Agreement, and in evaluating the project documents submitted under the PNPCA. The TNMC Secretariat therefore functioned as an authority of truth in LMB hydropower governance, whereby the criteria of truth were constituted by technical or scientific knowledge. The participatory spaces of the
PNPCA stakeholder consultations were a performative articulation of the TNMC Secretariat’s power as experts and authorities on the technical knowledge.

There were non-technical issues raised during the public consultations, and the 2016 workshop report on the lessons learnt from the PNPCA emphasised that ‘not all public concerns can be answered in technical terms’ (MRC, 2016c, p.7). For local communities there are many social, cultural, and even spiritual elements in their lives that are also closely tied to the ecological systems of the Mekong. During the Thai community stakeholder consultations for Pak Beng Dam, participants brought up a variety of issues that would be affected by overall changes to the ecosystems of the Mekong River beyond the elements of hydrology, sediments and fisheries. These included: the annual Naga Fireball Festival that marks the end of Buddhist Lent, where balls of light emerge from the waters of the Mekong and rise into the air, the Mekong Giant Catfish, which is a symbol of river conservation in Chiang Khong district in Chiang Rai province, and the impacts on their livelihoods, which may be derived from events based on these cultural elements. In Cambodia, a key cultural issue that was raised had to do with prahok, a fermented fish paste that constitutes a central component within Cambodian culinary culture and is considered a key part of Cambodian identity (Interviews, IN3, CG1).

This is not to say that community members were unable to engage with the technical discussions. TC8 said he thought that the DWR made some effort to use lay terms to explain the project (Interview, TC8). Some Thai participants were able to challenge the TNMC Secretariat officials by questioning discrepancies in the data that was given to them. Others demanded for more information and data to be shared. One of the key points of contention for representatives from Chiang Rai Province was in relation to the backwater from the Pak Beng Dam that would extend upstream into Wiang Kaen district. The project documents noted that the Kaeng Pha Dai reef (Figure 6.5) is ‘collectively recognised as a natural monument for demarcating national border between Thailand and Lao[s]’ (MRC Secretariat, 2017b, p. 3), and as such the generating capacity of the dam had been adjusted downwards to ensure the reef’s visibility by maintaining the water level at 335 metres above sea level (masl) in the dry season, and 340 masl in the wet season. However, a representative from a village located close to the Kaeng Pha Dai reef argued that his village was situated at 315 masl and would therefore be at risk from flooding. However, the TNMC Secretariat could not address this concern in definite terms. According to the engineer from Chulalongkorn University who carried out the presentation on dam safety, the TNMC Secretariat was trying to push Laos to conduct more studies that were needed to address this concern. He also acknowledged that there might be problems for Thailand from the combined effects of water released from the upstream Chinese dams and the water blocked by the Pak Beng Dam.
In Thailand and Cambodia, several interviewees who had participated in the PNPCA stakeholder consultations expressed some degree of appreciation for the information that was shared. This included information about the proposed dam, the project developer, and to some extent, the possible impacts of the proposed project. This was especially so for members of the DWR Volunteer Network (Interviews, TC3, TC10, TC11, TC12, TC8), possibly because these public consultations constituted their main source of information. In the case of civil society representatives from Cambodia and the STM Coalition in general, information was disseminated through alternative channels (see Chapter 5, Section 5.3.4 and Chapter 7). Nonetheless, CN5 said that the one benefit from the PNPCA was in terms of the knowledge and information gained from the CNMC Secretariat (Interview, CN5).

A representative from the Tonle Sap Lake who had attended the PNPCA stakeholder consultation in Siem Reap for the Xayaburi Dam said that the information shared about the plans for the dam, the process, and the impacts and benefits of the dam was useful, and he could in turn share this information with his community (Interview, CC22). TC9, who attended one of the stakeholder consultations in Chiang Rai Province said:

The benefit of the PNPCA meeting is that we know how the structure of the dam looks like. They provided information that Laos is going to build the dam, and the Mekong River will be
changed, and that people will have to adjust to these changes. But they didn’t provide the information about when the dam will be completed, and how far the impacts of the dam will extend to. (Interview, TC9)

Despite the technical nature of the information, transparency of information was still very much valued among stakeholders. Boer et al.’s (2015) study of the development of the Mekong River Basin from a socio-legal perspective provides a useful perspective in linking transparency to public participation. The authors note that because of the influence of international standards and advocacy, and a general lack of channels to engage with decision-makers, the provisions within EIAs for project-oriented ‘public participation’ have come to be ‘a prominent way in which transparency has come to be understood and enacted in the Mekong River Basin in connection with hydropower development’ (ibid., p. 154). This is akin to the ways in which public participation have been incorporated in Prior Consultation, which correlates with what the authors describe as an ‘episodic understanding of the demands of transparency [original emphasis]’, that ‘encourages a focus on formal channels for public notice, participation and consultation involving mediation by experts [original emphasis]’, and where efforts are directed towards the prediction of impacts (ibid., p. 151).

Boer et al. (2015, p. 155) suggest an additional notion of ‘remedial’ transparency, which they argue is not encapsulated by the expectations tied to ‘public participation’. Remedial transparency is defined by the authors ‘as a means to remedy grievances, address injustice or exclusion and, at least potentially, bring wrongdoers to account’ despite some recognition that such access was frequently not empowering (ibid.). As seen from Section 6.2.2, the amount of information disseminated through the PNPCA had increased greatly since the Xayaburi PNPCA, and Chapter 5 has discussed how the MRC Secretariat and TNMC Secretariat had come under pressure from civil society to make improvements to information accessibility. However, there were limits to which remedial transparency could be achieved through the PNPCA stakeholder consultations. This can be attributed to the myriad ways in which hydropower governance and Prior Consultation had been rendered technical, in terms of problematising the LMB into technical categories, the limitations that NMC Secretariats faced in translating the project documents, and technical ‘language’ that was not accessible to those without the necessary expertise. These limitations will also become apparent in the discussions that follow.

6.4.2. Containing challenges to the status quo: accountability and absences in the PNPCA

The dimension of rendering technical relating to the containment of challenges to the status quo become clearer when examining the lines of tension arising in the PNPCA stakeholder consultations, centred around another key non-technical concern relating to accountability. Most of the participants who raised concerns at the Thai community stakeholder consultations in Nong Khai and Chiang Rai asked variations on the question of ‘who will be responsible?’ for the impacts they might suffer from the Pak Beng Dam. This included questions about what the Thai government would do to help in case
of flooding, or if compensation would be provided for the losses to livelihoods and incomes. Several participants also demanded to know if the Lao government and dam developer would benefit most from the Pak Beng Dam, and leave Thailand to unfairly bear the negative costs of the dam. The responses relating to these issues of accountability were mostly handled by the director of the TNMC Secretariat. She acknowledged that there were no clear answers as the Pak Beng Dam was under review, the mitigation measures were under negotiation, and that they were carrying out a 15-year study to investigate the transboundary impacts of mainstream hydropower dams to Thailand. She also said that a compensation fund may be set up in the future. This was also separately mentioned by TG2, who said that the Thai government may request the dam developers or Lao government to set up such a fund (Interview, TG2).

Overall, the TNMC Secretariat did not provide participants with much concrete reassurances relating to accountability and ultimately deferred the concerns raised by participants, particularly those relating to the technical issues and mitigation, to the channels of communication designated by the PNPCA. This could be seen from the TNMC Secretariat director’s comments at the closing of the stakeholder meeting in Chiang Rai:

> On the issues of backwater, flooding, mitigation, and compensation, we have recorded your concerns. We will send a letter to the MRC, and the MRC will send it to the Lao government for their further consideration. We will have joint measures to avoid and reduce the impacts of the dam. You can raise your concerns here, and we cannot stop you from giving your opinions. The Lao government will convey your concerns to the project developer. (Excerpt from stakeholder consultation in Chiang Rai Province, May 2017)

This performative act relates to the NMC Secretariat’s lack of authority in decision making processes and positionalities as government representatives. An antipolitics and the containment of challenges to the status quo took place in the LMB when technical and uninfluential government agencies were made responsible for running public consultations. In Cambodia, IN3 recognised that CNMC Secretariat officials could not overtly speak out against the proposed dam projects, and the PNPCA protocols constituted a key element in their performative actions:

> Some people say that as the CNMC you have to speak out more strongly than that, otherwise there will be more dams. But they [CNMC] say that they cannot speak strongly because they are government staff and they have one way of talking. In the public consultations, the chair sometimes keeps quiet. And they try to use CNMC protocol, guidelines to talk instead. (Interview, IN3)

While some procedural improvements had been made to the stakeholder consultations (see Chapter 5, Section 5.4), the parameters of Prior Consultation as a technical process posed limitations on the extent to which the concerns of local communities were addressed. This could be observed in
the reply forms submitted by the TNMC and CNMC close to the end of Prior Consultation. In general, community concerns that were reflected in the forms were listed under the technical categories discussed in Section 6.3.1. These concerns were generally cross-referenced with inadequacies in the project documents, indicating that only concerns considered to have a sound basis in evidence might be included in the official reply forms (see CNMC, 2011, 2015, 2017; TNMC, 2011, 2015, 2017). In Cambodia, several civil society representatives acknowledged that advocacy needed to be grounded in evidence-based approaches to gain credibility among policy makers and technical experts (Interviews, CN1, CN5, IN6). Recommendations in the reply forms generally called for further studies and assessments to be conducted. Recommendations relating to compensation were included in the Thai reply form for the Xayaburi PNPCA and the Thai and Cambodian reply forms for the Don Sahong PNPCA, but were not mentioned in the reply forms for the Pak Beng PNPCA. In addition, during the Pak Beng PNPCA the component of public participation was subsumed under the MRC Secretariat’s technical review. While separate and detailed reports on public consultation were submitted by the NMCs and MRC Secretariat to the MRC JC during the Xayaburi and Don Sahong PNPCAs (see MRC, 2011b, 2014a), in the case of the Pak Beng PNPCA stakeholder comments from regional and national stakeholder consultations were only briefly mentioned in the main technical review report, and detailed comments were attached as an Annex (see MRC Secretariat, 2017b).

As discussed in Chapter 4, in carrying out event ethnography it was not only the lines of tensions that were observed but also the absences of particular actors or types of knowledge from the event. These absences further reflected a distancing of the technical issues from the wider political-economic contexts of LMB hydropower development. The lack of accountability was also demonstrated by the general absence of the project developers and the government energy sector from these spaces of public participation (mentioned earlier in Section 6.2.2). At the MRC’s regional stakeholder forums for the Pak Beng PNPCA, even though representatives from dam developer Datang were present, it was a representative from the Lao Ministry of Mines and Energy who presented information on the dam and fielded questions. Although the NMC Secretariats were key nodes within the MRC channels of communication, dam developers were not part of these channels designated under the PNPCA and were only obligated to deal with the Lao government. In the case of the Xayaburi Dam, TG1 and TG2 had personal contacts working in CH. Kanchang but they could not communicate directly with these contacts as communications with the company had to take place through the MRC or Lao government (Interview, TG2). For the Pak Beng Dam, it was only at the initiative of Datang that meetings with the Rak Chiang Khong group took place following Prior Consultation (Thai Mekong People’s Network in Eight Provinces, 2018; The Nation, 2018a).

Overall, the PNPCA came to function as a justification for absolving the Lao and Thai governments from further blame in relation to public participation. This was reflected in the cases of the Lao government’s unilateral declarations that Prior Consultation for the Xayaburi and Don Sahong
dams had concluded, and the Thai Xayaburi lawsuit whereby the Thai Administrative Court ruled that 
the DWR had fulfilled its responsibilities to conduct public consultations in accordance with the 
PNPCA. For the Don Sahong Dam, the PNPCA provided a similar justification for the project developer 
following an attempt by civil society to hold developer Mega First Corporation Berhad accountable 
through the Human Rights Commission of Malaysia (SUHAKAM):

Before the PNPCA, Mega First showed that they were willing to 
meet with NGOs after receiving the complaint letter. But after 
the PNPCA process was finished they responded to the 
commissioner [of SUHAKAM] that they don’t have to meet 
with civil society because they have already done the PNPCA 
consultation, that was supposed to include affected people and 
NGOs and civil society in Cambodia and Thailand. So they said 
that they don’t have to meet with us, and if our NGO and partners 
wanted to understand we could ask the NGOs who participated 
in the PNPCA… My impression of the PNPCA is that it is not 
just weak but a proxy for companies to say they have complied 
with the right to consultation. (Interview, IN5)

The absence of discussions on energy was also conspicuous in the PNPCA. Even though 
electricity demand from Thailand has been one of the key drivers of mainstream hydropower 
development in Laos including the Xayaburi and Pak Beng dams, Prior Consultation does not provide 
scope for energy demand to be discussed. For example, EGAT dealt directly with the Xayaburi Power 
Company Ltd. in signing Power Purchase Agreements (PPA) (Chitnis, 2013), and did not play any 
significant role within these three iterations of Prior Consultation. However, there has been growing 
awareness especially among the Thai-based members of the STM Coalition about the need to tackle 
this driver of hydropower development. This could be seen from the naming of EGAT and invocation 
of the PPA in the Xayaburi lawsuit, a 2012 conference and report ‘Know Your Power’ by the Bangkok-
based Mekong Energy and Ecology Network (MEE Net) that shed light on the power sector (MEE Net, 
2012), and the recent establishment of the Thai Extraterritorial Obligation Watch (Thai ETO-Watch) 
group (Middleton, 2018a). It was possibly due to the heightened awareness of EGAT’s role in 
mainstream dam development that an EGAT representative was present at the stakeholder consultation 
held in Nong Khai (see Section 6.4.3 to follow).

Overall, this subsection has demonstrated how the PNPCA has contributed towards the 
containment of challenges to the status quo by simultaneously rendering the PNPCA stakeholder 
consultations antipolitical. Public participation was dislocated from the wider political economic 
contexts of hydropower development, and situated within a technical process that absolved complicit 
actors from being held accountable. Li (2007) cautioned that it was important not to assume or assign 
hidden agendas to state actors, noting that governments in their heterogeneous forms pursue diverse 
ends that may be incompatible with one another. The ways in which the PNPCA stakeholder 
consultations contained challenges to the status quo were deliberate in some ways, for example in the
distancing of actors such as dam developers and EGAT from Prior Consultation. However, it was less deliberate in other ways, as demonstrated by the performative acts of NMC Secretariat officials during the PNPCA stakeholder consultations. On one hand, there were elements of deliberateness in containing challenges the status quo, as seen from the examples raised in Chapter 5 which explained how improvements made to the PNPCA stakeholder consultations in Thailand were driven by pressure from civil society, and how the PNPCA had been problematised as a way for NMC Secretariats to shape the conduct of conduct. On the other hand, the NMC Secretariats lacked decision making authority and may arguably be carrying out their technical responsibilities laid out by the PNPCA, being enmeshed within what Rose, (1999, p. 232) described as a ‘morality of numbers within its own politico-ethical matrix’. The answer to this question of deliberateness likely lies somewhere in between, as the rest of this chapter will show.

6.4.3. Performative slippages and the limits of government

In considering the contestations that have arisen within the PNPCA participatory spaces, Gregson & Rose's (2000, p. 434) argument that spaces are ‘brought into being through performances and as a performative articulation of power’ is reiterated in this subsection. The power relations generated through these participatory spaces are influenced by the performative acts of sovereignty (see Chapter 3, Section 3.4.1) that maintain a technical regime of truth. The performance of sovereignty is therefore intertwined with rendering technical. By nature of being reiterative, these performative articulations of power open up possibilities for disruption, or ‘performative slippages’ (Rose-Redwood & Glass, 2014). This section focuses on the Thai and Cambodian stakeholder consultations, and draws upon Singh's (2009) observation that participation is a ‘negotiated performance’. This involves paying attention to the performances that constitute the interactions between state and non-state actors, the lines of tensions that reveal the performative slippages of state authority, and the ways in which participatory spaces are performative of a wider network of power relations. Ultimately, these elements reveal the limits of government in rendering technical hydropower governance in the LMB especially in terms of shaping desirable conducts, and not being able to fully convince nonstate stakeholders that their views and opinions, voiced through the PNPCA stakeholder consultations, would be meaningfully taken into account through the PNPCA’s participatory channels.

At the community stakeholder consultation held in Nong Khai in March 2017, a participant raised a question about whether Thailand was buying the electricity from the Pak Beng Dam. In response, the EGAT representative couched the issue in cautious terms, leading to the exchange that followed:

EGAT Representative: Laos has already contacted us but we haven’t signed any contract… Right now I can tell you that it is not certain that we are going to buy electricity from the Pak Beng
Dam, I am not lying to you about this… There is no contract to buy electricity from Laos yet.

Community Representative, Udon Thani Province: I think the motivation to build the dam is from the Thai government. I need a clear example [evidence] that this is not going to impact us. If you have an example I will believe you, but right now I will not. If we conduct further studies and find that there is going to be an impact, can they stop building the dam?

Community Representative, Bueng Kan Province: I joined the meetings for the Xayaburi and Don Sahong dams. Our concerns were raised in the past meetings, but I have not seen you do anything about the issues we were concerned about. Because we already have experience from the Xayaburi and Don Sahong [PNPCA], so right now I haven’t seen any action from you. Can you provide us with a document that we can see [how concerns were taken into account]?

TNMC Secretariat Representative: We accept your concerns and the next time we will have follow up documents for you. Some of this information we have already provided on our website.

(Excerpts from Nong Khai stakeholder consultation, March 2017)

These performative speech acts by both state and nonstate representatives demonstrated the negotiated performances between participants and Thai government representatives, and the openings through which the performative forces of authority were challenged. The performative forces of authority are dependent on their continuous reassertion and re-enactment (Rose-Redwood & Glass, 2014). In the context of Jackson’s (2004) Thai regime of images, where appearances, surfaces, and presentation emphasising formality, conformity and ceremony all play integral roles in Thai society and the maintenance of power, the importance of understanding performativity is reflected in Jackson’s (ibid., p. 209) suggestion that ‘we may perhaps postulate a performative identity as the pattern of modern Thai subjectivities’.

However, as articulated by the community representative from Bueng Kan province, the performative force of EGAT’s and the TNMC Secretariat’s authority was no longer compelling after being repeated over three iterations of Prior Consultation with no meaningful change. The EGAT representative’s comment that she was not lying reflected the public distrust directed towards the Thai state, even though it was true at the time that EGAT had not yet signed a contract with the Lao government (also see Chapter 2, Section 2.5.6). This distrust stemmed partly from public knowledge of EGAT’s vested interests in buying electricity from Lao hydropower projects, and memories of the opaque manner in which the Xayaburi PPA was signed (Interviews, TN4, TG5) between EGAT and Xayaburi Power Company Ltd. before the Prior Consultation process for the Xayaburi Dam was completed. Participants may therefore have perceived the technical information delivered by government officials in state-sponsored participatory spaces as being biased. Some interviewees
thought that the information provided at the stakeholder consultations emphasised the benefits of the proposed project over its negative impacts, in order to push the project through and to tick the checkbox of having conducted stakeholder consultations (Interviews, TC10, TC11, TG6, CC1):

I don’t have information about the impact [of the dam] to us. Most of the information is positive information for the investors. They will talk about the benefits we can get from the electricity… When the MRC wants anything, they will only provide the positive information. They will not provide the negative information. They want to make us go along with them… to achieve their goals. (Interview, TC10)

A community representative from Stung Treng Province, in speaking about the consultations held for the LS2 Dam, saw similarities with the consultations undertaken for the Don Sahong Dam:

I feel like they try to downplay the impacts… the government talks the most about the advantages from the dam, to increase economic growth, increase income, help electricity usage. It sounds like all levels of the government try not to mention the impacts and try to talk about the advantages. It happened in a similar way for the Don Sahong Dam. (Interview, CC1)

In addition, there was tension between the perceived and actual roles of these state agencies, especially when considered in relation to how the functions of different agencies may not be compatible with one another (see Chapter 3, Section 3.2.4). While the Thai state is a heterogeneous entity and some interviewees recognised the limited influence of the DWR (Interviews, TC9, TC14, TG6), the discussion thus far has demonstrated that there were still expectations from civil society and local communities that the agencies fronting the public consultations to be representatives of the Thai government as a whole. In Cambodia, the converse was also observed where the CNMC was occasionally perceived to have stepped beyond its technical responsibilities:

Even though we sometimes approach the CNMC [about the Pak Beng Dam], they say it’s not really a big concern for Cambodia because the Pak Beng Dam is a little far away. Sometimes the technical government officials, they play a role not really as a technical person, but play the role like a decision maker representing the Cambodian government. (Interview, CN5)

After the Xayaburi and Don Sahong PNPCAs, it had become clear to many state and non-state stakeholders that the PNPCA was a platform to voice their concerns but was not a decision-making mechanism (Interviews, TC3, TC9, CN1). From the precedents set by the Xayaburi and Don Sahong dams, it was clear during the Pak Beng PNPCA that Laos would proceed with the construction of the dam (Interview, TG6). Some representatives from the STM Coalition acknowledged that their efforts had delayed mainstream dam development and increased public scrutiny of the projects and state actors, but could not influence decision making in any major way (Interviews, TN1, TN4, IN3, CN5). Several interviewees expressed the view that even if their concerns were relayed to the Lao government they
could not influence decision making on Lao dam projects (Interviews, TC1, TC12, TG6, TG8, CC2). They also expressed frustration at the lack of mechanisms that would obligate the Lao government to compensate and mitigate the transboundary impacts of its dam projects (Interview, TC15).

The reiteration of unsatisfactory responses from the state authorities amidst calls for accountability reveal the performative slippages of state authority. These slippages occurred when responses were perceived as attempts to obfuscate the state’s vested interests. This was reinforced by the tendency by NMC Secretariat officials to stress technical dimensions over accountability, emphasise abidance by the PNPCA, and speak in terms of uncertainties and risks. The incompatibility of diverse government functions along with such performative slippages highlighted the limits of government in shaping desirable conducts and enrolling localities and local communities into the ‘proper’ channels of the PNPCA. These limitations were even more apparent given that energy and private sector actors could not be held accountable through the PNPCA. This relates to Hensengerth’s (2015) argument that the trans-nationalisation of Mekong hydropower development has also led to complexities in identifying the locus of authority over such development policies, which was now dependent on complex constellations of interests and actors involved in each project. Nonetheless, the contradictions that arose through the PNPCA stakeholder consultations have served as opportunities for state authority to be challenged, especially as these slippages have recurred over the multiple iterations of the PNPCA and within shifting configurations of authority, interests, and actors.

This section has delved into the lines of tension that have arisen between state and nonstate actors, stemming from the process of rendering technical especially with the production of an antipolitics around mainstream dam development. Interventions and solutions to the issues around mainstream hydropower governance were framed in technical terms, which posed several problems. First, it was difficult for participants to understand and evaluate overly-technical information. Second, even where participants were able to engage with the technical discourse, the discussions led to unresolved debates framed around the notion of risk, rather than concrete information or follow-up actions for participants. Third, there was little room for non-technical issues to be addressed within a technical regime of truth, and the stakeholder consultations became divorced from their wider social, cultural, political, and economic contexts. Fourth, the channelling of concerns and feedback through the PNPCA also represented a containment of challenges to the myriad authorities supporting mainstream dam development. Nonetheless, understanding how challenges to the legitimacy of the Prior Consultation process arise can be carried out through a consideration of the PNPCA stakeholder consultations as performative events, which Dewsbury (2000) had conceptualised as sites that encompass potential contestations, alongside shifting power dynamics and alliances between multiple actors (see Chapter 3, Section 3.4.2). When performative slippages occurred, civil society and community members were provided with opportunities to not only disrupt these performative articulations of authority, but also call the legitimacy of Prior Consultation into question.
6.5. Politics of the technical

The chapter has thus far discussed how the rendering technical of hydropower governance and public participation in the LMB have also provided opportunities for contestation. It is therefore important to recognise, as Boer et al. (2015) have done, that a politics of the technical constitutes a key component of the politics surrounding the development of the LMB. This is especially so when EIA reports in the Mekong Region are often of low quality, situated in processes tied to differentiated political-economic contexts across the region (Wells-Dang et al., 2016) and in practice serve the interests of project investors (Fisher, 2008; Wells-Dang et al., 2016). In this sense, EIA reports submitted by hydropower dam developers have played a key role in legitimising the proposed hydropower projects (Boer et al., 2015), which in turn have implications for the PNPCA. At the national and regional level, the differentiated functions of government associated with very specific expertise contribute towards this politics of knowledge within mainstream hydropower governance in the LMB, reflecting conflicting concerns within and between governments. Technical knowledge may be used to navigate and negotiate their positions. However, the politics of a technical may not always take place through the channels of public participation in the PNPCA.

While Li (2007) argues that to render an issue technical is also to render it antipolitical, there were cases where it was precisely this antipolitical dimension that was leveraged upon to facilitate negotiations between stakeholders. This was due to performative implications when one represented themselves as a government representative as opposed to a technical specialist. As discussed in Chapter 5 (Section 5.3.6), Track 1 negotiations could be hampered by the need for government officials to represent the interests of their respective countries. However, within and between the government agencies themselves, the perceived objectivity of technical discussions also provided opportunities for more meaningful discussions to take place beyond the constraints of Track 1. In a way, spaces of constructive dialogue could be brought into being through technical discussions. For TG1, a way to overcome the formalities in Track 1 negotiations was to develop a ‘Track 1.5’ process that emphasised technical expertise:

We have been developing Track 1.5. It’s… somewhere in between [formal and informal]. We commit to the discussion or issue as technical people or as working group members who are willing to discuss. This does not mean that we represent the government on all issues, but we can learn from each other. So, when we later engage in Track 1 we can hopefully find a way to resolve some of these issues. (Interview, TG1)

Technical discussions have also paved the way for constructive dialogue between state and nonstate actors. While this chapter has placed a strong focus on how state actors have rendered hydropower governance and public participation technical, is important not to essentialise and dichotomise different knowledge types, which would fail to account for the logics and epistemologies
through which a knowledge type may be mobilised by different interests (Agrawal, 1995). While the MRC’s participatory turn had done little to challenge the technocratic core of the MRC (Käkönens & Hirsch, 2009), civil society actors have utilised scientific discourses to challenge mainstream hydropower development (Yong & Grundy-Warr, 2012). The case of Cambodia and the Don Sahong PNPCA provides insights into how collaborations between civil society and government agencies took place around the generation of scientific knowledge. Given the limited technical capacity and resources of the CNMC and government agencies such as the Fisheries Administration (FiA), there were several international NGOs, scientists, academics, and donors who filled the gap by conducting their own scientific studies. Some of the key scientific studies that were used at the time to justify the Cambodian government’s position were the SEA, the MRC’s technical review and a study on the vulnerability of food and nutrition security to mainstream hydropower development in Cambodia carried out by the FiA, Danish International Development Agency (DANIDA), Phnom Penh-based Oxfam Australia, and WWF (Interview, CG5) (see IFReDI, 2013 for the study).

In considering how a politics of the technical has unfolded within the participatory spaces of the PNPCA, it is important to pay attention to the power/knowledge nexus and how particular types of knowledge come to be embedded within a regime of truth (Rose, 1999). As Prior Consultation was increasingly established as a technical process, some stakeholders recognised a need to make arguments based on technical and scientific evidence (discussed in Section 6.4.2). As mentioned in Chapter 2 (Section 2.6.1), International Rivers had commissioned independent technical reviews that critiqued and challenged the legitimacy of the Xayaburi, Don Sahong and Pak Beng dams’ EIAs. Boer et al.’s (2015) critical analysis of EIAs and the politics of the technical in Mekong hydropower development also demonstrated how such a politics provided openings for the public and civil society to both participate in and challenge decision making processes. However, it was possible that domestic NGOs of the RCC did not have the resources or capabilities to engage with the scientific discourses favoured in state-centred reasoning. Yasuda (2015) noted that RCC did not utilise science as a strategy or conduct its own research to target decision makers, and instead used existing information from the SEA. Nonetheless, the attention paid to scientific evidence by some quarters of the Cambodian government was noted and appreciated by members of civil society:

Inside the CNMC you have technical people who did raise some good questions, I think those people do care about this dam because they are the ones who know everything about the future of dams… There was some kind of effort made by the technical people. (Interview, IN5)

I remember that during the discussion that people raised the point that the objective of the technical working group on fisheries is not to support the hydropower. And there was an interesting debate. Some people in the government, in particular the technical people, they know what is going to be the consequences and impacts. Some others don’t… From a
technical perspective they are aware of the impacts, but the political perspective is different. (Interview, IN6)

This is a possible indication that technical government agencies in Thailand and Cambodia displayed some degree of agreement with the concerns raised by the STM Coalition, and reflects Boer et al.’s (2015) argument that technical work remains non-political until it falls into the hands of politicians. Gao (2014) has also noted that the DWR had raised concerns in public forums about the sustainability of the Xayaburi Dam and supported the extension of the Xayaburi Prior Consultation, reflecting political wrestling between MONRE and EGAT. In addition, the use of the SEA by both the Cambodian government and the RCC reflected Suhardiman et al.’s (2015) observations that the SEA had created political space for some actors, and partially compensated for the lack of public opinions in discussions about mainstream dam development through initiating an open discussion involving state and nonstate actors.

This politics of the technical made a tangible impact on mainstream dam development especially in the area of fisheries, as demonstrated in the case of the Xayaburi Dam. One of the key outcomes of the MRC technical review and both state and nonstate criticism was to pressure project developer CH. Karnchang into delaying the construction of the Xayaburi Dam and, according to the project’s main consultant Finnish engineering company Pöyry, to spend $200 million on further fish research and redesign of the fish passage, which was more than what had been spent on any other major project in the region (Cronin & Weatherby, 2015). The Lao government had announced that altogether, an additional $400 million was invested in the redesign of the Xayaburi Dam (Harris, 2017). Members of the STM Coalition recognised that their campaign efforts had an effect on delaying mainstream hydropower projects for further studies to be conducted (Interviews, IN1, IN3, CN5). A report from the Stimson Centre challenged the narrative of inevitability around mainstream hydropower development, by pointing to the Lao government’s increasing attention to mitigation measures as an indicator that a more nuanced view of Prior Consultation was needed (see Cronin & Weatherby, 2015). This view was acknowledged by IN1, but who also took on a more cautioned stance:

It’s really still following a pattern of build now and then worry about the study later, and then worry about the impacts later. So we don’t actually have clear evidence, despite knowing how much money was invested in these [mitigation] measures, we know that the measures have been described by experts as state of the art technology and they probably are. But at the same time, they are still untested in the context of the Mekong, and they haven’t been used in a context like this where millions of people are reliant on the services provided by the Mekong River. So, it’s still proceeding along the model of risk and uncertainty. So that pattern hasn’t changed, and that’s why we’d be reluctant to paint that as a success, even though it’s clearly an outcome of the campaign. (Interview, IN1)
The elements of risk and uncertainty opened the space for debate in the technical realm both within and beyond the PNPCA. This is especially so as the efficacy of these mitigation measures are still in doubt. For example, despite the investments put into redesigning the Xayaburi Dam’s fish pass, the SEA had earlier emphasised that ‘fish passes, whatever their type, are not a realistic measure to mitigate the impact of mainstream dams on mainstream fish migrations’ (Baran, 2010, p. 115). However, as this chapter has demonstrated, there were also limitations around a debate framed in these terms. TN2 argued that the PNPCA constrained stakeholders, including civil society, in the framework of an EIA which ultimately constituted part of a rubber-stamping process that had limited influence on decision making (Interview, TN2). This chapter has also demonstrated that the ability of different stakeholders to engage in a technical debate was uneven and differentiated by their capabilities and resources to do so. Importantly, the PNPCA stakeholder consultations were not necessarily effective platforms for understanding, negotiating, or engaging in technical debates about the proposed mainstream dam projects. Many of technical discussions took place through the MRC’s PNPCA working groups or the NMC platforms at the national level, all of which existed beyond the PNPCA’s public spaces of stakeholder consultation.

6.6. Conclusion

The case of the prior consultation over mainstream dams exemplifies the limits to governance that has been rendered technical through a rules-based regime informed by science and thereby made agnostic to the political context in which it is embedded. Yet it also demonstrates how a procedural, technical arena provides some political openings for more inclusive governance… Despite their deficiencies, public consultations nevertheless represent an example of flexible governance, potentially open to strategic intervention by a range of actors. (Boer et al., 2015, p. 112)

The analysis by Boer et al. (2015) neatly captures the complexities of rendering Mekong hydropower governance technical. By the time of the Pak Beng PNPCA, there had been to some extent improvements made in terms of the volume of information provided to the MRC by the project developer, and efforts by the MRC Secretariat to incorporate a participatory approach into its technical review of the project. There had also been some recognition and effort by the TNMC Secretariat to make the technical information more accessible for participants in the Thai stakeholder consultations, although these meetings were still characterised as ‘information sharing’ sessions rather than consultations. This chapter has examined the complexities that have contributed towards the establishment and contestation of a technical regime of truth (Rose, 1999) through the PNPCA. This was done by investigating how technical flows of information were mobilised through the PNPCA and the challenges faced by the MRC and the NMC secretariats in terms of processing, translating, and delivering technical information to stakeholders. In addition to their resources and capacities to do so, this chapter has also paid attention to both the micro-geographies and technologies of participation that
have co-produced and elevated the legitimacy of technical knowledge and experts in this regime of truth. While transparency and information disclosure were valued by both state and nonstate stakeholders, the PNPCA stakeholder consultations not only highlighted the limits to information flows through these spaces, but also opened up avenues for contesting technical hydropower governance. However, the micro-geographies and technologies of the stakeholder consultations indicated that information sharing was generally given precedence over consultation at these events. More broadly, a co-produced, emergent and relational understanding of public participation in a development context could also more specifically be analysed through the performative components of micro-geographies, technologies of participation, and experts in a regime of truth, and elucidated through the use of event ethnography.

The establishment of a technical regime of truth also lays the foundation for the emergence of an antipolitics. The rendering technical of hydropower governance in the LMB has been revealed and reinforced through the PNPCA stakeholder consultations, as knowledge and debates associated with Mekong hydropower development were segmented into discrete technical categories. An antipolitics of information dissemination was mediated through the performative actions of experts and government officials that were supported by a technical regime of truth. To a certain degree, the PNPCA stakeholder consultations functioned as a containment of challenges to the status quo. However, the limits of government in shaping desirable conducts and enrolling localities and communities into the participatory channels established by the PNPCA become clear through an examination of performative slippages that occurred. This was especially apparent when, in the absence of project developers and more influential policy makers, NMC Secretariat officials were unable to adequately assuage concerns relating to accountability. While the technical regime of truth has opened up spaces of dialogue elsewhere to influence mainstream dam development, the procedural limitations imposed on the PNPCA stakeholder consultations not only subsumed public participation under technical procedures but also distanced public participation from the centres of decision making, therefore limiting the extent to which civil society and local communities may participate in such a debate. The implications of this will be drawn out in Chapter 8, especially in terms of rendering technical hydropower governance legitimate and increasing a disconnect between local communities and the PNPCA. In the meantime, there is a need to look beyond the PNPCA and turn towards understanding what meaningful participation means to these stakeholders, along with how the spaces associated with meaningful participation come into being (Chapter 7).
CHAPTER SEVEN
THE MEANINGFUL AND RELATIONAL SPACES OF PARTICIPATION:
OPPORTUNITIES AND CHALLENGES

7.1 Introduction

This chapter argues for a co-produced, emergent and relational understanding of public participation, examining the elements that make the participatory spaces of the Save the Mekong (STM) Coalition meaningful to communities, especially in contrast to the Procedures for Notification, Prior Consultation and Agreement stakeholder consultations. First, perceptions of the PNPCA as a rubber stamp procedure are examined and contrasted to perceptions of meaningful participation characterised by elements of Free, Prior and Informed Consent. Second, the participatory spaces that give a voice to local communities are examined. While bearing similar formats to the PNPCA stakeholder consultations, these spaces produce power dynamics that re-centre community voices as authorities of truth. This provides insight into how hydropower governance is problematised by the STM Coalition. Third, this chapter examines how the Mekong River provides a material basis for bringing certain types of participatory spaces into being. Fourth, an argument is made for situating these participatory spaces in their wider political contexts, as varied encounters with the heterogeneous state reinforce negative perceptions of state-sponsored participatory sites and constrains political space for further participatory opportunities. Finally, the importance of engaging with the ‘local’ is emphasised, by highlighting the obstacles to wider public engagement and the anti-participatory forces generated by local level power-geometries. The need to move beyond an event-based understanding of public participation is also examined, and the challenges and necessity of sustained community engagement further explored.

7.2. Contesting a rubber stamp: understanding the elements of meaningful participation

The concern we have in general about these changes [to the PNPCA], is that it’s unclear at the moment whether they are just box ticking or whether they are actually real attempts to make the process meaningful and engage with the concerns raised by communities and civil society. (Interview, IN1)

Some of us think that it is a rubber stamp. If we participate, it means that we support the rubber stamp. But some people still feel that we have to participate, at least there are some people to question, to say something, to make their voice heard and to make a stand. (Interview, TN1)

The government feels like civil society and community sometimes are their obstacles to get something signed on and something approved, and of course they have their own government interests. And they still have the public participation box to tick to look good. (Interview, IN5)
With the Lao government ignoring the recommendations of the SEA and proceeding with the construction of mainstream dams despite facing strong opposition from downstream countries and the STM Coalition, Prior Consultation had come to be regarded by some members of the STM as a rubber stamp for the proposed dam projects. The selection of quotes provided above give some sense of the concerns relating to the lack of meaningful public participation within Prior Consultation. These concerns were about public consultations being carried out as part of a box ticking exercise that project developers and state actors have used to legitimise the proposed dam projects, and to absolve them of further responsibilities to the public (see Chapter 6, Section 6.4.2). Overall, such concerns ultimately led to the STM Coalition’s decision to boycott the Pak Lay PNPCA in 2018. But up to the Pak Beng PNPCA, this created a dilemma among some civil society and community members. Chapters 5 and 6 made reference to several boycotts of the Don Sahong PNPCA stakeholder consultations by TERRA and the Thai Mekong People’s Network for final Thai stakeholder consultation in Bangkok, and by International Rivers and WWF Cambodia for the regional stakeholder consultation held in Pakse, Laos (Barron, 2014; TERRA, 2015; Wipatayotin, 2015). The justifications given by International Rivers and WWF for boycotting the process were directly related to the lack of meaningful consultation and concerns that the consultations would serve as a legitimation of the Lao government’s decision to proceed with the Don Sahong Dam.

In contrast, the RCC chose to participate in the stakeholder consultations after RCC members discussed how to negotiate this dilemma (Interview, IN5). Some interviewees saw the PNPCA stakeholder consultations as an avenue to have their concerns about the Don Sahong Dam officially recorded (Interviews, CN1, CN4, IN3), and were concerned that the RCC would be put in a difficult position if the dam went ahead despite a boycott (Interview, IN3). The RCC therefore clarified that they did not support the Don Sahong Dam prior to participating in the PNPCA consultations (Interviews, CN1, CN4):

Participation doesn’t mean that you agree with the dam. But this was kind of an official opportunity to challenge the dam developer and the country that initiated the dam. If we don’t take the opportunity, then our stakeholders, including the private sector, they don’t hear any concerns of the people. But if you take this as an opportunity – we go there, we challenge, we raise the issue, we go against them – so in the minutes of the meeting there is an official record that the RCC made these points. (Interview, CN1)

Even during Pak Beng PNPCA, the decision on whether to boycott the stakeholder consultations was uneven across the region. In Thailand, the leader of Rak Chiang Khong decided not to attend the stakeholder consultations, but other representatives from the group were present at the consultations held in Chiang Rai Province (Interviews, TC1, TC4, TC9). This was possibly due to the high levels of concern relating to proximity of the Pak Beng Dam to Chiang Rai Province. The PNPCA consultations would also serve as the grounds for another lawsuit filed by the Rak Chiang Khong against the DWR
and the TNMC in June 2018 for failing to conduct proper consultations with potentially affected villagers. At the regional level, there were indications of some effort to improve stakeholder engagement for the Pak Beng PNPCA. This included the February 2016 review workshop (discussed in Chapter 6, Section 6.2.1) that brought together representatives from MRC member countries and international experts to review the lessons learnt from the Xayaburi and Don Sahong PNPCAs. IN1 noted that there had been better information transparency for the Pak Beng PNPCA, both in terms of the earlier timing in which the project documents were released and the inclusion of a transboundary and cumulative impact assessment (Interview, IN1). Speaking before the first MRC regional stakeholder forum for the Pak Beng Dam, IN1 also said:

There are efforts to ensure greater stakeholder engagement and public participation, and we can see some signs of that. The MRC has been reaching out to key people, including International Rivers, to get…[a] take on… [its] concerns. But at this point it is not really clear to what extent this is actually going to change the process this time around. (Interview, IN1)

The discussions in Chapters 5 and 6 have demonstrated that the procedural improvements made to the PNPCA stakeholder consultations had not successfully overcome criticisms stemming from multifaceted dimensions of spatial politics and rendering technical. When asked about what the key areas of improvement of the PNPCA should be, TN3 said:

People’s participation is the key, from every country, not just a few people or groups. And the people’s participation should include access to information, what is true [information], when the project will come, what they can do, what are the technical details, and what are the impacts … The villagers want access to information, and the correct information not biased information, then communities or people can consider the project. And the public hearing should be balanced, not only hearing from the project proponents … When I talk about people’s participation, it means first they have to get the right information, then they have to be consulted, and then, have their views considered. There must be these three steps. (Interview, TN3)

The constitution of meaningful participation through community representation, transparency of information, and the incorporation of feedback into decision making were also recognised by other interviewees (Interviews, CN1, TC9, IN3). CN5 said that the stakeholder consultations functioned more like a ‘symbolic consultation process’, and suggested the need for a more comprehensive collection of community concerns:

The plaintiffs asked the court to rule that the acts of the Director-General of the DWR, the DWR and the TNMC were unlawful and that the public consultations that were conducted under the PNPCA for the Pak Beng Dam in Thailand should be annulled (International Rivers, 2017b). The Administrative Court dismissed the complaint in September 2017 (The Nation, 2017).
There should be coordination among the grassroots people, not just before the consultation workshop, but it should be three months or four months before. And there should be a coordination body or mechanism to make sure that all the concerns and requests from the grassroots, from the people on the ground, are collected. And then all the inputs, comments, and recommendations should be brought to the national or to the regional consultation. But they failed to do that. (Interview, CN5)

These perspectives on what meaningful public consultation should entail are aligned with human rights based approaches that have been used to challenge transboundary decision making around Mekong hydropower development, especially in terms of the procedural obligations of Free Prior and Informed Consent (FPIC) (Middleton & Pritchard, 2016). This was particularly evident in the approaches used by US-headquartered international NGOs including International Rivers and EarthRights International (ERI). Under FPIC, participation at all stages of development is seen as a key human right (FAO, 2016). Elements of FPIC corresponded to key criticisms of the PNPCA stakeholder consultations, indicating that the language and principles of FPIC had also been picked up by Thai and Cambodian civil society. These elements included having meetings in locations, times, languages and formats determined by rights-holders (free), providing the requisite time for rights-holders to understand, access and analyse information (prior), having complete information delivered in local languages and in an objective manner (informed), and coming to a freely given and collective decision determined by affected people (consent) (FAO, 2016). There is a significant distinction to be drawn between consultation and consent (Hurtwitz, 2014), and in the case of Prior Consultation it was consultation that was sought (regardless of effectiveness) rather than consent from local communities.

These standards should be contextualised in a wider assumption that has arisen among multiple stakeholder groups, including activists, donors, experts, policy-makers and scholars, that international law in the areas of watercourses, human rights and environment may be ‘potentially curative’ of the deficiencies plaguing the governance of the Mekong River (Boer et al., 2015, p. 192). However, Boer et al. (2015) argue that it is more productive to view how international laws, norms and practices have been mobilised in distinctive, hybridised ways in the Mekong region. This perspective can be observed in Floch & Blake's (2011) reflections on the gap between Thai participatory rhetoric and practice in relation to the Lao-Thai water transfer project, Ha's (2011) examination of the historically situated participatory processes of resettlement in the case of the Son La Dam in Vietnam, Middleton & Pritchard's (2016) study of arenas of water justice and the Xayaburi Dam, and Harris's (2016) analysis of the contested LS2 Dam at the intersection of international and Cambodian domestic laws. This perspective has implications for understanding the distinct ways in which public participation has unfolded beyond the spaces of the PNPCA.

Overall, there is a need to understand the multiple positions that differentiated stakeholder groups take on public participation and the qualitative differences between them. Chapters 5 and 6 have
described how state motivations for conducting the PNPCA stakeholder consultations tend to be aligned towards the legitimation of the PNPCA process, whereby public input relating to mitigation measures may be incorporated even while the proposed projects remain fundamentally unchanged. This section has thus far discussed how the PNPCA has failed to meet expectations of meaningful public participation as envisioned by members and allies of the STM Coalition, and how such expectations corresponded to the principles of FPIC. However, it is important to note that these expectations are not merely procedural in nature. A range of motivations drive civil society involvement in public participation: to be heard; to raise concerns; to mitigate the impacts of the dams through modifying the projects; and to cancel the projects. These motivations may differ within and between the STM Coalition and its allies, but they are not necessarily mutually exclusive, may be expressed with differing degree of explicitness, or may shift in response to the outcomes of campaign efforts. In the following discussions, it will be useful to keep this multiplicity of motivations in mind, especially in terms of how public participation is driven and influenced by the convergences, contradictions, and shifts between these motivations.

7.3. Giving communities a voice: reconfiguring power dynamics

The PNPCA stakeholder consultations demonstrated Cornwall’s (2008) point that involvement in a process is not the same thing as having a voice. Cornwall argues that the translation of voice into influence, such that people may express themselves without fear of punishment or the expectation of not being taken seriously, requires effort from above and below to exert pressure for change. This would include effort from state (institutions) and nonstate actors (civil society, communities). In contrast to the PNPCA stakeholder consultations, the approach taken by the STM Coalition viewed participation as a political methodology of empowerment (Hickey & Mohan, 2005) rather than as technologised procedures (Chilvers & Kearnes, 2016a). This reflects Oakley’s (1995, p.24) observations that NGOs more naturally espoused the concept of participation ‘in its fullest sense’. This approach engages with development ‘as an underlying process of social change’, aligning participatory and rights-based approaches that stress multi-scalar political engagement (Hickey & Mohan, 2005, p. 237). This section examines the invited spaces (Cornwall, 2004, 2008) of participation that are structured by the STM Coalition, which present both parallels and contrasts with that of the PNPCA stakeholder consultations.

7.3.1. Reconfiguring participatory spaces, technologies and information

Chapter 6 (Section 6.3.3) discussed how technologies of participation, in terms of standardised formats and configurations, travel between different contexts (Chilvers & Kearnes, 2016b). Technologies of participation may also be loosely based on the concept of boundary objects which were characterised by both their plasticity and robustness across multiple sites (Bowker & Star, 1999) (discussed in Chapter 3, Section 3.2.2). The robustness of these technologies was reflected in the ways that similar models (formats and procedures) of participation (Chilvers et al., 2018) were used in both PNPCA stakeholder consultations and STM forums for information dissemination. This is also a
common format used for seminars and conferences. The plasticity of these technologies of participation were also demonstrated when they were adapted in civil society-organised forums to enact a reversal of power dynamics in favour of local communities. The *micro-geographies* of STM forums may bear similarities to the PNPCA stakeholder consultations in terms of the spatial layouts of the room but were markedly different in terms of the relations of power that were generated. The technical information disseminated through the PNPCA may also be conceptualised in these terms: robust enough to retain its technical characteristics within civil society forums, but plastic enough to be perceived and utilised very differently when handled by nonstate actors.

This section uses an event organised by the STM Coalition as a case study to demonstrate how nonstate participatory spaces contrast with the state-organised PNPCA stakeholder consultations. The three-day event took place on 13-15 March 2017 in Chiang Khong and Wiang Kaen districts which border the Mekong River in Chiang Rai Province (see Figure 6.5 in Chapter 6). It was held in conjunction with the annual International Day of Action for Rivers and brought together members of the coalition from Thailand, Cambodia, and Vietnam. This coincided with the Pak Beng PNPCA and took place about a month after the first Thai stakeholder consultation held in Chiang Saen District. The first day of the event was a closed-door annual general meeting (AGM) of the STM Coalition followed by an evening of food, music, and remarks from country representatives. The second day comprised a public forum in the morning, followed by youth performances and a joint reading of the Chiang Khong Declaration by the STM Coalition. The third day of the event took place in the village of Ban Huai Leuk in Wiang Kaen District, which included a discussion about the proposed Pak Beng Dam and visits to the village’s fish conservation zone and the Kaeng Pha Dai reef. I participated in most of the three-day event with my Thai interpreter, except for the closed-door AGM.

The public forum involved local community representatives, civil society representatives, and academics taking on the role of presenters and speakers. Technologies of participation are not just exclusive tools in the enactment of government authority, and the formality of the room’s spatial layout now conferred authority upon these nonstate actors. A table was set up at the front of the room where the speakers would sit as part of a panel facing the audience, with a projector screen set up on the side, although not all speakers required its use (Figure 7.1). The power dynamics generated tilted in favour of the community representatives, civil society and academic representatives who occupied the spatially-temporally privileged position within the room and took on the role of the expert. The structure of the sessions was also similar to the PNPCA stakeholder consultations, beginning with an opening address and each session having the majority of time allocated to the presenters with some time afterwards for questions and answers. However, the issues of concern now reflected the ways in which the STM Coalition problematised key issues relating to mainstream hydropower governance in the Mekong Region. Hydropower governance was framed in terms of local community experiences, avenues and mechanisms to seek accountability, and scientific knowledge.
The opening speech was given by the leader of Rak Chiang Khong. The forum was divided into three main sections. The first panel comprised representatives from local communities and was centred around their experiences and concerns relating to the Mekong River and hydropower development. There were two representatives from Thailand (representing Ban Huai Leuk village and Ubon Ratchathani province) and two representatives from Cambodia (representing Kratie Province and the Tonle Sap Lake). The panel was facilitated and translated into English by representatives from TERRA and the RCC. The community representatives did not use any form of technology apart from the microphone to talk about their experiences. They spoke about how the livelihoods and ways of life of their communities depended on the Mekong River, and their experiences with negative changes in the Mekong River’s water quality, biodiversity, seasonal water levels, sediment, fish catches, and forests. The Thai representatives emphasised how unseasonal water fluctuations caused by the upstream Chinese dam cascade had already affected their lives. The community representatives made requests to the STM Coalition to assist them with these challenges they were facing, which would be exacerbated by further hydropower development:

On behalf of villagers from the Tonle Sap I would like to make a request to the STM Coalition and NGOs in Cambodia to raise awareness to the public and in the Tonle Sap Lake, and conduct a big campaign together with communities against the development projects. At the same time, I would also like to make a request to NGO partners from Thailand, Vietnam, and the grassroots to have a
big regional campaign together against the dam projects. Finally, I would also like to make a request to STM Coalition to create a platform where grassroots communities from the three countries [Thailand, Cambodia and Vietnam] can come together to discuss the issue and how to address it. (Excerpt from STM public forum, 14 March 2017)

The second session in the seminar was fronted by a panel of civil society representatives from International Rivers, the RCC, Vietnam Rivers Network, Thai NGO Community Resource Centre (CRC), and the Finance and Trade Watch from Austria. The session was centred around their strategies for addressing large hydropower dam projects and their varying levels of success in seeking out accountability. It was conducted in English. The discussants spoke about the different mechanisms through which they have tried to hold the MRC, state actors, and private sector actors to account for their interests and investments in the Xayaburi and Don Sahong dams. This ranged from using national avenues such as the Thai courts and the Thai NHRC, regional avenues such as ASEAN, or international avenues such as the OECD Guidelines for Multinational Enterprises. The third session emphasised academic and research perspectives, which comprised two presentations by academics from Vietnam, who spoke on the Pak Beng Dam, and from Mae Fah Luang University in Chiang Rai. The two presenters utilised technologies of the expert such as PowerPoint presentations, statistics, diagrams, and graphs during their talks, providing critical perspectives that challenged the information that had been disseminated through the MRC and the PNPCA (see Intralawan et al., 2018 for the study from Mae Fah Luang University). The presentations were conducted in English, although they were not overly technical.

Even though the format of participation was recognisable and common across different contexts, the collective participatory practices (see Chapter 3, Section 3.3.3) that emerged in this localised site stood in contrast to those produced through the PNPCA. In this public forum, some aspects of the subjects (participating publics), objects (issues), and models (political ontologies) were extremely different even though other aspects of objects (material devices) and models (formats) retained similar forms. In this case, the forum provided a useful contrast to the PNPCA stakeholder consultations by reversing the voices of authority and allowing local communities, civil society representatives and academics to occupy centre-stage to deliver a coherent narrative around their experiences and perspectives. This format was also utilised in Cambodia, where public forums formed one of the main prongs of the RCC’s strategy targeting the national government. In a climate change forum organised in December 2011 (coinciding with the Xayaburi PNPCA), both the CNMC and nonstate actors made presentations about hydropower (Yasuda, 2015).

While the PNPCA stakeholder consultations served as a useful point to observe an analytics of government that renders Mekong hydropower governance visible, these civil society-organised participatory spaces conversely serve as a starting point to carry out an analytics of resistance where a
similar process of problematisation takes place (see Chapter 3, Section 3.2.4). An analytics of resistance renders Mekong hydropower governance visible in a way that counters state simplification (Scott, 1999), rendering technical (Li, 2007), and the technical regime of truth (Rose, 1999) established through the PNPCA. The standardisation of technologies of participation in the PNPCA stakeholder consultations bore similarities to the standardisation of boundary objects, which lead to the creation of ‘residual categories’ where things that do not fit into specified categories become marginalised (Star, 2010). The rendering technical of the PNPCA stakeholder consultations created residual categories relating to local community voices, accountability, and critical knowledge. However, these residual categories were resurrected through the STM Coalition forum.

7.3.2. Spaces of meaningful consultation: critical flows of information

Another technology of participation used at the STM event was the small group discussion. In contrast to the PNPCA stakeholder consultations, this small group discussion took place in a setting that reflected the elements of FPIC, specifically in what the UN Food and Agriculture Organisation (FAO) (2016) has described in terms of allowing right-holders to determine the location, format, time, language-medium, and access to objective information. In examining the participatory practices that have emerged through the STM Coalition, it becomes possible to understand how local communities perceive authorities of truth and the criteria of truth (Rose, 1999) on their own terms. This does not necessarily involve drawing a false dichotomy between scientific and local knowledge (Agrawal, 1995; Yong & Grundy-Warr, 2012). In this case, it is useful to emphasise the plasticity of technical information, which adapts itself to local needs by constructing alternative understandings of truth.

While the public forum might have been aimed at a more regional and international audience, the visit to Ban Huai Leuk village on the third day of the STM event was catered towards representatives from the local communities living along the Mekong River. The small group discussion was held at the village temple, where further discussions about the Pak Beng Dam and community concerns about mainstream hydropower development were carried out. Traditionally, Thai temples have functioned as a community centre where villagers may hold meetings (Pornsiripongse et al., 2014). As Figure 7.2 shows, the setting was more intimate and informal than that of the forum, with participants sitting on reed mats placed along the perimeter of a small hall. The participants comprised civil society representatives from the STM Coalition and local community representatives from Thailand and Cambodia. There was no panel of speakers and although the discussion was initially led by a Thai representative from International Rivers and representatives from Ban Huai Leuk, the discussion was later facilitated by a STM representative and flowed relatively freely. Most of the discussion was in Thai, and the Thai facilitator translated the proceedings into English, which was in turn translated by RCC representatives for the Cambodian local community members. This participatory space was marked by informality, in part due to the lack of expert and state authorities during the event.
Information about both the Pak Beng Dam and PNPCA, from the Thai PNPCA stakeholder consultations and the MRC regional stakeholder consultation, was discussed. This revealed how the same technical information circulated and changed in form between different participatory spaces. Community representatives from Ban Huai Leuk raised their concerns about discrepancies between their own measurements and the technical details provided in the project documents. These discrepancies related to the water levels and the distance between the Kaeng Pha Dai reef and the proposed dam site. These inconsistencies were illustrated with a hand-drawn map (Figure 7.3), and various participants would approach the map to provide their input. This was reminiscent of the living document used in the PNPCA stakeholder consultations, albeit more dynamic. As opposed to having facilitators typing in or writing down feedback, here participants physically approached and engaged with the map, filling in gaps to create an overall picture of the discrepancies and concerns raised. In this space, technical information transformed into an object to be critiqued rather than passively received from technical experts, demonstrating the intersections and overlaps between technical and local knowledge. The performative act of critiquing the information reflected a criteria of truth valued by community and civil society, serving to challenge the regime of truth conceptualised by Rose (1999). Comparing the Thai PNPCA stakeholder consultations and the STM event, a village head said:

The meetings were very different, especially the information provided. The NGOs provided the actual information, and they also had examples. But as for the government meeting, some of the information they provided, they said it [the project and its impacts] has not happened yet and you don’t have to worry about this. (Interview, TG5)
Within this participatory space, power relations were reconfigured in the absence of state authority, and local community members were instead considered authorities of truth. Even though there was direct engagement with the technical information provided in the Pak Beng Dam project documents, I found that the discussion was easy to follow without having prior knowledge. Community representatives from Ban Huai Leuk were key subjects within this space of dialogue, feeling comfortable enough to criticise the DWR for failing to properly consult their village, providing updates on how they had contacted the NHRC and the DWR to obtain more information about the dam, and asking the Cambodian and Vietnamese representatives if they had faced similar challenges to their livelihoods. The other participants also shared their experiences, concerns, and posed questions to Ban Huai Leuk representatives, who had multiple opportunities throughout the session to share their views. This stood in contrast to the PNPCA stakeholder consultation held in Wiang Kaen District three months later, where the role of Ban Huai Leuk community representatives was restricted to questioning TNMC Secretariat officials during the Q&A segment. However, it was likely that the STM small group discussion played some role in preparing community representatives to engage with the technical discourse at the PNPCA meeting (discussed earlier in Chapter 6, Section 6.4.1).

Figure 7.3. The use of a hand-drawn map during the small group discussion. The map illustrated discrepancies between the data from the Pak Beng Dam project documents and knowledge from villagers and civil society.

It should be noted that a politics of scale was also demonstrated here. The event allowed the Thai community representatives to understand hydropower development on a regional level, in contrast to state problematisations of the PNPCA stakeholder consultations that placed community stakeholder consultations under the purview of national governments (see Chapter 5, Section 5.4.3). While local communities are often excluded from participating in decision making in national or regional arenas
(Dore & Lebel, 2010; Sneddon & Fox, 2006; Suhardiman et al., 2012), the participatory practices of this event, especially in bringing together subjects from across the region, established the ‘regional’ as an inclusive category that local communities could participate in. Gaining knowledge of negative experiences of hydropower development from local communities across the region further served to challenge the regime of truth established through the PNPCA. TG5 reflected on the usefulness of exchanging information with villagers and civil society representatives from Cambodia and Vietnam:

They also provided information about dam construction in their countries, and they shared their experiences on the impacts they received from the dams. Dam construction has already happened in their countries, but it has not happened here yet. They also talked about mitigation and they, the other countries, said that the mitigation has not been effective. So this information was very useful for me. (Interview, TG5)

NGOs from the STM Coalition were also perceived as authorities of truth. In both Thailand and Cambodia, several interviewees from local communities said that their primary source of information about mainstream hydropower dams was either from their networks or NGOs, rather than from government sources. TG5 said that he first received information about the Pak Beng Dam from a network that worked on the Mekong and Mun rivers in Ubon Ratchathani Province (Interview, TG5). In Cambodia, information about the Don Sahong Dam primarily originated from NGOs (Interviews, CC1, CC2, CC3, CC4, CC15, CC17), namely the WWF, the Culture and Environment Preservation Association (CEPA) and the Kratie-based Cambodian Rural Development Team (CRDT) for respondents from Stung Treng Province (Interview, CC1, CC15) and FACT for communities on the Tonle Sap Lake (Interviews, CC35, CG6, CG7). This may have contributed towards a perception among certain community members that information disseminated and evaluated through civil society-organised participatory spaces was more authoritative than information disseminated by the NMC Secretariats. These flows of information from NGOs to Mekong local communitimes reflect Vandergeest’s (2006) observation that ‘communities’ who undertake community-based natural resource management emerge from the interactions between trans-local networks and local networks and/or communities.

The plasticity of the technologies of participation and technical information described above allowed these elements to take on the characteristics of boundary objects conceptualised by Bowker & Star (1999), relating to how they inhabit multiple communities of practice and to satisfy each of these communities’ informational requirements. The performative dimensions of the STM Coalition’s participatory spaces created markedly different power dynamics due to the informality of the setting (e.g. sitting on the floor instead of chairs) and the conspicuous absence of experts associated with state authority. In contrast to the PNPCA stakeholder consultations, there was a lack of tension in the proceedings. Even though the content of the sessions and comments from the participants contained
critical views on mainstream hydropower development, these were directed towards state actors and
dam proponents who were not part of the event. In this sense, these participatory spaces may be
considered in the context of what Barnes et al. (2004) have conceptualised as ‘parallel discursive arenas’
where groups with shared aspects of identity meet to express and develop perspectives on an issue.

Technical information contributed heavily towards rendering PNPCA stakeholder consultations
technical, but in this participatory space it was mobilised as an object of critique. Chapter 6 had
demonstrated how the antipolitics of public participation had framed interventions in terms of technical
solutions, but when performed by state actors, these antipolitical technical interventions had ironically
been perceived as biased by community stakeholders. In contrast, the performative act of critically
evaluating and engaging with technical project information that was directly relevant to the potentially
affected community was deemed to be objective by providing communities with ‘actual information’.
An analytics of resistance therefore provides insight into how meaningful spaces of participation come
into being, especially in diagnosing and reaffirming criticisms of the antipolitical PNPCA stakeholder
consultations despite sharing common themes around information sharing.

7.3.3. Reshaping the boundaries of action

The mutually respectful relationship between local community representatives and NGOs was
built up over time and strengthened by the assistance provided by NGOs to pursue accountability. This
has been done by identifying and utilising multi-scalar ‘arenas of justice’ (Middleton & Pritchard, 2016)
through which they were able to exert influence, which included the PNPCA at the regional level, and
the Thai Administrative Court and the Human Rights Commission of Malaysia (SUHAKAM) at the
national level. The transnational flows of state and private investments into the mainstream hydropower
dam projects and shifting loci of authority (Hensengerth, 2015) had led the STM Coalition to pursue
multiple channels of recourse. This sub-section focuses on the Xayaburi lawsuit in Thailand and the
complaint filed to SUHAKAM over the Don Sahong Dam, which demonstrate how national arenas were
utilised as part of a regional, transnational campaign. These strategies took the novel approach at the
time of testing the extraterritorial obligations of the Thai and Malaysian governments in relation to
overseas investments carried out by companies from their respective countries. Key in the run up to the
filing of the lawsuit and complaint were consultations held with community members.

The Xayaburi lawsuit\(^{10}\) was not only unprecedented in terms of challenging Thailand’s overseas
investments, but also because it was the first time that local Mekong communities affiliated with the
STM Coalition had utilised legal strategies to challenge the Thai state (Chapter 5, Section 5.3.4). As
such, there was an initial need to overcome perceptions among community members that the courts were
only associated with criminal activities, and that they were at risk of being counter-charged or fined

\(^{10}\) Niwat v Electricity Generating Authority of Thailand, 2014, Thailand
should they lose the case (Interview, TN3). NGOs worked with Mekong communities to obtain their agreement to participate in the lawsuit (*ibid.*), resulting in 37 community representatives from the Thai Mekong People’s Network acting as plaintiffs and the collection of more than 1,000 signatures from community members supporting the lawsuit. ERI, who provided legal support, documented the process of how the CRC consulted with the Mekong community representatives (see Suriyashotichyangkul, 2012). Consultations were held in the provinces of Mukdahan, Bueng Kan, and Loei, during which a CRC lawyer explained the administrative procedures, the laws that could be used to challenge EGAT, and shared her past experiences to convince communities of the need to take action rather than suffer the negative impacts of such developments (*ibid*). The blog post contrasted these consultations with the PNPCA:

Consulting about a lawsuit is not just about getting the villagers’ consents and signatures. It is also about ensuring that all the villagers in all communities completely understand what we are trying to do; otherwise, they will not support the litigation over the long term. *Ironically, in discussing the communities’ options, Sor [the CRC lawyer] followed the process that should have been done under the MRC’s PNPCA. Sor informed them of the goal of the consultation; provided information and updates on the current situation; consulted and shared the experiences including the concerns raised by participants, and then worked out a consensus. [Emphasis added] (Suriyashotichyangkul, 2012)*

Thai civil society and communities could use Thai national institutions such as the NHRC and Administrative Court to hold the Thai government accountable for their involvement in mainstream hydropower development, but in Cambodia such options were not legally available. In addition, the locus of authority for the Don Sahong Dam did not lie with the Cambodian government, which was not an investor in the Lao mainstream hydropower dams. This reflected Middleton & Pritchard's (2016) observation that there was no one arena of water justice whose authority and jurisdiction could function as a ‘silver bullet’ for redressing claims of injustices, and civil society and affected communities therefore had to take innovative actions to pursue multi-scalar arenas of justice. For the Don Sahong Dam, the attempt to extract extraterritorial accountability was pursued in the Malaysian national arena by filing a complaint against the Malaysian project developer Mega First Corporation Berhad (MFCB) through SUHAKAM. The complaint, which was submitted in October 2014, argued that MFCB had ‘done little to understand the likely impacts of Don Sahong, done less to minimise its harms, and done next to nothing to inform and consult with the communities that will be affected’ (Community Resource Centre et al., 2014, p. 1). The complainants further argued that these actions went against principles of international law, which included ‘the duty to consult with and inform affected communities’ in addition to conducting an adequate investigation into the dam’s negative impacts and to mitigate them (*ibid.*).

The complaint to SUHAKAM was also supported by ERI and included community consultation. According to IN5, there were two rounds of community consultation held in Stung Treng and Kratie
provinces, involving about 200 people from NGOs and potentially affected communities. The invitations were issued by NGOs which worked in the potentially affected areas, namely the Northeastern Rural Development (NRD) and CEPA. Provincial, district, and commune government authorities were also invited and were present. At the first meeting, the participants were informed about the possible mechanisms through which they could seek recourse, including explanations about the 1995 Mekong Agreement, the PNPCA, background information on the Don Sahong Dam, and the possible role of SUHAKAM in holding MFCB accountable. At the second meeting, agreement was sought from community members to submit a complaint, and the participants were asked to select representatives who would travel to Malaysia to submit the complaint. Again, elements of the FPIC approach were present here, especially in the area of rights-holders making a collective decision and choosing their representatives (FAO, 2016) in relation to submitting the complaint to SUHAKAM.

These consultations associated with the SUHAKAM complaint also functioned as one of the main sources of information for these communities, given that very few were invited to the PNPCA stakeholder consultations (see Chapter 5, Section 5.4.1). CG2, a village official from Stung Treng Province, said that about 10 to 30 representatives from each potentially affected village attended the consultations, and added:

 Attending the dissemination meeting can lead local communities towards a good understanding of the impacts of the Don Sahong Dam. The people really didn’t know about the impacts, and we had very little knowledge about the hydropower dam. So since we had the dissemination meeting, we understood the dam’s impacts, that it could affect water quality, damage biodiversity in the river and surrounding areas, affect fish migration, and could cause a loss of the [Irrawaddy] dolphins. (Interview, CG2)

Interviewees from Preah Rumkel Commune in Stung Treng Province found the discussion of their options helpful:

I felt at that time that the NGOs were helpful. Even though they could not say directly that they really strongly supported us, they raised clear scenarios and analysis about what the impacts of the dam might be, what has happened so far, and what we should do. (Interview, CC1)

We now know that we cannot stop hydropower by doing campaigns. But another objective of the campaign is to get them to clarify and tell us who will be responsible for the impacts of the dam; if we are affected by the Don Sahong Dam, who will be responsible for this, provide compensation, and other things like that. But no one could address the issue of who would be responsible. (Interview, CG2)

Drawing on the perspective that participation should be considered as praxis that constitutes a ‘terrain of contestation’ that shape[s] and reshape[s] the boundaries of action (Cornwall, 2008, p. 276), these community consultations reshaped the boundaries of action by supporting local communities in
negotiating these multiple arenas of justice. As discussed earlier in Section 7.3.1, community concerns about accountability constituted a ‘residual category’ within the PNPCA stakeholder consultations and were therefore not adequately addressed. In STM-organised participatory spaces, the notion of meaningful participation was closely tied to ideas from FPIC and empowerment. Participation as a political methodology of empowerment (Hickey & Mohan, 2005) was not only constituted by knowledge of the proposed hydropower dam projects, but by avenues of action through which local communities may seek accountability. From the perspective of participants, these events enabled what Coyle (2016, p. 235) has described as an ‘authentic human exchange’ characterised by respect. Overall, this discussion reflects how participation is a multi-scalar pursuit, which may be seen as a rescaling of local social struggles that reconfigure power relations in order to connect with, gain leverage against, and to challenge the imperatives of the national and regional levels (Glassman, 2001; Hirsch, 2001; Sneddon & Fox, 2007).

7.4. Performing, enrolling, and re-centring the Mekong River

In enacting government at a distance, the PNPCA stakeholder consultations connected peripheral localities to decision making centres of the nation state (see Chapter 5, Section 5.3.5), reflecting Hirsch’s (2016) observation that contested development in the Mekong Region also should be seen in terms of shifting relations between centres and peripheries, which are shaped by development processes. It is communities along the borders of Thailand and Cambodia that will be affected by the transboundary impacts of mainstream dams. In Thailand, the eight Mekong provinces mostly constitute the Thai-Lao border. In Cambodia, it is the northeastern provinces of Stung Treng, Ratanakiri, and Kratie that have, and will be directly affected by current and future hydropower development on the Mekong River’s mainstream and tributaries. The Tonle Sap Lake, despite being known as the ‘heart’ of the Lower Mekong River (Campbell et al., 2009), the area of the lake extends up to 15,000 square kilometres during the flood season (Arias et al., 2014), is remote in its own way as much of it is only accessible by boat. Even though PNPCA stakeholder consultations took place in provincial centres, these venues could still be located a considerable distance away from potentially affected communities (see Chapter 5, Section 5.4.2). There is therefore a need to consider how meaningful public participation relates to the cultural and ecological landscapes within which riparian communities reside, especially in relation to considerations around place as a meaningful locale rather than just a location (discussed in Chapter 5, Section 5.4.2).

The physical and discursive dislocation of the PNPCA stakeholder consultations from centres of decision making demonstrate Hickey & Kothari’s (2009) recognition of how processes of decentralisation may ostensibly be played up while actually reifying processes of centralisation. This may also be considered a dislocation from the materiality of the Mekong River itself. Recognising that participatory practices are defined as heterogeneous socio-material collectives (Chilvers et al., 2018),
an examination of the sites of participation led by the STM Coalition in Thailand and Cambodia aid in expanding understandings of how these collectives emerge. Forums, workshops, and community consultations formed only part of the STM Coalition’s campaign against hydropower development. Other forms of campaigning, such as cultural events and protests, also reflect how meaningful public participation is perceived by local communities and what such spaces of public participation may entail. This further reflects the distinction between invited and popular spaces, the former being structured and owned by those who provide them, such as consultations, and the latter being spaces that people create for themselves (Cornwall, 2008) (see Chapter 3, Section 3.3.3).

The STM Coalition event of March 2017 involved activities that were closely associated with the materiality of the Mekong River. The public forum was followed by performances by Chiang Khong youth, the reading of the Chiang Khong Declaration by representatives from Thailand, Cambodia, and Vietnam in their respective languages (Figure 7.4), and the symbolic release of a float carrying a sign inscribed with the words ‘No Dam’ in bold red, which was surrounded by multi-coloured flags inscribed with the thoughts and sentiments of participants (Figure 7.5). The visit to Ban Huai Leuk included a visit to the village’s fish conservation zone and the Kaeng Pha Dai reef (Figure 7.6). The non-technical, cultural elements of life along the Mekong River bring these participatory spaces into being, capturing key elements of the Mekong River that the PNPCA stakeholder consultations were unable to, and foregrounding the lived experiences of Mekong local communities. This was reflected in the Chiang Khong Declaration:

The Mekong is our mother river, home to unique biodiversity and a lifeline for millions of people throughout the river basin. We recognise the efforts of Mekong communities who are working to protect and preserve the unique ecosystems and resources of the river for future generations. We are extremely concerned by large-scale development plans, which ignore knowledge, cultures, and voices of the women and men in the Mekong Basin whose lives and beliefs are inherently intertwined with the Mekong River. Planning and decision-making over hydropower and other developments on the Mekong River have lacked public participation, transparency and accountability. (Save the Mekong, 2017)
Figure 7.4. Reading of the Chiang Khong Declaration by the Save the Mekong Coalition

Figure 7.5. Release of an anti-dam float on the Mekong River
In the case of the Xayaburi dam, there were strong, public shows of resistance against the proponents of the mainstream dams in Thailand carried out in the wake the Xayaburi PNPCA (see Chapter 2, Section 2.6.1). The Thai Mekong People’s Network conducted protests in Bangkok in April 2012 outside the headquarters of project developer CH. Karnchang and the Siam Commercial Bank, one of the four banks financing the dam. Community representatives held up banners that said ‘Fish is [sic] our life’ and ‘No dam on the Mekong’ in English, and also raised large replicas of Mekong fish that were mounted onto long sticks (see Ganjanakhundee, 2012). During the flotilla protest in Nong Khai that coincided with the 2012 ASEM in Vientiane, banners carrying demands such as ‘Stop the Xayaburi Dam’ and ‘Don’t dam the Mekong River’ were mounted onto the boats which occupied the Mekong River. Protests were considered as part of a multi-pronged approach to gain attention from decision makers and support from the wider Thai public through media attention (Interview, TC1). These forms of resistance showed strong parallels with the direct action taken by the AOP against the Pak Mun Dam, which saw villagers bringing their grievances and protests to Bangkok multiple times between 1993-2000 (Foran & Manorom, 2009; Glassman, 2001; Missingham, 2003).

In Cambodia, similar strategies were also evident before and after the Don Sahong PNPCA. On 29-31 March 2014, Oxfam Australia, International Rivers, and the NGO Forum organised a three-day campaign to protest the Don Sahong Dam, involving about 400 people who travelled down the Mekong River on longboats bearing banners through the provinces of Kratie, Strung Treng, and Kampong Cham (Phak, 2014). WWF Cambodia also organised a boat protest in Phnom Penh in September 2014, in conjunction with an international petition campaign, during which protestors raised banners and cut-outs of the Irrawaddy dolphin and Mekong fish, and another campaign held in Preah Rumkel Commune.
in December 2015 (Crothers & Hul, 2014; WWF, 2015). Apart from the SUHAKAM complaint and a thumbprint petition, the events held in Stung Treng province were also mentioned by the community participants from Preah Rumkel Commune and the provinces surrounding the Tonle Sap Lake (Interviews, CC1, CC2, CC3, CC4, CC5, CC25, CC27, CC29, CC31, CG2). The protest held in Preah Rumkel was significant in that it took place along the border, within sight of the Don Sahong Dam site, and enrolled a wide range of human and nonhuman entities. This included not only NGO and community representatives from across Cambodia including the vast Tonle Sap Lake, but also local authorities, the wider public through a petition and media attention, and nonhuman entities such as the Mekong River and the Irrawaddy dolphin that lived in the same area (Bangkok Post, 2014; WWF, 2014).

The carrying out of direct action had important performative effects in terms of nurturing the voices of participants such that they felt empowered to effect change, reflecting the considerable differences in power relations between invited and popular spaces (Cornwall, 2008). This also reflects how social movements are constituted by the intertwining of culture and politics that directly challenge existing power relations rather than work around them (Hickey & Mohan, 2005), which are both a key participatory strategy and practical action that utilises popular pressure and adversarial tactics over benign collaboration (Oakley, 1995). The performative expectations of conduct in the PNPCA stakeholder consultations were suspended or reversed in these alternative participatory spaces, producing new subjectivities and performative acts. Protests served as a key opportunity for community representatives to voice their concerns unmediated:

For activities like the protest in Nong Khai, we can raise our voices directly to the government. But for the PNPCA meetings, we need translators, and we need a middle person to raise our concerns. I don’t know how they will raise this. So this is the difference. (Interview, TC9)

The performative effect of holding of protests along the Mekong River was important not just in terms of drawing attention to the materiality of the river, but also for representatives from potentially affected villages who were able to participate in a familiar physical setting that was part of their everyday lives. Participation serves to create identities or subjectivities (Barnes et al., 2004), and this process is intertwined with the performative dimensions of participatory events, where performativity is understood as a ‘situated convergence’ of heterogeneous entities and ‘force relations’ that facilitate the emergence of people, place, and things (Kaiser, 2014, p. 123). Such events served as a display of solidarity between participants, which emboldened community members at the time:

I remember the campaign where there were banners and slogans against the Don Sahong Dam… We had no fear in joining the campaign, because there were many other participants as well. We cannot do it now because only a few people would participate. Others do not understand [our situation], and we don’t know how to explain it to them… Hundreds of people had joined the campaign
previously, and it seems hopeless to organise a campaign now because the dam is already constructed. (Interview, CC3)

These participatory spaces positioned the Mekong River and its entities as central, rather than peripheral objects of concern. Protests drew visual attention towards the materiality of the river and community concerns, in contrast to their abstracted, technical forms at the PNPCA stakeholder consultations. This is especially important when considering how such images of the protests and the Mekong River are disseminated through the media, which generally functioned as a key advocacy strategy to raise public awareness on the Xayaburi Dam (Yasuda, 2015). Even when protests took place in Bangkok and Phnom Penh, nonhuman entities such as fish were represented, highlighting concerns about the impacts of mainstream dam development on fish migration. Such visually arresting images (for example, see https://www.bangkokpost.com/photo/photo/290238/xayaburi-dam-protest) were later reproduced in media articles about Mekong mainstream dam development, even when these articles did not directly reference the protests.

Participating in activities that engaged with the materiality of the Mekong River was also important in other ways. Some interviewees from Cambodia took part in a study trip in 2014 to Thailand to learn about the Pak Mun Dam, the ineffectiveness of its fish ladder11, and its impacts on communities in terms of water flow and fish migration (Interviews, CC25, CG2, CN7; also see Corben, 2014). These interactions with both the material structures of the dam and with representatives from the region allowed community representatives to gain a sense of the technical controversies in dam construction and the implications of mainstream dam development for the entire LMB:

They said they were going to build a fish ladder [for the Don Sahong Dam], but I went to Thailand and saw that the fish ladder there [at the Pak Mun Dam] does not work. The fish cannot migrate up, so it doesn’t work at all for fish migration and I feel that it is not going to work for the Mekong fish … Vietnam is more strongly against the Don Sahong Dam than Cambodia, because of the Mekong Delta. They feel really worried and are more concerned than the Cambodian side, they feel they will be hurt more than us. The countries are connected, first because of the water flow, and second because of fish migration. (Interview, CG2)

In a way, the material entities of the Mekong River were implicated in co-producing the distinct forms in which social struggles have been rescaled from the local to the regional level, demonstrating an intertwining with what Glassman (2001, p. 525) had called ‘place-specific, situational political economic, and sociocultural forces’. This also reflects Sneddon’s (2003, p. 187) suggestion that the materiality of the Mekong River’s resources could lay the grounds for ‘innovative political thinking and practice’. In Thailand, the historical legacy of the social movement against the Pak Mun Dam, the

---

11 A fish ladder is a type of fish pass that is utilised as a means to mitigate the impact of dams relating to the blocking of fish migrations (Baran, 2010).
complicity of the Thai state in Lao hydropower development, and the use of Thai arenas of justice to pursue accountability made the national arena a particularly important realm of contestation. In Cambodia however, it was precisely because the protests were not directly targeted at the Cambodian government that NGOs were given permission to hold protests at multiple sites in the country. These protests were possibly targeted towards a regional or international audience, for example as seen from the WWF’s international petition campaign and its associated events. Nonetheless, these participatory spaces shared a common basis in the materiality of the Mekong River, whether they were located physically close to the Mekong River or not. Recalling that Chilvers et al.’s (2018, p. 201) concept of the *ecologies of participation* constitutes the ‘mutual interweaving of social, normative, cognitive and material elements’ and comprises the three elements of *subjects, objects, and models*, the materiality of the Mekong River may be considered a fourth component in this concept when applied to the unique landscape of participation that has emerged within the LMB.

7.5. Participation and power-geometries: encountering the heterogeneous state

Thus far, this thesis has examined public participation as events that occupy very particular time-spaces. However, it is necessary to emphasise the linkages between different participatory spaces. For community representatives aligned with the STM Coalition, the participatory spaces they perceive as meaningful stand in stark contrast to, and expose, the weaknesses of the PNPCA stakeholder consultations. This has influenced the ways in which the stakeholder consultations were perceived. This section examines the relational dimensions of public participation by situating them within national political contexts and the issue of community engagement. There is a need to recognise that participation is a ‘broad, multi-dimensional phenomenon with political, economic and social characteristics’, which should be regarded as a process rather than a one-off activity (Oakley, 1995, p. 23). The range of participatory spaces initiated by civil society have also led to multiple and differentiated encounters with the heterogeneous state, which are in turn situated within the wider political context of each country. These state and nonstate spaces of participation need to be studied in relation to one another to understand how the experiences of subjects in one participatory space shape their experiences in another.

This relational approach towards understanding public participation draws upon Cornwall’s (2004) proposal to understand these spaces as being embedded in unique cultural understandings and political configurations constituting the field of governance. These spaces are situated within institutional landscapes ‘as one amongst a host of other domains of association into and out of which actors move, carrying with them relationships, knowledge, connections, resources, [and] identities’ *(ibid.,* p. 9). The participatory spaces of the STM Coalition are still situated within Massey's (1992) notion of a power-geometry where the elements of domination, subordination, and cooperation are entangled in a complex web of relations. As such, efforts to engage communities should take into account Oakley's (1991, p. 4) recognition of the ‘powerful, multi-dimensional and, in many instances,
anti-participatory forces which dominate the lives of rural people’, and that these deeply embedded relations of power cannot be overturned simply by invoking the concept of participation. This section pays closer attention to the political and authoritarian contexts of Thailand and Cambodia, where events such as the May 2014 coup in Thailand and Cambodian Prime Minister (PM) Hun Sen’s visit to the Don Sahong Dam in early-2017 had negative implications for the forms of public participation discussed in this chapter thus far. Different types of encounters with state authority in both countries are first set out, before discussing of the significance of political contexts.

7.5.1. Thailand

As discussed in Chapter 6 (Section 6.5), the TNMC and CNMC secretariats and other technical agencies have occasionally been, to varying degrees, sympathetic to the technical concerns raised by the STM Coalition. However, participants in the STM Coalition’s campaign have also encountered other forms of state authority within the heterogeneous Thai and Cambodian nation states. In Thailand, this has involved encounters with the state judiciary, local governments and the state security apparatus. In submitting the documentation required for filing the Xayaburi lawsuit, villagers encountered the Thai Administrative Court staff, who were cooperative in helping to explain the court procedures to the community plaintiffs (Interview, TN3). This would have been important in assuaging the initial reservations that local community members had about using the Thai courts to hold the government accountable (discussed earlier in Section 7.3.3). However, such positive experiences were few. Following the Nong Khai protest, it was not only the TNMC Secretariat who voiced their displeasure with the participants (Chapter 5, Section 5.3.6). Participants from Nong Khai recalled being reprimanded by the provincial governor (Interview, TC2) and briefly questioned by police (Interview, TC3). A chief district officer in Nong Khai had apparently also told villagers in the district not to trust the NGOs who were campaigning against Mekong hydropower development (Interview, TC16).

The May 2014 coup and instalment of the military government marked a turning point in bringing repressive performances of state authority into the intimate spaces of community consultations. On 11 November 201412, four military and three police officers interrupted a meeting held between the CRC lawyer and community members in a hotel in Udon Thani. The lawyer was made to sign a letter requesting permission to conduct the meeting, and the military stayed to observe the meeting and collected documents relating to the lawsuit (Prachatai, 2014). Some community leaders were also approached by the military and threatened with repercussions if they lost the lawsuit (Interview, TN3). TN3 said that after these incidents, meetings with communities had to be held at night to avoid detection. TN3 added that it was due to the prior trust established with the community representatives that they decided, even in the face of state intimidation, to further pursue an appeal against the Administrative

---

12 This was about five months after the Thai Supreme Administrative Court’s decision to reverse the Lower Court initial rejection of the case (Thai Supreme Administrative Court, 2015).
Court’s ruling in favour of the government in December 2015. In general, it was more difficult to organise campaign activities under the military government (Interviews, TC1, TN3). The 2015 public assembly law banned ‘political’ gatherings of five or more people and required people wanting to stage demonstrations to notify authorities in advance (Bangkok Post and AP, 2015; The Nation, 2018b). This did not mean that events were completely prohibited, especially if they did not challenge the political regime’s legitimacy (Interview, TN3) or where good relations existed between NGOs and the local authorities, such as in the case of the Rak Chiang Khong (Interview, TN4), which hosted the STM event in March 2017 and also conducted fierce protests at the time against a rapids blasting project.

Relations between members of the Thai Mekong People’s Network and the DWR also extended beyond the PNPCA. At this point it is worth reiterating the value of knowledge and information to all those affiliated to the STM Coalition, as seen from their repeated calls for further studies to be conducted before dam construction proceeds. TC4 said that in about 2010 or 2011, the DWR had discussed with the Rak Chiang Khong the possibility of conducting a study about fish, but the DWR did not have a plan on how to get villagers involved and eventually had the Department of Fisheries conduct the study with the assistance of students (Interview, TC4). TC2 expressed her frustrations over the DWR’s 15-year study due to their decision to work with Thai universities and the DWR Volunteer Network over her group that was part of the Thai Mekong People’s Network. She added that ‘the DWR does not respect the knowledge of local people. We have the knowledge, and we have studied these issues before, but they just ignore our knowledge’ (Interview, TC2). TC3, who is part of the DWR Volunteer Network, also argued for a more participatory approach to be adopted in carrying out these studies, saying that he disagreed with the universities’ approaches that did not include local villagers as co-researchers, or allow university researchers to learn from villagers how the research could be carried out (Interview, TC3). This devaluation of local knowledge is elaborated on in Section 7.6.4.

7.5.2. Cambodia

In Cambodia, the political power wielded by the ruling Cambodian People’s Party (CPP) runs deep into rural areas. The majority of the communes in Cambodia are CPP communes and local authorities, namely commune and village officials, are also party members (Croissant, 2018). Permission to conduct public campaigns against the Don Sahong Dam had to be sought from the provincial authorities. The central government, including the CNMC Secretariat, did not overtly show support for or participate in these events, but the provincial governments’ approvals for the events and the participation of commune and village authorities indicated the central government’s tacit approval (Interviews, CG3, CG4). Several interviewees also recalled that Pol Ham, the chairperson of a National Assembly commission, also visited Preah Rumkel to hear their concerns (Interviews, CC2, CG2, CN3). However, Cambodian civil society also encountered obstacles from state authorities, not in the form of intimidation but the denial of permissions in the more central provinces of Cambodia. During the three-
day campaign in March 2014 (discussed in Section 7.4) the Stung Treng and Kratie provincial authorities granted permission to carry out the campaign, but the Kampong Cham provincial authorities did not allow the participants to enter Kampong Cham to conduct a march in town (Phak, 2014). The Kampong Cham Provincial Hall administrative chief was quoted as saying ‘It is a dam in another country, and [this] province is not involved in it’ (ibid.). The WWF’s planned protest cruise along the Tonle Sap River in Phnom Penh was also disallowed by City Hall authorities who ordered the protestors to stay on land, leaving the protestors to protest on the docked boat (Crothers & Hul, 2014).

Other domestic developments in Cambodia taking place around the same time as the Don Sahong Dam campaign had a chilling effect on advocacy efforts against hydropower development. This had to do with the Cambodian government’s pursuit of hydropower development, and a series of crackdowns on opposition elements in the runup to the 2018 general elections. In 2015, there was a high level of coverage by both the domestic English press (the Phnom Penh Post and the Cambodia Daily) and international press over the controversial LS2 Dam which had commenced construction in February 2015 (see Chapter 2, Section 2.6.3). The issue of the LS2 dam was more politically sensitive than the Don Sahong Dam (mentioned in Chapter 5, Section 5.3.6), as criticism was directed towards the Cambodian government. This development took place concurrently with the passing of the controversial Law on Associations and Non-Governmental Organisations (LANGO) that was approved by the National Assembly in July 2015. This ‘NGO Law’ extended government oversight and control over registered NGOs in the country, which Baird (2016) argues had influenced the willingness of Cambodian NGOs to take a stronger stand on issues such as the LS2 dam. CN5 made an observation that reflects Dore & Lazarus's (2009) point that dissent is often unhelpfully conflated with disloyalty in the Mekong Region:

Now we face a very big challenge with LANGO. It’s very sensitive… We give them [the government] some recommendations, some comments, how to do a good thing to bring benefit to the people. But in their minds… they feel like we are their enemies. There was one politician from the ruling party who said… those who are against development projects will be treated as traitors… This is what they said during the time we conducted the campaign against the Lower Sesan 2 project. (Interview, CN5)

The turning point for the Don Sahong Dam came in November 2016, during a bilateral meeting held between Cambodian Prime Minister (PM) Hun Sen and Lao PM Thongloun Sisoulith. Hun Sen announced that ‘there is no issue with the [Don Sahong] project, and there is no impact in terms of lack of water or fish migrations’ (Down & Kang, 2016). He also thanked Laos for pledging to sell electricity at a low cost to the Cambodian provinces close to the dam (Vong & Maza, 2016). Hun Sen then visited the dam with the Lao PM in January 2017, reaffirming his support for both the project and the supply of cheap electricity from Laos (Van, 2017). Interviewees from Stung Treng-based NGOs agreed that these performative acts had an impact on their work. CN3 said that their work on the Don Sahong Dam
had become ‘silent’ following this development, and that it was now more sensitive and difficult to work on this issue (Interview, CN3). CN4, comparing the situation before and after Hun Sen’s announcement and visit, said:

Communities and NGOs had the space to raise their concerns about the dam construction’s impacts. Local authorities also had the space, and at that time there was also government support. The Prime Minister’s support for the Don Sahong Dam was a surprise for everyone… after he said that they [communities and NGOs] felt that they could not speak out anymore. (Interview, CN4)

The performative force of Hun Sen’s announcement and visit to the Don Sahong Dam was a strong one, reflecting the unchallenged power that Hun Sen wields on decision making processes in Cambodia (Morgenbesser, 2018). This was also felt by interviewees from Preah Rumkel, who had not seen any NGOs in the area since 2017 to follow up on the issue and monitor the impacts of the dam (Interviews, CC1, CC2, CG2). CC2 said that because of political pressure, the NGOs that used to be active in the campaign, such as WWF, CEPA and CRDT, were not as active on hydropower issues anymore. They did not see CEPA around often, and CRDT had shifted its focus onto livelihood issues (Interview, CC2). CG2 said that there was nothing they could do about the issue because they needed the support of the RCC network to take any action, adding that ‘now it seems like our network, like the Tonle Sap network, or the Mekong network, we don’t have any communication with them at all. We seem to have lost them, and there is no talking within the network’ (Interview, CG2). This lack of action by the RCC may also be seen in conjunction with the loss of faith in influencing hydropower development through the perceived lack of successes yielded by the STM Coalition’s campaign.

7.5.3. Situating anti-participatory forces in political context

To understand the STM Coalition’s lack of trust in the PNPCA stakeholder consultations, it is necessary to examine the ways in which different forms of state authority have inserted themselves into civil society-led public participation. Although there were some positive instances of engagement with state authority, these generally took place with lower level authorities such as technical agencies or local government officials who did not have much of an influence on decision making processes. This may be attributed to highly centralised decision-making processes in Thailand and Cambodia (Chapter 5, Section 5.3), and the dislocation of Mekong provinces from decision-making centres (Section 7.4). The distrust in the PNPCA stakeholder consultations was intertwined with and exacerbated by experiences of state intimidation, marginalisation of local knowledge, clampdowns on political freedom, and interests in Lao hydropower development. The key political events in Thailand (the May 2014 coup) and Cambodia (the passing of the NGO Law and Hun Sen’s visit to the Don Sahong Dam) reflect the need to highlight how anti-participatory forces are generated in the political context of growing authoritarianism in both countries. This relates to Yasuda's (2015) argument that NGO advocacy strategies have to be situated between formal rules and norms that may stem from the MRC, national
governments, and civil society themselves. This is becoming a critical issue at the national level. Even though government in Thailand and Cambodia have been historically characterised by authoritarian elements despite their ostensibly democratic facades, the developments discussed above have demonstrated a hardening of authoritarianism in both countries (see Baker, 2016; Croissant, 2018).

For Thailand, Baker (2016) has argued that the 2014 coup was a history-changing coup where the military government positioned itself at the apex of the political system, and its actions to silence opposition through regulations and techniques of intimidation were more aggressive than any coup since 1976. There are also implications arising from changes to the legal frameworks that made provisions for public participation, such as the 2007 Constitution and the 1992 Enhancement and Conservation of National Environmental Quality Act (NEQA) (see Chapter 5, Section 5.3.4). The 2017 Constitution contains provisions that would curtail the right to freedom of expression, for example making it easier for government agencies to reject public requests for information (Palatino, 2016). While Section 67 of the 2007 Constitution recognised the right of a person or community to ‘participate… in the conservation, preservation and exploitation of natural resources’ (Bureau of Technical and International Cooperation, 2007, p. 33), in Section 43 of the 2017 Constitution this has been modified to a right to ‘manage, maintain and utilise natural resources, environment and biodiversity’ in accordance with the law (Office of the Council of State, 2017, p. 14), appearing to strip the notion of participation from its normative dimensions. The revised NEQA, which was passed in April 2018, was opposed by environmental groups which argued that it favoured investors by shortening EIA processes and that the bill was drafted without public participation (Prachatai, 2017; Rujivanarom, 2017b).

In Cambodia, Hun Sen is the world’s longest serving prime minister, having served in the position since 1985. However, the hardening of authoritarianism in Cambodia described in Section 7.5.2 should be contextualised in challenges to Hun Sen’s power in the past five years. At the 2013 general elections, the opposition Cambodia National Rescue Party (CNRP) unexpectedly made huge gains and reduced the governing CPP’s majority in the 123-seat National Assembly from 90 seats to 68 seats, and secured 44.5 percent of the vote against the CPP’s 48.8 percent (Mccargo, 2014; Sutton, 2018). In this context, Curley (2018, p. 262) describes the NGO Law as carefully crafted piece of legislation that functioned as part of a recent trend relating to the Cambodian government’s use of legislation as a political tool to increase control and intimidation of its political opponents. This trend has allowed the government to launch a crackdown on media freedom through the forced closure of the independent and critical Cambodia Daily newspaper and revocation of radio station licenses, and culminated in the forced dissolution of the CNRP in 2017. This crackdown on political freedom also extended to the realm of environmental activism. Since 2015, six members of the NGO Mother Nature, which had campaigned against hydropower dams and illegal sand dredging, were variously jailed, given suspended sentences or fined (Gray, 2018); the NGO was de-registered in 2017 (Mech & Baliga, 2017). Following the dissolution of the CNRP, environmental activists also reported facing difficulties in carrying out their
work, which had been obstructed by local authorities (Lipes, 2018). According to CN5, in 2015 his organisation had also been accused by government officials for colluding with the CNRP, but he was able to refute the accusations in a respectful and firm manner (Interview, CN5).

This purpose of this discussion is not to paint an overly-pessimistic picture about the closure of avenues for public participation, but to highlight the increasingly challenging political climate that civil society and local communities have had to contend with in the past five years and are likely to contend with in the future. Rather, what this thesis has demonstrated thus far is Li’s (2007) observation of an intimate linking of openings and closures, where struggles in governance are characterised by what Foucault (1983) has termed a ‘permanent provocation’ situated in the heart of power relationships (see Chapter 3, Section 3.2.4). Despite the hardening of anti-participatory forces, civil society and local communities have nonetheless found openings within varied participatory spaces to challenge, or negotiate with, the differentiated arms of the state even if this has not fundamentally shifted the logic of mainstream hydropower development. This further demonstrates the need to understand participation as co-produced, relational, and emergent, so as not to eclipse any opportunities for resistance. Paying attention to these political contexts, locating participatory spaces within a power-geometry, and highlighting the instances where participation has been met with the repressive arms of the state serve to deepen an understanding of why the PNPCA stakeholder consultations, as mostly one-off events, may be distrusted and considered unmeaningful by participants, especially those associated with the STM Coalition. This is not to say that participatory events initiated by STM Coalition were without flaws, and the next section turns to how the one-off events initiated by these nonstate actors also must be situated in their wider contexts.

7.6. Constructions of the local: the challenges of community participation

For civil society actors, sustained community engagement remains a challenge beyond the events that were organised as part of the STM campaign. As long as public participation is thought of in terms of discrete events, there will be limitations on the extent to which a wider ‘public’ may be enrolled into networks of interest opposing hydropower development in the Mekong Region. While this chapter has thus far differentiated between kinds of participation, attention is now turned to the question of who participates (Cornwall, 2008). This is closely linked to the intentionality, or rationales behind ‘doing’ participation (Stirling, 2008; Wesselink et al., 2011). Understanding participation as praxis, consideration is given to how a balance between depth and inclusion may be struck based on the circumstances to achieve optimum participation, given that most participatory processes ‘do not and literally cannot involve “everyone” [original emphasis]’ (Cornwall, 2008, p. 276). From a spatial perspective, this involves questioning how local community engagement is tied to what Mohan & Stokke (2000, p. 1) have termed ‘the dangers of localism’ in participation, a caution against underplaying local inequality, power relations, and multi-scalar political-economic forces. This relates to Massey's
(2005, p.140) notion of the ‘event of place’; understanding place through its relationality and negotiation between the here-and-now and ‘then-and-theres’ (history-geography). These elements are also closely tied to the politics surrounding the constructions of the public and scale that was discussed in Chapter 5, Section 5.4. This section will delve into the myriad constructions of the local and their implications for public participation in the LMB.

7.6.1. The local as a site of representation and spatial legitimacy

The STM Coalition has consistently called for meaningful public participation and for local communities to be placed at the centre of decision making around hydropower development in the Mekong Region. The enrolment of local communities into the STM campaign against Mekong mainstream dams was considered to be critical, as the legitimacy of NGOs could be undermined by questions about what Cornwall (2004, p. 3) has explained as ‘who speaks for whom, and how claims to represent are made and negotiated’. This relates to a notion of ‘spatial legitimacy’ that draws upon differentiated constructions of the ‘local’ by a range of stakeholders, whereby legitimacy may be perceived to be dependent on place-relational factors such as spatial proximity where only ‘local’ residents may be conferred with a legitimate voice (Bosca & Gillespie, 2018).

This is a line that may be drawn by state actors, especially in Cambodia, who harbour a distrust of NGOs and their credibility in speaking on behalf of local communities. CG1 made a distinction between the comments made by NGOs and community representatives during the Cambodian PNPCA consultations, describing the local community comments as being ‘copied from the NGOs’ without fully understanding what they meant, containing mistakes and lacking clarity (Interview, CG1). CN8 said that only a people’s movement could effect change, and added that ‘if we [NGOs] do the work for them, the government will not believe them and say that the concerns are from NGOs and not the local community’ (Interview, CN8). However, this presented a conundrum because Cambodia lacked a long a history of civil society movements against hydropower, and community members were unable to lead the campaign due to the limited experience of local NGOs with hydropower advocacy and the limited time spent consulting with communities (Interview, IN5). CN5 reflected:

One lesson learnt, I think, is to mobilise the grassroots. And then before we can mobilise them, we have to put in more effort to train them, to raise awareness, to educate them about the impacts of hydropower development. This is something very important that we have to do, and we cannot do it within a short time period. We need to put in more effort, more resources, and more time to educate them. (Interview, CN5)

In Thailand, where there has historically been a strong anti-hydropower dam movement led by villagers (see Chapter 2, Section 2.6.2), the campaign against the mainstream dams was largely fronted and led by the Thai Mekong People’s Network. This network comprised both NGOs (the Rak Chiang Khong in Chiang Rai Province), and in Isan, networks of community members who described
themselves as a ‘Council’ rather than as an organisation. TN1 noted the importance of having local communities front the movement against hydropower development:

You can say that for the movement against the Xayaburi Dam, the main actor was the Thai local community network … I think it made the public understand, and made the media interested to cover the issue – not only in Thailand but also at the regional and international level – it could have made other sectors who wanted to get involved in decision making to come. Because if local people do not say something, if they didn’t voice their concerns, then other sectors, like NGOs or national, regional, or international organisations cannot say anything much, cannot put on the pressure, and cannot support them much. So it is very important for local people to start to campaign. (Interview, TN1)

This reflects how the issue of legitimation is intertwined with the ways in which the state uses the notion of the ‘local’ to disempower (Mohan & Stokke, 2000), which may be the case for Cambodian NGOs and local communities. Mohan & Stokke (2000) argue that it is critical to question how the ‘local’ is constructed in relation to other scalar categories. This provides some insight into how the STM movement depended on establishing the ‘local’ as a category through specific practices, which in turn provided the foundation for the establishment and legitimisation of other scalar categories of practices at the national, regional, and international level to support the campaign. This demonstrates that the local is far from subordinate to ‘higher’ scales in environmental governance (Bulkeley, 2005) and that the defence of place may be a rallying point both for theory construction and political action (Escobar, 2001). This also has implications for utilising a politics of place, such as the symbolic use of sites to gain leverage in Mekong water governance (Lebel et al., 2005) and in considering the cross-scale interactions that have to be factored into multi-stakeholder engagement in the Mekong Region (Dore & Lebel, 2010).

7.6.2. Local level power geometries

While Section 7.5 has shown that the national level political context has important implications for public participation, this subsection examines the influence of local state authorities on public participation in Mekong hydropower governance. Here, attention is paid to the subdistrict (tambon) level and below in Thailand, and the commune level and below in Cambodia. Unlike NGOs who deal specifically with environmental issues, most community representatives must consider the interests of their communities not only in relation to hydropower, but all other aspects of their lives. Local authorities play a key role in providing local public services and development projects, constituting a critical node within Cornwall’s (2004) conceptualisation of institutional landscapes as one of the many ‘domains of association’ through which actors move. Again reiterating that power differentials and participation are intricately intertwined (Berry & Mollard, 2010; Braun & Könninger, 2017) and that the site of the local serves as a building block for civil society’s scalar construction of legitimacy, it is necessary to investigate these local level power relations. This involves understanding the key role that
local state authorities, through direct and sustained contact with local communities, play in shaping the *conduct of conduct*. While the threat of national-level authoritarian state power (Section 7.5) shapes the conduct of conduct through techniques of intimidation against environmental activists, an examination of local-level political contexts further reflects both the nuances around the (dis)incentives for local community members who may consider speaking out against hydropower development, and also how the interactions between multi-scalar state authorities influence local-level forms and degrees of public participation.

In Thailand, local authorities at the sub-district (*tambon*) level have responsibilities in key areas such as the promotion of local economic development and the provision of local public services (Buchenrieder et al., 2017). Community representatives may be wary of antagonising local authorities and may in reality pick their battles. A village chief in Thailand said that it was difficult for the heads of villages to lead opposition against development projects, but the *Rak Chiang Khong* as a community-based NGO could do so and therefore played a useful role (Interview, TG6). This indicates that village representatives were held to different expectations of conduct as compared to NGO representatives. However, TG6 also said that he was not always aligned with the *Rak Chiang Khong* in opposing all large development projects, such as special economic zones, unless the issue would directly negatively impact his village, in the cases of the Pak Beng Dam or the rapids blasting issue (Interview, TG6). This reflected an embedded hierarchy in constructions of the ‘local’ (Bosca & Gillespie, 2018), highlighting the agency of local community representatives to privilege some issues over others. This also reflected a consideration of *intentionality*, a notion that pays attention to the rationales behind participation, or the question of ‘why do participation?’ (Wesselink et al., 2011, p. 2690). TN1 said that local people had to work with the *tambon* authorities and could not appear too aggressive or only concentrate on hydropower issues. This indicates that participation in the defence of constructions of place must not only be situated in the context of multi-scalar strategies of localisation (Escobar, 2001), but also in local-level power-geometries involving social, political, and cultural factors:

> Local people use a cultural approach and organise cultural activities. But national or international NGOs may use an environmental-political approach to campaign to directly stop the main actors with campaigns and pressure, which is different from the local approach. This is because the local people cannot only work on the issue of hydropower dams, but also have to consider different activities. (Interview, TN1)

In Cambodia, local authorities are usually affiliated with the CPP and some environmental activists have recently reported that the local authorities have obstructed their work since the dissolution of the CNRP (Lipes, 2018). Commune officials play a key role in terms of providing for infrastructure, local economic development, and public services, and it is important to highlight that community relationships with these authorities are not always characterised by distrust and antagonism. State
authorities also constitute the construction of the ‘local’ and spatial legitimacy, which could have implications for whether local community members may choose to ‘do’ participation. A 2005 survey found that the commune councils were trusted more than the provincial and national authorities, and that village chiefs were considered by the majority of respondents to be the best protectors of village interests at the commune level (Ninh & Henke, 2005). In Kampong Khleang commune in Siem Reap, three interviewees mentioned that their village chief had told them that there would be no impacts from hydropower development. Two said that they were not so worried about hydropower after hearing what the village chief said, while one said she still did not believe the village chief (Interviews, CC33, CC35, CC37).

Local community representatives had to adapt their strategies to maintain their relationships with local authorities. CC22 from the Tonle Sap Lake said that their efforts to disseminate information about hydropower were constrained by local authorities who expressed their unhappiness with, and withheld permission for workshops dealing with sensitive topics relating to human rights and hydropower. He said, ‘We could not get permission, so we had to change our workshop topics to make it softer. If you talk about climate change, that is welcome, but if hydropower, no’. He added that the issue of hydropower development would have to be incorporated under the theme of climate change (Interview, CC22). In this case, CC22 had to negotiate the embedded hierarchy present in constructions of the ‘local’ influenced by local authorities, and make strategic choices about the issues of concern to be included in these participatory spaces to achieve ‘optimum’ participation (Cornwall, 2008). Understanding these local power-geometries is important because there is a need to critically assess the ‘unreflecting normativity’ that characterises participatory approaches in development (Braun & Könninger, 2017), and to better understand the local-level constraints that communities have to navigate in order to ‘do’ participation.

7.6.3. The intentionality of participation: ‘hard’ and ‘soft’ advocacy

Different kinds of participation also influence the issue of who participates. Processes of ‘self-fashioning’ or ‘self-formation’ whereby agents cultivate their own conduct, selves and identities (Huxley, 2007; Inda, 2008; Rose, 1999) within local level power-geometries reflect that relationships, knowledge and identities that actors carry as they move through different domains of association and participatory spaces (Cornwall, 2004). This intentionality behind participation may be understood by examining the differences between ‘hard’ and ‘soft’ advocacy techniques employed by the STM Coalition. Protests, which are an example of hard advocacy, were not always well received by the state authorities and may not have contributed towards an increase in meaningful dialogue between state actors and participants in the campaign, despite their positive impacts on participants in terms of empowerment and solidarity. This is especially so in the context of the Mekong Region where state
actors do not respond favourably towards criticism and dissent against state projects (Dore & Lazarus, 2009). TC3, who joined the DWR Volunteer Network with these considerations in mind, said:

Previously our work was just against the DWR, saying that we did not want the dam. But right now, I’ve changed my attitude. Because when we were against them it did not work, so maybe we can work with them. At least when we work together, we can talk to them about what we want and what we demand. And we will know whether they can or cannot agree to our proposals. (Interview, TC3)

These strong shows of resistance, despite their merits, may also have an alienating impact on certain segments of local communities. This relates to the crucial issue of self-exclusion (Cornwall, 2008), especially when the threat of state intimidation is a real concern that community members have to contend with when contesting hydropower development. Some villagers were afraid of participating in protests because they feared the power of private investors to harm those who participated (Interview, TC13). In Nong Khai specifically, its inhabitants were characterised by two interviewees as preferring to keep ‘quiet’ so as to avoid trouble over being aggressive or outspoken against the state (Interviews, TC15, TC16). Another consideration was that public protests had come to be associated with the divisive and violent Red/Yellow-shirt political conflict in Thailand (Interview, TN4). There were similar concerns in Cambodia, where one interviewee from the Tonle Sap Lake said that they would not dare to join protests and campaigns (Interview, CC41). IN6 said that confrontational approaches centred on human rights were sometimes ‘not compatible with the political context’ of Cambodia and that NGOs occasionally lacked evidence-based arguments and professionalism in putting their concerns across (Interview, IN6).

The idea of non-confrontational, ‘soft’ advocacy was raised by Cambodian interviewees as a complementary form of advocacy to confrontational ‘hard’ advocacy (Interviews, CC23, CN8, IN5). Soft advocacy was associated with what was termed as ‘capacity building’ for local communities, which involved educating them on issues, skills, and strategies such that they were empowered to advocate for themselves in a way that they deemed to be appropriate (Interviews, CC23, CN8). ‘Soft’ advocacy may be situated within perspectives on participation relating to empowerment. First, this may be seen in terms of developing the ‘political capabilities’ of marginalised groups by focusing on a long-term process of political learning, where identities and collective self-awareness become valuable political resources for understanding empowerment in relation to state-society relations (Hickey & Kothari, 2009). Second, ‘soft’ advocacy can be seen in attempts to locate participation within analyses of citizenship, situating participation in a ‘broader range of socio-political practices’ whereby people ‘extend their status and rights as members of particular political communities’ (Hickey & Kothari, 2009, p. 89). This was especially apparent through the STM Coalition’s use of legal strategies to contest hydropower development. Overall, these strategies seek to engage with development ‘as an underlying process of social change’ rather than through discrete technocratic interventions (Hickey & Mohan, 2005, p. 237),
and in the context of this argument, also seek to confer legitimacy on community members who constitute the construction of the ‘local’.

7.6.4. Sustaining engagement beyond events: creating environmental subjects

Sustained engagement with Mekong local communities on a wider scale is a key challenge for the STM Coalition, and there were some indications that community members who were already regularly engaged in community-based environmental initiatives were more likely to be enrolled into STM activities. Thus far, the discussion on who participates has served as a critical reminder that participatory approaches should not assume a homogeneous community (see Cleaver, 1999; Cooke & Kothari, 2001; Mohan & Stokke, 2000). In Northern Thailand, the Rak Chiang Khong has been engaging riparian villages in a series of environmental initiatives for the past 15 years, which has contributed to their strong influence in the area. In Cambodia, of the eight interviewees from Preah Rumkel commune who participated in the Don Sahong Dam campaign, seven were members of the commune’s eco-tourism committee, which also helped with managing the Irrawaddy dolphin conservation zone in the Anlong Cheuteal deep pool between Laos and Cambodia. On the Tonle Sap Lake, local authorities and leaders of community fisheries were relatively well informed about mainstream hydropower development due to their working relationships with FACT, which regularly incorporated the issue of hydropower into its workshops and meetings with community fishery representatives (Interview, CN5). These community representatives bear similar traits to what Agrawal (2005, p. 16) has described as ‘environmental subjects’, for whom the environment ‘constitutes a critical domain of thought and action’.

The nature of event-based activities, even non-confrontational ones, was that there are always limitations on the number of events held or people invited, due to budgetary or resource constraints on the part of the NGO organisers (Interviews, TN1, IN5). This is similar to the constraints that the NMC Secretariats faced in organising the national stakeholder consultations when factoring in considerations around publics, place, scale, and temporality (see Chapter 5, Section 5.4), which are also applicable in the cases of alternative consultative processes organised by civil society. As it is impossible for ‘everyone’ to be involved in participation, it is useful to draw upon Farrington & Bebbington's (1993) axis to assess participatory forms according to depth of participation (deep vs shallow; akin to Arnstein's (1969) ladder of participation) and breadth of participants (wide vs narrow). In Cambodia, it was estimated that workshops and meetings on hydropower development only reached 30% of Tonle Sap communities (Interview, CC22). A village chief from Kampong Phluk commune said that in 2015 and 2016 he organised two meetings to disseminate information about hydropower development, but only 10 to 20 people could attend as the others had to attend to their livelihoods, and some complained about not receiving monetary compensation for their time13 (Interview, CG6). Typically, only selected

13 My interpreter, who was a former NGO staff member, said that this was common NGO practice in Cambodia. Payment for attendance at meetings or workshops, as compensation for the day’s loss of income, has come to be
community representatives, or representatives from each household attending meetings where information was disseminated, and there was an expectation that these representatives would in turn disseminate the information to their villages or households (Interviews, CC22, CN3, CN5). This was an issue that IN5 had reflected on regarding the community consultations that were held for the SUHAKAM complaint, which might have tended towards the ‘shallow’ and ‘narrow’ ends of Farrington & Bebbington’s (1993) axis:

We wanted to have more consultations about the complaint, but we could not do it too many times because we had to look into how much resources we had and the timeline along which the dam was progressing. If I think back now, it was not a good consultation because I did not really go to the communities to talk to the rest of the people. And I did not know how the participants went back and shared the information to other people. That is very questionable, in my own opinion. (Interview, IN5)

This concern about information dissemination appeared to be a valid one for meetings in general. Information was circulated unevenly as household or community representatives did not always disseminate the information that they obtained from attending meetings. Several interviewees said that their household representatives did not share information from meetings with them (Interviews, CC18, CC45, CC46). Some from Preah Rumkel said that they did not discuss the Don Sahong Dam with others in their villages (Interviews, CC17, CC18, CC21), even if they knew participants in the campaign (Interview, CC12). Some who attended meetings about the Don Sahong Dam had forgotten about what they had learnt, given that meetings may only take place a few times a year and that the campaign took place almost four years ago (Interviews, CC38, CC48). Of the interviewees in Preah Rumkel who did not belong to the ecotourism committee, the majority were either unaware of the campaign and the impacts of the dam, or only heard about the dam by word of mouth mostly from Lao residents living close to the dam (Interviews, CC7, CC10, CC11, CC12, CC13, CC18, CC19, CC20, CC21). Similarly, four interviewees from the Tonle Sap Lake said they had not heard about hydropower (CC44, CC45, CC46, CC49), while others said they learnt about hydropower dams through word of mouth (CC32, CC47) or a television programme (CC32, 33, 39, 41, 42).

This indicated that the organisers of the campaign events against the Don Sahong Dam have tried to achieve what Cornwall (2008) has called ‘optimum’ participation in trying to strike a balance between depth and inclusion in relation to the purposes of the campaign and constraints on their resources. The ‘opportunity structures’ for participation, rather than being open to the general public, may instead have aimed for ‘representation’ by enrolling representatives from already-existing groups.

---

14 An interviewee from Kampong Khleang Commune said that he had never heard about hydropower development, at which the village’s FACT representative, who was facilitating our visit, interjected with mock exasperation to say that she did inform him about the issue at the time and he had since forgotten.
(Barnes et al., 2004). This included community representatives who worked with NGOs, were involved with environmental initiatives, or household representatives. While pragmatic considerations create such opportunity structures for participation, these considerations assumed a frictionless dissemination of information from representatives to their communities or households. There is a need to recognise this issue as one of the obstacles standing in the way of wider levels of inclusion. Overall, event-based forms of participation face the challenge of extending their effects beyond the spatial-temporal bounds of the event. As this discussion has shown, the lack of sustained community engagement on issues of hydropower may cause the issue to fade from memory. However, it may be worth noting the effectiveness of the media, especially that of television programmes, in reaching a wider audience. Interviewees who mentioned learning about hydropower from the television programme appeared to have a relatively better grasp on the issue than those who learnt about the issue by word of mouth.

It is also necessary to consider how community concerns about hydropower development differed between community members who participated in the campaign against the Don Sahong Dam, and those who did not. Drawing upon the data collected in Preah Rumkel, it is possible to identify key differences particularly in relation to the levels of concern expressed around the impacts of the Don Sahong Dam to fisheries and flooding. Of the 10 interviewees who participated in the campaign, six (60%) identified the impact of the dam to fisheries and fish migration as a key concern. This reflects the main concerns of the campaign, which given its wider objective to stop the construction of the dam, primarily focused on fisheries, livelihoods, including those derived from ecotourism, and natural resources (Interviews, CN3, CG2). Of the 15 interviewees who did not participate in the campaign, only five (33%) raised the issue of fisheries as a concern. However, interviewees who did not participate in the campaign were more likely to raise the issue of fear of flooding, if water was discharged from the dam or if the dam failed. Seven of the interviewees who did not participate in the campaign (47%) identified this as a key concern, as opposed to two of the interviewees who had participated in the campaign (20%). It is possible that the issue of flooding falls under that of dam mitigation, which would have sat uneasily with the campaign objective to prevent the construction of the dam in the first place. This uneven representation of concerns and participants in the campaign demonstrate some of the structural challenges that stand in the way of achieving meaningful representation and public participation in transboundary water governance.

In Thailand, the challenges relating to sustained community engagement and the formation of environmental subjects may be observed by contrasting the civil society networks in Chiang Khong and Nong Khai. Within the Thai Mekong People’s Network, the community activists based in Nong Khai functioned as the coordination centre for Isan (Interview, TN1). Although they had been strong in leading protests, two community consultants to the Nong Khai activist network said that the network only comprised a small number of people and did not have a strong base (Interview, TC13, TC14). My interpreter’s persistent efforts to identify more Nong Khai-based members of this network through
snowballing also ran into dead ends, which may also have indicated that there were not many people involved. In addition, a member of the Thai Mekong People’s Network said the Nong Khai network generally lacked money and resources (Interview, TC2). A former provincial government official said that when he had asked participants of the Nong Khai protest where they were from, not many were actually from Nong Khai. He also made reference to the deferential political culture of Nong Khai (discussed in Section 7.6.3) (Interview, TC15). These issues may therefore be linked to this political culture of the province and the limited resources of the Nong Khai network. It appeared that there were few opportunities for the wider public to participate in a process that would create environmental subjects whereby they would, in Agrawal’s (2005, p. 16) words, ‘think about and define their actions’ relative to the environment.

This contrasted with the Rak Chiang Khong in northern Thailand, which had been working in the districts of Chiang Khong, Chiang Saen and Wiang Kaen for the past 15 years. The Rak Chiang Khong and its environmental movement has its roots in rallying villagers in Chiang Khong to protest a China-led navigation project that would have blasted ecologically and culturally significant rapids to improve river trade navigation between China and Laos. They had successfully delayed the project once in 2002 (Southeast Asia Rivers Network, 2003), although the project has since resurfaced since 2017 (see Deetes, 2019; Fredrickson, 2017). The Rak Chiang Khong has since engaged communities along the Mekong River and its tributary, the Ing River, by attempting to reshape community relationships with the Mekong River. This was done mainly through setting up about 70 village-based fish conservation zones along the Ing and Mekong rivers, which met with some degree of success in increasing fish catches in these areas (Interview, TC4), even garnering assistance from the Thai fisheries department (see Yong, 2013). This reflects the critical role that heterogeneous associations and the material components of the river play in assembling participatory spaces, especially in sustaining community engagement with the Mekong River over prolonged periods of time.

The Rak Chiang Khong has also initiated villager-led Thai Baan Research to document the ecology of the Mekong River in that area, and while this has not been directly used in the Thai Mekong People’s Network’s campaign against mainstream dams, it was considered as a long-term project that has contributed towards a greater awareness of the ecological heritage of the area (Interviews, TC1, TN1) (see Chapter 2, Section 2.6.2 for background on Thai Baan Research). Thai Baan Research has been described as a ‘counter-hegemonic’ approach, and there is some appreciation of such local knowledge in the MRC and international organisations such as the International Union for Conservation of Nature (IUCN) (Käkönen & Hirsch, 2009). However, it remains marginalised from state decision making and has not been acknowledged by state actors such as the DWR (Interview, TC2). The Rak Chiang Khong also set up the Mekong School in 2016 and has collaborated with schools in Chiang Khong district to engage with youth on issues relating to the Mekong River and the environment (Interview, TC1). This sustained commitment to protecting the Mekong River was enacted through a wide network of villages
and by drawing upon both advocacy strategies and community initiatives. The Rak Chiang Khong’s higher visibility and trust established with riverine communities has led to successes in contesting development projects and establishing some degree of a working relationship with local authorities.

The efforts of the Rak Chiang Khong demonstrate Escobar’s (2001) argument that the defence of constructions of place has become a critical object of struggle in social movements. The contrast between Nong Khai and Chiang Khong also reveal how the dangers of localism (Mohan & Stokke, 2000) must be considered to avoid uncritical applications of participatory approaches on different local contexts, especially when considered in relation to the political contexts at multiple scales. This politics of place must also be considered in terms of relational time-spaces (Massey, 2005). In addition to considerations around the consequences of opposing authoritarian state power, participation in the STM campaign was also contingent upon the unique spatial-temporal processes through which community members come to be established as environmental subjects. An understanding of participation and its inclusions/exclusions therefore has to extend beyond the participatory event itself, and take into account issues of everyday governance (Hirsch, 2011b). While the participatory event comes into being through specific time-spaces, they also exist relationally through their situatedness in a power-geometry and linkages to heterogeneous communities and nonhuman entities. Nonetheless, the STM Coalition has garnered wider and more sustained public support in comparison to most Mekong-oriented advocacy initiatives by focusing on a single issue (Hirsch, 2011b), indicating to some degree the success of local-level efforts in Thailand and Cambodia in providing the foundations for the campaign.

7.7. Conclusion

Overall, this chapter has argued for a relational understanding of participatory spaces. An understanding of the elements that constitute meaningful participation can be developed through contrasting the PNPCA stakeholder consultations with the participatory spaces organised by the STM Coalition, while also considering how a politics relating to publics, place, and scale play out in different ways. Drawing upon Chilvers et al.’s (2018) framework for understanding ecologies of participation, this chapter has pointed towards the multiple ways in which the key elements of subjects, objects and models had interacted to produce the participatory spaces initiated by the STM Coalition. Drawing upon the notion of robustness and plasticity in boundary objects (Bowker & Star, 1999), the plasticity of technologies of participation and technical information were demonstrated as they were been reshaped for the purposes of community-centred events that tilted the balance of power in favour of local communities. In considering the innovative participatory practices constituting these civil society-led events, this chapter also touched on how the materiality of the Mekong River provided the basis for the co-production of these participatory spaces and re-centred the Mekong River and its entities as central objects of concerns in hydropower governance. Through examining the elements that co-produced these
particular spatialities, the elements of meaningful participation revealed how the regimes of truth propagated through the PNPCA were challenged and avenues to seek recourse were emphasised.

The construction of participatory spaces as multi-scalar categories of practice was a theme that ran through this chapter, and this was especially apparent in considering how these participatory spatialities were articulated in relation to state authority and power. This meant paying close attention to the power relationships that permeated the wider social and political contexts of Thailand and Cambodia, and the power-geometry that nonstate actors had to navigate in contesting mainstream hydropower dams in the Mekong Region. Civil society and community actors had come up against repressive arms of the heterogeneous state in demonstrating resistance towards mainstream dam development. The PNPCA stakeholder consultations have to be situated within these experiences and an awareness of the diminishing spaces available for political participation in both Thailand and Cambodia, highlighting the permanent provocation (Foucault, 1983) in state-society relations. These nonstate-organised participatory spaces were also situated within multi-scalar dynamics of power, whereby constructions of the ‘local’ formed a building block in the regional campaign against mainstream hydropower development. The notion of the ‘local’ was closely tied to a politics of place, which had implications for the spatial legitimacy of civil society voices, issues of inclusion and intentionality in participation, and the potential for participation to function as a process of social change as opposed to one-off events. It is therefore important to establish a multi-layered understanding of participation that has emerged through the contestation of Mekong mainstream hydropower governance, which pays close attention to how all participatory events are linked and embedded in multi-scalar power relations that extend far beyond the time-spaces of the events themselves.
CHAPTER EIGHT
CONCLUSION

8.1. Introduction

This thesis has explored the different forms of public participation arising around the governance of mainstream hydropower development in the Lower Mekong Basin, focusing on both the stakeholder consultations emerging as part of the Procedures for Notification, Prior Consultation and Agreement and the alternative participatory spaces of the Save the Mekong Coalition. This concluding chapter first discusses the key contributions of this thesis. Second, a thematic overview and summary of the findings of this thesis is provided. Third, the implications of these findings for hydropower governance in the LMB are discussed, particularly in relation to the rendering technical of the PNPCA and local community participation in hydropower governance. Finally, the limitations of the research are pointed out, and finally, possible future research directions are discussed.

8.2. Key contributions of the thesis

The main contribution of this thesis has been to provide an in-depth examination of public participation in relation to contested mainstream hydropower development in the LMB. Many studies have focused on contestations surrounding the PNPCA and mainstream hydropower development from perspectives relating to the legal and procedural contestations around the PNPCA (Boer et al., 2015; Rieu-Clarke, 2015) and the PNPCA stakeholder consultations (Gao, 2014), arenas for deliberation (Dore, 2014), governance challenges (Grumbine et al., 2012; Hensengerth, 2015), and civil society advocacy and legal strategies (Middleton & Pritchard, 2016; Yasuda, 2015). However, apart from the work of Gao (2014) and Sok (2014), most studies do not consider public participation in the PNPCA in detail as it only forms a small component within the PNPCA and has had limited effect on decision making. While the advocacy campaign by the STM Coalition outside of the PNPCA had been successful to some degree, in terms of pressuring state actors to seriously take civil society and community into consideration, this has not been studied directly in relation to the concept of public participation. As such, the notion of public participation in mainstream hydropower governance has largely been associated with the PNPCA stakeholder consultations.

This thesis is dedicated to developing an account of how public participation has been conceived of, implemented and contested in mainstream hydropower governance in the LMB. This has involved expanding the notion of public participation to cover modes of state and nonstate participation and considering very different participatory events in relation to one another. This is important because local civil society and community members participate in both state and nonstate sites of participation, and their experiences in one participatory site shape their perceptions and experiences of another. As opposed to a cursory consideration of the PNPCA stakeholder consultations and its inadequacies, this
thesis delves into the nuances through which public participation under the PNPCA had been rendered technical and the conditions under which these inadequacies and criticisms arose. A similarly nuanced account of alternative participatory spaces is provided, especially as they reflect how meaningful participation is perceived in contrast to the PNPCA stakeholder consultations. This has involved both studying ‘up’ and ‘down’, and attention was paid to the subjective experiences of both state and nonstate actors within these differing spaces of public participation, which are situated within an examination of power relationships.

Methodologically, a key contribution of this thesis has been the novel use of event ethnography to examine and document the performative dimensions of public participation in the PNPCA and civil society events. At the time of writing, this approach has only been used once in the context of Mekong water governance, by Lamb (2017) at the 2nd MRC International Conference in 2014. Event ethnography within the spaces of public participation function as a valuable way for the researcher to personally observe the interactions, tensions, and ephemeral alliances that take place between a variety of state and nonstate actors in the same space. The opportunities to observe relatively public performances were valuable to me as a researcher who was considered an outsider to the Mekong Region. This was especially so in terms of directly observing actors such as government officials and technical agencies who usually carry out their work in non-public settings, such as in closed technical working groups. In addition, reflecting on my own experiences of participating in PNPCA stakeholder consultations, civil society and academic events has also helped to provide insight into the similarities and discrepancies between these differentiated participatory sites. This provided the impetus to delve further into how experiences of participation were mediated and co-produced by power dynamics and the material-discursive dimensions of participatory spaces.

8.3. Common themes

8.3.1. Rendering technical: problematisation

One of the main findings of this thesis has related to how the PNPCA stakeholder consultations have been rendered technical. The participatory spaces of the PNPCA could be considered as a microcosm of the ways in which the LMB was rendered intelligible as a field for intervention. In analysing how the PNPCA stakeholder consultations were problematised and rendered intelligible as a field for government intervention, several dimensions were considered. First, the problematisation of PNPCA stakeholder consultations and the constraints of the TNMC Secretariat and the CNMC Secretariat were demonstrated to be dependent on several contexts relating to their institutional geographies, national legal frameworks for public participation, and the PNPCA itself. In organising the stakeholder consultations, these relatively uninfluential government agencies were caught between the expectations set within these multiple contexts, reflecting the intersections between multi-scalar and differentiated governable spaces. The contradictions and convergences between these governable spaces
contributed towards the emergence of contestations around public participation (e.g. the Xayaburi lawsuit), or some degree of state-civil society cooperation (e.g. in Cambodia). The PNPCA stakeholder consultations had also increasingly been problematised as the ‘proper’ channels for public input.

Second, the problematisation of the PNPCA stakeholder consultations was discussed in terms of how the public was chosen to participate, the venues chosen for the meetings (place), the multiple levels at which consultations were held (scale), and the timeliness of the consultations and information dissemination (temporal). Some of the key criticisms of the PNPCA stakeholder consultations in Thailand and Cambodia related to these dimensions: inadequate representation of local communities, inadequate number of meetings held in all potentially affected areas, the lack of a regional stakeholder consultation, and the lack of timeliness in disseminating invitations and information. These criticisms stemmed from the MRC and NMC secretariats adopting relatively uncritical assumptions relating to the public, place, scale, and the temporal. However, it was through examining the multi-faceted dimensions of these concepts that the reasons behind these criticisms became clearer, along with the reasons behind why these criticisms had persisted throughout the three iterations of the PNPCA despite the implementation of some procedural improvements to the process.

Third, the problematisation of the PNPCA stakeholder consultations was examined within the spaces of the meetings themselves. This involved the discursive segmentation of the Mekong River in terms of hydrology, sediments, dam infrastructure, environment, fisheries, and socioeconomic issues. The river basin was discussed in ways that endlessly debated risks and uncertainties, did not correspond to the lived experiences of local communities, and provided little room to discuss the interconnectedness between multiple technical categories. An examination of the micro-geographies and technologies of participation within these participatory spaces also revealed that the dissemination of technical information by experts were prioritised over consultation. These three aspects of problematisation were studied using an analytics of government, which shed light on the ‘how’ of government. This technique was then reversed to carry out an analytics of resistance, which relates to a fourth area of problematisation within the alternative spaces of participation organised by the STM Coalition. In contrast to the PNPCA stakeholder consultations, these spaces problematised hydropower governance in terms of community voices, the pursuit of accountability, and a critical evaluation of technical information and narratives disseminated by the state. The notion of problematisation therefore provided insights into why the PNPCA stakeholder consultations have largely not been perceived as meaningful forms of participation by the STM Coalition.

8.3.2. Challenging an antipolitical regime of truth

In examining the remaining elements of rendering technical, an antipolitics and the containment of challenges to the status quo, this thesis first investigated how a regime of truth around mainstream hydropower development was constituted by technical information and technical experts. One of the
mains strengths of Prior Consultation was the institutionalisation of a process for information sharing and the assessing of the information. However, the flow of information through participatory spaces was mediated through the limited capacities of the TNMC and CNMC secretariats, which faced challenges in understanding and translating increasingly large volumes of technical information. The co-production of the PNPCA stakeholder consultations as realms of technical expertise by objects (technical issues and technologies of government) and models (proceedings and micro-geographies) had the effect of rendering public participation seemingly non-political, as participants found it difficult to understand the technical information and NMC Secretariat officials tended to only address the technical concerns raised.

The PNPCA stakeholder consultations also contained challenges to the status quo, as demonstrated by the subsuming of the PNPCA stakeholder consultations under the MRC Secretariat’s technical review. In addition, the key actors driving hydropower development, such as state energy utilities and private dam developers, were under no obligation to participate in Prior Consultation, which functioned primarily as an arena for technical interventions and remained dislocated from wider political-economic contexts driving hydropower development. The NMC and the MRC secretariats, who were responsible not only for presenting information on behalf of the project developer and Lao government but also facilitating the discussions with participants, perpetuated this antipolitics and containment of challenges of the status quo. This process of rendering technical was partially produced through the reassertion of the NMC secretariats’ technical responsibilities and abidance to the processes set out by the PNPCA.

Nonetheless, this regime of truth has been contested by participants in the stakeholder consultations. One interesting outcome of rendering technical was the creation of political openings for both state and nonstate actors to contest hydropower development. It was precisely in its antipolitical nature that technical discussions served as grounds for productive dialogue. This was especially important as mainstream hydropower development remained a politically-charged issue that straddled myriad configurations, convergences and divergences between inter and intra state interests, civil society and local community concerns, and private sector interests. Stakeholders could therefore leverage on the antipolitical character of technical discussions to sidestep less-likely-negotiable state interests. Civil society and local communities also demonstrated differing degrees of capability to engage in this technical debate to influence mainstream hydropower governance.

These technical spaces of dialogue led to greater scrutiny of the mitigation measures taken by mainstream dam developers and to the redesigns of the proposed mainstream dams. However, there were limits to which these technical spaces of dialogue could be mobilised by local communities to voice their concerns, as they generally lacked the capacity and expertise required to assess the complex project documents that were provided to them only partially-translated and at short notice. Most
importantly, technical discussions centred around mitigation could not address local community concerns around issues of accountability and ways of life. The community-centred participatory spaces initiated by civil society in contrast, could be considered as efforts to un-render technical mainstream hydropower governance and to contest these issues on their own terms.

8.3.3. The co-produced, emergent and relational spaces of public participation

In scrutinising how the participatory spaces of the PNPCA and STM Coalition emerged, this thesis has drawn upon an understanding of public participation as co-produced, emergent and relational (Chilvers & Kearnes, 2016a). This involved understanding how collective participatory practices were co-produced by subjects (publics), objects (issues or material devices) and models (political ontologies or formats) (Chilvers et al., 2018). This notion of public participation was used to understand the intimate spaces of participatory events and the power dynamics that were generated through these collective participatory practices. In the PNPCA stakeholder consultations, the participatory practices generated power dynamics that favoured government and/or technical experts. The objects studied were seen in terms of the issues (technical categories such as hydrology, sediments, fisheries) and technologies of government (mundane tools of the expert) utilised in the PNPCA stakeholder consultations. The models studied related to the spatial-temporal formats, or micro-geographies of public participation: 1) temporal, in terms of how the event was scheduled and the time allocated to different groups of stakeholders, and 2) spatial, in terms of how the different stakeholder groups were located in relation to one another in the venue. Technologies of participation were also considered in terms of the question and answer and small group discussion formats. Overall, this included a consideration of how power dynamics reinforced state authority due to these configurations.

This approach was also applied to the alternative spaces of participation organised by the STM Coalition. The technologies of participation and spatial-temporal layouts of these spaces might have been similar, but the public and issues discussed were very different. The material entities of the Mekong River were also included in these alternative spaces. These participatory practices and spatialities re-centred local communities as opposed to government and/or technical experts, demonstrating the differences between state-sponsored participatory spaces that had been rendered technical, and alternative participatory spaces that were not. This thesis demonstrated that these time-spaces of public participation not only had to be considered in relation to one another, but also placed in their wider social, economic, cultural and political contexts. This means that participatory spaces should always be understood within Massey’s (1992) conceptualisation of a multi-scalar power geometry that is constituted by webs of domination and subordination. This has involved a consideration of the issues raised in Sections 8.3.1 and 8.3.2, and how these multi-scalar political contexts that had real impacts on public participation in the Mekong Region.
Another key implication for thinking about public participation as co-produced, relational, and emergent, was the need to develop a wider, yet more nuanced understanding of what the notion of public participation encompassed. While the PNPCA stakeholder consultations were viewed by state actors as the legitimate channels for public participation on the issue of mainstream hydropower dams, the participatory spaces initiated by the STM Coalition were perceived by some local community members to be more legitimate, especially in terms of the critical information provided and the closer engagement with their lived experiences. Apart from developing a more nuanced understanding of participatory spaces, a relational understanding of public participation highlighted the challenges for participation in the LMB. A loss of faith in the PNPCA stakeholder consultations did not only arise through the consultations themselves, but also in encounters with other repressive arms of the state. Civil society’s challenge in sustaining the mobilisation of local communities against mainstream dam development must therefore be situated in a critical interrogation of how the notion of the ‘local’ is discursively constructed by multiple stakeholders, why it matters for the movement against hydropower, and how environmental subjects come into being through participatory practices and spaces extending beyond the issue of hydropower development.

8.3.4. The performative dimensions of public participation

In examining the power dynamics that have been generated within the intimate spaces of participatory events, this thesis has drawn upon the notion **performativity**, relating to the reiterative and citational practices that reproduce or subvert discourses, and which also both enable and discipline subjects and their performances (Gregson & Rose, 2000). In the case of the PNPCA stakeholder consultations, the authoritative force generated by government officials and technical experts was understood through the notion of sovereignty as a material-discursive effect of performativity. As the meetings constituted physical spaces in which state actors, nonstate actors and material-discursive elements physically occupied the same space, they served as ideal sites to observe how state authority was enacted and challenged through performativity. The collective participatory practices that were co-produced through subjects, objects and models played a role in generating power dynamics and enabling various actors to exert a performative force of authority. A key focus was placed on the performance and performativity of the state actors, particularly the NMC Secretariat officials. This was done through considering how their subjectivities were intertwined with the notion of **conduct of conduct**, in the sense that there were particular things they could or could not say or do as technical government officials. Crucially, the reassertions of such performances reproduced the processes of rendering technical in LMB mainstream hydropower governance.

Yet, the reiterated performances of these state actors in PNPCA stakeholder consultations, especially given that Prior Consultation has been repeated thrice for the Xayaburi, Don Sahong and Pak Beng dams, revealed performative slippages. These slippages coincided with lines of tension that
emerged between state actors and participants: when repeated calls for accountability were not directly answered, when state actors hedged their responses, or when participants directly called state actors out for not taking their concerns into account. While the conduct of these nonstate actors was constrained in the face of state authority at the PNPCA stakeholder consultations, the performative dimensions of community-centred participatory spaces were different. Local community members were re-construed as voices of authority when they addressed an audience at length from the front of a room. Spaces of community consultations and direct action (e.g. protests) had the performative effect of reshaping the boundaries of action and subverting the discourses perpetuated by state technical rendering. The Mekong River and its nonhuman entities (e.g. water, fish), which were rendered abstract through the PNPCA, were also re-centred as they played a key role in these performances, functioning as integral elements in the co-production of these participatory sites.

8.3.5. Reconciling these themes

As this thesis has shown, these themes are very closely intertwined. The notion of problematisation was a key element within the process of rendering technical, which also comprised the elements of antipolitics and the containment of challenges to the status quo. The incorporation of a performative lens and a relational perspective of participation made it possible to tangibly observe how the processes of rendering technical were performed, re-enacted, perpetuated, and challenged as they encountered friction within these participatory spaces. These perspectives, when combined, also provided nuanced insight into the multiplicity of heterogeneous associations that give rise to these participatory spaces and their (un)intended effects, and the ways in which subjects are enabled or disciplined through their performances. Rendering technical and performativity do not take place in a vacuum, and it was a relational understanding of participatory spaces that situated these processes in a wider web of power relations, and the participatory spaces in relation to one another. Together, these four themes demonstrated how the participatory spaces of the LMB came into being through specific pathways and were constituted by the ‘ecologies of participation’ conceptualised by Chilvers et al. (2018).

It is perhaps apt to draw an analogy between the Mekong River and the way these themes have formed the uneven landscape of public participation in the LMB. In Siphandon (translated as ‘Four Thousand Islands’) in Southern Laos, where the Don Sahong Dam is located, the Mekong River splits into braided channels, interweaving around a labyrinth of islands, sand bars, rocky rapids, and flooded forests. Siphandon is an ecologically unique area that has been described as a microcosm of the entire Lower Mekong River (Mather et al., 2009). Similarly, the spaces of public participation discussed in this thesis have been treated as a microcosm of mainstream hydropower governance in the LMB. Like the many islands, sand bars, rocky rapids, and flooded forests that are interspersed within this section of the Mekong River, these ‘ecologies’ of participation are distinct from one another yet each shaped by
the waters of the Mekong River, albeit in different ways. The processes that underlie the themes discussed above are akin to the braided channels of the Mekong River, which diverge and converge at unpredictable points and in a multiplicity of configurations. Some channels are larger than others, while some flow at higher speeds, force, and turbulence than others. Together, these ecological features co-produce one another and create the ecologically unique landscape of Siphandon, while also being just one part of a massive river system stretching thousands of kilometres upstream and downstream. Similarly, the multiplicity of participatory spaces, along with the processes and dynamics that underlie the four major themes co-produce one another to produce a unique and uneven landscape of participation, which ultimately has to be situated within part of the wider, diverse context of the LMB.

8.4. Implications for hydropower governance in the Mekong Region

8.4.1. Rendering technical, rendering legitimacy

Despite the contestations around the PNPCA, the main cost to the Lao government had only been in relation to the costly redesigns of the dams to mitigate their potentially negative impacts. Prior Consultation and its politics of the technical have been subsumed in a wider narrative dominated by mitigation, as opposed to whether the dams should go ahead in the first place. Technical aspects of the dam remained the central issue of concern at regional, national and community stakeholder consultations. These developments should be contextualised in the legacy of the World Bank-funded Nam Theun 2 (NT2) Dam, whereby the neoliberal development paradigm underlying the NT2 Dam has been described as having ‘failed forward’ into its successor, the Xayaburi Dam (Johns, 2015). Drawing upon Middleton’s (2018b) argument that the NT2 Dam was branded as a ‘model’ that reproduced a discourse of sustainable hydropower, the Xayaburi Dam, despite lacking the reform agenda and standards attached to the NT2 Dam (Boer et al., 2015), could be perceived in a similar way. Given the national, regional and international stakeholders that participated in the Prior Consultation process, it is critical not to underestimate the role of the PNPCA in perpetuating and legitimising such a discourse through technical rendering.

8.4.2. Increasing disconnect between local communities and the PNPCA

This brings the discussion back to the idea of the intentionality behind public participation, in considering the question of ‘why do participation?’ in the context of the PNPCA. As Prior Consultation increasingly becomes centred around the technical evaluation of proposed mainstream dam projects, the role that local communities play in stakeholder consultations becomes increasingly unclear. While local community concerns may be included in the member countries’ official reply forms and the MRC Secretariat’s technical review, this takes place at the discretion of state actors and may not necessarily be addressed once these documents have been forwarded to the Lao government. One of the key emphasis of this thesis has been to highlight the disconnect between public consultations carried out under the PNPCA and local level stakeholder expectations of meaningful public consultations. The
PNPCA and its stakeholder consultations, while being key sites for disclosing information and for concerns to be raised, may continue to fall short of community expectations tied to meaningful public participation that are centred around seeking accountability.

8.4.3 Reflecting on PNPCA community stakeholder consultations

Nonetheless, an awareness of how the participatory spaces of the PNPCA are problematised and rendered technical serves to highlight several areas in which PNPCA stakeholder consultations in Thailand and Cambodia could be addressed. First, as the community stakeholder consultations currently function as an information sharing arena and several participants have voiced an appreciation of the information shared, improvements could be made in this area. These are not new suggestions, but persistent issues that were brought up in previous iterations of the PNPCA. Information could be distributed in advance with sufficient time for participants to study the information prior to the meetings. Technical information in documents and presentations could be further simplified for a layperson. It may be worth paying attention to the interface where scientific and local knowledge overlap, to consider how technical information can be made accessible to such an audience. While it is understandable that the NMC Secretariats might be unable to translate the project documents in full, the justifications for the selected portions to be translated could be made clearer. Critically, the possible impacts of the project on participants could be addressed more clearly.

Second, more thought could be given to creating settings in which local communities feel comfortable and empowered in expressing their views and concerns. This could mean paying greater attention to the venues chosen for the meetings, and the power imbalances emerging from the stakeholder consultations in terms of its micro geographies, facilitators, and formats. For example, the MRC’s use of independent facilitators from SEI at the February 2017 regional stakeholder forum was effective in creating a more open and balanced discussion. Trusted community or civil society representatives who work closely with communities could also be scheduled to present their concerns during the meetings, especially if information is disseminated in advance. However, acknowledging the constraints of the NMC Secretariats and that there are few avenues for the public to follow up on the project after the six-month Prior Consultation period, there might be limitations to which truly meaningful changes can be made to the PNPCA community stakeholder consultations. This will be the case unless stakeholder engagement is recognised as a bigger priority or obligation by the not just the Thai and Cambodian governments, but also project developers and the Lao government.

8.4.4 Polarisation of narratives

Another implication of rendering technical is that it may contribute towards a polarisation of narratives between civil society/local communities and actors who engage in technical debates. While some local-level actors have demonstrated their ability to engage in technical discussions during the PNPCA stakeholder discussions, it is likely that most will continue to raise their concerns in terms that
are incompatible with the parameters of the PNPCA. In addition, these relatively consistent concerns relating to their livelihoods, ways of life and accountability stand in contrast with technical discussions that are constantly advancing in terms of new scientific methodologies used to quantify impacts from hydropower development. This is not to downplay the importance of local community narratives, but to highlight a concern that debates around hydropower development in the Mekong Region are possibly proceeding in a direction that leaves local communities behind and delegitimises their narratives.

Rendering technical is also reinforced by the rise of the somewhat vague and pliable concept of the water-energy-food nexus in the Mekong Region, which focuses on the trade-offs within this nexus (Lebel & Lebel, 2017; Middleton et al., 2015). This concept has been mobilised by different stakeholders to support and oppose hydropower development (Lebel & Lebel, 2017), and features prominently at forums such as the annual Greater Mekong Forum on Water, Food and Energy organised by the CGIAR’s Water, Land and Ecosystems program involving state actors, think tanks, academics, practitioners, civil society and international donor agencies. However, local community representatives are often not present at such forums.

8.4.5. Decreasing opportunities for local community mobilisation

Therefore, another major implication is the decreasing opportunities and spaces for local communities and local civil society organisations to participate in hydropower governance in the LMB, even though a multi-scalar movement against hydropower development hinges on local level mobilisation. Hydropower governance in the LMB has always been characterised by multi-track governance forums, but locally-led governance processes (Track 4) (Dore, 2007) risk being side-lined due to the effects of rendering technical, the hardening of authoritarianism in Thailand and Cambodia, and a loss of hope and optimism among several civil society and local community representatives in being able to stop hydropower development. Foran & Manorum (2009, p. 62) note that in the case of the Pak Mun Dam, the persistent challenge to the state by the community-based movement could be attributed to a ‘tantalising and frustrating dance of concession and denial’. But in the case of the Mekong mainstream dams, there have been few to no concessions made to local communities in Thailand and Cambodia who will bear the transboundary impacts of mainstream dam development. As such, the resources of the STM Coalition had instead largely been redirected towards engaging with the energy sector and the MRC’s Development Partners.

8.4.6. Engaging local communities in place

This leads to the final implication for local communities, in considering alternative ways to engage communities in place. Event-based public participation has its limitations in reaching the wider population especially in rural areas. While the media has largely been used as a medium to bring attention outwards from the locality to a national or international audience, it is possibly useful to also consider how media has the potential reach into the myriad localities that riparian communities reside
Community consultations tend to depend on a verbal transmission of information, but as mentioned in Chapter 7 (Section 7.6.4), a television programme on Mekong hydropower dams appeared to have left an impression on Cambodian community members who had watched it. In addition, while certain segments of civil society and local communities might have lost hope in campaigning against hydropower dams, it is important to remember that the STM campaign has had an impact in creating and shaping environmental subjects. This is a long-term investment that should not be underestimated, as seen from how the environmental subjects who participated in the STM campaign were involved in local conservation initiatives that were put in place much earlier.

8.5. Limitations of the study

8.5.1. Uneven data sets

One of the limitations of this study has been the uneven primary data sets collected between Thailand and Cambodia, which was discussed in Chapter 4 (Section 4.6). These centred around first, my attendance of PNPCA stakeholder consultations in Thailand but not Cambodia, and second, being able to interview more local community members in Cambodia than Thailand. Therefore, there were limitations to which direct comparisons could be made between Thailand and Cambodia in these two areas. Nonetheless, I have attempted to illustrate the different issues, aspects, and challenges encountered in the PNPCA stakeholder consultations and community engagement in both countries using available primary and secondary data. This could therefore be a future area of research not just in Thailand and Cambodia but across the Mekong Region, in terms of collaborative event ethnography (Section 8.5.3), and further research on local-level information dissemination and community engagement through carrying out systematic surveys at the village level.

8.5.2. Gender specific issues and intersectionality

There has also been a lack of consideration towards gender specific issues in this thesis. Seventy-three percent of the interviewees were male, and this study did not make any differentiation between the experiences of men and women who engaged in public participation in the Mekong Region. However, it is especially important to consider gender specific issues at the local level. Women play important roles in water management, but are likely to be disproportionately disadvantaged by the negative impacts of hydropower development due to the gendered differences in livelihood strategies and women’s’ marginalisation from decision making processes (IUCN & Oxfam, 2018; Manorom et al., 2017). Women also play critical roles in activism in the Mekong Region, although it is also necessary to pay attention to how these roles and actions unfold within the power structures that still tend to marginalise women (Brickell, 2014; Lebel, et al., 2018). While women tend to be better represented at the local level, participation decreases at higher levels (IUCN & Oxfam, 2018).
As such, a study of public participation and mainstream hydropower governance in the LMB would benefit from a productive engagement with the gendered dynamics of public participation. This would involve developing a sensitivity towards the conditions that function as enablers or barriers to women’s participation in the different types of multi-scalar participatory spaces discussed in this thesis. There is also a need to understand women’s experiences within these spaces to add further nuance to the power dynamics generated in these spaces. Lastly, paying attention to the ways in which women have come into being as environmental subjects will have implications for considerations of sustained community engagement and the role that women may have to play in hydropower governance in the Mekong Region. Beyond gender and a simplistic male/female binary, there is also usefulness in applying an intersectional or identity-based perspective to any further analysis (Gillespie & Perry, 2018).

8.5.3. Working alone and event ethnography

Another limitation of this study relates to event ethnography. As mentioned in Chapter 6, there were up to four parallel sessions held at the MRC regional stakeholder forum. As a solo researcher I was only able to attend one session, even though the issues raised in the other sessions would have also been critical towards understanding how mainstream hydropower governance had been rendered technical. The field of Mekong water governance is dotted with events like the MRC regional stakeholder forums for proposed mainstream dam projects, the annual Greater Mekong Forum, and the quadrennial MRC International Conference and Summit, all of which are conducted in English. All these events feature multiple parallel sessions, which present an opportunity for collaborative event ethnography (CEE) to further delve into the multiple themes, narrative strands and discourses that have come to constitute Mekong River water governance. CEE is a collaborative effort between a team of researchers who would attend different sessions within a major event to overcome the methodological limits of working alone (Campbell et al., 2014). This could involve drawing on the multidisciplinary strengths of the team, while being situated within shared understandings of politics and theoretical frameworks (ibid.). An ethnographic understanding of water governance in the Mekong River could therefore be pieced together in a similar way using CEE. At the Thai PNPCA stakeholder consultations, I had to work through an interpreter, but CEE including local researchers could possibly also be extended towards an examination of the PNPCA community stakeholder consultations across the region.

8.6. Future research directions

8.6.1. Longer term impacts of the Save the Mekong campaign

One possible future research direction could be to examine the longer-term effects of the STM campaign on the civil society organisations and local communities in the region. While the campaign had not achieved its main objective of halting mainstream hydropower development, this should not be taken to mean that the campaign had failed. The campaign was successful in terms of creating a regional network of civil society organisations, re-scaling the visibility of the issue to higher levels, enrolling
wider public support (Hirsch, 2011b) and engaging in novel ways of seeking accountability in the region (Middleton & Pritchard, 2016). This formation and reshaping of environmental subjectivities through the STM campaign may therefore be an interesting line of inquiry to pursue as these may have implications for civil society and community action in the future. For example, several Cambodian interviewees had expressed concern about the 1,800MW Sambor Dam in Cambodia, which had been identified as a priority energy project for the Cambodian government (Esterman, 2017) although a leaked government-commissioned report noted that the proposed site was the ‘worst possible place’ for hydropower and that the dam could ‘literally kill’ the Mekong River (Fawthrop, 2018). There could also be further study into cross-fertilisation of ideas and subjectivities between the STM campaign and domestic campaigns, such as the rapids blasting issue in Chiang Khong, or the LS2 Dam in Cambodia.

8.6.2 Impacts of the PNPCA on institutions, private sector actors and ‘sustainable’ hydropower development

The final suggested areas for further research relate to the future of the PNPCA and the shifting discourses of hydropower development in the Mekong Region, now that the inevitability of mainstream dams and hydropower development has become clearer. First, there are more opportunities for an institutional ethnography of the NMC or the MRC secretariats to be carried out, especially on the continuing relevance and/or marginalisation of these institutions in relation to ‘competing’ institutional frameworks such as the ASEAN Cooperation on Water Resources Management or the China-led Lancang-Mekong Cooperation mechanism. An institutional ethnography focusing on the changing dynamics within and beyond the NMC and MRC secretariats may also provide further insight into how these agencies view the implications of Prior Consultation for future projects such as Thailand’s longstanding plan to channel water from the Mekong River to green Isan and Cambodia’s proposed Sambor Dam. Given that the MRC has argued that its role has been misunderstood by critics and that it perceives the improvement of the PNPCA to be a critical component in strengthening its water diplomacy framework (see Kittikhoun & Staubli, 2018), such agencies may be amenable to having their perspectives heard and understood.

Second, an increasingly antipolitical, or less political prior consultation process may provide opportunities for more research to be done on private dam developers and their perceptions of their responsibilities in relation to hydropower dam development in the Mekong Region. In the case of the Mekong mainstream dams, this could be done in terms of how they have navigated their relations with differentiated stakeholders despite not being obligated to participate in the PNPCA. For example, Chinese dam developer Datang chose to participate in the MRC regional forums for the Pak Beng Dam and also initiated meetings with the Thai Mekong People’s Network. Such a study could be located within the discourses of sustainable hydropower and dam mitigation, trace the network of relations these dam developers are enmeshed in, shed light on how they perceive their responsibilities, and whether the
PNPCA had played a role in influencing any shifts in these perceptions. Overall, such studies could contribute towards an understanding of the role that the PNPCA had played in shifting discourses and narratives towards that of ‘sustainable’ hydropower.
REFERENCES


http://www.mrcmekong.org/topics/pnpca-prior-consultation/xayaburi-hydropower-project-
prior-consultation-process/pn pca-working-group/

from http://www.mrcmekong.org/topics/pnpca-prior-consultation/xayaburi-hydropower-
project-prior-consultation-process/

MRC. (n.d.f). Don Sahong Project’s Prior Consultation Road Map. Retrieved 1 January 2019, from
http://www.mrcmekong.org/topics/pnpca-prior-consultation/d on-sahong-hydropower-
project/don-sahong-project-s-prior-consultation-road-map/

MRC. (n.d.g). Don Sahong Hydropower Project. Retrieved 7 October 2018, from
http://www.mrcmekong.org/topics/pnpca-prior-consultation/don-sahong-hydropower-project/

MRC. (n.d.h). Pak Beng hydropower project. Retrieved 7 October 2018, from
http://www.mrcmekong.org/topics/pnpca-prior-consultation/pak-beng-hydropower-project/

Basin. Mekong River Commission. Retrieved from
http://www.mrcmekong.org/assets/Publications/policies/agreement-Apr95.pdf

Commission. Retrieved from http://www.mekonginfo.org/assets/midocs/0001489-

MRC. (2003b). Procedures for Notification, Prior Consultation and Agreement. Phnom Penh:
Mekong River Commission. Retrieved from
http://www.mrcmekong.org/assets/Publications/policies/Procedures-Notification-Prior-
Consultation-Agreement.pdf

MRC. (2005a) Guidelines on Implementation of the Procedures for Notification, Prior Consultation
and Agreement. Vientiane: Mekong River Commission.

Commission. Retrieved from
http://www.mrcmekong.org/assets/Publications/governance/Public-Participation.pdf


RCC. (2014). NGOs’ Joint Statement on Concerns about Procedures for Notification, Prior Consultation and Agreement (PNPCA) for Don Sahong Hydropower Project. Retrieved from


TNMC. (2016). คณะกรรมการแม่น้ําโขงแห่งชาติไทย (Thai National Mekong Committee : TNMC)


TNMC Secretariat. (2016). รายงานฉบับสมบูรณ์ (FINAL REPORT)
โครงการศึกษาผลกระทบและติดตามตรวจสอบผลกระทบสิ่งแวดล้อมข้ามพรมแดน จากโครงการพัฒนาไฟฟ้าที่เมียนมาร์-ไทยในแม่น้ำโขงสายประยุทธ์ปีงบประมาณ พ.ศ. 2559. Thai National Mekong Committee Secretariat. Retrieved from http://www.tnmc-is.org/wp-content/uploads/2018/08/Final%20Report%20%E0%B9%81%E0%B8%A1%E0%B9%88%E0%B9%82%E0%B8%82%E0%B8%87%202559_Watermark.pdf


## APPENDIX A: XAYABURI DAM TIMELINE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2007</td>
<td>Lao government signed MOU with CH. Karnchang to conduct a survey and study of the Xayaburi Dam.</td>
</tr>
<tr>
<td>September 2007-April 2008</td>
<td>Thai consultancy firm TEAM Consulting Engineering and Management Company Limited conducted an Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA).</td>
</tr>
<tr>
<td>March 2010</td>
<td>TEAM Consulting and Swiss firm Colenco finalised the Xayaburi Dam feasibility study.</td>
</tr>
<tr>
<td>June 2010</td>
<td>Xayaburi Power Co. Ltd. was incorporated with CH. Karnchang and Lao state utility Électricité du Laos (EDL) as major shareholders.</td>
</tr>
<tr>
<td>August 2010</td>
<td>TEAM finalised the Xayaburi Dam’s EIA and SIA.</td>
</tr>
<tr>
<td>July 2010</td>
<td>MOU signed between Lao government and EGAT for a power purchase agreement (PPA).</td>
</tr>
<tr>
<td>20 September 2010</td>
<td>Lao National Mekong Committee (LNMC) submitted project documents for Xayaburi Dam to MRC Secretariat.</td>
</tr>
<tr>
<td>22 October 2010</td>
<td>Xayaburi Prior Consultation officially began after the last MRC country received the project documents.</td>
</tr>
<tr>
<td>26 October 2010</td>
<td>At the first meeting of the PNPCA Joint Committee Working Group (JCWG), a roadmap for Prior Consultation was agreed on, and an agreement was made to include public stakeholder consultations in Prior Consultation.</td>
</tr>
<tr>
<td>29 October 2010</td>
<td>Lao government and Xayaburi Power Co. Ltd signed concession agreement.</td>
</tr>
<tr>
<td>January 2011 –February 2011</td>
<td>A total of eight public stakeholder consultations carried out in Thailand, Cambodia and Vietnam by their respective National Mekong Committees (NMC).</td>
</tr>
<tr>
<td>14 February 2011</td>
<td>Xayaburi Dam EIA and feasibility study released to public for the first time.</td>
</tr>
<tr>
<td>24 March 2011</td>
<td>The MRC Secretariat released its technical review of the project documents, which was carried out by the MRC Secretariat Task Group (TG). The technical review noted that there were many areas of uncertainty that ‘required further information to address fully the extent of the transboundary impacts and mitigation measures required’ for the Xayaburi Dam, and also identified negative impacts of the Xayaburi Dam to fish migration and hydrology.</td>
</tr>
<tr>
<td>19 April 2011</td>
<td>At a special MRC Joint Committee (JC) meeting, MRC JC members were unable to come to an agreement on whether Prior Consultation had been finalised. Laos insisted that the concerns raised would be taken into consideration and that Prior Consultation should be over, while Thailand, Cambodia and Vietnam suggested that further impact assessments and wider consultations should be carried out. The MRC JC deferred and elevated the decision to the ministerial level of the MRC Council.</td>
</tr>
<tr>
<td>8 December 2011</td>
<td>At the MRC Council meeting, the four ministers were unable to reach a compromise and a decision was made to commission a study to further investigate the sustainable development and management of the Mekong River, which would include the impact of mainstream hydropower dam projects.</td>
</tr>
<tr>
<td>7 November 2012</td>
<td>The Lao government held a ground breaking ceremony for the Xayaburi Dam.</td>
</tr>
</tbody>
</table>
**APPENDIX B: DON SAHONG DAM TIMELINE**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2006</td>
<td>The Lao government signed MOU with Mega First Corporation Berhad (MFCB) to prepare feasibility study for the Don Sahong Dam project.</td>
</tr>
<tr>
<td>June 2007</td>
<td>The final draft of the Environmental Impact Assessment (EIA) report was submitted to the Lao government for evaluation.</td>
</tr>
<tr>
<td>September 2007</td>
<td>The Lao government took unprecedented step of formally inviting the MRC Secretariat to contribute to its internal process of reviewing the EIA, and the MRC Secretariat response found deficiencies in the EIA especially in relation to the impacts and proposed mitigation measures on fish migration.</td>
</tr>
<tr>
<td>November 2007</td>
<td>Cambodian government representatives raised their concerns about the dam at the annual MRC Donor Consultative Group Meeting in November 2007.</td>
</tr>
<tr>
<td>February 2008</td>
<td>The Lao government and MFCB signed a project development agreement and the Lao government announced that its studies showed the project to be viable.</td>
</tr>
<tr>
<td>July 2013</td>
<td>The Lao government confirmed that it had begun clearing land for workers’ housing in preparation for the Don Sahong Dam.</td>
</tr>
<tr>
<td>30 September 2013</td>
<td>The Lao government initially submitted the Don Sahong Dam project documents in September 2013 under the PNPCA process of notification, based on the justification that the Don Sahong Dam was situated in one of the many channels of the Mekong River and does not block the entire river mainstream.</td>
</tr>
<tr>
<td>December 2013</td>
<td>The Thai, Cambodia and Vietnam National Mekong Committees (NMC) had each sent a letter calling for Laos to honour the cooperation pledged in the 1995 Mekong Agreement and to submit the Don Sahong project under Prior Consultation.</td>
</tr>
<tr>
<td>16 January 2014</td>
<td>A special session of the MRC Joint Committee (JC) was held to discuss the Don Sahong Dam. JC members were unable to reach an agreement and referred the matter to the MRC Council.</td>
</tr>
<tr>
<td>26 June 2014</td>
<td>The Lao government reluctantly agreed to submit the project under Prior Consultation.</td>
</tr>
<tr>
<td>25 July 2014</td>
<td>Prior Consultation for the Don Sahong Dam officially started.</td>
</tr>
<tr>
<td>September 2014</td>
<td>The technical review for the project began.</td>
</tr>
<tr>
<td>Early October 2014</td>
<td>Start date of Prior Consultation was publicly confirmed for the first time.</td>
</tr>
<tr>
<td>September – December 2014</td>
<td>A total of 14 stakeholder consultations were held in Thailand, Cambodia and Vietnam by their respective NMCs between September to December, and one regional stakeholder consultation was held in Laos on 12 December 2014.</td>
</tr>
<tr>
<td>December 2014</td>
<td>The technical review was completed. It identified ‘significant gaps’ in the project information submitted, particularly in relation to the dam’s transboundary impacts, and also highlighted ambiguity surrounding the proposed mitigation measures. The technical review also made a recommendation to the MRC JC to consider an extension to the Prior Consultation period for additional data to be analysed, and to provide opportunity for a further round of public consultations.</td>
</tr>
<tr>
<td>January 2015</td>
<td>Thailand, Cambodia and Vietnam recommended in their submitted reply forms for an extension of Prior Consultation for further studies to be conducted. However, Laos announced that it considered the process to be complete and its intention of commencing with dam construction in the early 2015 dry season.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>January 2016</td>
<td>The Lao government held a ground breaking ceremony for the Don Sahong Dam, following what Vietnamese media Thanh Nien News noted as ‘months of silence’ on the status of the prior consultation process.</td>
</tr>
<tr>
<td>June 2016</td>
<td>Construction on the Don Sahong Dam had rapidly progressed to the point where the Hou Sahong Channel had been completely blocked</td>
</tr>
</tbody>
</table>

The MRC JC deferred the decision on the Don Sahong Prior Consultation to the MRC Council.
### APPENDIX C: LIST OF INTERVIEWEES

**Thailand: Community Representatives**

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Place of Residence</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC1</td>
<td>14 Mar 2017</td>
<td>Chiang Khong District, Chiang Rai Province, Thailand</td>
<td>STM Coalition</td>
</tr>
<tr>
<td></td>
<td>19 May 2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TC2</td>
<td>17 Mar 2017</td>
<td>Nong Khai Province, Thailand</td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td></td>
<td>18 Jun 2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TC3</td>
<td>18 May 2017</td>
<td>Nong Khai Province, Thailand</td>
<td>STM Coalition</td>
</tr>
<tr>
<td>TC4</td>
<td>20 May 2017</td>
<td>Chiang Khong District, Chiang Rai Province, Thailand</td>
<td>STM Coalition</td>
</tr>
<tr>
<td>TC5</td>
<td>23 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>Nil</td>
</tr>
<tr>
<td>TC6</td>
<td>24 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>Nil</td>
</tr>
<tr>
<td>TC7</td>
<td>24 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>Nil</td>
</tr>
<tr>
<td>TC8</td>
<td>24 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td>TC9</td>
<td>26 May 2017</td>
<td>Chiang Khong District, Chiang Rai Province, Thailand</td>
<td>STM Coalition</td>
</tr>
<tr>
<td>TC10</td>
<td>15 Jun 2017</td>
<td>Nong Khai Province, Thailand</td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td>TC11</td>
<td>15 Jun 2017</td>
<td></td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td>TC12</td>
<td>15 Jun 2017</td>
<td></td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td>TC13</td>
<td>19 Jun 2017</td>
<td></td>
<td>STM Coalition</td>
</tr>
<tr>
<td>TC14</td>
<td>20 Jun 2017</td>
<td></td>
<td>STM Coalition</td>
</tr>
<tr>
<td>TC15</td>
<td>23 Jun 2017</td>
<td></td>
<td>DWR Volunteer Network</td>
</tr>
<tr>
<td>TC16</td>
<td>24 Jun 2017</td>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Cambodia: Community Representatives**

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Place of Residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC1</td>
<td>5 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC2</td>
<td>5 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC3</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC4</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC5</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC6</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC7</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC8</td>
<td>6 Oct 2017</td>
<td>Preah Rumkel Commune, Thala Barivat District, Stung Treng Province</td>
</tr>
<tr>
<td>CC9</td>
<td>6 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC10</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC11</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC12</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC13</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC14</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC15</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC16</td>
<td>7 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC17</td>
<td>10 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC18</td>
<td>10 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC19</td>
<td>10 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC20</td>
<td>10 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>CC21</td>
<td>10 Oct 2017</td>
<td></td>
</tr>
</tbody>
</table>
| CC22 | 8 Nov 2017 | Kampong Phluk Commune, Prasat Bakong District, Siem Reap Province  
| CC23 | 9 Nov 2017 | Tonle Sap Lake  
| CC24 | 9 Nov 2017 | Kampong Thom Province  
| CC25 | 9 Nov 2017 | Kampong Cham Province  
| CC26 | 9 Nov 2017 | Stung Treng Province  
| CC27 | 10 Nov 2017 | Kampong Chnang Province  
| CC28 | 10 Nov 2017 | Pursat Province  
| CC29 | 10 Nov 2017 | Kampong Cham Province  
| CC30 | 10 Nov 2017 | Battambang Province  
| CC31 | 10 Nov 2017 | Siem Reap Province  
| CC32 | 11 Nov 2017 |  
| CC33 | 11 Nov 2017 |  
| CC34 | 11 Nov 2017 |  
| CC35 | 11 Nov 2017 |  
| CC36 | 11 Nov 2017 |  
| CC37 | 11 Nov 2017 |  
| CC38 | 11 Nov 2017 |  
| CC39 | 12 Nov 2017 |  
| CC40 | 12 Nov 2017 |  
| CC41 | 12 Nov 2017 |  
| CC42 | 12 Nov 2017 |  
| CC43 | 12 Nov 2017 |  
| CC44 | 13 Nov 2017 | Kampong Phluk Commune, Prasat Bakong District, Siem Reap Province  
| CC45 | 13 Nov 2017 |  
| CC46 | 13 Nov 2017 |  
| CC47 | 13 Nov 2017 |  
| CC48 | 13 Nov 2017 |  
| CC49 | 13 Nov 2017 |  
| CC50 | 13 Nov 2017 |  

Kampong Khleang Commune, Sout Nikom District, Siem Reap Province
### Thailand: Civil Society Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of interview</th>
<th>Organisation Type</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>TN1</td>
<td>8-9 Feb 2017</td>
<td>Thai NGO</td>
<td>Local</td>
</tr>
<tr>
<td>TN2</td>
<td>14 Feb 2017</td>
<td>Thai NGO</td>
<td>National</td>
</tr>
<tr>
<td>TN3</td>
<td>14 Mar 2017</td>
<td>Thai NGO</td>
<td>National</td>
</tr>
<tr>
<td>TN4</td>
<td>20 Mar 2017</td>
<td>Regional NGO</td>
<td>Regional</td>
</tr>
</tbody>
</table>

### Cambodia: Civil Society Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Organisation Type</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN1</td>
<td>15 Aug 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
<tr>
<td>CN2</td>
<td>3 Oct 2017</td>
<td>Cambodian NGO</td>
<td>Local</td>
</tr>
<tr>
<td>CN3</td>
<td>8 Oct 2017</td>
<td>Cambodian NGO</td>
<td>Local</td>
</tr>
<tr>
<td>CN4</td>
<td>16 Oct 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
<tr>
<td>CN5</td>
<td>23 Oct 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
<tr>
<td>CN6</td>
<td>8 Nov 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
<tr>
<td>CN7</td>
<td>8 Nov 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
<tr>
<td>CN8</td>
<td>8 Nov 2017</td>
<td>Cambodian NGO</td>
<td>National</td>
</tr>
</tbody>
</table>

### Thailand: Government Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Institution or Place</th>
<th>Level of Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>TG1</td>
<td>28 Feb 2017</td>
<td>Thai National Mekong Committee Secretariat</td>
<td>National</td>
</tr>
<tr>
<td>TG2</td>
<td>29 Mar 2017</td>
<td>Department of Fisheries Thailand</td>
<td>National</td>
</tr>
<tr>
<td>TG3</td>
<td>17 Mar 2017</td>
<td>Thai National Mekong Committee Secretariat</td>
<td>National</td>
</tr>
<tr>
<td>TG4</td>
<td>18 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>District</td>
</tr>
<tr>
<td>TG5</td>
<td>23 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>Local</td>
</tr>
<tr>
<td>TG6</td>
<td>24 May 2017</td>
<td>Wiang Kaen District, Chiang Rai Province, Thailand</td>
<td>Local</td>
</tr>
<tr>
<td>TG7</td>
<td>25 May 2017</td>
<td>Chiang Saen District, Chiang Rai Province, Thailand</td>
<td>Local</td>
</tr>
<tr>
<td>TG8</td>
<td>16 Jun 2017</td>
<td>Nong Khai Provincial Office</td>
<td>Provincial</td>
</tr>
<tr>
<td>TG9</td>
<td>16 Jun 2017</td>
<td>Nong Khai Provincial Office of Natural Resources and Environment</td>
<td>Provincial</td>
</tr>
<tr>
<td>TG10</td>
<td>16 Jun 2017</td>
<td>Nong Khai Provincial Office of Natural Resources and Environment</td>
<td>Provincial</td>
</tr>
</tbody>
</table>
### Cambodia: Government Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Institution or Place</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG1</td>
<td>14 Sep 2017</td>
<td>Cambodia National Mekong Committee Secretariat</td>
<td>National</td>
</tr>
<tr>
<td>CG2</td>
<td>8 Oct 2017</td>
<td>Preah Rumkel Commune, Thala Barivat District, Stung Treng Province</td>
<td>Local</td>
</tr>
<tr>
<td>CG3</td>
<td>11 Oct 2017</td>
<td></td>
<td>Local</td>
</tr>
<tr>
<td>CG4</td>
<td>11 Oct 2017</td>
<td></td>
<td>Local</td>
</tr>
<tr>
<td>CG5</td>
<td>17 Oct 2017</td>
<td>Fisheries Administration</td>
<td>National</td>
</tr>
<tr>
<td>CG6</td>
<td>13 Nov 2017</td>
<td>Kampong Phluk Commune, Prasat Bakong District, Siem Reap Province</td>
<td>Local</td>
</tr>
<tr>
<td>CG7</td>
<td>13 Nov 2017</td>
<td></td>
<td>Local</td>
</tr>
</tbody>
</table>

### International Civil Society Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Location of international organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>IN1</td>
<td>13 Feb 2017</td>
<td>Thailand</td>
</tr>
<tr>
<td>IN2</td>
<td>24 Apr 2017</td>
<td></td>
</tr>
<tr>
<td>IN3</td>
<td>9 Aug 2017</td>
<td></td>
</tr>
<tr>
<td>IN4</td>
<td>7 Sep 2017</td>
<td>Cambodia</td>
</tr>
<tr>
<td>IN5</td>
<td>8 Sep 2017</td>
<td></td>
</tr>
<tr>
<td>IN6</td>
<td>12 Sep 2017</td>
<td></td>
</tr>
</tbody>
</table>

### MRC Representatives

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of Interview</th>
<th>Relation to MRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>MRC1</td>
<td>15 Sep 2017</td>
<td>Consultant</td>
</tr>
<tr>
<td></td>
<td>30 Oct 2017</td>
<td></td>
</tr>
<tr>
<td>MRC2</td>
<td>31 Oct 2017</td>
<td>Consultant</td>
</tr>
<tr>
<td>MRC3</td>
<td>5 May 2017</td>
<td>MRC Secretariat Official</td>
</tr>
<tr>
<td>MRC4</td>
<td>6 Nov 2017</td>
<td>MRC Secretariat Official</td>
</tr>
</tbody>
</table>

### Academics

<table>
<thead>
<tr>
<th>Code</th>
<th>Date of interview</th>
<th>Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>9 Feb 2017</td>
<td>Southeast Asia natural resource management and political ecology, including hydropower development</td>
</tr>
<tr>
<td>A2</td>
<td>20 Mar 2017</td>
<td>Mekong water governance expert</td>
</tr>
</tbody>
</table>
APPENDIX D: HUMAN ETHICS PROTOCOL APPROVAL

Research Integrity & Ethics Administration
Human Research Ethics Committee

Wednesday, 30 November 2016

Dr Robert Fisher
Geosciences, Faculty of Science
Email: robert.fisher@sydney.edu.au

Dear Robert

The University of Sydney Human Research Ethics Committee (HREC) has considered your application.

After consideration of your response to the comments raised your project has been approved.

Approval is granted for a period of four years from 30 November 2016 to 30 November 2020

Project title: Lower Mekong River Mainstream Dams and Participation in Decision-Making Processes

Project no.: 2016/865

First Annual Report due: 30 November 2017

Authorised Personnel: Fisher Robert; Gillespie Josephine; Yong Ming Li;

Documents Approved:

<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10/2016</td>
<td>Version 1</td>
<td>Annex B - List of Consultations</td>
</tr>
<tr>
<td>10/10/2016</td>
<td>Version 1</td>
<td>Preliminary Interview Guide</td>
</tr>
<tr>
<td>11/11/2016</td>
<td>Version 2</td>
<td>Email Introduction (Clean)</td>
</tr>
<tr>
<td>25/11/2016</td>
<td>Version 3</td>
<td>Consent form (V3 Clean)</td>
</tr>
<tr>
<td>25/11/2016</td>
<td>Version 3</td>
<td>PIS (Cambodia) - Others (V3 Clean)</td>
</tr>
<tr>
<td>25/11/2016</td>
<td>Version 3</td>
<td>PIS (Cambodia) - Rural Villagers (V3 Clean)</td>
</tr>
<tr>
<td>25/11/2016</td>
<td>Version 3</td>
<td>PIS (Thailand) - Others (V3 Clean)</td>
</tr>
<tr>
<td>25/11/2016</td>
<td>Version 3</td>
<td>PIS (Thailand) - Rural Villagers (V3 Clean)</td>
</tr>
</tbody>
</table>

Condition(s) of Approval

- Research must be conducted according to the approved proposal.
- An annual progress report must be submitted to the Ethics Office on or before the anniversary of approval and on completion of the project.
- You must report as soon as practicable anything that might warrant review of ethical approval of the project including:
  - Serious or unexpected adverse events (which should be reported within 72 hours).
  - Unforeseen events that might affect continued ethical acceptability of the project.
- Any changes to the proposal must be approved prior to their implementation (except where an amendment is undertaken to eliminate immediate risk to participants).
Personnel working on this project must be sufficiently qualified by education, training and experience for their role, or adequately supervised. Changes to personnel must be reported and approved.

Personnel must disclose any actual or potential conflicts of interest, including any financial or other interest or affiliation, as relevant to this project.

Data and primary materials must be retained and stored in accordance with the relevant legislation and University guidelines.

Ethics approval is dependent upon ongoing compliance of the research with the National Statement on Ethical Conduct in Human Research, the Australian Code for the Responsible Conduct of Research, applicable legal requirements, and with University policies, procedures and governance requirements.

The Ethics Office may conduct audits on approved projects.

The Chief Investigator has ultimate responsibility for the conduct of the research and is responsible for ensuring all others involved will conduct the research in accordance with the above.

This letter constitutes ethical approval only.

Please contact the Ethics Office should you require further information or clarification.

Sincerely

[Signature]

Associate Professor Rita Shackel
Chair
Human Research Ethics Committee (HREC 3)

The University of Sydney HRECs are constituted and operate in accordance with the National Health and Medical Research Council’s (NHMRC) National Statement on Ethical Conduct in Human Research (2007) and the NHMRC’s Australian Code for the Responsible Conduct of Research (2007).
APPENDIX E: PNPCA REPLY FORM

Annex II (B)

Mekong River Commission
Procedures for
Notification, Prior Consultation and Agreement

Form/Format for Reply to Prior Consultation

1. Replying State(s): ---------------------------------------------------------------
                                                                                     -----------------------------------------------
2. Date of reply: -----------------------------------------------------
3. Replying Ministry(ies)/Agency(ies) (Name, mail/e-mail address, telephone, fax): ------
                                                                                     -----------------------------------------------
4. Contact person/facilitator (Name, mail/e-mail address, telephone, fax): ------------
                                                                                     -----------------------------------------------
5. Name of the proposed use/project: -----------------------------------------------
                                                                                     -----------------------------------------------
6. Location of the proposed use: -----------------------------------------------
                                                                                     -----------------------------------------------
7. Nature of proposed use:
   □ Inter-basin diversion from the mainstream during wet season
   □ Intra-basin use on the mainstream during dry season
   □ Inter-basin diversion of the surplus water from the mainstream during dry season
8. Date of receipt of the documents: -----------------------------------------------
9. Reply to proposed use: ---------------------------------------------------------------

..................................................................................................................
APPENDIX F: MRC REGIONAL STAKEHOLDER FORUM SCHEDULE

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 1A: Welcome and Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>0830</td>
<td>Welcome</td>
</tr>
<tr>
<td>0840</td>
<td>Opening Remarks (Lao Minister of Natural Resources and Environment)</td>
</tr>
<tr>
<td>0850</td>
<td>Rationale, objectives, and agenda of the forum</td>
</tr>
<tr>
<td>0900</td>
<td>MRC stakeholder engagement principles, mechanisms, and processes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 1B: Prior Consultation in brief, Lessons Learned and Objectives of the Pak Beng Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0915</td>
<td>Overview of PNPCA</td>
</tr>
<tr>
<td></td>
<td>Implementation of previous Prior Consultation processes, including lessons learned</td>
</tr>
<tr>
<td></td>
<td>Objectives and Roadmap for Prior Consultation of the Pak Beng Hydropower Project and post-consultation</td>
</tr>
<tr>
<td>0945</td>
<td>Clarifying questions and answers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 1C: Lao Sustainable Hydropower Strategy and the Pak Beng Project in Brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>1035</td>
<td>Pak Beng Hydropower Project within the context of Lao national sustainable development and poverty reduction strategy and Basin Development Strategy</td>
</tr>
<tr>
<td>1045</td>
<td>Clarifying questions and answers (10 min)</td>
</tr>
<tr>
<td>1100</td>
<td>Lunch</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 2C1: Planned technical review of the project: hydrology, dam safety and navigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1330</td>
<td>Overall approach and methodology for MRCS technical review of Pak Beng Hydropower Project</td>
</tr>
<tr>
<td>1340</td>
<td>Hydrology and sediment</td>
</tr>
<tr>
<td>1350</td>
<td>1-2 Clarifying questions (10 min)</td>
</tr>
<tr>
<td>1400</td>
<td>Dam safety</td>
</tr>
<tr>
<td>1405</td>
<td>Navigation</td>
</tr>
<tr>
<td>1410</td>
<td>1-2 Clarifying questions (10 min)</td>
</tr>
<tr>
<td>1430</td>
<td>Coffee break</td>
</tr>
<tr>
<td>1500</td>
<td>Reflection groups; split into 1) Hydrology/Sediment, and 2) Dam safety/Navigation. Specialists to answer more questions in each area, and rapporteurs will document concerns and recommendations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 2C2: Planned technical review of the project: environment and socio-economic issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1330</td>
<td>Overall approach and methodology for MRCS technical review of Pak Beng Hydropower Project</td>
</tr>
<tr>
<td>1340</td>
<td>Environment, Fisheries</td>
</tr>
<tr>
<td>1350</td>
<td>1-2 Clarifying questions (10 min)</td>
</tr>
<tr>
<td>1400</td>
<td>Socio-economic</td>
</tr>
<tr>
<td>1410</td>
<td>1-2 Clarifying questions (10 min)</td>
</tr>
<tr>
<td>1430</td>
<td>Coffee break</td>
</tr>
<tr>
<td>1500</td>
<td>Reflection groups; split into 1) Environment/Fisheries, and 2) Socio-economic. Specialists to answer more questions in each area, and rapporteurs will document concerns and recommendations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 3D: Key messages and recommendations for review of the Pak Beng project and PNPCA process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1600</td>
<td>Report back on key messages and action to be taken (5 min per topic)</td>
</tr>
<tr>
<td>1630</td>
<td>Reflection from audience on key messages and actions</td>
</tr>
<tr>
<td>1700</td>
<td>Next steps for Pak Beng PNPCA</td>
</tr>
</tbody>
</table>