Transnational political economic structures: Explaining transnational environmental movements against dams in the lower Mekong region

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Abstract

Influenced by regional economic integration and politics, the transboundary common water resources in the lower Mekong River are being exploited by the riparian states for hydroelectric dam development at the expense of local livelihoods and the environment. Affected communities and non-governmental organisations—formed into "transnational environmental movements" (TEMs) in the framework of transnational activism—have challenged these riparian states to abandon dam construction on the mainstream of the Mekong River. This paper explores the conditions that undermine TEMs, ability to cancel dam projects in the region. This paper argues that, among several other factors, TEMs were unable to halt construction of the dam primarily due to the transnational political economic structures (TPES) of the riparian states that possess hydroelectric dams on the Mekong mainstream. TPES shape the sovereign power of the riparian states in making decisions regarding extracting economic value from the common water resource of the Mekong at the expense of the environment rather than complying with the demands of TEMs. By factoring TPES into understanding the outcomes of TEMs, this paper contributes to the understanding of political opportunity structures and transnational networks of transboundary movements, and of the political economy of the Mekong transboundary resources.

Keywords: political economic structures, political opportunities, transnational environmental movements, transnational networks, dam, the Mekong River

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Introduction

The Mekong River begins its journey on the Tibetan Plateau, flows through Myanmar, Thailand, Laos, and Cambodia, and empties into the South China Sea through Southern Vietnam (Boer, Hirsch, Johns, Saul and Scurrah, 2016). The river's total potential hydropower capacity ranges between 50,000 and 64,750 megawatts (MW); 30,000 MW of this capacity is located within Cambodia, Laos, Thailand, and Vietnam (Mekong River Commission [MRC] 2010). Initiatives by the Asian Development Bank (ADB) to foster regional economic integration, coupled with the high demand for electricity from each member state for use in economic development, have resulted in dams being planned and constructed along the riverways. Excluding China's 13 upstream dams, 11 of which are operational, there are at least 11 planned hydroelectric projects in Laos and Cambodia.[1] Laos is uniquely positioned to take advantage of hydropower's great potential. Its mountainous terrain contains over 25% of the river's drainage basin, making it an ideal place for hydroelectric dam construction (Giovannini 2018). In 2010, Laos announced its intention to begin constructing the region's first dam project, the 1225-MW Xayaburi Dam. Situated in Xayaburi Province in Northern Laos, the Dam is approximately 150 km downstream of the town of Luang Prabang and 350 km upstream of the capital city of Vientiane. It was developed by Xayaburi Power Company Limited (XPC), a sister company of Thailand's Ch. Karnchang. The now-operational dam sells 95% of its electricity output to Thailand.

Before its completion in October 2019, many activists and advocacy groups projected that the Xayaburi Dam would cause severe disruptions not only to migratory fisheries, sediment cycles, and flood pulse ecosystems, but to the livelihoods of the 60 million people in four countries as well.[2] To make matters worse, its construction would also increase the encroachment of the sea level in the Mekong Delta and inundate vast portions of the delta (Wyatt and Baird 2007). Given

the adverse impacts of the dam on the lower Mekong,[3] citizens of the riparian states and representatives of environmental NGOs formed a so-called "transnational environmental movement" (TEM) to urge the Laotian government to abandon the dam project. We define a TEM as any international cooperation of individual activists/advocates and organizations that strive, through various network activities and approaches, to protect the transboundary environment as a common objective. Despite their efforts, the movement failed to meet its objectives, as the dam was constructed and came into operation in 2019.

This paper seeks to explain the circumstances that rendered riparian NGOs and TEM communities unable to stop the construction of the Xayaburi Dam. Many studies of the Mekong region (see Middleton 2012; Yeophantong 2014; Yasuda 2015; Boer, Hirsch, Jonhs, Saul and Scurrah 2015; Fox and Sneddon 2019) explain the emergence of social and environmental movements like TEMs, but they do not explain why these movements fail. Other studies only explain the geo-power relations and negotiations over the dam approval (see Giovannini 2018; Hensengerth 2015). Addressing the inability of TEMs to cancel the Xayaburi Dam will greatly contribute to the theoretical understanding of why effective, environment-focused transnational networks operating in relatively open political opportunity structures fail to meet their goals. Our study also sheds light on the scholarship of the transnational political economy of hydroelectric dams and the environment in the Mekong region.

This paper argues that the failure in stopping the Xayaburi Dam project was not a consequence of TEMs' international networking strategies, nor of the relative "closedness" of transnational political opportunities in the riparian states. Rather, the failure was due to the prominence of firmly entrenched transnational political economic structures (TPES). We conceptualise TPES as a framework derived from our analysis of riparian states' interdependent

economic structures, that invoked riparian states' efforts to extract economic value from a crucial transboundary water resource, the Mekong River, through hydroelectric dams. The ability to exploit transboundary water resources at the expense of the environment is shaped by the riparian states' ability to unilaterally make economic, rational, and sovereign decisions within the Association of Southeast Asian Nations (ASEAN) Way." Through the ASEAN Way, no ASEAN member-state possesses the ability to veto another state's decision over its sovereign territory and resources, including shared water resources. All member states are determined to maintain their own present and future sovereignty to make economic-driven decisions independently of the others.

To explore these arguments, this paper begins with a theoretical review of political opportunities and political economic structures in transnational movements, followed by a discussion of environmental movements in the Mekong in general, before it focuses specifically on explaining how TPES explain the outcomes of resistance to the Xayaburi Dam. Building on this case study, the last two sections explore the role of TPES in explaining TEM outcomes.

Political opportunities and economic structures of transnational networks

Local and international political opportunity structures, frequently understood as determinants of the "openness" or "closedness" of political institutions and international organisations to activism, play an important role in defining the effectiveness of transnational advocacy networks (TANs) (Sikkink 2005; McAdam 1996). When opportunities are open, advocacy networks can freely mobilise participants and design effective strategies to influence their targets (Sikkink 2005). It is hypothesised that through information exchange and exploitation of political opportunities, transnational networks of local and international actors can leverage significant influence on their

targets to achieve their objectives (Sikkink 2005; Keck and Sikkink 1998). This argument, however, fails to delve into the rational choices behind an actor's decision to ease or limit transnational activism, such as environmental movements that deal with transboundary issues and involve multiple actors' decision-making power.

After a movement has successfully taken advantage of political openings, its members must employ effective tactics to spread awareness and garner support to further their cause. At this point, a movement's success is defined by many factors, among which networking is widely considered to be the most crucial (Tarrow 1998; Young 2020a). Through the boomerang approach, one of the most common networking methods, weak or resourceless domestic actors and activists create international networks by broadcasting their grievances to larger international communities, which will, in turn, influence the local government (Keck and Sikkink, 1998; 1999). While the conditions under which this approach are effective vary (Price 2003), this model is often applied to the relationship between actors of developing countries and the networks of Western countries. Gauging the ability of an organisation to mobilise a network of engaged actors within developing countries to exert external influence is difficult. A transnational advocacy networks' operating model is more likely to focus on interactions between a movement and the state or international organisations rather than focusing on multiple states that may have stark differences in political and economic structures and power. Moreover, each actor involved possesses different authoritative power with varying levels of influence over the decision making of other actors outside their sovereignty and jurisdiction (Young 2017). Whether or not an actor makes a decision that influences another actor or an involved state, for example, must be rationally calculated based on political and economic interests.

The domestic and international political environments that either encourage or discourage people from using collective action play a critical role in a domestic collective action's emergence and outcomes (Tarrow 1998; McAdam 1996; Sikkink 2005). Scholars of transnational networks often neglect to analyse the rationale within an international organisation or state that enables a movement. For example, authoritarian regimes are particularly resistant to the perceived political interference of international actors, as demonstrated by Russia and China (Teets 2013; Toepler 2020). These political concerns are often associated with economic rationales, especially in transboundary conflict. In studying how target institutions, especially states, respond to movements, scholars claim that political legitimacy perceived by the movements and the public is a main rational factor that moulds responses of repression or concession, or a combination of the two (Goldstone and Tilly, 2001). While this theorisation purely focuses on social and political issues, we hypothesise that the responses of the target riparian states involving transboundary environmental issues are shaped more powerfully by their interconnected or transnational political economic structures (TPES) of the transboundary resources.

With reference to international political economy theory (Frieden and Martin 2002; Gilpin and Gilpin 2001), our understanding of TPES is based on our analysis and fieldwork. We define it as the economic and political interaction and dependency between states over transboundary common resources. "Transboundary common resources" can be understood as a resource complex or set of environmental goods that are shared between identifiable actors and are not readily divisible between them (Bromley and Cernea 1989). This interaction and dependency in the common resource framework involve the power structure and agency of decision making regarding who gets what. Beyond the norms and rules of common-pool resource regulations (Ostrom 1999), state agencies' decisions in regulating and extracting common resources are

connected in a relationship of mutual respect. As such, a state actor cannot extract transboundary common resources at the expense of another state actor's interests; the extraction must be done with common economic interests in mind. While the power structure in the framework of TPES is structurally sovereign, politically and economically, each of the actors must display mutual respect for the other state actors' national sovereignty or autonomy (Bartelson 1995). If this sovereign power is violated, conflict over common resources will inevitably arise.

The TPES of the state have significant influence on transboundary environmental movements' members, especially if they are members of the state directly affected. The success and emergence of TEMs is stimulated by the openness of the polity; however, it is also vital to consider the degree of openness within the openness of the state's TPES. Closed political economic structures tend to have little consideration for environmental conservation and movements; consequently, they tend to discourage or undermine transnational movement efforts. This study postulates that the TPES of riparian states in the context of transboundary issues is the significant determinant in understanding the outcome of TEMs. In the following section, the paper will examine the political economic structures of the riparian states in transboundary resources in the Mekong before illustrating how TEMs were undermined by the TPES of the transboundary common resources.

The transnational political economy of the Mekong and environmental movements

Politically and economically, we argue that Mekong transboundary water resources are a source of geopolitical power and wealth; as such, riparian states are strongly motivated to monopolising and controlling them. Since the early 2000s, the Mekong River has been eyed by donors and riparian states as a crucial resource that could fuel regional economic integration and development.

China, for example, has learnt how geopolitical power can be amassed from controlling such precious water resources; consequently, it constructed at least 11 dams within its territory. Not only do these dams generate electricity, but they are a means to regulate the downstream flow of water on the Mekong River (Cronin and Hamlin 2012). Unlike other dams on the Lower Mekong mainstream, China's dam construction was not contested by the riparian states, some of which were, at that time, facing their own domestic issues and conflicts (Hirsch 2001). Furthermore, China was not and is not a member of the Mekong River Commission (MRC), "an intergovernmental organisation for regional dialogue and cooperation in the Lower Mekong River Basin"[4]; consequently, the construction of the dams in China remains outside the purview of the MRC's oversight. Though initially formed in 1957, regional political calamities prevented the MRC from being active until 1995, when Cambodia, Laos, Thailand, and Vietnam reached their "Agreement on Cooperation for the Sustainable Development of the Mekong River Basin," or the Mekong Agreement (Whitehead 2011; Alistair 2015; Yasuda 2015). Through this agreement, the MRC has been able to play an important role in fostering coordination among the riparian member countries for sustainable development and management of the Mekong transboundary area.

Laos, following China's example, has begun to see both the economic value of the Mekong mainstream and its effects on geopolitical power, especially with Vietnam (Giovannini 2018; Hensengerth 2015). It established an ambitious strategy to become the "Battery of Asia," aiming to export and sell electricity to Thailand, Vietnam, Cambodia, and China (Chattranond 2018; ADB 2009). In addition to its tributary dams, Laos has planned to construct nine dams on the Lower Mekong downstream (see figure 01). Cambodia planned two potential dams of up to 3580 MW capacity in Kratie and Stung Treng Provinces; however, it decided not to build the two dams and has continued to rely on importing electricity from Laos, Vietnam, and Thailand (ADB 2009). This

has made electricity prices in Cambodia the highest in the region (Phoumin, Kimura and Sandu 2020), impacting its ability to attract foreign investors that could potentially boost its economy and aid in its poverty reduction programmes. As predicted by ADB, if the two intended dams on Cambodia's Mekong mainstream were built, there would be more than enough electricity supply for the country to pursue its economic development goals and export to other countries, including Thailand (ADB 2009). While these economic benefits are acknowledged, the government of Cambodia has put on hold the decision to construct the two dams for 10 years.[5]

Figure 01 here

Hydroelectricity from the Mekong mainstream is the transnational economic structure shared by the riparian states, be they exporters or importers. This electricity is vital to their respective economic advancement as well as their regional economic integration. While tapping into the power of the river promises great benefits to national economic development for the riparian states, the development of this vital economic resource through hydropower construction would adversely affect the riparian states' natural resource-based communities' livelihoods (Hirsh 2001; Pearse-Smith 2012). Cambodia's Tonle Sap Lake, the largest freshwater lake and fish stock in Southeast Asia (Joffre, Kosal, Kura, Sereywath and Thuok 2012), and Vietnam's Mekong Delta, the country's "rice bowl," are greatly imperilled by hydropower development (MRC 2011). Many riparian communities, together with local and international NGOs, have thus mobilised against dam constructions (Yasuda 2015; Middleton 2012). To exercise their power, they networked together to stage open protests, file petitions, serve lawsuits, and advocate through the Procedure for Notification, Prior Consultation and Agreement (hereafter the consultation procedure) of the

MRC (Yasuda 2015). As part of these networks, some have also used scientific research to prove the impact of advocacy against the dams (Dore 2007).

While the movement against the Xayaburi Dam was the first case on the Lower Mekong mainstream, the establishment of this network is inspired by domestic movements against dams in each riparian country tracing back to the early 1980s. The movements against dams are contingent upon the political opportunities and regime types within the riparian states: for example, NGOs and activists in Vietnam and Laos had to operate in a more politically restrictive space compared to Cambodia or Thailand. Despite the limited political opportunity in Vietnam, public discontent toward the dams coalesced into the form of the Vietnam River Network, a coalition of environmental NGOs that mobilise participation in dam opposition on the Lower Mekong by using media to raise public awareness (Yasuda 2015). In Laos, however, the government restricts civil society, especially NGOs, which are named as non-for-profit associations.[6] Laotian communities and NGOs have been warned not to work on sensitive issues, including land grabbing, environmental impacts, dam construction, and resettlements (Hirsh 2001; Young 2014). The disappearance of Sombath Somphone, an NGO director and a member of Lao civil society, is only one case out of many silenced nongovernmental voices. Officials still claim that his disappearance was a plot by foreign governments to defame Laos.[7]

The Cambodian government is more tolerant and open than the Laotian and Vietnamese governments. Environmental movements and activists opposing Vietnam's Yali Dam, Lower Sesan 2, and Areng Dam are more visible in Cambodia (Young 2020b; Baird 2016). The Srepok, Sekong and Sesan Protection Network is one of the byproducts of NGOs initiated movements against Mekong dams (Thim 2013). Before the 2014 coup, Thailand was the most open riparian

state for activism. It is home to the region's most experienced activists and oldest environmental movements. Thai community activism and NGOs emerged in the 1980s, best exemplified by the successful campaign against the Nam Choan Dam (Middletone 2016; Foran and Manorom 2009). The campaign against the Nam Choan Dam and other cases inspired International River[8] , and Towards Ecological Recovery and Regional Alliance (TERRA)[9], to launch a similar movement in the region (Foran and Manorom 2009; Yong 2019). These movements, networks, and members have been far more successful in raising awareness, demanding compensation for affected communities, and empowering riparian communities, rather than stopping the dams.[10]

Thailand's activists have enjoyed relative success in their efforts and have maintained their presence for a long time. As such, experienced Thai activists appear to be leading and mobilising activists, communities, and NGOs from the riparian states to join in TEMs against the Xayaburi Dam. Save the Mekong, a TERRA-coordinated "coalition of non-government organizations, community-based groups and networks, academics, artists and ordinary citizens within the Mekong region and internationally,"[11] has played a significant role. Networks such as these have the potential to become powerful non-state actors in the sphere of states' Mekong hydro-hegemony (Hensengerth 2015). It is envisioned that the more recruits these networks mobilised, the stronger bargaining power vis-à-vis the states they would gain. These coalitions and networks of NGOs share information, in the manner suggested by Keck and Sikkink (1998, 1999) through TANs, to exercise their power in an attempt to cancel the Xayaburi Dam.

Methods

Empirical data used in this paper is based on the authors' long-term observation. Empirical evidence is also drawn from 20 interviews and many informal discussions with key informants in riparian grassroots fishery communities, researchers, NGOs, officials, and experts whose identities

are anonymised to comply with research ethics. These discussions were conducted during the researchers' multiple visits and research consultancies in Laos (2012, 2015, 2017), Cambodia (2015, 2016), Vietnam (2013, 2014), and Thailand (2014, 2017).[12] Interviews were conducted using the snowball approach: those with comprehensive knowledge of or direct engagements with Xayaburi Dam processes ranging from the proposal review stage to public consultation stage were suggested and approached for interviews. Interviewees were asked to address the general situation in the Mekong and the Xayaburi Dam. Moreover, they discussed the strategies employed by members of TEMs as well as the conditions they believed defined the success or failure of TEMs. Interviews were not audio-recorded, but the responses of the interviewees were noted. For a few cases, interviewees were approached via e-mail with a list of key questions for their responses.

Other secondary evidence is drawn from our review of media and publications of local and international academic and research institutions. Evidence and theoretical knowledge derived from the Xayaburi Dam case will provide insight that can help explain other transboundary dam cases along the Mekong River, including Don Sahong, Pak Beng and Pak Lay dams. Moreover, Xayaburi Dam serves as an excellent case study because the case evidence sheds light upon insightful, theoretical implications for transnational movement theories, including TANs and transnational political opportunity structures, which often neglect economic aspects, a crucial element that often shapes the consequences of transnational movements. For our analysis, we used keywords from our field notes and interview notes, processed them in Microsoft Word, and arranged them by key questions we mentioned above. This allowed us to cite and quote relevant texts and sentences to support our arguments. We applied process tracing methods (Beach and Pedersen 2003), to trace successive events, as well as protest strategies and networks for analysing and explaining outcomes.

Epistemically and conceptually, TPES were conceptualised, based on our findings and analysis, to explain the TEMs. We seek to contribute to the understanding of environmental movements under a different lens in opposition to the political opportunity structure and transnational activism defined by scholars of transnational movements (Keck and Sikkink 1998; Sikkink 2005; Tarrow 2005; McAdam 1996). While political opportunity structures and networks are used as explanatory variables of the movement outcomes, this arrangement alienates the political economic and sovereignty perspectives that play a significant role in the rational decision making of the state and corporation targets of transnational movements.

Strategies of transnational environmental movements

With anti-dam advocacy groups established in each riparian state, the transnational environmental movements (TEMs) activated a dense network that shared tactics and information, echoing the model of transnational networks (Keck & Sikkink, 1998). This network was intended to leverage influence on the government of Laos and the XPC to (1) cancel the Xayaburi Dam; (2) suspend dam construction for 10 years to allow international experts to conduct a thorough environmental impact study; and (3) divest capital to other forms of renewable energy.[13] To this end, the TEMs employed tactical escalation between institutional and extra-institutional approaches. They worked within institutions through formal lobbying, filing lawsuits, and participation in consultation processes. They have also worked outside institutions, so-called extra-institutional tactics, through protesting and mobilising international support and utilising the boomerang approach.

Like other forms of environmental movements, members of TEMs worked extra-institutionally in an attempt to mobilise pressure from the outside within the framework of

international advocacy, all while raising public awareness through community protests in each riparian country and media, to call for the cancellation of the Dam. These extra-institutional tactics were not deployed in Laos; they were utilised in Thailand, Vietnam, and Cambodia, where civic engagement was relatively open. These protests, including a major protest at Ch. Karnchang's headquarters in Bangkok in April 2012, raised public awareness and attracted both local and international media attention regarding the impacts of the Dam.[14] Unfortunately, they bore no influence on the XPC nor the Government of Laos. A vital reason behind this was the protests were held outside Laotian borders and were viewed as illegitimate by its government.

TEMs appealed to the larger international community in hopes of leveraging boomerang pressure toward the riparian states and the MRC donors. This is a common tactic in mainland Southeast Asia, where the budgets of both states and international organisations rely upon foreign and international donors. In 2011, a joint statement of 263 NGOs from about 50 countries called upon the Mekong riparian states, particularly Laos and Thailand, to cancel the Xayaburi Dam. In the same year, the Australian Minister of Foreign Affairs and U.S. Secretary of State Hillary Clinton expressed concerns about the impact of the dam and called for more study. In spite of these calls, the Laotian government proceeded with the dam construction even though it announced that it had delayed dam construction in July 2012 (International River 2020).[15] This is often the case in the region as international donors alleged of playing ambiguous roles when it comes to the call for help from the non-governmental organizations.

The movement sought to oppose the Xayaburi Dam using formal institutional mechanisms defined by the MRC's consultation procedure (MRC 2003; Yong 2019) that allows the involved countries to communicate openly about their concerns and the projects. The TEMs lobbied National Mekong Committees of the riparian states[16] as the MRC launched the regional

consultations requested by Laos. Riparian members of TEMs participated in consultations held in Cambodia, Thailand, and Vietnam in January and February 2011, but they could not do so in Laos due to the small number of critical environmental NGOs in Laos, among other reasons. In these consultations, community members and NGO members of TEMs, mostly from Cambodia, Thailand, and Vietnam, requested the government of Laos to delay the dam project until transboundary impact assessments could be carried out.[17] The openness of international organisations like the MRC allowed the TEMs to express their demands; however, the Government of Laos rejected their arguments and proceeded with dam construction.[18] The TEMs' exercise of non-state powers through the existing institutional mechanism of MRC's regional consultation, though legitimate, could not override the power of the Government of Laos. This exemplified how Government of Laos treats civil society poorly. Meanwhile, Cambodian, Vietnamese, and Thai governments hid behind as a façade of openness while failing to uphold bottom-up participation and decision making behind closed doors, as well.

TEM members then sought to pressure the original sources of financing for the dam project as they learned that the dam could only be stopped "if no one bought the electricity from Lao"[19], which is a crucial factor to the project's success (Cronin and Hamlin 2012). Members of TEMs in Thailand, representing other riparian members, filed a lawsuit against the buyer and investors in Thailand, Electricity Generating Authority of Thailand (hereafter the buyer), to Bangkok's Administrative Court in 2012. Unlike the extra-jurisdictional protests outside Laos, the lawsuit of the communities was legitimate and within Thai jurisdiction. Despite this, the Thai court declined to hear the lawsuit, claiming the case was not within its jurisdiction. The communities then brought the case to Thailand's Supreme Administrative Court in 2014.[20] In December 2015, after hearing testimony from both parties, the court favoured the defendants: the buyer, the XPC, and the Thai

Ministry of National Resources and Environment. The Supreme Court claimed the complaint was invalid and illegitimate because the buyer had no responsibility for unfavourable impacts. The decisions of the two courts echoed the mutual and reciprocal economic benefits between the Thai parties and the Government of Laos. As such, the sovereign power to reject or support the Dam by the host state (Laos) and the riparian states (Thailand, Cambodian and Vietnam) lies on the transnational political economic structure of the transboundary Dam.

Transnational political economic structures: Why do TEMs fail?

The ultimate objective of the TEMs was not realised, but many, including members of TEMs, have extolled the positive effects of their networks.[21] The movements were able to influence the developer and the government of Laos to the extent that they both considered modifying aspects of the hydropower design regarding fish passage and ship locks, as well as other design adjustments. An expert claimed that these adjustments from the original plan would cost the developer up to USD$100 million:

> As an outcome of the movements (with demand from the riparian countries), the Lao PDR has considered more carefully before allowing the project to go ahead …. There are some modifications to the fish passages, ship lock and other designs compared to the original design. This modification costs around US$100 million.[22]

We argue that even though the network of TEMs in the Mekong region was able to effectively share information and agree upon common goals, as prescribed by Keck and Sikkink's analysis on TANs (1999), the information and network members were not powerful enough to put effective pressure on the host state, Laos. Unfortunately for the TEMs, the Laotian government's political

system stands in firm resistance to the Global North's concepts of active democratic participation and robust networks of NGOs. As such, the movement of NGOs against the Dam was rendered ineffective, as the Laotian government did not see them as worthwhile viewpoints. Though the success of international donors and NGOs in influencing dam construction projects in Laos, such as the Pak Mun, Theun-Hinboun, and Nam Theun 2 dams (Mirumachi and Torriti 2012; Porter and Shivakumar 2010; Hirsch 2001) was observed, it is critical to note that those dams and their developers are quite different from Xayaburi. Namely, the developers behind the others' dams operated under different corporate, social, and environmental responsibilities.

The boomerang approach of TEMs was unable to interfere with the state's sovereign power in decision making. Moreover, it affected the mutual respect of the riparian states for each other's sovereignty. As the Laotian government saw that the economic and sovereignty rights were in their favour, it remained resolute in its construction of the dam (to explain below).

TEMs and transnational political economic structures of hydroelectricity

The issue of extracting economic value from the Lower Mekong's transboundary common water through hydroelectric dams in Laos is deeply connected to Thailand, Cambodia, and Vietnam within the framework of transnational political economic structures (TPES) the water resources. Not only has the extraction of economic value overridden the efforts of TEMs to halt dam construction, but it has also overridden the concern of environmental cost as well. The Laotian government, among the other developing riparian states, has adopted a "economic development first, clean up the environmental mess later" mindset in their pursuit of economic expansion and progress above all else (Young 2014). Despite the evidence of the negative impacts of such an approach for the environment, environmental stewardship ranks far lower on national priorities

compared to sweeping infrastructure projects or human development. Laos's ambition to be the "Battery of Asia", economically embodying transnationalism of hydroelectric power and energy, is a key component to its overall strategy to reduce poverty and increase economic growth (Chattranond 2018). As such, the inability of TEMs to influence Laos to abandon its dams on the Mekong mainstream is a direct result of the deeply entrenched TPES of dams that link together Cambodia, Thailand, and Vietnam, and even the rest of Asia as claimed by the Government of Laos.

The ASEAN Way, the MRC Way: Sovereign and mutually respectful decisions

Drawing upon the framework of TPES, we argue that political and economic sovereignties overrode the effectiveness of TEMs. The sovereign power to decide the fate of the dam exemplifies what scholars of ASEAN relations and security call the "ASEAN Way"— a consensus-driven approach that favours non-interference in other ASEAN states' affairs. This consensus deeply permeates the region's politics and is evident even in the way the MRC is designed, especially in its consultation procedures. The standing of downstream governments is made more vulnerable thanks to the "ASEAN Way;" through it, no member of the association is inclined to interfere with another member state's domestic and internal political affairs, including decisions regarding dam construction that affects the entire community (Katsumata 2004). The MRC's prior consultation procedure not only preserves the sovereignty of the riparian states vis-à-vis their use of the Mekong transboundary common water resources for economic advancement, but also avoids the topic of displaced, disgruntled communities and environmentalist NGOs. The MRC secretariat has no authority over dam construction; as such, NGOs and other civil society members of TEMs have long misunderstood its abilities to help their cases.[23] While the MRC's consultation procedure

allows participation of NGOs, riparian states, and members of TEMs, their actual ability to partake in decision making is close to non-existent.

Many interviews acknowledged that although the riparian states are responsible for overseeing the impacts of dam construction in the Lower Mekong, they do not have any binding leverage on actual decision making. Only the host country that proposes the dam construction has any say,[24] manifesting through the ways dams have rendered hegemonic relationships among the riparian states (cf. Hensengerth 2015). Indeed, the decision of the government of Laos to proceed with the construction of the dam with the financial support of Thai investors and buyers, was considered an internal matter that could not be intervened on or influenced by foreign powers, namely, Cambodia and Vietnam. While Cambodian and Vietnamese technical experts and ministerial officials expressed concerns about the adverse impacts of the Xayaburi Dam, they were only able to present diplomatic opinions and make statements behind the scenes for media purposes. These actions were unable to create effective diplomatic pressure on Laos's to cancel the dam project (see Giovannini 2018).

Many, including members of TEMs, believe that the Mekong Agreement should play a more significant role in ensuring the sustainable use of the Mekong River; however, the ambiguity of the agreement does not favour TEMs. While Articles 20 and 27 state that decisions regarding transboundary water governance are to be made by MRC councils, requiring consensus from all member countries (Mekong Agreement 1995), the 1995 MRC agreement indicates clearly that the consultation is "neither a right to veto the use nor the unilateral right to use water by any riparian without taking into account other riparians' rights" (MRC 1995, 3). Such statements solidify the right of each riparian state to mutually extract economic resources. A riparian state's right to water resources is bound together with other states' rights within the framework of the transnational

economics of transboundary water resources. This goes beyond Ostrom's (1999) norms and rules of governing common pooled resources and a transboundary common environment (Hirsch, 2020).

Despite the protests of TEMs and opposition of Cambodian and Vietnamese lower officials to the use of transboundary common water resources for Xayaburi Dam, the agreement bestows the right to exploit the sovereign water resources not only to Laos, but to Cambodia, Thailand, and Vietnam as well. As such, the riparian states are encouraged to tread carefully when addressing regional, transborder issues. To avoid blaming Laos's dams in the upper stream of Cambodia for a Cambodian drought in 2016, for example, Prime Minister Hun Sen rejected the allegation that drought was in any way caused by the Xayaburi, the Don Sahong, or Chinese dams. Hun Sen claimed that the drought, "does not just involve the hydroelectric dam at Xayaburi nor the Don Sahong," urging Cambodians not to "blame Laos [and say] that [the drought] was caused by Laos building …. [a] hydroelectric dam."[25] Hun Sen's denial of the impacts of the Laotian dams illustrates Cambodia's unwillingness to cast blame on Laos's decision to extract economic rent from Mekong water.

Compared to Laos, Cambodia lags behind in terms of exploiting water resources for hydropower and economic development. Although the decision to construct its two dams is on hold, Cambodia is expected to follow in Laos's footsteps in building the two dams along the mainstream of the Mekong River if the country is desperate for electricity in the future. Other than the two dams, several dams have been planned and constructed, including the Lower Sesan II Dam on a tributary of the Mekong and Kamchay, Stung Atai Tatai, Lower Russei Chrum, and Stung Tatai Dams on the other side of the country, to generate electricity for its industrialization.

The Cambodian governments' efforts to influence Laos at the request of members of TEMs appear to have been quite limited. Its own plans to create dams in the future, although, at the

moment, the decision is put on hold for 10 years, will put Cambodia in a similar position to Laos vis-à-vis the Xayaburi Dam; therefore, Cambodia's premier decided not to rock the boat. In fact, far from denying Laos's right to construct dams on the Mekong mainstream, Cambodia appears to support all hydroelectric dams on the Mekong: it has even agreed to purchase 195MW from Don Sahong Dam and plans to purchase an additional 2,400 MW from Laos from 2024.[26] Cambodia also intends to exploit its water resources to boost economic growth, which requires a secure and steady electricity supply. The country has mainly been importing its electricity from neighbouring countries to attract foreign capital into its industrial sectors. The price of this electricity remains high compared to other riparian states (Phoumin, Kimura and Sandu 2020). Securing a reliable electricity supply is the key to development for Cambodia, one of the poorest riparian states (World Bank 2018). Consequently, Laos and Cambodia have a strong interest in complementary consent. This logic is borne out by the Cambodian government's diplomatic wording and toned-down comments on the adverse impacts of the Xayaburi dam, which demonstrates the ASEAN approach of non-interference.

If Sambor Dam is constructed, for example, Thailand, Laos, and Vietnam might criticise its potential impacts as a formality. Despite their complaints, the dam will likely proceed since there is no transnational legally binding agreement between the riparian countries. Although members of TEMs in Cambodia were as active as those in Thailand in protesting the Xayaburi Dam, it is likely that the government will place limitations on the space for civil society organisations to express dissent. In fact, it has been observed that the Cambodian government has already endorsed relevant regulations to suppress civil society organisations of TEMs in Cambodia.

Initially, the government of Vietnam more strongly expressed its concerns regarding the impacts of the Xayaburi Dam. However, Vietnam could not leverage any influence on the government of Laos to stop the dam, for its ambiguous position. Vietnam's planned and already constructed dams on the Mekong transboundary tributary and ongoing cross-border electricity trading with Laos both supported Laos's dam projects at the expense of TEMs, including the case of Yali Dam. An intergovernmental organisation staffer explains, "I don't think they [Vietnam] could stop [the] Lao PDR, since the 1995 Mekong and the consultation procedure did not mention or give this option, and they need cooperation on this."[27] This is true even if Laos's decision to build the dam was projected to have significant negative impacts on Vietnam (Wyatt and Baird 2007). In contrast to its initial position against the Xayaburi dam, Vietnam has bought electricity from Laos' dams and recently financed the Luang Prabang dam on the Mekong mainstream[28] to meet their electricity demands and boost its economy. This has indicated Vietnam's strong interest in the economic benefits of hydropower development projects rather than the adverse environmental impacts.

The strong nature of regional sovereignty espoused by the ASEAN Way rendered grassroot efforts to employ the boomerang approach ineffective. Cambodia, Laos, Thailand, and Vietnam were able to resist the interference of external actors, especially Western democracies (see Ear 2013; Young 2021). In spite of their financial support for the MRC, international donors, including Australia, Belgium, Denmark, the European Union, Finland, Germany, Japan, Luxembourg, the Netherlands, New Zealand, Sweden, Switzerland, the United States, and the World Bank, were unable to leverage influence on either the MRC or the riparian member states, especially Laos, to abandon the Xayaburi Dam. Despite the absence of strong international influence, however,

international political opportunity still opened to support TEM activities, as theorised by Sikkink (2005). Unfortunately, it was not effective in dislodging the power of regional TPES.

The ASEAN Way manifests strongly in the context of MRC's coordination mechanism. Moreover, the ASEAN Way complements China's approach to giving aid without outside interference or conditionality in mainland Southeast Asia and duly complements the Asian Development Bank's efforts at transnational economic integration in the region (Glassman 2010). The influx of Chinese aid and investment in the region, in turn, promotes the ASEAN and MRC Ways of governing through consensus, which results in further extraction of economic benefits from the common transboundary water resource. The Mekong-US partnership, formerly known as the Lower Mekong Initiative, was developed to engage the riparian states with the aim of hampering the influence of China (Chang 2013), but the initiative did not exert a powerful role in the host country's political affairs. Powerful actors such as the United States, represented by the intervention of then-Secretary of State Clinton, expressing concerns over the dam; however, she could not leverage an effective influence on the government of Laos to give it up. Even major donors to the riparian states have weak influence on them, as the case of Cambodia makes clear (Ear 2013). As such, strong TPES are enough to cement the decision of any country operating under the doctrine of the ASEAN Way.

Concluding discussion

TEMs employed various approaches to influence Laos, Cambodia, Thailand, and Vietnam, to cancel the construction of the Xayaburi Dam. Though members of TEMs employed a combination of proven institutional and extra-institutional tactics, they were unable to achieve their ultimate objective. They were, however, able to push for changes to aspects of the dam project's structural

design. Moreover, they raised awareness of negative impacts both within and between the riparian countries, potentially boosting future TEM efforts. Their failure to stop the dam was not due to faulty or insufficient strategies, networks, and political opportunities. The sheer importance of the Mekong River and its latent hydropower potential, a vital transnational political economic structure (TPES) within the region, made sovereign decisions regarding the construction of hydroelectric dams on the Mekong reign supreme. This effectively made their cause nearly impossible to achieve.

Scholars assert that exploiting transnational networks and political opportunities are important to increase the effectiveness of these transnational movements (McAdam, 1996; Sikkink, 2005; Keck & Sikkink, 1998). This paper's case study, however, highlights the limits to this hypothesis. In theory, the Xayaburi Dam was an excellent case study for a successful transnational advocacy network. Political opportunity structures were open to the TEMs in the Lower Mekong region and beyond as there was international support from donors and even intergovernmental organisations like the MRC through its consultation procedure. The riparian states of Cambodia, Thailand and Vietnam, furthermore, allowed members of TEMs to protest to leverage pressure on Laos PDR. TEM members from Thailand, where the source of financial support for the Xayaburi was originated, took the advantage to file lawsuits directly against the investors and the government. Although the Thai court acknowledged the harmful impacts of dam construction, they would not rule in favour of affected communities as it placed greater value on the economic opportunities and development of Thailand. The decision of the Thai government not to abandon the dam was made not only to maintain its relative economic lead over neighbouring countries, including Laos, but to respect the sovereign decision of Laos in the framework of the ASEAN Way and the MRC as well. The sovereign power bestowed upon the

riparian states by the ASEAN Way allows Laos to make rational economic decisions to construction regardless of the dissensus of TEMs.

We argue that the lack of success of TEMs is attributed to factors that have not been well theorised by scholars of transnational activism and political opportunity structures (Sikkink 2005; Keck and Sikkink 1998; McAdam 1996). We have worked to fill in the gaps by demonstrating that the TEMs were undermined by two factors: the position of economic development in TPES and national sovereignty. In Laos' case, push and pull factors were at play: with investment secured and an electricity buyer on the line, there was no turning back. One informant explained: "For the push factor, the project is a top priority of Lao development committed by the Lao Government, where opportunities for national (economic) growth are still limited if they consider other options. For the pull factor, the investor and buyer are from Thailand."[29] This explicitly denotes how TPES can explain the negative results of the TEMs' efforts. The strength of the TPES is sufficient to displace any gains made by TEM activism.

We conclude by proposing that, within the realm of transnational movement studies, explaining the outcomes of transnational movements relies heavily upon understanding TPES. The case study of TEMs rallying against hydroelectric power in the Mekong exemplifies this well. Extracting economic value from the transboundary water resources through hydroelectric dams establishes the politics of transnational economic relations among the riparian states in terms of electricity sharing and selling in order to boost their respective industrialisation and economies. This TPES largely excludes consideration of environmental cost; consequently, the TEMs' ultimate objectives can rarely be realised. We contend that arguments about the transnational political opportunities adopted by TANs (Sikkink 2005; Keck and Sikkink 1998) must consider the effects of TPES. TANs and international and domestic political opportunity structures in social

and environmental movements explain how movements like TEMs emerge (Tarrow 1998, 2005; Sikkink 2005; McAdam 1996), but they do not explain their outcomes. Understandings of transnational movements must therefore incorporate the political economic and sovereignty dimension, especially when movements deal with transboundary environmental and common resource issues as we have demonstrated in the case of TEMs targeting Xayaburi Dam on the Mekong River. As such, we find that it is crucial for scholars of transnational activism not to overlook transnational political economic structures when examining the effects of TEMs; more often than not, they are instrumental in the understanding of outcomes and effects.

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Notes

[1] Stimson (2020), Mekong Mainstream Dam. https://www.stimson.org/2020/mekong-mainstream-dams/ (last accessed 01 Apr. 2021)

[2] See the joint declaration of 40 national and international NGOs of TEMs at http://assets.panda.org/downloads/declaration_english_final.pdf (last accessed 19 June 2019).

[3] The recent drought and insufficient water on the Mekong mainstream can be induced by the dams and also climate change.

[4] Mekong River Commission, https://www.mrcmekong.org (last accessed 14 Apr. 2021)

[5] http://cnmc.gov.kh/cnmc/index.php/en/2021-05-06-04-00-00 (last accessed 05 August 2021)

[6] Interview with an NGO director, Laos, 20 Sept. 2016.

[7] Informal discussion with an official of Laos's human rights commission, Vietnam (19 Nov. 2014).

[8] a global advocacy network dealing with river-related environmental issues.

[9] an environmental organisation based in Thailand.

[10] Interview with NGO worker, Cambodia, 31 May 2020.

[11] Save the Mekong, https://savethemekong.net/about-us/ (last accessed 17 Feb. 2017).

[12] Names of participants are anonymised for the purpose of protecting their privacy.

[13] These objectives are drawn from Save the Mekong's website (www.savethemekong.net) and interviews with members of the network, Cambodia, (1 Mar. 2016; 8 March 2016; 27 Feb. 2018).

[14] Interview with an umbrella NGO officer, Vietnam, (7 Mar 2013).

[15] Timeline of local and international mobilisation and tactics employed by TEMs, http://www.tiki-toki.com/timeline/entry/388607/Gambling-With-The-Mekong-River-The-History-Of-The-Xayaburi-Dam (last accessed 4 Nov 2020).

[16] Interviews with program officer of an intergovernmental organisation, Laos (15 May 2012), and officer of an NGO, Vietnam (6 March. 2013).

[17] Interview with an officer of an intergovernmental organisations, Laos, (14 Jul. 2017)

[18] Interview with an NGO officer, Cambodia (13 Mar. 2016).

[19] Interview with programme officer of an intergovernmental organisation, Laos (15 Nov. 2015).

[20] International River, 2015, https://www.internationalrivers.org/news/blog-thai-court-holds-hope-for-transboundary-justice-in-the-mekong/ (last accessed 17 April 2018).

[21] Interviews with an officer of an inter-governmental organisation, Laos (19 Sept. 2016) and with officer of an international NGO, Laos (18 Jul. 2017).

[22] Personal communication with a hydropower specialist of an intergovernmental organisation, Laos, (17 Nov. 2015); http://www.mrcmekong.org/assets/Publications/Review-of-design-change-for-Xayaburi-hydropower-project_technical-ref-paper_2019_update-v2.pdf (Last accessed 01 July 2020)

[23] Interviews with representative of a fishery NGO, Cambodia (15 Mar. 2016) and an officer of an intergovernmental organisation, Laos (20 Jul. 2017).

[24] Interviews with an environmental activist, Thailand (19 Sept. 2014), and with a government official, Cambodia (20 Feb. 2016).

[25] https://english.cambodiadaily.com/news/mekong-dams-not-cause-of-drought-pm-says-111220/ (last accessed 28 Oct. 2020).

[26] https://www.khmertimeskh.com/677525/laos-links-195mw-power-to-cambodia/ (retrieved 28 Oct. 2020)

[27] Interview with an officer of an intergovernmental organisation, Laos (17 Jul. 2017).

[28] https://www.asiasentinel.com/p/threat-of-further-big-dams-on-the (last accessed 06 August 2021)

[29] Interview with program officer of an intergovernmental organisation, Laos (19 Nov. 2016).

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Figure caption

Figure 1: Planned, under construction and existing dams on the Mekong River and its tributaries (Stimson Center)