

## **Regional Environmental Cooperation for Sustainable Development in the Mekong Region, a Distant Pipedream or an Emerging Reality?**

A presentation by Christer Holtsberg at the Mekong Environment and Climate Symposium, 26 – 27 April 2010

“Experiences and future challenges of regional environmental cooperation for sustainable development in the Mekong River” is the somewhat long winding title given to me to talk about today. There is on nothing wrong with this title but I would like to spice it up a bit by adding one of my own:

### **Is cooperation leading to greater integration in the Mekong Region, a distant pipedream or an emerging reality?**

During the 20 minutes I have got at my disposal I would like to discuss where between these two extremes we are standing now and where we are heading.

The entry point is simple. I would like to present the proposition that regional environmental cooperation for sustainable development in the Mekong Region, however we define it, is not easy. I will discuss if this firstly is correct and secondly, why this is so.

One difficulty, in my view, lies in the very concept of “Mekong Region”. Is the Mekong Region a natural, generic concept or is it a geographic and political construct imposed from outside. If we talk about what is called the “Greater Mekong sub-region”, normally shortened as GMS, we know it is a geo-political concept created by the ADB in 1992, I think, to make it possible to develop a massive economic development programme geographically covering fully five countries including Cambodia, Laos, Myanmar, Vietnam and Thailand, China a few provinces only.

But what about the Mekong Region or the Mekong River Basin? It is often or perhaps at least sometimes said that a cross boundary rivers unite people for the very reason that historically waterways facilitated communications and connections between people.

It may well have been so in the past. But in recent history, the Mekong River does not seem to have helped uniting people, rather the contrary. The Mekong River became during the Cold War the dividing line between fundamentally the two different ideological systems. The end of

the Indochinese war in 1975 left the “Mekong Region” split in two parts which represented the two global super powers at the time, United States and its allies in Western Europe and elsewhere and Soviet Union and its Eastern European Allies. The end of the Vietnam War did not therefore result in kick-start of Mekong cooperation. Ideological and political differences between the two blocks prevented this development. Moreover, intra-regional cooperation was hampered by other events. The Vietnamese intervention in Cambodia in December 1978 is one example. It had implications across and beyond Mekong Region. The conflict became part of the Cold War narrative particularly after China undertook its punitive invasion of parts of Northern Vietnam in February 2009. The event in turn spilled over into Laos, which had to choose which party to support Vietnam or China. The Laotian decision soured the relationship with China for long time.

The ideological divide continued roughly till the fall of the Berlin Wall and the disintegration of the Soviet Union in 1991, which got unexpected consequences interestingly had quite dramatic spin-off effects on the far away Southeast Asia. The new global geo-political configuration made the continental Southeast Asian countries reconsider its previous policies and paved the way for dialogue and cooperation between countries of different political systems. The Cambodian conflict, the last obstacle to good relations among neighbours in the region, ended in 1991.

These global events also had important consequences for existing regional political cooperation outside the narrow confines of the Mekong Region or Mekong Basin. The Association for the South East Asian Nations (ASEAN), which was created in 1967 with a largely Cold War mandate as a defence agreement between five countries including Thailand, was transformed into a trade relationship in 1992 reflecting new geo-political realities.

This in turn made it possible for the Mekong countries to step by step be members. Vietnam, as the first country, joined ASEAN in 1995, Laos and Myanmar followed in 1997 and Cambodia in 1999. The new geo-political realities made it also possible to revisit the Mekong River Cooperation. I believe that incorporation of the Mekong Countries into the ASEAN framework represents an important step towards Southeast Asian regionalism which it is reason to come back to.

Efforts to cooperate on utilization of the Mekong River water resources began as early as 1954 in the form of the Mekong Committee with Cambodia, Laos, Thailand and Southern Vietnam members. With active

sponsorship of the US, it became quickly considered a by-product of Cold War superpower politics. Cambodia was withdrawn from the Committee after the end of the Vietnam War and the remaining members, with Vietnam now representing the whole country, formed the Interim Mekong Committee, with office in Bangkok. Also in this case the global events in 1991 paved the way for a re-visit of the mechanisms for cooperation over water in the Mekong. After years of negotiations, agreements between all the four lower riparian countries formally agreed in 1995 to form a Mekong River Commission (MRC) and sign an Agreement on Cooperation and Sustainable Development of the Mekong River, the so called 1995 agreement. It was not found possible to include China and Myanmar in the agreement. The 1995 agreement is still today one of the few legally binding treaties in the sub-region.

Another sub-regional regional initiative which is the result of the changing geo-political conditions in the region is the establishment of the ADB initiated Economic Development Programme for the Greater Mekong Sub-region (GMS) which was formulated in 1992. It includes all the riparian countries and its geographical coverage is not restricted to the Mekong Basin as is MRC. GMS is not a sub regional organization in a formal sense and the agreement cannot be considered a treaty between the parties. It is an economic development programme. But it has a governance structures with summits, heads of governments, and ministerial meetings which resembles that of regional conventions. In reality, GMS has become a recognized regional geo-political entity with a rather broad development mandate thus falling between on the one hand MRC and ASEAN.

China with a share of the Mekong River Basin is, as we have seen, formal member of only one of the regional entities discussed already, the GMS cooperation, but neither of ASEAN or MRC. But China has rapidly developed multi-level relationship with ASEAN. In 2002 ASEAN and China signed a framework agreement on ASEAN - China Economic Cooperation and ASEAN Plus China summits are regular elements of the ASEAN calendar. With MRC, China is linked via an agreement of strategic partnership.

Even if I have mentioned only a few of the major regional initiatives that have emerged over the last 25 years, it is obvious that there is a proliferation of regional and sub-regional initiatives. But despite the many initiatives they do neither seem to represent effective mechanisms for solving disputes nor to harmonize national policies to better align with regional requirements. The commitment to regional integration is in a

way there, but the willingness to follow up with concrete action appears not to be in place.

I believe there are several reasons behind this reluctance. One is obviously explained by historical factors. Nguyen Phuong Binh has in a recent paper nicely summarized this as follows “ *When countries get along well with each other, the issue of history does not matter much, but when they are not on good terms, history can be exploited for various purposes, which in turn hampers the course of cooperation. Since the countries in the region had to struggle to gain and defend their national independence and are still – in many respects - weak states, the issues of sovereignty and integrity remain sensitive*” I believe this is a point. Suspicion and lack of trust based on past but unresolved problems is probably a factor which reduces the political appetite for making concessions for the regional good. National self-interest prevails. The much touted common Mekong Values and Mekong Spirit, which often find its way into official regional documents, counts for little when national interests are believed to be challenged.

Yet, despite all difficulties to address common regional challenges in a rational and efficient manner, it appears to be a growing realization that the countries in the region share the same fate and only broader regional cooperation can ensure long term peace and prosperity. This realization is however yet to be fully translated into action. This does not mean that no cooperation takes place. There is an increasing number of bilateral and multilateral agreements on cooperation in place between governments in the Mekong Region. It would lead too far to even make a brief presentation of these agreements. They do come in different forms and formats. Whereas the governments in some of these agreements commit themselves to particular actions, others are more expressions of intent or formulated as frameworks for future elaborations. Others can be quite specific.

It appears to be easier to agree on common approaches and cooperation in some areas than others. For instance, it appears to be easier to reach regional agreements on issues related to facilitate economic growth and development. There are for instance regional or bilateral agreements in place to develop trans-national road communications which would facilitate intra-regional connectivity and trade. Physical work is well under way and is in several cases already completed. Agreements are also in place to create a regional power trade. These agreements are negotiated within the framework ADB's GMS cooperation. But even in these cases, the experience so far has shown that while it appears relatively easy to

agree on massive infrastructure developments, it has been far more cumbersome to reach agreement on accompanying regulatory framework, such as on simplified customs inspections at border crossings. Agreements on trade and investment related cooperation are also advanced but are facilitated by the fact that they are negotiated within a broader ASEAN framework.

With regard to regional cooperation on environment matters progress is generally much more restricted. The governments in the region are party to most global environmental conventions, but in contrast to other regions, Asia as whole including Southeast Asia, has been slow to complement the global treaties with supporting regional agreements. Mechanisms for regional cooperation on climate change related issues are emerging and in many respects in place.

ASEAN has through its new charter a mandate to negotiate common environmental agreements or treaties. There are already some in place. But it appears that the process is just in its infancy.

Again this is not to suggest that cooperation on common environmental matters are not taking place, obviously not. But the cooperation is on “soft” matters, often based on the principles of capacity building and information sharing through various regional platforms or similar instruments.

What seems to be particularly difficult is to reach regional agreements in which the governments commit themselves to enforce commonly agreed rules. The Mekong agreement on Mekong River from 1995 is, however, one striking example. Even if it must be considered a landmark agreement at the time, it is suffering from several well known weaknesses. One is that it neither China nor Myanmar are signatories to the agreement. Even if China in a separate agreement with the Mekong Commission has become a strategic partner with MRC and is increasingly sharing certain data with the commission, cooperation with up-stream China over water sharing remains a contentious issue. The present drought condition in the Mekong Region has indeed highlighted the importance of inclusive agreement including all riparian countries including China and Myanmar.

To reach regional binding agreements on common environmental standards and norms which would require the governments to adjust their national regulatory system and framework remains a challenge. Over the last years several attempts have been made to reach regional

agreements on specific matters such as minimum conditions for hydro-power development or common formats for SEAs and EIAs have not met with any success so far.

Summarizing the above, I would propose that the Mekong Region, particularly in the form of the Greater Mekong Sub-region has gradually got a recognized geo-political identity. But it does not mean that regionalism, as a political idea, is fully endorsed. The regional governance mechanisms remain weakly developed and the political commitment appears sometimes in doubt. Still in an increasingly globalized world driven by a new global economic order will, in my view, require a gradual shift from national to supra national identities of regulation in which the creation of supranational governance structures which in turn will form new sets of political identities and, potentially in the longer term , social identities.

So is it a pipedream or an emerging reality. I opt for the latter, but believe it will take time.

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