

ABSTRACT

Title of Dissertation: ALLIES OR ADVERSARIES? THE
AUTHORITARIAN STATE AND CIVIL
SOCIETY IN ENVIRONMENTAL
GOVERNANCE: A CASE STUDY OF THE
MEKONG DELTA

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Natural resources are collective goods that the state has the authority and responsibility to protect from overuse and overexploitation. In order to achieve this protection, the state must rely on the actions of local actors, experts, and business leaders who are most closely connected to the natural resource base. The dependence of the state on local actors to implement resource-protection policies makes the conduct of environmental management within authoritarian regimes a particularly interesting area in which to observe the state's strategic choices concerning its relations with civil society. The potential threat to state control posed by an emergent civil society means that the state must weigh its interests in maintaining its authoritarianism against the benefits provided by civil society, such as the ability to analyze and implement the state's policies effectively.

This dissertation focuses on how the government of Vietnam manages these apparent tensions between allowing participation on a critical issue area and maintaining its control as an authoritarian state. I argue that the state does not respond uniformly or consistently to all types of civil society actors, even within a single issue area such as natural resources protection. Prevailing explanations of why the authoritarian state has shown permissiveness toward civil society actors fail to account for variation in the state's response to different actors and across levels of governance. In this paper I present an alternative framework that provides a more nuanced understanding of the state's interests with respect to various types of civil society actors. I argue that the state's engagement with various civil society organizations depends primarily on three characteristics: 1) the organization's mobilizing capacity; 2) issue independence; and 3) the external strategic value of the organization. These three characteristics shape whether the authoritarian state of Vietnam views the organization as a threat to be subverted and repressed in order to maintain its own authority, or a cooperative partner in the management of the state's natural resources. In addition, this dissertation discusses the implications for successful water management in the region.

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by

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*Dedicated to my parents,
Jan and Byron Wallace,
for their endless patience and support.*

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List of Abbreviations

ACFTA	ASEAN-China Free Trade Area
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
AsiaDHRRA	Asian Partnership for the Development of Human Resources in Rural Asia
AusAID	Australian Agency for International Development
BDP	Basin Development Plan
CBO	Community-Based Organization
CEO	Chief Executive Officer
CGIAR	Consultative Group for International Agricultural Research
CPFWS	Challenge Program on Food and Water
CPV	Communist Party of Vietnam
CSO	Civil Society Organization
DARD	Department of Agriculture and Rural Development
DONRE	Department of Natural Resources and the Environment
EIA	Environmental Impact Assessment
ECOSOC	United Nations Economic and Social Council
FFI	Flora and Fauna International
GDP	Gross Domestic Product
GIZ	German Agency for International Cooperation
GreenID	Green Innovation and Development Centre
HCMC	Ho Chi Minh City

HYV	High-Yield Variety
ICEM	International Centre for Environmental Management
IFAD	International Fund for Agricultural Development
INGO	International NGO
IUCN	International Union for Conservation of Nature
IWRM	Integrated Water Resources Management
Lao PDR	Lao People's Democratic Republic
LCD	Low-Carbon Development
MARD	Ministry of Agriculture and Rural Development
MDP	Mekong Delta Plan
MONRE	Ministry of Natural Resources and the Environment
MRC	Mekong River Commission
MW	Megawatts
MWD	Mekong Water Dialogue
NGO	Non-Governmental Organization
NMC	National Mekong Committee
NMG	New Modes of Governance
OECD	Organisation for Economic Cooperation and Development
PanNature	People and Nature Reconciliation
PNPCA	Procedures for Notification, Prior Consultation and Agreement
RBO	River Basin Organization
SIDA	Swedish International Development Cooperation Agency
SOE	State-Owned Enterprise
TWh	Terawatt-hour

UN	United Nations
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change
VND	Vietnamese Dong
VNFU	Vietnam Farmers Union
VNGO	Vietnamese Non-Government Organization
VNMC	Vietnamese National Mekong Committee
VRN	Vietnam Rivers Network
VUFO	Vietnam Union of Friendship Organizations
VUSTA	Vietnam Union of Science and Technology Associations
WARECOD	Center for Water Resources Conservation and Development
WWF	World Wildlife Fund

Chapter 1: The Authoritarian State and Civil Society

Natural resources are collective goods that the state has the authority and responsibility to protect from overuse and overexploitation. In order to achieve this protection, the state must rely on the actions of local actors, experts, and business leaders who are most closely connected to the natural resource base since resource-protection regulations set by the state will be non-productive in the absence of effective implementation by the resource users. State decision making regarding natural resources management, and implementation of regulations within the state, can be assisted by civil society actors who possess the expertise and ability to communicate between scales: communicating both local environmental needs to state actors for policymaking, and state policies to local actors for implementation.

The dependence of the state on local actors to implement resource-protection policies makes the conduct of environmental management within authoritarian regimes a particularly interesting area in which to observe the state's strategic choices concerning its relations with civil society. While civil society does not always seek to challenge the state, it does present a potential threat to both the legitimacy and the authority (referred to in this dissertation together as "control") of authoritarian regimes. In a democratic polity legitimacy is conferred through elections, and its authority is defined and maintained by its political institutions, such as a Constitution, the free press, and the accountability of democratic regimes to the rule of law. In contrast, since authoritarian regimes do not derive legitimacy from free and fair

elections and political institutions are subordinate to the regime, they must more vigilantly and strategically guard their control of the state.

Civil society organizations have the potential to undermine authoritarian control. As Foley and Edwards (1996) note, one branch of the vast literature on civil society “lays special emphasis on civil society as a sphere of action that is independent of the state and that is capable—precisely for this reason—of energizing resistance to a tyrannical regime,” (p. 39). These associations that, by definition, develop outside of state institutions, have the potential to challenge the status quo of state governance by drawing attention to injustices and inefficiencies, advocating alternative courses of action, and building social ties among community members that transcend membership within a nation. To a state such as Vietnam, which is increasingly exposed to Western democratic nations through cooperation and economic interdependence while maintaining a Communist system of government, the emergence of civil society poses a particular challenge:

In contexts of democratic transition, in particular, where established political parties have been repressed, weakened, or used as tools by the authoritarian state, autonomy from traditional politics seems to be a prerequisite for oppositional advocacy. In such contexts, civil society is treated as an autonomous sphere of social power within which citizens can pressure authoritarians for change, protect themselves from tyranny, and democratize from below. (Foley and Edwards 1996, p. 46)

The potential threat to state control posed by an emergent civil society means that the state must weigh its interests in maintaining its authoritarianism against the benefits provided by civil society, such as the ability to analyze and implement the state’s policies effectively. This tradeoff becomes particularly pronounced when the decision

stakes are high, such as the state's management of the looming socio-economic and environmental challenges in the Mekong delta. Will the authoritarian state recognize that top-down directives might not be the most effective form of engagement? Will it privilege maintaining its control over finding the most effective ways of achieving policy goals? Analyzing the state's strategic interactions with civil society actors will demonstrate to what extent the state recognizes the importance of civil society participation in the management of natural resources, seeks cooperative relations with civil society actors, or subverts such actors in an attempt to maintain its own control.

This dissertation focuses on how the government of Vietnam manages these apparent tensions between allowing participation on a critical issue area and maintaining its control as an authoritarian state. This dissertation thus makes an important contribution to the literature on activism within authoritarian contexts, which largely fails to distinguish among the different types of actors that compose the nebulous term of "civil society." I argue that the state does not respond uniformly or consistently to all types of civil society actors, even within a single issue area such as natural resources protection. Prevailing explanations of why the authoritarian state has shown permissiveness toward civil society actors – including internal fragmentation, bolstering regime legitimacy, and informational needs – fail to account for variation in the state's response to different actors and across levels of governance. In this paper I present an alternative framework that provides a more nuanced understanding of the state's interests with respect to various types of civil society actors. I argue that the state's engagement with civil society organizations

depends primarily on three characteristics in its calculation of risk vs. reward: 1) the organization's mobilizing capacity, or potential threat to state control; 2) issue independence, or the degree to which the organization's environmental focus intersects with other state priorities; and 3) the external strategic value of the organization, defined as the organization's ability to confer external legitimacy to the state or attract outside funding. These three characteristics shape whether the authoritarian state of Vietnam views the organization as a threat to be subverted and repressed in order to maintain its own authority, or a cooperative partner in the management of the state's natural resources.

The primary focus of this dissertation is to demonstrate that the authoritarian state varies its strategy toward civil society actors depending on the characteristics of the organization as well as of the issue area being addressed. However, these strategic decisions by the state have implications for water management and the long-term environmental sustainability of the region. This dissertation will thus contribute to a more nuanced understanding of the emergence of the nascent civil society within Vietnam, and the state's ability to control their domestic activities as well as their transnational partnerships. The dissertation will also elucidate the implications for successful water management in the region, and the challenges that are created for regional and international partners who seek to work with or on behalf of local actors that face political constraints from the authoritarian state.

Authoritarianism in Vietnam

The nature of authoritarianism in Vietnam has evolved since reunification and consolidation of power under the Communist regime in 1975. As noted by Le Hong Hiep (2012), the independence movements and struggle for national unification served as the source of legitimacy for the Communist Party of Vietnam from its founding in 1930 until reunification. However, due to the socio-economic crisis and widespread famine resulting from failed central planning, and diplomatic isolation following Vietnam's occupation of Cambodia in 1978, the unified government quickly faced a legitimacy crisis. In 1986, the government adopted the *Doi Moi* policy of reform which, in addition to other political reforms, opened the centrally planned economy to foreign investment and trade.¹ Hiep identifies this reform process as the government of Vietnam transitioning its source of legitimacy from the traditional sources of nationalism and socialist ideals to what he refers to as “performance-based legitimacy.” As part of the process of reform and opening, new political and economic space was created and filled by non-state actors, stepping into the role of providers of education, health and other social services.

A plethora of scholars has noted that the transition from ideologically based legitimacy to performance-based legitimacy has meant that the government has had to adapt to working with and responding to a wide range of new actors outside of the government (Sidel 1997; Gray 1999; Mercer 2002; Landau 2008; London 2009;

¹ The structure of the government of Vietnam, including the *Doi Moi* reform process and the events leading up to it, are discussed in detail in Chapter 3.

Thayer 2009; Kerkvliet 2010; Wells-Dang 2010; Bui 2013). However, a cross-cutting theme across these studies is that the organizations that have emerged since the *Doi Moi* reform process represent a uniquely Vietnamese form of civil society that is not fully independent from the state. For example, Gray (1999) and Landau (2008) emphasize their roles as “assisting” the state rather than challenging it, noting that they operate within the political constraints that are set by the government. Gray (1999), Kerkvliet (2010) and London (2009) show that the government has not hesitated to resort to traditional forms of authoritarian repression towards organizations that have attempted to challenge the control of the state. For example, London (2009) notes that when Vietnam hosted the APEC conference in 2006, that many human rights protesters who were part of the “Bloc 8406” democracy movement were rounded up and sentenced to lengthy prison sentences, as were their lawyers.

This dualistic approach to working with – or against – non-state actors in Vietnam is what Kerkvliet (2010) refers to as the “Responsive-Repressive State.” On the one hand, the emergence of these organizations facilitated the transition under the *Doi Moi* reform process as the state gave up its monopoly role on the provision of social services. The organizations attracted financial resources from international and domestic sources at a time when the state was in particular need of economic development assistance (Sidel 1997). Bui (2013) and Sidel (1997) discuss the tolerance of these new organizations as a strategic tradeoff for the state, which recognizes that civil society is useful as the state pursues its market goals, but that

civil society must also be managed so as not to undermine state control of the pace and direction of growth, or social stability more broadly. Thayer (2009) emphasized that this form of social control is not reflective of “political civil society” at all, drawing a sharp distinction between what he sees as developmental NGOs and CBOs and political organizations such as Block 8406 that are illegal in Vietnam and that are consistent targets of state repression. However, this distinction presents a blunt characterization of what constitutes the “political.” In this dissertation I will demonstrate that not all newly formed associations in Vietnam can be so neatly categorized into development associations that work alongside the state or those that seek to challenge it politically. For organizations that straddle the line, the state must make a strategic choice whether to engage in repression or reap the benefits of social services provision that the organization can provide, and this choice can vary over time and across different types of organizations.

Scholars diverge on what the implications are for the emergence of these non-state actors for the long-term stability of the authoritarian state. As Kerkvliet (2010) points out, this debate centers over whether direct confrontation with the state is needed for political reform, or whether it can be achieved through a more transitional process. Mercer (2002) points out that the connection between an emergent NGO sector and the process of democratization may be overstated. The social services that these organizations have stepped in to provide have not undermined the state, she argues, but rather have strengthened it. If the state is able to maintain its legitimacy based on performance-based indicators such as sustained economic growth and

improved standards of living, political challenges to the state may not gain traction. This understanding of the Vietnamese state's calculations with respect to its own control raises interesting questions with application to environmental organizations in particular, as the character of environmental problems intersects local and transnational politics, as well as short-term versus long-term strategic choices. It is therefore unclear at the outset whether these organizations will be perceived primarily as benign actors assisting in social services provision or more explicitly political actors, potentially triggering a more repressive response by an authoritarian state seeking to subvert potential challenges to its control.

The Vietnamese State's Dilemma

In 2008, the OECD created a traffic-light system to identify and classify the urgency of environmental trends to 2030. Red-light problems were those “environmental issues which are not well managed, are in a bad or worsening state, and which require urgent attention” (p. 24). Included among the 15 identified red-light issues are two related to the impacts of climate change, six related to biodiversity and renewable natural resources and three related to water quality and quantity.² While this framework provides a clear list of the most critical threats, it fails to highlight that these red-light issues often intersect and, while global in nature, affect certain regions and population groups disproportionately. This is the case in the Mekong delta in Vietnam, where the combined effects of upstream development,

² The remaining 4 concerned air quality and waste management including hazardous chemicals.

climate change and urbanization are contributing to rapid land and water loss and degradation. The region is thus plagued by at least 11 of the most critical environmental threats as identified by the OECD, and these problems are exacerbated by the dependence of the local population on the resource base. An estimated 60 million people live in the Mekong basin, 80 percent of whom rely directly on the river system for their food and livelihoods (Baran and Myschowoda, 2009; ICEM, 2010). The welfare of this population is dependent upon the governments of basin countries finding long-term solutions to the sustainability challenges that the region faces. As residents of the country farthest downstream (See Figure 1.1), the Vietnamese are in the most vulnerable position as they are affected by the governance decisions made upstream by the other riparian states, as well as by their own country's decision-making on how to protect the delta environment.



Figure 1.1 Map of the Mekong Basin
Source: © WWF (*panda.org*). Some rights reserved.

Given this livelihood and food security crisis, how is the Vietnamese government responding to ensure the welfare of its citizens? This question is of particular importance in the context of recent scholarship on how to achieve effective environmental governance, particularly in the critical area of water resources management. Persistent environmental problems, such as those affecting the Mekong delta, are viewed as difficult to solve not only due to their scientific and technical complexity, but also because their intersection with other policy areas, such as economic development, amplifies the number of stakeholders who are affected by how they are managed. Furthermore, the effective management of transboundary water resources necessarily involves actors and institutions outside of the Vietnamese state. For these reasons, multi-stakeholder participation of actors across the Mekong basin is increasingly viewed as critical to the formulation of effective policy in order to improve knowledge, implementation and coordination between stakeholders and those responsible for policy decisions. While the precise relationship between participation and effectiveness is debated, this position presents an interesting potential dilemma for an authoritarian state like Vietnam, which limits the space in which civil society is allowed to operate. How does the authoritarian state manage participation in the protection of the water resources of the Mekong delta? I will answer this question by examining a case study of the Vietnamese state, exploring the ways that the state incorporates, or fails to incorporate, participation of civil society actors into its environmental governance practices, balancing its effective management of collective goods with control over domestic actors.

The Participation Debate

The role of participation in the policy making process is an area of debate among scholars; some cite the benefits of having input from all actors (Kvarda & Nordbeck 2012; Chambers 1983), while others show how including a large number of actors with potentially competing interests can have a distorting effect on decision-making (Layzer 2008; Cooke and Kothari 2001; Abel and Stephan 2000). The arguments in support of participation in the policy-making process can be broadly divided into two categories: those emphasizing the process of governance and those emphasizing the outcome. Those who argue that participation is critical to the process argue that participation increases legitimacy and transparency, which reinforce the acceptance of the authority of the regime as well as more the direct acceptance of a policy decision, even one that ultimately produces a sub-optimal outcome. For example, Kvarda and Nordbeck (2012) argue that a participatory process improves the feeling of inclusion as well as acceptance of the final outcome, which they refer to as input and output legitimacy:

Enhanced participation promises to bring about input legitimacy by giving stakeholders or citizens fair, balanced and equal access to political processes, by elevating their transparency, by making (especially state) actors accountable to the citizens, members or actors concerned, and by getting non-state actors' voices heard and taken into account in political decision-making. The procedural achievements of participation on the output side should result in improved output legitimacy as the participating actors get better insights into, and knowledge about, political processes and, with that, better accept and actively support the formulated policies. (p.17)

Having a highly participatory process might not make it easier to come to a policy decision, but the benefits of such a process include that decisions, once made, are

more likely to be accepted by stakeholders who feel that their voices have been heard and understand the rationale by which the decision was made.

The relationship between participation and outcome is more contentious. While participatory processes help protect against inferior outcomes that are the result of limited information or privileged access, some scholars argue that participation actually leads to sub-optimal policy outcomes. The explanations for why participation decreases policy effectiveness are varied, including that contention among multiple actors or “veto players” prevents deviations from the status quo (Tsebelis 2002; Gray and Lowery 1995); the pursuit of consensus leads decision-makers to privilege policies that minimize contention, or that “satisfice,” rather than achieve the best result (Layzer 2008; Simon 1956); and “capture” of government agencies by stakeholders with greater legal, technical and financial resources means that policies may be adopted that still privilege the interests of the powerful, despite nominal inclusion (Berkman and Viscusi 1973; Gerson 1993; Cooke and Kothari 2001; Abel and Stephan 2000).³ Participation cannot simply be viewed as a panacea that necessarily leads to good governance, but should rather be understood as a complex process that can wield beneficial results or create new impediments, depending on how it is managed.

³ For a more complete discussion of the relationship between participation and governance, see: Bill Cooke and Uma Kothari (eds.) *Participation: The New Tyranny* (London: Zed Books, 2001); Samuel Hickey and Giles Mohan (eds.) *Participation: From Tyranny to Transformation?* (London: Zed Books, 2004); Jurgen Grote and Bernard Gbikpi (eds) *Participatory Governance* (Wiesbaden: Springer, 2002).

Despite these caveats, participatory processes are increasingly viewed as essential to environmental governance because of the complexity, functionality and scale of many environmental issues. Because of these characteristics, scholars and practitioners have made a stronger push for “new modes of governance” (NMG) in recent decades, which are more adaptive in addressing complex environmental challenges.⁴ While acknowledging that there is not a specific formula for implementation, Kvarda and Nordbeck (2012) define the three pillars of NMG as

(1) the endeavor to enhance participation of non-state, civil actors in environmental decision-making; (2) the attempt to improve coordination, both horizontally between sectors and vertically across territorial levels; and (3) the effort to effectively integrate different types of scientific and civic expertise in environmental policy-making in a transparent and democratically accountable way. (p. 5)

Advocates of NMG do not dismiss the potentially confounding effects of high levels of participation, but rather argue that the characteristics of issue complexity, functionality and scale elevate the necessity for broad participation. This perspective receives indirect empirical support from the poor track record of top-down environmental management regimes that failed to account for interrelated ecological, political and cultural dynamics, which have led to the environmental management crises such as the red-light issues noted earlier by the OECD.

The characteristics of complexity, functionality and scale make participation important to environmental governance for the following reasons:

⁴ For a good overview, see Karin Backstrand et al (eds.) *Environmental Politics and Deliberative Democracy: Examining the Promise of New Modes of Governance*. (Northampton, MA: Edward Elgar, 2010).

Complexity: Participation in governance is particularly important to the adoption of effective policies in areas where the complexity of the issue leads to disputes on what constitutes “knowledge.” Many environmental problems are marked by high levels of uncertainty and technical complexity, which leads to disagreements in interpreting evidence as well as over acceptable levels of risk. However, overcoming informational deficits involves more than bringing experts to the table, which can overlook the value of local knowledge (Ehlert 2012). Examples of this type of contribution include historical knowledge of the local ecology prior to scientific study, observational data of changes to the local ecology, and a deeper understanding of how local populations interact with and respond to changes in their natural environment. When local stakeholders are valued for the unique knowledge that they provide, this leads to what Jongman and Padovani (2006) call the development of “integrated knowledge.” Discussing river basin management in Brazil, they note that:

Integrated knowledge was generated by combining different types of scientific knowledge with visions, information and solutions developed in cooperation with local, regional and national stakeholders. The process showed that this integrated knowledge was essential for involvement of stakeholders in problem formulation, identification of solutions and decision-making on preferred developments. Stakeholders have helped to direct the research process by bringing in ideas about causes and solutions and adding local and regional knowledge to the research process. Once involved in the process, stakeholders took on board new ideas and visions, and were critical about solutions. Research is important in gaining insight in complex processes (climate, hydrology, geology, ecosystems and politics); stakeholders display a wide knowledge of the regional history that generally is not documented and inaccessible to scientists. (p. 49).

Their research highlights that it is not only for purposes of interest aggregation that local stakeholders should be brought to the table, but also because of their expertise in

particular types of knowledge, including undocumented social, ecological and historical knowledge.

The integration of local knowledge, however, is just one example of the need for an expanded set of actors to effectively address complex environmental issues. Funtowicz and Ravetz (1991, 1992) argue that the “extreme uncertainty of the methods used to address the disturbed global environment limits the application of traditional scientific methodologies to current problems” (1991, p. 137). They place such environmental challenges within a new category of postnormal science, in which “facts are uncertain, values in dispute, stakes high and decisions urgent” (1991, p.137). Under such conditions of trying to tame “wicked problems,” technocratic solutions are precluded and decision-making cannot be based on a simplistic estimation of costs and benefits (Rittel and Webber 1973). Instead, the policy process must integrate the estimation of risks and value judgements. The authors thus call for “extended peer communities” beyond the classic community of experts, bringing in other types of community leaders including those with social capital alongside leaders with more technical expertise. The scientific complexity of a range of environmental problems thus calls for the inclusion of a diverse range of experts and community members since none have a monopoly on knowledge and the uncertainties involved mean that normative questions must be weighed in addition to empirical ones.

Functionality: A second reason why participation is critical to environmental governance concerns the translation of policy into action, or the functional aspect of implementing change. Environmental protection often requires individual-level

behavior change; for example, implementing recycling programs, changing private waste management practices, or reducing energy consumption. More specific to the Mekong region, the direct involvement of individual citizens is necessary to effectively prepare for disaster risk reduction, particularly important in regions expected to feel the negative impacts of climate change in the form of extreme weather events, and land and food insecurity. Behavior change cannot always be achieved by a top-down directive, and is arguably better achieved when the implementers understand the rationale and their responsibility under the policy change. The link between participation and the functional aspect of environmental governance is encapsulated in Kvarda and Nordbeck's "synergy model" (2012). They argue that high levels of participation are correlated with effectiveness because of better norm compliance and fewer implementation deficits. Participation thus allows the public to understand and internalize the priorities that are driving the policy decision, which in turn will better enable them to conform to the new regulations.

Scale: Environmental challenges are unique from many other areas of governance because they are not confined by political borders. The causes of an environmental threat might be geographically distant from where its effects are most acutely felt. This limits the state's ability to address environmental problems through national-level legislation; other actors must be brought into the process in order to address these issues at their source. Since the 1980s, the environmental governance literature has emphasized that the scale of the institution must match the scale of the problem for governance to be most effective (Layzer 2008). In addition, much of the

subsequent literature on managing the global environment focused on the creation of new institutions that bring together states that share resources in order to promote policy convergence and to prevent interstate disputes over these resources (Young 1999; Keohane and Levy 1996). These efforts bring all relevant actors to the table, coordinate responses, and build trust and reciprocity among states that do not want to shoulder the costs of action alone. The issue of scale thus also increases the importance of participation in decision-making. Top-down policy-making at the national level excludes many stakeholders whose action and responses are crucial to managing the issue effectively.

As previously noted, participation may bring benefits to governance, such as increased legitimacy and transparency. It also may create obstacles, as various power dynamics and competing interests make the inclusion of all voices a contentious process. However, because of the complexity, functionality and scale of many environmental issues, participation is increasingly viewed as an essential component for effective solutions to be achieved. While establishing a requirement for “stakeholder participation” has been widely adopted as an essential component of the effective management of environmental resources, the extent to which this norm has been internalized by relevant actors still remains weak in some cases. For example, having stakeholder participation in the policy process can be perceived as a box for governmental elites or private sector actors to check off out of political obligation, without permitting any actual effect of the participation on the planned outcome of the project. According to Lang (2004),

Although the concept of participation has gained support among the multinational banks and donors in the region, its political ambiguity and contrasting meanings have at times lent its use to justify the states and proponents' projects, programmes and policies while suppressing the voices of dissents and hence removing perceived obstacles to achieve the goals of certain projects. Participation, in this sense, is often seen in consultation meetings and forums where the public is 'invited to participate' (Cornwall 2002) and become passive audience/listeners, lending legitimacy to the inviters and their planned interventions. This kind of the 'invited participation' (ibid.) is often strategically employed in various mega development projects and the state's 'territorialization' policy (Anan 2000) such as declaration of national parks on tribal people's forest land and the nationalization of river basins previously communally controlled. (p.81)

In such cases, the process of participation has been hijacked and produces the opposite effect of what inclusive policies are designed to promote – the perspective of local stakeholders is sidelined or ignored, while elites benefit from the legitimacy that a supposedly open process provides *prima facie*. Such tactics may attempt to create the appearance of participation in response to political pressure for transparent and democratic processes, but clearly do not place significant value on the knowledge or perspectives that local stakeholders can provide in the management of critical natural resources.

Because of the tendency for the state (or other authorities) to permit only superficial participation, it is important not to think of participation as a binary term, where it either takes place or does not. Poolman and Van de Giesen (2006) provide a useful scale to understand levels of participation, along with the explicit or implicit promises that the state is making to these participants (See Table 1.1). The spectrum of participation here varies from stakeholders being passive recipients of information, to having an active role in the policy-making process, to even wielding final decision-

making power in the cases of strongest participation. Because of this broad range of what constitutes participation, the quality and method of participation must also be considered in assessing the authoritarian state's management of civil society actors.

Increasing Level of Stakeholder Impact →				
<small>(Poolman & Van de Giesen 2006)</small>				
Inform	Consult	Involve	Collaborate	Empower
<p>Goal: To provide the stakeholders with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions</p>	<p>Goal: To obtain stakeholders' feedback on analysis, alternatives and/or decisions</p>	<p>Goal: To work directly with the stakeholders throughout the process to ensure that stakeholders issues and concerns are understood and considered</p>	<p>Goal: To partner with the stakeholders in each aspect of the decision including the development of alternatives and indication of the preferred solution</p>	<p>Goal: To place final decision-making in the hands of the stakeholders</p>
<p>Promise: We will keep you informed</p>	<p>Promise: We will keep you informed, listen to and acknowledge concerns and provide feedback on how input influenced the decision</p>	<p>Promise: We will work with you to ensure that your concerns and issues are directly reflected on the alternatives developed and provide feedback on how input influenced the decision.</p>	<p>Promise: We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible</p>	<p>Promise: We will implement what you decide.</p>

Table 1.1. Participation Spectrum

Participation in Context: Transboundary Water Resources Management

The role that participation plays in environmental governance is especially relevant in the context of water resources management. Water is a unique natural resource because it is scarce and yet fundamental to human survival. As the global population increases and assuming that current consumption patterns continue, it is estimated that the number of people living in water-stressed basins will reach 3.5 billion– or 48 percent of the world’s population – by 2025 (WRI 2006). Water is also a unique resource because it holds increased potential to lead to transborder conflict due to its fluidity; as water flows across territorial borders, multi-stakeholder conflicts can emerge over water quality, quantity and access that are not applicable to other non-mobile natural resources that can be claimed and maintained by a single national government. Additionally, the power relationships between the countries in managing the water resources are unequal; upstream users are able to use water in ways that affect the access of downstream uses, but not vice versa. Upstream users thus can make decisions about hydropower development, river pollution and resource use that privilege its own national interests, and countries that live farther down the river experience the impact of those choices. Thus the management of transboundary water resources is inherently complex, requiring cooperation at the international, national and local level if conflicts are to be managed or avoided.

The combination of the multiple levels of governance needed to effectively manage transboundary water resources, the high-stakes nature of water access and the complex upstream/downstream power relationships means that the process of policy-

making over water resources often brings together actors with highly divergent interests. In addition to the controversies among actors shaped by their different geographic positions vis-à-vis water resources, the stakeholders involved in the process of policy making bring to the table different types of knowledge as well as different value systems in assessing the tradeoffs of various management schemes. Furthermore, some stakeholders, and especially those who live close to the resource base and thus are most vulnerable to the decisions made on water management issues, are not necessarily given access to the policy-making process due to limited resources or exclusive systems of governance. The large number of stakeholders affected by the governance of transboundary water resources within this highly complex process means that participation – specifically who has a voice and how this voice translates into policy outcomes – becomes vital to understanding the effectiveness of the management of the river.

In order to address these complexities, the principles of Integrated Watershed Resource Management (IWRM) have been widely adopted by the policy community, emphasizing an integrated and holistic approach to managing water.⁵ According to the FAO and Dutch government in a document prepared for the International Conference on Water for Food and Ecosystems, IWRM “is a process which promotes the coordinated development and management of water, land and related resources in order to maximize economic and social welfare in an equitable manner without

⁵ For a detailed discussion of the emergence of the concept of IWRM, see Snellen and Schrevel (2004).

compromising the sustainability of vital ecosystems and the environment” (2005). Promoters of IWRM argue that this form of management is “emerging as an accepted alternative to the sector-by-sector, top-down management style that has dominated in the past” (GWP 2010a). Based on the four principles agreed upon in 1992 at the International Conference on Water and the Environment in Dublin, Ireland and presented in 1992 at the UN Conference on Environment and Development in Rio de Janeiro (the “Dublin Statement”),⁶ the IWRM framework emphasizes decentralization of decision making and inclusion of marginalized groups. However, the Global Water Partnership, an international network created to promote IWRM, also makes clear that there is no one administrative model for carrying out IWRM, but rather that it is a process for change from which a variety of tools may be selected, adjusted and applied for a given situation (GWP 2010b). While such a framework provides a necessary amount of flexibility for various contexts and regions, the converse of this adaptability is a lack of specificity in the precise meaning of participatory mechanisms and how they are to be conducted.

One of the essential components of IWRM is that cooperation and development should take place within the regional (hydrological) delimitation of the river basin (Lauridsen 2004), as opposed to fragmented national management systems. Many

⁶ The four principles are: 1) Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment; 2) Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels; 3) Women play a central part in the provision, management and safeguarding of water; 4) Water is a public good and has a social and economic value in all its competing uses.

would consider this increased “regionalization” of cooperation as a positive international development that is indicative of improved security in the region. Especially in the case of water resources, due to the persistent hype created in the mass media over the possibility of “water wars” caused by increasing water scarcity, transboundary cooperation is viewed as an important component in mitigating the outbreak of international conflict (Starr 1991; Amery 2002; Shiva 2002; Pearce 2006). For some, international cooperation is seen as a panacea that will allow states to address environmental problems comprehensively and to avoid ad hoc bilateral negotiations that could increase the level of hostility between countries sharing scarce, vital resources. For example, Kukk and Deese (1996) write that “If environmental-resource issues such as water scarcity can be framed in international or regional security terms—in other words, as a problem for all water scarce countries along a respective river basin to solve together—then disputes and conflicts may be avoided or resolved.” (p. 32). Participation in transboundary water resource management thus includes the regional institutions and governments of all states within the basin, a much more complex set of actors that governance problems for which the causes and effects remain intra-national.

While regional cooperation may be essential to mitigating interstate disputes, such cooperation only addresses potential conflict at one level of analysis. The most vulnerable stakeholders in the management of shared rivers are the downstream local residents, particularly those in rural areas whose livelihoods depend on the resource base, and it is not clear whether regionalization of water policy is beneficial to them

(Conca 2012). On the one hand, a regional body adds an additional degree of distance from local stakeholders in terms of access and participation. On the other hand, a regional institution based on norms of participation within and amongst member states might provide an additional forum for interest articulation and representation. However, it is important to note that it cannot be assumed that national governments will necessarily represent the interests of downstream stakeholders within their borders either in regional governing bodies or national policy frameworks. Water resources are spread unevenly within states, and government officials may privilege the interests of some users over others:

States, however, tend to represent only part of the water-interests within the national boundaries and unfortunately, it tends to be the same types of interests which go unrepresented by different states, such as the interests of the poor rural and urban consumers, artesian irrigators and fishers, people living close to dams and environmental concerns. The likelihood is that no or only inadequate institutions exist for negotiating such local conflicts, i.e. conflicts which are nationally contained, whether they take place in a transboundary basin or not. (Ravnborg 2004, p. 16).

Regionalization may draw increased attention to unequal representation of local stakeholders, or may exacerbate these problems by further distancing local stakeholders from the site of decision-making. Given the tensions between the different interests and actors involved in transboundary water resource management, the mere existence of a nominally “inclusive” regime at the regional level is not necessarily a proxy for the participation of local stakeholders.

What the environmental governance literature increasingly shows in general and the IWRM paradigm particularly applies to water management, is that participation is an essential element of effective environmental governance. While

participation might not always be directly correlated with effective policy outcomes, and having “too many cooks in the kitchen” might actually lead to less effective outcomes, the specific case of water management is contentious and complex. These characteristics mean that many actors are involved who have a high-stakes interest in governance outcomes. While the government itself may not value the input of all actors or even the process of participatory governance, how the state manages such problems reveals whether state actors have internalized the benefits of participation in this issue area. In the case of authoritarian states, the state’s response also reveals how it balances the potentially competing objectives of maintaining control of the state and effectively managing its resources.

Activism Under Authoritarian Regimes

The arguments in support of participatory governance might be lost in political systems that do not value or feel threatened by the role that inclusion and deliberation play in reaching optimal policy decisions. Authoritarian systems, by definition, limit the space in which civil society movements can operate. However, only in the most totalitarian systems are the freedoms of speech and assembly fully repressed; many authoritarian regimes, such as Vietnam, are more tolerant of these activities when they do not directly confront the authority of the government. Explanations for how activism develops in such regimes tend to focus on the strategic choices of the actors. One set of scholars, who focus on the state, have found that the state permits such activity because it is in its interest, either because it reduces the threat of a more direct confrontation to state authority or because such input from

local actors can actually improve governance by bringing parochial interests to the attention of the state (Mertha 2008; Gandhi 2008; Brettell 2003; Teets 2014). Another set of scholars focuses on the strategic choices of the activists, who seek out ways to circumvent the political blockage imposed on them by the regime (Tarrow 2005; della Porta and Tarrow 2005; Keck and Sikkink 1998). While the pathway of pressuring the state may be blocked to them rendering domestic pressure ineffective or dangerous, these activists can network with other NGOs and state actors to pressure their target state from the outside. Given the state's interests at the international level, such as the reputational costs and loss of external legitimacy that can result from domestic repression, this can be an effective way to generate pressure on the state to obtain concessions on an otherwise domestic issue. What both of these strands of scholarship indicate is that even in authoritarian contexts, citizens are often able to voice their concerns and target a variety of actors in order to demand political changes.

The utility of citizen activists to political elites in authoritarian systems is best understood when the state is not viewed as a unitary actor. Divisions among political elites in the system can create political opportunities for supporters of one side or the other to express their interests (Mertha 2008; Gandhi 2008). This concept of fragmented authoritarianism provides explanations for activism in non-democracies that range from a focus on bureaucratic bargaining that emphasizes the divergent interests of politicians within a single institution or at different scales of governance, to the presence of an expanded set of policy entrepreneurs that extends beyond the

political elite to include the media and nongovernmental organizations (Mertha 2008). Even in cases where the state is more unified, the inclusion of nonstate actors within the policy-making process can be a strategic decision on behalf of the repressive state. Allowing some forms of controlled political expression and input into decision-making can increase the perceived legitimacy of the regime, lead to improved policy outcomes, and prevent more serious contestations against the authority of the state that might result from the use of more repressive tactics against nonstate challengers (Gandhi 2008). The decision to allow increased participation in the authoritarian setting can thus be viewed as tradeoff for the regime between effectiveness and control (Brettell 2003; Teets 2014).

In addition to focusing on the permissiveness of the state, understanding the strategic choices of activists is also critical to understanding activism within repressive states. When the pathway to the state is blocked, the role of external actors becomes more prominent. International NGOs and other external state or non-state actors are capable of generating international attention to issues within non-democracies through their access to media that is outside of the control of the regime. For example, Keck and Sikkink (1998) argue that in cases where citizen access to the national government is blocked by an authoritarian system, activists may reach across borders to other sympathetic organizations and use these transnational ties to put political pressure on the government from outside of the state. While authoritarian states may not be responsive to their domestic constituencies, they may be more vulnerable to pressure coming from other states, particularly those on whom they

depend on for trade, security guarantees, or economic assistance. International organizations may also serve as a forum that domestic activists can access through which normative political pressure can be placed on regimes that are perceived as violating the rights of its own citizens. Viewing the literature on activism within non-democracies cohesively, one can see that there are strategies available to political activists despite constraints upon freedom of speech and assembly; these constraints simply shift the strategies available to them. Political opportunity structures⁷ within non-democracies can range from inclusion within a controlled political process to reaching outside of the state to more powerful actors that can help advance the issue of the activist group.

The existence of these internal and external strategies available to activists who operate within repressive political contexts presents an interesting dilemma for the state as it manages its responsibility to provide public goods. On the one hand, participation is increasingly viewed as an essential component of environmental governance, as discussed in the previous sections. If the state recognizes this connection, one might expect the state to be more permissive of civil society activity in the area of environmental governance. For example, Teets (2014) argues that the changing state-civil society relationship in China is a result of a process of learning

⁷ Tarrow (1998) defines political opportunity structures as “consistent – but not necessarily formal or permanent – dimensions of the political struggle that encourage [or discourage] people to engage in contentious politics,” (p.19-20). The determinants of political opportunity thus include such characteristics as the level of political enfranchisement, the repressiveness of the regime, and division among political elites. Depending on the nature of these structures, activists can determine whether their efforts are most effectively channeled by working within or outside of the authoritarian state, or some combination of strategies.

by local elites that leads to endogenous institutional change. On the other hand, participation is incongruous to maintaining control in an authoritarian state, where an independent civil society presents a challenge to the state's control over policy decisions. For an authoritarian state like Vietnam, which faces critical challenges in managing the Mekong delta, the critical question thus emerges: How should the state manage these apparent tensions between allowing participation on a critical issue area and maintaining its control as an authoritarian state?

Disaggregating Civil Society

The literature on activism within authoritarian contexts, which focuses overwhelmingly on the strategies of states or NGOs, largely fails to distinguish among the different types of actors that compose the nebulous term of “civil society.” The state does not respond uniformly or consistently to all types of civil society actors, even within a single issue area. Current explanations of the level of permissiveness of the authoritarian state – including internal fragmentation, regime legitimacy, and informational needs – thus each fail to account for variation in the state's response to different actors and across levels of governance. An alternative framework is needed that presents a more nuanced understanding of the state's interests with respect to various types of civil society actors.

Within Vietnam, the primary civil society actors in the area of water governance can be broadly classified into three categories: local citizens who live in the delta and are directly impacted by its environmental quality; the nascent civil society organizations that engage in advocacy work on water issues; and transnational

actors including INGOs that have at least a potential role in advocating on water issues from outside of the state, including at regional venues such as the Mekong River Commission. Each of these categories of actors has highly differentiated scientific and technical expertise, levels of organization, and resource constraints. The way in which the state chooses to engage with each of these potential “participants” is thus shaped by their utility to – and potential to challenge – the state. Because of the regional nature of the issue there are also multiple sites of potential contestation, so the strategic choices of the state can be observed toward civil society actors domestically, as well as through attempts to control their transnational activity, such as engagement with international actors and participation at regional fora.⁸

The state’s response to these actors is best understood as a continuum ranging from repression to encouraging participation (See Figure 1.2).⁹ If repression is undermining the existence of any form of civil society activity on an issue and encouragement is the fostering of deliberative governance, one might expect the authoritarian state’s activities to lie between these two extremes, which might be more closely associated with totalitarianism and democracy, particularly given the potential tradeoffs between control and effectiveness noted earlier. Indeed, within this range the state has other options, including: *tolerance*, or allowing stakeholders to

⁸ See Appendix 1 for the table of observed episodes of state-civil society engagement.

⁹ The spectrum of participation as depicted in Table 1.1 represents forms of engagement that may fall within the Co-optation to Encouragement categories on the Repression-Encouragement Spectrum. However, the Repression-Encouragement Spectrum focuses on the full range of strategic options available to the state, as opposed to the diverse forms of participation potentially available to the stakeholder.

exercise their rights to speech and association without directly supporting it; *co-optation*, or bringing stakeholders' perspectives into the authoritarian state's institutions of governance; *limitation*, or allowing some forms of political participation while restricting others; and *exclusion*, or putting formal restrictions on an actor's ability to engage in the political process. These categories are not necessarily mutually exclusive, and the state might also maneuver between them in its treatment of an actor; for example, the state may move from exclusion to repression if a shift in the political climate leads the state to view an actor as increasingly threatening to its authority.

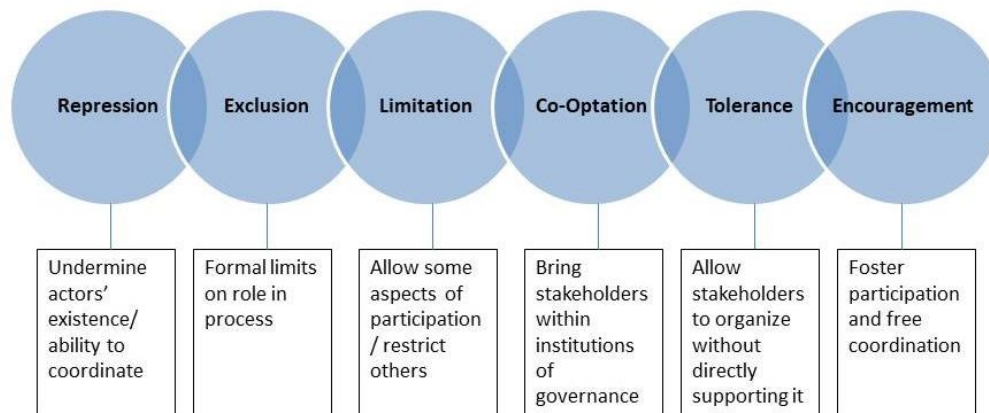


Figure 1.2 Repression-Encouragement Spectrum

Given this range of responses available to the state, what determines its level of permissiveness toward various civil society actors? I argue that there are three

main determinants of the authoritarian state's behavior: the actor's mobilizing capacity, issue independence, and external strategic value.

Mobilizing capacity: Mobilizing capacity is defined by the actor or organization's knowledge and awareness of an issue, its available resources, and level of political engagement, or attempts to influence policy outcomes. Where mobilizing capacity is high, the state is expected to behave more repressively, since knowledgeable and well-resourced actors are more likely to present a challenge to the authority of the state. Organizations with weaker mobilizing capacity are less likely to present a direct challenge to state control, meaning less need to respond with repressive tactics. While a well-resourced, influential group could potentially bring benefits to the state when it supports the state's objectives, and the state may choose to collaborate directly with such an organization, the ability of the organization to mobilize other actors presents a challenge to state control that the authoritarian state seeks to limit.

Issue independence: Issue independence is defined by how interconnected an issue is with other areas of governance. Participation might be encouraged in dealing with functional problems, such as highly localized environmental management issues. However, the state is predicted to be more wary of participation in addressing transboundary issues that intersect with foreign policy priorities, or issues that challenge its economic development objectives, for example. While the state may benefit from the services provided by an NGO addressing a parochial issue and encourage their activity, repression is expected to be used when organizations address

transnational issues over which the state is more protective of its political control.

Thus issue independence is expected to be positively correlated with a higher level of state permissiveness toward civil society actors, as it can manage that participation within a confined policy context that does not threaten other state priorities.

External strategic value: Finally, external strategic value can be understood as how the perception of the state and its policy-making process is viewed by external actors. The state operates in an international context, and has an interest in maintaining its legitimacy both inside and outside of the state. It may, therefore, allow for increased participation of civil society actors not because it is functionally useful or internally stabilizing, but rather because it provides the perception of legitimacy to outside actors. Participation in this sense is strategically useful to the state in that it can facilitate cooperation with democratic donor states that attach conditions to their funding, as well as increase project funding into the state from donors that seek to partner with “local” or “non-governmental” organizations. The state is thus also expected to factor in the external strategic value of allowing a civil society actor to engage in the decision-making process when determining its response along the Repression-Encouragement spectrum. The overlay of these three determinants of state behavior and how they affect the authoritarian state’s choice of strategy along the Repression-Encouragement spectrum is depicted in Figure 1.3.

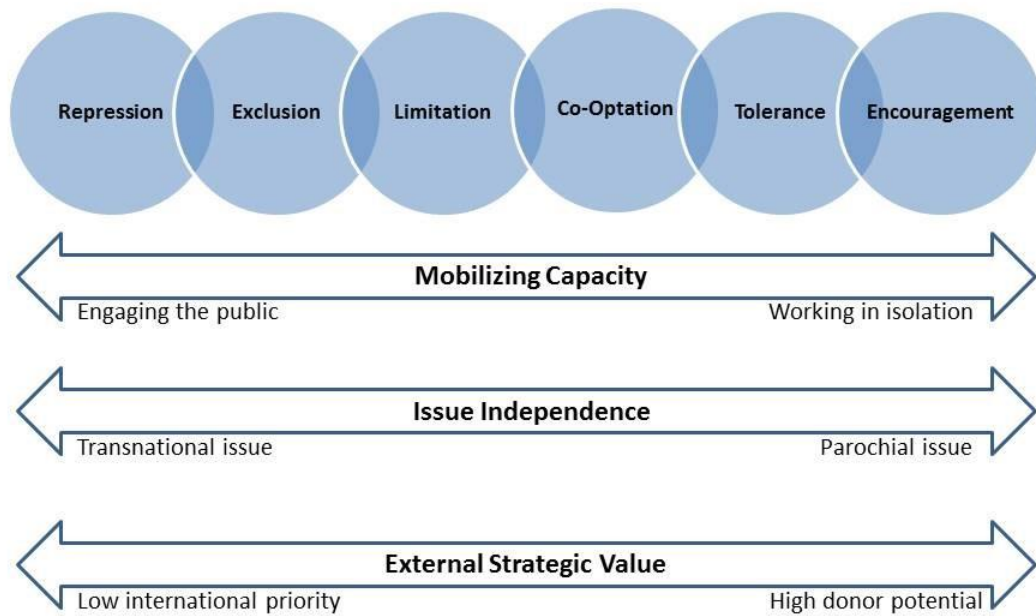


Figure 1.3 Spectrum with Determinants of State Action

The three determinants of state action are not fixed characteristics of a civil society actor, but can vary according to the issue area that the actor is addressing. For example, a civil society organization may not try to mobilize the public on every issue; some issues may be of parochial interest while others involve transnational actors; and not all issue areas may be of interest to external donors or the attention they receive may vary over time. This framework thus provides a more nuanced understanding of state-CSO relations, which sees this interaction not as a fixed characteristic of the state structure or its tolerance of political engagement, but as a more strategic and flexible assessment of how authoritarian states manage their

simultaneous interests of effectively managing their natural resources while maintaining political control. The focus on issue area provides a more accurate depiction of this interaction since the state's chosen approach along the Repression-Encouragement spectrum can vary across CSOs as well as over time toward a single CSO.

Dissertation Framework

This dissertation proceeds by demonstrating how the authoritarian state of Vietnam has managed participation in the governance of the water resources of the Mekong delta. The dissertation is organized as follows: Chapter 2 defines the Mekong delta as a collective good that the state has the unique authority and responsibility to protect, regardless of its willingness or ability to act. This chapter shows how the status quo in water resources management, and especially the threat of the numerous planned hydropower projects, presents a dire threat to Mekong delta residents. The governance choices that are made now will invariably impact the lives and livelihoods of those living in the delta. Chapter 3 discusses the political framework for the management of water resources in Vietnam and more broadly in the region, identifying the key actors who shape policy decisions inside and outside of the state. The relationship between national and sub-national levels of government in Vietnam is explored, as is the recent opening of space for civil society to operate in Vietnam. Chapter 4 explores the state's interaction with the emergent formal NGO sector in Vietnam. The differences identified in how the state interacts with each NGO and over time demonstrates that a disaggregated understanding of civil society

is needed to advance our understanding of the state's strategic choices. The state relies on these organizations for their information and expertise, and yet represses their ability to communicate with the public when it contradicts state interests. Chapter 5 shows how the state engages with an alternative set of stakeholders in water resources management, the local actors that live within the Mekong Delta. This chapter shows that the state takes a different approach to engaging with stakeholders whose mobilizing capacity is more limited and interests more parochial. Because their grievances are focused on the local level, the state does not suppress their collective action and encourages local actors to problem-solve through the apparatuses of the state. Chapter 6 explores how the state responds to activism taking place outside of its borders, which it has less ability to control. This chapter thus identifies a third set of stakeholders, proxy actors outside of the state who may represent the interests of delta residents, focusing on the role of international organizations and INGOs, respectively. Within the alternative operating space of the regional organization, this chapter demonstrates that the state limits the ability of domestic actors and INGOs to participate in international bodies, evidence of the state's hesitancy to let its developing civil society further strengthen through the establishment of transnational bonds. This chapter also shows the ways in which the state can limit the activities of INGOs, which while not necessarily directly under the state's control, must balance whether their objectives are best achieved through an adversarial or cooperative relationship with the state. Together, these chapters make clear that the state has a dynamic relationship with civil society actors, viewing them as strategic partners

and/or sources of disruption, depending on their capabilities, the issue area, and the organization's external strategic value. (See Appendix 1 for a catalogue of episodes discussed throughout the dissertation.) Chapter 7 discusses the implications of how the state interacts with civil society in the Mekong basin for both the political future of Vietnam as well as for effective water resource management. It also explores future research trajectories, and identifies some potential avenues that might improve the outlook for local stakeholders that take into account the political context of a region that is dominated by authoritarian regimes.

Methodology

In order to observe how the state interacts with various actors across time and levels of governance I conducted field research in the region; this enabled access to government officials, stakeholders, experts and the donor community who each share a role in the management of Vietnam's water resources. The data for this dissertation was collected over 10 months of field research conducted in Southeast Asia from January-November 2013. The field research in Vietnam was paid for primarily by a scholarship awarded by the U.S. Department of State's Fulbright Program. The supplementary travel within the region was supported by a grant from the University of Maryland's Program for Society and the Environment. For the duration of the project, I was based in Long Xuyen, Vietnam, the capital city of An Giang province within the Mekong delta and received logistical support from the faculty and staff at An Giang University. The field research period also included field trips to other towns within the delta, as well as multiple trips to the Vietnamese capital city of

Hanoi, as well as to Vientiane, Lao PDR and Bangkok, Thailand. These regional trips allowed me to speak with officials of the MRC, donor governments, and other transnational actors who were able to provide a better understanding of regional governance of the delta resources.

The primary method of data collection was semi-structured interviews, which allowed me to identify the interactions between state officials, local actors, and other experts and activists in water governance. Semi-structured interviews are ideal for this type of analysis because they balance the flexibility of allowing follow-up questions and clarifications with the structure of asking standard questions of all respondents, while avoiding leading questions that are common to survey format that might influence the identification of connected actors (Wengraf 2001; Galletta 2013). In the specific context of this study, this research method allowed the interview subject to independently identify their partners, strategies and interlocutors, leading to the identification of new actors and activities for the best possible understanding of how the governance of water resources in the delta is managed. The open-ended questions also allowed for interview subjects to provide a deep description of their experience and understandings, which was especially important since state-CSO interactions varied over time and cannot be accurately captured out of context. Approximately 50 interviews were conducted, which ranged from about 45 minutes at the shortest to over two hours. Because the number of Vietnamese NGOs, as well as government officials at the provincial, national and regional level working in delta water resources management is small, interviews could be conducted in great depth

and it was possible to reach a saturation point at which new information was not being obtained from additional meetings and/or the list of experts had been exhausted. Because of the small sample size, relations between these individuals cannot be tested statistically, but can be described in detail and this description will accurately reflect the universe of interactions between groups. Due to the sensitivity of conducting interviews in an authoritarian context and in order to ensure the highest level of protection of interview subjects, respondents are kept anonymous, with limited identifiers used only for officials speaking in their professional capacity. Interviews were conducted with the assistance of a translator when necessary and taped when permitted. While taping interviews does inevitably involve a risk that the interview subject will be less comfortable or forthcoming, this risk is balanced against the need for accuracy in recording and analyzing responses. In order to mitigate this risk, respondents were given the option to conduct interviews without recording. Taped material was kept in my own possession at all times on a recording device that cannot be connected to the internet.

Identification of Interview Subjects

There are only three Vietnamese “NGOs” (as opposed to research institutions or government associations) working specifically on water governance,¹⁰ and I spoke to multiple staff members from all three organizations. I have high confidence that I have exhausted the list of local groups working on this issue because the participant

¹⁰ The use of the term “NGO” within the Vietnamese context is discussed in more detail in Chapter 4.

lists of the major environmental conferences that I attended in Vietnam support this determination. In addition, I asked other types of actors within the delta provinces to identify independently the local groups working in this field, and the results of these interviews confirm that only the three identified organizations actively work on water governance issues in Vietnam.

Aside from the central government, the most relevant level of government regarding Mekong River water governance in Vietnam is the provincial level, which is the strongest level below the central government (See Figure 1.4). This level is tasked with water resource management for irrigation and flood control within each province, and thus has the strongest authority to address water governance issues. I conducted interviews with 8 officials at the provincial level, which represents nearly all government officials in An Giang province focusing specifically on water issues; one at the district level (level immediately below province); and one at the national level (ex-officio member of the Vietnamese National Mekong Committee). The information that officials at each level provided about available pathways of participation was non-contradictory, and also did not contradict the observations

provided by other types of actors. Additional interviews would not be expected to provide additional data of significant value.

At the MRC, which is the regional institution dedicated to the governance of the Mekong River, I met with staff from both of the units that have responsibilities with regard to stakeholder participation: the International Communications Unit and the Basin Development Plan unit, as well as representatives from the Sustainable Hydropower Unit and joint programs with German Agency for International Cooperation (GIZ).¹¹ Each of the interviews with MRC staff confirmed the procedural rules regarding communication with local stakeholders, i.e., interested parties who were not official representatives of member states. In addition, I have interviewed officials from donor governments (Germany and United States) to understand their perceptions of political participation within the MRC.



Figure 1.4 Provincial Map of Vietnam
An Giang Province is indicated by dark red shading
Source: User: TUBS /CC BY-SA

¹¹ See Chapter 3 for more detail on the structure of the MRC and its organizational chart.

International NGOs were identified from conference lists, snowball sampling (those identified by the government officials and local NGOs in interviews), as well as those listed as partner organizations of the MRC. These include International Rivers, World Wildlife Fund (WWF), International Union for Conservation of Nature (IUCN), and the Challenge Program of Food and Water (CPFV). In addition, other organizations were named that are primarily virtual organizations connecting these INGOs and local groups within each of the Mekong River countries: Save the Mekong Coalition and Vietnam Rivers Network. These groups, however, do not have a staff that exists separately from the groups already named, but rather operate as umbrella organizations that allow the Vietnamese NGOs and INGOs mentioned to coordinate and present a united voice. Interviews with staff from each of the 4 INGOs mentioned were included in the study.

Additional Data Collection

In addition to the interviews, I participated in two major conferences held in Ho Chi Minh City on governance of the delta's water resources that included presentations by MRC and government officials. I visited several climate change project sites and research institutions across the delta, as well as the Vietnam Union of Friendship Organization-NGO Resource Centre, based in Hanoi. The VUFO-NGO Resource Centre provided information, background and the text of recent legal decrees regarding registering INGOS and NGOs in Vietnam. I presented the preliminary findings of my research to a group of Vietnamese scholars specializing in rural development at An Giang University, a prominent research university located

within the Mekong Delta. This presentation allowed for discussion and feedback from the Vietnamese scholars, helping to validate the research by presenting the data in a local context in which my interpretations of the data could be challenged or confirmed.

Significance and Broader Generalizability

The significance of the findings in this dissertation is threefold, and each contribution offers important lessons to understanding environmental governance in authoritarian states beyond the case study of Vietnam. First, this dissertation adds to a growing literature on civil society development within authoritarian states. Increasingly, these states are seen as not simply repressing these groups, but interacting with them in ways that might be strategic or otherwise useful. However, previous research has failed to show why states may choose one form of strategic interaction for one civil society actor, while choosing another strategy toward a different actor. The new framework presented in this dissertation reveals that authoritarian states do not evaluate the threat to their political control by “civil society” in general, but disaggregate this concept to determine whether specific actors working within specific issue areas offer greater benefits to or potentially undermine the control of the state. By focusing on the characteristics of the CSO’s mobilizing capacity, issue independence and external strategic value, this study makes a unique contribution to the literature on civil society within authoritarian states by disaggregating the concept of civil society and identifying the characteristics that

shape the ways that the authoritarian government chooses to engage with specific actors.

Second, the findings of this study demonstrate that context matters in determining which form of engagement authoritarian states will choose from along the Repression-Encouragement spectrum. Not all issue areas are of equal importance to external actors, shaping the amount of international attention they receive and funding that may be directed toward them. Similarly, some issues are more likely to intersect with other key priorities of the authoritarian state, such as those that compete with foreign policy priorities or trade policy. The framework presented in this paper not only presents a more disaggregated view of civil society actors, but provides a more nuanced understanding of issue characteristics that these actors may address. This element of the framework reveals why authoritarian states may use different approaches along the Repression-Encouragement spectrum toward the same actor, depending on which issue it is focusing its advocacy activity. Taken together, the disaggregation of civil society actors and the focus on issue characteristics provided by this study enhance our understanding of not only when the authoritarian state might work in tandem with civil society actors, but also when it might fall back on more repressive measures to counteract any potential threats to the state.

Finally, the findings presented here are of particular importance in assessing the authoritarian state's willingness and ability to address environmental challenges. While authoritarian states might have an advantage in their ability to impose technocratic solutions without engaging in the burdensome process of participatory

governance, environmental challenges are unique in their characteristics of complexity, functionality and scale, making participation a more essential component of achieving effective outcomes. If authoritarian states perceive a tradeoff between engaging in these participatory processes and ceding some political control, it is unclear whether authoritarian states will privilege their long-term environmental interests or their immediate political interests. The answer to this question will provide some indication as to whether authoritarian systems will be able to manage complex and increasingly threatening transnational environmental challenges such as climate change. While the management of the resources of the Mekong delta is but one example of how an authoritarian state is addressing an environmental crisis, its lessons are important to gauge these states' ability to respond to future challenges. As the impacts of climate change and rapid development become increasingly evident, the willingness and ability of the state to manage participatory processes may determine their ability to weather these storms.

Chapter 2: From Collective Goods to Collective Ruin?

The Mekong delta provides critical environmental services that are essential to both regional ecological systems as well as to direct users in the form of providing life-sustaining environmental goods. An estimated 80 percent of delta residents rely directly on the resources provided by the river system for their food and livelihoods (Baran and Myschowoda, 2009; ICEM, 2010). In Vietnam alone, approximately 20 million people live directly off of the resources tied to the Mekong River, which provides the flood water used for rice production as well as the aquaculture that serves as the main source of dietary protein in the delta (GSO 2012).

Notwithstanding this high level of dependence on the river resources, the Mekong delta is facing an environmental and development crisis that threatens the area's food production, water quantity and quality, and the rapid loss of land to sea level rise and subsidence. In coastal provinces, agricultural production already is affected by increased soil salinity, and as sea level rise continues and upstream development affects land subsidence and sedimentation rates, the challenge to the region's productivity and livability will continue to deteriorate. The dynamics of this crisis – high levels of dependence on environmental goods and services accompanied by rapid environmental change – provide a complex problem for the state in terms of its capability and responsibility to manage the environmental goods within it.

This chapter provides a detailed account of the environmental changes occurring within the Mekong delta and the role of the state in addressing it. First, the

resources provided by the river system are conceptualized as collective goods, situating this case within a large body of literature that addresses the management of these services as a primary function of state. Particularly within an authoritarian state structure, which is hierarchical and control-oriented, the state bears responsibility for environmental management as it continues to rely upon a top-down command and control system over a shared-power approach. (Ingle and Halimi 2007). This chapter also provides an overview of the geography of the Mekong delta and highlights the current trends that are causing environmental change, both at the global level through the increasingly visible impacts of climate change and the more localized effects of rapid industrialization, urbanization and hydropower projects within the region itself. Included within this chapter is a discussion of the socio-economic drivers that are pushing the states within this region to weigh their short-term development interests against the longer-term environmental impacts on the region. Finally, this chapter provides an overview of the range of responses by the authoritarian state, anticipating what the potential tradeoffs are to the state as it considers its strategies to manage the region's natural resources.

The Mekong Delta as a Collective Good

Environmental goods are often classified as public goods or common-pool resources because of their characteristic of non-excludability. This characteristic means that unlike goods that are subject to market forces (i.e., private goods and club goods, for which access can be limited to the owners of the good) individuals cannot be excluded from their consumption (See Table 2.1). While these distinctions

between the properties of goods may be traced back much further, Paul A. Samuelson is usually credited with developing the theory of public goods. In “The Pure Theory of Public Expenditure,” (1954) he defines “collective consumption goods” as those

	<i>Rival</i>	<i>Non-Rival</i>	
<i>Excludable</i>	Private Good	Club Good	“which all enjoy in common in the sense that each individual's consumption of such a good leads to no subtraction from any other individual's consumption of that good” (p. 387). The property of non-subtractability that Samuelson describes in his article is now
<i>Non-Excludable</i>	Common Pool Resource	Public Good	

Table 2.1 Typologies of Goods

often referred to as “non-rivalry,” and this property distinguishes purely public goods from common-pool resources, which can be diminished in supply through overuse. Examples of environmental goods that fall into each of these categories include fresh air as a public good and fish stocks as a common-pool resource, given the former’s supposedly “unlimited” supply and the latter’s susceptibility to depletion from overfishing. In effect, there are very few examples of pure public goods; even fresh air can be diminished in supply through air pollution. Therefore, the characterization of this type of good as non-rival or “unlimited in supply” does not mean that its presence is guaranteed or that the quality of the good cannot be degraded.

This dissertation classifies the environmental goods provided by the Mekong River ecosystem as collective goods.¹² Individual goods provided by the ecosystem, such as the river's fish stocks, might be accurately classified as common-pool resources due to their vulnerability to depletion from overfishing. Nonetheless, the dynamics that are the key focus of this study, specifically the effects of the larger-scale forces of climate change and upstream development, present a particular type of management challenge through the threat of environmental degradation that cannot be corrected by simple top-down directives such as access restrictions. Thus while depletion of the fish stock is in fact a primary concern, the primary causal mechanism is not the unrestricted access of fishermen but rather that the ecosystem itself is threatened. The ecological goods provided by the Mekong delta system are thus conceptualized in this study as "collective goods," which, like fresh air, have the properties of non-rivalry and non-excludability but that nonetheless can be degraded in the absence of careful ecological management.

The classification of environmental goods in fact becomes essential to understanding where management interventions are possible and appropriate. The utility in distinguishing between public/common-pool and private/club goods is that the former represent market failure – individuals have little incentive to maximize public goods when they can benefit from the contributions of others, hence leading to the problem of the "free rider" (Hardin 1968). Public goods that are subject to

¹² The terms "public good" and "collective good" are often used interchangeably. Collective good is preferred by the author because it provides a more clear distinction from the normative concept of the public interest, which is also referred to as the "public good."

degradation, and well as common-pool goods which are subtractable , thus tend to be undersupplied, as individual utility maximization leads to overexploitation. In economic theory, the state is assumed to maximize the utility of its citizens. In order to correct for the undersupply of private goods, governments thus often serve as a coordinating body to ensure their provision, such as by collecting taxes to pay for them or enforcing laws that protect them. States thus have a central role to play as utility-maximizers through the provision of public goods, either directly or indirectly by setting rules that ensure their provision by third parties.

The economic presumption of the state as a utility-maximizer is not as widely accepted in political science, where assumptions of the state as rational, unitary or serving the public interest all may be challenged. Correspondingly, this study makes no assumptions that states necessarily will provide public goods, and in fact the central research question leaves open to inquiry whether the state will engage in public goods provision if such activity runs counter to its other competing interests such as maintaining its internal stability. Countless studies have shown how states fail at public goods provision, and that this failure can occur in strong as well as weak or failing states (Lee et. al 2014). Other actors can step in to assume the role of public goods provision where the state is unwilling or unable to do so, such as the voluntary sector that may assist by collecting donations from public benefactors. The ability for other actors to assume the role of the state is limited, however, in the case of transnational environmental goods that straddle the authority of more than one sovereign state. International actors may attempt to influence state behavior, but

ultimately states are the sole authority able to manage this intersection between their internal and external affairs. Thus, while states may not always adhere to their responsibilities in the provision of public goods and other actors are theoretically capable of stepping in to provide them, the state has critical and undisputed responsibility in the management of transboundary environmental goods. If the authoritarian state of Vietnam does not take an active role in the management of the collective goods of the Mekong delta by prioritizing this issue in its relations with its riparian neighbors, no other actor has the clear authority or ability to do so on a transnational scale.

Use or Abuse: Exploiting the Delta Resources

The Mekong River is extremely valuable in terms of its current productivity as well as its future potential to each of the riparian states. It is the 10th largest river in the world by annual discharge, supports the largest fishery in the region, and presents an enormous amount of tapped and untapped hydropower productivity. However, the costs and benefits of exploiting these resources are not shared equally, as upstream states can benefit from hydropower production without suffering the consequences of reduced water supply, water quality or other threats to ecosystem health, such as a reduction in fish supply, that accompany changing the flow of the river. Vietnam's geographical location as the state farthest downstream on the Mekong River thus shapes its interests in river basin management; the development decisions taken by its upstream neighbors affect its fish and agricultural productivity, while the benefits are not similarly shared across national borders.

The benefits provided by the river ecosystem are of critical importance to the delta residents who depend on these resources for their livelihoods, as well as for the economic strength of the country as a whole. The preservation of these environmental goods is thus not only a biodiversity or conservation concern, but a socio-economic imperative. Rice production in the Mekong Delta contributed heavily to the overall economic recovery of the country following the *Doi Moi* economic reforms as the country progressed from a net importer of rice to an exporter (Garschagen et al 2012). The Mekong delta is now a driver of Vietnam's national development and foreign trade, producing 90 percent of Vietnam's rice exports and 73 percent of the country's farmed aquatic products, which have made this sector the fourth highest source of Vietnam's foreign exchange (Fabres 2011; Garschagen et al 2012). Known as the "rice bowl" of Asia, the region produces 53 percent of the country's paddy rice, 81 percent of its aquaculture shrimp production and 77 percent of its aquaculture fish production. While the agricultural sector contributed 21 percent to overall GDP in 2009, agricultural production accounted for 38 percent of the economic activity in the Mekong Delta, meaning that the environmental vitality of the region is essential to maintaining its economic output (Renaud 2012). Nearly one quarter of the Vietnamese population lives in the delta, with 51 percent of the delta work force in the agricultural sector (compared to a 48 percent national average). However, this does not take into account that 75 percent identify agricultural activities as a secondary occupation (Renaud 2012). The interests of the Vietnamese state in managing the delta resources are thus not limited to a normative interest in providing

collective goods in the public interest, but because these resources provide a critical role in the state's national economy.

The delta ecosystem is threatened by a variety of local and global forces including urban and industrial pollution, agriculture, habitat damage, and climate change. However, one of the most contentious issues regarding the management of the river is the development of dams, which threaten the ecological health of the delta due to the effect they have on the natural river flow compounded by the rapid pace at which they are being planned and constructed. Currently an estimated 134 major dams are in various stages of development, including twelve that are planned or under construction for the main stem of the river (MRC 2011; ICEM 2010). The arguments in favor of dam-building tend to focus on the principle benefit of hydropower generation. Economic growth and electricity demand increased at an average rate of 8 percent in the Mekong region from 1993 to 2005, with the growth in demand expecting to continue at about 6-7 percent annually to 2025 (ICEM 2010). The twelve dams proposed along the Lower Mekong Basin would represent 11 percent of the additional installed capacity required between 2015 and 2025. Lao PDR is likely to receive 70 percent of the export revenues (USD 2.6 billion/year) generated by the main stem dams, although these benefits would accrue to the developers and financiers of the projects and not directly to the government or local communities, thus the impacts on poverty alleviation would be indirect. In addition to power generation and associated revenues, the other benefits attributed to the proposed main stem dams include "increased foreign investment and trade, positive economic

spinoffs from the large investments in goods and services, greater navigability of the river with higher water levels, expansion of irrigation agriculture, and offsetting of greenhouse gas emissions from thermal power plants.” (www.mrcmekong.org). These benefits will not be equally distributed, however, and the 2010 MRC Strategic Assessment produced by ICEM predicts that despite these benefits associated with main stem hydropower development, that Vietnam specifically will likely suffer an overall economic loss, and that these losses will be borne predominantly by poorer communities within the Mekong delta.

The concerns associated with the proposed main stem dams include that the scale of upstream development will result in changes to the river’s hydrology, sediment load and water quality and will cause interruptions in the water flow (Fabres 2011). The change in sediment patterns caused by hydropower development is of particular concern in conjunction with the effects of climate change, presenting a double whammy to the agricultural productivity of the delta. The sediment that is transported by the river is nutrient-rich and distributed across the floodplain during the rainy season that lasts from June to October, providing a crucial ecosystem service upon which the agricultural production of the delta is dependent (Kummu and Varis 2007). Trapping of sediment in dams leads to reduced sedimentation reaching the delta, depriving the cropland of these nutrients as well as causing land subsidence and backwater effects that cause floodplain inundation from seawater. As climate change simultaneously contributes to sea level rise, brackish sea water encroaches on the delta land, leaving in its wake land that is less fertile from salt water intrusion.

Manh and coauthors (2015) developed a sensitivity-based approach to estimating the effects of the three main drivers – hydropower development, climate change and land subsidence – on future sedimentation patterns in the Mekong delta. They find that among these three drivers, hydropower development is estimated to have the most significant impact:

We found that hydropower development dominates the changes in the sediment dynamics of the [Mekong Delta] MD in case of medium to high hydropower development. Under these circumstances sediment trapping by the reservoirs reduces dramatically the provision of sediment to the MD, with climate change acting as a second-order effect. Even the highest level of climate change, which increases the flood peak and the sediment input to the MD, does not significantly counteract the hydropower sediment reduction effort. Overall, sea level rise has the smallest effect on sediment dynamics. If median changes of all factors are assumed as the most likely pathway for sediment dynamics in the MD for the period 2015-2060, our findings indicate that the inundation extent would slightly increase in the VMD, particularly in the [Plain of Reeds] PoR, but the overall floodplain sedimentation is likely to be reduced significantly. (p. 31).

The implications of hydropower development for agricultural production in the delta are dire. In the analysis of their findings, Manh and his coauthors conclude that “floodplain sedimentation can provide an average of 50% of the nutrient requirements for rice crops ... [but this] would be reduced to negligible amounts already with a basin wide sediment trapping efficiency of 53%.” (p. 31). While the global-scale challenge of climate change is thus threatening to food security in the Mekong delta primarily through its contribution to sea-level rise, the primary threat to food security is coming from development choices made within the region itself.

In addition to its impact on agricultural productivity, hydropower development threatens the food security of the delta through its impact on fish stocks (See Table 2.2)

	Impact of Proposed Main Stem Dams on Vietnam
Fish Loss	The loss of fish catch yield per year is 344-374 million metric tons (or 49.7-54%), and around 33 species (10%) in catch composition.
Sediment Loss	The total sediment loss per year in Tan Chau – Chau Doc, An Giang province, is 13.9-15.3 million metric tons/year (56.7%-63.8%).
Agriculture Loss	552,500 metric tons of rice (2.3%) over 10 years; 2,432,800 metric tons of rice (10.1%) over 50 years.

Table 2.2: The Impact on Key Sectors in Vietnam of Proposed Main Stem Dams
Source: DHI (2015).

The delta is one of the most biodiverse regions of the Mekong River in terms of fish species with 481 species in 73 families catalogued (some estimates place the total number of species much higher). According to Fabres (2011), the impact that dams will have on blocking the migration patterns of many of these species will cause significant disruption to the flourishing fish industry:

With 40-70% of the total fish catch in the Mekong reported to depend on migrating species (Barlow et al. 2008; Baran and Myschowoda 2008). The future of fisheries' livelihoods in the world's largest inland fishery looks bleak. Vietnam's delta fisheries are considered as "High Risk" due to the biodiversity changes and barriers to completion of life cycles and migrations. Poor households that are the most dependent on capture fisheries will be the most affected (Baran and Myschowoda 2009; Kang et al. 2009). (p. 10).

Downward trends in fish capture are already evident, as recent studies of fish catch show a decline in large migratory fish and increases in low-value species and young and immature fish (Fabres 2011, Baran and Myschowoda 2008, and Tran Van Viet and Tran Xuan Loi 2007). This reduction of the fish supply is likely to have a significant impact on the national economy and the livelihoods of many delta residents. International Rivers estimates the first sale value of Mekong fish to be between \$3.9 and 7.0 billion, with a much higher economic value overall factoring in those that live tangential to the fish market making related products and supplies, and subsistence fishermen who live outside of the formal economy (International Rivers 2013). The decreased supply of fish could also lead to higher prices, potentially increasing the cost of the region's primary protein source within a region already stricken by high levels of poverty. Annual per capita income in the Mekong Delta is about USD\$1,535 (VND 34.6 million), compared to a national average of about USD\$2,000, (VND 46.2 million) (Hoang 2015).

Despite these drastic food security impacts on downstream Vietnam, upstream hydropower development continues apace. Rather than taking a cautious approach to further deterioration of the delta ecology, multiple large hydropower projects have been planned that will invariably have a negative impact on the downstream inhabitants of the delta (See Figure 2.1). Two projects are under construction with an additional nine in the proposal stage that would place hydropower dams on the main stem of the Mekong River in the Lower Mekong Basin, which is currently one of the last free-flowing major rivers. An additional 77 dams have been proposed on

tributaries in the basin. (ICEM, 2010; Molle et al., 2009). These hydropower proposals, in addition to the 17 tributary dams that have already been completed, reflect the privileged position that the production of energy and related economic interests have held in political decision-making in the region, over a careful consideration of the dams' social and environmental impacts. A World Wildlife Fund report highlights that although the minimization of the impact of hydropower dams is discussed in the context of recommendations, tools and protocols, that few new projects have actually applied these principles. (WWF 2005; Orr 2012).



Figure 2.1 Mekong Main Stem Dams Map

Source: International Rivers and ICM (2010) / CC BY-NC-SA 3.0 US.

The main stem dams are of particular concern given their potential to permanently alter the delta ecology for downstream users. There are currently no

operational dams on the main stem of the river in the Lower Mekong Basin, although there are 6 operational dams in China on the Lower Lancang River, the Chinese name for the Mekong, with a seventh in the planning stage. (See Figure 2.1 for a map of hydropower projects on the main stem that are planned, operational and under construction.) Construction on the first of the Lancang main stem dams, the Manwan dam, was completed in 1994, and the Dachaoshan and Jinghong were completed in 2002 and 2006, respectively. China did not engage in consultations with any of the downstream countries during the planning processes for these dams (Hirsh 2010). According to Darrin Magee (2006), the hydroelectricity generated by these Chinese dams is significant, estimated at “more than 100 TWh, [or] slightly more than that of Lao PDR, and between two and 20 times more than that of the other four Mekong countries. For comparison, 80 TWh per year would be enough to power Guangzhou, Shenzhen, Dongguan and Kunming combined.” (p. 29). The environmental impacts of for the downstream countries are correspondingly significant. According to International Rivers (2014), the annual mean sediment trapped by the Manwan Dam was estimated to be about 35% of total sedimentation transported from Lancang Basin to Lower Mekong in the first 10 years of the dam’s operation, and the dam has also caused changes to water quantity and temperature downstream, negatively impacting the fish supply. While the Lancang River flow only contributes about 16 percent of the overall average of the water flow of the Mekong River, the downstream effects of upstream development on the main stem are substantial.

Because of the transboundary impacts, the construction of main stem dams on the Mekong has been a contentious process within Southeast Asia. Plans for main stem dams on the Mekong River date back to the mid-20th century when the ideology of large infrastructure projects as paving the pathway to development was at its peak (Hirsch 2010). However, none of these dams were ever constructed due to the political turbulence in the region, particularly the Vietnam War. When dam-building re-emerged on the development agenda in the 1990s, the prevailing consensus was that main stem dams were too environmentally destructive and thus construction should be limited to tributary dams. However, the development benefits associated with main stem hydropower development soon took precedence over environmental concerns:

In 2007-2008, mainstream dams reappeared on the agenda in a big way. A range of factors and events explain this extraordinarily rapid shift in the prevailing influence. Immediately prior to this MRC's Secretariat and its Council had seen a distinct shift toward more developmentally minded leaders, notably the CEO Olivier Cogels (Hirsch 2008). At the same time, those purporting to represent national interest in some of the riparian countries expressed decreasing patience with external voices that put a brake on rapid development of hydropower. For example, Madame Khampeng Pholsena, MRC Council member for Lao PDR, has been adamant that these are decisions for the riparian countries alone to take (Osborne 2009). (Hirsch 2010).

Despite resistance from local stakeholders as well as transnational environmental groups, two of the eleven dams planned for the main stem of the Mekong River are currently under construction, the Xayaburi and the Don Sahong dams. Given their significant costs and benefits to the governments and stakeholders in the region, the

planning, financing and environmental impacts of both of these dams are worth exploring in detail.

Xayaburi Dam

The Xayaburi Dam is currently under construction in northern Lao PDR and is expected to span the entire channel of the Mekong River upon completion, raising concerns about the possibility for fish passage. The dam is projected to generate 1,260 megawatts of electricity. The lead developer of the project is Ch. Kamchang Public Company, a Thai construction company that signed a Memorandum of Understanding with the Lao government in 2007 and a Project Development Agreement the following year. A Power Purchase Agreement was then signed between Thailand and Lao PDR in 2010, which arranges for 1,220 MW of electricity, or around 95 percent of the energy produced, to be exported to Thailand. Under the terms of the 1995 Mekong Agreement, discussed in more detail in Chapter 3, Lao PDR is obligated to formally notify Cambodia, Thailand and Vietnam of its intention to build a dam on the Mekong River, and it began this consultation process in 2010. Consensus is not required under the terms of the 1995 Agreement, but because the states could not agree about how to proceed they tabled the discussion for review at the ministerial level. Lao PDR nonetheless began construction of the dam in 2012.

The environmental impacts of the dam are expected to be felt by downstream users inside and outside of Lao PDR. According to *International Rivers* (2011),

Around 2,100 people would be resettled by the project, and more than 202,000 people living near the dam would suffer impacts to their livelihoods, income and food security due to the loss of their agricultural land and riverbank gardens, an end to gold panning in the river, and increased difficulty

in accessing products from the forest, such as wild banana flower and rattan. The changes caused by the dam to the river's biodiversity and fisheries would be felt throughout the river basin, affecting millions of people. (n.p.)

In an attempt to address the concerns raised by the other riparian states, the government of Lao PDR hired the Swiss engineering company Pöyry Energy AG in May 2011 to evaluate the compliance of the Xayaburi dam with requirements set by the Mekong River Commission. The content, interpretation, and neutrality of the Pöyry Report has proven controversial. First, because the report was not conducted in cooperation with the other riparian states, the scope and accuracy of the data regarding the environmental impacts were called into question. Second, although the government of Lao PDR has treated the report as an official review and emphasized its finding that the Xayaburi dam is “in principal compliance with MRC guidelines,”¹³ the Swiss company was never authorized by the MRC to conduct a report on its behalf. Furthermore the report's findings are qualified. “It is necessary to develop additional baseline data on biology, ecology and livelihood restoration ... and there is a need to improve the knowledge concerning the specific requirements of the aquatic fauna on the fish passage facilities,” (p.10). This report also found that it was outside the scope of its mandate to perform a Cumulative Impact Assessment. Some critics also called into question whether Pöyry Energy AG held a conflict of interest in completing the report, given that it is working as a business partner with the Thai developer Ch. Karnchang on another hydropower project in Lao PDR, the

¹³ The Procedures for Notification, Prior Consultation and Agreement (PNPCA) process that is part of the MRC Agreement discussed in Chapter 3.

Nam Ngum 2 dam. (Herbertson 2011). Overall, while the construction of the Xayaburi dam steadily moves forward, the ecological impacts of the dam are still largely unknown, even according to the ostensibly neutral report that the government of Lao PDR relied upon to justify proceeding with its development.

Don Sahong Dam

Despite ongoing disagreement regarding the consultation process of the Xayaburi dam, Lao PDR gave notification of its intent to build a second main stem dam in September 2013. However, engagement in the consultation process was widely viewed as a superficial attempt by the government of Lao PDR to legitimize its actions without actually allowing the process to inform its planning. The downstream states argued that due to inadequate baseline information the environmental impacts of the dam could not be assessed. International Rivers (2015) reports that Lao PDR treated the notification process as perfunctory:

Prior Consultation took place without adequate baseline information and with no transboundary impact assessment, meaning that neighboring countries were limited in their ability to assess the real impacts of the project on their use of the river. Additionally there were a large number of concerns raised about the problematic implementation of the Xayaburi Dam's PNPCA¹⁴ process, including by the MRC and donor governments, issues that were not addressed or resolved before the process was started again for the Don Sahong Dam.

On 27 January 2015 the MRC's Joint Committee met at the close of the first six-months of the Prior Consultation process for the Don Sahong Dam. At the meeting, Thailand, Cambodia and Vietnam each called for an extension to the Prior Consultation process, requesting further baseline studies and greater

¹⁴ The PNPCA process is discussed in detail in Chapter 3.

assessment of the project's transboundary impacts. The Government of Laos, however, insisted that the Prior Consultation process was complete.(n.p.)

In a similar procedural outcome to the Xayaburi dam, the MRC Council was unable to reach an agreement and decided to escalate discussions to the ministerial level. Also similarly to the Xayaburi outcome, Lao PDR began construction of the dam without waiting for that process to lead to a resolution.

Construction of the Don Sahong dam, which is located less than 2 kilometers upstream of the Lao PDR-Cambodia border, began in 2015. The completed dam is expected to be 25 meters high and generate 260 MW of electricity for both domestic use as well as for export. Mega First Corporate Berhad, a Malaysian company, signed a Power Purchase Agreement with the government of Lao PDR in 2015. Shortly thereafter, a contract to construct the project was granted to China's Sinohydro International Corporation.

In addition to the standard concerns about water flow and quality, the impact on migratory fish stocks, and sedimentation transport that arise with all main stem dams, the Don Sahong dam also threatens the school of dolphins that lives in Veun Nyang/Anlong Cheuteal deep pool, just one kilometer downstream of the project site. The Irrawaddy dolphins that live in this pool are a critically endangered species with fewer than 100 remaining, and this is the only location in Lao PDR where they can be found. The dolphins are one of the biggest tourist attractions of the area and a key source of income for nearby communities in Cambodia that are dependent on ecotourism. The construction of the dam itself presents a serious threat to the

dolphins, but even if not directly harmed by construction the depletion of the fish supply on which they live could present a secondary threat to their survival. An IUCN Report (Reeves et al, 2009) that was updated in 2017 with data collected since the start of the dam's construction noted further reduction in the local dolphin population and estimated that there is now "virtually no hope for its persistence." (IUCN 2017). Loss of the population of Irrawaddy dolphin that live in this pool would greatly enhance the risk of species extinction.

The process by which the Don Sahong dam was planned showed little improvement from the contentious process first undertaken with the Xayaburi dam. Both dams present significant socio-economic and environmental threats to their downstream neighbors, but construction began on each before the consultation process reached a conclusion or the impacts could be fully assessed. The dams undoubtedly present benefits, at least in the short term, to their host states in the form of electricity generation, an infusion of cash via the sale of concessions, and resultant infrastructure development. However, the benefits of these development projects, particularly given the decision to locate them on the main stem of the river, are not equally shared by states in the region. As the state farthest downstream, Vietnam in particular must find a way to manage the impacts of these hydropower projects without the ability to share in its benefits.

Mekong Delta Resource Management: The Geopolitical Context

Given the vulnerability of its downstream delta residents, one might expect the government of Vietnam to take a position that is vociferously opposed to the

upstream developments that are exacerbating this environmental change. However, the political reality is more complex. As the building of the Xayaburi and Don Sahong dams reflect, most of the current dam construction along the Mekong River is taking place in geographically opportune locations in Lao PDR. Lao PDR is an extremely poor country and – together with Vietnam – one of the five remaining nominally communist governments.¹⁵ These dam construction projects allow Lao PDR to increase its revenue by selling its hydropower primarily to neighboring Thailand, which as a relatively developed country has increasing energy needs. Lao PDR is expected to experience significant economic growth from main stem hydropower investment, although the MRC Strategic Environmental Assessment also warns of the possibility of macro-economic imbalances developing due to a booming hydropower sector and negative impacts on vulnerable communities (ICEM 2010). Despite operating under similar political systems, the relations between Lao PDR and Vietnam are complicated, as Vietnam and China increasingly compete for influence and investment opportunities within the developing state. Vietnam has thus at times taken a position against further hydropower development upstream in the Mekong River, but has also muted this position when it has exacerbated regional geopolitical tensions.

The Chinese government is one of the main financiers of the dam building projects in Southeast Asia, which further escalates the political calculations as the

¹⁵ The others are China, Cuba, and North Korea.

states in the region make decisions about how to engage with a state that is simultaneously viewed as an overbearing regional hegemon and a significant source of potential revenue.¹⁶ Through its state-owned enterprises (SOEs), China is actively involved in financing dozens of dams in the Lower Mekong Delta. The dam development initiatives are part of China's "Going Out Strategy" that was issued during the 10th Five-Year Plan (2001-2005) that is designed to increase the revenue of Chinese SOEs.

The 'Going Out Strategy' is geared towards expanding the markets of domestic firms overseas as they have outgrown the domestic market. Expanding overseas means increased revenues for Chinese firms and does not limit them to domestic markets. The Chinese practice is hence often to bundle aid, trade and investment by providing, for example, both investments and concessional loans for dam building and linking this to the export of electricity coupled with the import of Chinese manufactured goods and trade goods for Chinese firms. (Urban et al 2013, p. 312).

According to Matthews and Motta of the food-security research partnership CGIAR (2013), Chinese developers frame these projects as a "win-win" because of the financial benefits they bring to host nations and political influence that benefits the Chinese state, highlighting that the dams provide large financial injections, infrastructure and electricity into states struggling with economic development.

¹⁶ China has a recent history of contentious relations with its Southeast Asian neighbors: it fought a war with Vietnam in 1979, did not have formal relations with Lao PDR from 1979-1999, and supported the communist Khmer Rouge dictatorship in Cambodia. Although China has recently tried to build greater trust with the states within Southeast Asia in order to advance its national security and economic interests (e.g., ACFTA and the Chiang Mai Initiative, which focused on trade and currency security respectively), relations between the Southeast Asian states and China are still characterized as cautious.

Because of these incentives presented to Lao PDR and other developing states from Chinese investment, the government of Vietnam must carefully balance whether its opposition to upstream development, even taking into consideration the socio-economic and environmental impacts on its own residents, is worth the potential disruption to its relations with its regional neighbors and loss of influence as compared to its historical adversary, China.

Maximizing Utility or Maximizing Stability?

The environmental, economic and geopolitical implications of development projects in the Lower Mekong Basin present a complicated set of calculations for the state of Vietnam to consider in managing the delta resources. On the one hand, upstream development presents a socio-economic and ecological crisis to the Vietnamese citizens living in the Mekong delta, threatening their livelihoods, food security, and even their land security as parts of the delta are lost to subsidence or made uninhabitable due to sea level rise. On the other hand, Vietnam must also weigh the geopolitical implications for putting more political pressure on its upstream neighbors to cease development projects that threaten its interests. With respect to Lao PDR in particular, the Vietnamese government must consider whether challenging its rapid hydropower development will have the unintended consequences of moving Lao PDR closer to China, still viewed with mistrust by Vietnam due to historical antagonisms and ongoing territorial conflicts in the South China Sea (or East Sea, according to any Vietnamese nationalist).

How will the government of Vietnam respond to these competing sets of interests? Will it act upon its role as the most capable actor to protect transnational collective goods and take steps, domestically and internationally, to support the provision of goods that the Mekong River system supplies to its delta residents? Will it engage with local actors in order to support this provision through participatory processes, or rely upon top-down policy implementation in accordance with its authoritarian structure? Will it privilege its foreign policy objectives over its interests with respect to collective goods provision, repressing actors who challenge this prioritization of objectives? Given this complex array of interests, the strategic choices of the authoritarian state cannot be predicted *a priori*, but can be observed through its strategic interactions with civil society actors and transnational actors who try to influence its choices within this policy space. These strategic interactions will be analyzed in detail across levels of governance, but first a more careful understanding of how the government of Vietnam is structured to manage its water resources is needed, which is the focus of the next chapter.

Chapter 3: Water Governance in Vietnam

The governance of water resources in Vietnam intersects with multiple types of actors and layers of government. From the grassroots users to the transnational actors responsible for basin-level administration, decisions about water use and management affect stakeholders throughout the river basin. Within the government of Vietnam, the responsibility for water resources management primarily is shared horizontally across two government ministries as well as vertically between the national and local governments. The state also interacts transnationally with representatives of the other riparian states through its participation in the Mekong River Commission, the regional body officially tasked with jointly managing the shared resources of the Mekong River.

In addition to formal government actors and institutions, Vietnam is witnessing the emergence of an increasingly active civil society sector, including non-governmental organizations focused on the protection of water resources.¹⁷ These organizations operate within a fluid space with respect to their relations with the state – at times supporting and at times challenging its governance objectives. In order to

¹⁷ The use of the term “NGO” within the Vietnamese context can be a source of confusion. All of the NGOs discussed in this dissertation have formally registered with the state and have been granted permission to operate, which makes the “non-governmental” adjective somewhat inaccurate. Other scholars prefer the terms “civil society organizations” or “civic organizations.” However, the NGOs discussed consist of paid, professional staff, not voluntary members from the general public, which may be associated with these alternative terms. Additionally, each of the organizations used the term “NGO” in self-reference, indicating that this term does reflect the type of services that they see themselves providing. I have chosen to maintain their use of “NGO” in this paper, with the caveat that they operate with the formal permission of the Vietnamese government.

provide a contextual understanding of the strategic choices made by the state regarding its management of public goods, this chapter will provide an overview of the authoritarian institutions of the state, a more detailed description of those institutions most relevant to the management of water resources, and finally a discussion of the shifting opportunity structures within the state that are allowing new actors to participate in water governance.

State Institutions and Water Management

The management of water resources in Vietnam is best understood within the context of its authoritarian system. Vietnam is a single-party socialist republic that is led by the Communist Party. In 2013, the government undertook a comprehensive constitutional review process and adopted its fifth constitution in November of that year, its third since reunification of the country in 1976. The review process, which lasted from January to April 2013, was notable for the unprecedented degree of public participation on sensitive, substantive, and controversial questions (Bui 2014; Bui and Nicholson 2016). For example, a group of 72 senior scholars drafted a petition to the Constitutional Amendment Drafting Committee that came to be known as Petition 72. The petition called for radical proposals that would dramatically change the fundamental structure of the Vietnamese government. While the reforms were thus a non-starter for serious consideration by the government, the drafting process was much more participatory than in earlier eras. Despite significant public debate regarding the civil and political rights of Vietnamese citizens, the final draft of the Constitution reaffirmed the leadership of the Communist Party of Vietnam in Article

4, referring to the party as “simultaneously the vanguard of labourers and of the Vietnamese nation, the faithful representative of the interests of the working class, labourers and the whole nation,” (Trans. International Idea, 2013). The reform process thus solidified the party’s political control, although it simultaneously revealed the potential for citizens to engage in oppositional discourse as well.

The constitution identifies the National Assembly, or the legislative branch of the Vietnamese government, as the “highest representative body of the People and the highest body of State power of the Socialist Republic of Vietnam.” (Article 7; Trans. International Idea, 2013) While the Constitution describes the process of election to the National Assembly as based on the “principles of universal, equal, direct and secret suffrage,” the reality is that the candidates list is tightly controlled by the Communist Party and thus candidates that present a challenge to the Party’s authority are commonly eliminated through its strict vetting process (Petty 2016). The elected National Assembly is responsible for choosing the president, and the president nominates the prime minister, who is then confirmed by the National Assembly. Thus despite a nominally “democratic” electoral process to choose the deputies to the National Assembly, the procedural restrictions exercised by the Communist Party ensure its *de facto* control over the executive and legislative branches. Because there is such overlap between the party and the state, the country’s leaders can be thought of as a triumvirate: 1) the Party Secretary, 2) the President who functions as the head of state, and 3) the prime minister who functions as the head of the government (Dayley 2017).

At the sub-national level of government, the state extends its authority vertically through four generally recognized units: 1) province/city; 2) district; 3) commune/ward; and 4) village/hamlet.¹⁸ The numbers of each sub-unit can fluctuate due to population and administrative changes, but as of 2010 included 63 provinces/cities and 599 districts. The northern part of the country tends to rely only on the first three levels of local government, although the necessity of even the commune/ward level has been questioned by local officials, as they lost some of their purpose when farming was collectivized in 1960 (Kerkvliet 2004). The primary sub-national levels through which the party and state exercise their authority are thus the province and district level, which house local offices of the legislative, executive and judicial branches of government.¹⁹ The Communist Party also maintains branches at the subnational levels of government, creating a parallel structure in which the party and government are only nominally separate and, in fact, the party exercises control across each level of government. In other words, officials at the provincial level must report to their superiors at the ministry level, as well as to the authorities of the Communist Party that are located within their province.

The centralized control of sub-national levels of government is evident from their dependence on the national government for funding. Only the national level of government has the ability to levy taxes. Tax administration is carried out by the

¹⁸ Different terms are used to distinguish between provinces and large cities, which are nonetheless administratively equal. There is also some variation in administrative structure among the lowest two levels of government, particularly in the south, where centralized administrative control has historically been more difficult (Kerkvliet 2004).

¹⁹ The commune level may have similar executive and legislative offices, but does not have courts.

central government's General Department of Taxation, although it does rely upon provincial and district offices under its direction for enforcement and collection. Provinces that exceed taxation collection targets may, however, be able to keep some of the excess revenue generated in order to incentivize tax enforcement. (Rao et al 1999). While the sub-national units of government are thus financially dependent on the national government, the provinces retain a lot of budgetary discretion:

From those locally collected tax revenues and other income, the central government makes allocations to each province. As of the mid-1990s, "the bulk" of provincial governments' budgets came from the central government. ... Allocations from the national level are more or less fixed for three to five years through budget negotiations between provincial and central government offices. In the process, the central government attempts to moderate inequalities by redistributing tax income from better off provinces to poorer ones. Having received funding from the centre, provincial authorities are responsible for allocating it to province-wide programmes and to districts, which in turn give a portion to communes. For this internal distribution, each province reportedly "has its own system." (Kerkvliet 2004, p. 14).

This funding model reinforces the primacy of the provincial level of government among the sub-national units, as it holds significant formal authority as compared to the less institutionalized district, hamlet, and ward levels.

There are 22 ministries or executive agencies under the authority of the prime minister, who serves as the head of government. Many ministries have branches at the provincial and district level, so that the directives from the central government can be implemented through this vertical structure. The two most significant ministries for the purposes of water resources management are the Ministry of Natural Resources and the Environment (MONRE) and Ministry of Agriculture and Rural Development (MARD). The provincial level departments of these ministries are referred to as

DONRE and DARD, respectively. The division of labor between these two ministries with respect to water resources management is clear on paper, albeit more complicated in practice.

Ministry of Natural Resources and the Environment

MONRE is “in charge of submitting the development strategies, master plans, long-term, five-year and annual plans, and national programmes and projects on water sector protection to the Prime Minister. Furthermore, MONRE has the responsibility to formulate master plans and plans on the management of, as well as measures for using, water resources for sustainable development and multipurpose uses, and the proactive prevention and control of the degradation and exhaustion of water sources.” (Nguyen 2010, p. 93). Within this mandate, MONRE is responsible for monitoring and preparing for floods, droughts, or other adverse conditions related to the availability of water, and conducting scientific surveys and research in order to prepare for the efficient and rational use of water. The National Committee of the Mekong River Commission, discussed in more detail later in this chapter, is also situated within MONRE. This ministry thus has the primary responsibility for national planning as well as international coordination of the water resources of the Mekong River delta.

Ministry of Agriculture and Rural Development

MARD is responsible for “performing state management functions in the fields of agriculture, forestry, salt production, fishery, irrigation/water services and rural development nationwide, including state management functions with regard to

delivery of public service in accordance with legal documents,” (MARD website, n.d). Included under the authority of MARD are five subdivisions, including the Department of Science, Technology and Environment; Department of Fisheries Resources Management; Department of Irrigation Management; the National Centre for Rural Water Supply and Environmental Sanitation, and the Department of Dykes, Flood and Storm Management. The MARD is thus primarily responsible for ensuring that the land is cultivable and productive, that chemicals, fertilizers and other agricultural wastes are used according to legal provisions, and that water is distributed efficiently at the local level through irrigation systems in order to ensure agricultural productivity. It is particularly interesting that irrigation/water services is situated in a separate ministry from national and international water use planning. Contrary to the IWRM framework discussed in Chapter 1, the segmented approach to the management of water resources within Vietnam seems to make an arbitrary distinction between water management at the local level and national/international water use planning.

Other Related Ministries

While not specifically tasked with water resources management, the following ministries have mandates that intersect with this issue in the following ways:

MINISTRY	MANDATE	MINISTRY	MANDATE
Ministry of Industry and Trade	Hydropower (in coordination with MARD)	Ministry of Health	Water standards and regulations (drinking and domestic water)
Ministry of Construction	Urban water supply and drainage; handling of urban wastewater	Ministry of Transport	Inland waterway navigation
Ministry of Finance	Allocation of state budgets	Ministry of Planning and Investment	Allocation of planning and investment; coordination of international relations

Table 3.1 Ministries with Mandates that Overlap with Water Resources Management
(Adapted from Nguyen 2010)

There is thus considerable overlap, in practice, between the ministries formally tasked with aspects of water resources management, as well as ministries that only address water resources management in tangential ways. In a governmental system in which policy directives typically come from the top down, this leads to a “stovepiped” approach to policy formulation and implementation in which problems are addressed outside of their wider context and communication across ministries is limited. A more effective approach to water resources management, as demonstrated by the IWRM paradigm described in Chapter 1, is an integrated approach that is responsive to local and cross-sectional realities. The coordination of water resources management is thus a particular challenge within the institutional structures of the authoritarian state. Coordination is needed horizontally across ministries with overlapping mandates; horizontally between the authority structures of the Communist Party and the government; and vertically among the national-level ministries and their respective branches at the sub-national levels.

The Mekong River Commission

Adding yet another layer of complexity to the coordination of water governance is the fact that the transboundary water resources require cooperation with the other riparian states. In order to address this need for regional cooperation, the Mekong River Committee, the precursor to the current Mekong River Commission, was established in 1957 as the primary coordinating body for the management of the river's resources. Set up by statute under the auspices of the United Nations, at the time it was the single largest development project that the UN had attempted (MRC). Original members of the Committee included Vietnam, Thailand, Cambodia and Lao PDR. The Committee was established with the strong financial backing of the United States, which saw the economic development of the region through large-scale infrastructure projects, such as hydropower, as a way to prevent communism from gaining a stronger foothold in the region. When this strategy proved unsuccessful, the United States terminated its financial support in 1975 (Jacobs 2002). An Interim Mekong Commission was established shortly thereafter without the participation of Cambodia, which by that time had been taken over by the Khmer Rouge regime. When Cambodia sought to rejoin the river basin commission in 1992, a new debate over the structure, purpose and procedures of the organization commenced.

The restructuring of the Mekong regime with Cambodia's participation was a contentious process, although Cambodia's membership was not the key point of disagreement. In particular, the Thai delegation did not feel that the terms of the

original Mekong Committee served their current national interests, as the 1957 Statute and the subsequent 1975 Joint Declaration of Principles required committee approval of all diversion projects, including those on tributaries rather than the main stem. Thai officials did not want to give the other member states the right to veto their water projects, and proposed language that would call for a review of the original committee's basic documents. The animosity between Thailand and Vietnam intensified when Thailand suggested that member states should meet with all of the basin states, including China. The Vietnamese officials feared that the Thais were looking for an ally in support of limited restraints on national development projects. (Browder 2000).

By mid-1992 the Mekong regime was on the brink of collapse. Strategic maneuvering over protocol and representation had undermined the good faith of the parties. UNDP officials were alarmed at the turn of events. UNDP's contribution to the Mekong regime over the years had totaled almost U.S. \$50 million (1992 dollars), representing the largest development program of the longest duration that the UNDP had ever supported. (Browder 2000, p. 248).

The UNDP convened a reconciliation meeting in October 1992 and established a Mekong Working Group that would negotiate the terms of the restructured regime. The main topic of disagreement – MRC veto power over proposed water uses – was overcome when the Vietnamese negotiators suggested the phrase “prior consultation which aims at arriving at agreement.” Although the negotiation process continued through 1994, about a year behind schedule, this language was ultimately accepted to address the consultation issue in the final version of the Mekong Agreement.

The MRC has existed in its present form since 1995, when member states signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin. The vision of the MRC is to “bring about an economically prosperous, socially just and environmentally sound Mekong River Basin,” (MRC). The MRC is the sole organization in the region that is tasked with balancing the objectives of economic development with environmental preservation of the basin’s resources for future generations. The authority of the organization rests with the member states themselves; it is no longer under the umbrella of the United Nations or any other organization. Vietnam is one of the four member countries of the MRC, along with Cambodia, Lao PDR and Thailand. Myanmar and China are also involved in the MRC as dialogue partners. Matthews and Motta (2013) are among the many scholars critical of China’s limited engagement as a dialogue partner; in this capacity, China is represented at major summits and annual meetings but is not constrained by any of the principles outlined in the 1995 Agreement:

No formal agreements exist between China and downstream governments on the management of the Basin. China has ‘dialogue status’ with the Mekong River Commission (MRC), the main river basin organisation (RBO) in the region, with which it shares hydrological data from the Lancang, but it has so far declined the invitation to become a member. Notwithstanding China’s stance that the Lancang cascade is a national issue that it has generally been unwilling to discuss, it has continued to engage in hydropower development policy with downstream nations. The downstream governments have been reluctant to engage with China on the Lancang cascade’s impacts due to China’s relative military and political power and the country’s large investments and aid in the Lower Basin.” (p.3)

The non-membership of China is a significant weakness of the MRC, not only because of its rapid upstream development that directly affects the river resources, but also because of its role as a major financier of projects in the Lower Mekong Basin. The organizational structure of the MRC consists of three principal organs: the MRC Council, the Joint Committee and the MRC Secretariat (See Figure 3.1). MRC Council members serve at the ministry or cabinet level in each of the four member countries, thus in the case of Vietnam the representative to the Council is the Minister of MONRE.

The Council meets annually to discuss current issues with respect to management of the Lower Mekong Basin and to review compliance with the 1995 agreement. The Joint Committee meets twice annually, and is responsible for implementing decisions taken by the Council. The Joint Committee is composed of members holding a position within their home state of Head of Department or higher. In practice, this means that the member of the Joint Committee is the Secretary General of his or her country's National Mekong Committee. In Vietnam, this is a sub-unit located with the MONRE. The third primary organ of the Mekong River Commission is the Secretariat, which carries out the day-to-day functions of the organization. The Secretariat is led by a CEO and is responsible for providing technical and administrative support to the member states, as well as coordinating meetings to facilitate dialogue.

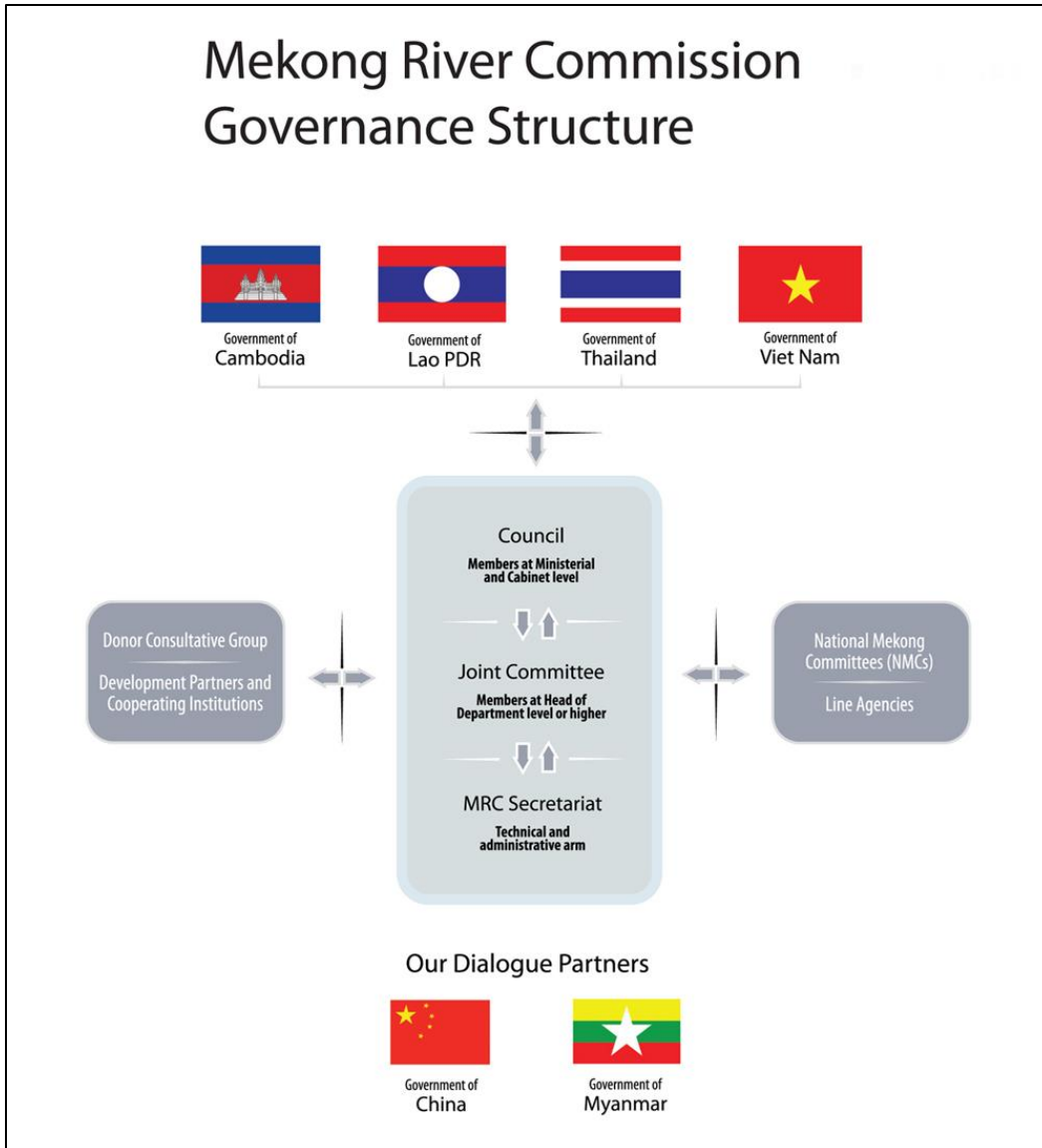


Figure 3.1 Mekong River Commission Governance Structure
 Source: Mekong River Commission

The Secretariat is undergoing a transition period as the MRC works toward a goal of financial self-sustainability by 2030. Until 2015, the MRC operated with a

budget of \$20 million that mostly came from donor governments (MRC).²⁰ The move towards financial self-sustainability has coincided with increasing frustration from donors that the member states are perceived to be going through the motions of cooperation over their development initiatives, without actually using the organization to reach basin-wide agreements. The largest donor to the MRC, Denmark, had provided \$86 million to the organization since 1995, but terminated its funding in 2015 following a critical review that identified wasteful spending and questioned the technical capacity of MRC staff to provide reliable scientific data about the effect of dams on agriculture and fisheries or long-term hydrological changes (Wright 2016). Although the process to move toward financial self-sufficiency was already underway, this withdrawal of donor funding has caused the process to speed up, with a new target date as early as 2020.

The new structure of the MRC is intended to refocus the organization on the key functions of the river basin organization in accordance with the Roadmap of Decentralization and Reforms that was agreed to at the meeting of the MRC Council in June 2014. Prior to 2015, the structure of the Secretariat consisted of 12 programs under four divisions: Environment, Planning, Technical Support and Operations, with offices in Vientiane and Phnom Penh (See Figure 3.2). The organization also included three cross-cutting sections focused on Finance and Administration, International Cooperation and Communication, and Human Resources. According to

²⁰ This statistic is provided on the MRC website (<http://www.mrcmekong.org/about-mrc/governance-and-organisational-structure/>), but the specific donors are not identified.

the new structure approved in 2016, the Commission will retain a 4-part organizational structure, but will consolidate the cross-cutting sections within a new Administrative division, eliminating the Operations Division in which most of the MRC’s programmatic activities were housed (See Figure 3.3). This more streamlined organization will move from a staff of 180 people to 90 during the transition period, ultimately arriving at a total of 50-60 professional and support staff once the transition is complete. These personnel cuts will be achieved in part by decentralizing projects that do not require coordination at the transboundary level or which are not supportive of the main principles of the 1995 Agreement (MRC).

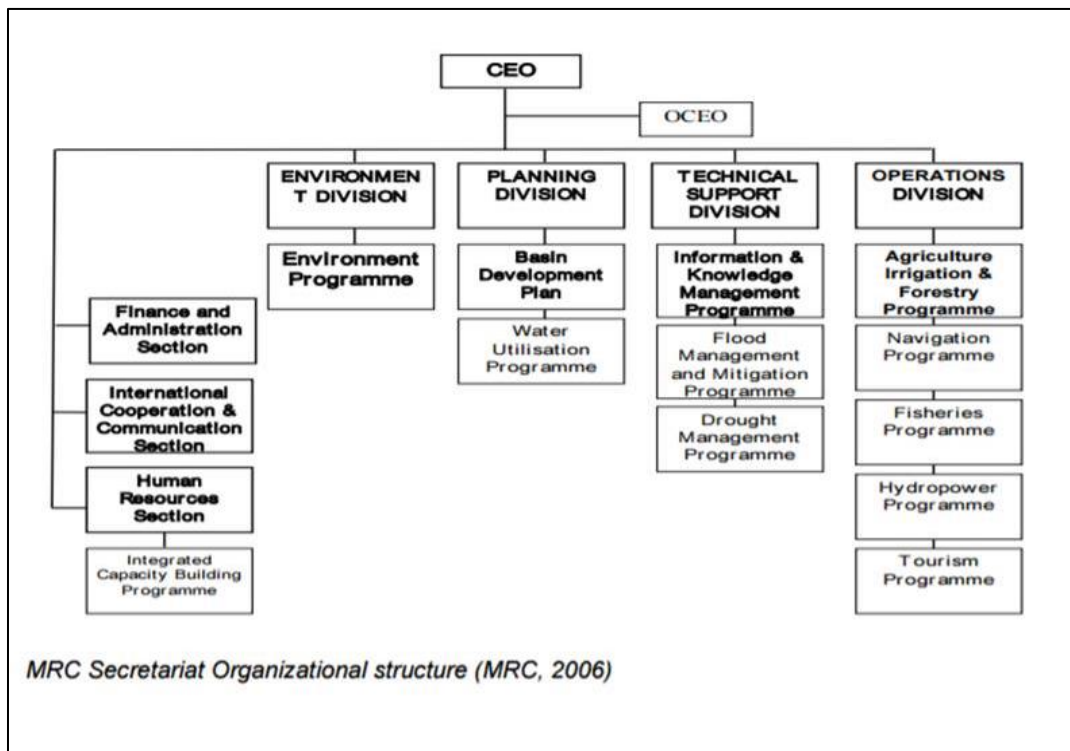


Figure 3.2 Organizational Structure of the MRC Secretariat, 1995-2015

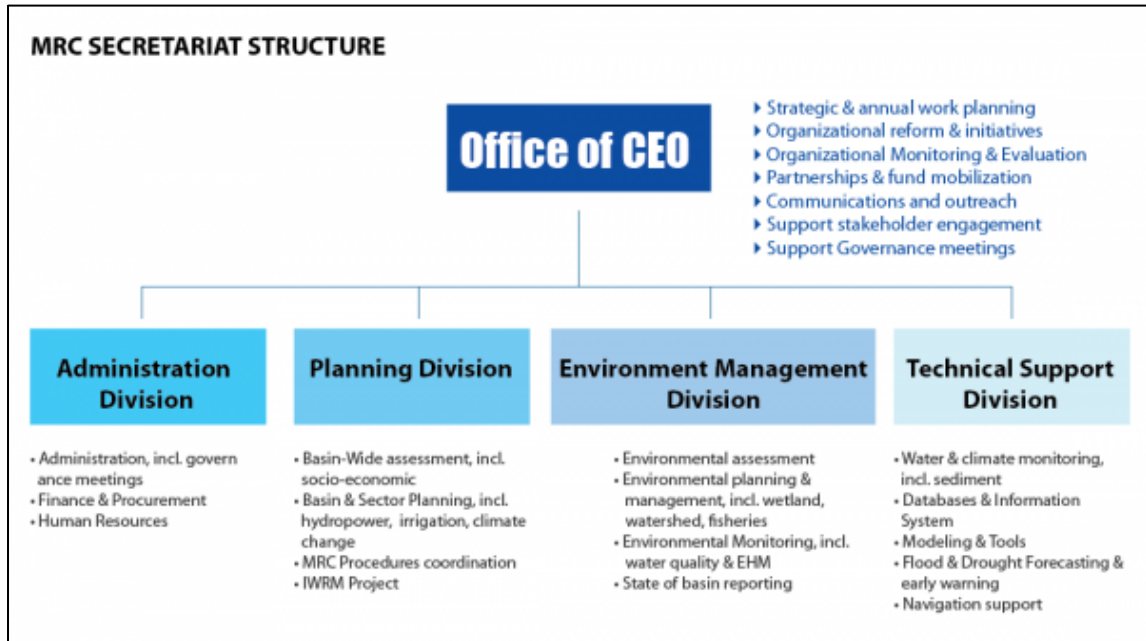


Figure 3.3 Post-Transition Organizational Structure of the MRC Secretariat

A primary reason why donor support has waned for the river basin organization is the lack of progress over achieving cooperative agreements regarding exploitation of the river’s hydropower potential. Within the 1995 agreement, the member states of the MRC agreed to five core procedures for the management of the river resources. The procedures are: 1) Procedures for Data Notification Exchange and Sharing; 2) Procedures for Water Use Monitoring; 3) Procedures for Notification, Prior Consultation, and Agreement (PNPCA); 4) Procedures for the Maintenance of Flows on the Mainstream, and 5) Procedures for Water Quality. The PNPCA process has been especially contentious, because it sets up general principles for cooperation over hydropower development that have at best been followed to the letter, rather

than the spirit of the agreement. Article 5 of the 1995 Agreement stipulates that diversion projects on tributaries of the river shall be subject to notification of the Joint Committee, but establishes higher standards for cooperation for diversion projects planned for the main stem of the river. In this case, in addition to notification, the agreement calls for a consultation process that “aims at arriving at an agreement by the Joint Committee” (MRC 1995). An agreement is considered to be reached when there is a “decision of the Joint Committee resulting from prior consultation and evaluation on any proposed use for inter-basin diversions during the wet season from the mainstream as well as for intrabasin use or inter-basin diversions of these waters during the dry season” (MRC 1995). This formulation has found to be lacking as Lao PDR in particular has gone through the motions of notifying the MRC of its mainstream hydropower projects and has considered that notification sufficient in meeting its responsibilities under the agreement, as reaching an agreement is not technically required under the language of the 1995 Agreement. As previously noted, the compromise language only requires “prior consultation which aims at arriving at agreement.” The other riparian states dispute this interpretation of the statute, arguing that the consultation processes have been insufficient and additional negotiations on planned hydropower projects should be carried out at the ministerial level.

The Emergence of Civil Society in Vietnam

There is some irony that in the case of transboundary cooperation authoritarian states such as Vietnam are disappointed with the consultative process, given the inconsistency with which the state applies this governance philosophy at the

domestic level. Nonetheless, over the past three decades the state has increasingly recognized the benefit of sharing the responsibility of collective goods provision with other actors outside of state institutions, thereby integrating them into the processes of governance. Although the United States withdrew from Vietnam in 1973, the fall of Saigon two years later and subsequent unification did not usher in a period of peace. Vietnam soon found itself involved in a border conflict with neighboring Kampuchea, as the Khmer Rouge regime became suspicious of Vietnam's regional ambitions following the US withdrawal. This led to a full-scale invasion by Vietnam in 1978, which was followed by a retaliatory attack by China in 1979. The conflicts with Kampuchea and China continued to overextend the resources of the state, inhibiting its ability to shift to domestic priorities.

The confluence of continued conflict, economic mismanagement, and unfortunate circumstances quickly proved ruinous to the economy. In 1980, a series of typhoons destroyed 40 percent of the rice crop in the north (Kolko 1997). While many scholars blame the centralized economy and collectivization of agriculture for the poor economic performance in the first half of the 1980s, there is some conflicting data regarding overall agricultural production during this period. Vietnam's pro-market leaders described the economic situation as calamitous, but official data, the accuracy of which is questionable, showed modest gains in both industrial production and agricultural output between 1980 and 1985 (Kolko 1997). Kolko (1997) attributes the problems with the economy more to external factors, specifically the wars with the Pol Pot regime and with China, than to restructuring of the agricultural

sector by the Communist regime. Regardless of the cause of the economic crisis, rising prices had destabilized the economy by 1985. In response to this crisis, Tan Phuong, the vice premier in charge of the economy, attempted currency reform that made the problem much worse:

Retail prices between 1979 and 1985 rose consistently, nearly doubling in 1982 alone, destabilizing the economy seriously. In September 1985, Phuong and the reformers sought to reverse this pattern and organized a currency reform which produced a disastrous hyperinflation and far graver difficulties than at any time since 1979. Prices over the next year increased at least 700 percent and created a monumental crisis, and there was a disastrous decline in output of every sort. Phuong was fired in total disgrace but the damage had been done. (Kolko 1997 p. 27).

While the causes of the economic crisis that wreaked havoc on the economy are multifaceted and the relative impact of the various causes is debated, this crisis led to increasing recognition among the Vietnamese elite that widespread political reform was needed.

The push for political and economic reform was controversial, however, not least of all because the Communist Party of Vietnam had been under the control of Lê Duẩn since 1960, the direct successor of Ho Chi Minh. Lê Duẩn recognized that the economic crisis required reform, but the move toward a more market-oriented party was anathema to someone who had spent ten years of his young adulthood in colonial prisons for his political activity and who led the party throughout the most brutal years of the Vietnam War. Võ Văn Kiệt, who served as Prime Minister of Vietnam from 1991-1997, reflected on the ideological rigidity of Lê Duẩn, which was emblematic of a wider sclerosis in the party that inhibited a faster transition to market reforms:

I understand that Brother Three [Le Duan] realized that what was taking place did not meet the requirements of the situation and needed to be changed. However, he was unable to transcend the framework of the economic model that enveloped the entire socialist camp. Although there were many questions raised by the social and economic difficulties, I never saw him formally set them out in front of the politburo or assign a group to research the fundamental essence of the problem which was that the centralized system of subsidies had been ‘revered’ [*ton vinh*] as one of the [basic] principles for many years. Thinking back over that period, any thoughts that were different from ‘approved official thinking’ [*tu duy chinh thong*] were subject to serious accusations. (Elliott 2012 p. 47)

Lê Duẩn died in 1986, shortly before the 6th National Congress of the Communist Party. While he is still revered by many as one of the top three Vietnamese leaders of the 20th century (along with Ho Chi Minh and Vo Nguyen Giap), his death symbolized an end to old-guard thinking and allowed for new blood to enter the party at a critical point in its evolution.

The 6th National Congress ushered in the period of *Doi Moi* reforms, which were aimed at strengthening the internal and external legitimacy of the government. The *Doi Moi* reform process marked Vietnam’s transition from a command economy to a “socialist-oriented market economy.” Along with subsequent reforms that continued over the next 16 years, this process led to the creation of private enterprise and limited land use rights, as well as increasing inequality and marginalization of ethnic minorities.²¹ The economic growth that resulted from this transition to more market-based approaches was not spontaneous, but the beginning of some economic liberalization did have dramatic effects on the relationship between citizens and their

²¹ The initial reform effort led to declines in economic productivity. Inflation in 1987 and 1988 reached over 300 percent. Widespread famine in 1988 led to widespread food shortages, reaching famine levels in some northern provinces. (Kolko 1997).

state institutions, as well as the emergence of social groupings outside of the state apparatus. First, the creation of the private sector led to the establishment of professional organizations. Second, as the central government gave increasing autonomy to the provinces, this decentralization of power allowed for some community-based organizations to emerge. Third, more international NGOs were permitted to operate in the country, arguably less because of the state's newfound appreciation of political pluralism than for the attractive amount of foreign aid that came along with them.

It is for these dualistic instrumental reasons – the ability to help the state address social needs that it had been unable to ameliorate on its own, and drawing international financial resources into the country – that the state began to loosen its restrictions on civil society. Prior to the *Doi Moi* political reform process, the rights of organizations to form and the rights of assembly were severely restricted, dating back to regulations enacted in 1957. In 1992, the Ministry of Science, Technology and the Environment was given greater flexibility to authorize research organizations by giving them legal, registered status. Mark Sidel (2008) reports that:

A number of urban voluntary organizations, including some of the most important policy research, social service, and social activist organizations then operating, were able to legalize under the 1992 Science and Technology Regulations and their successor, Decree 81 which now provides a protective regulatory umbrella for hundreds of science and technology research NGOs to exist. (np)

By framing organizations that were providing services in line with state objectives as “scientific,” the state was able to pick and choose which organizations would get

legal status ostensibly according to the organization's mandate rather than whether its role was oppositional to state interests.

The legal status of the organizations that have emerged since the *Doi Moi* period has been determined ad hoc. The government approach has been to use legal decrees to provide authorization to groups that are not in conflict with government ambitions, and yet retain the political authority to restrict those that it finds threatening. For example, the Freedom Forum, formed in the early 1990s by a foreign-trained attorney, was deemed unacceptable. The group released several newsletters advocating for more rapid political reform. The group was shut down in 1992 and its leader, Doan Viet Hoat, as well as several of his colleagues, were sentenced to long prison terms (Sidel 1997). On the other hand, the three main water management NGOs in Vietnam eventually gained their formal recognition under the 1992 statute, becoming members of the Vietnam Union of Science and Technology Associations (VUSTA). In addition to environmental organizations, public health organizations are among those most likely to earn state approval as they can be recognized as "social relief establishments," which have special recognition under Vietnamese law (Council on Foundations). Since the 1992 decree, additional draft laws have been considered that would streamline the cumbersome registration process and reduce some of the restrictions that limit participation in public affairs. The party and government have not allowed these proposals to go forward, showing the state is still protective of its ability to control organizations that may present a challenge to its authority.

Institutional Challenges to Achieving IWRM

The authoritarian system in Vietnam – both the hierarchical formal structure and the limited political space for civil society – present challenges to the state’s effective management of its water resources. The complex process of water resources management necessitates a multisectoral and multilayered approach that accounts for the array of actors involved in its implementation. In Chapter 1 of this dissertation, IWRM was described as “a process which promotes the coordinated development and management of water, land and related resources in order to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment” (FAO et al., 2005). Put forward as an alternative to top-down, segmented management styles that have not proven successful, IWRM is intended to be a participatory mechanism that represents best practices for bringing together policy makers and change agents.

Clearly, Vietnam and the other states in the Mekong River Basin have a long way to go before achieving the broad vision laid out by the IWRM process. Rather than providing a forum through which cooperation over river basin management is strengthened, the underperformance of the Mekong River Commission has left its future in doubt. Donor fatigue has set in as the consultative process for major development projects has failed to produce joint agreements, and even the process of consultation has been undermined by states appearing to not take the process seriously. The move toward financial self-sufficiency bodes well for the local ownership of the inter-governmental organization and protection of the sovereignty of

its member states, but it will now need to meet its coordination objectives with a reduced portfolio, less funding, and a dramatically reduced staff.

At the domestic level, water management in Vietnam remains very segmented, typical of authoritarian states that rely on a top-down policy apparatus. Primary responsibility for water resources management falls across two government ministries, and intersects with many others involved in administrative, budgetary and infrastructure capacities. While MARD has the primary responsibility for maintaining irrigation systems and making sure that water resources are provided for agriculture and aquaculture, this provincial use is artificially segmented from national-level water planning. The National Mekong Committee is housed within MONRE, highlighting the distinction between local use and broader, systemic planning. In addition to this somewhat arbitrary division of labor across ministries, the relationship between the Communist Party and the government itself is complex, with coordination required between those two major bureaucracies as well as within them. This dualistic system of party and government organs is replicated at each level of government, further producing a complex web of both vertical and horizontal lines of authority.

In addition to these formal institutions involved in water resources management, participatory governance within Vietnam remains weak. Vietnam has taken steps toward greater government accountability and burden-sharing with the civil society sector since the *Doi Moi* reform process began in 1986. Although the 2013 Constitution reaffirmed the political control of the Communist Party, the public debate about the reform process provided some reasons for optimism; even on topics

that directly challenged its authority the government might tolerate at least modest forms of dissent. Nonetheless, Vietnam is a long way from a functioning democracy, as elections are not freely contested and citizens' rights to speech and assembly are not formally protected in legal institutions, meaning that the state can reassert its use of repressive tactics should circumstances necessitate it. On issues more politically sensitive than the constitutional reform process, the state still does use its discretion on when and where to repress its challengers.

The complexity of informal and formal institutions of governance in Vietnam, as well as the state's questionable tolerance of participatory processes, raises interesting questions for how it will move forward with the management of its natural resources. As the environmental crises in the Mekong delta continue to worsen, leading to increased calls for the state to protect its citizens' collective goods, it remains to be seen whether the state will respond by engaging more holistically with internal and external stakeholders, or fall back on old methods of top-down decision-making and/or repression of dissent. The next three chapters will analyze the strategic choices that the state makes in engaging with the various stakeholders involved in water resources management, focusing on the NGO sector, grassroots actors and transnational activists, and the state's attempts to control these actors at the domestic and regional levels.

Chapter 4: Cooperate, Repress, or ... Both? The State and Environmental NGOs in Vietnam

The Vietnamese state's treatment of the emerging environmental NGOs in Hanoi has varied across groups and over time; the strategic choices that the state makes depend on its informational needs and other political objectives. Many environmental problems are marked by high levels of uncertainty and technical complexity, which leads to disagreements in interpreting evidence as well as over acceptable levels of risk. On the one hand, the NGOs are useful to the Vietnamese government because they provide the expertise needed to interpret data and to make policy recommendations. On the other hand, these NGOs have greater access to financial and technological resources that allow them to reach an audience beyond the state, and also have a greater awareness of the upstream-downstream cause-and-effect dynamics that the state wants to closely manage for its own geostrategic reasons. These tradeoffs have led to an inconsistent relationship between the state and the environmental NGOs, as the state has approached the groups for their guidance and expertise, as well as sanctioned these same organizations when they have disseminated information that conflicted with the state's priorities. This chapter will focus on this dynamic relationship in detail, exploring how the NGOs got their start in an authoritarian setting, what limits have been set by the state in how they are allowed to operate, and why the issue and actor characteristics are critical to understanding the strategic choices of the authoritarian state. The analysis will show that the state does not treat these actors consistently over time, but chooses its strategic approach across

the Repression-Encouragement spectrum (See Chapter 1), taking into account whether the issue at hand threatens its control over domestic actors or its management of transnational issues.

The Emergence of Environmental NGOs in Vietnam

The *Doi Moi* reform process, or the transition to a socialist-oriented market economy, brought about political as well as economic transformation.²² This process of political reform created a new space for the emergence of domestic advocacy organizations, but this softening of the state's position toward NGOs did not necessarily reflect a growing tolerance for political expression. Rather, the state encouraged the emergence of organizations that could help address social needs that the state had been unable to ameliorate on its own (Sidel 2008). In addition, local organizations are attractive partners for INGOs and donor countries that want to fund multi-stakeholder initiatives, so the state recognized the value of these organizations in drawing financial resources into the country (Gray 1999). For these instrumental reasons, the Vietnamese state began to formally authorize the existence of various NGOs after the *Doi Moi* political reform process began in 1986. Although few in number, the environmental NGOs that emerged during this period came in response to increasing awareness about the impacts of climate change, upstream development and population growth (Fabres 2011). In contrast to organizations focusing on more politically sensitive issues, such as corruption, HIV/AIDS or human trafficking,

²² The *Doi Moi* process, and its historical context, is discussed in detail in Chapter 3.

NGOs focusing on environmental issues were authorized because of their utility in addressing well-known functional problems without directly undermining the authority of the state (Thayer 2009; Wischermann 2003).

Interviews with the leaders of environmental NGOs in Vietnam reveal that even for organizations operating in this relatively “safe” policy area, the state still carefully controls the dissemination of information when it overlaps with politically sensitive issues. These NGO leaders report that government officials have restricted the content of what can be published in the media and have sanctioned the organizations for disseminating information without state authorization. Nonetheless, each of the three NGOs also report frequent and often cooperative communication between the organization and government officials. Thus while the emergent NGO sector is not fully free to operate without restrictions, there are individuals and organizations that challenge the state, provide technical expertise, and generate attention to issues of concern, performing the same types of functions that NGOs in more open societies do. These organizations thus operate in a space that lies somewhere in between the extremes of being independent from or blocked by the state, and in fact depending on the specific issue area and political climate, the strategy of the state toward the NGO can vacillate along this spectrum of political independence.

The emergence of NGOs in Vietnam that do find ways to confront the state is an interesting phenomenon that the academic literature is still attempting to explain. It reflects a more complex relationship between state and society than depicted in the

boomerang model developed by Keck and Sikkink (1998), a classic model of NGO strategy in authoritarian settings. (See Figure 4.1). The boomerang model depicts blockage between the NGOs and the authoritarian state, which is unresponsive to direct pressure. The NGOs thus network with INGOs to pressure their target state from the outside. Given the state's interests at the international level, this can be an effective way to generate pressure on the state to obtain concessions on an otherwise domestic issue. This model shows that there are strategies available to political activists despite constraints upon freedom of speech and assembly; these constraints simply shift the strategies available to them and highlight the importance of linkages with external actors. Vietnamese NGOs also incorporate strategies that rely on external actors to advance their interests, but the relationship with the state is more nuanced than this model of authoritarian state-civil society relations depicts, which is only characterized as blocked.

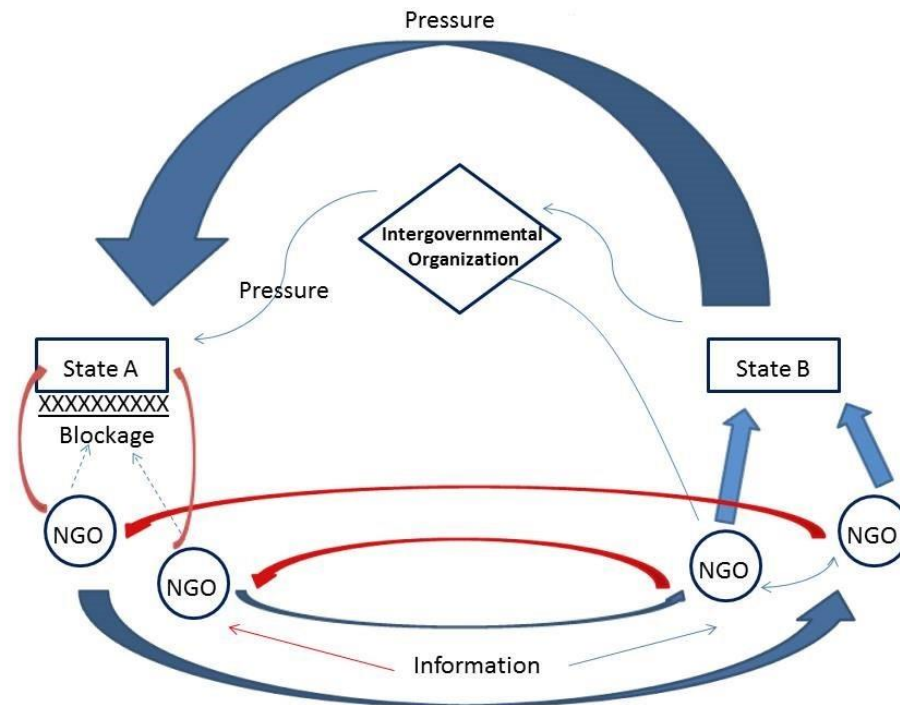


Figure 4.1: Boomerang Model with Adaptation of NGO Communication

Source: Adapted from Keck and Sikkink (1998). Author's adaptations in red.

The adapted model shows NGO-state relations under authoritarianism, and the two-way information flow between local and transnational NGOs.

Rather than depicting Vietnamese NGOs as blocked and dependent upon outside actors for political influence, these organizations increasingly operate independently and can directly challenge the state, even in an authoritarian setting where their right to expression is not guaranteed. In one case described later in the chapter, an NGO that had been sanctioned for publishing information successfully challenged the legality of the government's penalty, indicating that even the government is bound by the rule of law in how and what material it can censor, even though the language of the media laws is vaguely worded providing expansive cover

to the state. Thus communication between the state and the NGOs may at times be adversarial, but the frequency of communication, as well as the often cooperative working relationship, indicates that this pathway is complex and dynamic rather than blocked, as indicated by the author's addition to Figure 4.1.

The Water Management NGOs in Vietnam

A critical first step to understanding the relationship between the authoritarian state and NGOs is identifying when, where and how these organizations emerged. Interestingly, mapping out the origins of each of the water management NGOs reveals that each of the founders obtained direct or indirect capacity building through prior experience with international NGOs, what I call the "boomerang in reverse," as depicted by the addition to the Boomerang Model in Figure 4.1 that shows a 2-way relationship between domestic and international NGOs. Each NGO was established through a process of isomorphism, where the Vietnamese nationals who founded each organization transferred the model of the international NGO to the domestic context. The leadership of these NGOs is therefore composed of the highly educated Vietnamese elite who have access to information as well as exposure to and training from Western models of political activism. While not specifically representing foreign or elite interests, these NGOs also have limited representation from the truly local, grassroots delta residents on whose behalf they are working. This is critical to understanding the limitations of the emergent NGOs in Vietnam, as they purport to represent the interests of the downstream local stakeholders despite having little actual participation of these stakeholders in the operation of the NGOs.

Although the emergent NGOs in Vietnam are typically led by the well-educated elite, the capacity of the staff of the organizations is not typically very advanced compared to their INGO counterparts. On average, less than half of the total staff holds a bachelor's degree (Taylor et al, 2012). Because of the dependence of these organizations on donor funding that is tied to projects, the financial resources for training can be limited.

The majority of CSO staff are young and inexperienced. The leadership of most organizations surveyed stated that capacity building for their staff is a key concern. In Hanoi, more than 90 percent of the surveyed organizations send their staff to external training, although only 36 percent have a staff training budget. In HCMC, about 50 percent of the organizations invest their own budgets in staff capacity building. Interviewees commented that they struggle to allocate funds for capacity building since most of their budget is tied to specific project activities by donors. They are also under very strong pressure to cover salaries and overhead, leaving little flexibility. (Taylor et al., 2012 p. 7.)

Taylor and co-authors note that the organizations seek training opportunities that are provided by international partners at little or no cost to the local NGO. A key obstacle to strengthening the capacity of local NGOs in Vietnam is that staff turnover is high, which is attributed to the allure of the high salaries and benefits offered by INGOs (Taylor et al., 2012).

These local NGOs play a critical role in bringing to national attention the social and environmental impacts of various water management schemes, but have a limited ability to mobilize grassroots activism and some efforts by them to do so have been blocked by the state. The modifications of Figure 4.1 thus show a more accurate picture of NGO operations in Vietnam since it includes direct contact with the government and a more dynamic relationship with international NGOs, although the

“NGOs” are explicitly those formally recognized by the state and not grassroots or community-based organizations.²³ This section will highlight in greater detail the emergence of each of these new professional civil society actors within Vietnam, and explore to what extent each organization has established a cooperative relationship with the state.

There are only three local NGOs in Vietnam (excluding INGOs) that focus on the area of transboundary water governance: the Center for Water Resources Conservation and Development (WARECOD), GreenID and PanNature.²⁴ Each of these organizations is based in the capital city of Hanoi, which reflects their primary role as research and policy-oriented organizations, as opposed to community-based advocacy organizations, which still do not exist in the Mekong delta.²⁵ Because these groups represent an incipient civil society presence in Hanoi, it is critical to understand how they got started and obtained legal status, and what their current relationship with this state is. Since there are so few water management NGOs, it is possible to trace this process in detail for each organization.

WARECOD: The oldest of the three NGOs, WARECOD “is a Vietnamese non-profit organization whose goal is to promote the sustainable use of Vietnam’s water

²³ The participation of local stakeholders in the governance of the Mekong River water resources is the focus of Chapter 5.

²⁴ Only environmental organizations that have a dominant focus on transboundary water management are included in this study. Other environmental organizations, e.g., those with parochial mandates, do not fit within the scope of the case study on the state’s strategic choices with respect to transboundary water management. Nonetheless, these organizations could be an interesting source of data within an expanded research design on state-NGO relations (See Chapter 7 on future research trajectories).

²⁵ As discussed in Chapter 3, these organizations are formally recognized by the state as members of the Vietnam Union of Science and Technology Associations (VUSTA).

resources and gender equality in resource use and management.”

(<http://www.warecod.org.vn/>) The founder of WARECOD is Nga Dao, who as of 2017 still serves as the executive director while splitting her time as a research associate at York University in Canada. In 2003, Nga worked for International Rivers, a Berkeley-based non-profit organization that has a presence on four continents, focusing mainly on grassroots activism in Latin America, Africa and Asia (<https://www.internationalrivers.org/>). The Mekong River is the main focus of International Rivers’ Southeast Asia program, drawing attention to hydropower projects on the Upper Mekong in China as well as dams planned for tributaries within the region. At the time Nga was a consultant for the International Rivers’ Vietnam program, and because there were no NGOs working on water or river issues in Vietnam, she suggested setting up a network or forum to draw the Vietnamese people’s attention to some of the issues surrounding water resources management. She did organize a successful workshop that included members from the relevant government ministries in Vietnam, but the participants resisted continued participation in a “network” that did not have legal recognition. (In Vietnam, “networks” need to be housed under a single organization that has been recognized by the state.) After being turned away from several organizations, in 2005 Nga finally found an organization that was willing to house this network, the Ecological Economy Institute (Eco-Eco), which had been founded by scientists as a point of coordination among the various government ministries, and Vietnam Rivers Network (VRN) was born. But because of ongoing challenges due to suspicions about the role

of the network, Nga and a colleague decided it would be easier to set up their own NGO to house VRN. This was the motivation for the establishment of WARECOD, which was legally recognized by the Vietnam Union of Science and Technology Associations (VUSTA) in 2006, and the first organization registered by VUSTA working on water and river issues. VRN also remains as an active open forum, although the organization housing VRN now rotates on a 3-year schedule between WARECOD (in the north of Vietnam) and two research centers, the Centre for Social Research and Development (CSRD) in the middle of the country, and the Centre for Biodiversity and Development (CBD), which is based in the South.²⁶ VRN still has no legally recognized status as an independent organization in Vietnam.

The original purpose of WARECOD was to serve as the host of VRN (Yasuda 2015). However, management of this network is now listed as only one of the five main strategies that the organization uses to accomplish its mission of protecting Vietnam's water resources. The other strategies listed on its website are: 1) Promoting an effective river basin approach in the Gam River basin; 2) community demonstration projects; 3) community empowerment, and 4) advocacy. As of 2016, WARECOD had two Directors (Nga Dao and another full-time director), and a staff

²⁶ CSRD is also classified as an NGO as it is self-funded. However, as it has a broad mandate focused on social justice and poverty reduction that is not specific to water resources management, it is excluded from detailed exploration in this study (See footnote 3 in this chapter). However, the reverse boomerang effect applies to this organization as well. The founder of CSRD, Lam Thi Thu Suu, has received training and support from Western organizations including as a Fulbright Visiting Scholar and with a Bellagio Center Residency Award from the Rockefeller Foundation. CBD is a unit within the Southern Institute of Ecology, a government research institute under the Ministry of Science and Technology.

of nine, including two employees dedicated to working on VRN. The organization did not release detailed budgetary information, but the international and Vietnamese partners that are listed on WARECOD's website are listed in Appendix 2.

GreenID: The Green Innovation and Development Center (GreenID) “promotes an inclusive approach to sustainable development in Vietnam and the larger Mekong region, with a particular focus on the role of the energy sector and its environmental impact.” A primary focus of the organization is thus work related to advocacy of communities affected by hydropower development along the Mekong River. Its stated mission is to “achieve fundamental change in the approach to sustainable development by promoting sustainable energy sources, improved water resources management and inclusive decision processes.” (<http://en.greenidvietnam.org.vn/>)

The founder and current executive director of GreenID is Nguy Thi Khanh. She has worked in advocacy related to environmental governance and sustainable energy development since 2000. From 2008 to 2011, she served as the coordinator for Vietnam Rivers Network (VRN), where she gained additional experience working with the network that had been established by Nga Dao. During that time, she realized that despite increased attention focused on environmental issues related to the Mekong River, there still was not an organization in Vietnam that was focused on the energy sector, promoting sustainable energy solutions and participatory processes. She established GreenID to fill this void, and the organization now has a three-part mission: providing research and policy recommendations; community-level sustainable energy planning; and communication and advocacy. GreenID was legally

recognized as a member of VUSTA in 2011. GreenID has expanded to include, in addition to the four founding board members, approximately 12 permanent staff and 6 expert researchers that serve as associate members. The donors and partners listed on GreenID's website are listed in Appendix 2, although detailed budgetary information is not available.

PanNature: People and Nature Reconciliation, or PanNature, (<http://www.nature.org.vn/en/>) is “dedicated to protecting and conserving diversity of life and improving human well-being in Vietnam by seeking, promoting and implementing feasible, nature-friendly solutions to important environmental problems and sustainable development issues.” The specific goals listed on the main page of their website include providing good governance of natural resources, public awareness, and fostering participation and transparency of public policies. PanNature was established as a collaborative effort by a group of five individuals, each of whom held positions in either an international NGO or were working as local consultants on an international project. Of the three founders who remain on the staff as members of the management board, the current executive director came from a position with Fauna and Flora International (FFI), which operates in over 40 countries. The Program Director for Policy and Education was working with the World Wildlife Fund (WWF), where he had previously held the position of senior environmental education program officer of WWF Indochina. The final member of the PanNature management board, the Program Director for Field Programs, had been a researcher with the Owston's Civet Conservation Program in Cuc Phuong National Park,

overseen by FFI, before joining PanNature. One PanNature staff member discusses his experience working for an international NGO, and how the founding members decided to open their own NGO in Vietnam:

For a number of years, we see that a lot of money [the INGOs] spent for nothing. Useless. We say, ok, we are Vietnamese. We can find some way to do better. So we, I think in early 2005 we discussed and set up the group. And then we get official registration to be an organization in January 2006. So now almost 7 years later ... and we are still committed to working together.

The founder thus each received training provided by Western NGOs, but aspired to use the funding that INGOs could collect more efficiently in their home country.

This led to the creation of PanNature, which was successfully registered as a member of VUSTA in 2006. In addition to its three-person management board, PanNature has a staff of about 25 employees, working in the divisions of Office and Administration; Finance and Accounting; Communication; Policy; and Resource Governance. The communications department is the largest division with nine employees, reflecting the important role that the organization places on information dissemination via its website. Budgetary information is not available from PanNature, but the donors and partners that are named on its website are listed in the appendix.

The founders of the three existing water management NGOs in Vietnam each thus benefitted, indirectly or directly, from earlier capacity building experience in INGOs (See Figure 4.2). Nga Dao's creation of WARECOD was a direct result of her position with International Rivers and her responsibilities then to bring greater awareness of the environmental issues surrounding river management to the Vietnamese people. GreenID's founder, Nguy Thi Khanh, is the only one of the

founders who did not have direct work experience in an INGO, but her idea to establish GreenID was a result of serving as a protégé to Nga Dao, coordinating the network that she had created under the newly formed WARECOD. Through this experience, she learned both about the vacuum that existed in Vietnam at the time for organizations focused on sustainable energy, and she also gained practical experience and contacts from Nga Dao on how to set up a local NGO through VUSTA. Finally, the team that created PanNature did so following work experiences with WWF and FFI. They came together recognizing their ability as local citizens to best understand the environmental needs of Vietnam as well as its political processes, and created PanNature with the intention of being able to most efficiently use the financing from donor agencies to practically address Vietnam’s environmental problems.

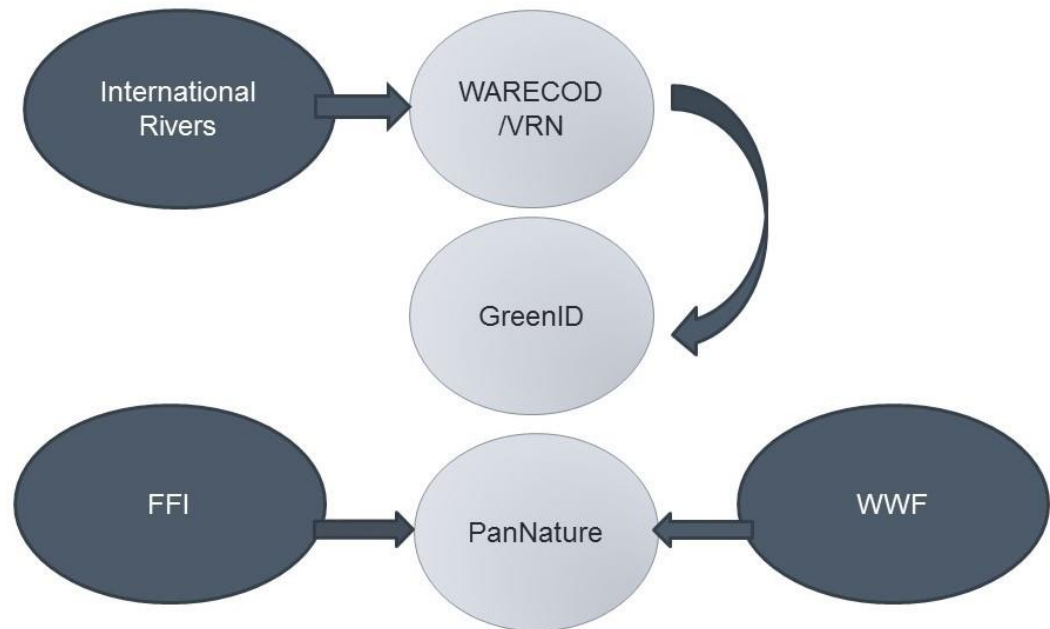


Figure 4.2: INGO impact on Vietnamese NGOs

State-NGO Relations

All of the Vietnamese environmental NGOs were only formally recognized by VUSTA within the past 11 years, so the political space for them to operate is still new and evolving. Leaders of each of the NGOs confirmed that they interact directly with government officials, including members of the Vietnamese national committee to the Mekong River Commission (MRC), the regional intergovernmental organization that is dedicated to the management of the river resources.²⁷ However, the perceived effectiveness of this communication was not uniform across the three groups. One interview subject emphasized that the communication between the NGO and government officials was perceived as mutually beneficial: the group was able to advocate directly, but the government also requested their consultation on policy documents and political developments, recognizing the group's technical expertise. Other groups reported that the relationship was inconsistent and at times contentious, and that the nature of the relationship varied according to political developments. One subject who was frustrated with the government's position gave this example of the relationship: "Even the Vietnamese government, one day they will say okay, you know NGOs, 'Okay, what's your opinion? We will use it'. And they allow us to talk there [about the Xayaburi Dam]. And then once we start talking about the impact on people, organizing, they say 'No, stop.'" In this case, the government reportedly limited the extent to which the press could report on a workshop held to discuss the

²⁷ The ability of NGOs and other non-state actors to participate directly in the MRC, and the government's position on this participation, is the focus of Chapter 6.

impacts of the controversial Xayaburi Dam that was being constructed in Lao PDR, because the government wanted to carefully manage any opposition to the dam that might exacerbate other geopolitical tensions in the region.

Managing Information on Transboundary Issues (Issue Independence)

The state's sensitivity with respect to the reporting of the potential impacts of the Xayaburi Dam is not unusual; each of the three NGOs experienced censorship of material related to Mekong River hydropower development. (See Appendix 1.)

Although the rationale for this censorship was not directly confirmed in interviews with government officials, the pattern and timing of these media restrictions indicate that the government was protecting its relations with neighboring Lao PDR, the site of the most controversial projects in the region – the Xayaburi Dam and the Don Sahong Dam, which are both now under construction. As detailed in Chapter 2, the interstate relations between Vietnam and Lao PDR are complex, as Vietnam must balance its interests with respect to hydropower development against its concerns about losing influence to China, a primary financier of these projects.

The importance of its foreign relations with Lao PDR on the Vietnamese state's interactions with environmental NGOs is evident from how key international events overlay with a shift in strategy. One NGO noted the difference in how the government responded to its work between 2011 and 2012, which was celebrated as the Vietnam-Lao PDR Solidarity and Friendship Year in recognition of 50 years of diplomatic ties and 35 years since the signing of a treaty of friendship and cooperation. In 2011, the NGO released its first of two open letters to the Prime

Minister of Vietnam on the impacts of the Xayaburi Dam, stating that the Environmental Impact Assessment (EIA) completed by Lao PDR as part of its obligations under the Mekong River Commission's Procedures for Notification, Prior Consultation and Agreement (PNPCA) process was substandard and insufficiently accounted for the downstream impacts on communities, fish stock levels, and saline intrusion downstream of the dam. The NGO reported that every major newspaper in Vietnam published its position, which is particularly notable given that Freedom House (2016) ranks Vietnam as having one of the harshest media environments in Asia.²⁸ The following day the VNMC released a strong statement critical of the EIA that relied heavily on the NGO's analysis. The VNMC reply statement to the EIA did not mince words in its response to Lao PDR, stating:

Maybe because it was the first ever proposed use for a mainstream project, the associated Environmental Impact Assessment (EIA) study carried out by the project's developer was ... inadequate, lacking appropriate and comprehensive assessments of the trans-boundary and cumulative impacts that the project may cause to the downstream, especially the Mekong Delta in Viet Nam. Though standard mitigation measures were mentioned in the project design ... it was felt, nevertheless, that there was insufficient evidence that those measures would help mitigate the negative impacts of the project in reality. (VNMC 2011).

In addition, the VNMC statement called for a 10-year moratorium on the project in order to have time to better anticipate the environmental effects of the dam. Leaders

²⁸ Although the constitution nominally recognizes the freedom of expression, speech that is critical of the government is prohibited. The language used to define such speech is broadly worded, allowing the state widespread authority to make criminal arrests under the guise of anti-government speech. Freedom House notes that the CPV, government institutions, or the army own or control almost all of Vietnam's 850 print media outlets. In 2016, Vietnam updated its media laws, requiring journalists to identify their sources if ordered to do so by a "high-level judicial authority," but also stipulating that it is illegal to threaten journalists or prevent them from carrying out their professional activities (Davis 2016).

of the NGO claimed that they received praise for their statement from government officials and other water management experts, indicative of a synchronous relationship between the government and civil society actors at the time in both the content and delivery of their statement.

This contrasted sharply with the reception of the organization's second letter in 2012, which media outlets were not permitted to publish. Although the content of the letter was similar to the April 2011 version and was written in response to the discovery that Lao PDR was not honoring its commitment to postpone construction that had been reached at the MRC Council Meeting in December 2011, the government's restrictions indicated an unwillingness to so publicly criticize Lao PDR only one year later. As part of the 2012 Vietnam-Lao PDR Solidarity and Friendship Year, Vietnam and Lao PDR not only agreed to have more substantive and effective political cooperation, but the Vice President of Lao PDR announced that he wanted two-way trade with Vietnam to reach \$2 billion by 2015 when his ceremonial delegation visited Vietnam. He also announced that Lao PDR would "continue to create favourable conditions for Vietnamese businesses to conduct business in Laos" (Viet Nam News 2012). This economic relationship is very important to the Vietnamese government, and maintaining a favorable investment climate may have influenced the decision to temper its rhetoric on the Xayaburi Dam. China also has sought economic influence in Lao PDR, and at the beginning of 2014 unseated Vietnam as the country's largest investor with \$5.1 billion in cumulative investment, much of which is being spent on hydropower development. According to Radio Free

Asia, the secretariat of the Vietnamese Communist Party communicated to its Laotian counterparts that it “feels threatened” by foreign investment competition from China and Thailand and its increasingly marginalized influence in Lao PDR (Vandenbrink 2013). Thus although Vietnam likely remained concerned about the impacts of the Xayaburi Dam, given the political celebrations and increased economic competition from its regional neighbors, it no longer sought to highlight its differences with Lao PDR through public media outlets. As one NGO leader stated in an interview, “They are very scared of something ruining the relationship between the two countries. If Laos turned their back to Vietnam, they would hug China, and that’s a bigger issue.” Leaders from the NGO that wrote the two position papers on the Xayaburi Dam did, however, note that the government had asked for a confidential analysis of the developments in Lao PDR, indicating that it did still rely on the organization for its valuable analysis even when it did not want that analysis to be disseminated more widely.

Another NGO reported a similar dynamic in its relations with the Vietnamese government of private cooperation and public repression on issues related to transboundary water resources management. This NGO attempted to bypass government censorship by publishing its research in media other than state-controlled domestic newspapers. According to one NGO leader, after one newspaper told the NGO it could not publish on the Mekong hydropower issue because of the 2012 diplomatic anniversary celebration with Lao PDR, the NGO reached out to foreign

newspapers and radio to get its message out.²⁹ The NGO also tried to publish its own online newspaper with daily updates, but received its first punitive fine for doing so in 2011. For a while the NGO ceased online publication, but eventually switched the format of its online reporting to “research reports” and “policy briefs.” In 2012, the NGO was fined by the government again for its online publications, but instead of paying the fine they hired a lawyer. The NGO argued that because it was established under the science and technology law (under the umbrella of VUSTA), it was not required to conform to the state’s newspaper law and is authorized to publish scientific and technical information. The NGO and the Ministry of Information eventually reached a compromise, whereby the NGO would “accept its responsibility” but the assessed fine would be waived. The NGO has also sought permission from the government to publish its own newspaper, but as of the date of the interview had not yet received an official response.

Although the government has repeatedly punished the NGO for its dissemination of information, the NGO has also provided the government with sensitive information about upstream developments that it obtained illegally from NGO staff who entered Lao PDR as tourists. The MRC consultation process for the Xayaburi Dam had begun in 2010, but by April 2011 the MRC Joint Committee decided to table further consideration of the process until the ministerial meeting later that year. However, by June it had been reported that Lao PDR had authorized the

²⁹ This reaction indicates that the traditional model of the boomerang as depicted in Figure 4.1 is also still relevant to NGO strategy in authoritarian states; the boomerang and reverse boomerang are complementary.

developer, Thailand's CH. Karnchang Public Company, to continue work on the project. The perceived subversion of the MRC PNPCA process was a source of great tension among the MRC countries, with Cambodia even threatening to take Lao PDR to "international court" if it failed to abide by the agreements made at the MRC (Vandenbrink 2012). Amongst this turmoil, one NGO member reported doing the following:

I and my colleagues we came to visit Xayaburi dam site two years ago. It's very interesting, because the Karnchang Public Company Investment company they even hired lots of Thai people as a guard. But we played as tourist. We [found] access to the dam site. And then we move up to the river. We hire a boat. We wait until the nighttime. Took the boat down to the dam site. Took some picture, photo, movie, video of the dam. And the next time we came to see [an INGO] back in Lao in the daytime. But they were totally scared. They said, "Oh shush! Don't tell us!" So we did it [circulated the information] ourselves. And after that we came back to Vietnam and we have a lot of information to share with the government, media, NGOs. So I think that we are very active.

[The name of the INGO in Lao PDR is redacted.]

Thus even though the NGO was being fined by the government for publishing information about the impacts of upstream hydropower projects, it was at approximately the same time providing the government with sensitive information about these projects that the Lao PDR government and the Thai developers had been attempting to conceal.

Each of the three water management NGOs in Hanoi has fairly wide operating space considering the authoritarian context in which they are working. They do need to go through cumbersome approval processes with local authorities for their projects, but they are able to maintain their own websites, collaborate with international media, and often serve as consultants to the national government. However, a consistent

pattern emerges of a more adversarial relationship between the state and NGOs when it comes to publicly disseminating information on transboundary developments that might create challenges for the state's foreign relations. Each NGO faced media restrictions on its reporting, especially during the 2012 Vietnam-Lao PDR friendship year. The NGO that tried to circumvent these restrictions was punished twice, although the second fine was waived following a legal challenge. It is interesting to note, however, that the government's repression was targeted on these organizations' public reporting, and not other operations of the NGO. Given that the organizations were simultaneously providing the government with information and analysis, the dynamic of this relation is a complex one where the state attempts to balance the value that the NGOs provide with its ability to control the public messaging to limit the potential impact on its foreign relations.

Limiting Direct Advocacy (Mobilizing Capacity)

In addition to transboundary relations, interviews with the Vietnamese NGOs revealed that the state restricted the organizations' activities when they attempted to conduct projects at the grassroots level. The local NGOs have made limited attempts to engage with local stakeholders in the delta to carry out advocacy capacity-building projects and to educate delta residents about upstream developments. However, the NGOs must get permission from the provincial authorities where they are going to conduct a project, which adds another layer of bureaucracy and a potential political obstacle to working with local stakeholders. Project organizers have been met with resistance and suspicion from local authorities, and at times limited interest from

local stakeholders. There is thus still a disconnect between local stakeholders and the NGOs that purport to represent them, and multiple levels of the government have limited the opportunity for the NGOs to strengthen any potential grassroots mobilization. The actions of the various government officials seem to indicate that the state benefits from working with the NGOs directly, but does not want the NGOs to coordinate with or empower other actors within the state who could potentially challenge it.

WARECOD sought to strengthen environmental knowledge and advocacy capacity-building by implementing Thai Baan projects in two delta provinces. Thai Baan research projects are a form of participatory rural appraisal, where a representative group of members of the community are trained to conduct research on a topic of their choice related to the environment or public health. The goal of Thai Baan research is to turn these participants into local researchers for the benefit of their communities. (“Baan” means home or village in Thai.) This approach to research was started in 2000 when the Thai government agreed to open the sluice gates of the Pak Mun Dam to evaluate the social and economic impacts of the operation of the dam. The villagers’ research was submitted to the Thai government alongside the research from academic institutions in order to ensure that the local knowledge and social reality of the affected people was accurately represented (LRSA website). Attempting to adopt this grassroots approach to environmental advocacy, WARECOD initiated Thai Baan research projects in An Giang and Dong Thap provinces, neighboring provinces in the Mekong delta (See Figure 4.3). The research

went well in An Giang province, which is considered to be the most permissive of the delta provinces in terms of approving research activity. One NGO official reported that the province approved the project without much difficulty and attributed this to the organization already having strong connections at An Giang University. The presence of the university means that researchers and provincial officials have more regularized contact, and the provincial officials may have more readily approved a project that was supported by provincial residents who were known to them and who they trusted to participate in the project.

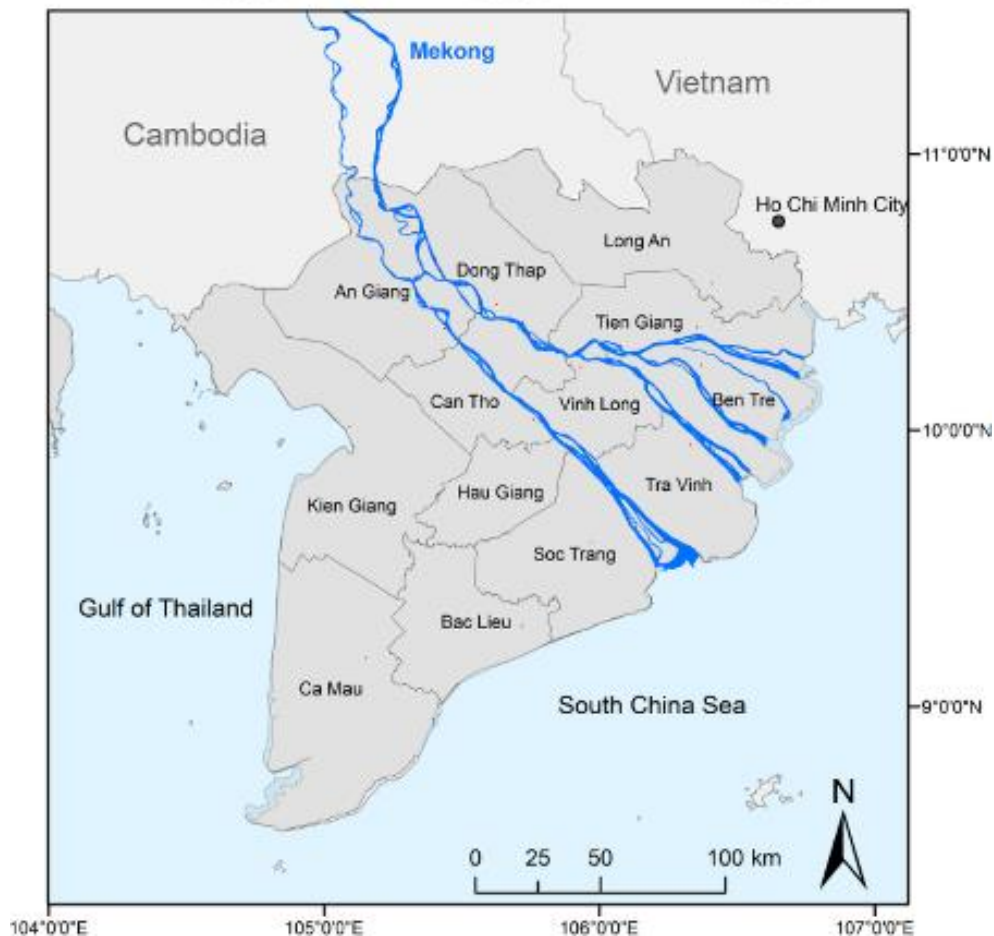


Figure 4.3 Map of Mekong Delta Provinces
Source: Kuenzer et. al (2013)

The Thai Baan research did not go as smoothly in Dong Thap. From the beginning, it was difficult to achieve the necessary government permissions to conduct the project, which must be separately obtained in each of the provinces where the research is to be carried out. In addition, the sensitivities of the government to dialogue about transboundary impacts were evident even in the approval process, as research about change in the water levels needed to be referred to as “investigating the impacts of climate change” rather than the effects of upstream development. Although residents were permitted to document water quality and quantity changes, any phrasing that had implications for transnational relations was not approved. Even after the project began, the local authorities remained nervous about the motivations of the research and eventually intervened. The project participants in Dong Thap were summoned to the police station and the cameras that had been given to them to document their findings were confiscated. The provincial authorities also reported WARECOD to the Ministry of the Interior, so the police in Hanoi visited the WARECOD office in Hanoi and informed the NGO that they were researching issues that they were not given permission to address. At this time the project in Dong Thap was put on hold, and eventually the project was canceled when the project donor allowed the funds to be redirected elsewhere. This experience revealed that projects that are designed to involve local stakeholders and build their capacity to understand environmental impacts and advocate for their own interests can still be viewed with suspicion by authorities at each level of government. This project may have even

been a setback for local stakeholders in Dong Thap to try to undertake these types of capacity-building projects in the future, fearing further intimidation by the local authorities.

Managing Foreign Influence (External Strategic Value)

While the government of Vietnam has resisted attempts by environmental organizations to engage in capacity building or influence its foreign policy objectives, it has attempted to do so while trying to maintain the inflow of foreign capital that these organizations provide. The *Doi Moi* reform process loosened restrictions on organizations that could assist the state in the provision of collective goods, and foreign assistance facilitates their ability to successfully assume this role.

Simultaneously, these organizations are attractive partners for foreign donors who wish to bypass the state and strengthen the third sector as part of a broader strategy of improving governance and accountability.

It is difficult to identify the precise amount of aid flowing from external sources to GreenID, PanNature and WARECOD. Financial reports are not publicly available (although these organizations are required to report foreign donations to the Vietnamese government). Interview subjects also did not provide detailed information on the organizations' funding, although representatives of each organization confirmed that foreign partners are a primary source of financial resources. Each organization also publicly lists foreign governments, INGOs, and even multinational corporations as its key donors on their websites. GreenID lists 26 donors on its website, including the Swedish International Development Cooperation Agency

(SIDA) and the government of the United States. WARECOD lists 24 international donors including SIDA, and PanNature lists 23 donors including USAID, the World Bank and the European Commission. A complete list of reported donors of each organization is provided in Annex 1. The Asian Development Bank (2011) reports that in 2009, international NGOs brought about \$260 million to Vietnam, and that local NGOs reported that their main funding sources are service fees, foreign funding, the government and private sources.

While the government of Vietnam has welcomed overseas development assistance, it has also attempted to retain tight control over organizations that receive this external assistance. The position of the Communist Party of Vietnam was articulated in *Nhân Dân*, a daily publication that serves as the mouthpiece of the party, regarding INGO-VNGO relations:

The realities in recent years have indicated that a number of INGOs are keenly interested in political-social organizations in our country and have attempted to infiltrate, influence, and transform those organizations toward political activity in the absence of oppositional groups. By means of such activities as implementing projects, supporting, financing, and holding workshops and conferences with VNGOs, a number of foreign organizations have tried to grasp the internal understanding and viewpoint trend of VNGOs on the party's leadership over popular organizations, provoke their separatism from the leadership by the party and state, and advocate the freedom to association in the Western standard. (tr. Bui 2015, n.p)

Party officials thus realize that the policy objective behind international support to Vietnamese NGOs extends beyond direct support to the projects, with a key objective being to strengthen the civil society sector.³⁰ Furthermore, the state must balance its

³⁰ The author of this opinion piece was later revealed to be a police colonel (Wells-Dang 2014).

desire for external support for the projects with its resistance to the broader objectives of external donors. In 2010, the government issued a new Decree on the Organization, Operation and Management of Associations (Decree 45), which placed additional restrictions on local and foreign NGOs. In addition to financial disclosures and other reporting requirements, the decree uses expansive language to identify noncompliant organizations. Under Article 24 of Decree 45, organizations must not “abuse its activities to harm national security, social order, ethics and national fine customs, practices and traditions, and legitimate rights and interests of organizations and individuals.” The new decree thus makes clear that the state tolerates the services provided by local NGOs and their international partners, but at the same time remains in control of the emergent civil society sector through its formal power to restrict any organization that challenges its authority.

Civil Society in the Vietnamese Context

The NGOs that have been established in Vietnam over the past decade do represent a uniquely Vietnamese form of “civil society.” The relationship between the state and these organizations is not characterized by “blockage,” as in the Boomerang Model, but is a more complex relationship that vacillates between cooperation and contention. At times, the government finds these organizations useful to achieving its own policy goals because of their ability to provide expert advice directly to the government, bring donor money into the state, or independently advocate a policy position of the state, thereby enhancing its legitimacy. When this occurs, the state benefits from the organization’s existence and is less likely to choose repressive

strategies. Of course, these same organizations report being punished or fined when they engage in activities or express support of positions that do not so closely align with the government's priorities. Referring back to the Repression-Encouragement spectrum depicted in Chapter 1, Figure 1.3, the government's treatment of the Vietnamese NGOs is best characterized as wavering between exclusion and limitation, depending primarily on how contentious the issue is that the NGO is addressing. The organizations are allowed to operate independently, manage their own websites, and speak to the press without interference from the government as long as the content of its statements does not threaten the authority of the state. However, should these organizations delve into subject areas that are deemed as "sensitive," their activities can be shut down and their publications censored. As a transnational issue, hydropower development intersects with the government's management of its foreign affairs, making this an issue that the government will address more repressively. The government also tries to limit the organizing impact that these NGOs could have on local stakeholders by limiting projects that have capacity-building or direct advocacy components. The mobilizing capacity of these organizations is perceived as a threat, and the organizations have been harassed by police or have had their projects terminated by national and local officials when their projects have been perceived by those authorities to have a mobilization component.

The creation of these young NGOs in Vietnam and the pathway through which they were established, which runs directly through well-funded and well-organized INGOs, presents interesting lessons for those who wish to understand how

NGOs operate in authoritarian settings and how the state responds to them. First, INGOs in Vietnam have played a tremendous role in capacity-building among elite Vietnamese. One of the most crucial roles that INGOs have played there is not through their own advocacy work, but in training the leaders who are capable of carrying out this work in their local contexts. This exposure to Western advocacy organizations was essential, since bottom-up advocacy is not well understood in Vietnam in the local cultural context, as the next chapter will reveal in more detail. Second, although there are limitations on the ways in which the Vietnamese NGOs can challenge the state, their pathway to the state is not blocked. Each of the NGOs has consistent communication with government officials, who often depend on them for policy guidance. INGOs are still important partners to the Vietnamese NGOs when they can disseminate politically sensitive reports that the local NGOs cannot, but the NGOs have more strategies available to them than total dependence on international partners. Finally, the establishment of an emergent civil society in Hanoi via the creation of these environmental NGOs is not the same as grassroots activism. The local stakeholders in Vietnam – the farmers and the fishermen who live in the Mekong delta and depend on the river for their livelihoods – are still largely excluded from the dialogue. Although the Hanoi-based NGOs do attempt to represent their interests, this falls short of direct participation by affected communities as these threatened and marginalized stakeholders are represented to the government only by proxy. Given that the government is particularly sensitive about projects that attempt to expand the advocacy capacity of the delta communities, this dynamic is not

expected to change anytime soon. Thus while the boomerang model is an outdated conception of how activism works within Vietnam, researchers must also be careful not to overstate how successful the NGOs have been in creating an emergent “civil society” in the context of an authoritarian state. The civil society that exists primarily consists of the Vietnamese elite leading recognized organizations in Hanoi; the relationship between the state and the grassroots level is based on a different calculation along the Repression-Encouragement spectrum, which is the focus of the next chapter.

Chapter 5: Control by Incorporation: The State and Local Stakeholders

While NGOs in Hanoi present challenges and benefits to the state that it must navigate, this calculation is more easily managed toward stakeholders in the Mekong delta. This chapter explores the strategic engagement of the state toward these local actors, and how their capabilities and approach to water management shape the state's choice along the Repression-Encouragement spectrum (See Figure 1.3). The delta residents have less exposure to Western forms of advocacy and information about upstream development given the extensive state control of the media and limited internet connectivity in the delta.³¹ In contrast to the vocal NGOs that use their platforms to challenge the information coming from the state and government's strategic priorities, the delta operates under a form of more "traditional authoritarianism" in which information is controlled and direct challenges to the government are rare. However, residents do manage water resources through collective action and engage in spirited debates over best management practices, although these practices are focused on management at or below the provincial level. The debates over water management thus do not compete with other state interests at the transnational level, presenting less of a challenge to the state's ability to control its relations with its riparian neighbors. "Participation" at this level of governance is thus easier to manage internally because of the residents' tendency to focus on

³¹ See footnote 28 for a discussion of press freedom in Vietnam.

parochial issues, as well as their limited interest and ability to coordinate with other actors who threaten state control. The state is thus able to co-opt the residents' interests into its own institutions, such as the Farmers Union, which helps maintain a cooperative rather than a contentious relationship between local residents and the state.

Local Governance and Stakeholder Participation

The provincial level of government, which is the level directly below the central government, is responsible for state management of water resources within their localities. The Ministry of Agriculture and Rural Development (MARD) and the Ministry of Natural Resources and the Environment (MONRE) each have sub-departments that operate within each province. (These departments are referred to as DARD and DONRE, respectively.)³² Officials at the provincial level thus have the authority to govern locally, and due to a more limited geographical scale they are also more capable of understanding the local impacts of water management decisions than their national-level counterparts. The provinces are also better placed (compared to the communes or hamlets) to channel concerns related to transboundary issues up to the national level of government where interstate relations are managed. This makes officials at the provincial level of government key informants for how the state manages stakeholder participation in water governance in the Mekong delta.

³² See Chapter 3 for a more detailed discussion of the structure of government in Vietnam.

Of course, the responsibilities of provincial officials involved in water management are more complex than simply advocating on behalf of their farmers to higher levels of government; there are tensions between local actors and disagreements over policy priorities at this level of government as well. One of the most controversial issues within the rice-producing provinces in Vietnam concerns what type of dyke system to use to manage flood levels, which depends on what quality of rice the region intends to produce. Since the late 1960s/early 1970s under the “rice first” policy promoted by central planners, the use of high-yield varieties (HYV) have replaced higher quality flooding rice, which grows in flood water. The switch to HYV has meant a 10-fold increase in rice production from 1970 to 2013, but this variety relies on the use of costly chemical fertilizers that have a destructive effect on the long-term fertility of the soil. The controversial switch to high dykes around much of the province eliminates flooding altogether, along with the benefits that flooding provides in terms of bringing nutrients into the soil. Charles Howie, a British scholar and advisor to the Faculty of Agriculture at An Giang University, has spoken to farmers in An Giang province about their reaction to the construction of high dykes for flood control:

Farmers, in one commune I visited over a period of several years (2001-2007), argued against the government’s policy for their dikes to be being [*sic*] raised to the high dike level. They said it ‘would not be good value for money’, by which I understood them to be referring to the higher levels of chemical inputs they would need to apply in order to maintain yield levels after the dike was built. They were being asked to pay most of the costs of construction but already they knew from farmers elsewhere that the profit per crop of raising three crops within a high dike would be less than the profits of growing only two crops per year: farmers would need to work longer and harder for the same or less benefit, although more rice would be produced. The policy to

build high dikes has come from decisions at Province level and above to raise production levels, but this has been by quantity rather than quality, hence An Giang's pre-eminent position as a high volume producer and exporter of rice. However, this high volume of production not only earns money for exporters, it is also the basis for the collection of 20% corporation tax collection by the province, and that income from tax pays for essential developments in health, education (including, for example An Giang University) and infrastructure—all of which are vital to improving the lives of people. This policy is one of the factors which has enabled An Giang Province to achieve an average annual growth of 10.112% growth in GDP between 2001 and 2011. However, it does not appear to have improved incomes for most farmers and may be endangering the long-term health of the soil and rice production (Howie 2013).

The interests of local farmers, and particularly the long-term interests of those in the agriculture sector who hold concerns about soil quality, are thus pitted against a pro-export policy that privileges short-term interests in the form of increased economic growth.

This controversy is instructive to state management of participation in water resources management for two reasons. First, the focus on the policy choice of raising dykes and the tradeoffs that this entails reveals that the main grievances around water management within the provinces are managed domestically. The recent pushback from farmers against the state's pro-export policy does reflect that this issue concerns multiple actors holding competing interests, but the policy decisions on dyke height are ultimately managed within the state. It is also not clear that the central government pushed a pro-export policy with a full understanding of the impact on local farmers, so the pro-export policy cannot be interpreted as an attempt to privilege certain interests over others as opposed to a policy with unintended consequences, as discussed below. While upstream developments on the river will also impact

agricultural production over the long term, these issues are not among the key challenges raised by local stakeholders within the delta. The high degree of issue independence of dyke construction policy, or the lack of intersection with other state priorities such as its transnational relations, means that the state is expected to rely less upon repressive tactics in its interactions with local stakeholders.

The second reason why the local controversies around water resources management is instructive to state management of participation of water resources concerns the impact on effective policymaking. The decision-making around dykes and crop yields demonstrates the difficulty in relying on a hierarchical system of governance to account for farmers' interests. In this instance, the interests of farmers in preserving the quality of their land must be balanced against the shorter-term interest of high rice productivity, which benefits the enterprises that sell it for export and the community that benefits from tax revenues. With these competing interests, it is not clear that the concerns of delta farmers are even communicated up to higher levels of government, let alone accounted for in policymaking. Policies that came down from the central government that focused on and rewarded high productivity were well intended but insufficiently accounted for long-term consequences, which impact small-scale farmers most severely. These policy choices have led the state to seek more direct input from farmers through the Farmers Union, although incorporating farmers into a process of participatory governance remains a source of confusion for some local officials.

Mobilizing capacity, which is defined in Chapter 1 as encompassing political engagement and attempts to influence policy outcomes, is also weak among delta stakeholders. Evidence from interviews reveals that “participation” within political processes is not well understood as an effective form of political engagement. When provincial-level officials were asked about what opportunities downstream stakeholders had to participate in water resources management, multiple interview subjects responded that they participate in irrigation management systems. These groups consist of about 10 farmers coming together to share the costs of having a service provider pump water to irrigate their farmland. A typical response to the question of how stakeholders participate in water management comes from a provincial level official in DARD:

“For the local people, for example farmers, they participate in water management in different ways. For example they can participate in the irrigation groups. So they have the right to manage the water [themselves]... For example, in each region there is a different provider, like service providers. So at the beginning of the year, [the farmers] come together and have a meeting and they will discuss about the service price, so the farmer can chose who is the best, who they can believe in, who provides the best price for them, and they will choose that person to provide them with irrigation service. In the next year if those people didn’t do the best job, they can choose other people.”

In interviews such as this one, “participation” in governance is interpreted by the interview subject to mean direct management of functional aspects of water management, rather than large-scale or long-term aspects of governance, such as development policy at the basin level. Farmers on neighboring land do come together collectively to make decisions on when and how to manage the irrigation of their

land. However, these small management groups are not involved in questions of water management policy that are determined at the provincial level and above.

While government officials at the provincial and district levels consistently mentioned opportunities for stakeholder participation within local irrigation systems, none mentioned opportunities to provide input regarding geographically wider issues such as the impact of upstream developments. Multiple interview subjects at the provincial level of government stated that transboundary hydropower issues and participation at the MRC were managed at the national level, meaning outside of their mandates within the hierarchical structure of the Vietnamese government. The national level of government is thus expected to manage these issues without direct input from affected communities, which may be a convenience for a state that wants to preserve its control in managing water resources at the basin level, but ultimately means that the national government may not represent those interests, whether intentionally or unintentionally. The only observed regular, albeit indirect, connection between local stakeholders and national decision-makers outside of the typical hierarchical channels of representation is that the Vice Directors of the DONREs in the delta provinces do report to the National Mekong Committee (NMC) in Hanoi. However, the connection of these officials to local stakeholders is mediated through the district and commune levels, and so the pathway of participation from stakeholder to the national and regional levels of governance is indirect and passes through multiple levels of bureaucracy.

The limited engagement of local actors in the policymaking process concerning water management has negative implications for policy outcomes, as the pro-export policies discussed above reveal. Expecting national-level officials to represent the interests of sub-national groups in policy decisions without their direct input is highly problematic. Tun Myint (2012) collected survey data in the Mekong delta on what actors perceived as “urgent and important policy issues in the basin” including topics such as water pollution, environmental education, fisheries degradation and regional cooperation (66). His two sample groups included MRC and government officials in Lao PDR and Thailand, and non-state actors including experts, researchers, and NGO members. The difference in the issue rankings between these two groups “seems to suggest that the states’ development policies imposed on rural villagers may be at odds with the needs and desires of the villagers who see the issues of poverty differently from the state” (70). This means that where stakeholder participation is limited, these differences might not be recognized and thus policy choices would not reflect local preferences even in instances where state officials would theoretically represent their constituents’ interests above their own. In the case of Vietnam, this research demonstrates the danger of relying on a tiered structure of governance to channel up the interests of local stakeholders rather than including local voices in the venue where decisions are made. Representation of local voices, rather than direct inclusion, can lead to preferences being misunderstood and miscommunicated through the layers of bureaucracy. This can occur even when the officials’ intent is to do what is best for the community, without even putting the issue

in the additionally challenging context of competing with other national priorities or other domestic actors with conflicting interests. To use the language of Putnam (1988), in an authoritarian system, a government official is more likely to misunderstand the win-set of his domestic audience, and additionally may feel less beholden to represent their interests when they compete with other personal or public initiatives, as the domestic audience is not necessarily a constraining force on his or her continuance in office.

Managing Stakeholders through Mass Organizations: The Farmers Union

The Vietnamese government does seek to promote mass participation and national solidarity through the Fatherland Front, which consists of more than 20 different member organizations including the Youth Union, Women's Union, and Farmers Union, as well as other trade and social welfare groups. Although the stated purpose of the unions is to encourage participation, it is simultaneously used to disseminate propaganda and implement national policy. Article 7 of the law establishing the Fatherland Front confusingly addresses "Propaganda and mobilization of the population in the realization of the people's right to be their own masters, execution of the policies and laws," using the language of independence to justify national cohesion. The first clause in that article affirms that activities must be on the basis of the "realization of the Party's principles, policies, and the State's laws" (Fatherland Front). Thus while these unions do provide a forum for farmers and other interest groups to organize, their activities are supervised and monitored by

government employees who also set the agenda for what activities the unions will carry out.

The role of the Farmers Union is fourfold: it provides vocational training, technical support and legal support to its members, and also carries out projects for community development. The Farmers Union is both the organization that presents the farmers' voices to the government and party officials, as well as communicates to farmers the laws and regulations that have been established by the state. In An Giang province, for example, the provincial branch of the Farmers Union has 41 employees and 23,000 members. In order to become a member, farmers must register and pay a fee of VND 30,000 (approximately US\$1.50). Each month, the provincial branch of the Farmers Union has a meeting with its membership that enables it to make recommendations to the Farmers Union national offices or, for issues of local concern, to the provincial branch of the People's Committee. Some of the issues raised by farmers at these meetings include support for negotiating fair prices for agricultural inputs and outputs, addressing water pollution issues from local industry and fisheries, and the timing of opening sluice gates to manage agricultural flooding.

While representing the voice of the farmers is thus one of the official goals of the organization, the Farmers Union has recognized in recent years that its capacity in this area has been inadequate. In particular, the "rice first" policy that came from central planners did not account for the rising costs of fuel and fertilizers that left middling quality Vietnamese rice unable to compete with higher quality varieties, such as those produced in Thailand. The Farmers Union at the national level has,

however, carried out training to build the advocacy-capacity of its members, recognizing that farmers' input is critical to effective policy-making. The Farmers Union partnered with Asian Partnership for the Development of Human Resources in Rural Asia (AsiaDHRRA), a Philippines-based nonprofit that is dedicated to organizing rural communities across Asia, to undertake a four-year project to train Farmers Union staff. The goal of the training was to understand better the difficulties that farmers face and to teach them to more efficiently advocate for and implement policies that will address these challenges. This push is largely due to the top-down policies that promoted high yields, which were not only uncompetitive on the global market but also required expensive fertilizers that have done long-term damage to the soil and reduced its fertility. In February 2013, the Farmers Union began an effort to increase the capacity of its staff nationwide by launching the project "Building Policy Advocacy Capacity for Vietnam Farmer's Union Staffs," (VNFU). In December 2013 the workshop began the second phase of the project, which focused on developing trainers from the national and provincial level staff who would eventually be able to disseminate this training to leaders at the district and hamlet levels following a "Training the Trainers" format. (VNFU). At the opening ceremony of the initial workshop Mr. Leu Vu Dieu, Vice Chairman of the VNFU Central Committee recognized that the VNFU needed to evolve to become more capable of representing farmers' interests:

"Nowadays, some guidelines, mechanisms, policies relating to agriculture, farmers, and countryside are insufficient. This fact requires VNFU to become socio-political organization representing legitimate and legal rights and interests of farmers members; to continue to hold firm and enhance the

efficiency of participating to contribute and advocate policies for farmers' interests. However, almost VNFU's staffs have never been trained basic knowledge and skills in this area." (AsiaDHRRRA 2013).

While this does demonstrate a strengthened interest in including farmers' voices in policy-making, the issues that the union addresses is limited to domestic agricultural policy even though farmers are of course impacted by the upstream developments that affect their water resources. The discussion of regional-level water management policy, even the transboundary impacts within Vietnam, is reportedly not part of their mandate as this is the purview of the government ministries.

Despite this ongoing attempt to achieve greater grassroots participation at the domestic level on agricultural issues, the obstacles to increasing this form of participation are evident. A staff member of the Farmers Union at the provincial level attended one of the first advocacy capacity-building workshops of the new program, and reported that the concepts that were being taught were confusing to her. She stated that

"We were told that policies need to come from the 'bottom up,' but I don't really know what this means in practice. I know what it means, but it is not well understood how this happens in procedure. I don't know what procedures we are supposed to do."

This statement highlights the multifaceted problems that Vietnam faces in achieving greater participation in policy making. Even within the Farmers Union where greater levels of participation are being encouraged, the method of consultation with local groups is not part of the governance tradition. The actual processes of participatory governance are thus still not well understood, so there is still much work to be done in implementing these types of feedback mechanisms.

Aside from the Farmers Union, which of course is a state institution as a part of the Fatherland Front, there are limited opportunities for farmers and fishermen living in the Mekong delta to engage in political organizations. There are no organized advocacy groups operating independently in the Mekong delta that provide an alternative venue for grassroots advocacy. There are only three local NGOs in

Vietnam that work on the area of water governance: GreenID, PanNature, and the Center for Water Resources Conservation and Development (WARECOD); their operations are detailed in Chapter 4.³³ As noted in the previous chapter, attempts by these NGOs to engage local stakeholders in projects that were designed to increase their advocacy capacity

were not uniformly supported by provincial level officials. It is thus interesting to note the difference in

reaction to a capacity-building project run through a state-sponsored institution for

	Thai Baan Projects	Farmers Union Training
Target	Local Stakeholders	Farmers Union (government) Staff
Mission	Capacity-Building for Advocacy	Capacity-Building for Advocacy
Project Leader	Vietnamese NGOs	INGO (AsiaDHRRA)
Outcome	Successful in An Giang Province; shut down in Dong Thap Province	State-sanctioned

Table 5.1 Comparison of Capacity-Building Projects: NGO and Farmers Union

³³ The role of INGOs and other transnational actors is discussed in Chapter 6.

local officials, and a similar project initiated by an NGO where the target population was local residents (See Table 5.1 for a comparison of the key project characteristics). This may be partly explained by the state's direct input into the content of the training led by AsiaDHRRA, which was focused on identifying parochial challenges faced by farmers. The Thai Baan project was focused on allowing stakeholders to conduct their own research on topics that they identified themselves. Government opposition to the NGO project with local stakeholders may have also reflected concern about these stakeholders operating against rather than within state institutions, presenting a challenge to state control. The Farmers Union project was focused on channeling any grievances through the institutions of the state.

Local Knowledge of Upstream Development and Regional Governance

While farmers may be able to voice concerns to the government via the Farmers Union, these concerns tend to focus on issues that are local and observable. Their participation in broader policy areas is constrained by a limited understanding of transboundary water issues due to censorship and limited access to media, although improvements in some more progressive provinces have been noted.³⁴ NGOs report that journalists have been instructed not to report on their activities at times, and the NGOs themselves have been fined when they have posted information online that the government disallowed. This means that in rural communities, where internet access

³⁴ This is in fact one of the issues that the NGO Thai Baan project was designed to address; see Chapter 4.

is limited and the news is primarily conveyed by the government over loudspeaker, knowledge about upstream developments and governance processes is low and thus it is impossible to expect local citizens to express informed preferences on the issues. The state maintains this status quo by controlling the media and the content of information that the NGOs are allowed to disseminate.

NGOs have attempted to hold workshops in order to inform residents about the MRC PNPCA process and the impacts of upstream hydropower projects, but have found that it is challenging to generate interest among local residents. The NGOs report that local residents do not understand the relevance of these processes to their own lives, a Catch-22 situation that the NGOs have not yet been able to overcome.

Discussing the reaction of local residents to a workshop organized at Can Tho University, one NGO staffer stated:

“They don’t know PNPCA. They don’t know PNPCA at all. One woman from the Women’s Union, she told me it’s very difficult to understand. ‘I know this process. We need to have the local participation but [the local stakeholders] don’t know it yet.’ And one more thing: Some of the technical terms in PNPCA are very difficult to understand, and that’s why they are not interested in this. Also we just organized a workshop in Ca Mao in cooperation with the Ca Mao’s Women’s Union. And the local people - we tried to present the PNPCA process and tried to tell them about the hydropower dam effect on the Mekong mainstream because now it’s not clear. In part perhaps it’s not clear because it’s such a major period and maybe by 2015 [the dam] will be done and we don’t know what can happen in the future. That’s why we want to deliver our message to them right now and so they can have better preparation. But one of the local people say, just say to my colleague ‘Maybe in 10 more years we can understand it but now we cannot understand it at all.’ So this is the problem how we can communicate [the urgency].”

The NGO that organized the workshops reported that it was difficult to convey to local stakeholders who had not yet suffered any adverse impacts from upstream

construction that action against the dams needed to take place now, and that by the time that the impacts were felt the damage would be irreversible.

A staff member from a different Hanoi-based NGO reported similar experiences in getting local stakeholders to understand the long-term impacts of hydropower projects that were not yet visible. She compared the experience to when she worked with villagers who had been displaced from the construction of the Bakun Dam in Sarawak, Malaysia. This dam project displaced 10,000 indigenous people and submerged 700 square kilometers of forests and farmland. (International Rivers, “Bakun Dam”). Although the staff member does express concern that local residents do not fully realize the threat to their homeland and livelihoods, she does state that the dissemination of information about planned projects is improving particularly in An Giang province which has a strong research and scientific community.

[Referring to the dissemination of information:] “It’s better than before. Right now a lot of information was disseminated to the local people in the delta. Not everywhere, but in An Giang for example, because the local authorities are very progressive and they were against the dam too. In other provinces it’s not that way. People still, they don’t know much about the impact of the dam. Even if you just talk about it, it’s hard to imagine. I work a lot with the Sarawak people when they were displaced. I talked to them before they were displaced and after they were displaced. And people before, they were displaced they had no idea. They said “Oh, I have to move somewhere.” You lose your land! There will be water! They heard it, and that’s it. It’s strange, like they didn’t buy it. You know what I mean? They didn’t really feel what’s the problem until it actually happened. So I think it is the same for people in the delta. ... Because they don’t see it today, it’s more long term. It’s maybe not this generation. It’s maybe next generation when the siltation for the delta, the soils will not be fertile like before and the fish and everything. It changes gradually and it’s hard to get people really thinking about it beforehand.”

Both this NGO staff member and the staff members who organized the workshops in

Can Tho and Ca Mau provinces thus have faced uphill battles in generating stakeholder interest. They have expressed that it is difficult to convey urgency when local stakeholders do not yet have any experiential evidence of how the projects will impact them. The impacts are still unknown and technically complex, which makes them still harder to communicate to stakeholders with limited familiarity with the scientific concepts or upstream developments.

The challenge of increasing stakeholder awareness is not only in balancing short-term costs with long-term impacts. Other research that examined the perception of local stakeholders on environmental change has demonstrated a discrepancy for this group in understanding the cause of the observed changes (Xuan T.M. 2012; Ehlert 2012). For example, Xuan's work shows that her research subjects in An Giang province have recognized an increased variability in the climate and water flow over the past 10 years, but ultimately attribute these observations to the will of God. This shows that the most remote local stakeholders still lack a full understanding of the causes of the impacts that they see in their water quality and quantity, and cannot be expected to advocate on their own behalf without better access to education and information. However, the state actively limits access to this education and information, privileging the maintenance of its own control over strengthening the advocacy capacity of local stakeholders on transnational, rather than parochial, water management issues.

Hypotheses on the Absence of Grassroots Activism

While an incomplete understanding of upstream development may account for some local actors' limited participation in the governance of delta resources, the lack of grassroots activism across the delta provinces is notable given the dire environmental threats the delta is facing. The "grievance" of environmental degradation does not appear to be formulating into a "claim" around which stakeholders mobilize. While it is methodologically problematic to attempt to explain why something is *not* happening since it requires eliminating all possible alternative hypotheses, the lack of activism is curious, and raises questions about whether this is connected to the strategic choices of the authoritarian state. It is worth briefly examining the evidence and exploring possible theories as to why grassroots activism is not being observed in the delta, even if all of the alternative explanations cannot be eliminated.

The specific characteristics of certain environmental problems with the Mekong delta may have inhibited grassroots activism because they make the problems hard to identify and to address. These issue characteristics include 1) the *complexity* of the causes and impacts of hydropower development, climate change, and urbanization; 2) the *uncertainty* regarding the long-term impacts of present-day activities; 3) the *non-linear effects* of action, where the costs of a conservative approach are felt in the present while the benefits are reaped in the future; and the problem of 4) *geographical diffusion*, where the root causes of environmental degradation, such as development or hydropower projects, as well as the authorities

with the jurisdiction over these projects, are geographically distant from where the negative impacts of these projects are most acutely felt. Each of these issue characteristics independently shapes actors' ability to go through the complete process of claim formation: identifying the problem, solution, and actors capable of providing it. Table 5.2. shows how characteristics of the issue of transboundary water management in the Mekong Delta may affect the process of claim formation.³⁵ These issue characteristics present a set of obstacles that reduce the probability of activism from taking root at the local level that interact with, but are independent from, the challenges of resource mobilization and repressive political opportunity structures.

	Problem Identification	Solution Identification	Target Identification
Uncertainty	Extent of problem is unknown	Effectiveness of potential solutions is unknown	Identification of responsible actors is hindered by parties that shift/deny responsibility or debate necessity of action
Complexity	Cause and effect is not connected	Solution(s) may be unknown or falsely identified	Relevant actors upstream may be left out of the political process
Non-Linear Effects	Long-term costs of inaction are undervalued relative to the present because visibility of impacts is delayed	Solutions are viewed in terms of tradeoffs: long-term benefits with immediate costs	Costs and benefits are not weighed the same by relevant actors
Geographical Diffusion	Local stakeholders are unaware of upstream activity linked to the problem	Local stakeholders are unaware of upstream activity (and thus, solutions) linked to the problem	The authorities with jurisdiction (e.g., at the regional level) are inaccessible or unknown to local stakeholders

Table 5.2 Issue Characteristics and the Process of Claim Formation

³⁵ In contrast, engagement on the issue of dyke construction has been much more active, as described earlier in the chapter. Dyke construction represents an issue that is geographically proximate, and where the impacts are clear and felt directly by farmers living within the delta.

Attempting to explain how movements achieve mobilization potential, van Stekelenburg and co-authors provide a framework that links the three ingredients of shared identities, grievances (instrumental and ideological), and emotions into a single model (van Stekelenburg and Klandermans 2007; van Stekelenburg et al., 2011; Klandermans and van Stekelenburg 2013). (See Fig. 5.1) When combined, these three ingredients are expected to increase a movement's motivational strength. Nonetheless, these categories do not explain why some grievances are politicized, while others are not. Issue characteristics, such as those described in Table 5.2, play a role in determining which grievances become politicized and transform into claims. In order for issues to become politicized, the potentially mobilized public must have a minimal awareness of the issue, ideas of how to seek redress, and a target perceived to be able to provide that redress. These three components are each sufficient rather than necessary to achieve mobilization; for example, it is possible to have mobilization on a contentious issue even though a clearly articulated form of redress is lacking. However, weakness across all three of these broad components limits the ability to mobilize populations who either do not recognize the issue, the solution, or the responsible authority to whom they can voice their concerns.

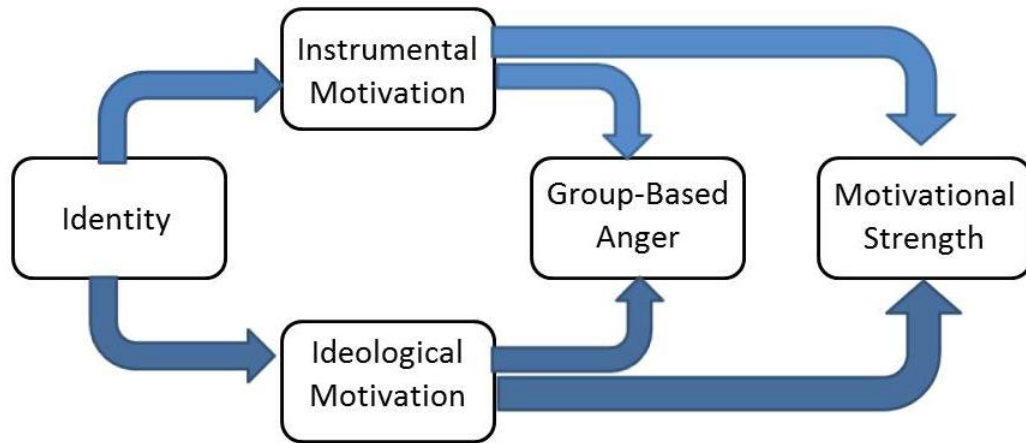


Figure 5.1 An Integrated Framework of Movement Strength
 (From: van Stekelenburg and Klandermans, 2007; van Stekelenburg, et al., 2011; and Klandermans and van Stekelenburg, 2013).

While collective identity and emotional amplification thus increase the probability of mobilization, particular issue characteristics that decrease awareness, methods of redress, and a target capable of providing redress cause attrition from achieving motivation to mobilize. Once this motivation is achieved, the structural conditions that limit or facilitate dissent – political opportunity structures and material resources – become more relevant to determining the success of collective action.

Figure 5.2 shows a modified version of van Stekelenburg’s integrated framework that demonstrates how certain issue characteristics can diminish the motivation for mobilization, even where a grievance may be present. (The diminishing connective arrows in the model represent attrition from the identity group to those participating in collective action.) The modified framework also extends the causal chain, to show how movement is made from grievance to motivation to action. The inclusion of issue

characteristics into the model focuses attention not only on variables that increase the likelihood of mobilization, but also factors that limit it. It thus provides an understanding of successful instances of mobilization as well as the “dogs that don’t bark,” such as the case of grassroots activism on water management in the Vietnamese delta. In the Mekong delta specifically, a poor understanding of how upstream dynamics affect downstream users, the lack of an identifiable solution to upstream development, not knowing or having access to the relevant authorities, and the repressive political system are each expected to diminish the likelihood of grassroots activism in the delta.

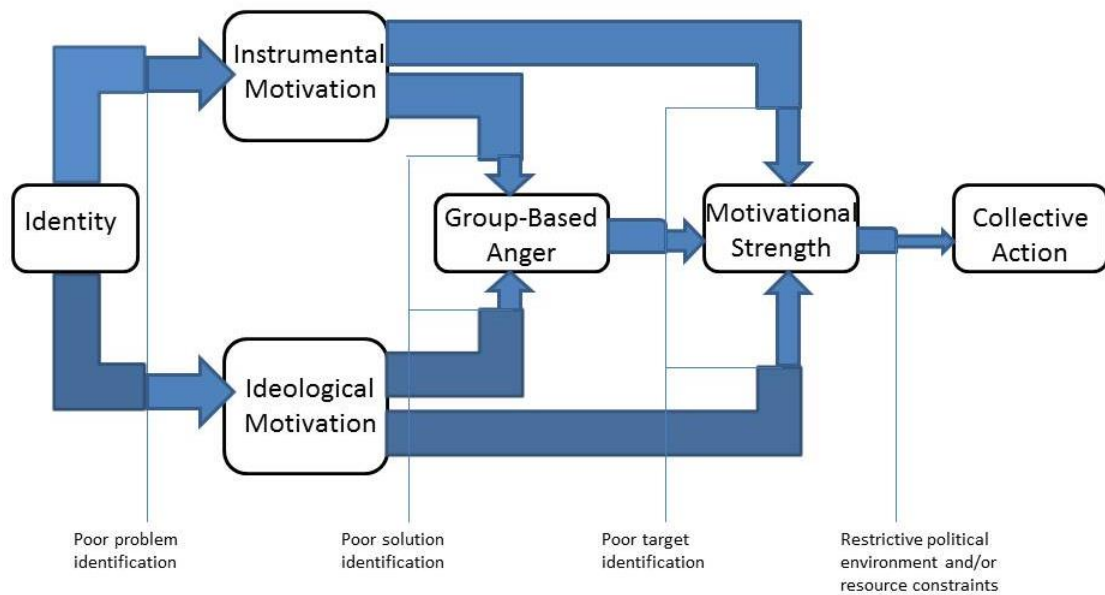


Figure 5.2 Attrition within the Integrated Framework
 (Adapted from van Stekelenburg and co-authors, 2007; 2011; 2013)

The factors that may increase or decrease the probability of mobilization do not operate fully independently of each other. For example, the issue characteristic of complexity might be partially overcome in the context of a more inclusive regime, or permissive opportunity structure, where the local population has independent access to information to better understand the nature of the issue and the resources to mobilize. The repressive state environment also plays a role in limiting public dissemination of information as well as access to national and regional policymaking bodies, potential alternative targets. However, issue complexity may also limit political mobilization in wealthy democracies, or lead to other forms of politicization, and is thus analytically different from structural factors. The complexity of the issue of climate change, for example, may have affected mobilization in the United States as the waters become muddy with the voices of climate change deniers as well as more nuanced debates on the timing and extent of its impacts (Elsasser and Dunlap 2013; Brulle, Carmichael and Jenkins 2012). Issue characteristics are thus a unique and analytically important factor to include in the study of claim formation. In order for mobilization to eventually take place, participants must first translate a grievance into a claim, which is logically prior to overcoming mobilization obstacles of limited resources or political opportunity. In order for activism to take place, potential participants must have sufficient awareness of the issue and potential remedies to make overcoming the secondary challenges of mobilization and political opportunity desirable.

Irrespective of whether issue characteristics account for the lack of activism, the absence of grassroots activism at the local level may be simultaneously beneficial for an authoritarian state that does not want to face political challenges to its control, and detrimental for governance of the water resources of the Mekong delta at the local, national and basin level. Proxy representatives – both state and non-state actors – have their own interests and are bureaucratically and experientially distant from the residents that they purport to represent. It cannot be assumed that the interests of local residents will be understood at higher levels of governance, nor can it be assumed that claims will be formulated when a problem reaches a certain level of severity. Motivational strength may be limited by resource constraints, limited knowledge, psychological barriers or other obstacles. When these challenges are present, even the most urgent needs of local stakeholders may be left unaddressed. Populations living within authoritarian states are particularly vulnerable to this dynamic as their challenges are compounded by limited access to information and little experience with bottom-up advocacy.

State Co-Optation of Stakeholder Participation

The state's strategy in managing the activities of local residents most clearly fits within the category of co-optation. The controversies within the rice-producing provinces over the optimal dyke height and crop yield strategies show that local residents take an active role in how government policies will affect their lives and their livelihoods. This activity is not repressed by the state, but rather is channeled through the Farmers Union, a state institution that – at least in theory – is supposed to

represent the interests of the farmers. Although the Farmers Union is also used to promote government policy downward, the state has more recently recognized the benefit of including farmers' voices in decision-making and has funneled resources into improving the advocacy capacity of Farmers Union employees. This shift to recognizing the value of participatory decision-making processes was a result of learning from past mistakes, when centralized planning led to poor policy choices regarding cropping methods that have not been economically or environmentally sustainable in the long term. The state has recognized that effective policy-making is strengthened with the participation of local actors, but has crafted that participation to take place through its own institutions in a way that does not undermine the authority of the state.

It is interesting to note that in interviews with local government officials and staff of the provincial Farmers Union that some of the concepts related to participatory governance seemed unfamiliar. This means that even if the central government recognizes the value of more participatory processes and issues a directive, that the provinces might struggle to interpret and implement it. Similarly, even if the provincial officers seek participation from local stakeholders, those stakeholders may not understand how to perform this role. The provincial official who cited the irrigation management groups as an example of how farmers participate in water management did not interpret the question in terms of linking stakeholders to policymakers, but rather the decisions they could make that were independent of government influence. In fact, the local officials' responses reinforced the

hierarchical structure of government, in which local stakeholders could channel up their needs through the different scales of government, and regional politics would be handled by the central government without direct input from delta residents. A similar conceptual barrier was observed with the staff member of the Farmers Union who did not understand the notion of “bottom-up” advocacy when it was taught to her at a training workshop. This type of grassroots advocacy is unfamiliar in an authoritarian context, and thus challenges remain in adopting a more participatory process even in cases where one level of government may recognize its value.

The level of familiarity with grassroots activism is a key distinction between the Farmers Union officials, tasked with representing local stakeholders, and the NGOs that operate in Hanoi that have had exposure to Western advocacy organizations. These organizations are consistently frustrated in their interactions with local stakeholders who reportedly lack sufficient awareness of upstream developments to view their impacts as urgent. Part of this knowledge gap is attributed to state control of the media, which is even more effective in rural areas where high levels of poverty and limited internet access mean that there are few alternative sources of information. It is also interesting to note that although the state recognizes the value of having farmers’ input into policymaking channeled through the Farmers Union, that NGO efforts to directly strengthen the capacity of delta residents was restricted in some provinces, as described in Chapter 4. This lends support to the argument that that the state recognizes the benefits of participatory governance, but

balances these benefits against any potential challenges to the ultimate authority of the state.

The state's strategic interaction with local stakeholders in the Mekong delta is consistent with the theoretical framework presented in Chapter 1. This framework predicts that the state is more likely to choose repression towards actors that 1) engage on issues that intersect with other state priorities, 2) have a high level of mobilizing capacity, and 3) do not attract strategic resources (material or political) from external actors. The state appears to encourage strengthening the advocacy capacity of farmers in the Farmers Union in large part because their interests are parochial. The state and stakeholders have a shared interest in managing agricultural policy effectively, and the authority of the state is not undermined by hearing the perspective of local stakeholders since it does not overlap – at least from the perspective of local stakeholders interviewed – with other strategic objectives of the state over which it strives to maintain control. In addition, strengthening the capacity of the farmers is an initiative that has received international support and funding. The partnership with Philippines-based AsiaDHRRA to carry out the capacity-building project has recently brought in even greater international financial resources. In September 2016, the Vietnam Farmers Union and the International Fund for Agricultural Development (IFAD), a specialized agency of the United Nations, held a signing ceremony to extend the program for farmers' capacity building through 2020. However, the state does restrict connections being forged between the local stakeholders and NGO partners in Hanoi, indicating that the state only encourages the

capacity-building of the local stakeholders as long as they continue to work in isolation from those groups, facilitating that ability of the state to co-opt their activities within the institutions of the state.

Chapter 6: State Blockage of Transnational Activism

In its management of transboundary resource issues the Vietnamese state not only faces challenges from domestic actors, but also from their potential international partners. As Chapters 4 and 5 have shown, the state is capable of internally restricting NGO activities and media coverage of material that it finds objectionable, and has been willing to do so when those actions undermine state control. However, the state faces more significant challenges in restricting transnational actors or institutions over whom it has no direct authority. Realizing this, domestic actors may try to circumvent the authority of the state by partnering with transnational actors or directing their action toward international organizations that provide an alternative venue for their grievances to be heard. How does the state respond to the potential challenge to its control presented by these forms of transnational activism? This chapter provides two lessons for how the state manages challenges to its control over water resources management. First, the Vietnamese government, together with the other authoritarian riparian states, has restricted access to the Mekong River Commission (MRC) by design in order to avoid challenges to its authority.³⁶ This limits the ability of domestic actors to redirect their activities toward a regional institution to bypass the restrictions of the state. Second, international NGOs and even informal transnational networks serve as valuable partners to the emergent civil society in Vietnam to draw

³⁶ The other states that are full members of the MRC are Thailand, Laos and Cambodia. Based on the 2017 Country Scores calculated by Freedom House, all of these countries are considered “Not Free.”

attention to domestic resource issues. These actors can advocate and disseminate information on behalf of local actors, and cannot be so easily controlled by the authoritarian state.

Authoritarian Regimes and International Actors

If the state is restricting the ability of domestic NGOs to generate attention to their advocacy message, transnational networks provide a mechanism through which this message can be disseminated in alternative fora. Keck and Sikkink's "boomerang model" (1998), or Risse and Sikkink's updated "spiral model" (1999), which better accounts for variation within the target state as a result of transnational activism, have provided the foundation to understanding how transnational advocacy networks operate. These models specify how citizen advocates activate networks to shift the venue of activism to more sympathetic states and international actors in order to generate pressure for domestic change (See Figure 6.1). The Boomerang Model identifies three main pathways through which stakeholders can potentially pressure for change. Pathway 1 is to directly pressure the government. This pathway is depicted by the model as blocked and ineffectual, hence the need to look outside of the state for partner actors to assist in advocacy efforts.³⁷ Pathway 2 is for domestic actors to ally themselves with international NGOs to raise the awareness of a state perceived as more sympathetic to their interests, which can then put bilateral pressure

³⁷ However, as explained in Chapter 4, the relationship between the state and domestic NGOs in Vietnam is dynamic and complex. The state does restrict some of the organizations' activities but also has a cooperative relationship with them on other issue areas. It is therefore inaccurate to describe the interaction as fully "blocked."

on the domestic regime. This is depicted as the most frequent and effective channel available to local stakeholders, hence the bold arrow connecting State B to State A in Figure 6.1. Pathway 3 is to generate pressure on the regime of State A from State B or international NGOs indirectly through the vehicle of international organizations. This pathway views the international organization as another source of normative political pressure on State A, rather than a policy-making body in its own right. The strategic response of authoritarian states to international organizations as proxies for domestic constituencies remains undertheorized, though an emerging literature notes that authoritarian states may band together to promote their own interests in regional organizations in ways similar to how liberal democracies have channeled them as a vehicle for norm diffusion (Cooley 2013).

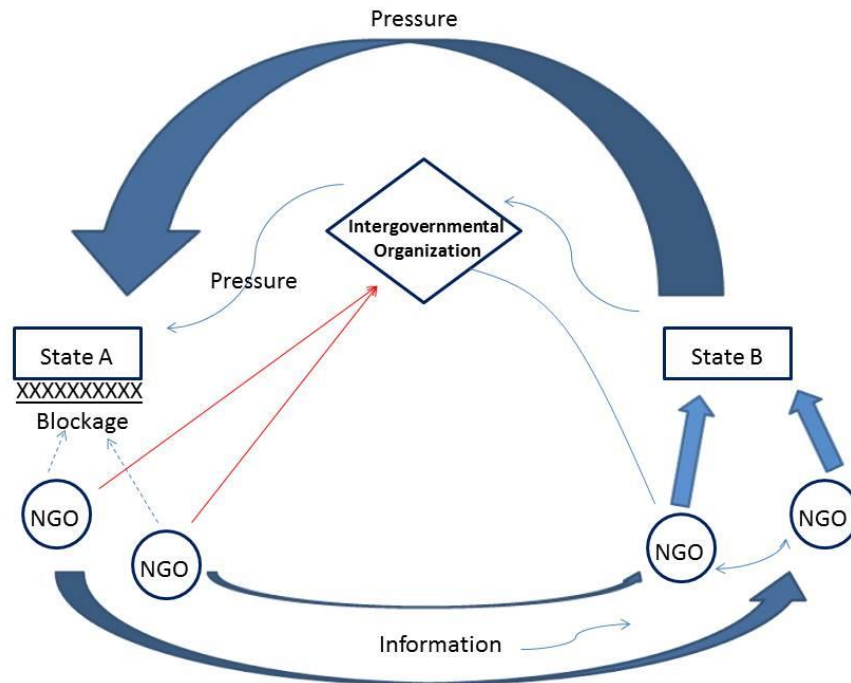


Figure 6.1 Boomerang Model with Adaptation of Potential NGO Targets

Source: Adapted from Keck and Sikkink (1998). Author's adaptations in red.

The Boomerang Model is limited to instances in which activism is mediated by another state, and does not acknowledge a pathway in which citizens directly interact with the international organization, which represents a potential fourth pathway available to local stakeholders that is worthy of further attention. Tarrow (2005) does extend the boomerang model beyond state-to-state interactions to focus on the role of international institutions as both a target and source of political pressure. Tarrow has coined the term “externalization” to refer to “the vertical projection of domestic claims onto international institutions or foreign actors”

(p.32).³⁸ He argues that externalization is a process that works in relation to three contextual factors: the domestic opportunity structures available; the framing of the relevant issue; and the form of collective action chosen by domestic actors (information diffusion, institutional access, or direct action). It is thus theoretically possible for international institutions to change the opportunity structures available to stakeholders in an authoritarian state by providing an alternative venue for social movement activity. This may be especially true of regional organizations, due to their legitimacy, scale and function which may make them effective agents of political change. If international organizations provide an alternative venue that allows local stakeholders to express their voice, then domestic and international opportunity structures are not fixed situations that permit or constrain action, but rather dynamically interact to shape the strategic choices of actors. Actors may target these institutions to put indirect pressure on one of more of its members.

According to the Boomerang Model, Pathway 2 and Pathway 3, or partnerships with IOs and INGOs, are both ways to circumvent the state's institutions of repression. This raises the question relevant to the study of Vietnam's environmental resources: How does the authoritarian state manage its control over water resources management given these potential transnational partners for its domestic actors? Just as the relationship between the state and domestic NGOs cannot be statically described as "blockage," the relationship between the Vietnamese

³⁸ An example of this is the opportunity provided by an international institution like the European Court of Human Rights to human rights activists operating within a repressive or unresponsive state (Edwards 2014).

government and international actors is expected to be dynamic and based on state interests. Where INGOs and international institutions provide the potential to bring new resources to the state, the government is expected to be more permissive. However, where they advance interests that interfere with other state priorities or demonstrate the potential to mobilize against the state, the strategic choice is expected to be more repressive. This chapter will thus explore in detail the ability of local stakeholders in Vietnam to advance their advocacy activities through these alternative pathways, and the extent to which the Vietnamese state can and does permit or repress these transnational efforts.

Participation of Local NGOs at the MRC: Rhetoric vs. Reality

The regional institution that local Vietnamese stakeholders may choose to target for advocacy activities related to water governance is the Mekong River Commission. The MRC has existed in its present form since 1995, when member states signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (1995 Agreement).³⁹ Vietnam is one of the four member countries of the MRC, along with Cambodia, Lao PDR and Thailand. Myanmar and China are also involved in the MRC as dialogue partners. The vision of the MRC is to “bring about an economically prosperous, socially just and environmentally sound Mekong River Basin,” and the MRC claims to use Integrated Water Resources

³⁹ See Chapter 3 for a more detailed discussion of the history of the MRC and its organizational structure.

Management (IWRM) as a cornerstone of its approach to managing river basin planning (MRC). According to the FAO and Dutch government in a document prepared for the International Conference on Water for Food and Ecosystems, IWRM “is a process which promotes the coordinated development and management of water, land and related resources in order to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment” (2005). The MRC is the sole organization in the region that is tasked with balancing the objectives of economic development with environmental preservation of the basin’s resources for future generations.

Despite the organization’s focus on equity and social welfare, local stakeholders in the partner countries have not had consistent access to the MRC to advance their own interests. While the MRC has acknowledged the need for public participation in management since its creation in 1995, the degree to which stakeholders have been involved in policy and development processes in practice has varied by issue area and with the changing leadership of the institution. The first CEO of the MRC, Yanasabu Matoba, stated that “Public participation is not the responsibility of the MRC but that of its member countries,” and that the public should “go to the embassies of the member countries or through the donors,” if they needed information on the MRC’s activities. (Ha 2011, p. 131). Despite this ominous start, the MRC did begin developing its policy on public involvement in 1997, in conjunction with a workshop organized by the UN ECOSOC Commission for Asia and the Pacific. A policy document, “Public Participation in the Context of the

MRC,” was eventually endorsed in 1999, although it gives only a broad overview of the concept of public participation. It did not confer basic rights to participate in planning to key stakeholders, or indicate how information collected during consultations would be incorporated into decision-making processes. (Chenoweth, Ewing and Bird 2002).

Subsequent CEOs have made public dialogue a higher priority, although it is unclear to what extent the member states supported the participatory rhetoric that came from the Secretariat. This rhetoric reached a high point under the leadership of Jeremy Bird, CEO of the MRC from 2008-2011. Nonetheless, during his tenure there were no standardized mechanisms for open dialogue across policy areas, and policy prescriptions remained vague:

It was not until 2009 that the MRC responded concretely to the problem by issuing a new communications strategy. This strategy explicitly declared the need for greater discussion, dissemination of information, publication of the MRC’s roles, and the need to establish avenues for public feedback on projects. By 2009, after nearly two decades of turmoil over the lack of information coming from the MRC, its new CEO, Jeremy Bird (who had previously been head of the World Commission on Dams) saw the vital need for a better communication strategy with the public. Over the years, public participation was a repeated refrain from both civil society and the donor community. Bird recognized donor demands as well as the importance of a coherent communications strategy from his previous position. Being accustomed to dealing with controversial issues, he realized the MRC must address these concerns and improve its information sharing. Over the past year, the MRC has released policy studies, posted meeting notes, and held stakeholder forums. (Ha 2011, p. 131-132).

The CEO of the MRC Secretariat from 2011-2015 was Hans Guttman, a Swedish national who began his three-year tenure at the end of 2011. The position was left vacant from February 2015 until January 2016 as the four governments within the

MRC were unable to reach consensus on replacing Guttman with the organization's first leader from a member state. Pham Tuan Pham of Vietnam assumed the position of MRC CEO in January 2016. While it remains to be seen what emphasis the new CEO will place on stakeholder participation, during his term Guttman continued Bird's emphasis on multistakeholder participation in his public remarks (Guttman 2013), but there were no institution-wide efforts to heighten participation as a priority. Currently, whether or not built-in mechanisms for dialogue and public consultation exist vary by project area, although there is a formal process in place for consultations with the other governments for proposed developments on the mainstream of the river.

The state-to-state dialogue on hydropower projects is contentious before local stakeholders are even brought in to the process. Lao PDR was perceived by the other member states as not taking the Procedures for Notification, Prior Consultation and Agreement (PNPCA) process, which is part of the 1995 Agreement, seriously when it built the Xayaburi Dam and most recently in October 2013 when it announced its plans to begin construction on the Don Sahong Dam. In the former case Lao PDR was perceived as going through the motions of the required prior notification and consultation, without actually taking the expressed concerns of the downstream members into account. In the case of the Don Sahong Dam, Lao PDR has claimed that only notification (not consultation) is necessary due to the location of the dam. In January 2014 the member states agreed to take the Don Sahong Hydropower Project discussions to the MRC Council, the higher ministerial level that is composed of the

member states' ministers of water and the environment. The decision was made at a Special Session to discuss the project after no consensus was reached on whether the notification or prior consultation process should be applied to the project. At the Council meeting in June 2014, Lao PDR agreed to resubmit the project through the prior consultation process, but International Rivers reports that construction has already begun on the bridges and access roads for the project (Ross 2014). Going through the full consultation process at the MRC thus seems to be viewed by the Laotian government as an inconvenient bureaucratic obstacle while the decision to build the dam is already a *fait accompli*. The Don Sahong dam is thus one of the most controversial projects currently under discussion at the MRC, and the target of much criticism from both local and international civil society organizations.

In order to assess the unmediated access that local stakeholders have directly with MRC officials, interviews were conducted with four current members of the MRC staff, one seconded worker at the MRC employed by the German government, and one former MRC staff member. One of the interview subjects represented the International Cooperation and Communications Section, the department responsible for handling the media outreach of the MRC. Also included were staff members from the Sustainable Hydropower Initiative and the Basin Development Plan, the two main functional units relevant to the study of transnational relations in the region. Each of the interviews confirmed that there was very limited direct interaction between local stakeholders in Vietnam and the MRC staff. There was in fact a clear discrepancy between the rhetoric provided by the MRC on their website and in public documents

that emphasizes participation and the processes that are followed internally. The review process of the 2011-2015 Basin Development Plan provides key insights on two potential entry points for local actors and the obstacles that they faced to greater participation:

Stakeholder Fora

The webpage of the Basin Development Plan programme states that “the BDP aims to promote participation and joint cooperation among stakeholder groups throughout the region. One way that the BDP includes stakeholders in the basin development process is through **annual regional stakeholder forums** [emphasis in original].” (BDP). While these regional stakeholder forums were held in 2008, 2009, and 2010 during the time that the 2011-2015 Basin Development Strategy was being reviewed, there was no “annual” meeting that openly involved external stakeholders in basin development initiatives between 2010 and December 2014. Several reasons were provided by MRC staff as to why multistakeholder consultative meetings had not been held. First, the staff member from the BDP indicated that they were not necessary once the Development Strategy had been finalized and published. This statement reveals that stakeholder participation was not viewed by MRC staff as having inherent value, but was only necessary on a temporary basis until the strategy was developed, rather than on an ongoing basis. This limits the ability of the regional organization to serve as an effective alternative site for grievance articulation, given the limited opportunities for stakeholder input.

Participation in Planning Meetings

In November 2014, the BDP held the Fourth Regional Forum on the Basin Development Strategy, the first regional planning meeting since 2010. Interested participants were invited to apply online to attend the forum with the message on the MRC website:

The Forum strives to balance representation by various groups of stakeholders; government, non-state actors, and private sectors. The event can accommodate up to 250 participants. Some stakeholders will be directly contacted by the MRC, but most are encouraged to respond to the application for open registration. In particular, the water-using and developing sectors as well as broader stakeholders who attended previous consultations and forums on basin development planning are invited to apply.

The process for participation in the regional forum was thus open, but controlled by capacity limits and through an application process that privileged certain sectors and actors perceived by organizers as essential as noted above, potentially limiting actors representing other interests. One of the key messages reported in the wake of the meeting was the continued need for improved participatory mechanisms. The official report of the meeting noted that

“This could take the form of strengthened stakeholder participation in MRC Governance Meetings and/or a Regional Stakeholder Platform to engage regularly in the preparation and implementation of the MRC strategic plans. Also, specific approaches and mechanisms under the Platform tailored to each group of stakeholders could be considered, such as the setting up of a stakeholder working group specifically for the private sector (since investment from the private sector now outweighs those of the public sector in all MRC sectors), for civil society or for research institutes.”

Strengthening opportunities for stakeholder participation within the basin development plan thus continues to be discussed within the context of official meetings, but implementing a sustained platform for dialogue remains elusive.

Ad Hoc Meetings: Conferences and Direct Contact

Outside of the BDP planning process, local stakeholders are included within MRC planning meetings on an ad hoc basis. For example, an International Conference was held in April 2014 to take place ahead of the Second Mekong River Commission Summit, which is the meeting of the heads of state of the member countries that is held every four years. This conference, which was held under the theme of “Cooperation for Energy, Food, and Water Security in Transboundary Basins Under Changing Climate,” gathered over 300 participants from shared river basins all over the world. This two-day conference was not only intended to inform the discussions of the summit leaders, but also draw attention to the issue of shared basin planning in future assessments of the sustainable development goals and the 2015 Conference of Parties to the UNFCCC. In addition, a multistakeholder meeting was also held on December 14, 2014 as part of the PNPCA process for the Don Sahong hydropower project. This meeting was in part an attempt to improve upon the PNPCA process on the controversial Xayaburi dam, which was considered unsatisfactory by downstream states and civil society organizations.⁴⁰ Two members

⁴⁰ The report of the Regional Public Consultation on the Don Sahong Hydropower Project directly references the lessons learned from the Xayaburi Dam process, quoting the Joint Development Partner Statement of the 19th MRC Council Meeting that states “We request the MRC Secretariat to inform in

of GreenID and one representative of the Vietnam Rivers Network were listed as NGO participants in the formal report of the meeting. While events such as the International Conference in advance of the summit meeting and the Regional Public Consultation on the Don Sahong Hydropower Project are promising in terms of providing an opportunity for multistakeholder dialogue, such events are still not a regularized part of the MRC's operating procedures.

Given former CEO Guttman's public support for participatory procedures, however, it leads to the question of why the organization's processes have not matched this public rhetoric. Staff members of the MRC each confirmed that member states of the organization formally and informally block the channels of communication between their local communities and MRC staff members. Staff members report that the MRC policy, which is determined by the member states,⁴¹ is that they should not directly reach out to local stakeholder groups but that communication with member states should be channeled through that state's National Mekong Committee (NMC). Staff members did emphasize that they had an "open-door policy" with respect to stakeholders and researchers who wish to speak to them about the MRC's activities, but they are instructed not to initiate contact with local

its annual report to the Council on procedures about lessons learned so far from the first PNPCA process. We believe that, inter alia, the participation of civil society should be improved, and that the consultation period of six months is too short. We recommend that all ambiguities regarding the application of the PNPCA be resolved before any future mainstream project proceeds."

⁴¹ The member states of the MRC have very different levels of political freedom and participation. This has made agreement on public participation challenging, with formal statements relaying only broad principles and leaving state responsible for managing participation through their respective National Mekong Committees (MRC 1999).

groups or communities in member states of their own volition. The member states themselves thus control the extent to which groups have access to the MRC by setting such boundaries, which diminishes the ability of the MRC to carry out its role as a transparent and participatory coordinating body.

Extra-Systemic Advocacy

Of course, participation in official dialogues and meetings are examples of advocacy strategies that are available to local stakeholders should they want to work within the system, but there are other options available to them. Even on issues where they may be excluded by the MRC from formal participation, local stakeholders may choose to target the MRC through other forms of advocacy that draw attention to their concerns, such as protest or unsolicited pressuring, if they consider the venue to be useful in generating political change. For example, in April 2012, Save the Mekong, a coalition of local and international stakeholders including the three Vietnamese NGOs discussed in Chapter 4, sent a letter to Guttman that it also published publicly on its own website. The letter, which can also be found on the MRC's website, pushed for clarifications on the status of the controversial Xayaburi Dam in Lao PDR, arguing the process of prior consultation had not yet been concluded. (Save the Mekong). This form of public advocacy demonstrates how local stakeholders are capable of bypassing the state in contacting the institution, which may be seen as having an important role in ensuring that the agreed upon processes of consultation between the member states are enforced. The degree of openness of the institution

therefore does not fully constrain the ability of local stakeholders to access the institution, although it does shape the ways in which they engage with it.

Barriers to Entry: Additional Obstacles Faced by Local Stakeholders

The ability of local stakeholders to engage independently with the MRC is dependent on them having the time, resources, and ability to do so. The interviews with MRC officials and stakeholder groups revealed not only that MRC provided few opportunities for direct engagement, but also that the NGOs themselves faced constraints that restricted their transnational advocacy initiatives.

Limited Institutional Capacity

MRC staff members did report occasionally being contacted by environmental groups from Thailand, the member state in the region with the strongest civil society and the most developed economy. Some staff members also reported being contacted by civil society groups from Cambodia, although it was noted that these groups tended to have a limited understanding of the estimated impacts of dams planned along the river's tributaries. Staff members had not been directly contacted by local groups or organizations from Vietnam or Lao PDR, and speculated that this had to do with both of those countries lacking a tradition of an engaged civil society due to their communist regimes. Other potential reasons for the limited contact by Vietnamese stakeholder groups were the lack of resources needed to travel to the MRC Secretariat in Vientiane, Lao PDR to attend formal or informal meetings, as well as the constraint that such meetings are usually carried out in English. While official documents are

published in the languages of the member states, English is used as a common language for communication between the member states in synchronous meetings, limiting the participation of local stakeholders who lack language training. This constraint affects many of the affected communities, where high levels of poverty limit access to formal education.

Limited Leverage

Interviews with the local NGOs within Vietnam confirmed the limited dyadic relationship that was reported in interviews with MRC officials. The NGOs' communication with staff at the MRC is channeled through national-level officials, and the local NGOs rarely bypass this channel through direct communication with MRC staff. (However, the umbrella group Save the Mekong, in which the local groups participate, is active at the regional level; see the following section.) None of the groups report direct communication with the Secretariat of the MRC, and the perception was evident across the interviews that the organization is too weak for it to be worth the costs of targeting it. Members from each of the organizations pointed out that the organization was incapable of doing anything without the permission of the states, and thus did not serve as an alternative venue of action. One interview subject more directly stated:

“We don't work with the Secretariat of the MRC.... I don't think they really do anything with that [opportunities for stakeholder participation]. So that's a problem. And you know that – they have no kind of legal power. So everything is just suggestions and whoever listen to it, or if they don't want to listen to it, there's nothing they can do. Maybe in that way they've become

passive? I don't know. Because they don't really have power over whether Laos can build the dam or not, so it's hard.”

The same interview subject also cited resource constraints, and that there might be more effort by local groups to reach out to the Secretariat if it were located in an accessible place. However, the main reasons why each of the organizations did not channel activism efforts to the MRC was that it seemed to add a layer between them and the state governments, perceived to be the real source of power, rather than serve as a way for them to cultivate an ally who would help them generate pressure on or build awareness on the effects of upstream developments.

International Political Constraints

Another complexity regarding stakeholder access to the Mekong River Commission concerns the political climate in Lao PDR, where the Secretariat is located. Interviews conducted with staff of INGOs working in Lao PDR revealed that concerns about repression from the government constrained their activities. Foreign workers in development who touched upon sensitive subjects have had their visas revoked, and Laotian nationals fear more direct government retaliation. Many of the development workers in Lao PDR, even those working for major international NGOs, entered the country on tourist visas and do not have formal permission from the government to work, so it is necessary to keep their work activities to limited visibility. The operating space for civil society has deteriorated since the disappearance in December 2012 of Sombath Somphone, a prominent local civil society leader. He was last seen when his vehicle was stopped at a police checkpoint,

were he was transferred to another vehicle, according to surveillance video. The circumstances surrounding his disappearance have led many human rights organizations to claim that he was abducted by government-linked groups (RFA 2013). A statement released by U.S. Secretary of State John Kerry on the one-year anniversary of the disappearance reads “Laos has taken steps in recent years to become a responsible partner in the community of nations. Sombath’s abduction threatens to undermine those efforts” (U.S. Dept. of State 2013). His disappearance is not unprecedented in Lao PDR, and at least ten other activists are missing and presumed to also presumed to have been subject to “enforced disappearance,” according to Radio Free Asia.

The oppressive and even frightening context for activism in Lao PDR thus limits the operating space for civil society groups to target the Vientiane-based Secretariat. Domestic environmental NGOs within Lao PDR are monitored and have little political space to express criticism of government activities. Even the international NGOs, which generally have greater freedom of operation due to the widespread visibility they can generate, must balance raising awareness with a level of cautiousness so that their staff is permitted to live and work in Lao PDR. Vietnamese NGOs are thus dually constrained by the repressive environment in their authoritarian home state, as well as where the regional institution is based. While the political situation might not affect formal meetings that the MRC organizes in which contention is limited, the political context does constrain the ability of development professionals to work in the region, including MRC partner organizations.

Direct contact between local stakeholders and the regional organization, or the potential fourth pathway added to the Boomerang Model in Figure 6.1, is thus not an effective way for local stakeholders to circumvent the authority of the state in the case of the MRC. Participation in MRC meetings is constrained by the member states, who maintain control of which domestic stakeholders are invited as participants. As will be discussed in the following section, even when large, well-funded international NGOs bring negative attention to the organization or its member states, the civil society organizations may be punished by reducing their access to decisionmakers. These controlled participation mechanisms thus reflect an unwillingness of member states to grant the regional organization too much formal or informal power; the MRC remains a forum in which the states actively control whose voices may be heard. Although the state is less capable of restraining public activism outside of the structure of formal meetings, the MRC remains a target of limited political activism due to other constraining factors. Resource constraints, language barriers, and the oppressive political context within Lao PDR, as well as the perceived ineffectiveness of a consensus-based intergovernmental organization, have limited stakeholders' capability and motivation to utilize the MRC as an agent of political change.

Advocacy through INGO Partners

While the MRC is perceived as institutionally weak and is not actively targeted by domestic stakeholders within Vietnam, INGOs might nonetheless serve as effective partners for transnational activism. The main pathway through which

activism takes place under the Boomerang Model is via pressure channeled on states by other states, unmediated through international institutions. This raises the question of whether and how local activists within Vietnam partner with INGOs to advance their cause, and how the Vietnamese state reacts to political pressure potentially coming from outside, rather than within, its borders.

The two INGOs that are officially recognized as partner organizations of the MRC, and thus might be likely partners of the domestic Vietnamese NGOs, are WWF and IUCN.⁴² However, their own position with respect to the MRC has been questioned as they were not invited to the MRC Council meeting in January 2013, which is normally offered to partner organizations with observer status.⁴³ INGO staff members report that they believe this to be due to WWF reporting that the Xayaburi Dam would have negative environmental impacts (although this criticism came from WWF International, rather than the Lao country office), and that as a form of retaliation the government of Lao PDR objected to their attending the meeting, effectively exercising a veto since the MRC operates on a consensus basis. The MRC position on this controversy is that the organization was in the process of reviewing who should attend the meetings, noting that many NGOs might want to attend beyond those partners, and that until the process was worked out WWF and IUCN should not

⁴² Technically, IUCN is not an “NGO” because many governments, including the government of Lao PDR, are members of the organization. However, much like the terminology applied to Vietnamese NGOs, the classification fits here because of its independent role in drawing attention to environmental issues. In practice, the similarity to an NGO is also seen by its removal, along with WWF, from participation in MRC annual meetings.

⁴³ As of February 2016, the website of the MRC states that members states agreed in 2001 that organizations with observer status may attend MRC Council and Joint Committee meetings.

be part of those discussions. IUCN addressed this issue in one of its related project reports:

For over a decade, IUCN has consistently been invited as an observer to all MRC Joint Committee and Council meetings. However, from mid 2013 onwards, IUCN was suddenly no longer been [sic] invited to these meetings, as MRC suggested it was reviewing the criteria for observer status at these meetings, and surprisingly decided that while they were reviewing the criteria they would not invite the former observers. However during this period IUCN continued to collaborate closely with the MRC Development Partners Group, contributing to joint statements that the group makes to the MRC. Much of what IUCN input to this is based on the experiences of MWD. Finally in late 2014 IUCN was re-invited to a Council meeting (thanks in part to the lobbying efforts of certain development partners) (Mather 2015, p. 13).

The Lao government has a history of reacting against outspoken NGO activists. In addition to the suspicious disappearance of local activist Sombath Somphone, the country director for Helvetas Swiss Intercooperation, Anne-Sophie Gindroz, a Swiss national, was asked to leave Lao PDR after reporting that the government had created “a hostile environment for development and civil society groups by stifling freedom of expression and association” ahead of the 2012 Roundtable Implementation Meeting in Vientiane, an annual process for dialogue on foreign aid (Vandenbrink 2012b). Her situation sent the message to leaders of other INGOS that while they might not be at physical risk from the government the way that local activists may be, that according to one INGO interview subject, the Lao government has also found ways to “push people out of the country nicely.” This thus constrains the work of INGOS working on controversial hydropower issues from the outset, as they worry about losing work visas and access to decision-makers that are necessary for the organizations to carry out any of their work portfolio. While there are no known

reports of similar disappearances of environmental activists in Vietnam, political dissidents have been sentenced to lengthy prison sentences.⁴⁴

Taking into account these circumstances, it becomes less surprising that WWF and IUCN do not have strong working relationships with the domestic NGOs in Vietnam that focus on transboundary water issues. The INGOs have to carefully balance achieving the environmental objectives of their respective organizations with maintaining permission to operate from the government of Lao PDR. These two organizations have developed very different work patterns, with IUCN working on regional Mekong issues through a cooperative dialogue and WWF focused on country-specific environmental issues. In the WWF-Laos Strategy Report for 2015-2020, the controversial hydropower projects in Lao PDR are not even mentioned. The report identifies Places Goals and Species Goals, focusing on the protection of four identified forest and freshwater sites, and five threatened species. The WWF-Vietnam office has a much more expansive portfolio with 11 issue areas, including sustainable energy and climate resilience. However, the scope of these projects, such as the Low Carbon Development (LCD) Project that entered into its second phase from 2015-2018, is focused on local and national planning, rather than tackling the more contentious root problems within these issues areas that must be addressed at the regional level.

⁴⁴ For example, John Sifton, the Asia Advocacy Director of Human Rights Watch, testified before a subcommittee of the House Committee of Foreign Affairs in 2013 that in the first few months of 2013, more people had been convicted in political trials than in the whole of 2012. At least 40 people were convicted and sentenced to prison for peaceful dissent in 2012, which was also an increase from the previous year. (HRW 2013).

In contrast to taking a fragmented approach that allows WWF to carry out domestic projects that host states are willing to permit, IUCN does address the need for participatory management of the Mekong River basin more directly. IUCN carried out a four-year project called the Mekong Water Dialogues that lasted from September 2010 – December 2014. The purpose of this phase of the project was “to mainstream stakeholder participation in water resource related decision-making in the Lower Mekong Region, thereby contributing to the overall goal of improved livelihood security, and human and ecosystem health in the Lower Mekong Region” (Mather 2015). The project engaged government, civil society, and the private sector of the four states of the Lower Mekong Basin in order to improve governance at the national and regional level. While the project reports successes in information sharing and dissemination of knowledge products, it was not as successful at building lasting strategic alliances, which the final report acknowledges are still issue-specific or ad hoc (p. 6). The effect that the information sharing would have on governance processes is also unclear, since these processes were not adequately measured by a specific set of indicators from the outset.

Within the context of the Mekong Water Dialogues, the IUCN did work closely with the Vietnamese government in the planning of the Mekong Delta Plan (MDP), a 100-year vision for the delta to prepare for climate change adaptation and water management that is a joint initiative of the Vietnamese and Dutch governments. The MDP did involve a range of stakeholders within Vietnam, as the plan touched upon controversial issues within the delta such as the rice-growing strategies that are

debated within the provincial Farmers Union (See Chapter 5). This incorporation of local stakeholders within the MDP planning process is considered to be a key contribution of the IUCN project:

Public consultations were intended to get feedback on MDP recommendations from those who would be most affected by them. In 2012, a consultation about version 1.0 of this plan was held in Hau Giang Province. However, results from this consultation were not satisfactory to the delta's experts and citizens. They therefore came to MWD to propose to us to take a lead on the process in 2013 to ensure a wide range of voices would be heard. By the end of 2013 a revised version of the MDP, integrating comments and perspectives coming from the public consultations facilitated by MWD, was presented to the Prime Minister for approval. (Mather 2015)

Nonetheless, the achievements of the Mekong River Dialogues are more modest when viewed at the regional level, rather than within the participant countries. The most significant changes noted in IUCN's final report concern changes to national water law, protection of specific sites, and national dialogues, and the project accomplishments are presented by country rather than for the region as a whole. The project was thus successful in its mission of bringing stakeholder groups into domestic planning processes, although there is no evidence that these achievements transfer to the regional level of governance. Additionally, the local stakeholders that were included in the project were reached through government ministries, provincial authorities and local experts; there is little evidence of collaboration with the local NGOs.

International Rivers, a Berkeley, California based non-profit, works internationally on the protection of the world's major rivers, and its Southeast Asia office is focused almost exclusively on the protection of the Mekong River. Of the

INGOs operating in the region, it works most closely with the domestic NGOs in Vietnam, which is not surprising given that one of the founders of the Vietnamese NGOs started her career working for International Rivers (See Chapter 4). While this organization works more directly with the NGOs rather than the governments, as IUCN and WWF do, it is also the least well-funded INGO and does not have observer status at the MRC, so its impact as a potentially strong, transnational voice capable of carrying the message of the local stakeholders to decision-makers is more limited. On the contrary, due to its consistent position against the hydropower development of the Mekong mainstream, one of the staff members of the MRC referred to International Rivers as having an “anti-dam” orientation that made them hard to talk to, and cited IUCN and WWF as being more pragmatic working partners. The tensions between the “mainstream” INGOS and International Rivers go beyond different perspectives on the possibility of sustainable hydropower. The types of large grants that the major INGOs can win and disburse were viewed by one International Rivers staffer as having a distorting impact on the local NGOs, who would partner with the larger organizations in order to ensure their organization’s survival, with the effect of watering down their objectives by matching the objectives of the donor of the grant money. Under these circumstances, the International Rivers staffer sees the more mainstream NGOs as not representing the needs of local stakeholders, but rather causing them to lose their independent voice in order to meet more instrumental objectives.

While not an INGO per se, the Save the Mekong Coalition plays an interesting role in bringing greater voice of local NGOs to regional negotiations. Save the Mekong is an informal grouping of organizations that is primarily virtual; it has no office space or operating budget. It does run a website that assists in information sharing, and the primary form of communication that its membership uses is through participation in a google group, which also helps protect the identity of members operating in countries that are less permissive of environmental activism. Despite the informal nature of the organization, there are procedures in place for speaking on behalf of the network, and no member can make a statement under the Save the Mekong name without getting the consensus of the group, which one network member's staffer described as a frequently contentious process given the diversity of groups within the membership. Nonetheless, Save the Mekong has played a very visible role in regional negotiations; for example, the Report of the Regional Consultation on the Don Sahong Power Project contained in the annexes statements from NGOs as well as statements submitted online through the MRC portal. The two "NGOs" that provided statements to the meetings were Save the Mekong and Vietnam Rivers Network (See Chapter 4), both loose networks of organizations rather than independently operating NGOs. Of the 10 stakeholder statements that were submitted online through the MRC portal, three were from Save the Mekong and one was from Vietnam Rivers Network, with the other statements from Cambodian coalitions or international NGOs. The Save the Mekong Coalition letters were signed by over 30 NGOs, including International Rivers, Vietnam Rivers Network,

PanNature, GreenID, and WARECOD, as well as NGOs operating within and outside of the delta region. Save the Mekong thus gives unity to an otherwise geographically and sometimes ideologically disparate set of organizations, and by operating virtually the coalition brings political cover to those members who might not be able to express their position freely through their own websites or national media. The Coalition also gives legitimacy to the activities of a broad set of local stakeholders, showing that their position on the development of the Mekong River represents a large swath of the delta population rather than just the activities of a small organization or elite set of actors.

In sum, it is not the well-funded, large INGOs that are channeling the message of the local stakeholder groups within the delta to add pressure to states or international organizations, as depicted in the Boomerang Model. Rather, the strongest presence of the domestic organizations is observed through the Save the Mekong Coalition, which has no office, no budget and primarily exists in virtual space. Interestingly, because the coalition is informal, the governments of the member countries, including Vietnam, have little ability to control its message. In Chapter 4, the government of Vietnam exercised repression of local NGOs by restricting what could be published in newspapers, intimidating staff and project participants by visiting the offices of NGOs or summoning individuals to police departments, not approving projects, and fining NGOs that were not in compliance. The virtual presence of Save the Mekong limits the ability of the state to carry out these activities, since there is not a clear target to fine, summon, or silence. In addition to

being semi-anonymous, it is also a low-cost way to organize, meaning that it avoids many of the pitfalls of more direct forms of advocacy at the transnational level that are described in section 3. The coalition is able to disseminate its message relatively easily through its own webpage or through the sites of any of its members that are not subject to national controls. This makes the coalition an unmediated voice on behalf of its member organizations, since it is a direct representation of their interest not influenced by funding sources or external agendas. The larger INGOs certainly still play an important role in advancing the need for greater stakeholder participation within the MRC, but they themselves are not immune to punishment when their advocacy efforts on controversial issues rankle the governments of targeted states, and thus must balance this role with their long-term interests in maintaining their ability to work in the region and have access to decision-makers.

Transnational Blockage and NGO Responses

The Repression-Encouragement Spectrum discussed in Chapter 1 applies at two different levels to NGO engagement with the Mekong River Commission. First, the member states have applied a strategy that vacillates between exclusion and limitation of civil society actors as part of the MRC's institutional design.⁴⁵ There are few opportunities for NGOs to participate in planning meetings or stakeholder forums, and when they are allowed to participate the member states have control over

⁴⁵ Because the internal decision making process of the MRC is not known, it is difficult to assign responsibility to a specific member state for the organization's policies. In this case the states' strategic actions must be looked at collectively, rather than specifically assigned to Vietnam.

which civil society actors from their states attend. The organization also appears to have punished WWF for speaking out against Lao PDR's hydropower development, indicating a willingness to shift down the spectrum from limitation to exclusion when deemed politically necessary. In addition, states have refused to cede any sovereignty to the organization by making all decisions subject to consensus, and thus the organization at best can serve as a coordinating body for subjects on which states are generally in agreement. Because the organization has limited influence on its member states as an independent actor, there is limited utility to the NGOs to bypass the state governments and target the MRC as a potential ally or source of influence. The MRC is very limited in its ability to address the controversial issues on the development of the river and its influence is confined to encouraging a transparent process to be followed. The institutional design of the organization has thus left it politically weak, and this weakness has led to donor fatigue and an uncertain future for the organization as it transitions toward local ownership.⁴⁶

Even though the consultative processes are difficult and having a limited impact on outcomes, the publicity that the MRC does give to the importance of multistakeholder participation is viewed by some as an accomplishment within a region that consists of authoritarian states that share a contentious history. However, given the member states' resistance to allowing more widespread participation,⁴⁷ who

⁴⁶ The MRC's transition to greater local ownership is discussed in Chapter 3.

⁴⁷ During an interview I conducted with a Thai national and former MRC employee, the interviewee emphasized that participatory governance was very much encouraged in Thailand and something that civil society groups there worked very hard to achieve. However, this is the exception rather than the

is driving the public emphasis on multistakeholder participation within the organization? One of the most unexpected observations from the MRC staff interviews was the degree to which member states actively controlled who could be involved in MRC meetings and programme activities, since this finding differs so strongly from the publicly available material on the MRC website and their publications that tout the organization's inclusive approach. One potential explanation for this discrepancy, supported by one MRC staff interview, is that the emphasis on participation is donor-driven and/or donor-directed. In other words, by including participatory language in its external communications, the MRC gains more legitimacy in the eyes of its Western donors. An example of this is the MRC's *Public Participation in the Lower Mekong Basin*, which was published with the financial assistance of AusAid. While an optimist might hope that such an emphasis on participatory mechanisms, even if externally driven, might influence the member states to adopt such norms and procedures, the plans for decentralization of the MRC by 2030 mean that such pressure is as likely to diminish in the future. The decentralization plan envisions that the MRC will be financially self-sustaining by its member countries by 2030 and will operate with a reduced centralized budget (MRC 2012). While this is an important step forward toward local ownership of regional planning and decision-making, several of the interview subjects confirmed that attention to the inclusion of stakeholders in the governance processes could receive

norm in the region, where civil society groups are still subject to repression in each of the three other member states. Thailand's recent conflict has shown that even there democracy is not yet consolidated.

less attention from the member states as a result, particularly when a reduced budget means that non-priority activities may need to be scaled back. This is consistent with the framework presented in Chapter 1 with how authoritarian states strategically interact with domestic organizations; the revenue that is brought from international donor agencies makes them appealing partners. Should this external strategic value diminish, as it has in the case of the Mekong River Commission in recent years, so might the willingness of authoritarian states to engage with an organization at the transnational level.

The second application of the Repression-Encouragement Spectrum concerns the responses of the authoritarian states toward INGOs that may serve as proxy actors for domestic actors. INGOs have a limited ability to step in and advocate on behalf of the local organizations within Vietnam, as well as within the other riparian states. The INGOs working within the region are in many cases operating under the same political constraints as the domestic ones. Although their international backing might mean that they are less likely to be subjected to direct repression, they still must carefully manage their operations if they are to continue to be allowed to work within the region. This is particularly true in Lao PDR where the MRC is located, meaning that the regional organization is less likely to serve as an alternative venue where Vietnamese domestic actors might be able to target their activism. Given Lao PDR's use of both violence and political means to undermine the activities of its challengers, Lao PDR's strategic interaction with domestic actors has at times reached the far end of the spectrum of repression. There have been setbacks

to externally targeting the MRC through protest and unsolicited pressure as the political space for civil society to operate in Lao PDR has tightened since 2012. Vietnamese stakeholders already have many challenges to overcome to achieve greater advocacy capacity, including language barriers, limited resources, domestic censorship and the lack of a tradition of participatory governance. While the salience of the water management issues will only increase for them as population growth, pollution and upstream development continue to affect their water quality and quantity, the competition with the development agenda of other member states with even more restrictive political opportunity structures may mean that this does not translate to greater opportunities for participation at the regional level.

In addition, the INGOs working on environmental issues within the region are still not necessarily ideologically aligned with the domestic organizations in Vietnam. There is concern that when partnerships across these organizations are established, the objectives of the domestic organization are watered down by association with the more “pragmatic” INGOs that control the purse strings. Virtual space has allowed these domestic organizations to partner together to have a stronger voice in the form of the Save the Mekong Coalition, which has played an active role in publicly commenting on regional negotiations. This unfunded, virtual organization ironically represents the strongest balance of expressing the direct viewpoints of the local stakeholder groups, while avoiding the reach of the authoritarian state in controlling its actions or its message.

Chapter 7: Lessons Learned and the Future of Water Management in the Mekong Delta

This dissertation has demonstrated that the authoritarian state does not respond uniformly to all types of civil society actors that can potentially challenge its legitimacy or authority. The state's strategic choices with respect to domestic NGOs, local stakeholders and transnational actors can be better understood through application of the Repression-Encouragement spectrum. (See Figure 1.3). The strategic choice that the state makes from the range of options along the spectrum depends upon the characteristics of the actor as well as the issue being addressed. (See Appendix 1). In calculating how to best protect its control of the state while reaping the benefits provided by civil society actors, the state factors in the organization's mobilizing capacity and external strategic value, as well as the specific issue that the organization is addressing. The state is least likely to use repressive tactics when the civil society actor has low mobilizing potential, is addressing an issue that does not intersect with the state's other priorities, and provides value to the state from outside parties, such as by reinforcing its legitimacy or by bringing in external funding.

Because these three determinants of state action can change over time as well as vary by organization, this dissertation provides a more nuanced understanding of the authoritarian state's treatment of civil society, as previous research has treated civil society monolithically or created inflexible classifications of civil society groups (Gray 1999; Thayer 2009). Environmental organizations, which address

interconnected issues that transcend politics and socio-economic development, cannot be so easily labeled as political or apolitical associations. The application of the three key variables to the Repression-Encouragement spectrum provides a dynamic model for when the authoritarian state will choose a particular approach, and is a model that can be applied to the full range of civil society actors and that accounts for variation in the strategic choice of the state.

Another key lesson from this dissertation is that the reach of the repressive tactics of the state are not fully confined within its political borders. The data reveal that the state is able to affect potential alternative venues for activism, such as regional organizations, and is also able to impact the behavior of INGOs, despite them not being under the direct control of the state. The study of the MRC reveals that the member states of the organization created an institutional design that limited its ability to operate as an independent actor, as it functions strictly as an intergovernmental body with no independent control over policymaking. The MRC Secretariat reports to the member states, which have instituted rules limiting how the MRC staff should interact with local actors. The regional organization is designed so that civil society engagement is channeled through each state's NMC, limiting the ability for local actors to circumvent the state, as well as the capacity of the organization itself to advocate on their behalf. The regional organization thus does not serve as a proxy actor for marginalized group due to its institutional weakness. In addition, the regional organization does not serve as a significant alternative venue for domestic actors to target their grievances. Local stakeholders within Vietnam

face significant logistical and resource constraints in targeting the MRC in Laos, and these constraints are particularly prohibitive for civil society actors from developing states. The potential benefits of targeting a regional organization that is controlled by authoritarian state actors seem to have limited value to the NGOs. While some NGO and INGO activity was directed toward the regional organization, such as the letter requesting clarification on the Xayaburi dam consultation process drafted by Save the Mekong (2012), local actors reported that the MRC did not provide significant additional strategic options for advocacy activity.

This dissertation also provided interesting lessons for how the authoritarian state can affect other transnational actors. It may come as no surprise that an authoritarian state is willing to punish a domestic NGO for publishing information deemed politically sensitive, as described in Chapter 4. However, the authoritarian state is also able to limit the advocacy capacity of international partners, which challenges earlier models of transnational activism (Keck and Sikkink 1998; Risse and Sikkink 1999). Transnational actors such as INGOs are theoretically able to help local actors circumvent the state and apply pressure from the outside. The data from this dissertation shows that the authoritarian state has also found ways to punish INGOs that are perceived to be overstepping their political boundaries. The removal of longstanding INGO partners from the MRC Council meeting in 2013 is an example of how the authoritarian state⁴⁸ can retaliate against INGOs over which it

⁴⁸ In this case the decision was likely driven by Lao PDR, but the outcome was a collective decision made by the four member states, all of which are authoritarian regimes.

may not have any formal, direct control. In response, the INGOs are forced to decide whether to risk their partnerships or ability to work in certain regions, versus advocating with an uncensored voice on behalf of their local partners. Ironically, the virtual network Save the Mekong – which has no staff and no budget – had the greatest political maneuverability to challenge the water management practices within the region. Because the network only exists online, the repressive tactics that the authoritarian state uses against other actors, such as fines, police harassment, and censorship, are ineffective against a network operating only in virtual space.

While the lessons about transnational venues and partners reveal the scope of the authoritarian state's repressive capacity, the focus of the dissertation remains the relations between the state and domestic actors. With this focus in mind, the lessons of this dissertation provide additional insight to the future of state-society relations in Vietnam as well as the effectiveness of future water resources management in the region. The implications for these two issue areas are discussed below, followed by a discussion of the research challenges of conducting field work in an authoritarian state and the identification of promising research trajectories that can build upon the findings presented here.

Implications for Authoritarianism in Vietnam

This dissertation demonstrates that environmental NGOs in Vietnam are thorny actors for the authoritarian state. Since the *Doi Moi* reform era, the Communist government of Vietnam has sought to base its legitimacy on its performance rather than nationalism and socialist principles (Hiep 2012). On the one hand, the

environmental NGOs provide useful services to the state such as research and policy guidance that can strengthen the state's performance. On the other hand, given their advocacy potential, the environmental NGOs also have the capability to challenge the state's control by mobilizing actors against it and questioning its decisions. The state must carefully navigate its strategic options with respect to these organizations, and attempt to reap the political benefits that they provide while mitigating their potential to undermine its interests.

However, it is important not to overstate the potential democratic influence of these nascent organizations. Scholars have not agreed whether the emergence of these NGOs indicates the start of a political transition to a more inclusive regime (Kerkvliet 2012; Mercer 2002). In the short term, the emergence of some civil society actors in Vietnam has strengthened the capacity of the state by replacing it in the provision of some social services, providing external legitimacy to donor states and development partners who prioritize working with NGO partners, and bringing in financial resources that those donors can offer (Sidel 1997). The political reforms that led to the emergence of these NGOs have thus strengthened Vietnam, from a period of economic crisis in the early 1980s to its current state as a lower middle-income country with a quickly growing economy (World Bank 2017). The data collected for this dissertation reveal a similar caution about the democratic influence of the domestic NGOs. The actions of the state toward the environmental NGOs, including fines for disseminating sensitive information and repressing advocacy capacity-building projects, reveal that the activities of the organizations are still subject to state

approval, and that the state is willing and able to move toward the repressive end of the Repression-Encouragement spectrum when challenges to its authority and legitimacy are recognized. While the organizations do occasionally find ways to subvert this authority, such as by disseminating information on the web either directly or via partners such as Save the Mekong, there is little evidence to show that the NGOs are having a more significant impact on shifting political norms within the society more broadly.

While the political impact of these organizations remains unclear, this dissertation does provide important policy lessons for states and organizations that would like to play a role in strengthening democratic norms in Vietnam. First, this dissertation reveals that the establishment of NGOs followed an interesting pattern. Each of the founding members of the Vietnamese water management NGOs benefitted directly or indirectly from having previously worked for an INGO based in the West. The Vietnamese nationals who started the local NGOs gained professional experience working in Western NGOs, and they were able to apply the model of these advocacy organizations when they opened their own NGOs in Vietnam. While the INGOs have a dichotomous impact on the strength of Vietnamese NGOs – they are also viewed as siphoning off staff from the local organizations by providing attractive salaries and benefits (Taylor et al., 2012) – this pattern of institutional formation identifies a promising method by which to strengthen civil society in Vietnam. Hiring nationals from authoritarian states who have the long-term vision of returning to their

home countries to establish their own NGOs appears to be an effective way to strengthen a nascent civil society.

A second entryway for the strengthening of civil society that this dissertation identifies is the role of virtual networks. As noted above, the repressive strategies of the authoritarian state are difficult to target against an actor that is not represented by a particular person or location. Save the Mekong has been an effective platform for civil society organizations to circumvent the authority of the state. Because no single person or organization is responsible for the network, it simultaneously provides political cover for its members while adding legitimacy to their voice by speaking on behalf of a wider membership that represents stakeholders across the delta region. As internet access continues to grow in Vietnam and within other authoritarian states, the impact of such virtual platforms and the ability to spread their message quickly via social media represents a potential threat to the control of the authoritarian state. It remains to be seen how the authoritarian state will adapt to this challenge – whether it will develop new forms of repression to confront virtual actors or whether they will be more effective in holding authoritarian regimes accountable to the public.

Implications for Water Resources Management in the Mekong Delta

As discussed in Chapter 1, participation does not indisputably lead to better policy decisions; several scholars argue that it can in fact lead to sub-optimal outcomes (Tsebelis 2002; Layzer 2008; Berkman and Viscusi 1973). However, environmental issues present a unique set of characteristics – complexity, functionality and scale – that increase the importance of participatory processes to

producing outcomes that are effective. The importance of participation to water management issues are encapsulated within the IWRM paradigm which, while not calling for any specific administrative model, does specifically emphasize decentralized decision making, the inclusion of marginalized groups, and cooperation within the regional delimitation of the river basin (FAO 2005). Given the importance of participation to effectively addressing the specific types of challenges presented by environmental problems, what do the lessons of this dissertation mean for the long-term management of water resources in the Mekong Delta? The evidence presented in this dissertation shows that Vietnam is still very protective of its control, although there is also some evidence that the state recognizes that stakeholder participation is valuable to policymaking.

The most optimistic evidence in terms of the authoritarian state increasingly valuing participation in the management of water resources is observed at the grassroots level. The pushback by delta farmers against the “rice first” policy advanced by the central government to boost agricultural exports did lead to state authorities recognizing that the voices of affected residents should be included in the policymaking process. In response to this, the state has made a more concerted effort to strengthen the advocacy capacity of local farmers, such as by the capacity-building training program led by AsiaDHRRA. There are three important caveats, however, to the impact that this greater advocacy potential will have on water resources management. First, interviews with stakeholders and officials within the delta reveal that the norms of participation are still weakly understood. As members of a state that

has no historical experience with democratic processes, the delta stakeholders are still learning what techniques are available to citizens in order to communicate effectively with political decision-makers. Second, the issues that local stakeholders are focused on tend to be parochial in nature. The increased efforts toward the inclusion of farmers' voices may thus have an important impact on decisions regarding local issues such as dyke height and crop planning, but there is less evidence that transnational water management issues will be addressed even as the farmers achieve a stronger political voice. Third, while the state is encouraging farmers' input into the policy making process, this is still conducted under the auspices of the Farmers Union, which is a part of the state bureaucracy. Thus while the state does appear to recognize that the inclusion of farmers' voices is important to effective policymaking, it still is careful to co-opt these processes into state institutions, rather than to strengthen independent institutions that could potentially challenge the control of the state.

At the national level, the emergence of the local NGOs since the *Doi Moi* reform process is a promising development, but other than using these organizations for policy guidance, the state is careful to limit the impact that they have on pushing for more participatory forms of water governance. The capacity-building training projects that were intended to strengthen local capacity were met with mixed responses from provincial level authorities. The organizations have also faced restrictions in the dissemination of information on subjects deemed by the state to be sensitive, although the organizations have found creative ways to circumvent this

restraint such as through establishing virtual networks, as discussed above. The strongest and most consistent benefit provided by these NGOs as far as the future of water management is thus that their expertise is conveyed to and relied upon by the state. On the other hand, the additional potential benefits that these new civil society actors could provide, such as training and communication to the general public, are still restricted by the state, limiting the NGOs' ability to reach their full potential as participants in the process of IWRM.

The state of Vietnam has also not fully internalized the principles of IWRM, as evident by its institutional structure in the management of water resources. As noted in Chapter 1, the IWRM paradigm is promoted "as an accepted alternative to the sector-by-sector, top-down management style that has dominated in the past" (GWP 2010a). While the economy and political opportunity structures in Vietnam have changed dramatically since the *Doi Moi* reform process, the state institutions have retained the hierarchical approach that the IWRM paradigm identifies as problematic. Policy directives still typically come down from the central government ministries to be implemented by their respective departments at the provincial level. Given that there are at least 7 ministries that have mandates that overlap with water resources management, as identified in Chapter 3, the unidirectional flow of information does not match with the prescriptions offered by the IWRM framework. In order for a more integrated structure of water management to be achieved, greater coordination is still needed across ministries, as well as between the stakeholders in the delta and the central government.

The regional level of governance produced perhaps the most disappointing findings for the future of IWRM. In theory the MRC could have represented two potential reasons for optimism about the future of water management in the region. First, the regional institution could serve as an independent actor, with the potential to help draw attention to the interests of stakeholders in the delta at the basin level. However, the MRC was designed to have very weak authority separate from its member states, so it does not serve as a separate actor with the ability to influence the discourse. As noted above, the staff of the MRC Secretariat report to the member states, and are instructed to communicate with local stakeholders through the NMCs of each member state, i.e., through the channels of state institutions. Second, regional organizations have the theoretical potential to serve as an alternative site of advocacy for actors whose strategies are blocked by authoritarian regimes. There is little evidence to support this proposition as well, since the ability of domestic advocacy groups to participate in MRC meetings has been ad hoc, and the member states typically control the invitation lists. While INGOs and NGOs have attempted some extra-systemic advocacy, such as publicly demanding process clarifications from the organization, most NGOs reported that targeting the MRC as an alternative venue for advocacy campaigns produced limited results due to the strong control of the organization by its member states.

There is also reason to be pessimistic about future of participation at the MRC as it moves to a decentralized structure by 2030. There is some evidence that the steps that the organization has made since the 1995 Agreement towards the adoption of a

participation strategy and more inclusive and transparent processes were primarily driven by donor governments (MRC 2009). The move toward decentralization is an achievement toward the goal of local ownership, but as donor governments step back from the organization and allow the member states greater independence, they lose the ability to hold political sway over the institution's procedures. The MRC welcomed its first CEO from a member state in 2016, Pham Tuan Phan, a Vietnamese national. Given the challenges to democratic governance within each of the member states of the MRC,⁴⁹ it is unlikely that participatory procedures will be a high priority as these states take greater control of the organization, when they are not shown to be a very high priority within their domestic contexts.

The Challenges of Field Research in an Authoritarian Setting

While this dissertation has focused on the authoritarian state's strategies toward civil society actors, it is worth stepping back to analyze the state's effect on the conduct and findings of this research project. Data collection in an authoritarian context, and particularly through a methodology that incorporates interviews, has the potential to be problematic. Researchers may face difficulty in accessing interview subjects, and even when respondents are willing to participate, the results might be subject to bias, and sampling and validity issues if they harbor a fear of government retaliation. (Malthaner 2014). It is thus worth briefly discussing the procedures that

⁴⁹ Freedom House ranks Thailand the highest on its measure of democracy among the four member states, but it is still ranked as "not free." While Thailand has the most developed civil society of the four states, it has backslid in terms of commitment to its own democratic political institutions since the military coup in 2013.

had to be followed in the Vietnamese context, and the potential constraints or challenges that may have impacted the collection of data.

While there is reason to be concerned about the willingness of private citizens or public officials to be forthright in an interview setting within an authoritarian context, I have little evidence to show that this concern was problematic to my research. The Fulbright Program that sponsored my research required a university in Vietnam to serve as a local partner, meaning that they would be willing to provide logistical support as needed. While I originally requested to be partnered with a different university based on its convenient geographical location in the delta, the Fulbright Program partnered me with An Giang University because of its reliability in navigating the bureaucratic challenges that arise with securing visas, accommodations, and research assistance for foreign scholars. The university facilitated my access to interview subjects by providing a note of introduction when I reached out to potential subjects, which indicated that my research project had been approved by the relevant authorities. Ultimately, I conducted more than 50 interviews in total, and only one person in Vietnam declined my request for an unspecified reason. This response rate is thus unexpectedly high, and one which I attribute to the university, as a government-sponsored entity, indicating that cooperation with my project was not only tolerated, but requested.

In addition, the interview subjects tended to be surprisingly candid in their responses. Part of this may be due to the subject matter being perceived as less sensitive than I originally thought. As mentioned in Chapter 5, the meaning of

concepts such as participation or grassroots advocacy were not fully understood in terms of their relevance to governance by local-level officials in the delta; participation was explained in the more functional context of managing resources. While this discrepancy in interpreted meaning is useful to identify weaknesses in the integration of local voices in the policy making process, the alternative context understood by the interview subject did not seem to be perceived as politically sensitive. The NGO interview subjects did have a stronger understanding of more “Western” interpretations of participation, but also seemed remarkably candid in their responses. I was surprised to learn about the various ways in which the government punished the nascent civil society organizations, the ways in which the organizations actively circumvented these sanctions in order to get their message out, and how they spoke openly to me about conduct that was not always legal within Vietnam or within other states in the region. This experience of having easy access to interview subjects and forthcoming participants provides high confidence that the data collected through these interviews is reliable and unaffected by the political setting.

While the experience of conducting interviews was relatively easy in Vietnam, the process was considerably more difficult in Lao PDR. The main subjects that I reached out to there were staff of the main INGOs and the MRC. These interviews proved challenging for different reasons. The staff members of the main INGOs in Lao PDR were willing to meet with me, but indicated a higher level of caution that the information provided be published without personal attribution. As discussed in Chapter 6, the political environment in Laos is considerably more

repressive than in Vietnam, and the IGO staff members, while willing to share their experiences, appeared to be concerned about having in print any comments that might cause the government to retaliate against them. Interviews with MRC staff seemed less affected by political considerations, but reaching staff members, who I was told are bombarded by similar requests from researchers, was difficult to accomplish. The breakthrough to receiving a response came after an earlier interview subject working at an NGO in the region provided the direct contact information for an MRC staff member who was eventually responsive, and who also put me in touch with some of his other colleagues.

While the authoritarian setting did not end up providing many observable challenges to the interview process, there were some ways in which the setting may have affected other forms of data collection. In particular, it was very difficult to obtain financial information about the NGOs operating in Hanoi. None of the NGOs publish or were willing to provide clear information about their operating budgets, expenses, or the amounts that they receive from donor organizations. Having this information would provide a stronger measure of external strategic value, one of the critical variables that I identify in determining the state's response along the Repression-Encouragement Spectrum. Instead, the information that I have about the donor contributions to each organization is interpreted from the donors and partners that are listed on their websites, an imperfect measure of this variable (See Appendix 2). I assume that the organizations do not want to share this information in order to

maximize their control over their finances vis-à-vis the state and potential donor governments and partners.

Overall, the authoritarian setting did not seem to present many challenges for the collection of data. I was required to report my travel plans to the local university (and hence, the authorities) that sponsored me in Vietnam, but still had unconstrained freedom of movement. I discussed the findings of my dissertation with Vietnamese scholars and officials at various levels of government, and found their feedback to be supportive and informative. This experience is consistent with the argument that many government officials in Vietnam are interested in engaging in dialogue about effective forms of governance, and do not hesitate to do so when no threat to their political control is perceived.

Future Research Trajectories

While this dissertation provides a range of lessons on the strategic choices of the authoritarian state in managing civil society, as well as the implications for water resources management in the Mekong delta, it also raises questions about the applicability of the findings to other contexts that provide promising avenues for future research.

First, the case study of environmental management provided an interesting test case by which to observe the strategic choices of the authoritarian state because environmental organizations cannot be narrowly classified as “political” or “developmental” organizations. The authoritarian state is forced to more carefully consider whether these organizations present a challenge to its control. However, the

singular focus on environmental organizations provided in this dissertation raises questions about the applicability of the Repression-Encouragement spectrum, and what variables might lead the state to move up or down that spectrum, to organizations addressing other complex issue areas. One potential avenue to further develop the findings presented here is thus to produce a comparative study of other civil society actors within Vietnam. Public health NGOs in Vietnam, which share the characteristic of transcending the definition of “political,” represent a particularly interesting set of actors for comparison. While public health NGOs provide clear benefits in the provision of public services, Vietnam has been reluctant to address the root causes of HIV/AIDS, or to draw attention to the problem of sexual exploitation and human trafficking in the country (Vijayarasa, 2010; Pham 2006). On the other hand, given that public health crises can often manifest much more quickly than environmental ones, the strategic choice of the authoritarian states in managing public health NGOs may differ from that of environmental challenges and remains an interesting potential avenue to explore.

The lessons provided by the Vietnam case study also raise questions for their applicability to other authoritarian contexts. Other scholars have studied the emergence of NGOs in China and the response of the state (Teets 2014; Brettell 2003), and a more direct comparison of these Communist countries would be worthwhile to identify similarities and differences. China has more advanced technological capabilities, so in particular the value of virtual networks would be an interesting subject of comparison. However, it is also possible that the strategic

choices of the authoritarian state are particular to Communist states that are transitioning to more open economies, and thus even a comparison of China and Vietnam leaves open questions about the broader applicability of this dissertation's findings to authoritarian states in general. Another potential research avenue is thus to compare the strategic choices of Vietnam to an authoritarian state with a different regime type, and to develop findings that may highlight how much of Vietnam's choices are specifically attributable to its communist regime.

Finally, although this dissertation has advanced the knowledge of the management of water resources management in the Mekong Delta, the region itself includes several different types of authoritarian regimes. A final promising pathway for future research is thus to expand the study of the state's strategic choices to the other states along the Mekong River. While Lao PDR is a particularly challenging context in which to conduct research, the government of Cambodia would be the next interesting and logical place to study the state's management of its water resources and strategic choices with respect to its civil society actors. In addition to the work of Tun Myint (2012) who has studied river basin management and NGOs in Thailand, developing a better picture of NGO advocacy and state responses in Cambodia (and Lao PDR) would help fill in the gaps to achieving a complete picture of participatory water resources management across the basin.

Conclusion

This dissertation has made three critical contributions that advance knowledge about how the authoritarian state responds to a nascent civil society. First, it provides

a disaggregated understanding of civil society as an actor, demonstrating that the authoritarian state responds differently to various civil society actors as well as to the same actor over time. Second, it provides a dynamic model that explains when and how an authoritarian state is going to respond via the Repression-Encouragement spectrum. Finally, in addition to the range of options available to the state presented by this model, three critical variables are identified that the state considers when determining its strategic choice – the mobilizing capacity of the civil society actors, their external strategic value, and the independence of the issue from other state priorities. The findings from this case study, which demonstrate that Vietnam still relies on repressive techniques to maintain its control across the local, national and regional levels of governance, have also revealed that the principles of IWRM have not yet been fully internalized or acted upon by a critical downstream actor in the Mekong delta. Until greater progress is made in applying those principles to the institutional structures responsible for water management in the delta, effective management of the environmental challenges facing the delta will likely not be fully realized.

Appendices

Appendix 1: Episodes of State-Civil Society Engagement

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
1	Media Reporting on Workshop on Impacts of Xayaburi Dam	NGO 1, Media	High	Low	High	Repression (Censorship)
2	Publication of Online Newspaper on Mekong Hydropower	NGO 2	High	Low	High	Repression (Punitive Fine)

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
3	Publication of “Research Reports” on Mekong Hydropower	NGO 2	High	Low	High	Repression (Attempted fine/waived)
4	Providing Vietnamese Government with Sensitive Information obtained abroad	NGO 2	Low (Confidential)	High (Confidential)	Low (Confidential)	Encouragement
5	Open Letter to the Prime Minister of Vietnam – Impacts of Xayaburi 2011	NGO 3	High	Medium (Same topic as Event 6, but prior to cooperation agreement with Lao PDR)	High	Encouragement (Publication; citation in government documents)

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
6	Open Letter to the Prime Minister of Vietnam – Impacts of Xayaburi 2012	NGO 3	High	Low (Same topic as Event 5, but during Friendship Year with Lao PDR)	High	Repression (Censorship)
7	Confidential Analysis of Xayaburi for Government	NGO 3	Low (Confidential)	High (Confidential)	Low (Confidential)	Encouragement
8	Thai Baan Project 1 (Dong Thap)	WARECOD, Local Residents	High	Varies by Research Project	Medium (Community with fewer international partnerships)	Repression (Police summons/Project canceled)

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
9	Thai Baan Project 2 (An Giang)	WARECOD, Local Residents	High	Varies by Research Project	High (Community with established international partnerships)	Tolerance
10	“Building Policy Advocacy Capacity” Project	Farmers Union Staff	Medium	High	High	Co-Optation
11	Determination of Optimal Dyke Height and Crop Yield Strategies	Local Residents, Farmers Union	Low	High	Low	Co-Optation

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
12	MRC Procedures for Dialogue and Public Consultation	Local Stakeholders, INGOs, NGOs	High	Low	High	Limitation (Procedures vary by project area, but participation is not guaranteed)
13	Public letter to MRC for clarifications on Xayaburi from Save the Mekong	Save The Mekong (Transnational virtual network)	High	Low	Low	No Response / Bypassed the State
14	Permission to attend MRC Council Meetings	INGOs (IUCN and WWF)	High	Low	High	Exclusion (Perceived punishment for Xayaburi reporting)

Event No.	Event Description	Targeted Actor(s)	Mobilizing Capacity (High = engaging public; Low = working in isolation)	Issue Independence (High = parochial issue; Low = transnational issue)	External Strategic Value (Low = low priority; High = high donor potential)	State Response
15	Mekong Water Dialogues (Regional Level)	IUCN, Local Partners	High	Low	High	Tolerance
16	Mekong Water Dialogues (MDP – Domestic Level)	IUCN, Local Partners	High	Medium (Focused on national responses)	High	Encouragement
17	Public Comments on Don Sahong Power Project	Save the Mekong, Vietnam Rivers Network (networks)	High	Low	Medium	Tolerance

Appendix 2: List of Donors and Partners of Vietnam NGOS

per each organization's website, in the order listed:

WARECOD:

International Partners:

SIDA
Oxfam-Quebec
Justice Initiatives Facilitation Fund
Rosa Luxemburg Stiftung Hanoi
Critical Ecosystem Partnership Fund (CEPF)
CEPF, Vietnam Office
Science and Technology Innovations for the Base of the Pyramid in Southeast Asia
(iBOP Asia)
NGO forum on ADB
Global Green Grants Fund (GGF)
IUCN
LEVI Strauss
Bank Information Center (BiC)
Oxfam Hong Kong
Mercy Relief
Oxfam Australia
McArthur Foundation
CGIAR
Open Society Institution (OSI)
Kepa
Global Fund for Women
Lien AID
McKnight Foundation

Local Partners:

Vietnam Rivers Network Members
Department of Natural Resources and the Environment
Branch of Aquatic Resources
Chi Lăng District's People's Committee
Quy Hop District Women's Union
Me Linh District Women's Union
Trun Châu Commune's People's Committee
Tráng Viet Commune's People's Committee

Chu Phan Commune's People's Committee
Lao Ho Commune's People's Committee
Hu'u Kien Commune's People's Committee
Châu Quang Commune's People's Committee
Châu Ly Commune's People's Committee
Bac Son Commune's Peoples Committee
Na Hang Town's People Committee
Center for Biodiversity and Development
Center for Social Research and Development
IUCN Vietnam

GreenID:

Donors:

Rosa Luexemburg Stiftung, SE Asia
The McKnight Foundation
UNDP
WWF
Overseas Development Institute
SIDA
Mercy Relief
Oxfam Australia
ICCO Corporation
Synchronicity Earth
Embassy of the United States of America
Global Greengrants Fund
Bank Information Center
Both Ends Environment and Development Service
BirdLife International
Critical Ecosystem Partnership Fund
Karuna Foundation
Kepa
International Institute for Sustainable Development
ActionAid International, Vietnam
The Toyota Foundation
Global Subsidies Initiative
International Rivers
HSBC
International Institute for Environment and Development

Partners:

Svenska Naturskyddsföreningen
VedvarendeEnergi
National Coordinating Council on Disability (NCCD)

Save the Mekong
Vietnam Academy of Social Sciences
Institute of Energy
Center for Sustainable Development of Water Resources and Adaptation to Climate
Change (CEWAREC)
Mekong River Commission
International Rivers
WARECOD
Center for Biodiversity and Development
Center for Social Research and Development

PanNature:

Donors:

Open Society Foundations
ICCO Corporation
The World Bank
UNESCO
SIDA Environmental Fund
The Bookman
Mrs. Katherine A. Malcolm
Ford Foundation
Blue Moon Fund
The Rufford Small Grants Foundation
Critical Ecosystem Partnership Fund
Oxfam
Revenue Watch Institute
Cordaid
European Commission
The Asia Foundation
Environmental Justice Foundation
The McKnight Foundation
National Academy of Sciences
USAID
German Catholic Bishops' Organization (MISEREOR)
The Body Shop Foundation

Partners:

Caritas Switzerland
Consultancy on Development Institute (CODE)
Center for Water Resources Conservation and Development (WARECOD)
Hang Kia – Pa Co Nature Reserve
Ngoc Son – Ngo Luong Nature Reserve
Hoa Binh Provincial Forest Protection Department

Yen Bai Provincial Forest Protection Department
Ha Giang Provincial Forest Protection Department
Viettel Corporation
Fauna and Flora International (FFI)
Wildlife Conservation Society (WCS)
The Henry L. Stimson Center
Forest Trends
Wildlife at Risk (WAR)
The Southeast Asia Extractive Industries Watch
Vietnam's Forest Sector Support Partnership

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