

# Overcoming Territoriality Through Water Regime: The Case of the Lower Mekong (1957–1977)

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## Structured Abstract

Article Type: Research Paper

*Purpose*—Despite being at each other’s throats from 1957 to 1977 when the Vietnam War was raging, this study aimed to show that even historical and political enemies can overcome their sense of territoriality.

*Design, Methodology, Approach*—This article argues that even countries hostile toward each other due to historical rivalries and differing political ideologies in a region can deal with their territoriality by cooperating with each other in managing a shared resource so long as economic gains can be obtained and that there is a presence of a water regime. Available newspaper articles/summaries/abstracts from 1952 to 1977 and annual reports of the Mekong Committee were examined. Content analysis of the minute interactions over water management of the four riparian states found in the newspaper articles studied was performed.

*Findings*—Findings reveal that the four states overcame their territoriality because of the following two reasons: first, they realized they could benefit more from jointly developing the river than developing it independently, and second, the Mekong regime contributed greatly toward overcoming it by performing crucial roles as the arbiter, data collector and disseminator, fundraiser, and project manager and coordinator.

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*Practical Implications*—Indeed, water regime can be useful in mitigating, if not entirely solving, conflicts between riparian states.

Keywords: cooperation, Mekong regime, Mekong River,  
river basin, territoriality

## Introduction

Why would a state share a portion of its territory with others? More so, when it just redeemed itself from being a colony and then involved itself in a war it knew would be very costly? This is the case not of one state alone but of the countries in the Mekong River Basin found at the heart of mainland Southeast Asia. The case in point is none other than the riparian states of the Lower Mekong River (Cambodia, Laos, Thailand, and South Vietnam) during the decolonization period of the 1950s until the end of the Vietnam War in the mid-1970s. Before going further into the details, a discussion of important concepts needs to be presented, particularly the terms “territoriality,” “overcoming territoriality,” and “Mekong regime.”

Territoriality is defined here as “any issue associated with a proclivity to occupy and defend territory.”<sup>1</sup> In the context of water politics, the issue of territoriality here means “unilateral action” of one state in developing a portion of its own basin. It recognizes that states have the exclusive control over their territory and that they can do whatever they want with it. “Unilateral action” refers to “no cooperation, not even communication or information exchange, over the management and development of the shared river”<sup>2</sup> with other riparian states which can likely lead to water-related conflict. Given the monopoly of benefits that can be derived from developing one’s portion of the basin, unilateral development was a rational move for the riparian states of the lower Mekong. Plus the fact that that they were politically and militarily hostile toward each other means that there should not be any obstacle that could hinder them from utilizing and developing the river on their own. Interestingly, however, despite and in the midst of this turmoil, countries decided to cooperate. In other words, they decided to deal with their territoriality by forgoing to develop the said resource independently but instead chose to do so jointly through cooperation. They allowed themselves to be subject to a water regime by allowing entry and survey of, and by providing data and information about, their portion of the basin.

The Mekong regime, following Krasner’s (1982<sup>3</sup>) and Kranz et al.’s (2010<sup>4</sup>) definitions is defined in this study as the “norms, rules, decision-making procedures and organizational structure that govern the riparian states of the lower Mekong that aimed at collectively managing the Mekong River considering the role of international actors.” Norms include rights and obligations, rules of specific prescriptions and proscriptions, and decision-making procedures of practices that make collective choices.<sup>5</sup> The four riparian states are at the center of this organizational structure.

As for “overcoming territory,” the concept does not mean an absence of an

attempt or attempts at asserting control over a particular territory. There were actually border conflicts between the four neighbors such as the Thai-Lao border conflicts over islands in the Mekong River. An example of which was when security was on high alert when both claimed sovereignty over two islands in the Mekong River in 1977.<sup>6</sup> This issue, however, was in a way de-coupled from the issue of joint management by both countries. Thus, violence over water management was avoided primarily because management of the Mekong River matter most to both. As Vasquez argues, “if territorial issues are de-coupled from other issues, the probability of violence will drop significantly.”<sup>7</sup> In fact, both countries along with the unified Vietnam decided to reactivate the Mekong River Development Project in the following month of the same year.<sup>8</sup> In this regard, economic interests took precedence over territorial issues.

In a nutshell, this study argues that the four riparian states decided to deal with their territoriality by forgoing to develop the Mekong River independently because economic interests also matter as much as political ideologies do. What made this possible was the crucial roles the Mekong regime played in facilitating both such interests and their decision to overcome their territoriality in the form of cooperation over water management. Specifically, it acted as an arbiter, data collector and disseminator, fundraiser, and project manager and coordinator.

Central to this study are the following questions: One, what exactly does “overcoming territoriality” mean to the four in this context? Two, despite the political and military hostilities raging in the region which the four are seriously involved in, why did the lower riparian states of the Mekong decide to “overcome their territoriality” in terms of water management? How did they manage to do so? Finally, what role or roles did the Mekong regime play in the process?

## Literature Review

Consolidating territorial borders was a way former colonial states could exercise their newly found independence. Thinking of sharing a piece of their land seems impossible. But water treaties prove otherwise. Water agreements between India and Pakistan (Indus River Basin) between the Central Asian republics (Isfara River Basin), and between Mozambique, Swaziland, and South Africa (Incompati and Maputo River Basin) show that states are willing to share a part of their claim over the basin with other riparian states by allowing inspection of, and voluntarily sharing information, about it with other riparian states. Why would countries do that?

One reason that prompted riparian states to come to the table and sign agreements is the threat of interstate conflict such as the case of states sharing Aral Sea Basin.<sup>9</sup> States try to avoid conflicts with each other. In fact, even during conflicts and wars, states can continue cooperating over water. For example, the Indus Waters Treaty “survived two major Indo-Pakistani wars in 1965 and 1971”<sup>10</sup> and the Mekong Committee (hereafter MC) between Cambodia, Laos, Thailand, and Vietnam pulled through the Vietnam War (1955–1975).<sup>11</sup> One factor that prevents this “water war”

from happening is the social ingenuity of humans in intervening between scarcity and violence.<sup>12</sup> An example that displays such human ingenuity is the use of issue linkage between the U.S. and Mexico on the Rio Grande, Colorado and Tijuana Rivers in resolving their conflicts.<sup>13</sup> Also, the presence of a hydro-hegemon discourages resistance, thereby avoiding conflicts over water.<sup>14</sup>

Another reason states are motivated to cooperate with each other is the presence and arbitration of a third party such as international institutions and water regimes that not only mitigate conflicts but also encourage cooperation.<sup>15</sup> The UN and the World Bank (hereafter WB) played important roles in fostering cooperation between riparian states. Specifically, the United Nations Truce Supervision was crucial in the establishment of the Joint Water Committee (hereafter JWC) between Israel and Jordan in 1994, which took more than forty years of negotiations. Meanwhile, the WB had a significant role in the signing of the Indus Water Treaty between India and Pakistan, which took about thirty years to conclude. In the case of the Nile River riparian states, it was both the WB and the UN that helped them foster cooperation. The former facilitated the founding of the Nile Basin Initiative (NBI) in 1999, which took twenty years to materialize. After ten years of further negotiations, they signed the Nile River Basin Cooperative Framework Agreement (CFA) in 2010. This was greatly influenced by the United Nations Water Convention (UNWC).<sup>16</sup>

But the most important reason that drives states to cooperate over water is the economic benefits that can be obtained from developing it multilaterally. Not only can it accumulate capital and investment among riparian states but also from other states, banks and international organizations as well. The visible presence of the United Nations, World Bank (WB), and Asian Development Bank (ADB) in many river basins should not come as a surprise given their crucial financial roles.

Compared with other countries sharing a river, the Mekong River Basin poses an interesting case to be examined for two main reasons. First, it is “the first instance of the UN direct involvement in a continuing program of planning and development of an international river ... on a continuous basis.”<sup>17</sup> Along with the UN, about twenty countries and other various international organizations also participated. Thus, there was a strong involvement of the international community in the development of the Mekong River. Second, the Mekong River Basin is a region where countries of historical rivals for supremacy in the mainland Southeast Asian region (Vietnam versus Thailand) and opposing political ideologies (communist Laos and North Vietnam versus democratic Cambodia and Thailand) live. Countries in this part of the world were heavily embroiled in their own respective domestic conflicts and were seriously involved in wars with great powers such as China, France, the United States, and the Union of Soviet Socialist Republics not merely for a short period of time, but for decades. Nevertheless, despite being in the midst of these political, military and historical animosities between the lower riparian states of Mekong particularly during the Cold War era, it is interesting to note that they decided to jointly manage the Mekong River during these periods of turmoil. Other riparian states in other regions also decided to cooperate but it took them many years to sign water agreements. For examples, the Indus Treaty (1960) between India

and Pakistan took ten years, the Indo-Bangladesh Ganges Water Treaty (1996) took thirty years, and the Israel-Jordan Treaty of Peace (1996) took forty years.<sup>18</sup> In the case of the Mekong, however, it took only a few years for the four to sign the 1957 Agreement. More interestingly, the so-called “Mekong cooperation” has existed for more than five decades since 1957 and has been hitherto thriving.<sup>19</sup>

With conflicts and confrontations with France and growing conflicts over differing political ideologies brewing in the Mekong region, the lower riparian states were not in a position to cooperate with each other. It could even be said they were at each other’s throats. Yet, it is interesting to note that the four decided to agree on managing the Mekong River by signing an agreement in 1957, during the period of intensifying of the “cold” war between the U.S. and China and the USSR but was translated into a “hot” war between Vietnam and the U.S. in the lower Mekong region.

The UN and the U.S. successfully convinced the lower Mekong riparian states to jointly develop the basin for the great potential it can provide them. This cooperation has existed in the region for more than fifty years.<sup>20</sup> Financially, it is mainly the UN assistance, other donors and development banks that have kept the four riparian states together all throughout.<sup>21</sup> Institutionally, the presence and “resiliency” of the Mekong regime, or its capacity to adjust to the change of time, contributed to “the lack of interstate conflict over water resources in the Mekong since 1957,”<sup>22</sup> created spill-over effects in other areas such as infrastructure development and environmental protection<sup>23</sup> and even maintained a sub-regional order in the Mekong region during the period from 1952 through 2001.<sup>24</sup>

It is within this context of a water regime involving the lengthy support of the international community in facilitating the four riparian states to overcome their territoriality that this study makes its way in the literature of water politics. It is interesting to pay close attention to neighbors, who without reasons to cooperate because of their deep involvement in the Vietnam War (1955–1975) that was going on, still decided to jointly manage the river. Thus, conflicts over water were avoided and cooperation was fostered through the Mekong regime.

## Research Method

In studying how territoriality was dealt with by the lower Mekong riparian states throughout a two-decade period, content analysis was employed. Contents of minute interactions and meetings of the earliest newspaper articles online dated from 1957 until 1977 were examined. News summaries of articles were obtained from those gathered by Wolf and his colleagues<sup>25</sup> and full articles and news abstracts were downloaded from FACTIVA, a “source of news, data, and insight ... with access to thousands of premium news and information sources on more than twenty-two million public and private companies”<sup>26</sup> by the researcher. Also, annual reports of the Mekong Committee which were obtained from the website of the Mekong River Commission (MRC) and personal correspondence with the head librarian of the

MRC, Miss Phaporn Sirimongkol, were studied. Finally, studies on various river basins were also examined. With this in mind, this research now turns to the case in question.

## Mekong River Basin: A Profile

Named differently in the countries that share it, the Mekong River is *Lan Xang* (澜沧江, 澜滄江) in China meaning Turbulent River, *Tônle Thum* (ទន្លេធំ) in Khmer meaning Great River, *Mae Nam Khong* both in Lao (ແມ່ນ້ຳຂອງ) and Thailand (แม่น้ำโขง), *Mae Kong Myit* (မိခင်တစ်) in Myanmar which means Mother of Water in all three countries and *Sông Cửu Long* in Vietnam meaning Nine Dragons River. It is considered the eighth largest river in the world with the annual flow of 475 billion m<sup>3</sup> (385 million acre-feet) (Browder and Ortolano, 2000: 501).<sup>27</sup> The basin area totals to 795,000 km<sup>2</sup> where 21 percent (165,000 km<sup>2</sup>) is located in China, 3 percent (24,000 km<sup>2</sup>) in Myanmar, 25 percent (202,000 km<sup>2</sup>) in Laos, 23 percent (184,000km<sup>2</sup>) in Thailand, 20 percent (155,000 km<sup>2</sup>) in Cambodia and 8 percent (65,000km<sup>2</sup>) in Vietnam. About 1 percent (165,000km<sup>2</sup>) of China's, 3 percent (24,000 km<sup>2</sup>) of Myanmar's, 85 percent (155, 000 km<sup>2</sup>) of Cambodia's, 85 percent (202, 000 km<sup>2</sup>) of Laos', 35 percent (184, 000km<sup>2</sup>) of Thailand's, and 19 percent (65,000 km<sup>2</sup>) of Vietnam's territories are located in the basin.<sup>28</sup>

**Table 1. Share of the Basin in Each Riparian State**

COUNTRY	PERCENTAGE OF TERRITORY IN THE BASIN
Cambodia	20% (155,000 km <sup>2</sup> )
China	21% (165,000 km <sup>2</sup> )
Laos	25% (202,000 km <sup>2</sup> )
Myanmar	3% (24,000km <sup>2</sup> )
Thailand	23% (184,000 km <sup>2</sup> )
Vietnam	8% (65,000 km <sup>2</sup> )
<b>Total:</b>	<b>100% (795,000 km<sup>2</sup>)</b>

In terms of population in the basin, around 10 million Chinese, less than 1 million Burmese, about 21 million Thais, 17 million Vietnamese and about the entire population of Laos and Cambodia live in the basin. About 85 percent of the total population living in the basin is engaged in agriculture mainly on rain-fed paddy cultivation.<sup>29</sup> Just like all rivers that are crucial to the emergence and survival of civilizations, so is the Mekong River to the people that share it.

## Why Cooperate?

With conflicts and confrontations against France and growing conflicts over differing political ideologies brewing in the Mekong region, the Indochinese states and Thailand were not in a position to cooperate with each other. They were at odds



The Mekong River basin (Mekong Annual Report).

with each other. Yet, it is interesting to note that the four decided to agree on managing the Mekong River by signing an agreement in 1957, the period of the “cold” war intensifying between the U.S. against China and the USSR but was translated into a “hot” war between Vietnam and the U.S. in the Mekong region. The signing of this agreement in theory and their commitment toward fulfilling it in practice in

twenty hostile and turbulent years showed that economic interests also mattered in as much as political ideologies did. The River was (and is) a significant source of survival of the people and economic development for the country.

In the 1950s, riparian states grappled to find ways to feed the rising population of 3 per cent every year, low per capita income (less than USD 100 for Thailand which was considered to be the most economically advanced among the four) and expensive power rates (between USD 11–15 cents per kilowatt hour [kwh] in Laos and between USD 2–10 cents in Thailand) in the region.<sup>30</sup> The need to provide for these basic needs of the population was also a matter of primary importance to the governments of these states. For how else could they sustain conflicts and wars with a hungry and growing population heavily dependent on agriculture in which the Mekong River is so crucially vital?

Tonle Sap is the lake that supports the staple food of Cambodians, rice and fish. From July to October when the Mekong water is high, the water flows into the lake but reverses its flow from November when the water is low. The main interest for which Cambodia wishes the MC to provide is the protection and sustainability of the Tonle Sap. The water flows which from the Tonle Sap into the Mekong Delta in Vietnam plays a crucial role in the agricultural economy of Vietnam.

Considered as the “rice bowl” of Vietnam, about 50 percent of rice is produced from the Mekong Delta region. Vietnam’s stake in the Mekong River includes continuous flow of water for its rice production and for combatting salinity intrusion in the Mekong Delta. Like Vietnam, which is considered one of the world’s top rice exporters, Thailand, too, considers the Mekong River very significant to its rice production.

The river is Thailand’s eighth major river sub-basin among its 25 sub-basins where 6.25 percent of its area is equipped for irrigation. In fact, Thailand has always been determined to utilize the river for its people living in the Northeast where the river is located. It is an arid region which has the “largest rural population and the greatest agricultural development”<sup>31</sup> and considered to be the poorest in the country. Thailand needs water supply for agricultural production and electricity for the inhabitants of this region. Laos, its land-locked neighbor, has the potential to provide further for this electricity.

Laos, among its fellow lower Mekong riparian states, is considered to have the most “favorable physical features of tributaries for hydropower production and water storage.”<sup>32</sup> It aims to be the “Kuwait of hydroelectricity,” the “Kuwait of mainland Southeast Asia,”<sup>33</sup> and the “battery of Southeast Asia.”<sup>34</sup> It is interested in building more dams for hydroelectricity production that it can then distribute to neighboring riparian states and this energy serves as the primary source of its foreign currency. As Saop Tainglim, vice chairman of Cambodia’s National Mekong Committee puts it, “Hydro-power is our national treasure. It’s like oil or gold.”<sup>35</sup> Of further importance, too, as a landlocked country, it also aims to ensure the navigability of the Mekong River during dry season.<sup>36</sup>



## **And Why with Fellow Hostile Riparian States?**

Developing the river independently can create further frictions to the already volatile situation in the region. Doing so can “heighten tensions and regional instability, requiring years or decades to resolve”<sup>37</sup> and can “forgo the opportunity to secure gains.”<sup>38</sup> If develop bilaterally, transactions can prove costly<sup>39</sup> which the newly independent states of Indo-China with fledgling economies wished to avoid. However, if developed multilaterally, “transaction costs associated with bilateral contracting” can be reduced.<sup>40</sup> More so, centralization of activities such as “the diffusion of information”<sup>41</sup> found in multilateral groupings/organizations can increase the efficiency of collective activities.”<sup>42</sup> In fact, scholars and experts agree that a “regional approach to the problem of Southeast Asia offers a much greater prospect of success than a country-by-country approach, and that international aid can be administered more effectively on a multilateral, regional basis than other bases.”<sup>43</sup> Thus, for rational actors like those which need financial resources and technical expertise, cooperation with their fellow riparian states seems to be a rational thing to do.<sup>44</sup>

Developing the river, however, requires a general consensus to confront territorial issues and share cross-border benefits. The 1955–56 U.S. Bureau of Reclamation Report called for a basin-wide development approach and urged the riparian states to jointly manage developing the river. It needed to plan, develop and collect basic data on water, soil and fisheries that “would be located at points where the Mekong forms a boundary between two countries sharing the Basin.”<sup>45</sup> Thus, to avoid territorial confrontations, solidarity between them would facilitate the smooth implementation of the projects envisaged by the report. If these projects then materialize, benefits could not only be enjoyed by one country but could be shared between them such as “providing hydroelectric power or irrigation water, or by regulating flows, which might permit increased power production downstream, reduce flood losses, and improve navigation.”<sup>46</sup>

In order to obtain such benefits, however, the four needed huge financial resources, technical expertise and modern technology. With economies struggling and preoccupied with conflicts within, on and outside their respective borders, none could afford to provide such needs. Thus, when the UN and the U.S. to some extent offered to explore the potential the Mekong could offer, no one dared turn down such an offer.

## **The Birth of the Mekong Regime**

From 1951 to 1956, the UN Economic and Social Commission for Asia and the Far East (ESCAFE, the predecessor of ESCAP and hereafter UN-ESCAFE) worked with experts in investigating the Mekong River with the cooperation of the riparian states. These were considered the “first attempts at a systematic study of the water resource potential of the Lower Mekong.”<sup>47</sup> The huge benefits the Mekong River could offer was “virtually unknown until 1957 when the Bureau of Flood Control of

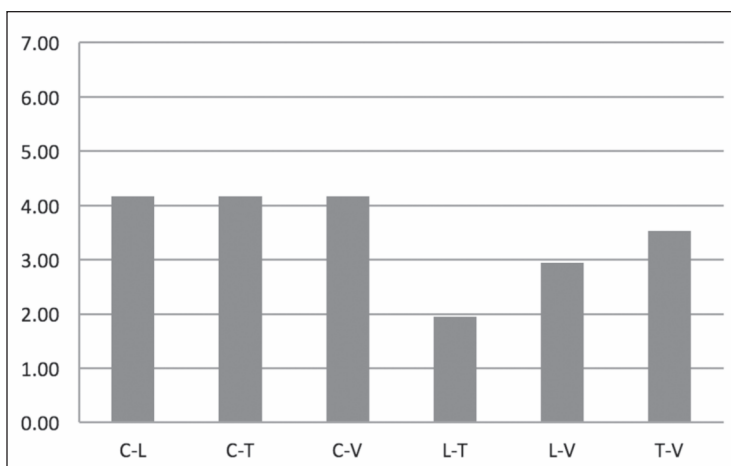
the UN-ESCAPE made its first studies and investigations.”<sup>48</sup> Positive results of these studies “aroused the interest of the four Lower riparian countries.”<sup>49</sup> Through the efforts and encouragement of the UN-ESCAPE for almost six years from 1951 to 1956,<sup>50</sup> and motivated by the realization of the potential benefits that can be derived from continued studies and joint development (Statute of the Committee for Coordination of Investigations of Lower Mekong Basin, Chapter 1, hereafter the 1957 Agreement), and despite being in the midst of, conflicts in the region (the on-going Vietnam War which started in the early 1950s), the lower riparian states of Mekong remarkably signed the 1957 Agreement on 31 October.

The statute was drafted by the Office of Legal Affairs at the United Nations headquarters, which emphasized that the MC was “established” by the four riparian states and acknowledged that it must belong to and be controlled by, them.<sup>51</sup> This agreement was their response to a recommendation adopted by the UN-ESCAPE at its Thirteenth Session in March of that year. Specifically, it was agreed upon by Thailand and the newly independent states of Cambodia, Laos and the Republic of Vietnam (South Vietnam). The 1957 Agreement led to the establishment of the MC on the “basis of equality of rights of the four riparian states” and became “an autonomous organization of sovereign states.”<sup>52</sup> Thus, the birth of the Mekong regime was founded on the shared interests of the four, premised on a respect for their respective sovereignty and facilitated by the UN, specialized agencies, organizations and other countries. In the process of facilitating cooperation and river development, the Mekong regime performed crucial tasks by acting as an arbiter, data collector and disseminator, fundraiser, and manager and coordinator of projects.

### *Arbiter*

Despite the political and military hostilities in the region, the Committee met sixty-nine times from 1957 to 1975.<sup>53</sup> Furthermore, analysis of the records revealed that that they cooperated with each other using the Water Event Intensity Scale (WEIS) using a range of -7 to +7 values. Negative values mean conflicts, positive ones mean cooperation and 0 means neutral. On average, scores of the riparian states was 3.49, mild cooperation on the level between cultural, scientific agreement/support and non-military economic, technological or industrial agreement. The consistent meetings and cooperation reflects a kind of “sustained shared political action” as Makim points out, and can be considered “an achievement by itself.”<sup>54</sup>

It should be noted, however, that the UN, specifically the Executive Agent (EA), played a significant role in these meetings. Two examples can illustrate this point. One case is the 1958 meeting that was to be held in Bangkok on that year. Hostilities between Thailand and Cambodia were serious to the point where ambassadors were recalled and commercial air services halted.<sup>55</sup> However, with the efforts primarily of the UN-ESCAPE Secretariat in Bangkok, the meeting convened on schedule and with full attendance by the four member states. Another noteworthy example is the agreement between Thailand and Laos in 1965. Both countries agreed on establishing the Nam Ngum project along the Mekong River where both countries promised to



**Average Score of Cooperation/Conflict Values, 1957–1977. Note: Values taken from Wolf and others, supplemented and calculated by the researcher.**

**C = Cambodia, L = Laos, T = Thailand, V = Vietnam (South)**

exchange power between them. During the construction, Thailand would supply electricity to Laos but once the project is finished, the latter would return the power to the former. Transmission lines found between the countries are their own properties but the lines across the Mekong River would be the property of the MC. This agreement is considered to be “the first agreement of its type ever to have been counter-signed anywhere by the downstream riparian countries—Cambodia and Vietnam—and by the UN as parties directly interested in the comprehensive development of the Lower Mekong Basin for the benefit of all the people of the Basin without distinction as to politics or nationality.”<sup>56</sup> Water provided the four hostile parties an incentive to cooperate: “a dam built in one country to supply nearly 80 percent of its energy to its neighbor”<sup>57</sup> in the midst of political and military hostilities. This merely proves that even political and historical enemies cooperate once their economic interests are at stake.

Through the Secretariat, the Mekong regime became a conflict mediator able to facilitate agreement on water management such as those cited above. It became an arena of numerous meetings and discussions between them. This iterated behavior effect expanded the possibilities of further interactions that “would ultimately create predictability, stability, and habits of trust.”<sup>58</sup>

### *Data Collector and Disseminator*

During the formative years of the Mekong regime, scientific knowledge about the Mekong River through the international donor community was collected and provided to the four riparian states. Haas defines knowledge as “the sum of technical information and of theories about that information which commands sufficient consensus at a given time among interested actors to serve as a guide to public policy

designed to achieve some social goal.”<sup>59</sup> Provision of this objective information by experts “enables the improvement of trust on data and other decision support tools, so that disputes over the validity of technical data related to controversial projects are less likely.”<sup>60</sup> Data that were collected involves the potentials of the Mekong significantly useful to the economic interests of the riparian states such as hydrology, soil and fisheries of the Mekong basin.

The four riparian states were actively involved in the planning and data collection activities soon after the agreement had been signed in 1958. Their participation can be seen in the studies and projects recommended by Generals Wheeler and White. In addition to the four, in fact eighteen countries participated in the Mekong development project.

The following countries that took responsibility for the following tasks: Japan with reconnaissance survey of the major tributaries; India with hydrologic and meteorological observations; Canada with aerial photography and mapping; Italy with preliminary planning of mainstream projects; Belgium, Netherlands, and New Zealand with hydrographic survey; China, Denmark, Finland, Israel, Norway, and Sweden with other related studies; France with hydrologic and meteorological observations and soil surveys; United Kingdom with hydrologic and meteorological observations and hydrographic survey; the Philippines with aerial maps and preliminary planning of mainstream projects; and the U.S. with hydrologic and meteorological observations, leveling and ground controls, preliminary planning of mainstream projects and hydrographic survey. Meanwhile, the International Atomic Energy Agency (IAEA) and the World Meteorological Organization (WMO) contributed to the planning of mainstream projects, UNDP (Special Fund) with hydrographic survey and the Food and Agriculture Organization (FAO), International Labor Organization (ILO), UNDP, World Health Organization (WHO) with other related studies. These agencies were joined by the Ford Foundation, Resources for the Future, Inc., and Shell Oil Company. Five projects were completed while four were in progress as of 1965. Despite not being on the list, it is interesting to note that the USSR was also involved in technical assistance in at least one of the riparian states.<sup>61</sup>

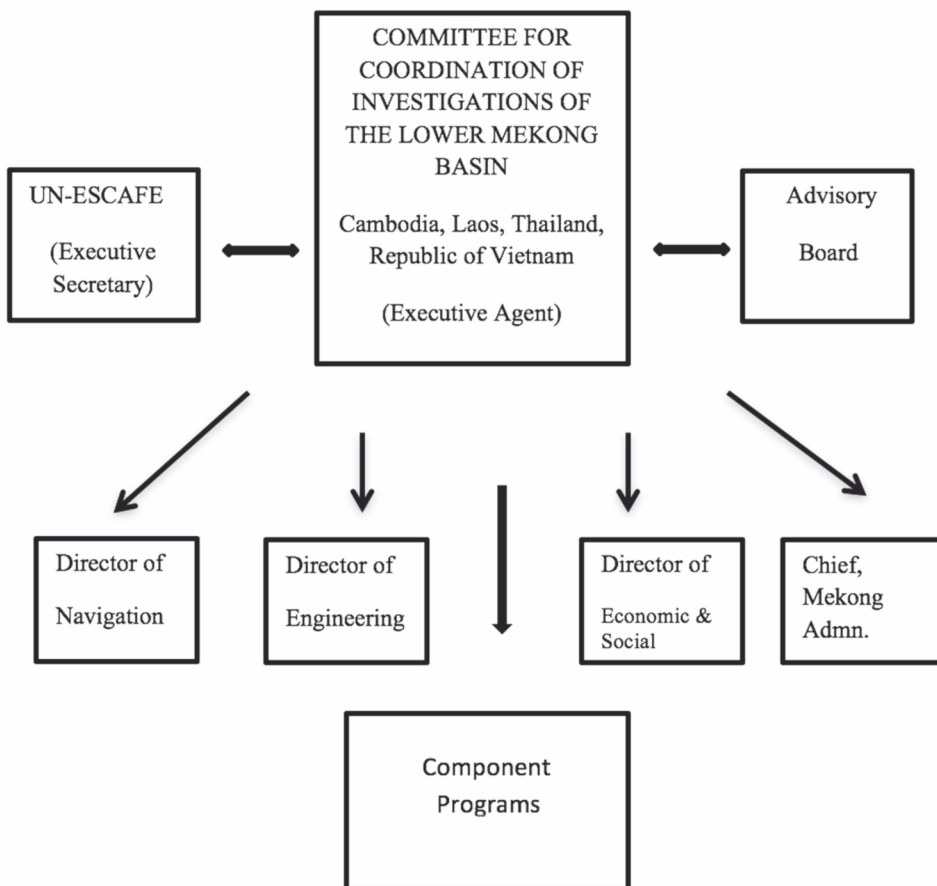
Three years later, the Ford Foundation sponsored Gilbert White to conduct economic and social studies. However, due to the political and military confrontations that were intensifying in the Mekong region, only four countries besides the riparian states participated. Italy took the responsibility of studying the administrative and legal problems, France on domestic power markets and adjustments to floods, the U.S. on fisheries and development (along with India) and on preparations of an atlas of resources and resource use. Meanwhile, the UN-ESCAP, (ILO), and (FAO) worked closely with the riparian states on the remaining studies.

Data and information that were gathered were given to the Committee. This information and knowledge was then disseminated to the riparian states and participating countries and agencies through the publications of documents such as the Annual Reports in accordance with the Article 6 of the MC’s Statute. Moreover, progress of the activities, funds obtained and spent, and minutes of the meetings were included in the said reports. This provided a sense of transparency and further

enhancement of “habits of trust”<sup>62</sup> between them. In addition, operations of the projects and data obtained were turned over to them as well. The statute empowered the Committee to “...take title to such property as may be offered under the technical assistance programmes of the UN, specialized agencies, friendly governments or other organizations.”<sup>63</sup> This gave the Committee a sense of ownership and control over such knowledge and projects, one of the many benefits they reaped by virtue of their being members of the Committee. Examples include feasibility reports on tributary projects, hydrographic surveys, and Mathematical Model of the Delta in Cambodia and Vietnam.<sup>64</sup>

*Fundraiser*

Of central interest about the Mekong regime is its role as a “fundraiser,” obtaining aid abroad and using such aid for projects which are distributed between the four member states. The Mekong Secretariat under the Executive Agent (EA) has



Organization of water resources of the Lower Mekong basin (Mekong Annual Report, 1967: 178).

the responsibility of procuring aid abroad and managing projects. The procured aid alongside members' contributions is then used to fund projects for each member state. Activities governing the Mekong are centered on the Mekong Secretariat. This centralization of activities enables the regime to function efficiently and is less costly when compared to unilateral or bilateral transactions. As regime theorists point out, "regimes reduce the transaction costs associated with bilateral contracting"<sup>65</sup> or that they are "organizationally less expensive than is the development of many bilateral contracts."<sup>66</sup> Moreover, like international organizations, this centralization enhances its "ability to affect the understandings, environment, and interests of states."<sup>67</sup> Moreover, the participation of the UN and its related agencies provides a "catalytic role" in mobilizing funds. Like international financial institutions, the involvement of the U.S. and the UN "provide a 'good housekeeping seal of approval' or 'confidence signal' to the foreign aid and investment market."<sup>68</sup> This provided the flow of additional huge funds from other institutions.

The U.S. as a donor country contributed the most to the committee while Thailand as a riparian member state gave the most. Specifically in the mid-1960s, President Johnson supported efforts on developing the River saying "the Mekong River can provide food and water and power on a scale to dwarf even our TVA."<sup>69</sup> He called on the support of the U.S. Congress and encouraged the UN, other industrialized countries and even the Soviet Union to contribute to the efforts as well.<sup>70</sup>

It is also interesting to note that during the turbulent years from 1960 to 1975, aid increased, too. This counters other studies that claim that conflict tends to decrease the provisions of aid.<sup>71</sup> Bilateral aid, too, revealed an interesting revelation. Vietnam, the country most embroiled in conflict in the Mekong region, received the most bilateral aid during the 1960s. Since the U.S. was heavily involved in this turmoil, it is not a surprise that it is the biggest donor country to none other than South Vietnam itself. It also gave aid to Laos (specifically the Hmong ethnic group) and Thailand, its allies against North Vietnam. Meanwhile, France provided aid only to its former colonies while Japan gave to all four member states. Despite the political turmoil in the region, both the continuous provision of aid and contributions from the donor countries/agencies to the MC showed the importance of the Mekong to the lives of the people of the riparian countries cannot be dismissed. Just like political ideologies, benefits from the river also matter.

From its inception in 1957 until 1983, donor support amounted to more than a quarter of a billion dollars.<sup>72</sup> This support enabled the committee to conduct planning activities and start various projects in four different states. Main projects included the Pa Mong, Sambor and Tonle Sap as the first priority investigation (Mekong Annual Report, 1967: 23) with the Khemarat and Khone Falls projects as the second priority (Annual Report, 1969: 20).

### *Manager and Coordinator*

Development of major projects was of great importance to each riparian state so that on 31 January 1975, they signed the "Joint Declaration of Principles for Uti-

lization of the Waters of the Lower Mekong Basin (hereafter the 1975 Declaration). The core of this agreement is the joint management of not only the “mainstream but also the major tributary projects.”<sup>73</sup> Article X states that “Mainstream waters are a resource of common interest not subject to major unilateral appropriation by any riparian state without prior approval by the other basin states through the committee.” And these projects, according to Article XVII, must be presented “well in advance to the other basin states for formal agreement prior to the project implementation.” Thus, each riparian state “could effectively veto another country’s water projects.”<sup>74</sup> Just as stipulated in the 1957 Statute, decisions must also be unanimous.

**Table 2. Completed Projects (1957–1977)<sup>75</sup>**

COUNTRY/PROJECT	PURPOSE	YEAR COMPLETED
<i>Cambodia</i>		
Prek Thnot	Power	Interrupted since 1975
<i>Laos</i>		
Lower Se Done (Selabam)	Power	1970
Nam Dong	Power	1971
Nam Ngum	Power	1971
<i>Thailand</i>		
Nam Pung	Power	1965
Nam Pong	Power, Irrigation	1966
Lam Phra Plemg	Irrigation	1967
Lam Pao	Irrigation	1968
Lam Takong	Irrigation	1970
Lam Dom Noi	Power, Irrigation	1971
Nam Phrom	Power	1972
Nam Don	Irrigation	1973

It can be seen from Table 2 that projects are located in the four countries but mostly concentrated in the three except Vietnam. Factors such Vietnam’s direct involvement in the war, the recommendations of the Advisory Board (AB) and the amount of contributions of the riparian states themselves heavily influence this scenario.

Vietnam was heavily affected as it was the battleground of the war between big powers, the U.S. and the United Soviet Socialist Republics (USSR) with China. Operations of the MC in the Mekong Delta located in South Vietnam were hindered by military operations along the Cambodia-Vietnam border. This is not to imply that the other countries were not at all affected. They were affected, too, as they were also involved in the war that was going on in Vietnam during this time. However, operations of the committee were not as hindered as those in South Vietnam.

The recommendations of the advisory board composed of experts, pertaining to suitable locations of the projects, are also a factor to be considered. As for technical knowledge, this group of experts wielded influence in the sense that they were consulted and listened to by the four. As can be seen in Table 3, mainstream projects envisaged by the advisory board are located in Cambodia, Laos and Thailand but particularly between the last two. Take the Pa Mong which is located some fifteen

**Table 3. Possible Mainstream Projects on the Mekong River**

PROJECT	PURPOSE	LOCATION	ESTIMATED INSTALLED CAPACITY (KILOWATTS)	ESTIMATED IRRIGATED AREA (HECTARES)	POSSIBLE UPSTREAM NAVIGATION IMPROVEMENT (KILOMETERS)
Pak Beng	PNF	Laos	1,450,000	—	280
Luang Prabang	PN	Laos	560,000	—	110
Pak Lay	PN	Laos	60,000	—	100
Pa Mong	PINF	Laos/Thailand	1,800,000	1,500,000	340
Thakhek	PIN	Laos/Thailand	500,000	50,000	160
Khemarat	PIN	Laos/Thailand	1,450,000	50,000	260
Khone	PN	Laos/Cambodia	1,000,000	50,000	50

miles from Vientiane “where the Mekong forms the boundary between Laos and Thailand”<sup>76</sup> as an example. Once a dam is constructed in the Pa Mong site, it can produce power, control flood, and water for irrigation of about “2 million acres in Thailand and 500,000 acres in Laos.”<sup>77</sup> Moreover, as a dam that can regulate for projects downstream, “...the installation at the Sambor project can be increased from 400,000 to 625,000 kw and power costs significantly reduced. Power from the Sambor project could be used for drainage pumping in the Plaine des Joncs region in the wet season and for irrigation pumping in the dry season, using water drawn from the Great Lake and the Mekong River.”<sup>78</sup> By the 1970s, it is estimated that there were fourteen hydropower projects that could be found between these two countries.<sup>79</sup>

Another factor that should not be overlooked is the amount of contributions by the riparian states themselves. Of the four, Thailand contributed the most. Of course, it was and is the most developed among them and it is natural to think that it has the capability to do so. More so, given the serious conflicts which were ravaging the still economically fledgling newly independent Indochinese states, it was placed in a much more conducive position to focus on its economic stake over the Mekong. Thailand’s economic capability, internal political stability, manageable conflicts with the communist Thais within, being a staunch ally of the U.S., plus being the “house” of the United Nations Economic and Social Commission in Asia and the Far East (UN-ESCAPE) enabled it to benefit from the abundant available resources the UN, the U.S. and other countries/organizations were willing to offer. Thailand was thus grabbing the opportunities at hand to eagerly develop its own river resource. In fact, about two years prior to the formal signing of the 1957 Agreement, Thailand conducted its own survey of the Mekong River within its territory with the U.S.<sup>80</sup> It should be no surprise that it poured its own resources into the coffers of the MC. This huge contribution can be aptly construed in two ways. One, as a manifestation of its eagerness to develop its poorest Northeast region and obtain sources for its growing energy needs and two, of its confidence for benefits in return which is seen in the many projects it was willing to participate particularly in Laos. Thus, many projects can be found in these two.



## Conclusion

The Mekong riparian states were driven to come together and signed an agreement in 1957 to maximize the potentials of the River. In order to do so, they had to cooperate. But their cooperation did not happen smoothly due to the irritants affecting their relations brought about by historical, political and military hostilities. Nevertheless, available data show that they cooperated with each other. They met consistently (69 times) and the degree of their cooperation was quite relatively strong based on the WEIS scale (3.49). Even after a radical change in their ruling ideologies in 1975, communist countries of Laos and unified Vietnam continued cooperating. The Mekong regime was present all throughout during this period of cooperation (and even conflict). It performed crucial roles by mediating conflicts, data gathering and disseminating these knowledge and information along with the progress of the projects and obtaining funds abroad while respecting the authority and sovereignty of the riparian states. Indeed, the signing of the 1957 Agreement, the meetings convened and agreements made during these years by the riparian governments clearly showed that even political enemies in the midst of military confrontations can deal with territoriality in a positive way so long as economic gains can be obtained from developing a shared resource with the help of a water regime.

What this study implies is that a water regime is useful in mitigating, if not entirely solving, conflicts between riparian states. Its presence is helpful particularly in riparian states with histories of political, historical and military hostilities with each other. As the story of the Lower Mekong shows, it can help countries not only mitigate conflict but can also provide economic and technological benefits. Should riparian countries see the economic benefits it can provide, establishing one is not a bad idea.

Despite the best efforts exerted to show how territoriality was overcome by the four riparian states through the Mekong regime, this paper has its own limitations in terms of access mainly to one news database where newspaper articles are only in English language and focus only during the Cold War period. It could have been enriched by the following: first, access to newspaper articles in full text from 1957 from other search engines would be very useful in consistently tracing the history of cooperation (and conflict) of the Lower Mekong riparian states even including North Vietnam; second, knowledge of any of at least four languages of the Lower Mekong (Khmer, Lao, Thai and Vietnamese) would truly enrich the data; and finally, this study focused only during the Cold War era (1957–1977) where the UN and the U.S. were aggressively involved. It would be interesting to explore the post-Cold War (1990s and present) period, where China, the rising “hydro-hegemon,” started to assert its own right in developing the Mekong. How China has affected the dynamics of cooperation between the riparian states of the Lower Mekong given its existing and planned hydropower projects in the Upper Mekong since the 1990s will be of great contribution to the field of hydro-politics.

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