

POLICY BRIEF

By Apichai Sunchindah

The Lancang-Mekong River Basin: Reflections on cooperation mechanisms pertaining to a shared watercourse

The ambitious development plans for the Lancang-Mekong River Basin (LMRB) could have serious environmental, social, cultural and even geopolitical ramifications that could in turn destabilise the Mekong Subregion (MS). On the premise that frameworks for regional cooperation offer a viable route through which to manage such complex issues in a sustainable and mutually satisfactory manner, this NTS Policy Brief discusses existing and potential arrangements, elaborating on how they can leverage on each other's strengths to contribute to durable cooperation and peace.

Introduction

In recent years, the Lancang-Mekong River Basin ('Lancang' being China's name for the Mekong), or LMRB, has been the focus of large-scale development plans intended to benefit the Mekong Subregion (MS) countries and their people. However, the attendant environmental, social and cultural costs of such projects as well as their geopolitical repercussions have attracted criticisms, and led to tensions and disputes.

This NTS Policy Brief suggests that regional cooperation frameworks represent a viable route to addressing such complex and multifaceted issues, and that it is thus timely to assess their strengths and weaknesses in meeting the challenges and opportunities in the subregion, especially with regard to the management of the transboundary river system and its related natural resources.

This Brief recommends building synergies between existing frameworks. It further discusses the possibility of creating alternative mechanisms that could contribute to a more equitable, integrated and sustainable development paradigm for the LMRB. Such steps might eventually lead to durable cooperation, peaceful coexistence and shared prosperity in the subregion.

The LMRB: Opportunities and challenges

The Lancang-Mekong River, the central binding feature of the MS, traverses almost 5,000km across six countries – China and Myanmar in its upper reaches, with Vietnam, Cambodia, Lao PDR and Thailand

downstream of them. The river system provides water and food for some 70 million inhabitants, and is a major source of livelihoods. It sustains crops, livestock, fisheries and forests; serves as a waterway for goods and people; and is the focus of tourism, recreational and socio-cultural activities.

The MS has seen significant political and economic changes in recent decades: the peaceful resolution of the conflict in Indochina in the early 1990s; the integration of Cambodia, Lao PDR, Myanmar and Vietnam into ASEAN; the gradual opening of China (and especially Yunnan province, and lately, Guangxi Zhuang Autonomous Region) to its southern neighbours; and the inflow of financing, most notably from the Asian Development Bank (ADB) and countries such as China, Japan and the Republic of Korea (ROK).

These shifts have given impetus to ambitious development plans to harness the potential of the LMRB, through hydropower, flood control and irrigation projects, and also river navigation schemes. Many of these are intended to raise incomes and productivity as well as promote cooperation and peaceful coexistence among countries in the subregion.

However, development activities such as dam construction and navigation channel improvements come at a cost – to the environment as well as to the social and cultural fabric of the river basin. Such impacts compound the stresses from population growth, climate change and other competing needs and interests such as urbanisation, industrialisation and agricultural intensification, thus increasing the risk of tensions and confrontations. Such problems could in the end negate the positive impacts envisaged for the development schemes.

Recommended citation: Apichai Sunchindah, 'The Lancang-Mekong River Basin: Reflections on cooperation mechanisms pertaining to a shared watercourse', *NTS Policy Brief*, no. PO13-01 (Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies, 2013).

This NTS Policy Brief follows from discussions at the Policy Roundtable on Asian Non-Traditional Security held on 30–31 July 2012 in Beijing. The event was supported by the MacArthur Foundation's Asia Security Initiative; and organised by the RSIS Centre for Non-Traditional Security (NTS) Studies, the Center for Regional Security Studies (CRRS) and the National Institute of International Strategy (NIIS) of the Chinese Academy of Social Sciences (CASS) and the Center for Non-Traditional Security and Peaceful Development Studies (NTS-PD) at Zhejiang University.

Upstream-downstream as well as lateral riparian issues are likely to appear or intensify as a result of such pressures. Particularly contentious would be the allocation of water for different uses – between countries, within a country or even between population groups and over time. Tackling such issues would require platforms to facilitate dialogue between and among states. The MS already has several frameworks for cooperation. Could these potentially help to bring together countries to resolve common issues, or is there a need for new mechanisms? The next sections investigate these questions.

Cooperation frameworks

Major development plans in the MS emerged as far back as half a century ago with the establishment in 1957 of the Mekong Committee – made up of Cambodia, Lao PDR, Thailand and Vietnam. However, wars and conflicts in the region put on hold large-scale, region-wide schemes. It was only with the conclusion of the Cambodian peace accords in the early 1990s that

major projects could proceed, and more frameworks for development cooperation arose. Table 1 provides a snapshot of active major frameworks with direct relevance to water and/or natural resource-related issues in the MS.

The MRC

The framework with the longest history in the MS is the Mekong Committee which was established in 1957, and its successor, the Mekong River Commission (MRC), which came into existence in 1995. In the opening paragraph of the 1995 MRC Agreement, the four riparian member countries of the lower Mekong – Cambodia, Lao PDR, Thailand and Vietnam – stated the collective desire to ‘[continue] to cooperate in a constructive and mutually beneficial manner for sustainable development, utilization, conservation and management of the Mekong River Basin water and related resources’.¹

The MRC currently runs about a dozen programmes and initiatives, covering basin development; integrated water resources management (IWRM);

Table 1: Active major frameworks for cooperation in the Mekong Subregion (MS) with direct relevance to water and/or natural resource-related issues, as of February 2013.

Framework	Year established	Membership
Mekong River Commission (MRC)	1957 as the Mekong Committee; became the MRC in 1995	ASEAN4; China and Myanmar are dialogue partners
The Greater Mekong Subregional Economic Cooperation Program (GMS Program)	1992; initiated by the Asian Development Bank (ADB)	ASEAN5 + China
ASEAN-led initiatives with China	1996 onwards	ASEAN10 + China
Agreement on Commercial Navigation on Lancang-Mekong River	2000	ASEAN3 + China
Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS)	2003	ASEAN5
Mekong-Japan	2007	ASEAN5 + Japan
Mekong-US (Lower Mekong Initiative or LMI)	2009	ASEAN5 + US
Mekong-Republic of Korea (ROK)	2011	ASEAN5 + ROK

Key

ASEAN3: Lao PDR, Myanmar, Thailand.

ASEAN4: Cambodia, Lao PDR, Thailand, Vietnam.

ASEAN5: Cambodia, Lao PDR, Myanmar, Thailand, Vietnam.

ASEAN10: All ASEAN member countries (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam).

sustainable hydropower; environment, climate change and adaptation; flood management and mitigation; drought management; fisheries, agriculture and irrigation; navigation; information and knowledge management; and integrated capacity building. In addition to its four member countries, the MRC has two dialogue partners – Myanmar and China. The two upper riparian countries regularly attend MRC meetings; and China exchanges some hydrological information with the MRC on a periodic basis.

The GMS Program

Another major framework, the Greater Mekong Subregional Economic Cooperation Program (GMS Program), was established by the ADB in 1992 with the aim of strengthening economic linkages and collaboration between Cambodia, China (Yunnan province), Lao PDR, Myanmar, Thailand and Vietnam. China's Guangxi Zhuang Autonomous Region joined the programme in 2004. The GMS Program has focused primarily on promoting and facilitating economic and infrastructure development – transportation systems and other economic networks and corridors; energy grids and power interconnections; cross-border movements of goods and people; telecommunications links – with the aim of achieving greater subregional integration.

ASEAN

ASEAN was formed in 1967, and up to the mid-1990s comprised Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore and Thailand. The Mekong countries of Cambodia, Lao PDR, Myanmar and Vietnam joined ASEAN in the last decade of the 20th century. Today, the regional grouping is a significant player in the MS, driving various mechanisms and initiatives. It established the ASEAN Mekong Basin Development Cooperation (AMBDC) forum – a framework that brings together ASEAN countries and China – in 1996.² Cooperation on the development of the Mekong basin also features prominently in the ASEAN-China Free Trade Area agreements as well as the plan of action for strengthening ASEAN-China strategic partnerships.

Agreement on Commercial Navigation on Lancang-Mekong River

The four uppermost riparians in the LMRB, namely, China, Lao PDR, Myanmar and Thailand, signed an agreement in 2000 to develop the shared river for international passenger and cargo transport, with a view to promoting and facilitating trade and tourism and to strengthening cooperation on commercial navigation.³ The volume of trade in various goods between the four countries has since increased significantly; but that agreement has also led to the

dynamiting and dredging of certain sections of the river to improve navigation safety, thereby altering the river's hydrological and ecological system to a certain degree.

The ACMECS

The Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), launched in 2003, aims 'to bridge the economic gap among the original four countries [Cambodia, Lao PDR, Myanmar and Thailand; Vietnam joined in 2004], and to promote prosperity in the subregion in a sustainable manner'.⁴ The rationale is that this will 'not only benefit the four countries, but also add value to ASEAN and its solidarity'.⁵ To that end, the ACMECS will 'act as a catalyst to build upon existing regional cooperation programs and complement bilateral frameworks'.⁶

Cooperation with Japan, the US and the ROK

Japan, the US and the ROK are other countries with development cooperation arrangements with MS countries. The Mekong-Japan forum was established in 2007 and is currently implementing a joint action plan;⁷ while a Mekong-ROK partnership was initiated in 2011 and has reported on the latest progress in its implementation.⁸ The US recently committed a significant sum over the next three years to the Lower Mekong Initiative (LMI) launched in 2009.⁹ It also initiated in 2011 the Friends of the Lower Mekong (FLM) forum with the aim of reducing duplication of assistance efforts and promoting dialogue and coordination among parties with a common interest in the MS. The FLM forum has included representatives from Australia, the European Union (EU), Japan, New Zealand, the ROK, the ADB and the World Bank in addition to the five core riparian member states. What is striking is that China is the only influential riparian country in the MS that has not been participating in the FLM, by design or otherwise.

Assessment of key frameworks

Three frameworks – the MRC, the GMS Program and ASEAN – clearly play broader and deeper roles in the MS than the others. These frameworks are well-established, and have under their fold all six riparian states in the subregion, either as members or as observers. It would thus be necessary to look at their strengths and weaknesses in greater detail.

The MRC

The MRC is central to the management of the lower Mekong River Basin (MRB). Its mandate of ensuring 'reasonable and equitable utilisation'¹⁰ of the waters of the river basin puts it in the ostensible position of

arbitrator and/or gatekeeper with respect to decisions on the use of water resources and its quality. It is involved in formulating guidelines and procedures for maintenance of flows on the mainstream as well as water quality, water use monitoring, notification, prior consultation and agreement, among others. It is also responsible for ensuring adequate protection of the environment and maintaining ecological balance in the river basin. This role has seen it increasingly focus on applying good environmental governance principles, developing transboundary environmental impact assessments (EIAs) and risk analyses, and strengthening its environmental conflict mediation and management capacity.

While such efforts represent marked progress from its former emphasis on purely technical issues, the arbitration/gatekeeping role of the MRC is still relatively weak. This was evident from the recent deliberations on the controversial Xayaburi hydroelectric power project, the first dam to be constructed on the lower Mekong mainstream. Differences of opinion among the subregion's riparian states – and between some of those states and the MRC's various donors known collectively as Development Partners – have been ongoing since 2010, and are yet to be resolved to mutual satisfaction.

The difficulties faced by the MRC in achieving consensus on crucial transboundary matters are further compounded by the fact that China and Myanmar, the LMRB's two uppermost riparian states, are not yet full members of the framework. The MRC is also handicapped by its dependence on funds from agencies outside the region. The fact that the executive heads of the Mekong Committee and the Chief Executive Officer of the MRC Secretariat have all been from non-riparian nations also reflects such realities.

In the face of these challenges, the MRC has nevertheless stepped up its efforts. It has strengthened cooperation with other key MS players. For instance, it has undertaken joint activities with the ADB, and participated in meetings with other institutions, including the ADB and ASEAN, the latter of which signed an MOU on cooperation with the MRC in 2010. Lately, there has been growing interest in, and funding for, key MRC programmes. This shows that the MRC's Development Partners increasingly recognise the importance of addressing the MRB's sustainable development issues and the MRC's potential capacity to play a significant role in the process.

The GMS Program

Initiated by the ADB, the GMS Program has generally not given high priority to issues related to natural

resources and the environment. This could however change. The GMS Strategic Framework for 2012–2022 and the new GMS Atlas of the Environment acknowledge the link between large development projects (such as hydropower dams) and potential risks related to equity, social and environmental issues. The GMS Atlas highlights 'the importance of protecting the productive capacity of freshwater ecosystems from the impacts of these changes'.¹¹

The GMS Program has also fostered collaboration between the ADB and the MRC on projects such as flood management and control measures and studies to explore opportunities for closer cooperation between the two institutions. These could serve as a platform for a basin-wide integrated approach to natural resources management. The ADB's role has become more significant in recent years due to heightened efforts to integrate the Mekong countries with other ASEAN countries with the aim of creating an ASEAN Community by 2015.

Although the GMS Program, by virtue of its having all Mekong riparian countries under its umbrella, is ideally placed to address the critical transboundary natural-resources and environment issues facing the subregion, its ability to tackle such sensitive and well-entrenched matters is doubtful. It has not done much to deal substantively with Mekong mainstream water-related issues despite the formation of a Working Group on Environment, the launching of the GMS Biodiversity Conservation Corridors initiative in 2005 and the publication of the GMS Atlas.

It could be that the ADB, being a multilateral development bank, has deliberately taken an apolitical and neutral approach, one focused on economic and infrastructure development where there is less likelihood of disagreements and which dovetails well with its strengths as a lending institution. As a consequence, in the eyes of the GMS countries, the ADB is only an external catalyst, coordinating and mobilising the necessary technical and financial resources required for implementing the GMS Program, rather than an indigenous, or even endogenous, entity.

ASEAN

ASEAN has the advantage of having a broad agenda that covers political and security as well as economic and socio-cultural dimensions, the latter of which include areas such as culture and information, social development, and environmental and transnational issues. Also, five of the riparian states in the LMRB are members of ASEAN. The sixth, China, has been an ASEAN Dialogue Partner since 1996. ASEAN has been playing a role in the MS as far back as the mid-1990s, when it formed the AMBDC forum (mentioned earlier when discussing ASEAN in the section on 'Cooperation

frameworks'). The forum invites the ADB and the MRC to participate in its meetings, thus enhancing networking and collaboration.

Of note is that, in recent years, ASEAN-China relations have grown by leaps and bounds, with the MS seen as a priority area in the frameworks on cooperation agreed between the two sides. The Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity (2011–2015) has a subsection on development cooperation in the subregion.¹² There is also scope for collaboration on issues affecting the subregion under the 2009 ASEAN Socio-Cultural Community (ASCC) Blueprint, the Initiative for ASEAN Integration (IAI) Work Plan 2 (2009–2015) and the China-ASEAN Strategy on Environmental Protection Cooperation (2009–2015). The Action Plan to implement the latter is jointly coordinated by the ASEAN Secretariat and the China-ASEAN Environmental Cooperation Center (CAEC) established in 2010 and headquartered in Beijing.¹³ The CAEC's Division for Policy Research is tasked with conducting research on 'environmental protection strategies and policies within the framework of China-ASEAN and ASEAN', including, among others, 'environmental issues in the Greater Mekong Subregion'; and its Division of General Affairs is responsible for 'supporting national environmental management of trans-boundary watersheds' as one of its functions.¹⁴

ASEAN's relatively substantive relationship with China could also facilitate constructive engagement on sensitive issues pertaining to the LMRB. On this, the manner in which the South China Sea issue – which involves competing territorial claims by China, Taiwan, the Philippines, Vietnam, Malaysia and Brunei Darussalam – had been handled could be instructive. The 2002 Declaration on the Conduct of Parties in the South China Sea¹⁵ demonstrated political will on the part of both ASEAN and China to manage conflicts peacefully and to cooperate with each other. Despite recent setbacks, that agreement could in principle still serve as a model for developing a cooperation framework for transboundary management of freshwater and related resources in the MS. The configurations of the basic issues in both cases are similar, with four to five ASEAN countries and (greater) China sharing and/or contending over a common resource.

Noteworthy with regard to potential avenues for resolving Mekong issues is ASEAN's commitment to integrated water resources management (IWRM).¹⁶ The grouping established a Working Group on Water Resources Management (WGWRM) in 2002. The 2005 Bali Ministerial Declaration on Water Resources Management in Southeast Asia, attended by representatives of countries in the

region, underscored the commitment to IWRM principles. A few years later, the 2009 ASCC Blueprint stated as one of its strategic objectives the promotion of 'sustainability of water resources to ensure equitable accessibility and sufficient water quantity of acceptable quality to meet the needs of the people of ASEAN'.¹⁷ These directives could be leveraged by the WGWRM to address some of the Mekong upstream-downstream riparian issues since one of the specific actions under the ASCC Blueprint is to 'promote the implementation of integrated river basin management by 2015'¹⁸ and the ASEAN IAI Work Plan 2 aims to 'lend more support to the Mekong River Commission to enable comprehensive integrated water resources management of the region'.¹⁹ Doing so would add relevance and significance to the role of the WGWRM as well as that of the AMBDC forum and the MRC – a possible overall win-win strategy.

ASEAN, with its multidimensional interests and its relatively comprehensive relations with China, is certainly better positioned to address the multifaceted issues facing the subregion. However, it would first need to rebalance its priorities towards concerns related to natural resources and the environment (shifting from its current preoccupation with political/security and economic integration). It would also have to overcome institutional inertia stemming from its consensus-driven approach to decision-making and adherence to the non-interference principle.

It needs to be noted that ASEAN's suitability in no way precludes or replaces other parties or bodies, existing or planned, from engaging in the development process in the LMRB. In fact, it might be useful to consider the possibility of forging a strategic alliance among the 'troika' agencies, with ASEAN spearheading the political/security sphere, the ADB leading in the economic and financial arena and the MRC providing technical support and performing analytical work, thereby allowing all three to play to their niches and comparative advantages.

Conclusions and recommendations

The approach taken in solving water-related problems often depends on the perspective or paradigm that is adopted. Water, as an essential substance for all living organisms and most human activities, is power. While water flows naturally downstream, it is equally self-evident that the power to control water lies upstream. As people are the source of essentially all water resource conflicts, the solution lies with human beings and their institutions putting in place fair, efficient and sustainable systems of water governance with adequate compensation and proper safeguards built in.

Incorporating IWRM principles into the appropriate geopolitical-institutional setting at the proper time could serve to advance the goals of conflict prevention and management in relation to transboundary water issues. As noted earlier, there is now a proliferation of Mekong-oriented frameworks initiated by various parties. These often overlap in many ways as each has its own agenda and is driven by its own vested interest. Better coordination, rationalisation and alignment would be needed to keep duplication to a minimum, while maximising complementarities and mutual trust. The most appropriate cooperative frameworks should also be those where all key stakeholders are represented as equal partners and where exclusion of any major player is avoided.

Interestingly, the late Chinese Vice Premier and Foreign Minister Marshal Chen Yi, during a visit to Burma (Myanmar) in 1957, wrote a poem in dedication to the mutual friendship between the peoples of the two countries:²⁰

*I live in the upstream
And you live in the downstream
Our eternal friendship flows with
The same river water we both share.*

Or in Chinese,

我住江之头，
君住江之尾。
彼此情无限，
共饮一江水。

This Lancang-Mekong cooperation spirit expressed back in 1957 could be applied to both the upper and lower basins but in a pluralistic fashion, with the lower riparian countries taking a more legal-institutional approach and the two uppermost riparian nations pursuing a diplomatic-political and less formal approach. Both types of expressions of cooperative spirit should be fostered and the synergies promoted to serve as the inspiration to work towards sustainable and equitable development of the LMRB.

What is further required are enlightened leadership, goodwill and trust, multi-stakeholder fora and/or proactive champions to help make this happen. As noted in a 2009 report prepared by the Asia Society's Leadership Group on Water Security in Asia, water availability will be a key issue in the foreseeable future. It suggests that '[b]alancing competing interests over water allocation and managing scarcity will require stronger institutions. Efforts should focus on strengthening capacities to engage in preventive diplomacy focused on water and developing integrated water management and conflict prevention capacities where needed'.²¹

At the time of this writing, the Thai Foreign Ministry has plans to hold an International Conference on Sustainable Development in the Lancang-Mekong Sub-Region sometime in 2013. The aim is to bring together the foreign ministers of all the six riparian states, so as to promote cooperation in addressing the subregion's various challenges by building trust and partnerships that could enhance economic progress and sustainable development that ultimately benefits the people.

As 'a platform for high-level policy dialogue between China and the international community in the environment and development field',²² the China Council for International Cooperation on Environment and Development (CCICED) could be suited to the task of channelling and addressing issues pertaining to the sustainable development of the LMRB. The CCICED is involved in analysing key environment and development issues confronting China, and providing policy recommendations to China's policymakers. The CCICED is also well-supported by a host of international development cooperation agencies, research/academic institutions and relevant corporate entities concerned with environment and development. It should be mentioned that the CCICED commissioned a task force study back in 2004 on 'Promoting Integrated River Basin Management and Restoring China's Living Rivers'.²³

It is noteworthy that China's Vice Premier (now Premier-designate) and Chairman of the CCICED, Mr Li Keqiang, in his opening remarks at the CCICED's 2012 annual general meeting, indicated that '[China] will take ecological conservation and environmental protection as an important area for opening up' and 'continuously strengthen environmental cooperation with other countries and international organizations'. He stressed China's commitment to ecological progress, stating that the country 'will further facilitate the enforcement of international environment conventions and protocols, assume [its] due obligations based on the principles of common but differentiated responsibility, equity and respective capability to jointly address global climate change and promote the cause of environment and development of the mankind'.²⁴

The three key cooperative frameworks discussed in this NTS Policy Brief – the MRC, the GMS Program and ASEAN – all engage with donor parties or development partners. The Mekong countries could take advantage of the opportunities this affords to engage with partner agencies in order to promote concerted action on the critical problems facing the LMRB. It is also worth looking into the possibility of interfacing with, and establishing some kind of cooperative arrangement between, one or more of these frameworks and the CCICED and/or the CAEC

mentioned earlier where all key stakeholders as well as relevant external parties can gather together to deliberate issues of shared interest and concern.

On a final note, it is worth emphasising that several principles would be important in creating and maintaining durable systems of cooperation and dialogue to address the water-related challenges facing the LMRB:

- Shared concerns and common issues must be addressed in a cooperative spirit and involve all concerned stakeholders. The right balance between national and regional interests must be struck.
- An environment of trust must be developed and fostered, with opportunities created to allow diplomacy to work.
- A platform for discussing viable approaches for managing trade-offs (satisfactory sharing of benefits and costs), and for working out areas of mutual interest and joint solutions, including appropriate forms of dispute settlement mechanisms, must be made available.
- Concerned parties would do well to initially aim for the low-hanging fruits, the issues that are least contentious and where consensus is easiest to reach, before moving on to tackle more difficult or controversial ones.
- Finally, there is a need to follow English novelist Jane Austen's principles of conducting affairs with less 'Pride and Prejudice' and more 'Sense and Sensibility'.

Notes

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⁵ Ibid.

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⁷ *Mekong-Japan Action Plan for Realization of the 'Tokyo Strategy 2012'* (10 July 2012), http://www.mofa.go.jp/region/asia-paci/mekong/fm1207/pdfs/jm05_ap3.pdf

⁸ 'Co-chairs' Statement of the 2nd Mekong-ROK Foreign Ministers' Meeting', 10 July 2012, http://www.acmeecs.org/fileadmin/Development_Partner/Korea/Co-Chairs_Statement_2_Mekong-ROK_FMM.pdf

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¹⁴ 'Main functions', *China-ASEAN Environmental Cooperation Center* (n.d.), <http://chinaaseanenv.org/english/aboutcaec/main/271544.shtml>

¹⁵ *Declaration on the Conduct of Parties in the South China Sea* (4 November 2002), <http://www.asean.org/news/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>

¹⁶ Global Water Partnership, 'What is IWRM?' (2012), <http://www.gwp.org/The-Challenge/What-is-IWRM/>

¹⁷ ASEAN, *ASEAN Socio-cultural Community Blueprint* (Jakarta: ASEAN, 2009), para. 39, <http://www.asean.org/archive/5187-19.pdf>

¹⁸ Ibid.

¹⁹ ASEAN, *Initiative for ASEAN Integration (IAI) Strategic Framework and IAI Work Plan 2 (2009–2015)* (Jakarta: ASEAN Secretariat, 2009), section D9, [http://www.asean.org/images/2012/Economic/AIA/IAI Work Plan 2 \(2009-2015\).pdf](http://www.asean.org/images/2012/Economic/AIA/IAI%20Work%20Plan%20(2009-2015).pdf)

²⁰ 'Roundup: Frequent visits render kindred Sino-Myanmar ties closer', *People's Daily*, 17 July 2000, http://english.people.com.cn/english/200007/17/eng20000717_45628.html

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²² China Council for International Cooperation on Environment and Development (CCICED), 'Home page', <http://www.cciced.net/encciced/>

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