

PERSPECTIVE

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Thailand Uses Participatory Diplomacy to Terminate the Joint Clearing of the Mekong with China

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EXECUTIVE SUMMARY

- Thailand has decided to terminate a navigation improvement project with China in a segment of the Mekong River. This after lengthy efforts to convince China of its environmental and social concerns.
- Nearly half of the Mekong River flows through China, giving it considerable leverage over how the river is used.
- Since the early twenty-first century, China has expanded navigation channels in the Mekong to allow its ships to carry heavy cargo to Thailand's river ports.
- Thailand, using a constitutional requirement to conduct public hearings on international agreements that have an impact on territorial, economic or social interests, used the findings of those hearings at the negotiating table with China to strengthen its position, and to secure the consent of China to end the project.
- Thailand had another reason to end the project. This was due to its concern that the borderline with Laos was being affected by the collaboration with China.

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INTRODUCTION

Thailand's cabinet agreed on 4 February 2020 to put an end to a Chinese-led project to improve the navigation channel in a segment of the Mekong River. The move followed fierce resistance by local residents and conservationists fearful of the severe environmental and social impact of the project. The cabinet resolution indicated that the 20-year-old project was no longer receiving financial backing from the ASEAN-China Maritime Cooperation Fund, and "therefore the project has been ceased. There will be no continuation of the project unless member countries agree [to push forward] via diplomatic channels to continue."¹

Conservationists praised the Thai cabinet's decision, saying it was a "welcome development"² that could signal a shift in how downstream Mekong states deal with their giant neighbour China's development ambitions. They said that it was also the culmination of decades of campaigning by those in Thailand devoted to the well-being of the Mekong, who had tirelessly raised their concerns to the authorities of the two countries over the dangers that the project posed.³

This Perspective considers this decision concerning the future of the Mekong River in light of the asymmetrical relations between the upstream Chinese colossus and its smaller downstream neighbour, Thailand. While scholars might come up with different terms for China's position in the international system, such as rising power⁴ or paramount power,⁵ what all of these terms have in common is an emphasis on China's superior position in dealing with countries in Southeast Asia. With differences in territory, population, economy; in military strength; in political clout; and in the role that domestic civil society plays, Thailand and China share the same goal: to utilize the Mekong for their respective economic development and mutual interest. However, the importance of the river to the two countries is not necessarily equal. Of the 4,880 kilometres of the total length of the Mekong, 2,161 are within China, while Thailand shares 976 kilometres of the river as its natural boundary with Laos. China utilizes the river much more than Thailand, as it has built a series of dams along the portion flowing through its territory, where the river is called the Lancang Jiang. While the dams mainly generate electricity for China, their reservoirs also enable China to manage water flow for different purposes including to facilitate navigation in the river.⁶ Thailand utilizes the river mostly as a source of water for agriculture and for commercial navigation and tourist cruises. Clearing the waterway of obstacles to navigation would also bring unequal benefits to the two countries. China tends to gain more than Thailand.⁷

An abundance of resources, materials and technology enables China, as a superior state, to adopt a more proactive foreign policy than Thailand, a smaller state with a narrower range of options. But that is not the end of the story. This paper suggests that small countries in general can resort to multilateral cooperation, liberal values and public participation in foreign affairs in dealing with large countries.

A CANALIZED MEKONG

China's policy to use the Mekong as transportation link with its neighbours in Mainland Southeast Asia dates back to the early 1990s, when Beijing saw the importance of

unleashing trade and tourism in the country's southwestern region. Notably, this would mean connecting it with the regional economic dynamo, Thailand.

A joint survey on the part of China, Myanmar, Laos and Thailand undertaken in 1993 revealed the great economic potential of commercial navigation on the Mekong. It led to the Agreement on Commercial Navigation on the Lancang-Mekong River signed in April 2000. A year later, a memorandum of understanding among the four signatories for implementation of the agreement, along with six annexes, was also finalized. One of those annexes included guidelines on the maintenance and improvement of the navigability of the Mekong to ensure safe and smooth passage for vessels, to allow increases in the tonnage of navigating vessels, and to reduce transportation costs.⁸ The signatories also set up the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) in June 2001 as a multilateral mechanism for coordinating work in this area.

Beijing projected that by 2025, the transportation of goods and passengers on the Mekong would boom to a cargo volume of 6.45 million tons, and with 3.3 million passengers travelling along the river each year.⁹ Therefore, navigation on the Mekong badly needed to be improved. According to the agreement, the memorandum and the guidelines, both the navigation channel within China's territory from Simao Port to China-Myanmar-Laos Boundary Marker 244 and the 631-kilometre-long navigation channel from China's border to the Laotian city of Luang Prabang were to be upgraded to accommodate vessels of 500 deadweight tonnage (DWT) by 2025.

Improvement of navigation channels meant blasting to remove obstacles, including rocks, rapids, underwater shoals and other hazardous obstructions affecting navigation. Facilities to aid navigation would be installed to ensure the safety of vessels on the Mekong.

To these ends, China has allocated budgetary, technological and other resources to improve the navigation channel in the Mekong not only within its territory but also outside the country since 2002. It blasted rocks and rapids to clear the waterway at 16 locations on the Mekong where it forms the China-Myanmar and Myanmar-Laos borders in 2002-2003. Work on the lower parts of the river — notably the section between the Golden Triangle and the Laotian border town of Houaysai, opposite Thailand's Chiangkhong district — has been conducted on and off over nearly two decades. Technical problems and local resistance have slowed this work, however.

At present, the 74 kilometres of navigation channels within Chinese territory, from the port of Simao port to the Nuozhadu transport hub, can accommodate vessels of 500 DWT throughout the year, while the 185-kilometre stretch from Nuozhadu to the China-Myanmar border allows navigation by vessels of 300 DWT. Some 300 kilometres of navigation channels between the China-Myanmar border and Houaysai are able to accommodate vessels of 150 DWT throughout the year and vessels of 200-300 DWT seasonally. Another 300 kilometres of navigation channels from Houaysai to Luang Prabang have neither been improved nor seen the installation of aids to navigation. This section is navigable only for vessels of 60 DWT in the shallow dry season.¹⁰

Table 1. Navigation Channel Conditions on the Mekong River from Simao to Luang Prabang.

Section	Length (km)	DWT of navigating vessels	Navigation channel dimensions (meters)
Nandeba area of Simao Port to Nuozhadu Hub	74	500 DWT throughout the year	1.2×30×180
Nuozhadu Hub to China-Myanmar Boundary Marker 243	185	300 DWT	2.0×40×300
China-Myanmar Boundary Marker 243 to China-Laos-Myanmar Boundary Marker 244	31	150 DWT throughout the year and 200-300 DWT seasonally	1.2×30×180
China-Laos-Myanmar Boundary Marker 244 to Houaysai, Laos	300	150 DWT throughout the year and 200-300 DWT seasonally	1.2×30×180
Houaysai to Luang Prabang	300	Never improved or maintained, \; some simple aids to navigation, and wide and shallow sections navigable for vessels of 60 DWT in the dry season.	

Source: Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN).

The focus of this paper is on the 96-kilometre-long section of the Mekong that forms the border between Thailand and Laos from, on the Thai side, Chiangsaen to Chiangkhong and then Wiangkaen districts.

With financing from the ASEAN-China Maritime Cooperation Fund, Beijing made another push starting several years ago to continue the project. It hired its own CCCC Second Harbor Consultant Company to conduct an environmental and social impact assessment.¹¹ Thailand's Team Consulting Engineering and Management was also commissioned to conduct public hearings with local stakeholders including residents and conservationists. It took a year, from April 2016 to April 2017, for the Chinese enterprise to conduct its survey and primary assessment of the environmental and social impact of the project. The Thai cabinet agreed on 27 December 2016 to allow Thai experts and representatives to join the process. Public hearings were held seven times in the Northern Thai border province of Chiang Rai in September 2017 with a total of 811 stakeholders attending, and three times in January 2019 with a total of 513 participants. Thailand's 2017 Constitution requires such

public hearings on any agreement with foreign countries which can potentially alter the country's territorial boundaries or have social and economic implications.

PEOPLE'S PARTICIPATORY DIPLOMACY

Thai residents along the Mekong, led by the Rak Chiangkhong or "Love Chiangkhong" group and the Network of Thai People in the Eight Mekong Provinces, strongly opposed the project from the beginning on the grounds that the blasting would damage the environment, the ecological system in the river and fishery resources and that it would cause river bank erosion and have an impact on the natural boundary line between Thailand and Laos.¹² Among the obstacles in 13 locations to be blasted out, they mostly highlighted the 1.6-kilometre-long section known as the Khon Pi Luang rapids, just above Chiangkhong. This section is apparently a perfect fish breeding ground.¹³ They lodged a number of petitions with Thai authorities after the December 2016 cabinet resolution to allow the blasting of the rapids, actively participated in public hearings, and submitted an open letter to Chinese President Xi Jinping expressing their concerns.¹⁴

Initially, Thai authorities maintained their stance in support of improvement of the navigation channel for smooth and safe passage. They foresaw minor negative impact on the environment and the livelihoods of people along the river.¹⁵ The National Council for Peace and Order junta even invited the Rak Chiangkhong group to a dialogue in April 2017 to promote better understanding of the project and to ask it not to use violent means to block the environmental assessment process while the Chinese consultant was working on the ground.¹⁶ The Thai foreign ministry also took local concerns into account. Officials met with representatives of the group to listen to their concerns, starting in May 2017.¹⁷ The junta's Foreign Minister Don Pramudwinai raised the concerns of local stakeholders during a bilateral meeting with his Chinese counterpart Wang Yi on the side-lines of the 3rd Lancang-Mekong Cooperation ministerial meeting in Dali, China, on 15 December 2017, and hinted publicly after the meeting that the Chinese would take the Thai concerns into consideration.¹⁸

China took more than a year to consider the matter and informed Thailand of its decision to drop the project when Don met Wang Yi again in Chiang Mai on 15-16 February 2019. An official statement from the Thai foreign ministry issued after the meeting said, "China noted the views from the various parties regarding the blasting of rocks and rapids in the Mekong River, which will affect the Thailand-Laos borderline and the livelihoods of the people along the river, and agreed to cooperate with the Thai side's proposal to terminate the said project."¹⁹ Don also discussed the matter with Chinese officials at the provincial level when he met with Chen Hao, secretary of the Yunnan Provincial Committee of the Chinese Communist Party, on 28 March 2019. But this time, he simply thanked the Chinese for their decision to scrap the project. "In response, Chen Hao reiterated that the Yunnan government's policy was to cooperate and preserve the Mekong River."²⁰ In April 2019, Foreign Minister Don wrote a letter to Niwat Roikaew, the head of the Rak Chiangkhong group and the Network of Thai People in Eight Mekong Provinces to update them on his diplomatic efforts and to note that he had emphasised the importance of Mekong River as "a river that breeds and nourishes lives and the livelihood of riparian peoples and that is not a commercial river."²¹

On the multilateral front, Thai representatives to the joint working group of the quadripartite pact expressed reservation during a meeting on 9-16 January 2019 in Wuhan, China, to the effect that the environment and social impact assessment report was far from perfect. They asked that the CCCC consultant revise it. The revised report was submitted to a meeting of the JCCCN on 26-27 March 2019 in Pattaya. That meeting turned out in fact to be meaningless since the decision-makers in Beijing and Bangkok had already cut a deal earlier. Nevertheless, Chinese officials informed the meeting that Beijing would no longer allocate budgetary resources for the project. The Thai delegation also notified the meeting that the foreign ministry had already asked the Chinese authorities to bring the project to a halt.

DECISIVE FACTORS

In making its decision to scrap the project, the Thai cabinet reasoned that the primary assessment report prepared by CCCC was not convincing despite several rounds of revision; that local people had raised many serious concerns over the implications of the project for the environment and for their livelihoods; and, more importantly, that it had implications for the boundary line in the Mekong between Thailand and Laos. It is understandable that the blasting of underwater objects in 13 locations on the Mekong would affect the thalweg, which determines the boundary line between Thailand and Laos in accordance with 1926 Siam-Franco Treaty and the *Trace de la Frontière Franco-Siamoise du Mekong* map. The two neighbours, which had have border disputes for a long time, are in the process of boundary demarcation and have agreed not to construct or make any changes within 100 metres of the boundary line delineated a century ago. Article 1 of the 2001 guidelines on navigation channel improvement made clear that work on the channel “shall not affect the natural state of the River’s thalweg, water level in downstream areas and boundary between the countries concerned and that the environmental impact assessment to that effect has been approved.”²² The Thai foreign ministry’s Department of Treaties and Legal Affairs argued that the environmental assessment report and its model test study were not convincing in claiming that dredging and the removal of rapids and rocks underwater would not affect the thalweg.

While other Thai agencies took the concerns of local residents and conservationists into consideration, the Office of Natural Resources and Environmental Policy and Planning raised no objection to the assessment report prepared by the Chinese consultant. It simply called for more measures to protect the environment and for compensating local residents for possible damages.

Table 2. Traffic at Thailand’s Mekong ports.

	Chiangsaen		Chiangkhong	
Years	2018	2019	2018	2019
Vessels	3,044	3,347	1,398	470
Cargo (tons)	218,574	271,741	67,477	38,000

Source: Port Authority of Thailand.

There has been no further discussion on the future of the project since the Thai cabinet resolution of 4 February, and clearance of navigation channels in the Mekong would in any case not serve Thailand's interests. The current state of the channels is sufficient for the volume of water transportation on the river, and an alternative route is available. Traffic on the Mekong has not always increased according to predictions. Thailand's Chiangsaen and Chiangkhong ports received altogether 3,817 vessels, mostly Chinese, in 2019 — down from 4,442 vessels in 2018. More importantly, Thailand is keen on land transport, with a bridge across the Mekong connecting Chiangkhong and Houaysai having been completed in 2013. Transport is more convenient along the 1,100-kilometre-route from the Thai via Laos's R3 Highway to Kunming in China's Yunnan Province. In the meantime, the US\$ 6 billion railway project linking the China-Laos border to Vientiane via Luang Prabang is due for completion in 2021. That will offer still more alternatives for transportation in the Mekong sub-region.

CONCLUSION

Thailand's decision to scrap the clearing of navigation channels in the Mekong reflects a new dimension both in the country's relations with China and in Thai diplomacy. Beijing has adopted an approach to the countries downstream on the Mekong centred on the idea of its "peaceful rise" and on being a good neighbour. It has sought cooperation rather than conflict with the smaller states downriver. While economic development is the key element in China's foreign policy, the country has shown flexibility in policy implementation. It was not necessary for Beijing to push ahead with the project to clear navigation channels on the Mekong at the risk of possible conflict with people downstream; that river is after all not the only way for China to reach Southeast Asia.

Judging from the Thai foreign ministry's moves in recent years, Thailand seems to have learned how to take people's participation into account in its foreign policy and diplomacy. The government's concern over the implications of the proposed project for the international boundary on its own might not have been sufficient to convince Beijing to end the project, if not for the voices of local people in the two countries' diplomatic engagement. While the current Thai government has its roots in a military coup and embeds many illiberal values in its policies, it was nevertheless able to use public participation effectively to engage with a large country like China.

However, several other observations merit attention. First, China might not have decided to be so flexible if it had had more interest in the project and if the Mekong had been its only gateway to Southeast Asia. After all, Beijing has more bargaining power and influence than its small neighbours. Second, China has already utilized the Mekong much more than other countries. It is not necessary to mention that the environmental and ecological system of the Mekong has already been affected by other development projects and by waterway clearance upstream. There is no comprehensive scientific study of that impact. Thailand therefore continues to use environmental and social considerations in engaging China over the Mekong.

Figure: The Navigation Route on the Mekong from Simao, China, to Luang Prabang, Laos.



Source: Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN).

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- ¹ “Mati khanaratthamontri rueang khokhwamhenchop yutti damnoen khrongkan prapprung rongnam kandoenruea nai maenam lanchang maenam khong phaitai kwamtoklong kandoenrueaphanit nai maenam lanchang maenam khong pho so 2543” [Cabinet resolution on ceasing improvement of navigation channel in the Lancang-Mekong river in accordance with Agreement on Commercial Navigation on the Lancang-Mekong River among China, Laos, Myanmar and Thailand 2000], 4 February 2020.
- ² Laura Zhou, “Thailand nixed China’s Mekong blasting project. Will others push back?”, *South China Morning Post*, 22 February 2020 (<https://www.scmp.com/news/china/diplomacy/article/3051812/thailand-nixed-chinas-mekong-river-blasting-project-will>, accessed 16 March 2020).
- ³ Pianporn Deetes, “Thai cabinet halts rapids blasting project on upper Mekong”, *Asia Times*, 7 February 2020 (<https://asiatimes.com/2020/02/thai-cabinet-halts-rapids-blasting-project-on-upper-mekong/>, accessed 16 March 2020).
- ⁴ Sebastian Biba, *China’s Hydro-Politics in the Mekong: Conflict and Cooperation in Light of Securitization Theory* (London and New York: Routledge, 2018).
- ⁵ Milton Osborn, “The Paramount Power: China and the Countries of Southeast Asia”, The Lowy Institute, paper no.11, 2006.
- ⁶ Milton Osborne, “The Water Politics of China and Southeast Asia II: River, Dams, Cargo Boats and the Environment”, Lowy Institute Perspective, May 2007, p. 16.
- ⁷ Ibid.
- ⁸ Annex III to the Memorandum of Understanding among the People’s Republic of China, the Lao People’s Democratic Republic, the Union of Myanmar and the Kingdom of Thailand, 15 March 2001.
- ⁹ The Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River and China, Laos, Myanmar and Thailand (JCCCN). “Development Plan of International Navigation on the Lancang-Mekong River (2015-2025)”, June 2015, pp. 48-49.
- ¹⁰ Ibid., p.14.
- ¹¹ CCCC Second Harbor is an affiliate of the China Communications Construction Company (CCCC).
- ¹² Khrueakhai anurak thammachat lae watthanatham lumnamkhong-lanna, *Thammai chuea mai khuan raboet kaeng maenam khong* [Why we shouldn’t blast rapids in the Mekong] (Chiangrai: Wanida Publishing, n.d.), pp.24-26.
- ¹³ Tan Hui Yee, “Mekong clearance plan raises fears”, *The Straits Times*, 25 January 2017 (<https://www.straitstimes.com/asia/se-asia/mekong-river-clearance-plan-raises-fears>, accessed 18 March 2020).
- ¹⁴ “Rak Chiangkhong ron chotmai thueng Si Chinping kangwon pom bo chin prap rongnam phuea doenruea maenam khong [Rak Chiangkhong Group submits letter to Xi Jinping expressing concern over navigation channel improvement on the Mekong], *Prachatai*, 22 May 2017 (<https://prachatai.com/journal/2017/05/71588>, accessed 17 March 2020).
- ¹⁵ Nauvarat Suksamran, “Locals slam Mekong blasting plan”, *The Bangkok Post*, 9 January 2017 (<https://www.bangkokpost.com/thailand/general/1176681/locals-slam-mekong-blasting-plan>, accessed 18 March 2020).
- ¹⁶ “Thahan nat prathan rak Chiangkhong thok nuai kwammankhong-kromchaotha hetkan chin samruat kaeng nam khong” [Military meets Rak Chiangkhong chairman who opposes security units and Marine Department on Chinese survey of rapids on the Mekong], *Prachatai*, 26 April 2017 (<https://prachatai.com/journal/2017/04/71196>, accessed 19 March 2020).
- ¹⁷ “Krasuang tangprathet chi khuan cheracha lao rueang khetaen kon doenna raboet kaeng maenamkhong borisat thipruaksa rutklia klum anurak rabu cha wang tua penklang” [Foreign Ministry points out that boundary should be negotiated with Laos before rapids on the Mekong are

blasted, while consultant insists on its impartiality], *Transborder News*, 9 May 2017

(<https://transbordernews.in.th/home/?p=16726>, accessed 18 March 2020).

¹⁸ “Khat chin yom thoi raboet kaeng maenamkhong het phak thurakit chin thuk kotmai mai bangkhap” [China agrees not to blast Mekong rapids, Chinese business sector subject to new law], *Matichon*, 20 December 2017 (https://www.matichon.co.th/politics/news_774461, accessed 18 March 2020).

¹⁹ Thai Foreign Ministry Press Statement on “The Visit of H.E. Mr. Wang Yi, State Councillor and Minister of Foreign Affairs of the People’s Republic of China, to Thailand”, 18 February 2019 (<http://www.mfa.go.th/main/en/news3/6885/99840-The-Visit-of-H.E.-Mr.-Wang-Yi,-State-Councilor-and.html> accessed 18 March 2020).

²⁰ Thai Foreign Ministry Press Statement, “Minister of Foreign Affairs of the Kingdom Thailand met with the Secretary of Yunnan Provincial Committee of the Chinese Communist Party and the Chairman of the Standing Committee of Yunnan Provincial People’s Congress of the People’s Republic of China on 28 March 2019”, 2 April 2019 (<http://www.mfa.go.th/main/en/news3/6885/101525-Minister-of-Foreign-Affairs-of-the-Kingdom-Thailand.html> accessed 18 March 2020).

²¹ Thai Foreign Minister Don Pramudwinai’s letter to Niwat Roikaew, dated 24 April 2019, is available on the Website of the conservation organization International Rivers (https://www.internationalrivers.org/sites/default/files/attached-files/mof_letter.pdf, accessed 27 March 2020).

²² Annex III, “Guidelines on the Maintenance and Improvement of the Navigation of the Lancang-Mekong River”, *op. cit.*, p.44, and Report of Thai Transportation Ministry for the consideration of cabinet, dated 3 January 2020.

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