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Civil regulation and Chinese resource investment in Myanmar and Vietnam

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Abstract

This paper examines the localized resistance that has emerged in response to major Chinese investment schemes in mainland Southeast Asia's extractive industries. Focusing on two controversial Chinese-backed resource projects in Myanmar and Vietnam, it posits that incipient advocacy networks have contributed in each case to broader processes of civil regulation, whereby target state and corporate actors are pressured into shouldering greater corporate responsibility for their actions. Given the high levels of state restrictiveness that characterize both Vietnam and Myanmar, this is a striking development. Civil regulation—as exercised through both formal and informal channels of influence—thus stands to have profound implications not only for corporate and investment practices within this industrializing region, but also for sustainable resource governance.

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1. Introduction

Resource investment in mainland Southeast Asia is generally known for being shrouded in secrecy, characterized by negotiations arrived at behind closed doors and with project details rarely disclosed to the public. Yet, not only can the ‘by-products’ of large-scale, resource-development schemes prove detrimental to the environment—for example, when chemicals used in mineral preparation and extraction processes contaminate local water supplies—the social ramifications of these projects on local communities and livelihoods can be equally severe and long-term. Accordingly, despite the pervasive political opacity characteristic of this region, recent years have witnessed a steady rise in awareness and concern amongst the regional public over the manifold risks posed by unchecked resource extraction. In certain instances, this has come in the form of civic activism and localized resistance.

As China seeks to secure its access to vital natural resources overseas (see Hodal 2012), resource development projects backed by Chinese national companies have become major targets of civic activism and, in certain cases, outright resistance. This is mainly due to the large scale of most Chinese projects as well as the popularised view of Chinese companies, especially those operating within the natural resource sectors, as being less committed to implementing environmental safeguards and observing local customs and the rule of law. Indeed, one is reminded here of the lasting ecological footprint left by ‘China Inc.’ in such countries as Zimbabwe, Ethiopia, Cambodia, Ecuador, and Venezuela,² where investment in high-risk resource schemes are coming at a considerable cost (see Toh 2014; Bardsley 2010; *BBC* 2012). Not only have the reputation of Chinese firms been adversely affected, but dubious investment practices have also prompted questions over the disingenuity of Beijing’s so-called ‘new’ peripheral diplomacy (Li Xue and Ren She 2013).³

Adopting a comparative perspective and drawing on field research in China and mainland Southeast Asia, this paper unpacks the displays of localized resistance that have surfaced in response to Chinese investment schemes within the region’s extractive industries. Attention is directed to two controversial Chinese-backed projects in Myanmar and Vietnam: the Sino-Myanmar oil and gas pipelines project in Rakhine (Arakan) State and bauxite mining in the Central Highlands. Crucially, both cases illustrate how the emergence of nascent advocacy networks has contributed to emergent processes of civil regulation within Myanmar and Vietnam. Here, the Chinese government and its state-owned enterprises (SOEs) are pushed towards shouldering greater corporate responsibility for the adverse ramifications of their investment practices. This is a striking development, not least because of the high levels of state restrictiveness seen in both Vietnam and Myanmar that normally renders active civic engagement precarious, if not outright dangerous (see Adams 2013; *Associated Press* 2013).

Comprised of a diverse cast of non-state actors and their supporters—ranging from local activist groups and transnational non-governmental organizations (NGOs) to journalists and even parliamentarians—advocacy networks are seen here as playing a critical role in enhancing public consciousness of otherwise neglected issues of collective significance.

² The projects in question are the controversial ones that have come under public disapprobation due to their environmental and social repercussions, as well as poor labour practices. These include the Lower Sesan II hydropower dam in Cambodia, the Orinoco oil project in Venezuela, the Coca Codo Sinclair dam in Ecuador, and the Gibe III dam in Ethiopia.

³ This strategy is aimed at augmenting and reassuring China’s developing-country partners of its ‘benign’ intentions.

They can also serve as important catalysts of social change, empowering local communities and pressuring target actors into greater conformance with established standards and prevailing expectations. Representing the collective concerns and interests of a broad cross-section of society, processes of civil regulation stand to add greater pluralism to the ‘layered webs of regulatory influence’ already manifest in mainland Southeast Asia (Grabosky 1995: 528-529).

While not always successful in terms of generating immediate policy changes (e.g. cancellation or suspension of a project), these network actors can achieve procedural success by bringing about incremental and nuanced shifts in the policies of target actors. They can also contribute to inaugurating new opportunity structures within the broader socio-political environment for future generations of activists. Especially in developing-country contexts where civic activism might not be widely practiced, public opposition in one issue-area could help to create precedents and serve as a model for emulation in other areas.

Civil regulation is thus defined in this paper as the regulation of corporate conduct by the public sphere (Mason 2005: 150-154; Vogel 2010).⁴ Focusing in particular on acts of civil regulation undertaken via advocacy networks, it argues that a major function performed by these networks is to push for both ‘soft’ and ‘hard’ accountability⁵ through both formal and informal channels of influence (Fox 2007: 663-671). Here, network activists stand to effect policy change either through direct engagement with the target actors (i.e. government or company in question); indirect pressure through engagement with the affected public or host government; or some combination of both. By working to increase the costs of actor non-compliance to established standards and safeguards, civil regulation can hold noteworthy implications for improving resource governance and corporate conduct within weak regulatory settings. Within the Vietnamese and Myanmar cases, I argue that the effect of localised resistance has been such that network activists, working as external ‘game changers’, have managed to bring about better Chinese corporate practices by either appealing directly to the Chinese contractor or pressuring the host government to reconsider the project in question.

A caveat is warranted here, however. While this paper posits that this form of non-state regulation is an important mechanism that could help to encourage better—that is, more transparent and accountable—investment practices, it remains the case that effective civil regulation of foreign direct investment (FDI) and corporate conduct must be predicated upon sound policies and regulatory enforcement at the national level. Hence, the onus of responsibility still rests primarily with the various governments involved to ensure that Chinese SOEs are abiding by local laws as well as China’s own regulatory guidelines for responsible investment abroad.

This paper proceeds in five sections. The first provides an overview of Chinese resource investment in mainland Southeast Asia. The second and third sections elaborate on how localized resistance surfaced in the Vietnamese and Myanmar cases, and how this in turn gave rise to processes of civil regulation, as Chinese state and corporate actors were pressured to modify their behavior by network activists and their supporters. The fourth then

⁴ The term ‘public sphere’ is used here as it captures the diversity of network activists and their supporters, who may not always come from civil society as seen in the Myanmar and Vietnamese cases.

⁵ Soft accountability is achieved through answerability, whereas hard accountability can be arrived at through sanctions, compensation and remediation.

sets out the policy implications of incipient civil regulation for the Chinese, Myanmar and Vietnamese governments, as well as for Chinese SOEs operating within the region. The final section concludes by considering some of the developmental considerations of civil regulation for the industrializing Mekong region.

2. Chinese Resource Investment in Mainland Southeast Asia

Myanmar and Vietnam have served as major destinations for Chinese resource investment. At present, China is the largest investor in Myanmar and the twelfth largest in Vietnam (*Vietnam Investment Review* 2013).⁶ In an effort to secure the country's gas imports, which are vital to meeting rising domestic energy needs, state-owned China National Petroleum Corporation (CNPC) has invested in what is deemed to be one of Myanmar's largest resource-development schemes, involving the extraction of underwater natural gas off the country's western coast to be transported mainly to China through oil and gas pipelines. A subsidiary of the state-owned Aluminum Corporation of China (Chinalco) has likewise received licenses from the Vietnamese government for large-scale mining exploration and development.

By virtue of being state-owned, Chinese resource SOEs maintain close ties to the central government, with their corporate strategies usually aligning with the government's overarching policy directives (Marquis and Qian 2014). Ever since the liberalization of China's outbound investment regime in the late 1980s and early 1990s (Maurin and Yeophantong 2013), Chinese SOEs have been actively encouraged to internationalize and facilitate the deepening of China's bilateral economic relations with its developing neighbors. This is clearly reflected in Beijing's long-standing 'Go Out' as well as 'South-South cooperation' strategies, and in more recent policy developments such as the promulgation of the revised 'Measures for Foreign Investment Management' in September 2014, which relaxed the procedures involved in approving foreign investment projects (see MOFCOM 2014).⁷ At the same time, it deserves note that the imperative to secure and diversify the country's resource supplies is one that was stressed by Deng Xiaoping since the early 1980s. A defining component of this policy direction has been the strategy of 'two markets and two resources', which was articulated by then Vice Premier Li Keqiang at the opening ceremony of the China International Mining Conference in November 2010 (*People's Daily* 2010). Highlighting the importance of enhancing domestic resource markets and international cooperation within the resource sector, this policy directive has come to serve as the driving-force behind the development of China's 'strategic energy channels'.⁸

Well-attuned to the development aspirations of its Southeast Asian neighbours, the Chinese government has assumed a crucial role in ensuring that its SOEs are seizing the window of opportunity left open by other foreign investors, whose best practice standards are often deemed too onerous by some governments (*Wall Street Journal* 2013). The common practice of bundling investment deals with offers of development aid and concessional loans to countries like Cambodia and Myanmar is instructive in this regard. This close relationship has, however, rendered Chinese SOEs more susceptible to investing in high-risk projects. Indeed, Chinese investment has tended to flow into developing countries that have good bilateral relations with China, but which are politically unstable and suffer from a range of governance problems.

⁶ Japan is currently Vietnam's biggest investor.

⁷ It is the case that only investment in countries or regions and fields identified as 'sensitive' need to gain the Ministry of Commerce's (MOFCOM) approval.

⁸ The Sino-Myanmar oil and gas pipelines constitute one project undertaken under this policy.

In this way, considerations of political risk are prone to being sidelined in the interest calculations of these SOEs—and as discussed later, at times to their clear disadvantage. Illustrative of how broader political motives can take precedence over commercial interests is the example of the Cheay Areng dam in Cambodia. While proving commercially unprofitable due to its low power-generation capacity, plans for the dam still proceeded with Chinese financing in a bid to purportedly further Chinese political interests within the country (Yeophantong 2014).

Chinese investors are, of course, not the only parties involved in questionable business dealings within the region. Despite having robustly-worded, domestic FDI and environmental protection legislation in place, the Myanmar and Vietnamese governments have exhibited a general lack of political will and capacity to enforce this legal framework. Instead, preference is given to the extraction and export of finite natural resources as a means to drive rapid economic modernization. The fact that the two controversial resource schemes examined in this paper are being developed through joint ventures adds credence to claims of collusion between the Chinese and Mekong governments.

Concerns have likewise been raised over the corporate conduct of major Thai banks and firms in Laos and Myanmar (e.g. the Xayaburi dam and Dawei Economic Zone schemes), while a Singapore company in Cambodia was at one point involved in developing the highly controversial Boeung Kak Lake development project (de Carteret and Muihong 2014). More than a decade earlier, the construction of the Yadana gas pipeline project in Myanmar by Total, Chevron and the now-defunct Unocal Corporation had similarly spawned a protracted, transnational civil society campaign (ERI and Southeast Asian Information Network 1996). Likewise, it is worth noting that the construction of Myanmar's oil and gas pipelines also contains investment from South Korea and India.

Even so, Chinese-backed resource schemes are among those that have attracted the most controversy. The fact that Chinese companies have been investing actively within the region, particularly in countries known to suffer from governance gaps and an accountability deficit, renders the question of the extent to which Chinese overseas investment is contributing to the social and ecological wellbeing of industrialising host countries, exceedingly important. While FDI might come with the promise of increased capital inflows that could help with generating employment and alleviating poverty, policy dissonance⁹ and regulatory oversight could quickly transform a perceived blessing into an all-too-real curse.

⁹ By policy dissonance, I am referring to the gap that exists between policy adoption and regulatory enforcement.

3. Bauxite Mining in Vietnam's Central Highlands

While there is a tendency to frame the anti-bauxite protests in Vietnam as corollary to broader anti-Chinese sentiments (e.g. those pertaining to the South China Sea territorial disputes), this tells only part of the story. Bauxite mining in the ecologically-diverse Central Highlands first became embroiled in nationwide controversy during the latter half of 2008, when a wide cross-section of Vietnamese society spoke out against the government's plans to develop approximately 5.4 billion tonnes of crude bauxite ore. The environmental ramifications of bauxite mining are known to be severe, with some of the mines operating in Vietnam already producing the so-called toxic red sludge that can critically endanger the health of surrounding communities and the local ecology. Together with Chalco's involvement in the construction of two processing plants in the area, the issue quickly became framed as a 'national problem' within the public sphere.

The role played by Vietnamese advocacy networks in transforming this issue into an exigent problem demanding collective action cannot be understated. If not for the advocacy efforts of one local Vietnamese NGO in particular, activism against the Vietnamese government and Chalco's plans to mine bauxite would not have emerged otherwise. Established in mid-2007, the Consultancy on Development (CODE) was the first organisation to investigate concerns reported by the domestic press about the deleterious impacts of bauxite mining in the highlands.¹⁰ Their first field trip to the area was conducted in July 2007, with findings subsequently published in a series of articles in the *Saigon Economic Times*. Their activities soon caught the attention of local authorities, who up until then had only spoke about the benefits of bauxite mines, culminating in CODE's co-organisation with the Dak Nong People's Committee of an officially-sanctioned seminar on bauxite mining and its impacts.

Aware of their precarious existence within a highly-restrictive political space, Vietnamese civil society does not necessarily eschew working with government agencies or the bureaucracy to realize their objectives. On occasion, they may even seek to explicitly align their claims and demands with state-sanctioned ideologies, as a means to 'reach out' to potential sympathizers within the bureaucracy, whilst concomitantly contesting the validity of state discourses (see O'Brien 1996).¹¹ In this way, the language of 'national interest' and 'development' can be used and manipulated by these groups to the effect that it becomes difficult for official authorities to discount or dismiss their 'legitimized' grievances. This advocacy approach was one also utilized by Vietnamese civil society in the bauxite mining case, and is what accounts for the distinctive attributes of the resulting advocacy network—characteristics that fit somewhat awkwardly with conventional (Western) depictions of civil society as autonomous organizations with little or no formal ties to the state.

Following CODE's Dak Nong workshop, another turning-point would come to mark the rapidly-evolving anti-bauxite campaign. In January 2009, the late national war-hero, General Vo Nguyen Giap, sent an open letter to Prime Minister Nguyen Tan Dung to personally protest bauxite mining in the highlands. At this point, the bauxite mining issue was no longer only about resources; it also came to impinge on broader security concerns, as the prospect of a 'Chinese threat' in a strategically- and historically-important area galvanized people's fears of an impending 'Chinese invasion' (Interview, Hanoi, 20 March 2014). Crucially, this drew the attention of other political figures like National Assembly delegate Nguyen Lan

¹⁰ A piece in the *Saigon Economic Times* had reportedly prompted their early interest.

¹¹ This clearly resonates with the notion of 'rightful resistance'.

Dung and leader of the outlawed Unified Buddhist Church of Vietnam Thich Quang Do, both of whom participated in the heated public debates that followed the release of Giap's letter (see Morris-Jung 2013). Several Vietnamese-language websites and blogs like 'Bauxite Vietnam' also added a transnational dimension to the debate, as their websites attracted outside attention from overseas Vietnamese environmental groups such as the US-based Vietecology and outlawed political organisation, Viet Tan. The sentiments that ran high during this period subsequently became manifest in a major online petition to stop bauxite mining: of the 2,746 signatures received, at least 135 belonged to well-known Vietnamese intellectuals, who had signed the document in the face of sizable risks.

To be sure, the growing intensity of the mining debate served to hasten the expansion of the evolving network of bauxite-mine opponents in Vietnam. With a cast of outspoken and authoritative figures throwing their moral weight behind the 'stop bauxite mining' cause, this led to an outburst in public opposition to the scheme and, specifically, to China's involvement rarely seen in Vietnamese society. In fact, the focus on China's role in the issue appears to have served a dual purpose: it allowed opponents of the scheme to frame their concerns in ways that the Vietnamese government found difficult to dismiss outright (i.e. by linking the issue to national security and prominent episodes in the country's historical memory), while the nationalist sentiments that consequently became attached to the anti-bauxite campaign also served to ensure sustained public interest and attention.

Although the final outcome of Vietnam's anti-bauxite activism might appear somewhat limited—despite President Truong Tan Sang's announcement in late 2011 that Chinese investors would not be allowed to exploit bauxite reserves in the Central Highlands (*Tuoi tre News* 2011), Chalco was still granted engineering, procurement and construction (EPC) packages worth a total of around US\$10 million—pressure generated from the nationwide campaign did lead to two noteworthy policy outcomes. The first was a government-sponsored 'scientific' conference in 2009, moderated by the Vietnam Union of Science and Technology (VUST), which had signalled official acknowledgement of the concerns raised; and the second, reflecting the regulative impact that an advocacy network can have, was the Politburo's commitment to limiting the scope of mining projects and undertaking a proper EIA study. Although anti-bauxite activists did not bring about direct changes in the policy behaviour of the Chinese government or SOE involved, they were able to do so indirectly by pressuring the Vietnamese government.

This is not, however, to suggest that the campaign met with no government opposition: state repression came in the form of arrests of prominent bloggers over the course of two months in 2009 as well as repeated attempts to shut down the Bauxite Vietnam website (The Hanoiist 2010). Of significance here, nonetheless, is the fact that localized resistance against bauxite mining persisted irrespective of these restrictive conditions. Even now, the Bauxite Vietnam website is still in operation. Local civil society organizations like CODE and PanNature have also continued to cooperate with government agencies to stimulate policy dialogue on this issue and encourage the implementation of the Extractive Industries Transparency Initiative's (EITI) standards in the country's extractives sector. More recently, in 2013, a Vietnamese mining coalition was established, being comprised of seven government agencies and four civil society organizations, including CODE, PanNature and the Vietnamese Forum of Environmental Journalists (VFEJ) (Interviews, Hanoi, March 2014).

4. The Sino-Myanmar Oil and Gas Pipelines

Civil regulation and activist-network dynamics are also found in the case of localized resistance against the Sino-Myanmar oil and gas pipelines—and in particular, the Shwe gas pipeline. A joint venture between CNPC and Myanmar's national petroleum company, Myanmar Oil and Gas Enterprise, the Shwe gas pipeline underwent three years of construction and recently began operations in late 2014. Running from Kyaukphyu on Myanmar's west coast, the pipeline is to deliver an estimated 12-billion m³ of gas annually for domestic Burmese consumption, as well as to China's southwest provinces, including Yunnan and Guangxi.¹² As mentioned earlier, the project is part of the Chinese government's broader resource strategy that seeks to secure the country's access to vital energy resources: prior to the pipeline's construction, China has had to rely primarily on gas imported from strategically-volatile areas around the Malacca Strait (*Democratic Voice of Burma* 2013).

Despite government attempts to publicize the scheme as a boon to Myanmar's economic development, this has not allayed the intense opposition that has emerged over the years in Myanmar against the project. Details of the project were not properly disclosed to affected communities, with no prior public consultation having been conducted by the Myanmar government or the companies involved. When it first became clear that the natural gas extracted was destined for the Chinese domestic market, this precipitated an unprecedented '24-Hour Electricity' campaign across Rakhine State in 2011, which saw youth groups and locals staging protests in towns such as Kyauk Pru and Taungup under the united banner of 'Our Gas, Our Future' (Shwe Gas Movement 2011).¹³

Moreover, given how the project cuts across an ethnically-fragile area, this has engendered an additional slate of concerns pertaining to the project's potentially wide-ranging social, political and environmental repercussions. For example, chemical contamination in the event of leakages during the drilling process could threaten the ecology of the surrounding coastal areas. And in spite of CNPC's claims of handling land acquisition issues on the basis of 'voluntary decision' and fair compensation, accusations have surfaced over forced labour practices and land confiscation during the project's construction phase, which reportedly led to the displacement of communities on the Maday and Ramree Islands. Research undertaken by Arakan Oil Watch, a member organisation of Oilwatch Southeast Asia, has added weight to these claims, with concerns also raised over revenue transparency: the sale of Shwe gas to China is estimated to bring in over US\$29 billion to the Myanmar government over the course of the next 30 years (Interview, Chiang Mai, 2 March 2013).

Public censure of the project would, nevertheless, peak in 2013 when a series of local demonstrations were staged against the pipelines project. One of the earliest instances of mass protest within Myanmar against the scheme took place in April on Maday Island. Attended by approximately 400 people—the majority of whom were subsistence fishermen (*Radio Free Asia* 2013)—protesters marched to CNPC's office to demand the project's immediate suspension as well as adequate compensation for confiscated lands. This period also saw the establishment of the Myanmar-China Pipeline Watch Committee, an alliance of twelve civil society groups, in Mandalay. The committee has subsequently been successful in

¹² An MoU between the Chinese and Myanmar governments on the purchase and sale of the extracted gas was previously signed in 2008.

¹³ Some of whom were later detained by authorities

spearheading a signature campaign, as well as conducting a social impact assessment survey of the pipelines' impact on local communities in three affected townships in Rakhine State (Mann 2013).

Aside from the formation of domestic networks, activism against the oil and gas pipelines further showcases transnational linkages. With transnational NGOs such as the Chiang Mai-based Arakan Oil Watch, Burma Environmental Working Group (BEWG), International Federation for Human Rights (FIDH), and EarthRights International working alongside Burmese civil society groups like Paung Ku, Myanmar Green Network and Thazin Development Foundation, the issue was able to attract broader regional attention. In 2012, seeking to increase the pressure placed on both the Myanmar government and CNPC to account for the adverse ramifications of their joint venture, 130 NGOs from over 20 countries orchestrated a 'Global Day of Action' against the oil and gas pipelines. This involved the staging of public demonstrations in front of Chinese embassies and the submission of letters to President Thein Sein, requesting for the project's postponement (FIDH 2012). Notably in 2014, local environmental and human rights group Badeidha Moe organized a much-publicised photo exhibition in Yangon, which featured photos taken by villagers of the environmental degradation and uneven development caused by the project.

What the emergence of local opposition against the Chinese-led oil and gas pipelines underscores, in effect, is the importance of advocacy networks to popular mobilization under restrictive state conditions. Anti-pipeline activists operating within Myanmar were able to 'bypass' the state, in large part due to the assistance and support they received from an incipient network of likeminded individuals. According to one civil society representative, due to the difficulty in accessing politically-sensitive information in Myanmar, their organisation had to rely to a considerable degree on information gathered by individuals working with CNPC, as well as on data from international partner organizations such as the Revenue Watch Institute (now Natural Resource Governance Institute) and EarthRights International (Interview, Chiang Mai, 2 March 2013). Such information was then disseminated within the organization's wider network. Building on their contacts with influential media outlets like *The Irrawaddy* and *Democratic Voice of Burma*, local civil society groups have also managed to utilize the media to their advantage. Extensive coverage of the issue has catapulted local concerns onto both the national and regional public sphere—a feat that would otherwise be difficult to achieve given the Myanmar government's track-record of rule by impunity.

This also accounts, in part, for the longevity of both the issue and the activism surrounding it. The Shwe Gas Movement (SGM), for one, was formed in late 2002 by the All Arakan Students' and Youths' Congress (AASYC), with offices in Thailand, India and Bangladesh (SGM 2006). Described as a coalition of activists and civil society organizations 'based in exile', having been 'born as a resistance movement' (Natural Resource Governance Institute 2014), the coalition's international partners include Arakan Oil Watch, the Korean Federation for Environmental Movement and the Indian platform Other Media, among others. As part of its broader aim of monitoring and curtailing natural gas extraction throughout Myanmar, SGM has been especially crucial to publicizing and sharing information about the Sino-Myanmar pipelines, as well as to coordinating resistance against them. As early as 2005, the coalition was aware of plans to explore, extract and export Myanmar's oil and gas deposits through 'overland pipelines' to Yunnan Province (SGM 2006: 13). Crucially, SGM capitalized upon and learnt from the resources and strategies of a pre-existing, region-wide network of activists, which had evolved over the course of campaigns in the 1990s and 2000s, including

the aforementioned Yadana gas pipeline campaign and the ongoing anti-Salween dams movement (Simpson 2014: 173).

Sustained activism on this issue has largely elicited mixed responses from CNPC and the Myanmar government. On the one hand, a number of activists have met with state repression, with ten activists having been recently sentenced to a three-month jail term for protesting without a permit (Aung Hla Tun 2013).¹⁴ Yet on the other, through the activism of SGM and its involvement in civil society coalitions such as the Myanmar Alliance for Transparency and Accountability (MATA), this has helped to introduce formal civil society representation on the Shwe gas issue to processes like the EITI Multi-Stakeholder Group (MSG) mechanism, at a time when Myanmar's EITI candidacy had just been approved (World Bank 2014).¹⁵

Notably, following the protests in April, the Southeast Asia Gas Pipeline and Southeast Asia Crude Oil Pipeline consortiums (both of which contain a CNPC majority stake) had organized a media briefing to explain the development benefits of the Shwe gas project (Vrieze 2013).¹⁶ Since then, CNPC has launched a dedicated public relations (PR) campaign to respond to the accusations levelled against it. This is a noteworthy development given how, until recently, Chinese SOEs have paid little attention to responding to community voices and concerns. In an ongoing attempt to improve the company's reputation—a matter which gained heightened policy resonance in the aftermath of the Myitsone dam's suspension (Chen 2013)—CNPC also initiated a range of corporate social responsibility (CSR) projects within the country. Aimed at improving the company's relationship with local communities, these projects are purportedly being guided by the principle of 'Mutually Beneficial Development' and a desire to reinforce China-Myanmar '*paukphaw*' (fraternal) ties. For instance, as early as 2012, CNPC had announced a US\$1-million aid project that would see the construction of 21 schools, two medical sub-stations and two kindergartens in nearby villages. The company also committed to donate a further US\$10 million to support the development of a new power line project in Rakhine State (Interview, Kunming, Yunnan Province, 23 April 2014). In total, CNPC has invested an estimated US\$20 million for 'use in education, medical treatment, health and disaster relief' (Wu 2013; Song 2013).

Despite the fact that the Myanmar section's oil and gas pipelines are now operational, the campaign against the pipelines continues. More recently, a dispute that broke out between ethnic Chin and Chinese workers at one of the pipeline's work sites in early 2014—resulting in fire being set to some of the surrounding buildings—has highlighted not only the rising anti-Chinese sentiments within the country, but also another layer of discontentment with the scheme (Khin Oo That 2014). Soon after, this event was notably followed by a visit by a delegation of leaders from the Rakhine National Party (RNP) and National Democratic Force (NDF) to China, who apparently went with the stated purpose of alerting officials in Beijing to the problems posed by Chinese-backed resource schemes and urging them to 'control Chinese businesses in Myanmar' (Quoted in *Radio Free Asia* 2014). Interestingly, opposition to China's broader oil and gas project has surfaced in China as well. Residents of Kunming have organised protests against CNPC's construction of an oil refinery in Anning, which is expected to process the crude oil imported from Myanmar, and a paraxylene (PX) plant in

¹⁴ They were found guilty under Article 18 of Myanmar's Peaceful Assembly Law.

¹⁵ President Thein Sein announced Myanmar's intention to join the Extractive Industries Transparency Initiative (EITI) in 2012.

¹⁶ This meeting was, however, criticized for limiting attendance and accused of being more of a 'PR stunt'.

Kunming (Guo and Hu 2013). In fact, civil society groups within Myanmar had expressed hope that such acts of public resistance within China would delay—or even derail—construction of the Sino-Myanmar pipelines.

5. Civil Regulation and Development in Mainland Southeast Asia

As an incipient regional public sphere comes into existence, the Chinese and Mekong governments are finding themselves increasingly confronted by the demands of answerability. At a time when the adverse ramifications of major resource schemes have provoked public ire, civil society actors are gradually becoming bolder in their efforts to shed light on questionable government and business dealings. Crucially, as evinced by the Myanmar and Vietnamese examples, these developments have the potential to set off a destabilizing ‘chain reaction’: network activism on one issue could uncover grievances in other areas, such that campaigns against unsustainable resource extraction become linked to broader sustainability, human security and indigenous rights concerns.

Without the opposition staged by network activists, the environmental and social problems associated with the Sino-Myanmar pipelines and bauxite mining in the Central Highlands are unlikely to have become prominent public issues. As such, while work on the Sino-Myanmar pipelines continued and plans to mine bauxite in the Central Highlands have not dissipated entirely, that networks of resistance were able to cast a critical light on these projects, graft their concerns onto the national policy agenda, and elicit serious responses from the key stakeholders (that is, the respective governments and SOEs) under scrutiny remains an important accomplishment.

But to ensure government accountability and responsible business conduct, civil regulation alone is not sufficient. Processes of civil regulation tend to take place on an informal and ad hoc basis, and as such, must be supplemented by more institutionalized forms of regulation by the state. Primary responsibility for monitoring investment and corporate conduct thus lies with both the home- and host-country governments, as well as with the company itself. Accordingly, it behoves the Myanmar and Vietnamese governments to enforce their existing FDI and environmental protection laws and regulations, as well as streamline transparent and participatory policy-making processes, where public consultation and disclosure are assured.

In the long run, regulatory enforcement can help to steer Mekong governments away from signing exploitative contracts, where short-term economic gain from resource extraction is unwittingly exchanged for irrevocable social and ecological harm. Further, at a time when the Myanmar and Vietnamese governments are seeking to attract more FDI inflows, strengthening transparency and the rule of law can improve investor confidence and facilitate investment promotion. It can also help to prevent an influx of FDI from crippling the competitiveness of domestic firms. In the absence of sound policies and regulatory enforcement, the government risks jeopardizing its political legitimacy as well as reversing the country’s development. Not only have the oil and gas pipelines in Myanmar served as a fault line for protracted ethnic conflict, but it also puts into question the Thein Sein regime’s commitment to building a more democratic political system.

By a similar token, the Chinese government needs to exercise tighter oversight over its national companies, not least because the reputation of its firms are often tied to its own. As the Chinese leadership has recognized on different occasions, irresponsible corporate practices abroad can reflect badly on China as a whole (*China Daily* 2013). That said, there remains the argument that Chinese SOEs are still less competitive than their more experienced, Western counterparts, being relatively new entrants to the global market. As

such, they have little choice but to enter riskier, less-crowded markets. Such an outlook is, however, inherently flawed. As the international investment regime transitions toward a sharper focus on responsible investment, it has become increasingly commonplace to acknowledge the necessity for firms to conduct due diligence for political risk and rightfully earn their social license to operate (see UNCTAD 2015).

Especially for emerging-market firms, reputational considerations prove all the more important, as building trust and brand awareness prove integral to firms' competitiveness. China Power Investment Corporation's (CPI) failure to take out a political risk insurance on the Myitsone dam project in Myanmar, coupled with its failure to undertake adequate social and environmental impact assessments, becomes a 'morality tale' in this regard (Yeophantong 2016).¹⁷ Indeed, a growing volume of scholarship has revealed how investing in 'responsible investment'—that is, investment that takes into account environmental, social and governance (ESG) issues—is conducive to augmenting a company's performance in the long-term (see Eccles, Ioannou, Serafeim 2011).

¹⁷ The dam was unilaterally suspended by the Thein Sein administration in 2011.

6. Conclusion

While conventional wisdom holds that Chinese SOEs involved in controversial resource-development schemes in Myanmar and Vietnam should remain unaffected by external pressure, this is not entirely the case. With resistance having arisen in both Myanmar and Vietnam against Chinese investment schemes, this has yielded striking outcomes that suggest the potential of network activists to act as external ‘game changers’. In light of the Sino-Myanmar oil and gas pipelines, a region-wide network of local civil society groups and transnational NGOs was responsible for actively campaigning against the scheme, such that CNPC felt sufficiently compelled to address their concerns—a fairly uncommon reaction for a Chinese SOE that generally exhibits a preference to deal directly with governments than with communities.

Similarly, an unprecedented advocacy network comprised of local activists, NGOs, public intellectuals, think tanks, journalists, and parliamentarians was primarily responsible for transforming the matter of bauxite mining into an exigent problem. As the issue gained policy resonance, this prompted the Vietnamese government to adopt measures to try and mitigate social disapprobation. Although the involvement of international NGOs was conspicuously absent in this case, Vietnam’s anti-bauxite campaign attests to the importance of network activists to the leveraging of the necessary resources and support for collective action. CODE’s initial fact-finding work, for one, had helped to break down information and awareness barriers. Without these actors, the very real concerns associated with the Sino-Myanmar pipelines and bauxite mining in the Central Highlands are unlikely to have come onto the policy agenda in the first place, given how dissidence is habitually muted within both these countries.

As such, it would appear that the future of civil regulation within the region hinges considerably upon the effectiveness of the strategies adopted by advocacy networks. Based on the preceding analysis, it is possible to sum up three common strategies that were effectively employed by resisters within the Myanmar and Vietnamese cases. First, drawing upon elements of ‘rightful resistance’—that is, adopting discourses that accord with government rhetoric, but manipulating them in ways that render them supportive of one’s cause—and appealing directly to one’s respective government (to place indirect pressure on a Chinese investor) promise to yield more ‘immediate’ results. This was evinced by the Vietnamese case, where anti-bauxite activists used the language of national interest and security to attract attention and even a degree of cooperation from certain agencies within government, and where the Vietnamese government was primarily responsible for enforcing corporate compliance to extant regulations.

Second, establishing a broad support base through constructive engagement with government and/or international actors is crucial to the impact as well as longevity of network activism and subsequent acts of resistance. As previously mentioned, international involvement helped to bolster grassroots resistance against the Sino-Myanmar oil and gas pipelines, while also affording the campaign a wider audience. The anti-bauxite coalition in Vietnam was likewise supported by sympathizers in government and the military, who contributed to framing the issue as a national concern.

Finally, the degree of issue-specificity can influence how effective network activism is. Of importance here is for advocacy networks, which are usually prone to overreaching mandates as a result of their amorphous membership and ambiguous organizational identity,

to cultivate credibility as experts within their respective areas of concern. It deserves note that in both the Myanmar and Vietnamese cases examined, a network of activists and their supporters had come into existence either shortly before or almost at the same time as when the issues first became framed as ‘issues’. What this means is that the network and its campaigns served as direct responses to public discontent over the bauxite and pipelines schemes. Being issue-specific, they were characterized by a focused definition of their cause, concerns and objectives, as well as a clear identification of their target actors.

What emerging instances of resistance ultimately point to is mainland Southeast Asia’s changing socio-political landscape: one which sees Chinese economic prowess and political influence progressively challenged by organised contestation from the ‘ground-up’. Deflecting the external scrutiny brought to bear on the adverse consequences of its overseas resource investment has become increasingly difficult for China and its SOEs over time. With the country’s expanding corporate presence in mainland Southeast Asia becoming an integral facet of the region’s industrialising landscape, the burden of responsibility is firmly upon China to shoulder its part in encouraging the sustainable governance of natural resources within the countries it invests.

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