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***The Mekong: A Socio-Legal Approach to River Basin Development*. By Ben Boer, Philip Hirsch, Fleur Johns, Ben Saul and Natalia Scurrah. Abingdon, Oxon: Routledge, 2016. Softcover: 251pp.**

This book is an impressive assemblage of legal scholarship by four professors of law and one researcher in human and environmental geography — all based at Australian universities. In eight chapters that bear no single author identification, the book presents the Mekong and hydropower development through a socio-legal lens and "legal pluralism" that encompasses both formal or "hard law" as well as more informal "soft law". The former includes executive decrees, legislation and action that can be enforced, and especially international law governing investment designed to reduce political and financial risk to foreign capital. The latter ranges from customary rights to water, fisheries and forest land, Environment Impact Assessments (EIAs) that lack objective criteria for decision making such as the formally agreed but unenforceable rules including the Mekong River Commission's (MRC) Procedures for Notification, Prior Consultation and Agreement (PNPCA) for proposed mainstream dams.

The purpose of the book is not to explore solutions to conflicting local, national and transboundary interests, differing concepts of the objectives of development and the vastly uneven power of stakeholders but "to assemble a nuanced account of how laws and legal institutions at different levels operate and shape water governance outcomes, claims and expectations in the Mekong" (p. 35). Some fifty-three joint field interviews conducted in Cambodia, Laos, Thailand and Vietnam inform the range of understandings and expectations of law that different actors hold in relation to transboundary water governance in the Mekong, and the various factors "(historical and contemporary, institutional, regulatory and careerist) by which those understandings and expectations have been shaped" (p. 35).

The book seeks particularly to dispel "two prevailing notions": first, the idea that better management of the river basin only "awaits the messianic coming of (hard) law" which it refutes by presenting "an account of the basin as legally saturated, with arguments in regard to hydropower in particular shown to be, already highly juridified in various ways" (p. 60) and, second, that various policy reform models "should be recognized for their political

significance and their negotiability", and navigated tactically "through socio-legal inquiry" and "mobilizing a plural understanding of law" (p. 60). The authors provide important historical background into how water development and water conflict have evolved in the Lower Mekong Basin (LMB) and the varied ways in which both hard and soft law have played roles.

The book will be of interest to anyone concerned about the future of the Mekong, but the focus is on law and legal theory — not moral issues or the impact on real people. Abuses of power and objective human rights constraints in all of the LMB countries are on the whole treated rather antiseptically. The authors frankly acknowledge that civil society has not been effective in using the law to influence the behaviour of developers or government decision making in any Lower Mekong country, with some limited exceptions concerning Thailand when it is not in the thrall of a military coup.

Chapter 4 documents and analyzes the formation of the MRC under the 1995 Mekong Accord and its "ambiguous — hence contestable, negotiable, and changeable — governance role" (p. 87). While the conventional wisdom holds that the MRC has largely failed in its coordinating and governance roles, the authors argue that "if the softer notion of regulation as an exhortatory, goal setting, or framing use of knowledge is taken on board… then the PNPCA is in fact a suite of measures by which the MRC seeks to govern: through its knowledge programs, guidelines and standards" (p. 108).

The authors acknowledge the important role of the technical reviews required and carried out under the MRC's PNPCA protocol. The review of the Xayaburi dam in Laos against the MRC's own Preliminary Guidance for Dam Design caused the developer to delay the project by more than a year and spend an estimated US$300 million to re-engineer the dam in a probably vain effort to improve both upstream and downstream fish passage. More promising, the developer accepted MRC recommended design changes for improving nutrient and sediment flows and flushing. In the case of the Don Sahong dam, in the fabled Siphandone ("Four Thousand Islands") region, just two kilometres north of the Lao–Cambodian border, the developer pre-empted the MRC technical review and delayed construction to conduct further research on modifying three alternative channels to compensate for damming the most important all-season channel for fish migration.

The book steps on many toes by disparaging "the seemingly endless cavalcade of experts who have made the Mekong River Basin their field of expertise and locus of authority" (p. 60) for focusing on technical issues instead of addressing first-order questions such as whether a dam should be built in the first place.

While acknowledging the importance of the rise of the public–private partnership model, and the increasingly peripheral role of the Asian Development Bank and the World Bank, the analysis does not adequately address the current near total dominance of the private or state-owned enterprise (SOE) side of the equation. This is especially true of Chinese SOE developers backed by the state-owned Export Import (EXIM) Bank, the China Development Bank and other sources of commercial and/or geopolitically motivated "policy loans". In the theme-setting introduction, the issue of China's mainstream dams and role of its companies in the LMB rates only one full page. The number of index references for China is less than one-fourth of those for Cambodia, and in a 199-page book, there are only two brief references made in passing to China's role after p. 33.

Despite the geographical setting, the considerable socio-legal and philosophical analysis in the first three chapters of contested ideas and proper objectives of development — including the tension between "modernity" and "sustainability" — are all discourse within the western neoclassical development model which seeks to balance development with environmental sustainability, transparency, good governance, the rule of law and social equity. Another weakness is its failure to recognize the importance of changing energy markets and prices to commercial opportunity projects and even more so the rising political and financial risks to big dam projects as epitomized by the once unimaginable suspension of China's US$3.6 billion Myitsone Dam following Myanmar's democratic political opening.

The volume raises several very important issues that are seldom addressed directly in the development literature, including their contention that "Practices around the initiation and conduct of EA [Environmental Assessment] in the Mekong River Basin do seem to be geared more to promoting the interests of the developers than to other considerations" (p. 134). Another is that because the MRC's requirements for EIAs are without agreed standards or enforcement, they become little more than stepping stones to approval of the projects.

This is an impressive work of scholarship. It will be welcomed by those who care about or are contesting the future of the Mekong River, but less so by practitioners than legal theorists.

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