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Citation: Hensengerth, Oliver (2015) Global Norms in Domestic Politics: Environmental Norm Contestation in Cambodia's Hydropower Sector. *The Pacific Review*, 28 (4). pp. 505-528. ISSN 0951-2748

Published by: Taylor & Francis

URL: <http://dx.doi.org/10.1080/09512748.2015.1012107>
<<http://dx.doi.org/10.1080/09512748.2015.1012107>>

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Global Norms in Domestic Politics: Environmental Norm Contestation in Cambodia's Hydropower Sector

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Hensengerth, Oliver (2015) 'Global Norms in Domestic Politics: Environmental Norm Contestation in Cambodia's Hydropower Sector,' *The Pacific Review* 28(4): 505-528.

Abstract

This paper studies environmental norm contestation in Cambodia's hydropower sector, exemplified by the Kamchay Dam. In Cambodia we can observe different discourses in relation to hydropower. These stem directly from a local contest over the path of Cambodia's development, but use global norms as reference points: one emphasizes environmental protection, using EIA as point of reference; and one emphasizes the utility of CDM to attract large-scale investment into the energy sector while downplaying the need for environmental protection. While EIA and CDM are complementary, key actors present them as contradictory. This produces a normative fragmentation of the field of environmental protection. The article argues that the norm diffusion literature, by presenting norm conflicts as hierarchical local-global conflicts, has paid insufficient attention to the fact that local actors actively draw on global norms to justify domestic development policies. More emphasis on this phenomenon will lead to a better understanding of the role of global norms in domestic politics and will enhance our knowledge of how domestic development policies are contested.

Keywords: Cambodia, water, environment, hydropower, norms

Introduction

Norms, according to Finnemore (1996: 22), are ‘shared expectations about appropriate behaviour held by a community of actors.’ Norm diffusion is the process by which norms from one community of actors diffuse to another (Risse and Sikkink 1999; Finnemore and Sikkink 1998). The result is that communities around the world are drawn into a global normative mainstream as defined by dominant countries. In the context of the current system of international development, such norms are manifest in the policies of international organizations, most importantly the multilateral lending agencies (World Bank, International Monetary Fund), and of the donor countries of the developed North.

For roughly a decade, the concept of norm diffusion has been accompanied by the idea of norm localization: The idea is that an international norm does not simply diffuse, but it encounters local norms with which it interacts (Acharya 2004; Acharya 2009). On the local level, we can therefore observe multiple and simultaneous processes of norm contestation: within the local level, and between the local and the international level at the point where the international norm begins to engage with a local norm formation process. Norm formation and contestation therefore occur within a multi-level governance setting.

Developing this argument further, this paper contributes to the literature on norm diffusion and contestation by showing that norm contestation does not simply occur on a hierarchical global-local axis. Instead, norm contestation needs to be understood as a genuinely local process in which global norms are actively drawn on by actors in developing countries to justify domestic development policies. In order to operationalize this analytical angle, the paper proposes to link the norm diffusion and contestation literature with the literature on competing institutional logics and field norms. This opens a perspective of how norms affect domestic institutions and how competing field norms affect policy making where organizational fields are highly fragmented. Therefore, a link between both sets of literature enables us to gain a clearer picture of how norm contestation occurs beyond the hierarchical notion of norm conflicts.

This paper develops this argument by studying norm contestation in Cambodia's hydropower sector. The issue area under investigation is environmental protection, focussing on two global norms: Environmental Impact Assessment (EIA) and the Clean Development Mechanism (CDM) and their role in environmental planning for the Kamchay hydroelectric dam. The Kamchay Dam is the first large dam in Cambodia and therefore provides a test case for the relevance of Cambodia's environmental protection institutions and their role in structuring the normative landscape in Cambodia.

The article begins with a theoretical discussion of the processes of norm diffusion and contestation, proposing a stronger focus on the national level by using the concept of competing institutional logics in order to better understand how norm contestation occurs. This is followed by an account of how EIA and CDM were introduced into Cambodia, after which follows an analysis of Cambodia's hydropower discourse and an examination of the planning process for the Kamchay Dam. Data comes from field work conducted in Cambodia in September 2010 (updated via email communication in April 2012). Field work consisted of collecting relevant documents, and of conducting semi-structured interviews with independent consultants, NGO personnel, workers from the Kamchay construction site, local councillors in the area of the Kamchay Dam, foreign embassy officials, and government officials in the Ministries of Environment; Industry, Mines and Energy; Agriculture, Forestry and Fisheries; and the Cambodian Investment Board.

The rationale for selecting government interviewees were their direct involvement in legal development and in hydropower decision-making processes. The rationale for selecting NGOs and independent consultants were their involvement in advocacy and research into dam issues on the ground. The rationale for interviewing local councillors and workers at the construction site was an assessment of the effects of the dam on the surrounding villages. Foreign embassy officials were interviewed in order to obtain their view on the effects of official development assistance on Cambodia's political system.

All interviews were held in English, and where necessary were conducted with the assistance of an interpreter. Given the politically sensitive nature of the topic in

Cambodia, all interviewees were assured of anonymity. The interviews are therefore coded, with the first letter indicating the place of interview and the sequence of numbers indicating the date.

Local norm contests and the problem of global-local norm diffusion

The literature provides different answers to the question of how norms can be perceived and interpreted. In constructivist accounts of norm diffusion, spearheaded by Finnemore (1996), norms are shared systems of belief that influence behaviour. This is challenged by scholars, who believe that the process of choosing norms is a political rather than a constructivist process. Rationalist accounts of norm acceptance contest that elites make a rational decision when deciding which norms to use by recalculating their strategies (Goldstein and Keohane 1993). Similarly, Cortell and Davis (1996) argue that when confronted with international norms, actors recalculate their strategic choices in order to gain legitimacy in domestic policy debates. This is akin to Checkel (1997) who suggests that whether elites internalize or merely utilize international norms depends on the nature of the domestic political institutions, that is, on the structure of state-society relations.

Looking at accounts of how norms spread, the early norm diffusion literature identified a number of pathways through which norms diffuse. Burnell (1997) shows how donors built policy preferences for good governance into the aid architecture and presented these as conditionalities to aid receivers. Keck and Sikkink (1998) developed the boomerang model to show how NGOs from developed countries exert pressure on their governments to force governments from developing countries into acceptance of higher standards of appropriate behaviour. Risse and Sikkink's (1999) five-phase spiral model explained variation in internalization of human rights by elites, arguing that internalization must be accompanied by domestic political transition, a process that includes recurring feedback loops. The spiral model views domestic institutions as intervening variables.

While the focus on the domestic arena is a step forward from the earlier diffusion literature, the emphasis is still on the role of global actors to diffuse global norms and enforce compliance by local actors. Acharya (2004; 2009) developed this agenda further by focussing on localization. Examining norm developments in East and

Southeast Asia, he argues that developing countries are not mere norm receivers. On the contrary, global norms encounter local norms, and the interaction of the global norm with a local 'cognitive prior' leads to a process of localization by which local norm receivers translate the global norm to make it fit with their cultural situation. Similarly, Santa-Cruz's (2009) work on election monitoring in Mexico shows how local actors reinterpreted global norms around sovereignty and non-intervention as they developed an election monitoring policy in cooperation with international actors.

This more recent work gives legitimacy to local norms and breaks through the distinction of superior and inferior norms as viewed from the dominant country perspective. In a further development, Santos and Rodrigues-Garavito (2005) turned the pathways of norm diffusion upside down. Looking at Latin America, they showed that countries from the global South also influence global norms and that, therefore, norms also operate bottom-up.

Despite these advances in the literature, there is a continuing focus on the global-local dichotomy. Therefore, the global level remains dominant to the analysis or at least casts its shadow on local politics as an actively intervening structure. This presents developing countries as being reactive to global pressures and developments. The literature has paid insufficient attention to the issue that global norms are also actively used by local actors in developing countries to justify a development discourse to a domestic audience. Rather than intervening in domestic politics, global norms here function as sources of knowledge or points of reference: They may be used by domestic actors to construct development policies and back up their arguments, and domestic actors may enforce their message by striking alliances with global actors to increase the legitimacy of their claims.

The paper addresses these omissions. It argues that in order to understand norm dynamics we need to move away from an emphasis on the hierarchical view of norm contestation and instead focus on how local actors frame domestic policy debates and construct policies by referring to global norms. This enhances our understanding of local communities as actors engaged in a normative conflict in which competing discourses shape the construction of public policies. Gregg (2009: 19-36) argued that

norms are generic. Therefore, in order to understand the role of global norms in local politics, an emphasis on the local level of analysis is necessary.

I propose to link this emphasis on the local level of norm contestation with the literature on competing institutional logics. This is important to the article's theme, because competing logics can facilitate or impede the introduction and implementation of development policies (Hayes and Rajão 2011) as the meaning of development – and sustainable development – is contested (Banerjee 2003). An examination of competing logics allows observing dynamics of norm contestation between and within constituent communities of an organizational field (Swan et al. 2010). Both dynamics interact in that the normative contest between organizations influences the effectiveness of individual organizations and, potentially, how the organization positions itself in the field in order to effectively project its norms in the policy process. Conversely, intra-organizational dynamics can influence policy outcomes. This article focuses predominantly on inter-organizational norm dynamics and to a lesser extent on intra-organizational dynamics. For reasons of space, the article cannot examine the strategies of organizations for overcoming fragmentation.¹

An organizational field is defined as 'a community of actors held together by their joint values and beliefs' (Scott 2008 quoted in Reay and Hinings 2009: 631). Where a field is normatively fragmented, we face a multiplicity of institutional logics (Greenwood et al. 2010) that may compete with each other. For example, analyzing the contest over a paper mill in Canada, Vit (2011) argues that although the mill was never economically or technically feasible and eventually failed, proponents were driven by normative and social logics that initially overrode technical logics. Generally speaking, competition between logics can have four outcomes: displacement, co-existence, field fragmentation, or transformation of existing logics (Mullins 2006). To deal with complexity, actors can also hijack each other's logics (McPherson and Sauder 2013). Competition might also be resolved through micro-level cooperation between actors of different normative beliefs (Reay and Hinings 2009). But cooperation is difficult in politicized societies and semi-authoritarian governance systems such as we find in Cambodia where institutional weakness leads to a lack of regularized conflict resolution mechanisms (Hughes et al. 2004: 104; Springer 2005). Where competing logics exist within individual organizations, the

result can be hybrid organizations (Battilana and Dorado 2010; Greenwood et al. 2011). This can happen, for example, when organizations are exposed to different logics during long periods of time (Lounsbury 2007). Harking back to the early institutionalization literature, this is reminiscent of Selznik's (1949; 1957) view of an institution whose agenda is affected by the values of actors inside and outside of it. As an organization becomes institutionalized, it becomes 'infuse[d] with value beyond the technical requirements of the task at hand' (1957: 17). The values of an institution are therefore reflective of the norms that relevant actors embody over time. The power balance between actors in the institution determines what values it projects (Stinchcombe 1968). Accordingly, the power distribution between different institutions in the decision-making process determines the relevance of an institution's values for government policy.

As we shall see, the environmental contest over the Kamchay Dam is embedded in a wider contest about the nature and future trajectory of Cambodia's development and the role of the environmental protection institutions therein. Environmental conflicts should be understood as local conflicts about the nature of the state. They revolve around the degree to which development interventions designed by the central government – such as large dams – should be allowed to disrupt local social-ecological systems², and if and how local communities affected by this disruption should be allowed to participate in decision-making and thus potentially challenge government policies. Therefore, environmental norm contestation is better understood along the lines of Paavola's (2007: 94) suggestion of environmental governance as 'the establishment, reaffirmation or change of institutions to resolve conflicts over environmental resources'.

In Cambodia, the conflict is played out between domestic actors who use two global environmental norms – CDM and EIA – to frame the debates and construct contrary development paradigms. While CDM and EIA are complementary, they are styled by leading actors as mutually exclusive. The field of environmental protection therefore becomes normatively fragmented. This influences the role and effectiveness of the Ministry of Environment (MoE), which is the approval organization for EIA and CDM applications.

The paper views environmental conflicts as occurring within a fragmented field rather than on a hierarchical local-global axis. It examines domestic actors in the hydropower decision-making process, their normative backgrounds, key discursive elements, and global reference points to understand how environmental norm contestation occurs and what the role of global norms is within this contest. The next sections examine the evolution and the contents of environmental norm contestation in Cambodia.

The evolution of Cambodia's environmental protection institutions: EIA, CDM, and the emergence of normative fragmentation

Cambodia's EIA framework is based on two technical assistance (TA) programmes, extended by the Asian Development Bank (ADB) in 1995 and 1997. The result was an EIA regime that – according to the law – applies to virtually all hydropower projects.

The first TA, number 24780, was carried out between 1995 and 1997 with the aim to put in place EIA procedures and capabilities in post-civil war Cambodia (ADB 1994). At the time, the first post-civil war government had a basic environmental protection bureaucracy in place, including an Inter-Ministerial Committee, an Environmental Evaluation Commission, and an Environment Secretariat (ADB 1994: 1), which was later upgraded to the MoE. The TA was based on an ADB fact finding mission in November 1993, only a few months after the first post-war elections had taken place in July of that year.

The role of the TA was to devise an environmental planning system for all stages of the EIA cycle, including Initial and Full EIA studies, and monitoring of environmental management plans during project implementation (ADB 1994: 2-3). Coordination occurred with Canada's International Development Research Centre, which had established an office at the Environment Secretariat to coordinate environment-related aid; and with UNDP, which had an Environment Advisory Team at the Environment Secretariat to assist in the creation of environmental legislation (ADB 1994: 1). During the time of the first TA, the National Assembly passed the Law on Environmental Protection and Natural Resources Management, which made EIA a legal requirement (Royal Government of Cambodia 1996).

The second TA, number 9283, was carried out between 1997 and 1999 to strengthen institutional capacity for EIA (ADB 1996: 1). The result of both TAs was the setting up of the Department for Environmental Impact Assessment Review (henceforth: EIA Department) in the MoE, the drafting of a Sub-decree on Environmental Impact Assessment Process as implementation instrument for the EIA provisions in the 1996 Law on Environmental Protection and Natural Resources Management, and the development of EIA sector guidelines as well as standards for air, water and soil (ADB 1999; ADB 1996: 2).

The Sub-decree on Environmental Impact Assessment Process came into effect in 1999. The Annex of the Sub-decree stipulates that all hydropower plants of more than 1 megawatt (MW) installed capacity must undergo EIA (Royal Government of Cambodia 1999). Article 3 of the Sub-decree states that the project owner must comply with an environmental management plan during the phase of construction.

The next piece of EIA regulation came into effect only ten years later: the 2009 Prakas on General Guideline for Conducting Initial and Full Environmental Impact Assessment Reports. The Prakas details the previous legislation regarding content and procedures for EIA. The Annex of the Prakas lays down a structure for the EIA report, which must contain, *inter alia*, a description of public participation, of the environmental impact and mitigation measures, and of the environmental management plan (Royal Government of Cambodia 2009). Article 15 of the Prakas requires the project owner to set up an environmental endowment fund to pay for environmental protection measures (*ibid.*). However, all three documents are very general and contain no specific proscriptions regarding forms of public participation or the precise content of the environmental management plan (Interview P07092010).

The institution in charge of determining the need of EIA for hydropower projects and for approving EIA reports is the EIA Department. Having approved an EIA, the EIA Department sends its decision to the Ministry of Industry, Mines and Energy (MIME), the ministry responsible for energy policy and the institution that has the final say over energy projects. Within MIME, the General Department of Energy is in charge of energy planning. Within the General Department of Energy, the Hydropower

Department is in charge of hydropower planning. Legally, MIME has to await the decision of the EIA Department before granting final project approval for energy projects.

Following ADB practice, the EIA Department distinguishes between Initial and Full EIAs. Project owners are first required to submit Initial EIAs together with an initial environmental management plan. If the EIA Department concludes that the impacts are severe, the project owner is required to submit a Full EIA report and a full environmental management plan (Royal Government of Cambodia 2009). Article 29 of the 1999 Sub-decree and the 2009 Prakas allow the MoE to punish non-compliance with the environmental management plans by levying a fine (Royal Government of Cambodia 1999 and 2009). Article 4 of the Prakas stipulates that the EIA Department will monitor the company's adherence to the environmental management plan (Royal Government of Cambodia 2009). However, in interviews held during September 2010, MIME acknowledged that technical and personnel capacities in the government to monitor company activities are very limited.

This concurs with an ADB assessment at the time of the first TA, which pointed out a lack of 'managerial skills and experience' (ADB 1996: 2). The ADB further emphasized a lack of 'political' support for environmental protection (ibid.: 1) because of the 'reluctance of senior Government officials to delegate power and authority' (ibid.: 3). Similarly, Sokhem and Sunada (2006) argue that Cambodia's weak EIA institutions are a result of '[s]trong resistance by powerful and elite persons to reform', patronage, political deadlock, corruption, nepotism, intimidation, and complex financial interests (for in depth analyses on the link between patronage and natural resources see Le Billon 2000; Sneddon 2007; Un and So 2009. For an overview of Cambodia's neo-patrimonialism see Pak et al. 2007). Relevant examples in the dam industry include Lao Meng Khin, a senator for the ruling Cambodian People's Party and owner of several development companies. Company registration documents show him on the Board of Directors of Sinohydro Cambodia, the company associated with the Kamchay Dam. During the opening ceremony for the Kamchay Dam, Hun Sen awarded the senator a medal for his contributions to Cambodia's development (Caminfoweb 2012). Similarly, the Lower Sesan 2 Dam is built by Hydrolancang in cooperation with Kith Meng's Royal Group. Political interests in the

hydropower sector are therefore interwoven with economic interests of Cambodia's oligarchs, making it difficult for the environmental bureaucracy to enforce EIA rules. Regarding CDM, Cambodia as non-Annex I country has no obligations under the Kyoto Protocol but can host CDM projects. To build institutional capacity, Cambodia received assistance from UNDP and the Global Environment Facility (GEF) for the first climate change project: The 1999 Climate Change Enabling Activity Project. Further assistance came from the United Nations Environment Programme (UNEP) Risoe Centre to implement the 2002-2003 Capacity Development for the Clean Development Mechanism (CD4CDM). Complementing CD4CDM, Japan's Institute for Global Environmental Studies funded the Integrated Capacity Strengthening project (Ministry of Environment, no date_a; Tin et al. 2004: 20; De Lopez 2003: 34-35).

Cambodia's involvement began when it ratified the United Nations Framework Convention on Climate Change (UNFCCC) in December 1995 and the Kyoto Protocol in August 2002. Prime Minister Hun Sen appointed the MoE as Designated National Authority (DNA). In June 2003 the Climate Change Department was established in the MoE to act as Secretariat to the DNA (Ministry of Environment, no date_a). In April 2006, the National Climate Change Committee was established to monitor UNFCCC implementation, to formulate, coordinate and implement relevant government policies, and to manage the CDM mechanism (Ministry of Environment, no date_b). It is chaired by the Minister of Environment, but is otherwise an inter-ministerial committee, whereby the vice-chairmen are secretaries of state from the Ministries of Agriculture, Forestry and Fisheries; Industry, Mines and Energy; Water Resources and Meteorology; and Commerce. The remaining ministries are represented by under-secretaries of state and are only members (Ministry of Environment, no date_c). The Climate Change Department acts as secretariat to the Committee. It therefore has no independent organizational capacity. Given the Committee's cross-ministerial nature, policies represent a compromise between the key ministries.

However, the Climate Change Department approves national CDM projects. Before issuing a Letter of Approval, it checks CDM proposals against a list of sustainability criteria that were established in cooperation between the MoE and MIME and

therefore also represent a compromise. Based on national development targets and sector policies, the sustainability criteria are grouped into four categories, each containing a number of indicators: environmental protection and mitigation, social enhancement of income and quality of life, technology transfer, and economic benefits. Projects are not allowed to score negative for any indicator in any of the categories. If a project scores negative, the developer has to redesign the project and reapply to the Climate Change Department.

Legally EIA is an integrated part of the CDM process. In order to apply for a CDM project, the company must comply with Cambodia's Law on Investment, the Law on Environmental Protection and Natural Resources Management, and with the EIA requirements. As a consequence, a violation of EIA regulations is also a violation of the approval criteria for CDM projects.

As a result, the MoE is the institution for the domestic operationalization of both global environmental norms: EIA and CDM. As recognition of compliance by project companies with both also rests with the Ministry, we should expect one of two things: a normative conflict within the ministry in which the EIA Department and the Climate Change Department pursue the operationalization of competing environmental norms; or an integration of CDM and EIA processes and therefore the close cooperation between the EIA Department and the Climate Change Department. We will now examine this problem by looking at the key components of the hydropower development discourse and the role of EIA and CDM within it.

Hydropower in Cambodia's development discourse

Hydropower development in Cambodia is situated within the discourse on domestic economic development. In 1991 Cambodia emerged from two and half decades of internationalized civil war with little good physical infrastructure such as roads and rails or reliable electricity production and transmission systems. The competition over hydropower is therefore a contest about the type of development that Cambodia should undergo.

Cambodia's development discourse has three core aspects: a lack of power supply; the creation of a liberal investment regime to attract foreign investment; and the role the environmental protection institutions should play in this development.

The Kamchay Dam is Cambodia's first large hydropower dam. It has been running at full capacity of 194 MW since December 2011. Before that, installed capacity in Cambodia was 600MW, of which 23MW were supplied by hydropower stations, and the rest by diesel generators, heavy fuel oil, and electricity imports from Vietnam, Thailand and Laos (Council for the Development of Cambodia 2010). Cambodia has no national electricity grid, and in 2011 only 23.5 per cent of the population had access to grid-based electricity (Hun Sen 2013). The situation is particularly problematic in the countryside, where people use diesel generators and car batteries for electricity production (Council for the Development of Cambodia 2010).

The government's central objective is to connect 70 per cent of Cambodia's population to grid electricity by 2030, reduce electricity costs and avoid frequent power outages. To achieve this, MIME is implementing the Sustainable Electricity for All strategy (Hun Sen 2013). Prime Minister Hun Sen emphasized to meet this target with hydropower and coal (Hun Sen 2013). This is the core of the government's understanding of sustainability. The sentiment is mirrored by Ith Prang, Secretary of the State of MIME. Speaking about the progress made by Huadian, the Chinese company that builds the Lower Russei Chrum Dam, he said: 'We are trying to push the company to speed up and finish its construction so that power can be generated to respond to the power shortage in the country' (Dyer and Chun 2010).

As Cambodia does not have the financial or technical capacity to build and operate dams, it relies on foreign investment and on concessionary BOT projects. Interviewees in MIME pointed out that Cambodia 'actively encourages private sector participation in BOT projects' (Interview P10092010a). Liberal investment policies are designed to attract as much investment as possible. This includes tax holidays and free-of-charge licenses (for dams this includes Construction, Water Use, and Environment Licences) to keep investment costs low. The government guarantees the purchase of electricity, and it buys out the company in case of force majeure (Interview P10092010a; Royal Government of Cambodia 1994: Chapter V).

The first energy development policy was developed by MIME in 1994: the National Energy Sector Development Policy stipulates general guidelines and aims without

specifying a particular technology (Williamson 2006: 249). This was followed by the Cambodia Power Sector Strategy 1999-2016 (Ministry of Industry and Mines 1999). It emphasizes the need for private investment in the power sector as the ‘huge growth in power supply and infrastructure requirements is not affordable by the Government’ (p. 4). The focus is almost exclusively on hydropower, placing Cambodia firmly in what a ‘hydraulic mission’ (Allan 2003: 6-11) in which governments view the development of water resources as key to economic development.

The Cambodia Power Sector Strategy was based on a World Bank study that recommended hydropower and energy imports and dismissed the potential for renewable energies (Williamson 2006: 250-251). In 2003, the World Bank provided another assistance for a Renewable Electricity Action Plan (REAP). REAP suggested decentralized electricity systems using renewable energy including solar, biomass and micro-hydros (NGO Forum on Cambodia and Probe International 2009: 41-42).

Regarding the apparent contradiction between the two World Bank projects, Williamson (2006: 254) argues that this is ‘more reflective of changing World Bank philosophy than any indication of a change in Cambodian government priorities’. During an interview in MIME in September 2010, an official emphasized that World Bank supports the government’s hydropower strategy. Indeed, the Hydropower National Sector Review (Ministry of Industry, Mines and Energy and Cambodia National Mekong Committee 2003) outlines short, medium and long-term development plans arguing that ‘cheap electricity like hydropower combined with irrigation of large agricultural areas would justify the economic viability of dam projects’ (p. 14).

In 2005, the government published the Rectangular Strategy for Growth, Employment, Equity and Efficiency, which provides the framework for the National Strategic Development Plan Update 2009-2013 (Royal Government of Cambodia 2010). The Update document mirrors the tone of the previous planning policies. It establishes six priority areas with environmental protection absent. The priority area Further Rehabilitation and Construction of Physical Infrastructure includes energy. Here, the document emphasizes the ‘priority to increase electricity supply capacity and reduce tariff to an appropriate level while strengthening institutional mechanism and

management capability. To this end, the Royal Government will encourage the construction of low cost electricity generating plants by using local energy sources such as hydro power, natural gas, and coal' (p. 148).

In 2012, the government published *The Cambodian Government's Achievements and Future Direction in Sustainable Development: National Report for Rio+20* (Ministry of Environment, Ministry of Foreign Affairs and Ministry of Planning 2012). The document emphasizes that '[h]ydropower is a cornerstone of Cambodia's energy policy' (p. 20) to meet rising electricity demand. But it clearly shows here the interest of the MoE, noting that hydropower is also a core part of the 'green growth low carbon emission path with 68 percent of electricity generation in 2024 planned to be provided by hydro electric plants'. While mitigation options for climate change also include solar energy, biomass and energy efficiency initiatives, the carbon market plays an important role as an incentive for private sector investment into hydropower (p. 90). Outlining the multiple aims of hydropower, the document reflects the interests of MIME in low-cost energy and of the MoE in climate-friendly hydropower.

Potential and reality of CDM in Cambodia

A study for Cambodia's MoE and Japan's Institute for Global and Environmental Strategies reports a technical potential of 18,868GWh per year, of which 37,668GWh would fall on hydropower, 18,852GWh on modern biomass, 6,591GWh on residential energy efficiency, 3,665GWh on wind, 547GWh on industrial energy efficiency, and 65GWh on solar energy (Williamson et al. 2004: 22 Table 4). Together, this would equal a potential abatement of greenhouse gas emissions of 46,931 ktonCO₂eq per year (ibid.). Jung (2006) argues that investment climate, emissions reduction potential, and functioning CDM institutions are determinants for the attractiveness of potential CDM host countries. She argues, somewhat problematically, that Cambodia is unlikely to generate any CDM projects although about USD1 million have gone into capacity-building (p. 2181 note 31). Yet, Cambodia currently hosts nine CDM projects, of which two are large hydropower projects. The other seven are mostly small-scale biogas and biomass projects. The Kamchay project is currently in validation stage (CDM Pipeline, downloaded 10 December 2013). There is therefore interest in developing both small-scale and large-scale CDM projects.

Although Least Developed Countries face hurdles in CDM investment as they have limited aggregate emissions on the national level, they have high potential for specific mitigation activities at the ‘enterprise, village, or household level’ (De Lopez et al. 2009: 440, 437, 439). This is echoed by Buysman and Mol (2013: 45) who argue for Cambodia that biogas potential and benefits are ‘considerable’ as most households use traditional biomass for cooking.

However, the government appears to have abandoned ‘opportunities to develop alternative resources to achieve electricity development goals in a sustainable and equitable manner’ (Poch 2013: 254). Apart from large hydropower, public funding for other renewable energy technologies – biomass, biofuel, biogas, solar energy, and wind energy – is entirely dependent on donor money, and there is little awareness of renewable energies among government agencies. Therefore ‘the government’s incentive schemes are disproportionately directed’ towards hydropower and coal-fired plants (p. 257). While the government offers payment guarantees for these, ‘[i]ncentive schemes are not available for other types of RE [renewable energies] such as biomass and solar power’ (pp. 257-258).

A challenge for attracting investment in non-hydropower renewables is the ‘high revenue potential of hydropower and the high cost of some other renewable energies’ (Ministry of Environment, Ministry of Foreign Affairs and Ministry of Planning 2012: 21). MIME argues that other renewable technologies such as clean coal would yield prohibitively high electricity prices (Interview P10092010a). But simultaneously ‘very little resource assessment or project identification work has been undertaken except for hydropower projects. This makes it difficult to develop a CDM project pipeline and promote projects to investors’ (Williamson et al. 2004: 45).

This complicates the efforts of the Climate Change Department to develop small-scale technologies (Käkönen 2013: 50). Käkönen (2013: 50) observes that small-scale projects are developed in close communication with the Climate Change Department and have a direct positive effect on local livelihoods. In contrast, large-scale projects such as hydropower dams are developed by the project company with ‘minimal’ communication with the Department (ibid.) and benefit mostly Phnom Penh residents.

For NGOs, the introduction of EIA to Cambodia made the mechanism available as a source for a different discourse. Particularly the emerging NGO scene began to draw on this. Most importantly, the NGO Forum on Cambodia, an umbrella organisation, has created a counter-vision to the government's energy strategy. In a report co-authored with Probe International, the NGO Forum delegitimizes the pro-hydropower discourse. Drawing on the social and environmental effects and on cost and energy efficiency arguments, they argue that the idea of a centralized grid powered by hydropower and coal should be abandoned in favour of decentralized power generation close to consumers, including mini and micro hydros (NGO Forum on Cambodia and Probe International 2009: 56-96). This would have a better impact on poverty reduction and avoid the social and environmental effects of dams. These are exacerbated by the fact that hydropower is viable only in the mountainous areas of the Northeast and Southwest. Many of these areas are protected, and people's livelihoods there are dependent on natural resources (ibid.; Grogan et al. 2009: 14).

EIA and CDM: contradictory or complementary?

As Cambodia has developed a liberal investment regime and the highest political leadership in the person of Hun Sen and MIME support large hydropower, the EIA Department has faced difficulties with EIA implementation. Sam Chamreoun of the MoE argues that since the post-war period, the leadership has been occupied with building institutions for foreign investment and integration into the Association of Southeast Asian Nations and the World Trade Organization, leaving little room to develop policies for water resources governance (Sam, no date – publication after November 2005: 7). Indeed, 'the need for environmental assessment in Cambodia is still seen by several parties as being secondary to the need for development' (p. 32). Such parties include 'government ministries responsible for infrastructure or industrial and agricultural development' (ibid.). The authority of the MoE to enforce EIA is therefore 'limited' (p. 31).

During interviews, government officials expressed the view that if the MoE would require Full EIAs for all projects, potential investors might choose not to invest in Cambodia (Interviews P07092010, P20092010a). Officials from the Fisheries Department in the Ministry of Agriculture, Forestry and Fisheries expressed frustration that by the time the Fisheries Department becomes involved in the EIA

process, the decision of building a dam has already been taken at the highest political level. As a consequence, the Fisheries Department can only suggest mitigation options but has no influence on whether these will be implemented (Interview P20092010b).

Similarly, staff of the Climate Change Department feel powerless vis-à-vis large companies in ensuring that the promises of sustainability made in the Project Design Document (PDD) are met, and little opportunities exist for staff to hold project companies to account after the issuance of the Letter of Approval (Käkönen 2012: 54-55).

Furthermore, localities find it difficult to use tax and other policies for CDM projects that would benefit the local population: Käkönen (2013: 54) recounts negotiations of Stung Meanchey with private Korean, German and Italian companies to create a methane recovery project. As part of the project, the municipality expected to gain a share in the project or in the selling of Certified Emission Reductions (CERs). This condition was cited as a reason for why the project failed. Accordingly, Department officials expressed their frustration that such policies are viewed as hurdle to foreign investment (p. 54). This mirrors precisely the argument against Full EIAs.

The consequence is that while EIA and CDM are complementary mechanisms as far as the approval processes are concerned, they are presented as mutually exclusive by hydropower proponents. Furthermore, the leadership and MIME tend to focus on national level development and macro-economic policies, while the MoE tends to strike a balance between local livelihoods and national development objectives. This has implications for the emphasis on the need to conduct EIAs. All actors can also point to international support: while the NGO Forum on Cambodia draws on the support of Probe International, MIME cites World Bank support. The result is an internationalization of the normative contest in Cambodia, with the MoE in between. The next section analyzes how this is relevant in the decision-making process for the Kamchay Dam.

Planning the Kamchay Dam

The Kamchay Dam is located in the province of Kampot on the Kamchay River in Bokor National Park. Following the withdrawal of Japanese and Canadian companies

from the project on account of high costs and pressure by international environmental organisations (Malmquist and Sigfridsson 2002: 7; Labelle 1997), the Cambodian government held an international bidding contest between June 2004 and January 2005. Companies from Cambodia, Korea, Japan and China submitted an offer. Sinohydro won the contest (International Rivers and Rivers Coalition in Cambodia 2008: 19, 56; Sam 2007: 1; interview P10092010a). On 27 April 2005, MIME and Sinohydro signed the project contract (Sam 2007: 1).

On 4 July 2005, during the Second Greater Mekong Subregion Summit, China's Prime Minister Hu Jintao and Cambodia's Prime Minister Hun Sen signed an agreement approving Sinohydro's plan to build Kamchay (Sam 2007: 1). This meant that the investment decision was now taken at the highest level. The EIA Department approved the Initial EIA in October 2006 (Grimsditch 2012: 37; Interview P16092010). On 23 February 2006, MIME and the Ministry of Economy and Finance signed the build-operate-transfer (BOT) agreement with Sinohydro, and Sinohydro and Electricité du Cambodge signed the Power Purchase Agreement (Sinohydro 2008: 5, 25). Kamchay supplies energy to the Phnom Penh grid through the Kampot Switching Station (Sinohydro 2013: 2).

Sinohydro built and operates the dam under a 44-year concession agreement. China Exim Bank provided Sinohydro with a loan (Interview P10092010a). The Kamchay investment with a sum of US\$280 million was the largest foreign invested project in Cambodia at the time. In line with the liberal investment law, the government granted Sinohydro tax-free import of equipment, tax holidays, and the option to renew the concession period if the government is unable to operate the dam (Interview P08092010). All licences were granted free of charge (Interview P09102010a).

The role of EIA and CDM

Following the EIA Department's approval of the Initial EIA, construction commenced in September 2007 (Xinhua 2011). The first turbine began to produce electricity in December 2009. Yet, the EIA Department approved the Full EIA only in October 2011, two months before the Kamchay Dam became fully operational (International Rivers 2012). The Full EIA was thus approved four years after construction had commenced. This meant that the full environmental management plan remained

unknown to the public for the entire period of construction, although people were affected by the construction process (Grimsditch 2012: 38).

Sinohydro first considered a CDM application at a board of directors meeting on 18 February 2007 when the financial assessment produced an internal rate of return that would not make the dam financially viable (Sinohydro 2011: 17 Table B.2). From 22 October 2008 to 20 November 2008 the PDD (Version 01) was published on the UNFCCC website (<http://cdm.unfccc.int/Projects/Validation/DB/SZMYEKN22NBGRL9K2T27WX22O9Z8US/view.html>) for the Global Stakeholder Process, but no comments were received. The Climate Change Department issued the Letter of Approval on 20 November 2008 (Ministry of Environment 2008).

In March 2010, International Rivers submitted a comment to the CDM Executive Board and Jirote Na Nakorn, Managing Director of SGS, the CDM validator for Kamchay. The comments focussed on three issues. First, a lack of additionality: Kamchay would be built also without CDM validation, and at the time of application had already attracted funding by China Exim Bank and site preparation was well under way. Second, a lack of transparency: the closed-door negotiations between Chinese and Cambodian government officials and the refusal to submit the project contract to the National Assembly when it voted on the financial guarantees. Third, environmental and social impacts on Bokor National Park and the affected local communities, inadequate information dissemination and public consultations, and the absence of a Full EIA before construction which renders Kamchay in breach of EIA rules (International Rivers 2010).

When Sinohydro reapplied for CDM in December 2011 following the temporary suspension of SGS by the CDM Executive Board (CDM Executive Board 2009a: Annex 2; CDM Executive Board 2009b: 2), a new PDD (Version 07) was published on the UNFCCC website between 23 December 2011 and 21 January 2012 for another Global Stakeholder Process. This time, International Rivers submitted an official comment published on the website repeating the concerns of the earlier letter (International Rivers 2012. For the validation website see: <http://cdm.unfccc.int/Projects/Validation/DB/QFMTTATFT920BBVX9JOKGOIHX>

[2ESSY/view.html](#)). The arguments were eventually rejected in SGS's final validation report of October 2013, pointing out that Kamchay meets the additionality criteria and referring to the approval letters of the EIA and the Climate Change Departments (SGS 2013: pp. 91-98 for additionality, and pp. 116-117 for a consideration of International Rivers' submission).

When the Kamchay Dam officially opened on 7 December 2011, Prime Minister Hun Sen presided over the opening ceremony. He argued that the environmental effects had been well studied and urged “extreme environmentalists” to “look at the whole forest rather than each single tree”, i.e. to evaluate the dam against positive effects on Cambodia's high energy prices (AFP 2011). His comments mirrored remarks made at the ceremony to mark the first phase of operation of the dam on 7 December 2009: Kamchay would allow the government to scale back its annual subsidies of around USD20 million to reduce the cost of diesel-generated power (Cheang and Strangio 2009). Kim Sovan, general affairs officer of Sinohydro Cambodia, said the dam would allow the government to reduce energy imports from neighbouring countries (Cheang 2007).

Conversely, NGOs contested that the consultations resembled information meetings rather than open discussions (Interview P23092010). Sam Chanthy of the NGO Forum on Cambodia argued that consultations for the Initial EIA violated the legal requirements for public participation, thus rendering the project illegal (Vong and Strangio 2008). Chhith Sam Ath, executive director of the NGO Forum on Cambodia, emphasized the absence of a Full EIA and therefore the lack of information on the impact on the biodiversity of Bokor National Park. He also pointed to the fact that Sinohydro has not published the environmental management plan. In addition, he emphasized the lack of consultations by Sinohydro with affected communities (Cheang and Strangio 2009). A lack of adequate environmental and social safeguards were also emphasized in a January 2008 report by the Rivers Coalition in Cambodia, co-authored with International Rivers (International Rivers and Rivers Coalition in Cambodia 2008: 53). Thus, while Cambodian NGOs have been vocal in their resistance by citing environmental regulations, their main contender is MIME. The MoE is caught in the perceived dichotomy between environmental protection and development.

Conclusion

As Cambodia is developing its hydropower basis, the central discursive elements show that proponents and opponents of hydropower argue from fundamentally different points of view. Institutionally, the MoE is in a weak position vis-à-vis MIME. This includes the prime minister's full support for hydropower and his close links with economic leaders. Hun Sen's criticism of environmental NGOs has been repeatedly sharp (Macan-Markar 2011), as seen during the inauguration ceremony for Kamchay. Indeed, for Kamchay, the EIA process was irrelevant to the construction decision or the construction process. The EIA framework lacks government ownership. It is not enforced, and the norm of environmental protection is not generally accepted in the government.

Furthermore, the Climate Change Department had no role in the development of Kamchay, and the Full EIA was delayed until just before the opening of the dam. The dam's local development effects are questionable as the energy is destined for Phnom Penh. Kamchay therefore links firmly with the government's national-level development discourse. Indeed, having been approved by the prime minister during the Greater Mekong Subregion summit meeting with his Chinese counterpart, Kamchay was supported from the start by the political leadership with the aim to reduce electricity costs and meet rising electricity demand especially in the booming capital.

Hydropower proponents emphasize the benefits of hydropower for national-level development and the potential of CDM to attract foreign investment while downplaying the environmental impact. CDM thus becomes part of the liberal investment policies, while EIA is disqualified as an obstacle to national development. In order to delegitimize the pro-hydropower discourse, NGOs establish EIA as a counter-norm, casting CDM as a smokescreen through which environmentally harmful projects are implemented. This is particularly prominent in the contention that the Kamchay Dam violates Cambodia's EIA regulations. Cambodia's MoE is caught within this contestation. It is vocal about the resistance of MIME to EIA and views large dams as climate friendly technology – thus it is not opposed to large dams on principled grounds. Indeed, it views environmental protection and development as

complementary and EIA as a mechanism to improve environmental sustainability. Yet, as a line ministry it has to comply with government priorities. While it should ensure the integrative nature of CDM and EIA, it is torn apart.

Perhaps the most striking difference is that the micro-level policies pursued by the Climate Change Department indicate its view that sustainability begins at the local level. This stands in contrast to the belief held by the General Department of Energy that sustainability comes through national-level development. The diverging interpretation of CDM creates friction within the CDM norm and further fragments the field of environmental protection where normative cohesion should be expected. Furthermore, while MIME claims World Bank support, local NGOs link up with Probe International and International Rivers. Domestic norm contestation thus mirrors global norm contestation.

Cambodia's domestic actors therefore engage in a multitude of contestation processes. The overarching contest is one in which environmental protection and economic development, local sustainability and national sustainability, as well as different notions of sustainability (economic v. social and environmental) appear as mutually exclusive goals. Field fragmentation is therefore high, and the pursuit of contending norms produces an inability of actors to work together, thus creating a structure that is not conducive to cooperation. As the field becomes fragmented, the MoE loses its integrative function with respect to both norms, not so much because a normative conflict exists within the institution, but primarily because the Ministry is facing contending demands made upon it. By bringing field norms into the analysis, we can project the institution onto an organizational field in which different stakeholders adhere to different norms that affect the effectiveness of the institution, i.e. its ability to project its norms in political practice.

The consequence is that, while the MoE was set up by ADB TAs funded by Northern donors, the expectation was that it would lead to a greening of the Cambodian state. Instead, this agenda was first ignored – evident in the problematic implementation of EIA – and then subverted when the CDM mechanism was installed in the MoE and, crucially, manipulated to become a functional part of MIME's hydropower agenda as it was subjected to an inter-ministerial committee in which the real power lies with the

energy bureaucracy. As a consequence, Cambodian actors are not passive receivers on who the global normative order is inflicted. Instead, they are making active use of contending norms, thus engaging in a process in which they use and manipulate global norms for policy goals, applying contending definitions and interpretations. As norms are generic, they are fought over by local actors. Therefore, the relevance of global norms becomes understandable only by examining if and how global norms are actively inserted by local actors into their development discourses.

Endnotes

¹ For strategies to overcome fragmentation see for example Pache and Santos (2013).

² These conflicts are embedded in competing ideas about the character of the environment: from a narrow technical notion (e.g. a river in terms of its hydrological characteristics that can be exploited for hydropower purposes) to a deep ecology (Plumwood 2002) and complex systems perspective in which the environment is cast as a social-ecological system (Walker et al. 2002).

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