

Xayaburi and the Mekong Critical Point: Over-Damming the Shared River and Bigger Threats to the Shared Future

by **Nhina Le***

Despite the correlation between hydropower plant construction and economic growth, Laos' approach to the Xayaburi issue may backfire. The construction of big dams on the Mekong River would lead to food insecurity and jeopardize the health and livelihoods of over 60 million people in the region. These communities see the survival of the river and its resources as an important part of their everyday socio-economic lives, traditional values, and cultural identities. If the problems of resource and power management and distribution continue, and if public concerns are not adequately addressed, over time, these issues may become a potential source of social unrest and human, national, and regional instabilities.

The construction of the 32 meter high and \$3.5 billion hydroelectric dam in Laos' northern Xayaburi province continues in spite of oppositions raised by the affected villagers, Laos' neighboring countries, and the broader concerned community. The 1,285 megawatt Xayaburi Dam is the first of 11 dams proposed for the Lower Mekong region – nine in Laos and two in Cambodia – that are projected to produce about 8% of Southeast Asia's (SEA) power by 2025. The Mekong River is the longest river in SEA, and the 12th longest river in the world. Its transboundary resources (e.g. water, fish, and hydroelectric power potentials) are shared by China and five SEA countries: Laos, Vietnam, Cambodia, Thailand, and Myanmar. Laotian decision-makers perhaps calculate that as long as they can sustain economic growth, and at the same time boost the national image and pride through hydropower projects, the security and legitimacy of the state can be guaranteed. The government thus allows foreign enterprises- mainly Thai and Chinese companies and banks- to plan, fund, build, and operate dams in Laos.

Proponents of the Xayaburi Dam claim that it is the Mekong's "first environmentally friendly hydroelectric project," and that it will generate win-win outcomes for all parties involved (Robinson and Bland 2011). By tapping its rivers through mega-hydropower projects and selling the energy generated to Thailand, Cambodia, and Vietnam – its energy-hungry neighbors – Laos seeks to become "the battery of SEA" (Johnston 2011). Vientiane presumes that this

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exchange can generate rapid GDP growth, changing the quality of life of one-third of the 5.8 million people who live in poverty and hopefully transforming the image of Laos from an underdeveloped country to a developed one (Cronin and Hamlin 2012, 21–24).

Problems in need of recognition

Critics of the Xayaburi project and the Mekong River dams argue that Laos' calculation and claims are controversial. While environmental and socio-economic costs related to these dams are not yet thoroughly understood, benefits have been *over*-stated. For instance, the proposed 11 hydropower plants, including the Xayaburi Dam, could produce up to 14,697 megawatts of electricity. Yet, this would constitute only 6%-8% of the total estimated demand in the Lower Mekong Basin (LMB) by 2030 (Cronin and Hamlin 2012, 7). In addition, Vientiane continues to ignore an early warning by the Mekong River Commission (MRC) - an intergovernmental body made up of Cambodia, Laos, Thailand and Vietnam - that the construction of these dams in the main branch of the Mekong River would turn 55% of the river into reservoirs, causing estimated agricultural losses of more than \$500 million a year, and reducing the average protein intake of Thai and Lao populations by 30% (Changplayngam and Jittapong 2012).

The Xayaburi Dam project is operating in ways that exacerbate the problems of resource and power distribution and show a lack of recognition for the public's concerns. Access to electricity and commercial interests continues to be distributed to the already fortunate minority groups (i.e. state and local decision-makers, corporations, city populations), but not to the majority of poor people who live around the dam sites, the rural countryside of Laos, and the Mekong River areas (Herbertson 2012). Dam construction in Xayaburi has already led to displacement and resettlement of communities, mainly low-income villagers. These communities see the survival of the river and its resources as an important part of their everyday socio-economic lives, rituals, and traditional values (Ngo 2010). Local people worry that, in general, planned dams along the Mekong River will block the spawning and migration of hundreds of fish species and trap vital silt-borne nutrients used for their agricultural activities. This situation would lead to food insecurity and jeopardize the health and livelihoods of over 60 million people in the region. At some point, the government's unresolved problems of unequal resource and power distribution, and their lack of recognition regarding public concerns, may potentially become a source of social unrest, threatening human, national and regional security.

Laos' problematic approach to addressing the Xayaburi Dam controversy

Laos appears to have messy and perhaps contradictory goals. The Laotian state is determined to pursue its self-interest by pushing the Xayaburi project forward at any cost. But it hopes to do so in a way that does not provoke strong reactions from its neighboring countries. Laos sees the necessity of *hearing* other Mekong communities' concerns about the inequitable distribution of costs and benefits associated with the proposed dam developments in the river. However, the Laos government does not appear to be willing to compromise. There is a possibility that by changing its decision on the Xayaburi issue, Laos may "lose face." It is not in Laos' political interest to do exactly what other states demand. This is especially true in relation to Vietnam, a political ally that has expressed strong opposition to the Xayaburi dam project and other proposed dams on the Mekong River's main branch (IRIN 2011).

In an attempt to reconcile these complex issues and justify the continuation of the Xayaburi Dam development, the Laotian state has generated mixed and dubious messages. On July 13, 2012, Laos re-confirmed that it suspended the construction of the Xayaburi dam (Reuters 2012). But a few weeks later, Laos allowed construction of the dam to proceed. Ch. Karnchang, Thailand's main developer of the Laos dam projects, stated that the company is still working on the dam's construction as it "never" received any letter from the Laotian government calling for a suspension (Mizzima News 2012). On July 15, the Laos state, for the first time, invited representatives of the Greater Mekong Subregion (GMS) countries (e.g. Vietnam, Cambodia, Thailand, and Myanmar, etc.) together with the media, donors, environmentalists, and non-governmental organizations (NGOs), to visit the Xayaburi site. These parties were surprised to see the advancement, as opposed to the halt, of the Xayaburi Dam construction. They were equally surprised to hear Laos' justifications for this state of affairs. Laos' main project consultants, Pöyry and Compagnie Nationale du Rhône (CNR), explained that stopping the Xayaburi dam project was *not* necessary. Pöyry claimed that the development of Xayaburi Dam will cause no harm to the river or the environment. The firm explained that through the design of the so-called "transparent dam," which uses fish ladders and fish passes, the potentially affected fish could pass through freely without harm. Without any clear evidence, Pöyry concluded that the impacts of the dam downstream would be minimal (Fisher 2012). Through their "desk study," which many experts view as too abstract, biased, and incomplete, CNR claims that the Xayaburi plant will not cause any serious impediment to sediment flows to the Lower Mekong region (Herbertson 2012a). Relying on Pöyry and CNR's controversial research findings as major sources for supporting its position, the Laotian state justifies its claim that the construction of Xayaburi dam and other controversial dams in the river is legitimate.

Over-damming and the irreparable costs to regional peace and security

The Xayaburi Dam and other proposed Lower Mekong dams are largely profit-oriented (Cronin and Hamlin 2012, 4; Cronin 2009b, 2009c). Hence, Vientiane and developers tend to avoid discussions on cost-and-benefit-gaps and the negative impact on the Mekong environment and communities. Despite the correlation between hydropower plant construction and economic growth, Laos' approach to the Xayaburi issue may backfire and create conditions for human, national, and regional instabilities that will be exceedingly difficult to fix.

One of the biggest problems relating to the Xayaburi Dam project is that the local population of Laos, as well as populations in neighboring countries, will ultimately feel the negative effects of the dam project.

Already, boatmen in the Xayaburi areas find it more difficult to navigate in the river due to stronger currents generated by the dam construction. The affected villagers are facing challenges in obtaining adequate and timely compensations from the government and the developers. While hastening the resettlement of fishing communities, the government and the developers have not been very helpful in providing the locals with alternative occupations, proper means of survival and sources of income (Bangkok Post 2012a).

Quite often, Laos' pervasive corruption habit is seen as a condition for an almost lack of social responsibility on the sides of Vientiane and dam developers. It is believed that government officials receive handsome bribes from foreign companies that are hungry for rapidly exploiting natural resources, cheap labor, and the development of profit-oriented infrastructures, including the controversial Xayaburi dam, in Laos' territory (Herbertson 2012). Furthermore, compensation and resettlement may address only the symptoms, not the locals' underlying and pressing concerns. So far, the government's temporary attempts to assist affected locals have not been sufficient in sustaining their daily food supplies, traditional lifestyles, or their longstanding values that have historically been shaped by the health of Xayaburi's ecological system and of the Mekong River environment (Le 2012). As the state as well as dam developers fail to acknowledge and address the population's most basic human needs and their escalating distresses, over time, the population may no longer support and trust the state. This development can be disadvantageous for the Laotian government, rendering it less legitimate, if not illegitimate, in the eyes of the domestic public and the international community.

The transboundary effects and the interconnected economic, political, and ethical concerns related to the Xayaburi and Mekong River's proposed dams are profound. Laos' decision to move forward with the Xayaburi Dam's construction is at odds with the positions of the Vietnamese and Cambodian governments. The latter have repeatedly demanded that further study be carried out on the project's transboundary impacts before a decision is made as to whether or not Laos could proceed with the project. As Laos' Xayaburi project advances, "water conflict" escalation appears all the more likely. At the 2012 Asia Pacific Economic Cooperation summit in Russia, Vietnamese President Truong Tan Sang warned that "tensions over water resources are threatening economic growth in many countries and presenting a source of conflict especially given the efforts of all countries to step up economic development". In fact, "Xayaburi is not only about water flows and destroying migratory fish population, but also upstream dams holding nutrient-rich silt that Vietnam's Mekong Delta needs," explains Richard Cronin, Director of the Southeast Asia program at the Stimson Center. Southern Vietnam's Mekong Delta, commonly known as the "Nine Dragon River Delta" or *Dong Bang Song Cuu Long*, is Vietnam's "rice bowl" and the fertile heart of the world's second largest rice exporter. Dam construction in upstream countries such as Laos and China affects food production and agricultural and economic growth activities downstream. Vietnam's *Dong Bang Song Cuu Long* is geographically the furthest downstream from the Xayaburi and Mekong River's dam projects, and is therefore hugely affected. Cambodia is worried about the vast and flood-dependent Tonle Sap Lake. "Over 1.6 million Cambodians depend on the fisheries for their major sources of food and livelihood," stated Cronin. The communities living on and near this Lake are among the most neglected and live in poverty, earning \$1-\$2 dollars per day. With these thoughts in minds, Vietnamese and Cambodian bureaucrats, environmentalists, journalists, artists, and civil society groups in the region and beyond continue to disapprove of Laos' Xayaburi dam development. In response, Laotian policy-makers argue that Laos has the sovereign right to go ahead with dam projects within its borders (Bangkok Post 2012a). Since no parties are willing to change their positions, tensions between Vientiane, Hanoi, and Phnom Penh have escalated.

The above examples indicate that the Laotian state's inflexibility in handling the Xayaburi project can be self-defeating. The government's approach makes many domestic constituents and its neighbors across the Mekong River Basin feel a sense of distrust and social injustice. As these parties realize their similar distresses about the survival of their communities, their shared Mekong River and shared futures, they are uniting to refute the claims made by the Laotian decision-makers and dam investors. It remains to be seen as to whether or not the people's intensifying frustration can be transformed into social movements and uprisings that can challenge the Laotian government's status quo in the near future. These evolving phenomena, however, are beginning to display potentially significant risks to the security of Laos and the entire region.

"Hidden" threats to the safety of the Xayaburi dam, the river, and the Mekong peoples

Even when the Xayaburi Dam is complete, the safety of the dam is uncertain. The survival of Xayaburi, or any Lower Mekong dam, is connected to the safety of China's Yunnan cascade, or a series of interconnected dam construction in China. This cascade includes enormous dams built in the upper part of the Mekong River in China's Yunnan province. A reason for developing this cascade is to satisfy the growing need for cheap energy in China. Power generated by Chinese dams is used for economic development activities (Ngo 2001). Geographically, China, Laos, Thailand, Vietnam, Myanmar, and Cambodia share the Mekong River Basin. However, information about how China actually operates its dams is only known to Beijing, not to its public, neighbors, and the media (Cronin and Hamlin 2012). This situation is a result of a lack of transparency in Chinese government and companies' decision-making. The Lower Mekong countries are therefore unable to examine how China operates its dams and if China is capable of understanding and covering all the costs that these dams may cause to its neighbors and the entire Mekong region. Scientists and Laos' neighbors warn that if there are fault lines near dam sites, or, in a worse-case scenario, if certain Chinese dams collapse as a consequence of natural disasters or/and dam mismanagement, this situation would have the potential to trigger earthquakes and resulting tsunamis. These kinds of redundant disasters would be strong enough to wipe out everything in their paths, including the Xayaburi Dam and other dams downstream (To 2012). These disasters could lead to the imbalance of the river's ecosystem, loss of human lives, and devastation of properties. If Laos, with or without China's assistance, were able to calculate and effectively prevent and address this worse-case scenario, its agenda of developing dams on the main branch of the Mekong River would not have received so much criticism. Unfortunately, neither Laos nor China have enough governmental capacity, human resources, and advanced technologies needed for managing dam-related risks (Cronin and Hamlin 2012). This has caused more distress and concern about the sustainability of the Xayaburi dam among the Lower Mekong countries.

Conflict mitigation: opportunities and challenges

According to Cronin, there has been some slim hope that Laos may build only the Xayaburi Dam on the main branch of the Mekong River partly because of its neighbors'

objections. This hope, however, is falling apart, as the Xayaburi project advances with other projects potentially following suit. It was reported that Laos and Malaysia's Mega First Corporation proceeded with a second hydropower dam on the Lower Mekong Basin in Laos' Don Sahong site. China Datang Overseas Investment Co., Ltd. has completed its design and impact assessment of the Pak Beng Dam in Laos' Oudomxay province. Due to the close strategic-economic relationship between Beijing and Vientiane, this Chinese state-owned company is optimistic that it will obtain Vientiane's approval of the full construction of the Pak Beng dam in a near future (RFA 2012). Laotian government officials and these foreign companies frame their dam developments as "preparatory" and "preliminary" works which do not require consultations with neighboring countries (Herbertson 2012). It remains to be seen if their explanation actually reflects realities on the ground. Given these new developments, Laos' ambition of building dams in the Mekong River seems resolute. In order to neutralize Laos' rigid position, interconnected and participatory conflict mitigation strategies are necessary.

Promoting public awareness, coalition-building, and joint action

First, in their struggles against Vientiane's decision on the Xayaburi Dam project, the affected communities across the Mekong region need to 'hang together' rather than 'hang alone'. By pursuing this coalition-building strategy, these communities will be capable of making their shared concerns and claims loud and clear. Individual and disparate voices are not strong enough to challenge the more powerful forces, i.e. Laotian government officials, Thai, Chinese, and Malaysian state-owned banks and enterprises. The Save the Mekong Coalition (SMC), for example, understands the value of political coalition-building very well. With their strong networking, mobilization, and multi-language skills, the Coalition members were able to recruit supporters and sympathizers, including Thai people. Together, SMC members generated a petition of 16,000 signatures of the people from within and outside the Mekong region. They utilized the petition as a means to persuade Thailand's Prime Minister Abhisit Vejjajivia to pressure Thai companies and banks to quit their dam construction plans and electricity deals with Vientiane (Win 2012). SMC's voices are not able to entirely turn around the situation in the Xayaburi site. However, their shared position against Vientiane and the Xayaburi Dam developer increasingly matters to the media, policy and academic communities worldwide. Vietnam's public and private partnership on the Mekong River dams has improved significantly. The communist government, which was too skeptical to permit public debates on policy-making, is now willing to provide spaces in Vietnam for local and provincial decision-makers, journalists, academics, activists, NGOs, and the media networks to socialize with one another, hold conferences, seminars, and public forums that examine dams' impacts upon the Mekong River and Vietnam's Mekong Delta (Cronin and Hamlin 2012). The government and state-owned media have increasingly paid attention to some critical points of view and analyses proposed by Vietnam's environmental NGOs, including PanNature, the Vietnam Rivers Network, and Vietnam's Union of Science and Technology Associations. These NGOs play a significant role in building public awareness towards Laos' Xayaburi Dam controversy.

In order to advocate for the Mekong countries' activism, the Stimson Center's SEA program team pulled together English-speaking SEA and Chinese professionals of

diverse backgrounds of experience in their workshops and training programs in Thailand during July 17-19, 2011. These programs concentrated on the methods and practices of structural debate, dialogue, and cost-and-benefit analysis. Cross-border learning as such is a new development in the region. In the past, state and non-state actors within and across the Mekong countries did not engage in debates and collaboration on controversial subjects. Their lack of communication and collaboration was in part a consequence of their irreconcilable differences of interests and their unequal English proficiency abilities. It is unclear as to how far the new emerging Mekong coalition-building could alter Vientiane's decision on the Xayaburi Dam development. Still, this strategy serves as a good starting point for much-needed conflict mitigation in the region.

The claims of Laos' neighbors would be more persuasive to the Laotian government, the developers, and the broader global community, if these countries can demonstrate their political will to pursue sustainable hydropower plant and economic development pathways at home and abroad. Unfortunately, this is not a reality in SEA. Vietnam's economic growth has led to a massive increase in demands for power. In addition to importing power from China and Laos, Vietnam has built hydroelectric dams on its own rivers and is involved in projects across the border in Laos and Cambodia. In Laos, Vietnamese companies are building dams on the Xekamen River, a tributary of the Mekong. Vietnam is involved in a 1,410-megawatt dam scheme which has been funded by PetroVietnam Power Co near Luang Prabang (To 2012). The commercial interests obtained through Vietnam's dam projects seem to empower the already wealthy elites. The economic gaps between the haves and have-nots, between the cities and rural countryside where hydropower plants are located, are getting worse, not better as the state and its media claimed (Hensengerth 2008). While the Vietnamese government is condemning Laos' Xayaburi project, it has not done a good job in criticizing Vietnamese companies' dam construction patterns -- some of which cause more harm than good to the environment, national and human security. Vietnam's contradictory ways of dealing with dam development at home and abroad does not allow it to be in a good position of challenging Laos' decision on the Xayaburi Dam matter. Perhaps if *all* countries are committed to the principles of sustainable dam development, resource management, and economic development, their campaigns for saving their shared Mekong River will be more credible.

Exploring the meaning of research

Second, the continued call for comprehensive scientific research into the impact of the Xayaburi and Lower Mekong dams is necessary. Without understanding the environmental, socio-economic, and political risks involved in dam development processes, governments, enterprises, scientists, and communities will be unable to design risk management strategies. The fact that no professional transboundary environmental impact assessment was carried out by Laos, its consultants, and dam developers implies that Laos may be unable to calculate the costs and benefits of the Xayaburi Dam (Trandem 2012).

The call for comprehensive research would be more substantial if it could include several interpretations of the ways in which research may be conducted and used by Laos and its

Mekong neighbors. In principle, as the MRC emphasized, research has a function of informing the Mekong policy-making. A key purpose of research is to encourage countries to understand not only the benefits of dam construction, but also the costs associated with them. Through this research process, these countries and researchers can evaluate if and how dam developers can cover *all* the costs, or potential costs, to the environment and human security in the short and long terms. Meaningful research is an evolving collaborative process which provides room for diverse insights and critiques among nonpartisan researchers, donors, and the affected communities. If research can be carried out in this manner, over time, dialogues among these actors about complex issues related to the Xayaburi and Mekong dam projects will become more in-depth and substantial. At some point, these joint work processes would permit the emergence of what Cronin calls a new “Mekong Standard” or procedure which potentially all parties may agree with. When regional countries accept a procedure for project planning, engineering, and assessing the environmental and socio-economic impact as a basis for their decision-making processes, they would accept the outcomes of this procedure. Adjusting their policies based on this procedure is a way for leaders of the Mekong countries to avoid the issue of political face-saving in decision-making and conflict negotiation.

Unfortunately, this kind of research does not exist. Third-party conflict interveners, e.g. Japan, the U.S., and regional governments, are still unable to identify major sources of funding for supporting professional scientific research and cost-and-benefit analyses (Cronin and Hamlin 2012). Laos has been able to exploit this situation by introducing its consultants’ research findings which seek to legitimize its position and delegitimize that of its neighbors and opponents. A way to mitigate this problem is to further bargain with the Laos government and other stakeholders involved for another suspension of the development of the Xayaburi Dam, so that comprehensive research and assessments can be conducted. Timing, funding, and conflicting priorities continue to be primary concerns in any research phase. These factors, however, cannot, and should not be used as the key reasons or justifications for not undertaking any additional and even better research.

Multileveled capacity-building

Third, healthier resolution may have to go beyond the endless cycle of “anti-dam” versus “pro-dam” forces. Public debates seem to have over-focused on particular dam, river, or locality while disconnecting themselves from the growing concerns on ‘sustainable’ dam construction and economic growth patterns in Laos and elsewhere. The key question should be how to better build dam in ways that cause minimal costs to the environment and the broader community. In a longer term, how can Laos, aided by other state and non-state actors, better exploit and manage its resources, and pursue sustainable economic development pathways (Cronin 2009)? What are the key foundations for public and private sectors to partner with one another, in order to build an economy that serves the public good and ultimately strengthens environmental and human security?

In response to these puzzles, top-down *and* bottom-up mechanisms are required. On the former, further strengthening the existing advisory institutions, i.e. MRC, ASEAN, GMS, Lower Mekong Initiative (LMI), and the recently established Sister River Partnership

between the MRC and the Mississippi River Commission, continues to be of great importance. Over the past years, these groups have nurtured consultation and confidence-building patterns among the Mekong countries. In 2010, MRC was able to commission a report recommending a moratorium of at least ten years during which professional research could be carried out to assess the uncertainties of the Mekong River dams (MRC 2010). This recommendation has been widely supported by scientists, environmental groups, and donors. Unfortunately, Laos has violated this moratorium as its Xayaburi Dam project advances at the expense of its neighbors. This development displays the limitations of regional institutions. Functioning as ‘talk shops’, mainly driven by small SEA countries, these institutions have neither political power nor legalistic and rules-based conflict resolution systems which can be used to veto and punish Laos in case this member violates the groups’ agreements. As a consequence of their norm of non-interference into members’ domestic affairs, cross-border collaboration is difficult. Fortunately, realizing their stakes in the Mekong policy project are high, most regional countries’ leaders have recently actively sought changes. They are engaging in discussions examining ways to institutionalize and transform the MRC and other regional communities from talk-based forums to a more collaborative regime. Hopefully, through sustained dialogues, the Mekong countries would be able to realize as to how far they can mitigate some of the stumbling blocks to their cross-border collaborative efforts.

In addition to strengthening institutions, there is a need for supporting human capital development in Laos and in the Mekong region. Vietnam and Singapore, the countries that are among the leading investors in Laos, now emphasize the necessity of providing Laotian officials and people with more capacity-building programs on governance, judicial, economic and education reforms, sciences, and English. Most analysts understand that knowledge of these subjects is desirable in Laos, and serves as the key to Laos’ development pathways in a longer term, and yet this is not adequately addressed either by Vientiane or by foreign companies operating in the country. Other business partners with Laos would need to follow suit, if they intend to partner with the Laotian government and society on collaborative, equitable, and sustainable development.

Strengthening US-SEA-China relations

Fourth, U.S. engagement with the Mekong countries and SEA in general should continue, since most regional leaders welcome its engagement. These leaders understand that there are historically huge power imbalances in their relationships with Beijing. Hence, without further engaging with the U.S. - a more powerful world superpower and an “asymmetrical balancing power” in the Asia Pacific - SEA countries would find it much more challenging, if not impossible, to bargain with a rising and increasingly assertive and aggressive world superpower China on all matters, including the Mekong River dam issues (Cronin 2010). Due to its position in the global affairs and international politics, the U.S. is capable of pressuring and facilitating confidence-building, information-sharing, and consultation patterns among China and Mekong / SEA countries. The frequent presence of the U.S. officials in regional dialogues, and recently in Laos and the South China Sea worries Beijing. China believes that the U.S. is emboldening and utilizing SEA countries to become as a strategic instrument for containing China’s “peaceful rise” and its capabilities of becoming *the* hegemon in Asia. As a consequence

of this understanding, China has paid attention to the concerns of its SEA and Mekong neighbors. For instance, despite the fact that it is not a MRC member, China recently served as an observer of the MRC forums, attempting to understand its neighbors' opinions on the Mekong River's dam development. While the countries of SEA welcome modifications on China's side, they understand that strong foundations for neutralizing China's assertiveness on the Mekong River dam policy and China-SEA relations require the U.S. long-term partnership with the region. Fortunately, the Obama administration has confirmed its will to further communicate and collaborate with SEA, in order to address some of the most pressing issues related to the Xayaburi controversy and the potential water 'wars' in the region (Pontius 2010). The prospects of the U.S. actualizing its commitment will be positive, if Obama is able to effectively persuade his Administration, Congress, and American constituents to trust, support, and strengthen U.S. foreign policy in SEA.

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