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**Open Letter from Save the Mekong Coalition
to MRC Development Partners
Regarding the Informal Donors Meeting, 31 August 2016**

In advance of the Mekong River Commission's Informal Donor Meeting this week, the Save the Mekong Coalition writes to express our serious and ongoing concern over the outstanding issues and questions surrounding hydropower dam construction on the mainstream of the Mekong River.

The Lao government and project developers have made numerous statements about the redesign of the Xayaburi Dam, which is now more than 60% complete.¹ They have shared some information about the redesign plans, which are purported to address the many issues and concerns raised by regional governments and other stakeholders over the project's transboundary impacts during the Prior Consultation process under the 1995 Mekong Agreement. While the project redesign has often been alluded to, the full designs have yet to be made public. There has been no transparent or independent review of the project design features, or assessment of their efficacy in mitigating the project's impacts. In particular, this includes enabling fish passage for the migratory fish that are critical to local and regional food security. This information must be made available and shared with those whose food sources and livelihoods are threatened by the dam's development.

Last week, a blessing ceremony was held in Laos to mark the laying of the concrete foundation of the powerhouse for the Don Sahong Dam.² Construction on the project has been proceeding rapidly since January. The dam is being built despite an ongoing lack of clarity on the resolution of the project's Prior Consultation process. No information has been released as to how the serious concerns and requests for transboundary impact assessment and additional studies raised during the Prior Consultation by regional governments of Cambodia, Vietnam and Thailand, have been addressed or resolved.³

The Lao government and project developers have claimed that the project will not cause harmful environmental and social impacts, and even that fish migration may be enhanced as a result of the project.⁴ However, no baseline assessments, fish monitoring studies or other information demonstrating these claims have been made public, or shared with thousands of concerned fisherfolk across the border in Cambodia and more widely up and downstream.

We note that the MRC development partners have repeatedly urged the Lao government to effect the release of the current designs for the Xayaburi dam and an assessment of their compliance with the MRC's Preliminary Design Guidance for Proposed Mainstream Dams in

¹ Hydroworld, 'Laos' 1,285-MW Xayaburi hydropower project receives loan from Thai construction firm' 20 May 2016.

² Vientiane Times, 'Powerhouse work to commence at Don Sahong', 18 August 2016.

³ See the country Reply Forms of Cambodia, Vietnam and Thailand, Prior Consultation for Don Sahong dam, Mekong River Commission (2015).

⁴ KPL News Agency, 'Don Sahong dam not interfering with Mekong fish migration', 30 June 2016.

the Lower Mekong Basin.⁵ They have exhorted the regional governments to clarify the status of the Prior Consultation process for the Don Sahong Dam, including resolution of the concerns and requests raised during that process.⁶

We call on development partners to reiterate and renew these requests with the Mekong governments during the Informal Donor Meeting this week. Without adequate information, including baseline studies, transboundary impact assessments, and evidence of the efficacy of proposed mitigation measures, the Mekong River is simply being used as a testing ground for new and unproven technologies, which the MRC's 2010 Strategic Environmental Assessment strongly cautioned against.⁷ This approach puts the food security, livelihoods, and human rights of millions of people in the Mekong Basin at risk.

The Laos government has also recently announced plans to move forward with the Pak Beng Dam in 2017,⁸ which will be the third project on the Mekong mainstream. The MRC has taken steps to review some of its procedures and processes, including those related to decision-making on mainstream hydropower construction, such as the Procedures for Notification, Prior Consultation and Agreement (PNPCA). Major failures of these procedures were clearly seen during the Prior Consultation process for both the Xayaburi and Don Sahong projects. The mechanism has proved non-transparent, inadequate in ensuring meaningful public participation and input, and unable to meet its stated purpose of ensuring cooperation in the equitable and sustainable use of the Mekong River.

No plans for further projects on the Mekong River should move forward until outstanding questions and concerns regarding the existing projects and the PNPCA have been fully addressed. This includes resolution of the issues and lack of clarity surrounding the requirements of the Prior Consultation process, including the information that should be provided during the procedure, the criteria for meaningful consultation, opportunities for ensuring public participation, and the process for resolving differences and disputes.

We therefore call on Mekong River Commission development partners to:

- Renew their calls to the MRC to effect the release of the current designs for the Xayaburi dam and clarification of the status of the Prior Consultation process for the Don Sahong Dam;
- Require reform of the MRC's procedures before any further project is commenced, including requirements for comprehensive assessments and release of information, meaningful public participation and the transparent resolution of disputes;

⁵ See Mekong River Commission, 'Joint Development Partner Statement, 22nd Meeting of the MRC Council', Phnom Penh, Cambodia, 13th Jan 2016; and 'Joint Development Partner Statement, 24 June 2015', Vientiane, Laos, 24th Jun 2015.

⁶ *Ibid.*

⁷ International Centre for Environment Management, 'Strategic Environmental Assessment of Hydropower on the Mekong mainstream, Mekong River Commission (2010).

⁸ KPL News Agency, 'Pak Beng Hydropower Project construction to begin next year', 14 July 2016.

- Reconsider their support to the MRC if it remains unable to fulfil the purpose of ensuring adherence to the spirit and principles of the 1995 Mekong Agreement.

The Mekong River belongs to the region's people. The MRC can and must take a stronger role in acknowledging the people's concerns and in clearly and unequivocally stating the threat posed by hasty and ill-informed hydropower dam development to the sustainable and equitable use and management of the Mekong River and its resources.

Sincerely,

Save the Mekong Coalition

30 August 2016