

Join Statement of the Rivers Coalition in Cambodia (RCC) on Concern over Initiation of the PNPCHA Process for the Pak Beng Hydropower

The Rivers Coalition in Cambodia (RCC), a national network with a membership of 52 civil society organizations across the country, together with other national and international civil society groups, express our great concern over the notification by the Government of Laos of its intention to construct the Pak Beng dam of the Mekong River, and the commencement by the Mekong River Commission (MRC) of the Prior Consultation for the Pak Beng dam under the Procedures for Notification, Prior Consultation and Agreement (PNPCA).

The proposed Pak Beng Hydropower Dam would be the third dam constructed on the Mekong mainstreaming in Lao PDR. The project is situated in Oudomxay Province, northern Laos. The dam is a ‘run-of-river’ project with the capacity to generate 912 MW of electricity¹. According to reports, the company responsible for building the Pak Beng Hydropower dam, Vientiane-based Datang (Lao) Pak Beng Hydropower Co., Ltd., commits to respond to comments by member countries of the Mekong River Commission (MRC) and development partners².

The PNPCHA is an important component of the MRC as a mechanism for cooperation on the equitable and sustainable management of the Mekong River between the four Lower Mekong countries of Thailand, Lao, Cambodia and Vietnam. A project developed on the Mekong mainstream such as the Pak Beng dam must be submitted for Prior Consultation under the PNPCHA. According to the 1995 Mekong Agreement, the purpose of the Prior Consultation procedure is to allow the other member governments to discuss and evaluate the impact of the proposed project on their uses of water and any other affects, as the basis for arriving at an agreement. The Mekong Agreement states: “Prior consultation is neither a right to veto the use nor unilateral right to use water by any riparian without taking into account other riparians’ rights”.

However, the PNPCHA, and the Prior Consultation procedure in particular, has been the subject of significant critique and concern from stakeholders across the region since the first project on the Mekong mainstream, the Xayaburi dam, underwent the procedure in 2011. Despite clear expressions of concern and strong responses from the member countries of the MRC against the construction of the Xayaburi dam, and requests for a ten year moratorium on dam-building and further studies including basin-wide assessments, the Lao government moved forward with the project. In spite of unresolved concerns over Xayaburi and the impacts of damming the Mekong mainstream, the Government of Lao commenced construction of a second project, the Don Sahong dam, in 2016. As with the process for Xayaburi, significant concerns and opposition from neighboring governments, requests for baseline assessments and trans-boundary impact assessments went unanswered. The approval of the concession contract by the Lao parliament for the construction of the Don Sahong dam was made when requests by the three member countries of the MRC, i.e. Cambodia, Thailand, and Vietnam, as well as downstream communities and civil society organizations, had not been responded to or addressed. For both Xayaburi and Don

¹ <http://www.mrcmekong.org/news-and-events/news/mrc-statement-on-the-occasion-of-pdies-15th-anniversary-2/>

² <http://www.laotiantimes.com/2016/12/14/pak-beng-project-awaits-mrc-review-comments/>

Sahong, no clear responses were ever given to many of the questions raised in the MRC secretariat technical reviews.

Experience to date shows little evidence that the concerns raised during Prior Consultation procedure will have any meaningful impact on decision-making. For both Xayaburi and Don Sahong, the procedure failed in its objective to ensure cooperation for the sustainable and equitable use of the Mekong River, as no agreement was reached between the governments on addressing the issues and the Prior Consultation procedure could not be formally resolved.

The MRC, and its international development partners, have recognized flaws and inadequacies in the Prior Consultation procedure. The MRC has stated that it will undertake a review of the PNPCA; however no information on the status or outcome of that review has been made public. Furthermore, the MRC Council Study, agreed on by all four members of the MRC in 2011 as a basin-wide assessment of the impacts of Mekong mainstream dams, has been subject to significant delays and remains incomplete.

The construction of the Pak Beng hydropower dam will seriously affect communities in Thailand who live upstream and downstream of the proposed dam. Furthermore, it threatens to biodiversity and fisheries in the Lower Mekong, which is the source of food security for millions of people, and especially in the Tonle Sap Lake, which is the heart of Cambodia.

The Rivers Coalition in Cambodia (RCC) agrees with the concerns of international organizations, including International Rivers, which issued a statement³ urging the MRC and member countries to immediately address the shortcomings of the PNPCA, and the unresolved concerns between Cambodia, Thailand, and Vietnam, with respect to the construction of the Xayaburi and Don Sahong dams before considering any new project on the Mekong mainstreaming.

We, members of the Rivers Coalition in Cambodia (RCC), and national and international civil society organizations, request that Mekong River Commission halts the Prior Consultation for the Pak Beng hydropower dam, and officially request the Lao Government to suspend activities on all projects in order to address the shortcomings of the PNPCA and ensure its effectiveness. We further demand that the procedure should be suspended until the MRC Council Study is completed and the results made public. We urge the Cambodian government to recognize and support these requests.

If our request and concerns on behalf of civil society organizations and the Mekong downstream communities are not addressed with acceptable results, we will continue to issue statements and make every effort to avail ourselves of regional and international support and legal principles to prevent the construction of further hydropower dam on the Mekong mainstream.

The statement is endorsed by the following member organizations of the Rivers Coalition in Cambodia (RCC) and national and international partner organizations:

³ <https://www.internationalrivers.org/resources/press-release-flawed-prior-consultation-cannot-legitimize-new-mekong-dam-11589>

- 1) The NGO Forum on Cambodia (NGOF)
- 2) Culture and Environment Preservation Association (CEPA)
- 3) Fisheries Action Coalition Team (FACT)
- 4) My Village (MVi)
- 5) 3S Rovers Protection Network (3SRPN)
- 6) Tonle Sap Lake water keeper (TSLWK)
- 7) The Coalition of Cambodia Fishers (CCF)
- 8) Northeastern Rural Development (NRD)
- 9) Khmer Farmer Cooperation of Agriculture Development Organization (KFCADO)
- 10) Save the Vulnerable Cambodia (SVC)
- 11) Ponlok Khmer
- 12) Eco Sun
- 13) Cambodia Indigenous Youth Association (CIYA)
- 14) Nak Aphiwat Sahokkom
- 15) Cambodia Rural Development Team (CRDT)
- 16) Cambodia Youth Network (CYN)
- 17) Action For Development (AFD)
- 18) Building Community Voice (BCV)
- 19) Rural Development Association (RDA)
- 20) Tekdeysovanphum Organization (TDSP)
- 21) Action on Environment and Community (AEC)
- 22) Community Peace Network (CPN)
- 23) Cambodia Community Development (CCD-Kratie)
- 24) Our Objective Organization (OOO)
- 25) Bunong Indigenous Communities Network of Mondulkiri (BICNM)
- 26) Community Translation Organization (CTO)
- 27) Ponleu Ney Kdey Sangkhum (PNKS)
- 28) Khmer Youth and Social Development