



Mekong River Commission

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Dear Khun Premrudee,

Requests from Mekong Civil Society

Thank you for forwarding the letter of 27 March, 2008, sent on behalf of the listed signatories. I also appreciate your welcome message on my appointment as CEO of the Mekong River Commission Secretariat (MRCS).

I fully agree that this is a challenging period for the Mekong River Commission. Indeed the challenges to which you refer were highlighted in the speech of the Chairman of the Joint Committee at the recent 27th MRC Joint Committee Meeting in Danang.

Two key concerns relating to the MRC were raised in the letter – that of legitimacy and that of relevance. Regarding the question of legitimacy, I will refer to our mandate derived from the 1995 Mekong Agreement, plus related strategy and procedures.

The 1995 Agreement on Cooperation for the Sustainable Development of the Mekong River Basin is clear on the establishment and role of the MRC, on its governance structures, and on the role of the Secretariat. Underlying the Agreement is the guiding principle of a spirit of cooperation between its signatory nations in carrying out its provisions in a timely and neighbourly manner. Implementation and compliance are based on good faith and cooperation, in accordance with the framework set out in the Agreement. The Secretariat is tasked with providing technical and administrative services to the Council and Joint Committee of the MRC: these two bodies are comprised of ministers and other appointees of Cambodia, the Lao PDR, Thailand and Viet Nam.

The Secretariat is also guided by the MRC's Strategic Plan for 2006-2010. This includes the work of the Basin Development Plan (BDP) to assess future development scenarios including regional, bilateral and national developments. Under the BDP we seek to keep the MRC informed on all projects in the basin, particularly those judged to have major impacts on water flows, livelihoods or the environment, and to position the organisation so that it can give advice to the Joint Committee and Council. The legitimacy of the organisation is therefore not in doubt.

On the question of the MRC's relevance, the mainstream dams that you refer to are one important aspect in our analysis of the potential changes in the basin. They have been discussed in the Commission since its establishment and indeed before, from the beginnings of the Mekong Committee in the early 1950s. A significant difference now is that individual proposals have moved beyond the master planning stage to more detailed planning and the preparation of feasibility studies. Other changes already occurring in the basin are also being factored into our analysis as they affect water quality, fisheries, and other dimensions of the basin's water resources.

Our role at the Secretariat in serving the joint interests of the Member States and administering the 1995 Agreement covers at least four areas:

Firstly, development of an understanding of the existing river system across all facets of water resources management through data collection, analysis and modelling. In this area we have already developed considerable capability and are continuously working to further develop the scope of our predictive capacity.

Secondly, preparation of objective analysis of future development scenarios. These include regional, bilateral and national projects of a significant nature, and assessment of their cumulative effects on hydrology, water quality, fisheries, sediment transport etc. The timetable for this work was discussed at the recent BDP Stakeholder Consultation Forum. In a related initiative, we are exploring ways of involving stakeholders in the formulation of the MRC Hydropower Programme.

Thirdly, we provide advice on individual project proposals where requested by our member countries. As you point out, this was the case for the Don Sahong project in the Lao PDR. Your specific request for information on this is addressed below.

Fourthly, the Secretariat is the body responsible for administering the procedures developed under the 1995 Agreement. Many details of these procedures have already been agreed among the four countries through the facilitation efforts of the Secretariat. We acknowledge that some details are still to be worked out and will publicly disseminate these once agreement has been reached among all member countries. The principles of information sharing, good faith and cooperation will continue to guide the Commission in all its activities.

In addition to these four areas, we naturally engage with Joint Committee members and member countries in more informal dialogue in connection with future proposals, and ultimately this feeds into the formal role outlined above.

The Secretariat's role, as defined by the 1995 Agreement, is an advisory one: responsibility for decision-making rests with the countries concerned. My personal commitment, as CEO of the MRC Secretariat, is that we will do whatever we can to ensure that the diversity of views of various stakeholders is reflected in our work and that the outcome of our objective scientific analysis is made available to those responsible for taking such decisions.

Regarding your request for information on status of notification for mainstream dams, we can advise that notification has been made for one proposed scheme, that at Thakho in the Lao PDR. Notification was given in 2001, and to our knowledge this proposal is no longer being actively considered by the Lao government. Informal discussions on other mainstream project proposals have, as mentioned earlier, been taking place periodically since the initial master plans were prepared. The formal notification and consultation processes are expected to occur as more detailed planning studies are prepared.

You refer to the work carried out by the Secretariat on the proposed Don Sahong hydropower project. In late 2007, the Lao government's Water Resources and Environment Administration requested the Secretariat to review the draft Environmental Impact Assessment prepared on this project. In such cases, we need to seek the concurrence of the commissioning agency prior to releasing our report. However, it would not be appropriate to release the report publicly until the other member countries have had an opportunity to consider this work in detail. We trust that you can recognise the integrity of this internal process under the framework that I outlined earlier.

More generally, it is our feeling that the issue for Southeast Asia is not simply whether to build hydropower projects or not, but how to build sustainable projects that have emerged as an appropriate response to a development need, while also safeguarding the interests of people who currently use the water resources and services provided by the environment.

Your letter arrived just before I took over as CEO of the Secretariat. It will take some more time for me to fully respond to all the issues raised. However, I can commit now to a participatory approach to our work, and hope that a wide range of stakeholders joins us in this approach with a constructive spirit that can help achieve coordinated development. These are indeed challenging times for the Mekong River Basin, and I look forward to working with the many partners in fulfilling our role of supporting the sustainable development of the region.

I would like to request your assistance in circulating this response to the other signatories to the letter. Please contact us should you wish to make an appointment to further exchange views.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Bird', with a large, sweeping loop on the left side.

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MRC Secretariat

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MRC Council members

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