



Mekong River Commission

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No. L0074/10

26 January 2010

Members of the Save the Mekong Coalition

Subject: Petition on proposed mainstream hydropower dams

We acknowledge receipt of your letter dated 1 December 2009 addressed to the Council Members of the Mekong River Commission (MRC) together with the enclosed petition and supporting materials. Following consultation, Member Countries have asked the MRC Secretariat to respond on their behalf.

Referring to the concerns raised in your letter, the MRC would like to inform you of the progress being made. Firstly, regarding stakeholder participation in the work of MRC you will be aware of a number of major multi-stakeholder consultations held over the past two years that have included discussion on development issues for the Mekong basin and, in particular, the subject of hydropower. These include the regional consultations for the Basin Development Plan in March 2008 and October 2009, and the regional consultation on MRC's initiative on sustainable hydropower in September 2008. Some of the organisations that are signatories to the Coalition's petition attended these regional meetings.

MRC recognises the role played by all interested stakeholders from government, civil society and the private sector at these meetings and in providing their perspectives on important development decisions, the future of the Mekong River Basin, the Basin's resources and the uses of those resources. Our commitment to obtaining peoples' views led to a mechanism for public submissions on our website to which your Coalition has also submitted the petition.

The MRC has been an active participant in other meetings organised by groups of concerned NGOs and made presentations on its role under the 1995 Mekong Agreement and the wide range of relevant studies it is undertaking in the fields of Mekong fisheries, environmental assessment, sustainable hydropower and basin planning. These meetings include the Mekong Public Forum held in Bangkok on 12-13 November 2008, the NGO Forum of Dam Affected People in Phnom Penh on 2-3 December 2008, the workshop on the proposed Don Sahong dam organised by the Rivers Coalition in Cambodia on 16 June 2009 and the workshop on Cambodia's Energy Future organised by the NGO Forum on Cambodia held in Phnom Penh on 27 October 2009.

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At a governance level, MRC is also increasing its commitment to open and transparent processes and has recently approved a Communication Strategy and Disclosure Policy. During 2010, we will be reviewing our policy on stakeholder engagement including improving the opportunities for stakeholders from a wide range of interest groups to express their views to the MRC Council.

In relation to the hydropower projects being proposed for the mainstream of the Mekong River, the MRC initiated a Strategic Environmental Assessment (SEA) this year. By October 2009, the initial preparatory or scoping phase had been completed. This included a number of national meetings from August to November 2009 involving community representatives and non-governmental organisations in the four Member Countries as well as government agencies and the private sector. Details of the SEA are available on our website and these will be periodically updated with copies of draft reports and presentations being posted as they become available.

Following its initial scoping stage, the SEA has now embarked on the baseline assessment stage to be followed by an impact assessment stage. These stages are where the information provided in your submission and others can best be considered. A number of multi-stakeholder regional workshops are planned for 2010 including the baseline assessment workshop on 27-28 January in Phnom Penh and an impact assessment workshop in April.. Members of your Coalition who have been closely involved with these issues are encouraged to attend,

As required under MRC's Procedures for Notification, Prior Consultation and Agreement (PNPCA), the Member Countries of MRC will jointly review proposals for any proposed hydropower project on the mainstream of the Mekong River in response to submissions from any one of its Members. The Procedure and its Technical Guidelines are available on MRC's website. This MRC process needs to be completed before the submitting country takes any final decision on implementation of a project through its national regulatory procedures. The MRC discussions under the PNPCA will seek to reach an agreement on whether any individual project submission should proceed, and if so, under what circumstances. To initiate discussion on these issues, Member Countries have shared preliminary information on the proposed mainstream dams and this in turn has been incorporated into many of the presentations on the subject made by the MRC Secretariat and consultants for the SEA. The points made in your letter about an open and consultative process for evaluation of mainstream dams are acknowledged and we can assure you that the messages contained in the petition have been noted.

The results of the SEA will provide a basin-wide framework within which any individual project proposal can be considered. As part of the PNPCA process we envisage there will be detailed consultations. So far, the MRC has not been formally notified of any of the projects as developers are still at various stages of planning studies. Discussions held between MRC and the developers over the past year have already pointed to the type of concerns raised in your letter.

Many of the issues covered in your letter are already the subject of MRC's work programme, for example, much of the information on fish biodiversity, fisheries value, migratory behaviour and rural livelihoods has emanated from research carried out by MRC's Fisheries Programme. There is also strong coordination on hydropower issues among MRC programmes, for example, we convened a special expert group that looked into worldwide experience on fish passage as a possible mitigation measure for dam projects and the related complexities and challenges have been reported

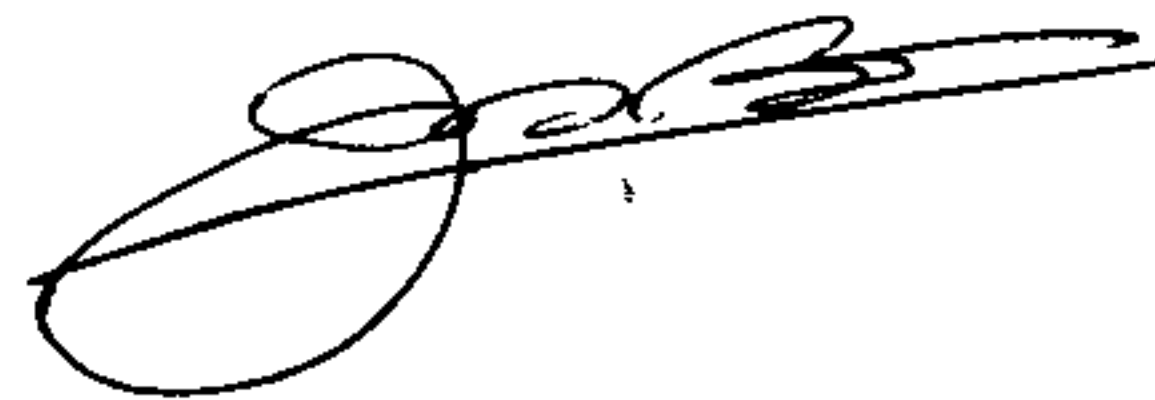
widely in our publications and presentations. All this work is strengthening the capacity of the MRC countries to address the highly complex issues related to proposed hydropower development, strengthen country ownership and place them in a position to take decisions based on a sound knowledge base related to the opportunities and risks.

Based on MRC's formal procedures, its ongoing work programme, the SEA and its role as a facilitator of dialogue between interested groups, we do not agree with your accusation that MRC has 'failed to listen and respond to peoples concerns' or that we are 'separate from realities on the ground'. We are already working on the issues raised by your Coalition and others, and have committed that these concerns will be taken into account when any individual project is submitted for consideration by MRC under the PNPCA.

With regard to your request for a meeting with MRC Council Members, we propose that these are organised separately in each country based on the availability of individual MRC Council Members and that you make contact with the respective National Mekong Committee Secretariats.

I trust that the information above has presented you with a better understanding of the role that MRC is playing in the discussions on proposed mainstream dams.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Bird', written over a horizontal line.

Jeremy Bird
Chief Executive Officer
MRC Secretariat

Cc MRC Council Members and Joint Committee Member
MRC Dialogue Partners
MRC Development Partners
Team Leader, Strategic Environmental Assessment of Proposed Mainstream
Hydropower Projects