

Mekong River Commission
Procedures for Notification, Prior Consultation and Agreement
Form/Format for Reply to Prior Consultation

1. Replying State(s): The Socialist Republic of Viet Nam

2. Date of reply: 23 January 2015

3. Replying Ministry(ies)/Agency(ies):

The Viet Nam National Mekong Committee

Add.: 23 Hang Tre str., Hoan Kiem, Hanoi, Viet Nam

Tel: (84-4) 38254785

Fax: (84-4) 38256929

Email: vnmc@hn.vnn.vn

4. Contact person/facilitator:

Dr. Le Duc Trung

Director General

Viet Nam National Mekong Committee

Add.: 23 Hang Tre str., Hoan Kiem, Hanoi, Viet Nam

Tel: (84-4) 38254785

Fax: (84-4) 38256929

Email: vnmc@hn.vnn.vn

5. Name of the proposed use/project: Don Sahong Hydropower Project

6. Location of the proposed use:

The Don Sahong Hydropower Project is located on the Hou Sahong channel of the Mekong river approximated 2 km upstream (north) of the Lao-Cambodia border.

7. Nature of proposed use:

Inter-basin diversion from the mainstream during wet season

Intra-basin use on the mainstream during dry season

Inter-basin diversion of the surplus water from the mainstream during dry season

8. Date of receipt of the documents: 25 July 2014

9. Reply to proposed use:

9.1 Implementation of the Procedures for Notification, Prior Consultation and Agreement

First of all, Viet Nam National Mekong Committee would like to highlight the “Spirit of Cooperation” and responsibility shown by Lao National Mekong Committee in diligently applying the relevant provisions of the 1995 Mekong Agreement on Cooperation for Sustainable Development of the Mekong River Basin (1995 Mekong Agreement) in general and the Procedures for Notification, Prior Consultation and Agreement (PNPCA) in particular for a proposed use of water on the Mekong mainstream in the case of the Don Sahong Hydropower Project.

Much appreciation also goes to the effective support of the MRC Secretariat in preparing the Technical Review Report on the impacts of the Don Sahong Hydropower Project and timely assistance to the Prior Consultation at both regional and national levels. Viet Nam was also in debt of the close collaboration accorded by the Cambodia and Thai National Mekong Committees during the consultation process.

Following the MRC Council’s resolution on the conduction of Prior Consultation for Lao proposed Don Sahong Hydropower Project, the Viet Nam National Mekong Committee has made every effort to carry out a series of consultation activities, including national consultation workshops, technical seminars, public surveys and additional studies, notably:

- National Consultation Workshop for 13 provinces/cities in the Mekong Delta (September 25, 2014 in Can Tho).

- National Consultation Workshop for the governmental agencies and non-governmental organizations based in the North (December 22, 2014, in Ha Noi).

- National Consultation Workshop for provincial authorities and technical/academic institutions from 13 provinces/cities in the Mekong Delta (December 23, 2014 in Can Tho).

- National Consultation Workshop for local communities from 13 provinces/cities in the Mekong Delta (December 24, 2014 in Can Tho).

In addition to the aforementioned national consultations, Viet Nam National Mekong Committee also actively participated in relevant consultation activities under the regional consultation process, including regional public workshops, working group meetings and the site visits.

9.2 Results of the consultation process

Based on the project documents provided by the developer, Technical Review Report prepared by the international expert groups of the MRC Secretariat, results of site visits and national consultations, and comments of the

MRC Member Countries and the international community, the Viet Nam National Mekong Committee has drawn in primary findings, as follows:

- *Impact on the flow regime*: In the dry season, according to documents provided by the developer, the Don Sahong Hydropower Project will likely command up to 50% of the total flow on the Mekong mainstream and therefore may cause serious trans-boundary impacts to the downstream.

- *Impacts on fisheries*: The construction of Don Sahong Hydropower Project entirely blocking Hou Sahong channel (widely regarded as enabling 80% of the fish volume migrating upstream yearly) would cause serious impacts on the migratory species on the Mekong mainstream. The proposed alternatives of modifying adjacent Hou Xang Pheuak and Hou Sadam channels to mimic the Hou Sahong channel are yet to be proven effective largely due to the lack of adequate information and knowledge about biological characteristics and aquatic conditions for migratory species. Additionally, the survival rate of migratory larvae fish on the way down passing through "fish-friendly turbines" as proposed by the developer (should be greater than 95%) was considered hardly to reach internationally accepted level. More importantly, according to many fishery experts, the consequences on fisheries are largely believed as unrepairable.

- *Impact on the ecological environment*: It was unfortunate that the developer failed to satisfactorily provide the basic for determination of required environmental flow to be maintained through the Khone Falls (800 m³/s). The objective to protect this symbolic asset therefore may be affected by the economic target of maximized energy generation that lead to significant trans-boundary impacts on the ecological environment in ecology-rich Siphandon region and further down to the downstream wetlands of Cambodia.

It was also overwhelmingly voiced at the national consultation workshops by the Vietnamese experts and local communities in the Mekong Delta their deep concerns and constant worries about the potential impacts caused by the Don Sahong Hydropower Project in particular and by the entire cascade of the Mekong mainstream hydropower projects in general. Furthermore, they also called on the MRC Procedures for Notification, Prior Consultation and Agreement to be fully and effectively implemented amid the rapid hydropower development on the Mekong mainstream, and the Mekong River Commission to play a proactive role to ensure efficient and sustainable use of the Mekong water resources. They all agreed that the impacts caused by the Don Sahong Hydropower Project should be considered in conjunction with that of the whole cascade proposed on the Mekong mainstream to the downstream. Specifically, much attention should be paid to those of trans-boundary nature affecting the Mekong Delta of Viet Nam, which is not only important for global food security but also vital for livelihood of about 20 millions inhabitants.

Outcomes of national consultations as well as additional studies carried out by Vietnamese experts all come to the same conclusion that there is still lacking a lot of necessary information; impacts on relevant areas (particularly trans-boundary impacts) are yet to be verified; mitigation measures proposed by the developer need to be persuasively proven; and the consultation timeframe (6 months) was short, not enough for comprehensive studies and consultations.

9.3 Concluding recommendations

Basing upon the aforementioned findings, the Viet Nam National Mekong Committee is of the view that further efforts are needed to continue filling data and information gaps, specifically (1) the observed data and study outputs on natural resources (particularly on the biological characteristics of migratory, native and rare species as well as related ecological conditions), flow regime and sediments; (2) the information on possible trans-boundary impacts by the Project; (3) additional insights on the effectiveness of developer-proposed mitigation measures.

With regard to the outcomes of the on-going prior consultation and the lessons learnt from the Xayabury Hydropower Project (necessary extension has been decided), the Viet Nam National Mekong Committee request to extend the prior consultation process applied for the Don Sahong Hydropower Project to the end of 2015. The valuable time given would allow the MRC Member Countries to have a greater opportunity to fill the data/information gaps, to better prepare for their technical justifications, to add in and/or improve mitigation measures and more importantly to expand the consultation activities in the region.

Taking this opportunity, with the spirit of cooperation and neighboring friendship, we would like to reiterate our full support to socio-economic development plans of the MRC Member Countries with constant wish that all riparian countries will jointly manage and develop the Mekong shared water resources in a sustainable manner. Such development activities should be appropriately directed to achieve the overall development objectives as committed in Ho Chi Minh City Declaration toward the efficient and sustainable use of the Mekong water resources for the benefit of people living in the basin, for future generations and for the solidarity amongst the riparian.