Mr. Hans Guttman
CEO of the Mekong River Commission
Vientiane, Lao PDR
Via E: guttman@mrcmekong.org, F: +856 21 263 264

11 November 2014

Subject: Request for clarification regarding the First Regional Consultation on the Don Sahong Hydropower Project

Dear Mr. Hans Guttman,

The Save the Mekong coalition writes to request clarification regarding the Mekong River Commission's First Regional Consultation on the Don Sahong Hydropower Project. While the meeting has now been postponed to a future date, we have questions regarding the meeting's objective and the manner in which input gained from the consultation will be incorporated into the Don Sahong Dam's Prior Consultation process.

On 10 September, the Save the Mekong coalition sent a letter to the prime ministers of Cambodia, Lao PDR, Thailand and Vietnam urging them to halt the Don Sahong Dam's Prior Consultation process and undertake the necessary reform to the MRC's Procedures for Notification, Prior Consultation and Agreement (PNPCA). This letter was copied to the Mekong River Commission and contained a list of criteria that we believe - at a very minimum –must be fulfilled for any kind of public consultation process to occur in a meaningful manner to ensure informed decision-making. We note that the criteria have yet to be adhered to and that the concerns documented in this letter have not been addressed by the Mekong River Commission's member countries, nor by the Mekong River Commission's Secretariat.

In order for individual Save the Mekong members to decide whether or not they wish to participate in the regional public consultation on the Don Sahong Dam, we seek clarification as to how our feedback and that of the wider public will be incorporated into the Don Sahong Dam's Prior Consultation Process. We note that under the 1995 Mekong Agreement's Procedures for Notification, Prior Consultation and Agreement (PNPCA), there is no formally recognized manner in which to gather the concerns and input of stakeholders living within the Mekong region and internationally, regarding a proposed project, apart from the formal consultation process occurring amongst the four Mekong member governments. Despite no formal procedure or requirement for public consultation within the PNPCA, the MRC's Guidelines for Application of Public Participation in the Context of the Mekong River Commission, recognizes the need for public participation and is defined as "a process through which key stakeholders gain influence and

take part in decision making, planning, implementation, monitoring and evaluation of MRC programs and projects." Furthermore, one of the principles under these guidelines is to "allow key stakeholder to take part in decision-making processes." However, as the public participation guidelines also state these guidelines should not be taken as final word, we request immediate clarification on the following points:

- What are the agreed upon principles that will underpin the national and regional consultation processes?
- What commitments have been explicitly expressed by the four MRC member countries regarding the manner in which information and input gathered from this regional consultation process will be incorporated into the Don Sahong Dam's Prior Consultation process and the reply-forms submitted by each country?
- What steps will be taken by the MRC Secretariat to ensure that the groups and individuals attending regional consultations have ample time and opportunity to fully express their concerns and positions as well as ask questions about the Don Sahong Dam?
- What is the current status of the Don Sahong Dam, specifically we wish to know the state of the dam's construction, as well as whether the project's Concession Agreement, Power Purchase Agreement and/or Engineering, Procurement and Construction Agreement have been signed? If any of these Agreements have been signed, we wish to receive a copy of the Agreement(s) as we feel it's necessary to understand what obligations and commitments regarding the project's construction, design, operation and mitigation measures have already been established for the project.
- What documentation will participants at the Regional Consultation meetings receive prior to the meeting and how far in advance, and in what languages, will those documents be received?

Finally, we would like to know when and where the rescheduled First Regional Consultation, as well as the planned Second Regional Consultation, on the Don Sahong Dam will take place and who will be invited to participate.

Thank you for your time, we look forward to hearing from you at your earliest possible convenience.

Sincerely,

The Save the Mekong Coalition

Copy to: Mr. Surasak Glahan, Communication Officer, Mekong River Commission Secretariat, E: surasak@mrcmekong.org

Save the Mekong Coalition, http://www.savethemekong.org
C/O 409 Soi Rohitsuk (Ratchadapisek Soi 14), Pracharajbampen Road, Huay Kwang,
Bangkok, 10320 Thailand. Tel: (66) 02 691 0718-20 Fax: (66) 02 691 0714, info@savethemekong.org