

Recommendations from the Regional Public Forum

Mekong and 3S Hydropower Dams: “People’s Voices Across Borders on River Crisis and Way Forward”

3-4 June 2013

Cambodia-Japan Cooperation Centre (CJCC)

Phnom Pehn, Cambodia

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Presented to Mr. Hans Guttman

Chief Executive Officer

Mekong River Commission Secretariat (MRCS)

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Regional Public Forum “Mekong and 3S Hydropower Dams: People’s Voices across Borders on the River Crisis and Way Forward”

Statements and Recommendations

The Regional Public Forum “Mekong and 3S Hydropower Dams: People’s Voices across Borders on the River Crisis and Way Forward,” held during 3-4 June 2013 at the Cambodia-Japan Cooperation Centre (CJCC), Phnom Penh, Cambodia, was organized by different groups of NGOs in Cambodia, Thailand and Vietnam. Many of its organizers are active members of coalitions and networks, namely the Rivers Coalition in Cambodia, Vietnam Rivers Network and Save the Mekong Coalition.

The forum aimed to provide a platform for networks and movements of people in the respective Mekong countries to voice their concerns on social, economic and ecological impacts of large dams, their experiences of resettlement and compensation processes, and the transboundary implications of projects on the Mekong mainstream. The forum also aimed to support regional civil society campaigns against the Mekong mainstream dams and hydropower dams in Cambodia, particularly the projects on the Sekong, Sesan and Srepok Rivers (3S).

Two hundred people attended the forum, including local representatives from affected communities in Cambodia, Thailand and Vietnam, national, regional and international civil society groups, government officials, academics, media, monks, and members of the general public. Participants at the forum shared experiences on current impacts from existing dams, both on the Mekong mainstream and tributaries. They voiced critical concerns on the policies supporting hydropower development and the way in which projects have been developed, designed and implemented.

Concerns were raised over vested interests among the actors and forces behind the push for hydropower dams, and policy development in the energy sector which has failed to properly take into account the serious adverse impacts of dams and to examine policy alternatives. Experiences from communities affected by hydropower dams show extremely serious damage and widespread adverse impacts to surrounding eco-systems, environments, fisheries, aquatic and riverine animal and plant species, sedimentation, soil fertility, agricultural land and local livelihoods, and the well-being and survival of affected communities, including indigenous peoples and cultural and ethnic minorities.

Resettlement and compensation programs have failed to deliver meaningful solutions for affected groups. Community experiences show that resettlement and compensation is often inadequate to meet needs and restore livelihoods and does not take into account non-economic and non-compensable losses to community integrity and culture.

Concerns were also raised over the unequal sharing of benefits and impacts between the upstream and downstream countries in building hydropower dams, failures in assessing the true costs of dams that take into account the social and economic impacts on large numbers of people who depend on the rivers for their livelihoods and survival, the

complete lack of participation by and consultation with local people and civil society groups in decision-making processes on hydropower dam development, and the failures of current compensation mechanisms and mechanisms for water management at both the regional and national levels.

Taking into account the above concerns, participants at the forum make the following recommendations to different sectors and mechanisms and stress the need for effective cooperation between concerned parties to resolve the conflicts and problems around the current hydropower development.

To governments and policy-makers

- Communities and the public have the right to participate in development decisions and natural resource management and to define conceptions of development that bring real benefits to people and communities;
- Cost and benefit analyses of hydropower projects must take into account non-economic costs, including environmental, social, and human costs and balance these against any economic gains from hydropower development. This includes consideration of local livelihoods, cultures, and ecological systems and the needs and interests of indigenous peoples and of poor and vulnerable groups. It is not possible to leave the local people behind;
- Prior to making any decision, government and policy-makers considering developing hydropower projects must conduct thorough and balanced research that takes into account the previous experiences of such development in the region and elsewhere;
- Governments must ensure legal frameworks are in place around hydropower development, including environmental laws and investment laws that fully comply with international standards and best practice, including recommendations by the World Commission on Dams;
- Governments and policy-makers must fully explore and promote alternatives to hydropower dam construction, such as renewable energy and energy efficiency measures, before even considering hydropower energy projects.
- Where governments are planning multiple hydropower projects on a river or river system, they must conduct and make public a strategic environmental assessment (SEA) studying the cumulative and transboundary impacts of the dam(s).
- In developing and implementing hydropower policy, governments should act according to the law of both the country of investment and energy purchase and the law of the host country for the project, and with international standards on human rights, and develop mechanisms to enforce these principles;
- Governments must share information with all stakeholders, neighbouring countries upstream and downstream and within the region on energy policies, proposed and

existing hydropower projects, including impact assessments and water release schedules.

To Mekong River Commission Governments

- Fully comply with the terms of the 1995 Mekong Agreement and engage in good faith with other governments in planning and developing projects on the Mekong River and its tributaries.

To the Cambodian, Vietnamese and Lao governments

- The Lower Sesan 2 dam should be cancelled due to the immense harm the project poses to the Mekong River Basin's fisheries, sedimentation and other natural resources and the livelihoods and food security of the people of Cambodia, as well as neighboring countries.
- Other additional projects planned for the 3S Rivers should be halted until communities on the Sesan and Srepok Rivers receive fair compensation for all of the impacts suffered over the past decades by upstream dam development in Vietnam and community approval is first granted for any additional hydropower project on the 3S Rivers.

To the Thai and Lao governments

- The Xayaburi dam and other Mekong mainstream dams should not proceed. The projections for the energy generated by the dam are erroneous as they are based on peak seasonal flows. Thailand does not require the energy generated, as it currently has a 31,000MW installed capacity while its peak demand is only 26,000MW, nearly 20% in excess of current demand. Furthermore, Lao PDR would benefit more from decentralized off the grid energy generation. Moreover, the Xayaburi dam will have severe and lasting consequences for eco-systems and the livelihoods, health, and access to food and water for affected communities in downstream Mekong countries;
- The Thai and Lao governments must immediately release all information on the Xayaburi dam to the general public;
- The Royal Thai Government must provide a consultation process with all communities who might be affected from Xayaburi and other Mekong dams and take their concerns into consideration in a fair process.

To the Thai government

- The Royal Thai government must put political pressure on the Electricity Generating Authority of Thailand (EGAT) to immediately and permanently open all the dam gates of Pak Mun dam in order for the local communities to regain their livelihoods and restore the river ecology, as well as to provide adequate and acceptable compensation to affected people.

To hydropower project developers

- Hydropower developers must not merely make agreements with governments to develop hydropower dams, but must first recognize and consider the role of affected communities and the public in decision-making on dam construction;
- In planning hydropower dam projects, governments and project developers must first commit to comply fully with international standards and best practice, including respect for international human rights and international environmental law. These measures, however, should be applied with the agreement of local communities and in compliance with their customary laws and rights;
- Gender must always be taken into account when assessing the impacts of hydropower dams;
- Prior to commencing the planning or construction of any hydropower project, the project must undergo a thorough and independent environmental impact assessment (EIA) and social impact assessment (SIA) that meets international standards. For all planned projects located on a shared river or that are likely to have transboundary impacts, these impacts must be fully assessed in a transboundary EIA and SIA. Impacts must be assessed cumulatively rather than on an isolated or individual basis;
- Communities' rights over water, forests and lands should be respected. Communities are inseparable, and access to rivers and natural eco-systems are integral to their lives;
- Hydropower projects affecting indigenous peoples should respect and implement the right to free, prior and informed consent, as outlined in the UN Declaration on the Rights of Indigenous Peoples (2007);
- The rights of affected communities to meaningful consultation and participation in decision-making on hydropower dam development must be upheld at all times. This includes the decision on whether to plan or construct any dams on the Mekong, the 3S Rivers, or their tributaries. Information and project documentation must be provided and consultation must take place in a way that is accessible to affected people and in a language that they can understand.

- Developers should immediately discontinue their investments where there are proven negative impacts to eco-systems, people's livelihoods, and the economy of the host country which outweigh any financial benefits of dam construction;
- Project developers must develop comprehensive environmental management plans to manage and mitigate all environmental impacts. Environmental management plans must be monitored by communities and civil society;
- Where existing dams have been demonstrated to cause significant negative social, environmental and economic impacts to local communities, hydropower dam operators must provide adequate and acceptable compensation to all affected communities and consider opening dam gates in order to restore the natural ecosystem and allow the local communities to resume their livelihoods.

To financiers, investors and power purchasers

- Financiers and investors must comply with international standards and best practice in approving all new loans and investments, including respect for international human rights and international environmental law and conducting thorough social and environmental due diligence;
- Financiers and investors must not invest in or provide funding to projects where there is a serious risk of social and environmental harm to eco-systems, livelihoods, and the cultural integrity of communities that cannot be effectively mitigated.

To NGOs and civil society

- Support public advocacy and awareness-raising on the impacts of dams in affected communities by developing strategies for multi-stakeholder engagement and fostering greater discussion;
- Continue to share information with local communities about the actual and potential impacts of developed and planned hydropower projects so communities are able to make fully informed decisions;
- Promote strong networking and work together to cooperate and share strategies to advocate on behalf of affected communities in Thailand, Laos, Cambodia and Vietnam while fostering transboundary civil society collaboration;
- Draw on case studies in the region to develop strategies for advocacy that effectively present the impact of hydropower projects to government and other stakeholders;
- NGOs shall work collaboratively with journalists and media to follow up and monitor dam projects and report or provide accurate and consistent information to the affected community, as well as the public;
- NGOs shall follow up and monitor the Environment Management Program to ensure that the dam's owners have fully and effectively implemented;

- Educate and invest in the capacity of the younger generations to advocate on their own behalf.

To journalists

- Provide fair, balanced and in-depth reporting on hydropower dam development in diverse forms of media (radio, television, newspapers). Include coverage of the voices and experiences of affected communities and enable people to express their concerns;
- In the prior notification and consultation process of hydropower project development, members of the press and journalists must join in constantly publicizing updated information to ensure a transparent and accountable process.

