



Mekong River Commission

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Dear Save the Mekong Coalition members,

Subject: Reply to your request for clarifications on the Prior Consultation for the proposed Xayaburi project

First let me say, I carefully read your letter and want to assure you that the Mekong River Commission Secretariat takes your concerns very seriously.

We at the Secretariat strongly respect the important work of the many diverse and valuable members of the Save the Mekong coalition and other stakeholders, in fact we share many of the same values as you in looking out for this great river, one that so many rely on.

I would like to directly address your questions now and have listed the answers in order.

Clarifications:

1. Has any agreement been reached to build the Xayaburi dam?

First of all, I would like to clarify that the prior consultation for the Xayaburi project is not a process established to seek an agreement on whether or not to build a dam. Nor, is it an approval process that provides the power of veto over a project. Rather, it is a platform that enables the Member Countries to evaluate impacts of the project and arrive at a conclusion which contains agreed-upon conditions.

However, that being said, under the prior consultation the country proposing the project is required to take into account rights and concerns of the other Member Countries. Lao PDR, as the proposing country, is then better informed on how the project is perceived by the other Member Countries.

At the end of the six-month timeframe of the process in April 2011, due to differing views of the four countries no consensus could be reached on whether or not the consultation should be considered complete. That is where we stand today.

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2. **Will construction of the Xayaburi Dam halt while the “further study” is underway? If so, what action does the MRC plan to take to ensure that construction work is halted?**

The government of Lao PDR has informed the other Member Countries that the construction of the dam has not started yet. Lao PDR said the reported construction near the Xayaburi project site is only preparatory and exploratory work such as to provide access roads.

As an advisory and technical body, the MRC Secretariat provides a platform for dialogue and support to studies and investigations. However, MRC is not a regulatory body and does not have a mandate to call a halt to construction work.

3. **Will other Mekong Mainstream Dams be allowed to begin their own prior consultation processes while the “further study” is underway?**

The objectives, scope, timeframe, methodology and roadmap for the further study on sustainable management and development of the Mekong River including impacts by mainstream hydropower projects are now being discussed by the Member Countries. These will provide a more complete picture for the four Member Countries about the risks and benefits of mainstream development projects.

There has not been a specific decision on whether prior consultation for other mainstream projects should await completion of this study. However, all four countries have agreed in principle that there should be this “further study” and they remain committed to this decision.

4. **Will the “further study” include a review of the institutions and procedures that govern the development of the Mekong River?**

Institutional and procedural review is not part of the main focus of the “further study”.

5. **In what ways will the “further study” provide an opportunity for public participation and input?**

At present, scope and the methodology of the further study are still being discussed and finalized by the Member Countries. The “further study” will be science-based and focus on thematic issues, such as hydropower. However, part of the “further study” will also be conducted within the MRC Secretariat’s programme framework which includes stakeholder engagement.

We welcome input from the organizations in the Save the Mekong Coalition on how we can better promote sustainable development in the Lower Mekong Basin. The basin belongs to all who call it home and all should have a say in how it’s developed.

I hope we can work together to sustain our great river, the Mekong both now and in the future. If you have any more questions or seek further clarification please don’t hesitate to contact me further.

We highly value your contributions.

Yours sincerely,



Hans Guttman
Chief Executive Officer-
MRC Secretariat