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Office of the Secretariat in Vientiane
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March 9, 2016

Subject: Request for Clarification on the Status of the Don Sahong Dam Prior Consultation Process and Status of Pak Beng and Sanakham Dams

Dear Dr. Pham Tuan Phan,

Congratulations on your appointment as CEO of the Mekong River Commission (MRC). International Rivers has worked for over 15 years in the Mekong Region with local communities and environmental conservation groups to protect the region's rivers. We are extremely concerned about the progress of Don Sahong and other Mekong mainstream dams. We would like to share a list of questions, which remained unanswered by H.E. Mr So Sophort, from October 2015, seeking clarification on the status of the Prior Consultation process for the Don Sahong Dam.

Since our questions were first raised in October 2015, construction on the Don Sahong Dam's cofferdam has begun following a ceremony to mark the start of construction on January 5, 2016. Construction has progressed despite no acknowledgement that the Prior Consultation process has been completed by any of the four member countries. We understand that the MRC's Joint Committee resolved on June 19, 2015, that the four member countries would take a decision on the Prior Consultation process for the proposed Don Sahong Dam through diplomatic channels.

In the reply forms submitted to the MRC on January 26, 2015 Cambodia, Thailand and Vietnam expressed concerns about the adequacy of existing studies and project documents, particularly with regards to the project's transboundary impacts. Three of the member countries also requested that a Transboundary Environmental Impact Assessment be carried out for the Don Sahong Dam, along with other studies to increase understanding of the potential impacts on downstream countries.

Given that construction on the Don Sahong Dam has begun, despite no public resolution to the Prior Consultation process, or evidence of additional studies such as a Transboundary Environmental Impact Assessment, we request clarification from the MRC Secretariat on the following questions:

- What is the current status of the Prior Consultation process for the Don Sahong Dam?

- What have the member countries communicated to the MRC regarding their current position on the Don Sahong Dam?
- When did the MRC Council meet to discuss the Don Sahong Dam's Prior Consultation Process and decide to refer the matter to the diplomatic level? What issues were considered and raised during this meeting(s)?
- What has been the process within each country for the continuation of the Prior Consultation Process for the Don Sahong Dam as announced by the MRC in June 2015? Who within each respective member country has been delegated to lead the diplomatic discussions over the project? What does the MRC Secretariat know regarding the outcome of any diplomatic discussions?
- Is the MRC aware of any steps taken by the Government of Laos to respond to the requests for further studies particularly of the project's transboundary impacts as per the January 2015 reply forms?
- Did the Government of Laos notify the MRC that construction on the Don Sahong Dam would begin in January 2016?
- Based on the latest information provided by the Lao government regarding the Don Sahong Hydropower Project to the MRC, can the MRC confirm if the project is in compliance with the MRC's Preliminary Design Guidance for Proposed LBM Hydropower Schemes? If not, what steps are being taken to ensure that the project will comply?

Lastly, we have received reports about construction activities at the sites of the planned Pak Beng and Sanakham dams.

- As these projects require regional consultation under the PNPCHA, we kindly ask for an update on these projects and confirmation on whether either project has been submitted to the MRC to undergo the PNPCHA process?

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

Sincerely,



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International Rivers

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