

(Translation from Thai)

Network of Thai People in Eight Mekong Provinces
200 Moo 1, Tambon Wiang, Chiang Khong District, Chiang Rai 57140

24 October 2019

Subject: Opposition to the Luang Prabang Hydropower Project and comments on the Procedures for Notification, Prior Consultation, and Agreement (PNPCA) and dams on the Mekong

Dear Mr. Somkiat Prachamwong, Office of the National Water Resource

Attachments: Documents featuring opinions and stances of the Network of Thai People in Eight Mekong Provinces on the PNPCA Process concerning the Xayaburi Dam, Don Sahong Dam, Pak Beng Dam, Pay Lay Dam and the Review of Design Changes Made for the Xayaburi Hydropower Project

Composed of members who live in the eight riparian provinces of the Mekong, civil society, academics, and attorneys, the Network of Thai People in Eight Mekong Provinces has been monitoring developments projects in the Mekong and their impacts on the river. We have been informed about the commencement of the Procedures for Notification, Prior Consultation, and Agreement (PNPCA) per the 1995 Mekong Agreement for the Luang Prabang Hydropower Project. Until now, the PNPCA process has been conducted four times including for (1) Xayaburi Dam starting from 23 September 2010, (2) Don Sahong Dam starting from 2 July 2014, (3) Pak Beng Dam starting from 1 March 2016 and (4) Pak Lai Dam starting from 8 August 2018. The Luang Prabang Dam's PNPCA will be the fifth of its kind which has formally been commenced since 8 October 2019.

Until now, the Network has been monitoring and participating in the four PNPCA Processes conducted by the Thai National Mekong Committee Secretariat (TNMCS) and has the following opinion to share;

1. The Prior Consultation process of the four previous projects, in our opinion, are a complete failure. They have simply functioned as a rubber stamp for the approval of the dam projects on the Mekong Mainstream without taking into account opinions of the protesters and concerns of the impending impacts,
2. The MRC claims the PNPCA Process is a chance through which the four Mekong member countries can exchange and review impacts and risks concerning the development projects which may have ramification o the Mekong's ecology and to collectively explore the solutions. In principle, it is neither a process to approve nor suspend a project or to allow a member country to unilaterally proceed with its water utilization by disregarding the rights of other people. Judging from the claim, the incumbent PNPCA Process has proven to fail to take into account opinions and prevent impacts that befall the community and the natural environment as well as to incorporate public voices in the decision-making process regarding the development of the Mekong. Following each Prior Consultation process, there has only the formation of a joint committee to conduct planning which yields no concrete measures for the response, prevention and mitigation of the impacts. For example, while the Xayaburi Hydropower Project, the joint committee of the four countries has failed to reach any conclusion, it has proposed that a decision be made at the Ministerial meeting of the four countries. It has also proposed further studies. While there have been no further studies conducted, the construction of the dam has commenced, and the dam's construction has since been completed in October 2019.
3. The villagers and participants in each of the PNPCA Processes have expressed their opinions and concerns about the hydropower development on the Mekong Mainstream. Local and regional people's networks have proposed a suspension of the hydropower development in the Mekong Mainstream pending further studies of the impacts and the alternative options for the energy management to avoid environmental and social impacts. But such concerns and proposals have not been acknowledged and helped to inform the decision-making process of the hydropower development in the Mekong.

4. During the hearings of the Prior Consultation process of the four dam projects, insufficient information has been offered. No representatives from the concerned agencies of the country that proposes to implement the project were present to clarify and respond to questions. When participants asked about the project, no clear and comprehensive answers have been given.

5. The Prior Consultation process of the four projects has not been conducted covering all the areas slated to be impacted. As a result, people in different areas have not been sufficiently informed and their voices have not been heard.

6. During the Prior Consultation process, an agreement about the projects is supposed to be reached. But no such agreement has insofar been made. The hearings have simply been conducted just to allow the projects to proceed without taking into account any opposition. The process is only a testament to a breach of the PNPCA Process.

7. We are opposed to the idea that the Electricity Generating Authority of Thailand (EGAT) will act as a power broker in the region. This will simply put more cost on the consumers and take its toll on the environment and society in the region.

8. The Xayaburi Dam is going to be the first dam on the Mekong Mainstream to operate and supply power to Thailand. The pilot transmission of power from Xayaburi Dam has begun since July 2019 and it has caused drastic impacts including the rapid lowering of the river which affects migratory fish and plants in the river and the consumption of tap water in large communities and cities in Thailand. The project's developer has insofar come up with no plans and measures to deal with transboundary impacts on downstream communities in Thailand and other countries. Some agencies in Thailand including the Office of the National Water Resource realize the problems and have made an attempt to solve them. The impacts have been addressed by tax money from the people in the affected countries while the project's developers who cause the impacts have not been held accountable. In addition, the case of the Xayaburi hydropower project is pending Thailand's Supreme Administrative Court with regard to the PNPCA Process as it has been alleged the process has not been conducted in compliance with the law on public hearing in Thailand and in response to concerns of the people regarding transboundary impacts which have actually happened already in 2019.

Given the above reasons, the Network has to decline an invitation to participate in the PNPCA Process concerning the Luang Prabang Dam and would like to express our opposition to the project since our participation in the process will simply be cited to justify the approval of the project and the impending impacts on the people in the eight riparian provinces of the Mekong in Thailand.

As your agency is in charge of international relations, the Network would like to bring to your attention solutions toward the de-watering and fluctuation of the Mekong as well as other transboundary impacts on the people who live along the Mekong. We look forward to a written response from you within 30 days.

Thank you very much.

Yours sincerely,
Network of Thai People in Eight Mekong Provinces