

# National Report

## Information Sharing on Don Sahong Hydropower Project in line with Procedures on Notification, Prior Consultation and Agreement (PNPCA)



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Thai National Mekong Committee Secretariat

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## **National Report of Information Sharing on Don Sahong Hydropower Project in line with Procedures on Notification, Prior Consultation and Agreement (PNPCA)**

### **1. Introduction**

On 26 June 2014, during the 20<sup>th</sup> Meeting of the Mekong River Commission (MRC) Council Meeting at Bangkok, Thailand, Lao PDR proposed Don Sahong Hydropower Project (DSHPP) for Prior Consultation following PNPCA. On 30 June 2014, Lao PDR submitted the notified DSHPP for Prior Consultation to MRC Joint Committee through MRC Secretariat (MRCS). The first meeting of the Joint Committee Working Group on PNPCA (PNPCA JCWG) was held on 22 August 2014 to discuss the DSHPP Prior Consultation process. However, the meeting could not agreed on the starting date of Prior Consultation Process then MRCS sent letter to the Joint Committee for decision on the date of the commencement of the Prior Consultation process for the DSHPP. Following these, the commencement date was agreed on 25 July 2014. By timeframe for the Prior Consultation is 6 months, the process will be finished on 24 January 2015.

Thai National Mekong Committee Secretariat (TNMCS) concerned on remaining time which less than 6 months. Therefore 5 meetings were organised to share information on DSHPP to stakeholders in 8 riparian provinces of the Mekong River including one summary meeting at Bangkok. Date and venue of each meeting are presented in Table below:

<b>No.</b>	<b>Province</b>	<b>Venue</b>	<b>Date</b>
1	Ubon Ratchathani and Amnat Charoen	Ubon Ratchathani Rajabhat University, Muaeng District, Ubon Ratchathani Province	10 November 2014
2	Nakhon Phanom and Mukdahan	Nakhon Phanom University, Muaeng District, Nakhon Phanom Province	12 November 2014
3	Chiang Rai	Hua Vieng School, Chiang Khong District, Chiang Rai Province	15 December 2014
4.	Nongkhai and Bueng Kan	Prajaksilpakhom Convention, Nong Khai City Hall, Muaeng District, Nongkhai Province	16 December 2014
5.	Loei	Chiang Khan District Meeting Room, Chiang Khan District, Loei Province	17 December 2014
6.	Bangkok	Army Club, Bangkok	7 January 2015

According to 5 meetings in province areas, MRCS staffs were invited to presented technical information of DSHPP to stakeholders, TNMCS officers presented Prior Consultation process and road map. All issues raised by participants during meetings were took note and categorised to 3 parts comprised questions, concerns and suggestions. Summary of issues are presented in Appendix I and the photos from these meetings are presents in Appendix II

There are many groups of stakeholder in riparian provinces along the Mekong in Thailand. Regional Department of Water Resources Office acted as River Basin Committee (RBC) Secretariat Office was assigned to invite key stakeholders to participate in the meetings. Civil Society in the focus area and outside interested in Prior Consultation Process and consequent impacts of DSHPP could participated in the meetings due to open meetings. TNMCS clarified to participants in the meetings that the Prior Consultation is regional process among member countries which different from public consultation for project development in Thailand territory. Results and concerned issues from the meetings are submitted to notified state through MRCS.

## **2. Objectives**

Objectives were set up for guiding TNMCS team and implement Prior Consultation in national level as follows:

- 2.1 To present information of DSHPP to public.
- 2.2 To collect related issues to DSHPP from stakeholder in Thailand.
- 2.3 To analyse issues from meetings to prepare reply form of Prior Consultation.

## **3. Supporting Documents**

After Lao PDR notified DSHPP for notification on 30 September 2013 and submitted related documents of DSHPP to the other member countries, TNMCS requested specialist to translate summary reports of DSHPP from English to Thai. These documents were disseminated to participants during conducted 6 meetings. The other documents were also prepared in Thai by TNMCS officers support to National Information Sharing of DSHPP meetings including presentations prepared by MRCS. List of disseminated documents are presented as follows:

- Prior Consultation DSHPP booklet
- The Mekong Agreement 1995
- PNPCA document
- Summary of previous meetings and recorded issues from meetings
- Presentation documents from MRCS and TNMCS

## **4. Summary from meetings**

Presenters for 5 meetings in focus areas were comprised TNMCS officers and MRCS officers to inform process and technical information to participants. Key agencies dealt concerned were invited to provide additional information comprised Department of Fisheries

(DOF), The Electricity Generating Authority of Thailand (EGAT) and Office of Natural Resources and Environmental Policy and Planning (ONEP). On the 6<sup>th</sup> Meeting, more agencies and independent organisations were invited including representatives from 8 provinces.

During 6 meetings, two screens were presented to participants. One was for presentation by MRCS and TNMCS officers another was for record all issues during the process and present to participants. Technical presentations prepared by MRCS officers were focused in 3 areas such as fisheries, flow regime and ecosystem. The process was for transparent and made sure that all issues raised by participants were recorded. The total issues from 6 meetings were 203 issues, some issues were reiterated. TNMCS analysed these issues and categorised to 3 parts as mentioned above. Details of issues are presented in Appendix 1.

Total participants from the 6 meetings were 1,323 persons. Details of participants are presented as follows:

(person)

No./Province	Participants				
	Riparian provinces	Other provinces	Government officers, TNMCS	Press and foreigners	Total
1. Ubon Ratchathani and Amnat Charoen	171	21	26	15	233
2. Nakhon Phanom and Mukdahan	143	1	20	1	165
3. Chiang Rai	132	-	29	6	167
4. Nongkhai and Bueng Kan	146	17	49	1	213
5. Loei	328	1	35	-	364
6. Bangkok	77	9	78	17	181
<b>Total</b>	<b>997</b>	<b>49</b>	<b>237</b>	<b>40</b>	<b>1,323</b>

## 5. Concerned Issues

Based on issues from 6 meetings, main concerned issues on DSHPP are presented below:

- 5.1 The participants are of views that data and information provided are insufficient to assess any possible transboundary impacts of the Don Sahong Hydropower Project to the Mekong river ecological system, flow regime, fisheries ecology, fish migration, seasonal crop along the river bank, tourism, river bank erosion, local economy and

livelihood of Thai people. As a result, additional data and information are needed for further consideration and assessment in both positive and negative sides in order to assess the mitigation measures.

- 5.2 Concerning the issues of fisheries ecology and fish migration, the Thai stakeholders are of view that (1) the construction of the dam at the Don Sahong Hydropower Project outlet may block local fishes migrating up and downstream, resulting in a significant decrease in a larger number of seasonal fishes migration in the upstream area which might pose a threat on Thai local fisheries and food security in the region, and (2) the proposed fish friendly turbine introduced by the developer has not been scientifically proven and convincing the local people who will gain the impacts in terms of its practicality. In addition, lesson learned from other countries using this technology is needed for better justification.
- 5.3 Considering magnitude of the Project and its site situated in the biodiversity rich and environmentally sensitive area bordering between Lao PDR and Cambodia, the Thai stakeholders expressed their views that the study reports did not address sufficiently an issue of transboundary impact assessment. Therefore, it is highly recommended that such study should be properly conducted and disseminated to the public.
- 5.4 Regarding the possible damage that might be caused by the Don Sahong Hydropower Project on the river ecosystem and livelihood of local people deeply concerns at the Meetings lie on whether which party will take responsibility for the compensation of such damages.
- 5.5 The Thai stakeholders suggested that representatives from concerned authorities of Lao PDR should be invited to provide information in the Thai national prior consultation in order to share and response to any unanswered questions raised by Thai stakeholders regarding the Don Sahong Hydropower Project.

**With these reasons mentioned above, timeframe of PNPCA is proposed to be extended for 6 more months beyond the original timeframe of 6 months.**

**Appendix I**

## **Appendix1: Summary questions, concerns and suggestions from 6 meetings**

### **Questions:**

1. If the DSAPP is constructed and it affected to people living along the Mekong in Thailand, how would Lao PDR and MRC take responsibility?
2. How to implement regional benefit sharing between electricity utilization and fishery?
3. What is the lesson learnt since the first hydropower project developed in the Mekong including impacts after hydropower projects operation?
4. Will Lao PDR continue DSHP after receiving concerned issues from MRC member countries?
5. Hou Sahong is an important route of fish migration in the whole year. The DSHP development will improve other Hou for fish migration that affect ecology and local livelihood relying on the Mekong. Is there any comparison on food security and fish extinction to produce electricity? How is the Project measure to deal with their effects?
6. Is there any prove and test that fish friendly turbines utilizing for producing electricity in the Mekong River function?

### **Concerns:**

1. The Don Sahong Hydropower Project has no benefit to Thailand; however, it has significant impact on fish migration routes, by blocking the natural fish passage which causes reduction in food security in the region. What can be done is to improve the country's natural wetlands for fish breeding.
2. Not only data acquisition and data presentation in the report of the project is unclear, but also the questions regarding the study by academic on the fish catching by fishermen.
3. Diversion of waterway from the project cause affect the water quantity in Khone Phapheng, there are impacts on the ecosystems, livelihood of people who rely on the river and culture.
4. The structure of Don Sahong hydropower project like dikes, which make change on the water way. There is concern on the migration routes of fish coming to the upstream countries which will decrease. Impact on fish that swim through the turbines that generate electricity, it should be designed to be suitable for fish passage. Construction planning should decide to have no effect on the migration of fish in each period, and the impacts of soil erosion during construction may affect the existence of Irrawaddy dolphins.
5. Data on Don Sahong hydropower projects have been unclear about the transboundary impact. The information presented by experts who support the dam is only the physical information, while lacking of data presentation on livelihood, culture, traditions Naga fireballs, fish species and herbs.



6. Don Sahong hydropower projects, may affect the Khone Phapheng, which is a major tourist attraction in the region and the sediments problem may affect downstream Tonle Sap in Cambodia.
7. The effects of dam construction on the upper Mekong and Xayaburi Hydropower project was apparently found from the water level, abnormal high tide-low tides which affect river bank agriculture, water supply, and fisheries. Recently, there will be construction on Don Sahong Hydropower Project, but there is no report presenting loss or impact.
8. The Prior consultation has been organized aiming to complete the process while the goal of the project is to produce electricity for sale which response to economic development, regardless of the environment and people livelihood on the Mekong River.
9. The impact of Mainstream dams in the Mekong is the higher water level in dry season, for example in B.E. 2557 impact on people who find gold in the Mekong River, Pakchom District, Loei Province. The impact during Songkran festival in Had Prom, Kang Kukoo, Chiang Khan, Loei Province, there is no sand beach as normal, shop owners and tourist service providers cannot operate business as usual which reduce their income. During the end of Buddhist lent, the water level is not enough and it is decided to move the venue boat racing out of Chiang Khan, it caused the negative impact on the economy, culture and environment. The Meeting put concern on the event like to happen more often.
10. Impact on Kai (Mekong seaweed), it disappeared from the change of water level in the lower Mekong River.
11. Loss of land along the river and the less amount of sand in the Lower Mekong River.
12. The impact on the change of deep channel which affect the border along Thailand and Lao PDR.
13. Representative from Loei Province who participate the meeting do not want the construction project in Mekong Mainstream. The sample of impact is from Xayaburi Project in Chiang Kan and Pak Chom which affect in lower sand mining.
14. There are two types of affect: one-sided affect and two-sided affect, the development on Don Sahong hydropower project will affect both sides for Lao PDR and Thailand.
15. The investment of Don Sahong hydropower project is not worth for the loss of ecosystems.
16. Study on impact from Xayaburi Hydropower project has no answer, therefore, it should not develop Don Sahong hydropower project. If the Don Sahong hydropower project continues, there will be other construction of hydropower projects on the Mekong River in the future.
17. As the information is not cleared and information on lesson learned is not enough, if Mekong River has DSHPP, it will effect on people who live both upstream and downstream. Therefore we should not make decision if the information is not enough.

### **Suggestions:**

1. Some participants understand the necessity of having the Hydropower project in neighboring countries, which is source of income in developing their countries. The major electricity produced in Lao PDR was sold to Thailand.
2. Lesson learned from the Hydropower project will be useful for developing the future development project.
3. This Prior Consultation on the Proposed Don Sahong Hydropower Project is useful and understandable for people who may get impact. Therefore, there should be the joint working team among government and local people.
4. Those Thai People who was impact have received very little information.
5. People who live in border is the sensitive group on the international conflict, the friendly use of the Mekong river among the people from both countries with reasonable and benefit sharing may reduce the conflicts.
6. It was requested to record that the Meetings did not agree to the dam construction, and requested to present by the symbolic expression.
7. It was requested to all parties concerned to protect their rights and participate in the public participation in maintaining the sustainable of natural resources.
8. The Meetings requested MRC to reconsider Agreement, Procedures and Structure regarding to impact groups from the Mekong development.
9. The Meetings requested to extend PNPCA of DSHPP due to insufficient transboundary impact information.
10. The Meetings requested information to compare between the other International Basin development and the Mekong Basin.
11. Proposed to promote Don Sahong and surrounding area to be the international conservation area.
12. The Meetings that organised in riparian provinces were not covered affected groups. Therefore, the Meetings requested to organised meetings every sub-district or district along the Mekong River.
13. Proposed to have experts in each sector to answer questions and clarify on information to stakeholder in areas.
14. Participants will gather all of issues and additional information to TNMCS for consideration with others.
15. Proposed the study between TNMCS and civil society on impact of mainstream dams. Before the study start should be consulted with stakeholder in the areas.
16. Proposed to invite representatives from Lao PDR and Project owner to give information.
17. The process was not corrected, should be revised and restarted. The PNPCA period should be extended.
18. The Meetings requested TNMCS to send official letter to Lao PDR to delay the Project cause of transboundary impact unpredictable.
19. Proposed to establish committee for transboundary impact study.

20. Regard to international relationship and consider to impacts from the project. Human activities and development affected to nature.
21. Development should not rely on the Mekong River, but also develop in tributary.
22. Development in Lao PDR makes their people's life better, and the cooperation better than conflict.
23. Proposed the study by MRC which learning from projects development in the mainstream. The issues should comprise fish species extinctions, sedimentation, decreasing of GDP in local area due to the revenue loss from water level changing.
24. Proposed to develop alternative energy such as solar power instead of hydropower with risk and impact, develop groundwater for agriculture, water sources dredging for storage.
25. Proposed to Lao PDR to prepare conclusion, project implementation and transboundary impact.
26. Establishment of compensation fund from the mainstream hydropower project development.
27. Data sources are very important and could be explained to local people. Therefore, cooperation with local philosophers, academic and local institution is important and make confidence to local people.

### **Additional questions, concerns and suggestions derived from documents from stakeholders.**

#### **Questions:**

1. Is DSHPP development necessary? and Is it the national or regional policy?
2. Who will benefit from the DSHPP development? and What advantages will they gain from the project?
3. Is electricity necessary for the local people? and Are there any other local basin associations or any other alternatives instead of DSHPP development?
4. How many groups of stakeholder projecting to confront with the impact caused by the DSHPP development?
5. What are the roles of other concerned organizations or riparian representatives to participate in the project in line with MRC's intention?

#### **Concerns:**

1. Reference is made to the 5-year Fishery Study at Khone Phapheng site conducted by Lao PDR, it has not been disseminated to public in terms of methodology outcome and conclusion and considered by the third party experts.
2. DSHPP has not circulated the detailed information on the engineering restructure by channel improvement is designed for the fish passage. There is also no information of fish species migrate to improved channe.

3. The stakeholders are concerned with the large quantity of water diverted from Mekong River through Hou Sahong which significantly increases from 4% to 35% in dry season. As a result, there will not be water quantity enough running through the adjacent areas for fish migration.
4. The proposed mitigation measures including the engineering restructure to the fish passage have not been proven. Furthermore, they never use in the Mekong Basin and other relevant projects.
5. It does not clarify who will have responsibility if the mitigation measures' fail.
6. The Project owner needs to justify the proposed information whether in aspects of the construction design or the mitigation measures prior to begin implementing the hydropower project.
7. Lao PDR is still moving for the project development by utilizing the Prior Consultation process to be the project baseline in order to amend the project design.
8. In addition, the developer has been started building the bridge linking to the dam site which is opposed to the 1995 Mekong Agreement, that is the project is supposed not to operate until the PC has commenced.
9. The stakeholders had been informed the PC process 3 months later out of 6-month PNPCA period which revealed that the PC process is not neutral and in accordance with the Rules of Procedures for PNPCA.
10. Number of errors occurs on the PC process. There would not be stakeholders' participation and disciplines which should be endorsed by the respective member countries and MRC.

**Suggestions:**

1. To get more accurate and reliable in impact study report, should provide the third party inspectors do consultancy in this work.
2. The PNPCA Process for DSHPP should be stopped until the cases will be considered following issues:
  - 2.1 DSHPP is repeated the same fault as Xayabouri then proposed to revise PNPCA process and clarify by member countries how to move forward for PNPCA.
  - 2.2 It's not suitable time to make a decision on project development until following information is available such as environmental, social and health transboundary impact assessment, Council Study, Delta Study and fish migration through Khone Phapheng.
  - 2.3 Information and concerns from PC are used for decision making.
3. Policy suggestion to MRC member countries

- 3.1 PNPCA should be improved and used for decision making.
- 3.2 Legitimate opinion can get from all stakeholder engagement, especially affected people from Don Sahong Project.
- 3.3 Impact assessment and lesson learned from PC can enhance regional economic cooperation revision
4. Reasons for the Project restraint
  - 4.1 Basin wide effect on ecology and livelihood
  - 4.2 Hydropower development on mainstream is unsustainable development and affects nature and people in the Basin
  - 4.3 Cause of regional conflict
  - 4.4 Hydropower development on mainstream is cause of local people migration, expand social gap and insecurity of livelihood.
5. Measures and alternatives for restraining the Project in case of its worst effects
  - 5.1 Empowerment by private sectors or donors giving financial support to community organization for self-dependency
  - 5.2 Promote Si Phan Don to be a joint development area for sustainable development
  - 5.3 Look for new areas for project development which will affect ecology and people living alongside the Mekong River at least

**Appendix II**

**National Information Sharing Meeting  
on the Don Sahong Hydropower Project in line with  
Procedures for Notification, Prior Consultation and Agreement (PNPCA)  
Kanjana Pisek Cultural Centre, Ubon Ratchathani Rajabhat University, Ubon  
Ratchathani Province  
10 November 2014**



*Total 233 stakeholders participated in this meeting*



**National Information Sharing Meeting  
on the Don Sahong Hydropower Project in line with  
Procedures for Notification, Prior Consultation and Agreement (PNPCA)  
Faculty of Agriculture Technology Meeting Room,  
Nakhon Phanom University, Nakhon Phanom Province  
12 November 2014**



*Total 165 stakeholders participated in this meeting*



**National Information Sharing Meeting  
on the Don Sahong Hydropower Project following  
Procedures for Notification, Prior Consultation and Agreement; (PNPCA)  
Hua Vieng School, Chiang Khong District, , Chiang Rai Province  
15 December 2014**



*Total 167 stakeholders participated in this meeting*

**National Information Sharing Meeting**  
**on the Don Sahong Hydropower Project following**  
**Procedures for Notification, Prior Consultation and Agreement (PNPCA)**  
*Prajaksilpakhom Convention, Nong Khai City Hall, Nong Khai Province*  
**16 December 2014**



*Total 213 stakeholders participated in this meeting*



**National Information Sharing Meeting  
on the Don Sahong Hydropower Project following  
Procedures for Notification, Prior Consultation and Agreement; (PNPCA)  
Chiang Khan Community Hall, Chiang Khan District, Loei Province  
17 December 2014**



*Total 364 stakeholders participated in this meeting*



**Summary National Information Sharing Meeting  
on the Don Sahong Hydropower Project following  
Procedures for Notification, Prior Consultation and Agreement; (PNPCA)**

*Royal Thai Army Club, Bangkok*

**7 January 2015**



*Total 181 stakeholders participated in this meeting*