

The Hatgyi Dam

A Case of Thai Investment in Myanmar: Adverse Impacts to Salween Communities & Key Recommendations

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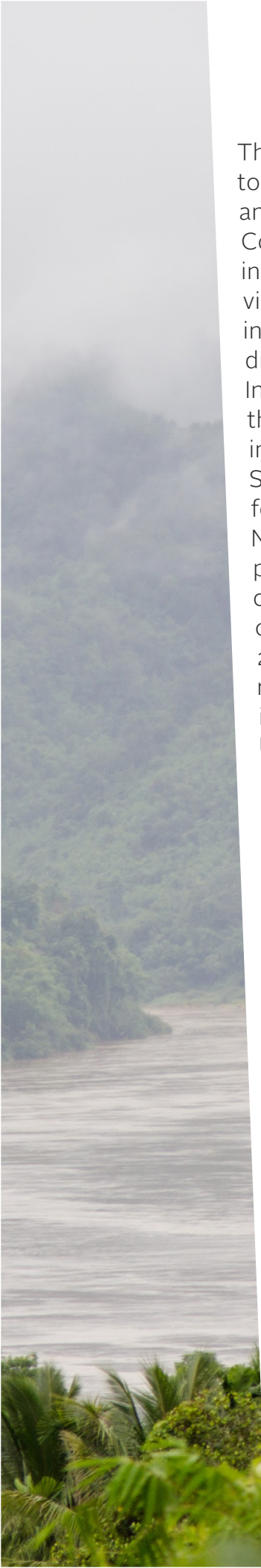


Young advocates for the Salween communities participate in a celebration on International Day of Action for Rivers, March 14, 2018.

This brief presents key information on the Hatgyi dam, a Thai-financed and developed hydropower dam in Myanmar, including environmental and social impacts, and advocacy conducted by EarthRights International, Foundation for Environment and Natural Resources, Salween Peoples Network, and Salween Watch Coalition. This brief reflects issues submitted to the United Nations Working Group on Business and Human Rights during their official visit to Thailand in early 2018.

The Hatgyi dam is a 2.6 billion dollar, 1,360 megawatt hydropower project planned for the Salween River in Karen State, Myanmar, near the Thai border. It threatens to negatively impact local and indigenous communities on both sides of the border. The communities and international civil society groups are raising concerns that the project violates communities' human and environmental rights, including the rights to access information, to be consulted as part of the Environmental Impact Assessment (EIA), and to Free, Prior and informed Consent (FPIC).

The dam risks destroying the livelihoods and food supplies of 10 million people, as it will have significant transboundary impacts on agriculture and fish migration. The dam would also flood two official wildlife sanctuaries in Myanmar and alter sediment and nutrient flows. This may cause fish populations to drop and farmland to become far less productive. Up to 30 thousand people may be directly affected, and flooding could displace up to 21 Karen villages. There has also been no transboundary EIA study of the project.



The project has already been linked to human rights violations. In 2006 and 2012, the National Human Rights Commission of Thailand (NHRCT) investigated alleged human rights violations associated with the project, including forced labor, rape, forced displacement, and illegal taxation. In 2012, the NHRCT concluded that the dam would cause transboundary impacts to Thai communities on the Salween and those relying on the river for fisheries and other resources. The NHRCT also recommended that the project developers conduct public consultations with communities on both sides of the river. In May 2016, the Thai Cabinet passed a resolution to regulate Thai outbound investments in compliance with the United Nations Guiding Principles on Business and Human Rights. This resolution was based on the NHRCT's investigations into the Dawei Special Economic Zone in Myanmar, Koh Kong sugar plantation in Cambodia, and transmission lines from the Hongsa coal power plant in Laos to Nan province, Thailand.

There is also an ongoing conflict between the Tatmadaw (Myanmar

army) and ethnic Karen armed forces such as the Karen National Liberation Army (KNLA) in the area of the dam. This has led to numerous deaths and the forced displacement of thousands of Karen villagers. The construction of the dam may hamper the peace process, and the conflict also exacerbates issues with the proposed project.

Some project proponents claim the dam will secure the electricity supply necessary for local economic growth, yet approximately 90% of the electricity will be exported to Thailand. Even within Thailand, it's unclear whether the Hatgyi dam is truly needed. Thailand's Power Development Plan (PDP 2015-2036) claims that the country needs to install an additional 24,736 MW of capacity by 2036 to support aggressive economic growth. But the PDP states that this would provide a 34% reserve margin - much higher than the 15% international standard and best practice for forecast estimation. In addition, the PDP incorporates strategies for improving power system reliability by reducing dependence on natural gas, implementing energy conservation measures and developing renewable energy.

“OUR KAREN PEOPLE ASK FOR PEACE AND FREEDOM. WHAT THEY [AUTHORITIES] GIVE US IN RESPONSE ARE DAMS. THAT IS NOT WHAT WE ASKED FOR. THE DAM CANNOT BRING US PEACE. WE DON'T WANT ANY DAMS. WE ARE AGAINST IT.”

- Saw Paul Sein Htwa, Director of the Karen Environmental and Social Action Network (KESAN) on International Day of Actions for Rivers, March 14th, 2018 at Ei Thu Hta Internally Displaced Persons Camp on the Salween River

TIMELINE OF COMMUNITY ADVOCACY ACTIVITIES

DECEMBER 2013

EGAT and EIA consultants organize a community meeting with Salween Peoples Network in Mae Sariang, communities submit an official complaint of inadequate community consultation.

OCTOBER 2014

Salween Watch Coalition issues a statement calling for a halt on all Salween dams.

LATE 2014

The NHRCT conducts a fact-finding mission in Sob Moei village, Thailand.

NOVEMBER 2016

Community networks, academics and 200 civil society groups convene at Chiang Mai University, calling to stop the Salween dams due to human rights concerns.

EARLY 2015-2017

Community meetings and awareness raising activities convene with environmental lawyers in three villages on the Salween in Thailand.

MARCH 14, 2017

One thousand people join a Salween campaign celebration at Eu Wae Hta IDP camp.

MARCH 14, 2018

Two hundred and fifty people join a Salween celebration at Eu Wae Hta IDP camp.

MARCH 27TH, 2018

ERI and Salween Peoples Network submit an official complaint to the UNWG on BHR during their visit to Thailand.

APRIL 1, 2018

Salween Peoples Network, Salween Watch Coalition and partners send a letter to Thailand's Energy Council demanding for a revision of Thailand's Energy Development Plan.

Photo: P'Yutana is a community organizer working to strengthen Salween communities.

“WE NEED PEACE AND FREEDOM, AS THESE ARE THE ONLY WAY TO BRING US EQUALITY AND TO ENSURE OUR COMMUNITY’S RIGHTS TO NATURAL RESOURCES AND LAND ARE RESPECTED.”

- Pati Saw Cher Tu Plor, head of the Eu Wae Hta Internally Displaced Persons Camp on International Day of Actions for Rivers, March 14th, 2018

The Salween Watch Coalition and the Salween Peoples Network work to monitor megaprojects on the Salween River and address human rights violations. The Coalition includes: KESAN, International Rivers and Karen River Watch and Karen Women's Organization. The Peoples Network includes Law, Advocacy Center for Indigenous Communities, and the EarthRights School alumni network.





A young environmental lawyer from Myanmar on her first trip to the Salween River with the EarthRights School.

KEY FACTS OF THE HATGYI DAM

- The Hatgyi dam is a 2.6 billion, 1,360 megawatt dam on the Salween River in Myanmar commissioned by Electricity Authority of Thailand International (EGATi), China's Sinohydro Corp, Myanmar's Ministry of Electric Power and the International Group of Entrepreneurs.

- More than 10 million people rely on the Salween River for their livelihoods and the Hatgyi dam may put many of them in jeopardy, as it will significantly impact agriculture and fish migration.

- The National Human Rights Commission of Thailand has investigated the Hatgyi dam for alleged human rights violations, including

forced labor, rape, forced displacement and illegal taxation.

- The proposed site of the Hatgyi dam is located in an active conflict zone.

- The Hatgyi dam is one of many Thai outbound investments linked to human rights abuses.

“WE ENCOURAGE THE GOVERNMENT AND THAI COMPANIES TO STEP UP EFFORTS TO IDENTIFY, ADDRESS AND PREVENT HUMAN RIGHTS ABUSES LINKED TO THAI INVESTMENTS ABROAD.”

- The UN Working Group on Business and Human Rights, on their official visit to Thailand in early 2018

KEY RECOMMENDATIONS

We, the ETO Watch Coalition and other concerned civil society groups call for:

- An immediate halt of all Salween dams until full and inclusive public consultations have been conducted in both Thailand and Myanmar.

- Thai investors such as EGATi to conduct transboundary EIAs and improve community consultations. The findings from these processes should determine whether or not the Hatgyi dam project continues.

- Thai and Chinese investors to respect communities' rights to access information and to FPIC.

- The Myanmar government to stop all planned development megaprojects until there is genuine peace, and to review existing hydropower projects to determine whether they truly benefit local communities.

- The Thai government to review the current PDP and its overblown estimates of energy needs.

- EGAT to focus on energy conservation measures and alternative energy projects, instead of increasing reliance on electricity imports from projects associated with human rights violations. Measures such as cutting consumption, managing peak loads, and appropriate demand-side management are crucial, as are steps to improve efficiency by Thai consumers including industries.