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CONTACT

Tanja Venisnik (Cambodia) +855(0) 967 553645/ (Thailand)+66(0) 947 830484 [tanja@earthrights.org](mailto:tanja@earthrights.org)

Maureen Harris (Thailand) +66 991 85 408 [maureen@earthrights.org](mailto:maureen@earthrights.org)

## SAY NO TO THE DON SAHONG DAM PROJECT

JANUARY 23, 2015, BANGKOK, THAILAND -- The fate of the controversial Don Sahong dam project could be decided by the end of this month. The Mekong River Commission's (MRC) Joint Committee will convene a special meeting in coming days to discuss issues surrounding the project, which is being developed by the Lao government and a Malaysian project developer in southern Laos, less than two kilometers from the Cambodian border.

This final meeting is part of the 1995 Mekong Agreement's Procedures for Notification, Prior Consultation and Agreement (PNPCA), a joint decision-making process created for projects affecting the mainstream of the Mekong River that was adopted by Thailand, Laos, Cambodia and Vietnam to promote shared use and management of the river. To signal the end of the Prior Consultation process under the PNPCA, MRC member states will submit their final positions on the project for consideration during the meeting.

"As the Prior Consultation process draws to an end, the futures of the Mekong communities affected by the Don Sahong dam hang in the balance," says Tanja Venisnik, Mekong Legal Coordinator at EarthRights International. "Numerous international experts have recognized that the project will have devastating effects on Mekong fisheries and food security. The project [threatens the lives and livelihoods of millions of people](#). Despite this, the project has proceeded without adequate studies, including of transboundary impacts, and without meaningful consultation with affected communities in Laos, Cambodia, Thailand and Vietnam."

In June 2014, Laos agreed to undertake the Prior Consultation process, yet civil society organizations, communities and other stakeholders have [voiced ongoing concern that the procedure has been flawed from the beginning](#). The Prior Consultation was publicly announced almost three months into the six month consultation process. The process has lacked adequate information, including baseline studies, comprehensive studies of the likely impacts and a transboundary impact assessment. Although the Prior Consultation process should be undertaken prior to any decision to proceed with a project, Laos has continued with preparatory construction activities on the Don Sahong Dam throughout the process.

"The purpose of the Prior Consultation process is to enable other MRC member countries to discuss and evaluate the effects and impacts of the Don Sahong Dam on their own use of the Mekong River. Due to the inadequacy of the information provided during the Prior Consultation process, this purpose has simply not been met", says Maureen Harris, Legal



Advisor to EarthRights International. "Prior Consultation is intended as a platform for members to consult and negotiate with each other in good faith, as the basis for reaching an agreement over the use of the river. These principles are supported by customary international law. The process does not allow one country to unilaterally make a decision on use of the river without taking into account the rights of neighboring countries."

The MRC Secretariat has claimed that the Prior Consultation is not a process to seek approval for the Don Sahong dam from all MRC member states, but simply a procedure for reviewing the project and raising concerns. This contradicts a key objective of the 1995 Mekong Agreement, which is to facilitate cooperation on utilization and development of the shared river in a mutually beneficial manner. Throughout the process, affected communities and civil society organizations in Thailand, Cambodia and Vietnam have [expressed strong opposition](#) to the Don Sahong project. Their concerns have been [echoed by MRC governments](#), calling for the extension of the Prior Consultation process and the suspension of the project until further studies and consultations are conducted. Vietnam's National Mekong Committee [denounced the project](#), arguing that it will block migratory pathways used by numerous fish species and endanger the livelihoods of communities in the region.

"As the meeting of the MRC Joint Committee approaches, it is becoming increasingly important that the National Mekong Committees take a strong stand against the project and demand that a mutual agreement be reached. We urge the governments of Thailand, Cambodia and Vietnam to maintain their firm positions in final reply forms, expressing clear opposition to the project and demanding that an agreement be reached between all four countries in order to protect the Mekong River and the lives, livelihoods and rights of its communities," says Daniel King, Southeast Asia Program Director at EarthRights International.

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*EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at <http://www.earthrights.org>.*