



Oxfam submission to the Mekong River Commission (MRC) for the Don Sahong Hydropower Project Prior Consultation Process

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Oxfam is a world-wide development organisation that mobilises the power of people against poverty. We are a confederation of 17 organisations working together in more than 90 countries, including the Lower Mekong countries. Oxfam has longstanding programming experience in the Mekong region working with civil society actors and governments, and through its regional water governance program has monitored developments affecting water resource management and governance, including the proposed Don Sahong Dam. Oxfam's water governance program supports the greater inclusion of civil society in water resource governance and decision making to help achieve the overarching goal that communities will be better able to realise sustainable livelihoods.

This submission draws on Oxfam staff and partner participation in sub-national and national consultations in Cambodia and Vietnam, as well as the regional public consultation convened by the Mekong River Commission (MRC) Secretariat as part of the Don Sahong Dam Prior Consultation process.

Oxfam's key statements/positions on Don Sahong Dam and the PNPCA

- Don Sahong Dam poses a major risk to Mekong fisheries and consequently people's food and livelihood security in the basin
- There are still many concerns and uncertainties over the effectiveness of the project developer's proposed mitigation measures.
- There should be a comprehensive transboundary impact assessment, with input from – and participation of – diverse stakeholders in the study design and implementation
- Prior Consultation for the Don Sahong Dam should be improved and extended as the time is inadequate for consideration of other key studies and for meaningful consultation with affected communities and other stakeholders. According to PNPCA, the timeframe can be extended by MRC Joint Committee.
- Oxfam believes that work on the Don Sahong Dam should be halted while the above processes (extension of prior consultation and further studies, including transboundary impact assessment, MRC Council Study and the Mekong Delta Study) are undertaken

Background and explanation of key statements

Don Sahong Dam poses a major risk to Mekong fisheries and consequently people's food and livelihood security in the basin

Hou Sahong channel, which would be blocked by the Don Sahong Dam, is widely documented as being the main, if not the only, channel in Khone Falls, which provides year-round route for migrating fish. As MRCS initial assessment report on Don Sahong (January 2014) highlights, Hou Sahong is "critically important for basin-wide fish migration and, thus, the long-term sustainability of migratory fish species in the Lower Mekong Basin."¹ By blocking this critically important migration route for fish,

¹ MRC Secretariat's Initial Assessment Report On the Don Sahong Hydropower Project, January 2014, p14. Available at: <http://www.mrcmekong.org/assets/Publications/Consultations/Don-Sahong/MRCS-Initial-Assessment-on-Don-Sahong-Hydropower-Project-2014-final.pdf>

the Don Sahong Dam poses a major risk to Mekong fisheries and consequently people's food and livelihood security in the basin.

Contributing 47 to 80 % of animal protein in-take, fish and aquatic products are critical to people's food and nutrition security in Mekong Basin. Thus significant declines in fisheries would have adverse impacts, particularly on the poor "who depend proportionately more on fish (and other aquatic animal) consumption than other groups."²

Fisheries is particularly important for Cambodia, where inland fisheries contribute nearly 12 per cent of Cambodia's GDP and are a vital source of food, nutrition and income. An Oxfam-supported study by the Inland Fisheries Research and Development Institute (IFReDI), Cambodia (2013) found changes in availability of fish and aquatic resources are likely to have major negative impacts in terms of nutrition and income, and also social equity.³ Furthermore, replacement measures (e.g. livestock and aquaculture) will only partially compensate for loss of wild fisheries and likely be more expensive, and less accessible to the poor.⁴

There are still many concerns and uncertainties over the effectiveness of the project developer's proposed mitigation measures.

A key fisheries impact mitigation measure is to modify two nearby channels – Hou Sadam and Hou Xangpeuk – to allow fish migrations. While the Don Sahong Power Company is "very confident the mitigation measures will be successful",⁵ reviews of project documents by fisheries experts commissioned by WWF (February 2014), as well as those published by the MRCS, including the initial assessment (January 2014) and more recent briefing note (November 2014), all raise questions and concerns over limited baseline information, the effectiveness and viability of proposed mitigation measures, and significant risks if they don't work.

The MRCS briefing note (November 2014) states that the effectiveness of fisheries mitigation measures "depends on the extent to which the alternative fish pass channels replace or mimic morphology and flow attraction of the Don Sahong channel as it now exists, and the time of the year different species spawn and migrate. At present there is insufficient information to assess whether this is viable, and hence the extent to which the partial loss of fish passage can be mitigated."⁶

In short, given uncertainties and risks, the expert groups commissioned by MRCS identifies numerous areas where further studies are needed to establish a baseline and better assess the risks and potential impacts, including on fisher livelihoods upstream and downstream.

There should be a comprehensive transboundary impact assessment, with input from – and participation of – diverse stakeholders in the study design and implementation

While the project has undertaken a cumulative impact assessment (dated January 2013), it downplays the cumulative and transboundary impacts. This assessment goes against available scientific evidence which highlights the serious risks that the project poses for fisheries and

² ICEM, 2010, *MRC Strategic Environmental Assessment (SEA) of hydropower on the Mekong mainstream*, Hanoi, Viet Nam, p. 61. Available at: <http://www.mrcmekong.org/assets/Publications/Consultations/SEA-Hydropower/SEA-Main-Final-Report.pdf>

³ IFReDI, 2013, *Food and nutrition security vulnerability to mainstream hydropower development in Cambodia*, June 2013.

Available at: https://www.oxfam.org.au/wp-content/uploads/2014/02/pdf_food-and-nutrition-for-print-2.pdf

⁴ See for example, ICEM, 2010 *MRC Strategic Environmental Assessment (SEA) of hydropower on the Mekong mainstream*, Hanoi, Viet Nam, pp 104-106.

⁵ See: <http://dshpp.com/faq/>

⁶ MRC Secretariat, 2014, *BRIEFING NOTE In support of Public Consultation regarding Prior Consultation for the Proposed Don Sahong Hydropower Project*, November 2014, p 13. Available at:

<http://www.mrcmekong.org/assets/Publications/Consultations/Don-Sahong/Briefing-Note-final-clean.pdf>

livelihoods of people in the Lower Mekong Basin. While it's dated 2013, it fails to draw on the findings of the SEA published in 2010, erroneously noting that it was not "available in time for this CIA".

Given Don Sahong Dam is located adjacent to Cambodia, the MRCS briefing note (November 2014) states "fisheries become automatically by nature a transboundary issue" and there are potential adverse transboundary social impacts. Yet, "insufficient attention has been paid to potential cross border impacts on fisher communities in Cambodia."⁷

It is important that decision over whether to proceed with the project, and if so, under what conditions is informed by an assessment of potential transboundary impacts, including but not limited to lost income generation, livelihoods food and nutrition security as well as replacement costs of lost fisheries – this would better help understand the magnitude of risks involved.

In addition, there are at least two important studies underway – MRC Council Study and Vietnam-initiated Mekong Delta Study – which seek to support MRC member countries better understand the potential risks and benefits of development initiatives, including proposed mainstream dams. Both these studies were identified as priority areas by Mekong leaders at the MRC Summit in April 2014, which called for the studies to be implemented more quickly "to provide sound advice and recommendations on sustainable development in the Basin."⁸ Not giving these State-supported studies adequate consideration into the prior consultation process is a missed opportunity for more sustainable outcomes.

Prior Consultation for the Don Sahong Dam should be improved and extended

According to the PNPCA, Prior Consultation shall be six months, but can be extended by MRC Joint Committee. The announcement that Don Sahong Prior Consultation process officially started on 25 July was communicated publicly to external stakeholders in early October (after the Joint Committee meeting), effectively making it a three-month consultation process. This is completely inadequate timeline for quality consultation on such a major transboundary project. Oxfam and partner experience is that for meaningful consideration of assessments, and consultation with stakeholders, there needs to be a longer lead time, and more adequate access to information – at different levels, and in different media. The shortened timeframe has not allowed enough time to meaningfully inform and consult affected communities and interested stakeholders, and the consultation has also been undertaken with significant gaps in information e.g. lack of transboundary impact assessment. This is repeating flaws experienced, and well documented in the Xayaburi Prior Consultation process. More time is needed to undertake further studies, including those identified by the MRCS technical reviews, the MRC Council Study and the Mekong Delta Study.

More time is also needed to conduct independent reviews of more recent information and analysis presented by the project developers at the regional consultation in December 2014. An example of this being sediment, with the project developers citing their recent studies that sediment is not an issue. This contradicts the preliminary findings of MRCS technical review, where "preliminary calculations suggest that the headpond may fill with sediment within six years."⁹

At the regional consultation, the MRCS indicated that the final version of the Technical Review will be made publicly available subject to agreement by the Joint Committee Working Group at its 3rd meeting in January 2015. However, at the time of writing, less than two weeks before the prior consultation is scheduled to close, it has not been publicly released, limiting opportunities for interested stakeholders and the "process to be informed by scientifically sound independent reviews of the possible impacts of the DSHPP [Don Sahong Hydropower Project]."¹⁰

⁷ MRC Secretariat, 2014, *BRIEFING NOTE In support of Public Consultation regarding Prior Consultation for the Proposed Don Sahong Hydropower Project*, November 2014, p 16

⁸ See: <http://www.mrcsummit.org/download/HCMC-Declaration-V5-4Apr2014.pdf>

⁹ MRC Secretariat, 2014, *BRIEFING NOTE In support of Public Consultation regarding Prior Consultation for the Proposed Don Sahong Hydropower Project*, November 2014, p 24

¹⁰ MRC Secretariat, 2014, *BRIEFING NOTE In support of Public Consultation regarding Prior Consultation for the Proposed Don Sahong Hydropower Project*, November 2014, p 6.

The regional consultation also failed to clearly outline next steps and how the regional consultation will be used to inform deliberations and decision making in the Prior Consultation process, which again has limited opportunities for stakeholders to meaningfully engage in the process. Similarly, groups that have participated in national and sub-national consultations in Cambodia have also pointed to flaws in the process, including but not limited to, insufficient community and NGO participation, lack of accessible information in local languages for people to understand the project.¹¹

Oxfam concurs with the views expressed in the 2015 Joint Development Partners Statement at the MRC Council meeting in Hanoi on the “the importance of a transparent, inclusive and credible Prior Consultation process for the Don Sahong project, based on rigorous scientific assessments and including clear public information on the forward process. The MRC Joint Committee should consider strengthening the process and extending the consultation period to ensure availability of sufficient scientific information, as per the MRC Technical Review Team’s recommendation.”¹²

Oxfam’s call to improve and extend the Prior Consultation process for Don Sahong also draws on experience of the Xayaburi Dam. Following the experience of flawed Xayaburi Prior Consultation process, some MRC member countries, development partners, as well as NGOs and civil society have pointed to the need to improve and clarify the PNPCA process, including considering the extension of the Prior Consultation timeframe beyond six months.¹³

Work on Don Sahong dam should be suspended

Taking into account the significant risks the Don Sahong Dam poses on fisheries and consequently people’s food and livelihood security, and the uncertainty over the effectiveness of proposed mitigation measures, Oxfam believes that construction of Don Sahong Dam and associated infrastructure should be suspended while more comprehensive transboundary impact assessments and other studies are completed; and more meaningful consultation including by extending the Prior Consultation process undertaken.

¹¹ e.g. see: NGOs’ Joint Statement on Concerns about the PNPCA for Don Sahong Project <http://www.mrcmekong.org/assets/Other-Documents/stakeholder-submissions/Joint-Statement-NGOs-on-DSD-Consultation-Eng-final-141114.pdf>

¹² *Joint Development Partner Statement* to the Twenty First Meeting of the MRC Council Joint Meeting with the Nineteenth Development Partner Consultative Group, 15-16 January 2015, Hanoi. p. 2.

¹³ See for example, Danida, Review Aide Memoire, Danish Support to the Mekong River Commission, 2011-2015, Danida Review Mission, 4-20 December 2013; AusAID, 2012, Brief summary of 2012 PNPCA research, available at: <http://www.internationalrivers.org/files/attached-files/responseausaid.pdf>; and Vietnam and Cambodian government’s formal reply forms to the Xayaburi Prior Consultation process, which noted six months as being inadequate.