



## **Save the Mekong Coalition**

### **Boycott of the Pak Lay Dam Prior Consultation Process**

Save the Mekong, a coalition of non-government organizations, community-based groups and concerned citizens within the Mekong region, announces our intention to boycott the Mekong River Commission's Prior Consultation process for the proposed Pak Lay hydropower project in Laos. Pak Lay is the fourth dam on the lower Mekong mainstream.<sup>1</sup>

We refer to the recent announcement by the Joint Committee Working Group of the Mekong River Commission (MRC) identifying 8 August 2018 as the official start date for the six month Prior Consultation process. Prior Consultation is a requirement under the 1995 *Mekong Agreement's* Procedures for Notification, Prior Consultation and Agreement (PNPCA). According to the MRC, the purpose of the Prior Consultation procedure is to allow lower Mekong countries to jointly review any project proposed for development on the Mekong mainstream, with the aim of reaching an agreement on whether or not the proposed project should proceed, and if so, under what conditions.<sup>2</sup>

The Save the Mekong coalition intends to boycott the Pak Lay Prior Consultation because, unless the following issues are addressed, we do not believe that the process can be conducted in way that is meaningful or effective, or ensure the trust and participation of dam-affected communities and the public.

- As stated in our letter to the lower Mekong governments and the MRC dated July 19, 2018,<sup>3</sup> serious and outstanding concerns raised during Prior Consultation for each of the mainstream dams that have undergone the procedure to date – the Xayaburi, Don Sahong and Pak Beng dams - remain unresolved. Requests for information and concerns over these projects' impacts expressed during Prior Consultation were never formally addressed, including calls for extension of the consultation period, thorough baseline information, and studies of transboundary impacts.<sup>4</sup>
- While these outstanding concerns remain unresolved, proceeding with the Pak Lay dam threatens to further compound the impacts of the existing dams on the Mekong mainstream. As the MRC Council Study notes, "the connectivity-related impacts related to mainstream hydropower dams... are substantial and far-reaching, and

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<sup>1</sup> <http://www.mrcmekong.org/news-and-events/news/starting-date-for-pak-lay-hydropower-project-prior-consultation-process-agreed/>

<sup>2</sup> <http://www.mrcmekong.org/topics/pnpca-prior-consultation/>

<sup>3</sup> <http://savethemekong.net/wp-content/uploads/2018/07/Save-the-Mekong-Letter-on-Pak-Lay-Notification-19July.pdf>.

<sup>4</sup> For details of outstanding concerns around existing hydropower projects and the flawed prior consultation process, please see <http://savethemekong.net/wp-content/uploads/2018/07/Save-the-Mekong-Letter-on-Pak-Lay-Notification-19July.pdf>

overshadow those of all other planned water resource developments in the Lower Mekong Basin.”<sup>5</sup>

- The plans for progressing another large-scale hydropower project in Laos are of particular concern in light of the recent collapse of an auxiliary dam of the Xe Pian-Xe Nam Noy hydropower project in southern Laos. This tragedy highlights the dangers of neglecting concerns around inadequate consultation and environmental and social impact assessments (ESIAs), lack of transboundary impact assessments, and the need for stronger and well-enforced environmental and social safeguards. These issues should be comprehensively examined and addressed before considering any future projects.<sup>6</sup>
- Following the Xe Pian-Xe Nam Noy dam disaster, the Lao government announced a suspension of new hydropower investments and an independent investigation of all existing projects. While we welcome the Lao government’s announcement to suspend consideration of new dam projects in order to review its future hydropower strategy and plans, it is critical that, in order to be meaningful, plans for Pak Lay and other proposed hydropower projects do not move forward until the review is complete. The Prior Consultation for the Pak Lay dam should therefore be suspended pending a transparent and comprehensive national review of the hydropower sector with full participation of dam-affected communities.
- In February, the lower Mekong governments released the long awaited MRC Council Study. The USD 4.7 million, 7-year study starkly shows that the series of dams planned on the Mekong and its tributaries pose a serious threat to the ecological health, economic vitality, and food security of the region. The lower Mekong governments should formally recognise the findings of the study and provide information as to how these findings will be used to inform decisions on future projects before any new Prior Consultation process is initiated.

A key recommendation of the Council Study is to consider emerging energy technologies, such as solar and wind, that are cost-competitive with hydropower. Rather than embarking on another flawed Prior Consultation process, we urge the MRC and Development Partners to support the Lao government to conduct a comprehensive energy sector evaluation with full consideration of alternative sources of energy generation and development revenue.

There is great potential to develop non-hydro renewables in the Lower Mekong Basin and region. With support from MRC, development partners, financiers, and civil society, the Lower Mekong governments can embark on a more equitable and sustainable development path, one that places the highest value on healthy rivers and the safety and wellbeing of riparian communities throughout the lower Mekong basin.

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<sup>5</sup> <http://www.mrcmekong.org/assets/Publications/Council-Study/Council-study-Reports-discipline/CS-Key-Messages-long-v9.pdf>

<sup>6</sup> For information on concerns relating to the Xe Pian-Xe Nam Noy dam, please see [https://savethemekong.net/wp-content/uploads/2018/07/STM-Statement-on-Lao-Dam-Collapse\\_Final.pdf](https://savethemekong.net/wp-content/uploads/2018/07/STM-Statement-on-Lao-Dam-Collapse_Final.pdf)