

Mekong River Commission
Procedures for Notification, Prior Consultation and Agreement
Form for Reply to Prior Consultation

1. **Replying State(s):** The Socialist Republic of Viet Nam
2. **Date of reply:** 15 April 2011
3. **Replying Ministry/Agency:**
The Viet Nam National Mekong Committee
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4. **Contact person/facilitator:**
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5. **Name of the proposed use/project:** Xayaburi Hydroelectric Power Project
6. **Location of the proposed use:**
Km 1930.7, Xayaburi District, Xayaburi Province, Northwestern Lao PDR
(Upstream Lower Mekong Basin, Vientiane – Luang Prabang stretch)
7. **Nature of proposed use:**
 Inter-basin diversion from the mainstream during wet season
 Intra-basin use on the mainstream during dry season
 Inter-basin diversion of the surplus water from the mainstream during dry season
8. **Date of receipt of the documents:** 22 October 2010

9. Reply to proposed use:

Upon receiving the proposal from Lao PDR about the Xayaburi Hydroelectric Power Project late October 2010, Viet Nam has expressed appreciation for Lao PDR's strong commitment to seriously realizing the 1995 Mekong Agreement in general and the MRC Procedures for Notification, Prior Consultation and Agreement (PNPCA) in particular. In fact, Lao PDR and Viet Nam have been providing most notifications to the Commission. It may be recalled that upon the request of other Member Countries at a Joint Committee Meeting long ago, Lao PDR has graciously shared the Project's preliminary information even though the conditions to make notification for the project have not been met. Viet Nam also appreciated Lao PDR's efforts to provide what we believe was the best level of information they have to the other Member Countries during the prior consultation process. Lao PDR also deserves to be commended for their patience and full cooperation throughout this difficult process.

Located furthest downstream, the Mekong Delta is vital to food and water security of not only Viet Nam, but also the region and the world. The livelihood of nearly 20 million people of Viet Nam has long started to observe the changes caused not only by the natural variation but, as evidence shows, also by the fast developments in the upper reaches of the Mekong River. The threats would become more severe if combined with the possible impacts caused by climate change and sea level rise, and mainstream development. Recent studies conducted by the Mekong River Commission as well as other international organizations have shown that, upstream hydropower development, especially the mainstream cascade, will present serious threats to the Mekong Delta, in particular saline intrusion, reduced fisheries and agricultural productivities, and degradation of bio-diversity. They also point out that and no benefits, for example from electricity productivity or unconfirmed regulation in dry season, would be able to outweigh the potential damages.

Having carefully reviewed the documents of the Xayaburi Hydropower Project provided by Lao PDR, we found that those documents have been prepared with care and commitment. Maybe because it was the first ever proposed use for a mainstream project, the associated Environmental Impact Assessment (EIA) study carried out by the project's developer was however inadequate, lacking appropriate and comprehensive assessments of the trans-boundary and cumulative impacts that the project may cause to the downstream, especially the Mekong Delta in Viet Nam. Though standard mitigation measures were mentioned in the project design, i.e. fish ladders, sand flushing outlets, and navigation locks, it was felt, nevertheless, that there was insufficient evidence that those measures would help mitigate the negative impacts of the project in reality. These findings are in consistence with the conclusions of a recent MRC Technical Review Report conducted by the MRC Secretariat.

During the 6-month Prior Consultation process, two rounds of national consultation on the Xayaburi proposal were conducted for the people and local authorities in the Mekong Delta as well as central line agencies. Participated in the national events were also representatives from social communities, NGOs and public media. The proposal drew much concern from every group of social representation about the race of hydropower development in the upstream in general and the unquantifiable impacts and current lack of

needed information in particular. The national consultations concluded that any decision on the development of hydropower projects on the Mekong mainstream must be taken with due diligence and full precaution, emphasizing consideration needed to be given to all planned mainstream projects as a whole. It was also recommended that the Xayaburi Hydropower Project be postponed for at least 10 years to allow for more comprehensive and detailed studies, if not to be cancelled.

With these deep and serious concerns, Viet Nam found the limited timeframe of the Prior Consultation was not adequate to facilitate the achievement of the process's objectives. Based on the findings mentioned above, Viet Nam therefore strongly requests that the decision on the Xayaburi Hydropower Project as well as all other planned hydropower projects on the Mekong mainstream be deferred for at least 10 years, as overwhelmingly recommended by social communities, national and regional NGOs and many development partners. The deferment should be positively seen as a way to provide much-needed time for riparian Governments to carry out comprehensive and more specific quantitative studies on all possible cumulative impacts caused by the planned cascade of dams on the Mekong mainstream, especially those of trans-boundary nature to the Mekong river, including the Mekong Delta parts of Viet Nam. This would enable us to secure better understanding and the confidence of the public and local communities.

Viet Nam expects that its request will be taken thoroughly and seriously into account by Lao PDR in the "Mekong Spirit" and fully in line with all principles set forth in the 1995 Mekong Agreement and the recent Hua Hin Declaration. Viet Nam wishes to reiterate its strongest commitment and full cooperation with other Member Countries, especially Lao PDR, the close friend of Viet Nam, in their respective endeavours toward its own prosperity, but not at the expense of the environmental health of the Basin as well as of other riparian countries.