

H.E. Mr. So Sophort
Officer-in-Charge
Mekong River Commission Secretariat
Office of the Secretariat in Vientiane
P.O. Box 6101,
Unit 18 Ban Sithane Neua, Sikhottabong District,
Vientiane 01000, Lao PDR

October 19, 2015

Subject: Request for Clarification on the Status of the Don Sahong Dam Prior Consultation Process

Dear Excellency So Sophort,

We write to request clarification regarding the status of the Prior Consultation process for the Don Sahong Hydropower Project. We understand from a statement released by the Mekong River Commission's (MRC) Joint Committee on June 19, 2015 that following further deliberation by the MRC Council, the four MRC member countries agreed that a decision on the Prior Consultation process for the proposed Don Sahong Hydropower project would be taken to the government level, to be resolved through diplomatic channels. Since this announcement there has been limited information as to the status of the Prior Consultation process. However on September 15, it was reported that MegaFirst Corporation Berhad, had entered into a concession agreement with the Government of Laos for the development of the Don Sahong Hydropower Project.

Within their reply forms submitted to the MRC on January 26, the governments of Cambodia, Thailand and Vietnam raised concerns about the limitations of existing studies and project documents, particularly with regards to the project's transboundary impacts. The three governments requested that a Transboundary Environmental Impact Assessment be carried out for the Don Sahong Dam, along with other studies to increase understanding of the potential impacts beyond the borders of Laos.

Given the Government of Laos' intention to begin construction on the Don Sahong Dam in November, despite no public acknowledgement from all four countries that the Prior Consultation process has been resolved or closed, or evidence of a Transboundary Environmental Impact Assessment, we request clarification from the MRC Secretariat on the following questions:

- What is the status of the Prior Consultation process for the Don Sahong Dam as of today?
- What has been communicated to the MRC by member countries regarding their current position on the Don Sahong Dam?

- Can you clarify when the MRC Council met to decide to move the Don Sahong Dam's Prior Consultation process to the diplomatic level? What issues and positions were raised by each member country during this meeting(s)?
- What has been the process within each country for the continuation of the Prior Consultation Process for the Don Sahong Dam as announced by the MRC in June 2015? Who within each respective member country has been delegated to lead the diplomatic discussions over the project? Has any information regarding any of the diplomatic discussions held over the project been communicated with the MRC Secretariat?
- What steps are being undertaken by the Government of Laos to respond to the requests put forward in the January reply forms, for further studies particularly of the project's transboundary impacts?
- Based on the latest information provided by the Lao government regarding the Don Sahong Hydropower Project to the MRC, can the MRC confirm if the project is in compliance with the MRC's Preliminary Design Guidance for Proposed LBM Hydropower Schemes? If not, what steps are being taken to ensure that the project reaches compliance?

Thank you for your time and we look forward to hearing from you at your earliest possible convenience.

Sincerely,



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