

20th January 2011

The Hon Kevin Rudd
Minister for Foreign Affairs and Trade
Government of Australia
Parliament House
Canberra

Concerning the Joint Statement of donors to the Mekong River Commission, the proposed Xayaburi Dam in Laos and the Procedures for Notification, Prior Consultation and Agreement (PNPCA)

Dear Mr Rudd

We, the undersigned organisations, are writing to you out of concern about imminent plans to dam the mainstream of the Mekong in Laos. Our concern stems from our work in development and advocacy involvement in the Mekong region.

As you will be aware, the Government of Laos initiated procedures with the Mekong River Commission (MRC) in September last year, seeking to go ahead with the construction of the first mainstream dam across the Mekong south of the Chinese border, in Xayaburi Province in northern Laos. The Australian Government is also fully cognisant of the severe impacts on the livelihoods of people in the Mekong region of such developments, especially as presented recently in the findings of the *Strategic Environmental Assessment* of the MRC, which called for a ten year moratorium on decisions related to mainstream dam development.

We understand that the Australian Government is funding, through the aid program, the process by which MRC member countries review the proposed development – the Procedures for Notification, Prior Consultation and Agreement (PNPCA) – and that this is consistent with Australian Government’s aims of supporting good decision-making processes in the Mekong region.

However, it has become apparent to us that many of our academic and civil society colleagues in the Mekong region have very little confidence in the current PNPCA for the proposed Xayaburi Dam. The reasons they are stating are:

1. Despite the PNPCA beginning in September, information about the process was only made public on December 23rd, and information about the consultation process was only made public a few days prior to the first consultation held on January 14th in Can Tho, Vietnam.. This leaves a small window for public engagement in the PNPCA.
2. It is not clear who will be able to participate in consultations, and it is understood *there will be no consultations in Laos*, based on the rationale that consultation took place during the EIA.
3. Key project documents, such as the full EIA, have not been disclosed.
4. There is little confidence that the recommendations of the MRC’s *Strategic Environmental Assessment* will be seriously considered as part of the PNPCA.

Overall, there is a general fear that the PNPCA will simply become a rubber stamp for the Xayaburi Dam.

Given the Australian Government’s assistance to the process, the Government is in unique position of opportunity and responsibility.

We urge you to ensure that the PNPCA for the Xayaburi Dam is a rigorous, open and transparent process for the people of the Mekong. In particular, we ask that the Australian Government calls for:

1. **A clear and open consultation process in all Mekong countries, with extended timeframes from those currently proposed.**
2. **Full public disclosure of key documents (such as the EIA)**
3. **Full consideration of the recommendations of the *Strategic Environmental Assessment* as part of the PNPCA, particularly the recommendation for a ten year moratorium on mainstream dam development.**

Furthermore, noting that donors to the MRC will be making a joint statement at the 17th Meeting of the MRC Council, to be held on January 26th in Ho Chi Minh, **we ask that the Australian Government uses the opportunity to encourage other donors to join in a strong statement about the need for a PNPCA process which can win public confidence, and to publicly support the recommendations of the *Strategic Environmental Assessment*.**

We know that the Australian Government and its representatives in AusAID fully appreciate the seriousness of the impacts of damming the Mekong, and we trust that you will do your utmost to support fair and just decisions for the people of the Mekong.

Yours sincerely,

(the undersigned)



Viv Benjamin
Ph: 03 9264 7000
Email: advocacy@tear.org.au



Gary Lee
Ph: 02 9557 8944
Email: gary@aidwatch.org.au



Jonathan Cornford
Ph. 0468 967 131
Email: jonathan@mannagum.org.au

MEKONG MONITOR TASMANIA

Margie Law
Ph: 0418 388 423
Email: margielaw@intas.net.au