

Review of Xayaburi Dam EIA incorporation into regional consultation on impacts

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Preamble

The proposed Xayaburi Dam is one of 11 hydropower projects mooted for the Mekong mainstream. An Environmental Impact Assessment was carried out for the project developer (Ch Karnchang) by TEAM Consulting Engineers, a Thai consulting firm. The EIA report was completed in February 2010. Under the Procedures on Notification, Prior Consultation and Agreement (PNPCA), member states of the the Mekong River Commission are required to conduct prior consultation on projects of this scope within the member countries of MRC. The process was launched in September 2010, about seven months after completion of the EIA. This desk-based review briefly considers issues of consultation associated with the conduct and dissemination of the EIA as part of the wider regional consultation process within the Mekong River Basin.

The EIA in brief

The EIA addresses a range of predicted impacts of the Xayaburi Dam on-site, in the area to be flooded by the impounded “run of river” reservoir, and up to ten kilometers downstream of the Xayaburi Dam.

Consultation on impacts for the EIA

The EIA collected data in field surveys among residents in the area immediately affected (dam site and area to be inundated, identified as affecting 2184 persons in 424 households). Surveys do not equate to consultation. Claims that affected people have been consulted are not borne out by the EIA document itself, either in the methodology set out (section 1.4) or in the findings. This is contrary to international standards for conduct of environmental impacts assessment of major projects. This problem is magnified manifold if those potentially affected by fisheries and hydrological impacts outside the immediate impact zone are taken into consideration.

Consultation on EIA/SIA during the PNPCA

The six month PNPCA process has involved a set of technical reviews of the dam by specialized teams employed by MRC, and a series of consultation workshops organized in Cambodia, Thailand and Vietnam to seek the views of wider groups of stakeholders. No consultation was conducted in Lao PDR, on the grounds that the EIA had already involved consultation with affected groups. The EIA was available to the technical review teams, but it was treated as a secret document and was not released for the consultation workshops. Public input was therefore done in the absence of the EIA report.

Summary of concerns:

- Participants at the PNPCA consultation workshops were being “consulted” without access to the key documentation of impacts (the EIA report).
- Affected people in Lao PDR upstream of the reservoir and more than 10 kilometers downstream of the dam had zero opportunity for comment on the dam and its impacts, for example on migratory fisheries.
- Affected people in the identified project impact area (inundation zone, dam site and 10 km downstream) were surveyed rather than consulted.

Other issues

- The EIA was carried out at the same time that MRC’s Strategic Environmental Assessment was underway. There is no reference to the SEA in the EIA.
- The EIA does not consider implications of Xayaburi for, or in combination with, the other ten dams proposed for the Mekong mainstream. Consultation on a project by project basis fails to take into account either the path dependency of decisions on one dam and their implications for others, or the incremental and cumulative impacts of the proposed cascade of dams.
- As far as can be ascertained from the EIA document, the study of fisheries made no attempt to consider the magnitude of impacts of the dam on migratory fish and the implications for fishers downstream and upstream of the impoundment area. The proposed fish ladder as a mitigation measure does not address previous concerns of the scientific community, expressed at MRC consultations on this issue, that fish passes are unable to mitigate for barrages of this size, at least under existing technology. The brief statement in the EIA at 5-12 that fish migration is not an issue of concern because a fish pass will be provided flies in the face of such scientific opinion.
- The report is in English and no attempt has been made to make it accessible in lay terms or in riparian member country languages (Lao, Thai, Khmer, Vietnamese).

Main finding and recommendation

The prior consultation process is fundamentally flawed as a result of the stakeholders’ lack of access to the EIA document. Given the flawed nature of the document itself, it is likely that had the stakeholder consultation meetings been given access to the report, concerns expressed would have been even stronger than those already made. Before any claims can be made that the Xayaburi Dam project has gone through a process of prior consultation, interested parties in all four countries should have full access to the EIA report itself and reviews of the report by independent natural and social scientists, presented in lay terms in each of the four languages of the MRC member countries,.