



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Permanent Mission of the Lao PDR
to the United Nations Office and
other International Organizations
Geneva

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The Permanent Mission of the Lao People's Democratic Republic to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the latter's Note Verbal No. AL LAO 1/2016, dated 16 February 2016, has the honour to inform the Office that the Lao Government has studied the joint communications sent by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Chairperson of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the rights of indigenous peoples.

The Permanent Mission of the Lao PDR thus transmits the following replies and clarifications on the matter:

First of all, the Government of the Lao PDR (GOL) notes the concerns of the mandate holders and working group chairperson regarding the Don Sahong project. Having thoroughly looked into the issues raised in the communications, the GOL cannot but rejects these groundless allegations of human rights violations. Over the past ten years, the Project Developer together with the GOL have undertaken and completed several protracted consultation processes with stakeholders, including various local, regional and international NGOs prior to the commencement of the project. Throughout these consultation processes, information was freely available in the Mekong River Commission (MRC) and the Project Developer's websites and a number of site visits by representatives of international organizations, foreign countries as well as NGOS and general public to the project were undertaken.

The development of the Don Sahong Hydropower Project started in March 2006. It took no less than 10 years of effort and investment to ensure that the project design is properly prepared before the GOL finally approved it. The Project Developer engaged numerous international technical and environmental consultations to ensure that the project is developed and implemented in a sustainable and responsible manner. Throughout this period, the GOL officials from various line agencies, together with the project representatives met with the representatives of the local communities on many occasions and the GOL has received their endorsement in respect of the measures being undertaken to address their concerns. The local communities have

expressed their appreciation and are enthusiastic about the development that the project would bring to their region. The Don Sahong project is being undertaken to improve the livelihoods and to help eradicate poverty of the people, which is in line with the Right to Development and the sovereign rights to use the country's natural resources for sustainable development.

The GOL is committed to being transparent on all hydropower developments with no exceptions. In 2013 and 2014, the GOL organised three visits to the Don Sahong project site, a technical presentation by the Project Developer and international consultations as part of the MRC Prior Consultation process which lasted more than six months. These events were attended by the representatives of the riparian countries, Development partners and various regional and international NGOs. The GOL heard their views during these events and then advised the Project Developer to take the necessary steps to address all their legitimate concerns. These visits to the project site had been scheduled to coincide with the dry and wet seasons to provide the participants with a greater appreciation of the actual project conditions and those of the local communities affected by the project. The issues relating to the well-being of the affected local communities have been deliberated upon at length and resolved adequately. All this has clearly demonstrated the GOL's transparency in this project.

In the process, the MRC has facilitated the cooperation and consultations among the riparian countries in respect of the project by providing guidance and undertaking several protracted consultation processes which went beyond the terms of the 1995 Mekong Agreement. Representatives from the riparian countries, stakeholders, including the affected local communities, and various regional and international NGOs participated in these sessions which were completed prior to the commencement of the project. For more information, please refer to the MRC website (<http://www.mrcmekong.org/news-and-events/consultations/don-sahong-hydropower-project/>).

The allegations that the Don Sahong project would have a serious negative impact on the livelihoods of millions of people are exaggerated and fabricated. The intent and conviction of the project are ultimately to improve the livelihoods of the people without negative impact on the environment. The Don Sahong Hydropower project is a run-of-river project located on Hou Sahong, a 100 metre wide channel within the Mekong area known as Siphandone (4,000 islands), where the main river is 10 kilometers wide. More importantly, Hou Sahong, is only one of more than 10 channels, which braid the Siphandone area. The Project will not be blocking the entire Mekong River and does not have a reservoir. With other channels to the left and right of Hou Sahong, the project aims to improve fish migration and fisheries sustainability through the improvement of adjacent channels for fish migration. Since 2011, the Developer has already improved not less than five major and minor channels to ensure more efficient fish migration before Hou Sahong is blocked for construction. The Developer is committed to an adaptive management approach and will continue to improve adjacent channels for fish migration in the coming years. At the same time, the Developer has engaged international consultants to carry out fish monitoring program to monitor and ensure that fish can migrate successfully through the Siphandone area. Extensive fisheries studies by the developer have shown that fish species are able to migrate through many of the channels in the Siphandone area, which is contrary to the claims by some NGOs that Hou Sahong is the only channel accessible to most fishes for migration. With the improvements to adjacent channels

that the Developer has done over the past five years, the GOL is confident that fish would be able to migrate through the Siphandone area with the closure of Hou Sahong. Together with the reduction of fishing pressure through the reduction of fishing traps (by provision of alternative livelihoods). Indeed the project will improve the livelihoods of the local people living in the vicinity and those who live in the vicinity within the neighbouring countries.

A small isolated population of Irrawady dolphins inhabits a deep pool approximately two kilometers south of the Don Sahong project with an estimate population of 5 individuals, according to WWF. WWF has identified the threat to these dolphins as boat traffic, use of gillnets for fishing and unexplained juvenile death. With the construction of a bridge, the boat traffic in the area will be greatly reduced. Coupled with fisheries management programs that will help to reduce the use of gillnets around the dolphin habitat, the chances of survival of the remaining dolphins will be improved.

The Developer has done numerous studies and channel improvements over the past ten years which can be found on its website (www.dshpp.com) and has also developed an adaptive management strategy called the Fisheries Monitoring and Action Plan (FishMAP). The main objective of the FishMAP is to mitigate any potential negative impacts of the project on fish and fisheries through management and monitoring measures. Management includes measures to improve fish passage via alternative natural channels. Monitoring aims to assess the success of the fish passage improvements, as well as to quantify changes in fish catches and fisheries, which will reflect the success of fisheries management and fish passage measures. The Developer also aims to reduce fishing pressure in the adjacent channels and provide alternative livelihoods to the villagers within the vicinity directly affected by the closure of Hou Sahong, particularly those who would not be able to put up fish traps.

One of the main reasons the GOL has given its blessings for the project to proceed is that the Developer has fulfilled its promise to improve the adjacent channels for fish migration and the completion of a bridge, which connects the Sadam island and the mainland. These plus the alternative livelihoods, which will be provided to the villagers, will likely enhance their socio-economic well-being and help the GOL achieve its poverty reduction goals.

The Lao PDR is a poor, landlocked and one of the least developed countries. The Lao economy depends largely on investments, including in the hydropower sector. In order to graduate the country from the LDC status, the GOL has identified hydropower development as one of the primary drivers of economic development and poverty eradication given the country's plentiful water resources and mountainous terrain. Hydropower resources development greatly contributes to the national socio-economic development and poverty reduction, while the GOL is committed to developing hydropower resources responsibly and sustainably.

It is hoped that the above mentioned information clarifies and explains about the concerns raised in the communications over the development of the Don Sahong project. The GOL attaches importance to the improvement of the livelihoods as well as the respect for the human rights of Lao multi-ethnic people, including the local people in the vicinity of the project.

The Permanent Mission of the Lao People's Democratic Republic to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 10 May 2016



The Office of the High Commissioner for Human Rights
Geneva