

**Lessons learned but not learned: Water Governance in the
3 S Rivers Region**

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By

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Background

Indigenous communities living along the Sesan, Srepok, and Sekong Rivers rely on the rivers' natural resources, along with traditional shifting cultivation for both cultural and economic purposes. These remote communities have limited access to social services, lack opportunities to participate in the processes of development and often suffer from their rights either being violated or not fully respected.

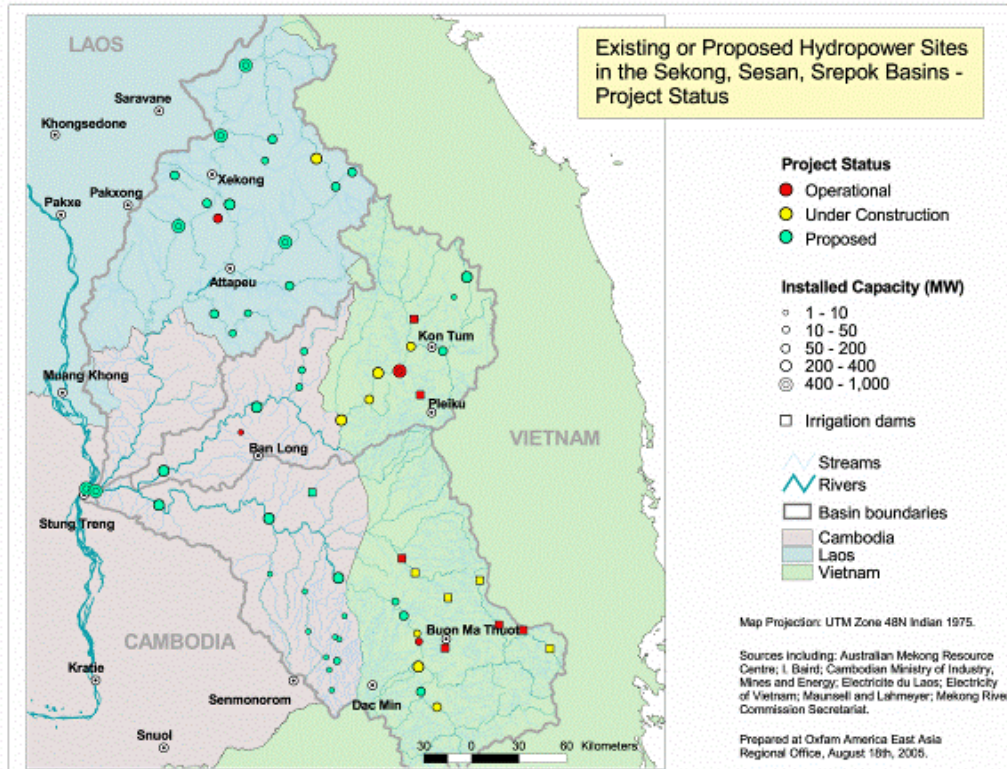
Hydropower dam development along the Sesan, Srepok, and Sekong Rivers in Vietnam and Lao PDR has been viewed as serious threat to several different indigenous communities living downstream of these dams in Cambodia. Since the construction and operation of some hydropower dams, such as the 720 MW Yali Falls dam on the Sesan River, villagers have experienced large-scale social, economic and environmental impacts during the last decade. These dam-affected communities are now living with economic insecurity due to a sharp decline in fish catches and agricultural production, as well as a fear of the river due to its erratic water-level changes (McKenney 2001)

The basic rights of villagers living along the Sesan River have been violated, such as their right to life, right to food and water, right to access information, right to participate in decision making, right to remedy for the loss of life and livelihoods they have suffered, and right to be protected (NGO Forum on Cambodia 2005). In some cases, villagers are even abandoning their villages along the river to move into the highlands, because they can no longer rely on the rivers and its natural resources and are tired of living with fear that the dam may break or their lives will be swept away in a water surge or flood. One woman in Pawdal village along the Sesan River summarized her feeling by stating, *"Everyday people are scared of the water, the same feeling as if they have just seen a cobra or a tiger."*

Dam-affected communities have yet to receive mitigation or compensation for the impacts that they have suffered from Yali Falls dam. Despite communities' efforts to bring this issue to various responsible authorities, i.e. government of both countries, etc., dam builders, stakeholders, and governments involved have denied responsibility for the negative impacts that have occurred along the Sesan River.

In addition to the Yali Falls dam, a cascade of dams is now being planned for the Sesan, Srepok, and Sekong Rivers in both Vietnam and Lao PDR. Some of these dams are currently under construction and were planned without people's participation nor adequate or complete Environmental and Social Impact Assessments. The following map indicates the existing or proposed hydropower sites for these three important tributaries of the Mekong:

Map One: Existing or Proposed Hydropower Sites in the Sekong, Sesan, Srepok Basins-Project Status



Source: Oxfam America, 2005

The case of Yali Falls dam exemplifies how development projects without community participation and equal access to decision-making processes may create unequal benefits and increased burdens. Those with the power and ability to access and receive benefits are left better off, while those who are poor and rely on natural resources gain nothing but increased problems and burdens. For this reason, development projects and the consumption and distribution of natural resources must be based on the principles of ecological sustainability and social justice.

Lessons learned but not learned in water governance

The Sesan issue highlights the learned water governance lessons in the Mekong Region, yet shows how these learned lessons continue to be ignored. It is well known and documented that the 720 MW Yali Falls dam has caused serious negative impacts to thousands of villagers living along the river. Many stakeholders have been involved in this dam, including the Electricity of Vietnam, World Bank, Swedish International Development Agency, SWECO, Statkraft Grøner, Electrowatt Engineering, and the Russian and Ukrainian governments. I once heard some of these stakeholders say that

they felt it was difficult to learn from the lessons of Yali Falls dam and that the Sesan issue was beyond their involvement and responsibility. I think this is a key point and I want to raise and your attention to some of the problems that remain unaddressed on the Sesan River:

1. People have said they don't have safe water to drink, but they still drink unsafe water because they have no other choice.
2. People said that they are scared of water releases from the dam, but they continue to persevere even without solutions or functioning notification systems have been set up.
3. People have said they face problems with food security, but still there has been no solution and some people go hungry.

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Despite these problems and the suffering Yali Falls dam has caused, many more dams are being constructed or planned for on the Sesan River without the full participation of people in the process. The environmental and social impact assessments (EIA/SIA) are not being properly conducted, the EIA/SIA reports are not yet finalized and published yet these dams continue to be built. And at the same time communities living downstream of these dams in Cambodia have received no information regarding the plans for the hydropower development of this river.

The MRC's 1995 Mekong Rivers Agreement is a very good agreement. But, the agreement has yet to be fully implemented or respected. The following table demonstrates the reality of some of the Agreement's guidelines in regards to damming occurring on the Sesan River:

Table One: Failures of governance in implementing the 1995 Mekong Agreement

Best Practice Guidelines: 1995 Mekong Agreement	Actual Practice on the Sesan River	Responsible Authorities:
Article 7: Make every effort to avoid, minimize and mitigate harmful effect	<ul style="list-style-type: none"> • Devastating impacts have been felt to river's ecosystem, fisheries and people's livelihoods since Yali Falls and another 3 dams have been under construction or in operation. 	<ul style="list-style-type: none"> • Electricity of Vietnam (EVN) under the Ministry of Industry, Vietnam • Vietnam National Mekong Committee • Cambodian National Mekong Committee • Mekong River Commission
Article 7 and 8: Any project allegedly causing harm must be stopped, investigated and damage must be mitigated before continuing new projects	<ul style="list-style-type: none"> • Problems from Yali dam have not been mitigated or compensated, yet new dams are currently under construction or planned, • Projects and studies have had little or no community participation 	
Article 5 and 26: Notification shall be transmitted in a timely manner and shall include feasibility study report, implementation plan, schedule and all available data	<ul style="list-style-type: none"> • Inadequate notification system set up, information often does not reach villagers or arrives too late. 	

Source: 1995 Mekong Agreement

I think that if all the Mekong countries could work together and fully respect the Agreement, these problems would not be occurring. However, the private sector and other countries involved on the Sesan River must also be called upon to respect the Agreement and other “best practice” guidelines. For example, the following table demonstrates the failures of some of the Nordic stakeholders who have provided financing and/or technical support and studies for the dam developments on the Sesan River and who have not respected their own guidelines:

Table Two: Failures of governance in implementing the Future Dams Recommendations

Best Practice Guidelines: Future Dams Recommendations	Actual Practice	Nordic Stakeholder's Involvement
Gaining Public Acceptance	Little to no public participation in the planning and decision making process. Sesan communities in Cambodia continue to request a consultative workshop to be held on the recent EIA done for Vietnam's National Hydropower Plan.	<p>Sida:</p> <ul style="list-style-type: none"> • Vietnam National Hydropower Plan • Has also funded various other studies and training, including Sesan 3 Feasibility study, SWECO's Master Plan Study, etc. <p>SWECO:</p> <ul style="list-style-type: none"> • Consultants for the National Hydropower Plan, writing EIA reports for the Sesan and Srepok Rivers • Feasibility Study for Sesan 3 • SWECO Master Plan Study <p>Skanska:</p> <ul style="list-style-type: none"> • On the job training in tunnel building for Yali Falls dam
Comprehensive Options Assessment	Inadequate EIAs done. Dams are being built before EIAs are completed.	
Addressing Existing Dams	Problems from Sesan dams have not been adequately mitigated or compensated.	
Sustaining Rivers and Livelihoods	Devastating impacts have been felt to the river's ecosystem, fisheries and people's livelihoods from Sesan dams.	
Recognizing Entitlements and Sharing Benefits	No benefit sharing and no compensation given to Sesan villagers	
Ensuring Compliance	International agreements not respected. No impacts monitoring.	
Sharing Rivers for Peace, Development & Security	Sesan villagers are scared of the river. Inadequate notification system. Livelihoods continue to be threatened by dams and no alternative livelihood development approach has been made.	

Source: Future Dams: Recommendations

Role of civil society organizations in the 3 S Rivers region:

We (NGOs) are a fundamental partner of the government and other private sectors. We cannot work without each other. Our role is not to protest against the plans of governments, but rather to work closely with them to provide comments and feedback, to follow up with their plans, and to reach agreement together, in order to ensure that the

policies and “best practice” guidelines for environmental and social development policies are fully respected and implemented. Our pursuit is to work to ensure that development benefits all and is not marginalizing the citizens of the country.

We understand that problems may only be solved through multiple cooperation and participation on all levels, which is without discrimination of roles, responsibilities, and status. This is why we continue to meet and urge the Cambodian government to support the Sesan communities. During the past year, we have met with the Cambodian National Mekong Committee, the Standing Committee on the Coordination of Dam-Canal along the borders of Cambodia-Vietnam-Laos and Thailand, and the National Assembly of Cambodia, who have all shown interest in supporting the Sesan issue and working with us, and willingness to promote dialogue. Together, we all agree that a consultative EIA workshop on the recent Sesan and Srepok EIA reports recently done by Vietnam would be a good opportunity for Cambodians to give comments and to strengthen dialogue between the two countries.

By respecting “best practice” environmental and social policies, communities should receive:

1. Opportunities for communities to be fully involved in discussion and decision-making processes,
2. Compensation for the past, present and future losses suffered by communities living along these rivers,
3. Alternative development projects, initiated by governments and other key stakeholders should be set up in order to support the livelihoods and lives of riparian communities.

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Finally, on behalf of the 3 S communities, I would like thank you very much for your attention and cooperation. Your participation and consideration to the points that I mentioned above is hope for the communities living along the rivers.

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