



20 June 2014

Subject: A request to suspend or cancel the Power Purchase Agreement from Xayaburi dam

To: The distinguished Judges of the Central Administrative Court

General Prayuth Chan-ocha, Chief, The National Council for Peace and Order (NCPO)

This information is respectfully submitted for your urgent consideration.

We wish to inform you that the livelihoods of about 20 million citizens living in the north and northeast of our country are threatened by the ongoing construction of the Xayaburi hydropower project, the first dam to be built on the mainstream of the lower Mekong River. Another 40 million Cambodian, Lao and Vietnamese citizens are similarly threatened.

Although this project is located in Lao PDR, the Xayaburi is a Thai project in all other respects, from the promoter, majority shareholders and main contractor to the financing by the four largest Thai banks.

Even more importantly from our perspective, the Xayaburi dam project has been entirely activated by the actions of our government and its agencies:

- Without the Power Purchase Agreement signed by the Electricity Generating Authority of Thailand (EGAT), and approved by the Council of Ministers (Cabinet), there would be no buyer for the electricity the project hopes to generate;

- Without the Thai Ex-Im Bank's loan guarantee, our banks would not have financed the project to the tune of over Baht 80,000 million;



- Without the participation of majority government-owned PTT plc and EGCO plc (25% and 12.5% shareholders respectively), the promoter and main contractor, CH.Karnchang plc, would not have been able to launch a project of this size.

In other words specific actions by our own government and its agencies are responsible for this imminent threat to the livelihoods of 20 million of our brothers and sisters.

However, it is not too late for you to act. According to the Xayaburi dam's developer, construction of the dam across the main body of the Mekong River, which will cause irreversible ecological and hydrological impacts on the entire lower river basin system, is not scheduled to start until early 2015.

Suspend or cancel the PPA

We therefore request that you order the suspension or cancellation of the Power Purchase Agreement for the Xayaburi dam in recognition of the very real threat to the livelihoods of 20 million Thai citizens, the strong objections to the project raised by the Governments of Cambodia and Viet Nam, and the project's failure to complete the Mekong River Commission's Procedure of Notification, Prior Consultation and Agreement (PNPCA) mandated for all mainstream projects by the 1995 Mekong Agreement, to which Thailand is a signatory.

We believe this action is necessary and justified when you recognize the following facts:

- The Xayaburi hydropower project is one of the potentially most damaging dams currently under construction anywhere in the world.
- It constitutes the greatest trans-boundary threat to date to food security, sustainable development and regional cooperation in the lower Mekong River basin.
- The Xayaburi's Environmental Impact Assessment (EIA) does not meet any internationally-accepted standards.



- There are no internationally-accepted, technologically-proven solutions for mitigating the Xayaburi dam's impacts on fish migrations and sediment flows, thus putting at grave risk the world's most valuable inland fisheries and the integrity of the river's delta region.

- The governments of Cambodia and Viet Nam have never agreed to the Xayaburi project.

In its official response to the Mekong River Commission's mandatory prior consultation and agreement process on 15 April, 2011, the government of Viet Nam strongly requested "that the decision on the Xayaburi hydropower project as well as all other planned hydropower projects on the Mekong mainstream be deferred for at least 10 years..." This request has been ignored by both Lao PDR and our own government.

- Elimination of the project's power output would not cause any disruption to Thailand's electricity supply in 2019 when it was scheduled to come on line.

It's not too late: Please stop construction of the Xayaburi dam now. Return happiness to the 20 million citizens threatened by this disastrous project, and respect the wishes of Cambodia and Viet Nam, our fellow ASEAN members.

We stand ready to submit more detailed information should you require it.

Respectfully,

Chiang Khong Conservation Group, Mekong-Lanna Network for Cultural and Natural Resource Conservation
Community Resource Centre

Living River Siam Association

Seub Nakhasathien Foundation

Thai People Network in Eight Mekong Provinces

WWF-Thailand