

Calendar No. 249

112TH CONGRESS
1ST SESSION

S. RES. 227

Calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2011

Mr. WEBB (for himself, Mr. INHOFE, Mr. LUGAR, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations

DECEMBER 1, 2011

Reported by Mr. KERRY, with an amendment, an amendment to the preamble, and an amendment to the title

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

Whereas the Mekong River is the world's 12th longest river, originating on the Tibetan Plateau and flowing nearly 3,000 miles down through China into Burma, Thailand, Laos, Cambodia, and Vietnam;

Whereas the Lower Mekong River in Thailand, Laos, Cambodia, and Vietnam is a source of fresh water, food, and economic opportunity for more than 60,000,000 people;

Whereas the Mekong River is second in biodiversity only to the Amazon River, with an estimated 1,500 different species of fish, of which at least a third migrate up the river and tributaries in their life cycle, including the majority of the commercial fish catch;

Whereas the Mekong River supports the world's two largest rice exporters, Thailand and Vietnam, as well as the world's largest inland fishery of 4,000,000 tons of freshwater fish per year, providing up to \$9,000,000,000 annual income and approximately 80 percent of the animal protein consumed in the Lower Mekong Basin;

Whereas China is constructing a cascade of up to 15 dams along the mainstream of the Upper Mekong River, and Thailand, Laos, Cambodia, and Vietnam are planning to construct or finance the construction of up to 11 dams on the lower half of the river's mainstream;

Whereas scientific studies have cautioned that mainstream dam construction will negatively affect the river's water flow, fish population, and wildlife;

Whereas the Mekong River Commission is a river basin management organization including the Governments of Thailand, Laos, Cambodia, and Vietnam that have signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, done at Chiang Rai, Thailand, April 5, 1995, and agreed to cooperate on management of the river and "development of the full potential of sustainable benefits to all riparian States";

Whereas the members of the Commission have also agreed to “make every effort to avoid, minimize and mitigate harmful effects that might occur to the environment, especially the water quantity and quality, the aquatic (eco-system) conditions, and ecological balance of the river system, from the development and use of the Mekong River Basin water resources or discharge of wastes and return flows”;

Whereas the Mekong River Commission sponsored a Strategic Environmental Assessment of the proposed series of mainstream dams along the Lower Mekong River, concluding that the decision to move forward with even one dam would result in permanent and irreversible changes to the river’s productivity and regional environment;

Whereas such changes could threaten the region’s food security, block fish migration routes, increase risks to aquatic biodiversity, reduce sediment flows, increase saline intrusion, reduce agricultural production, and destabilize the river channels and coastline along the Mekong Delta;

Whereas the United States has significant economic and strategic interests in the Mekong River subregion that may be jeopardized if the construction of mainstream dams places the region’s stability at risk;

Whereas the Department of State initiated the Lower Mekong Initiative in July 2009 to engage Thailand, Laos, Cambodia, and Vietnam on water security issues, to build regional capacity, and to facilitate multilateral cooperation on effective water resources management;

Whereas funding for the Lower Mekong Initiative has primarily focused on the environment, health, and education, leaving the fourth pillar—infrastructure—largely unfunded;

Whereas attention to infrastructure development is a critical element of promoting the sustainable, coordinated construction of hydropower dams in the region;

Whereas, on September 22, 2010, Laos submitted for review to the Mekong River Commission the proposal for the Xayaburi Dam, the first of nine mainstream dams planned by Laos along the Lower Mekong River;

Whereas, on April 19, 2011, the Mekong River Commission's Joint Committee representatives met to discuss the Xayaburi project without reaching consensus on whether the project should proceed, but agreed during the meeting to table the decision and consider it at a later date at a higher, ministerial level; and

Whereas, on May 8, 2011, the Government of Laos agreed to temporarily suspend work on the Xayaburi dam and announced plans to conduct further environmental assessments on the project in response to regional concerns: Now, therefore, be it

Whereas the Mekong River is the world's 12th longest river, originating on the Tibetan Plateau and flowing nearly 3,000 miles down through China into Burma, Thailand, Laos, Cambodia, and Vietnam;

Whereas the Lower Mekong River in Thailand, Laos, Cambodia, and Vietnam is a source of fresh water, food, and economic opportunity for more than 60,000,000 people;

Whereas the Mekong River is second in biodiversity only to the Amazon River, with an estimated 1,500 different species of fish, of which at least a third migrate up the river and tributaries in their life cycle, including the majority of the commercial fish catch;

Whereas the Mekong River supports the world's two largest rice exporters, Thailand and Vietnam, as well as the world's largest inland fishery of 4,000,000 tons of freshwater fish per year, providing up to \$9,000,000,000 annual income and approximately 80 percent of the animal protein consumed in the Lower Mekong Basin;

Whereas China is constructing up to 15 dams along the mainstream of the Upper Mekong River, and Thailand, Laos, Cambodia, and Vietnam are planning to construct or finance the construction of up to 11 dams on the lower half of the river's mainstream;

Whereas scientific studies have cautioned that mainstream dam construction on the Mekong River will negatively affect the river's water flow, fish population, and wildlife;

Whereas the Mekong River Commission is a river basin management organization including the Governments of Thailand, Laos, Cambodia, and Vietnam that have signed the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, done at Chiang Rai, Thailand, April 5, 1995, and agreed to cooperate on management of the river and "development of the full potential of sustainable benefits to all riparian States";

Whereas the members of the Commission have also agreed to "make every effort to avoid, minimize and mitigate harmful effects that might occur to the environment, especially the water quantity and quality, the aquatic (eco-system) conditions, and ecological balance of the river system, from the development and use of the Mekong River Basin water resources or discharge of wastes and return flows";

Whereas the Mekong River Commission sponsored a Strategic Environmental Assessment of the proposed series of main-

stream dams along the Lower Mekong River, concluding that the mainstream projects are likely to result in serious and irreversible environmental damage, losses in long-term health and productivity of natural systems, and losses in biological diversity and ecological integrity;

Whereas such changes could threaten the region's food security, block fish migration routes, increase risks to aquatic biodiversity, reduce sediment flows, increase saline intrusion, reduce agricultural production, and destabilize the river channels and coastline along the Mekong Delta;

Whereas the United States has significant economic and strategic interests in the Mekong River subregion that may be jeopardized if the construction of mainstream dams places the region's political stability at risk;

Whereas the Department of State initiated the Lower Mekong Initiative in July 2009 to engage Thailand, Laos, Cambodia, and Vietnam on water security issues, to build regional capacity, and to facilitate multilateral cooperation on effective water resources management;

Whereas funding for the Lower Mekong Initiative has primarily focused on the environment, health, and education, leaving the fourth pillar—infrastructure—largely unfunded;

Whereas attention to infrastructure development is a critical element of promoting the coordinated construction of hydropower dams in the region;

Whereas, on September 22, 2010, Laos submitted for review to the Mekong River Commission the proposal for the Xayaburi Dam, the first of nine mainstream dams planned by Laos along the Lower Mekong River;

Whereas, on April 19, 2011, the Mekong River Commission's Joint Committee representatives met to discuss the Xayaburi project without reaching consensus on whether the project should proceed, but agreed during the meeting to table the decision and consider it at a later date at a higher, ministerial level; and

Whereas, on May 8, 2011, the Government of Laos agreed to temporarily suspend work on the Xayaburi dam and announced plans to conduct further environmental assessments on the project in response to regional concerns: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) calls on United States representatives at
3 multilateral development banks to use the voice and
4 vote of the United States to support strict adherence
5 to international environmental standards for any fi-
6 nancial assistance to hydropower dam projects on
7 the mainstream of the Mekong River;

8 (2) encourages greater United States engage-
9 ment with the Mekong River countries through the
10 Lower Mekong Initiative and increased support for
11 sustainable infrastructure and water security in
12 Southeast Asia;

13 (3) calls on the United States Government in
14 leading the Lower Mekong Initiative to devote great-
15 er attention to and funding for capacity building
16 projects on infrastructure and to assist in identifying
17 sustainable economic, water, and energy alternatives

1 to mainstream hydropower dams on the Mekong
2 River;

3 (4) applauds the decision of the Mekong River
4 Commission to delay endorsement of the Xayaburi
5 Dam;

6 (5) supports further delay of the construction of
7 mainstream hydropower dams along the Mekong
8 River until the studies by the Government of Laos
9 have been completed and adequate planning and
10 multilateral coordination can be guaranteed;

11 (6) encourages members of the Mekong River
12 Commission to adhere to the prior consultation pro-
13 cess for dam construction under the Commission's
14 Procedures for Notification, Prior Consultation and
15 Agreement;

16 (7) calls on all riparian States along the
17 Mekong River, including China, to respect the rights
18 of other river basin countries and take into account
19 any objection or concerns regarding the construction
20 of hydropower dams;

21 (8) calls on the Governments of Burma and
22 China to improve cooperation with the Mekong River
23 Commission and information sharing on water flows
24 and engage in regional decisionmaking processes on
25 the development and use of the Mekong River; and

1 (9) supports assistance to the Lower Mekong
2 River riparian States to gather data and analyze the
3 impacts of proposed development along the river.

4 *That the Senate—*

5 (1) *calls on the United States Government to rec-*
6 *ognize different national circumstances of riparian*
7 *states along the Mekong River, including their energy*
8 *and natural resource profiles, and to support the de-*
9 *velopment of cost-effective base load power that meets*
10 *electricity generations needs, promotes economic*
11 *growth, and alleviates poverty;*

12 (2) *calls on United States representatives at*
13 *multilateral development banks to use the voice and*
14 *vote of the United States to oppose financial assist-*
15 *ance to hydropower dam projects on the mainstream*
16 *of the Mekong River that have not been adequately co-*
17 *ordinated within the region and would impose sig-*
18 *nificant adverse effects on the environment, popu-*
19 *lation, and economic growth along the river and its*
20 *basin;*

21 (3) *encourages greater United States engagement*
22 *with the Mekong River countries through the Lower*
23 *Mekong Initiative and increased support for energy*
24 *and water security in Southeast Asia;*

1 (4) calls on the United States Government in
2 leading the Lower Mekong Initiative to devote greater
3 attention to capacity building projects on energy and
4 water infrastructure;

5 (5) applauds the decision of the Government of
6 Laos to temporarily suspend work on the Xayaburi
7 Dam in response to regional concerns;

8 (6) supports delay of the construction of main-
9 stream hydropower dams along the Mekong River
10 until the comprehensive environmental assessments
11 have been completed and adequate planning and mul-
12 tilateral coordination has been achieved;

13 (7) calls on all riparian states along the Mekong
14 River, including China, to respect the rights of other
15 river basin countries and take into account any objec-
16 tion or concerns regarding the construction of hydro-
17 power dams;

18 (8) encourages members of the Mekong River
19 Commission to adhere to the prior consultation proc-
20 ess for dam construction under the Commission's Pro-
21 cedures for Notification, Prior Consultation and
22 Agreement;

23 (9) calls on the Governments of Burma and
24 China to improve cooperation with the Mekong River
25 Commission and information sharing on water flows

- 1 *and engage in regional decision-making processes on*
2 *the development and use of the Mekong River; and*
3 *(10) supports assistance to the Lower Mekong*
4 *River riparian states to gather data and analyze the*
5 *impacts of proposed development along the river.*

Amend the title so as to read: “A resolution calling for states in the Mekong River Basin, including China, to respect the rights of all riparian states along the Mekong River and for increased United States engagement in promoting the resolution of multilateral water sovereignty disputes.”.

Calendar No. 249

112TH CONGRESS
1ST Session
S. RES. 227

RESOLUTION

Calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

DECEMBER 1, 2011

Reported with an amendment, an amendment to the preamble, and an amendment to the title