 <p>CDM: FORM FOR SUBMISSION OF A “LETTER TO THE BOARD” (Version 01.2)</p> <p>This form should be used only by project participants and other stakeholders for submitting a “Letter to the Board” in accordance with the latest version of the <i>Modalities and procedures for direct communication with stakeholders</i></p>	
Name of the stakeholder ¹ submitting this form (individual/organization):	Ame Trandem International Rivers
Address and contact details of the individual submitting this form:	Address: 2150 Allston Way, Suite 300 Telephone number: +1 510 848 1155 E-mail address: ame@internationalrivers.org
Title/Subject (give a short title or specify the subject of your submission)	Request for the CDM Executive Board to review the Project 9017: Se San 4A Hydropower Project (Vietnam)
Please mention whether the submitter of the form is:	<input type="checkbox"/> Project participant <input checked="" type="checkbox"/> Other stakeholder, please specify International NGO
Specify whether you want the letter to be treated as confidential ² :	<input type="checkbox"/> To be treated as confidential <input checked="" type="checkbox"/> To be publicly available (UNFCCC CDM web site)
Please choose any of the type(s) below ³ to describe the purpose of this submission.	
<input type="checkbox"/> Type I: <input checked="" type="checkbox"/> Request for clarification <input checked="" type="checkbox"/> Revision of existing rules <input type="checkbox"/> Standards. Please specify reference <input type="checkbox"/> Procedures. Please specify reference <input type="checkbox"/> Guidance. Please specify reference <input type="checkbox"/> Forms. Please specify reference <input type="checkbox"/> Others. Please specify reference <input type="checkbox"/> Type II: Request for Introduction of new rules <input checked="" type="checkbox"/> Type III: Provision of information and suggestions on policy issues	
Please describe in detail the issue on which you request a response from the Board, including the exact reference source and version (if applicable).	

¹ DNAs and DOEs shall use the respective DNA/DOE forms for communication with the Board.

² As per the applicable modalities and procedures, the Board may make its response publicly available.

³ Latest CDM regulatory documents and information are available at: <http://cdm.unfccc.int/Reference/index.html> .

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Dear CDM Executive Board,

We are writing to express our concern about the proposed CDM Project 9017: Se San 4A Hydropower Project in Vietnam. Registration has been requested following a validation report by TuV NORD CERT GmbH (Report No. MY-VAL-11/16-11/197), which recommends approval. As a decision is expected to be made soon by the Executive Board, we trust that you will take our concerns seriously and carry out an immediate review of the project, and on the basis of the project's problems, reject its request for registration.


The 63MW Se San 4A Hydropower Project is located on the Sesan River in Gai Lai Province in the Central Highlands, located only one kilometre upstream from Cambodia's Ratanakiri Province. The project is being built by Vietnam's Se San 4A Hydroelectric Joint Stock Company. The dam's construction began in November 2004 and the project was fully operational by November 2011. The dam's PDD was done by Grey K Environmental (Europe) II Ltd. and submitted to the UNFCCC on 5 September 2011.

Due to inconsistencies between the project information reported in the Validation Report and Project Design Document (PDD), and the information provided by regional government officials, official news sources, and an environmental impact assessment done in consideration of the project, we believe that the project requires urgent review of the following issues, which make the project's request for registration highly questionable:

- The validation report lacks accuracy and proof of additionality;
- The project was not meant to be a hydropower dam, but rather a re-regulating project with no installed generation capacity;
- The project does not meet CDM requirements regarding sustainable development as the Validation report and PDD fail to mention the serious adverse impacts being suffered by Cambodians living downstream of the project;
- Insufficient community consultation.

Based on these concerns, we respectfully request the CDM Executive Board to conduct an immediate review of the project and examine the reasons we have identified as a basis for a rejection of the project.

Sincerely,



Ame Trandem
Southeast Asia Program Director
E: ame@internationalrivers.org

Please provide any specific suggestions or further information which would address the issue raised in the previous section, including the exact reference source and version (if applicable).

The validation report lacks accuracy and proof of additionality: The Se San 4A Dam's Validation report lacks accuracy and provides insufficient and non-rigorous information on a number of issues. One of the Validation report's most serious flaws is that it incorrectly states project activity began in November 2007, and then correctly state, as the determination for the project's additionality, that the decision made to apply for the Se San 4A Dam's CDM was made in September 2007 (page. 45). In fact, in Electricity of Vietnam's December 2007 *Final Report Environmental Impact Assessment on the Cambodian part of the Se San River due to Hydropower Construction in Vietnam* report, it states that construction on the Se San 4A project began in November 2004 (page. 46). Had CDM revenue been essential for the construction of the Se San 4A Dam, the project developer would not have waited nearly three years after construction had begun to express their decision to apply for CDM. In addition, the Validation report incorrectly states that the validation team observed that the dam was still under construction and that there was no power connection to the national grid (page. 21). However, the Se San 4A Dam's three turbines were all operational and had joined the national grid as late as November 2011 (see: <http://tinyurl.com/ampsjq5>).

The Se San 4A Project was not meant to be a hydropower dam, but rather a re-regulating project with no installed generation capacity: The Validation report and PDD failed to mention the history of the Se San 4A Project in terms of the bilateral agreement that was made between the governments of Vietnam and Cambodia in 2007. On January 12th, 2007, during a meeting to review the transboundary environmental impact assessment done for the Srepok River, the Vietnamese government, as well as Electricity of Vietnam, verbally committed to building the Se San 4A as a re-regulation reservoir. This commitment was then included in the Electricity of Vietnam's December 2007 *Final Report Environmental Impact Assessment on the Cambodian part of the Se San River due to Hydropower Construction in Vietnam* report which states that the Se San 4A Project would be a re-regulating project with no installed generation capacity. Furthermore, the Cambodian government sent a delegation to visit the Se San 4A Project's site in March 2008 and as recorded in the minutes of the Fourth Cambodia-Vietnam Joint Committee Meeting held that day, Vietnam stated that once the Se San 4A Dam was put into operation, the downstream water flow of the Sesan River would stabilize. Despite the promise made by Vietnam, the Se San 4A Dam, as constructed and as confirmed in the Validation and PDD reports, is a 63 MW hydropower dam. Local communities downstream of the dam in Cambodia have repeatedly expressed concerns regarding the Sesan River's continued erratic water fluctuations in the statements and petitions they have presented to the Cambodian government since the project became operational. There is no evidence to suggest that this project is operating as a reregulator or that flows downstream have become stable.

The project does not meet CDM requirements regarding sustainable development as the Validation report and PDD fail to mention the serious adverse impacts being suffered by Cambodians living downstream of the project: As the Se San 4A Dam is part of a cascade of six hydropower dams located on the Sesan River in Vietnam, the dam's transboundary impacts must be considered, as well the projects' cumulative impacts. In the Se San 4A Dam's Validation report and PDD, the project's transboundary impacts were never considered despite the project being located only 1 km away from the Vietnam-Cambodia border. Furthermore, the cumulative impacts of the cascade were never considered. This is a serious shortcoming of the Validation report and PDD, as numerous reports exist which document all of the devastating environmental, social and economic impacts that tens of thousands of Cambodians continue to experience due to the upstream Sesan dams. Some of these reports also discuss the serious human rights violations which have occurred due to hydropower development on the Sesan River in Vietnam and which remain uncompensated for and remedied. Sesan villagers in Cambodia continue to organize protests and write letters expressing these concerns, which has been regularly reported in Cambodian and international media. Some of the documentation on the environmental impacts and human rights violations related to the Sesan dams can be found here:

- Electricity of Vietnam's December 2007 *Final Report Environmental Impact Assessment on the Cambodian part of the Se San River due to Hydropower Construction in Vietnam* report, <http://www.internationalrivers.org/files/attached-files/sesaneiadec2006.pdf>
- Harvard Law School's December 2005 *Down River: The Consequences of Vietnam's Dams on Life in Cambodia and their Meaning in International Law*, http://www.law.harvard.edu/programs/hrp/documents/down_river.pdf
- 3S Rivers Protection Network and International River's April 2012 *3S Rivers Under Threat: Understanding New Threats and Challenges from Hydropower Development to Biodiversity and Community Rights in the 3S River Basin*, <http://www.internationalrivers.org/node/7686>

Insufficient community consultation: The Se San 4A Hydropower Project's PDD and Validation report states that local stakeholders' consultations occurred in 2007 and that no negative comments were raised. What the report fails to mention is that communities located only 1 km downstream of the dam in Cambodia were never consulted. Given the voiced complaints made by downstream communities in Cambodia since 2001 and the requests made by the villagers to the Vietnamese and Cambodian governments that no further hydropower dams are built on the Sesan River, people in Cambodia should have been consulted. This is something that was also acknowledged by the Electricity of Vietnam in its December 2007 *Final Report Environmental Impact Assessment on the Cambodian part of the Se San River due to Hydropower Construction in Vietnam* report, which recommends that "The stakeholder consultation process should lead to measures for mitigating the negative impacts along the Se San River in Cambodia due to hydropower development" for future hydropower projects.

If necessary, list attached files containing relevant information (if any)

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Section below to be filled in by UNFCCC secretariat

Date when the form was received at UNFCCC secretariat

11 March 2013

Reference number

2013-241-S

History of document

Version	Date	Nature of revision
01.2	08 February 2012	Editorial revision.
01.1	09 August 2011	Editorial revision.
01	04 August 2011	Initial publication date.
Decision Class: Regulatory Document Type: Form Business Function: Governance		