

A Collection of Protest Materials Opposing the Yuam River Water Diversion Project

PEOPLE'S NETWORK OF THE YUAM,
NGAO, MOEI AND SALWEEN RIVER BASIN

Translated by Mueda Nawanat

*Introduced by Zali Fung, Mueda Nawanat and
Vanessa Lamb*



Center for Southeast
Asian Studies
**University of Wisconsin-
Madison**

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Translators' Introduction

Zali Fung, Mueda Nawanat and Vanessa Lamb

In Thailand, with an explicitly 'environmental' movement mobilising since at least the 1970s, struggles for social and environmental justice are longstanding, but the strategies, risks, and successes of activism have shifted over time. This is evident in recent years, where rising authoritarianism in Thailand and the region has meant less space for activism and freedom of speech and assembly, and state violence is used against human and environmental rights defenders. In this context, many activists and allies are increasingly working 'under the radar' or turning to alternatives to overt protest, such as creative arts or the courts, in their struggles for justice.¹

What we highlight in the translated materials here are the range of engagements, struggles and forms of resistance by communities impacted by the Yuam River Water Diversion Project proposed by Thailand's Royal Irrigation Department (RID). We also comment on the links between the act of translating these materials in conversation with activists and community members and their struggles for justice.

This project is the most recent large-scale infrastructure proposal to garner public opposition in Thailand. The project would reroute 2 billion cubic meters of water annually from a large dam on the Yuam River², part of the Salween Basin,

¹ Elinoff, E. and Lamb, V. 2022. 'Thai Environmentalisms in the 21st Century: Continuities, Discontinuities, and Emerging Trajectories', *Journal of Contemporary Asia*. DOI: <https://doi.org/10.1080/00472336.2022.2051062>

² The Yuam River flows parallel to the Thai-Myanmar border in Northwest Thailand, before joining the Moei River that flows into the mainstem of the transboundary Salween River.

along a 61-kilometer tunnel that passes through villages and protected forest areas in Mae Hong Song, Tak and Chiang Mai Provinces, to supply water for agriculture in Central Thailand. Diversions from the Salween River Basin to Central Thailand have been considered since the 1980s, with the RID (re) proposing the project in 2018-19. The Environmental Impact Assessment (EIA) for the project was approved by the Thai military government in 2021, even though major flaws were noted by civil society groups.³ Myriad factors shape and limit people's capacity to shape and participate in EIA consultations and broader decision-making processes surrounding this project, including authoritarian rule, the Covid-19 pandemic, and high levels of statelessness in the largely indigenous and ethnic minority communities near the Thai-Myanmar border.

These developments extend longstanding struggles for social and environmental justice, with dam development a key issue mobilizing dissent in Thailand. For instance, in the 1990s, Pak Mun Dam⁴ galvanized a cross-border movement that saw public protests and the formation of lasting networks that persist to this day. Pak Mun was included as a case study in the World Commission on Dam's foundational report, un-

³ ThaiPBS. 2021. 'Construction of controversial Yuam River diversion project approved', *ThaiPBS*, September 15, 2021. Available at: <https://www.thaipbsworld.com/construction-of-controversial-yuam-river-diversion-project-approved/> [accessed January 4, 2022].

⁴ The Pak Mun Dam is a hydropower dam built by the Electricity Generating Authority of Thailand (EGAT) in 1994 with the support of the World Bank. The project is located in Northeast Thailand, not far from the Mun River's confluence with the Mekong River. The dam prompted widespread protests by affected villagers and NGOs over several years, and remains "perpetually contested", including in its operation. See Manrom, K. and Foran, T. 2009. "Pak Mun Dam: Perpetually Contested?" in Molle, F., Foran, T. and Käkönen, M. (Eds.) *Contested Waterscapes in the Mekong Region: Hydropower, Livelihoods and Governance*. London: Earthscan, pp 55-80.

derlining the need for free, prior and informed consent of people affected by development projects worldwide.⁵

These translated documents highlight how this longstanding work for free prior informed consent and social and environment justice is ongoing. In this case, processes for ‘national’ development and public consultation have failed to uphold these principles of more just development. In contrast, ‘just development’ would be shaped and determined by communities, and what they consider important, for instance, promoting health, education and environmental protection. The translations also illustrate a range of creative ways that activists and communities have responded to, and resisted, the project.

Communities affected by the project are majority indigenous Karen, as well as Hmong and northern Thai peoples, whose livelihoods would be negatively impacted by the project. They seek to shape and resist the water diversion project in a range of ways, such as letters written directly to government agencies to call attention to a lack of meaningful participation in the development of the Yuam water diversion.

As most of those affected by the project are indigenous, there is an extended history of struggle to consider as part of the context of this contestation. Many Karen and indigenous groups have faced multiple displacements in their history due to the government’s actions, including restrictions on their ability to teach, speak and study their own languages. For example, successive Myanmar and Thai national governments have restricted or criminalized the learning of “Karen” languages.⁶

⁵ World Commission on Dams, 2000. *Dams and Development: A New Framework for Decision-making. The Report of the World Commission on Dams*. London: Earthscan.

⁶ Even the construction of the group referred to as “Karen” relied on

Beyond letter writing, we also highlight other forms of engagement and critique, such as the river song that was performed along the Yuam River on the International Day of Action for Rivers on March 14th, 2020. On this day, communities from across Northern Thailand, and globally, come together to celebrate the natural environment, and voice concerns about the impacts of destructive development projects. In the Salween River Basin, these activities bring communities together and increase the visibility of their struggles over resources in the context of proposed dams and diversions.

Song and ceremony can occur alongside more overt acts of resistance, for example in 2021, Salween youth activists read a statement opposing the Yuam diversion along the Yuam River. This work highlights how young people are typically not consulted, even in formal consultation processes which tend to privilege leaders or elders, yet they are doing important work organizing across the Salween Basin.

This process of translation prompted us to reflect on what can be accomplished through collaborative writing and translation. Writing on what is at stake in translation and encounters with difference, Jenna Grant highlights that translation can potentially contribute to the making of alternative (and perhaps more just) worlds and futures.⁷ Translation is about what we capture and emphasise as much as it is about omission and error.⁸ By translating a range of engagements

the linguistic ignorance of British colonists who grouped together distinct, but not disconnected, groups and languages under one name. See: Keyes, C.F. (Ed.) 1979. *Ethnic Adaptation and Identity: The Karen on the Thai Frontier with Burma*. Philadelphia: Institute for the Study of Human Issues, p1.

⁷ Grant, J. 2020. 'Repair in Translation', *East Asian Science, Technology and Society: An International Journal*, 14(1), 15-33.

⁸ We want to acknowledge that this translation is only one of a series of

with the environment, development and the state, our aim is to highlight communities' struggles for justice to a broader audience, and to consider other, and more just, possibilities.

translations and interpretations. In addition to the translation from Thai to English that we have presented here, there were many moments of interpretation and translation between different Thai dialects (Central and Northern Thai), and between Thai and Karen languages. State officials and consultants often use Central Thai dialect (rather than Northern Thai dialect or Karen languages) in meetings and public consultations, resulting in gaps in understanding and translation and further limiting the capacity of communities to shape and contest the project.

Statement of the People's Network of the Yuam, Ngao, Moei and Salween River Basin

March 14th, 2021

Location: The Yuam River, Ban Sop Ngao, Mae Suat Subdistrict, Sop Moei District, Mae Hong Son Province

Since today is March 14th, and every year this is the International Day of Action for Rivers, today we, in the name of the People's Network of the Yuam, Ngao, Moei and Salween River Basin, speak on behalf of the communities who will be affected by the construction of the Nam Yuam (Yuam River) Dam to divert water into Bhumibol Dam. Here are some concerns and issues that will affect us:

1. The flooding of housing, arable land, and the places where we live. This will affect people near the Ngao and Yuam Rivers, and their tributaries. We have long expressed this concern at every stage of the development process, but never received a definitive response on how flooding will be prevented. We ask for a response on the measures that will be taken to address these concerns and manage the water so that it does not have negative impacts on the community.
2. Drinking water – the water for the community comes from the mountains. This project will inevitably affect water sources in upstream areas. How this will be mitigated has not been clarified to the affected communities.
3. People have never received clear answers from the government about compensation and how to resolve the situation if there is damage to arable land and housing, especially for communities without land rights and for people who do not have Thai citizenship.
4. Regarding the water diversion tunnel: The community

lacks information on how the 'spoil' (soil and rock excavated for tunnel construction) will be stored and managed. We do not know the dimensions of the soil piles, or the measures that can be taken to prevent leaching, especially in the rainy season. If spoil is dumped in forest areas, the community will lose forest area. If the soil covers the villagers' farming land, there is no information on whether affected farmers will be compensated, and if so, how much compensation will be provided.

5. Regarding the construction of the dam: The government and project proponents have never mentioned the road leading to the dam construction site. What impacts will transportation of machinery and materials cause? Most communities along the route to the Yuam Dam are unaware of the project and were unable to attend any meetings.

6. Regarding the previous Environmental Impact Assessment (EIA), there was one village leader who agreed with the project. The method that the consultant used to survey the community was to collect the identity cards of community members and to fill out the surveys themselves [without community input]. As a result, the responses to the survey showed that community members agreed with the project. This is incorrect. The community members were not made aware of the survey questions and so there is no way to know if the responses provided are an accurate representation of their responses or intentions.

7. Regarding the number of communities that appear in the project report (Environmental Impact Assessment), only the main villages appear on the map. However, there are many smaller communities [sub-villages] that are not considered in the report who will likely be affected.

8. Regarding the language used in the [public hearing] meetings: There are 36 communities listed in the Royal Irrigation

Department's report who speak local languages. This includes Karen languages such as Pwo Karen and Sgaw Karen.⁹ But, the meeting organisers used Thai language as the primary language, which could not be well understood by most villagers. The community leaders invited to attend the meeting may be able to communicate in Thai, but they do not have an in-depth understanding to be able convey the content to other community members [who required translation or were not present]. Villagers reflected that what was presented in the meeting was not well understood. The issues that they raised about language were not included in the [EIA] report's summary.

Therefore, we call on the government to stop the water diversion project, a project that seeks to divert water from Mae Hong Son Province and Tak Province to the Bhumibol Dam, immediately.

Signed:

People's Network of the Yuam, Ngao, Moei and Salween River Basin¹⁰

⁹ Pwo Karen and Sgaw Karen speak distinct languages and have different customs and practices.

¹⁰ People's Network of the Yuam, Ngao, May and Salween River Basin, 2021. 'Statement of the People's Network of the Yuam, Ngao, Moei and Salween River Basin' [in Thai], *Salween Info*, March 14, 2021. Available at: <https://www.salween.info/post/statement-14mar21> [accessed February 2, 2022].

Song of the Ngao, Yuam, Moei, and Salween Rivers

Composed by Suthat Nuchprakom [Mr. Pet].

In memory of Mr. Pet, a volunteer teacher from Buriram Province who created music from the Salween. He led children from the Salween basin village of Tha Ta Fang, Mae Hong Son to perform throughout Thailand.

Listen: <https://m.youtube.com/watch?v=1OLuGisZIEs&feature=share>.

The river that binds us together is being pulled apart.
This river of life has allowed us to prosper. Why build a dam
if it destroys our river, our life?
This river is our lifeline; it reminds us of the true value of life.

Trees. Wildlife. Reminders of the truth that if the globe
warms, we too will melt.
River Ngao. River Moei. Rivers Yuam and Salween. The fish
swim; the birds fly, far and wide.
The abundance of colorful flowers leave an impression in
our hearts.

Nature provides a balance, teaching us to share and support one another,
For the next generation, for peace. May the world be at
peace.

Letter to the Office of Natural Resources and Environmental Policy and Planning Disagreeing with the Environmental Impact Assessment for the Yuam River Water Diversion Project

No. 45/1 Moo 3
Mae Sariang Sub-District,
Mae Sariang District
Mae Hong Son Province, 58110

21 May 2021

Subject: We disagree with the Environmental Impact Assessment (EIA) findings and consultation process for the Yuam River water diversion scheme to increase water supply of the Bhumibol Dam Reservoir. We request access to all information on the EIA process and the EIA review, including other documents related to the project.

Dear Secretary-General of the Office of Natural Resources and Environmental Policy and Planning (ONEP - Thailand):

The People's Network of the Yuam, Ngao, Moei, and Salween River Basin (The People's Network) aims to protect and conserve our communities and natural resources. We seek to be included by the state in decision making to protect, conserve, restore, and preserve natural resources and to protect the Salween River Basin. The members of the network include local people in Mae Hong Son, Chiang Mai, and Tak Provinces. The People's Network believes that implementing the Yuam River Water Diversion Project, which will increase water supply to Bhumibol Dam, will affect the livelihoods of residents of the affected provinces, regardless of whether they support or oppose the project. The water diversion project also will affect natural resources and the environment.

The People's Network knows this is not the first EIA that has been conducted. Naresuan University conducted research for the current EIA. We do not have adequate information on the process of conducting the EIA. Recently, an agency distributed survey forms to the community leader of a village that will be impacted by spoil (soil and rock debris) from the water diversion tunnel. The survey is an economic evaluation of each household for the purposes of compensation. Residents do not know which agency is collecting this information, or whether this survey form is a part of the EIA process, and if so, how information gathered would be used. A staff member told villagers that they need to sign their names on the form and provide their consent and agreement with the project. If a villager disagrees, they will not have access to any compensation. This generated a lot of concern for local villagers. This process does not follow the law and Thai Constitution to protect community rights and natural resources, including protecting community livelihoods, and their right to a healthy environment.

Construction of the water diversion project includes the Nam (River) Yuam Dam, a water tank, tunnel, a high voltage cable, and other infrastructure. The water diversion project's implementation will severely impact the environment and livelihoods of local peoples, especially resource-dependent communities that live alongside the Moei, Yuam and Salween Rivers. The water diversion tunnel will cross three provinces, including Mae Hong Son, Tak, and Chiang Mai. In addition, this project will affect two international rivers, the Moei and Salween Rivers, which form parts of the Thai-Myanmar border. Therefore, the project will inevitably affect downstream people in Myanmar.

In the past, the People's Network have expressed the opinion that we do not agree with your agency's implementation of the water diversion project because it is unsuitable and inconsistent with the principles of sustainable water manage-

ment in the basin. The People's Network emphasises that the process of conducting the EIA, particularly regarding public participation and respect for local people's voices, was inadequate and did not include every community. This is particularly for ethnic groups living in the area that will be impacted by the project.

The People's Network firmly disagrees with the EIA process due to a lack of genuine public participation, a lack of access to information and poor quality public hearings. Please include our concerns when considering whether to approve the EIA.

The People's Network will be directly impacted by the project, and we are stakeholders of the water diversion project. We want to access the information related to the EIA, including the process of conducting the EIA. We have a right to access information under the Official Information Act B.E. 2540 (1997). We request the following documents:

1. The EIA of the water diversion project
2. The documents related to the meeting to conduct the EIA for the water diversion project.
3. Documents on the process of conducting the EIA and the opinions of experts involved with the EIA.

We request that you urgently consider the information above, and we seek your cooperation. Please reply to our submission and send the document as we request above within 15 days after receiving this submission.

Yours sincerely,

The People's Network of Yuam, Ngao, Moei and Salween
River Basin

Letter to the Royal Irrigation Department Opposing the Yuam River Water Diversion Project

179 Moo 1, San Phi Suea Sub-District
Mueang District, Chiang Mai Province
50310

27 August 2020

Subject: Opposition to the water diversion project to increase water supply in the Bhumibol Dam, and refusal to attend a meeting for the project

Dear Director-General of the Royal Irrigation Department,

Re: Invitation letter to attend a meeting about the water tunnel of the Yuam River Water Diversion Project.

The Royal Irrigation Department sent a letter inviting local people to attend a meeting, where additional information would be provided on the Yuam River Water Diversion Project. The meeting was organised on 4 September 2020, 08.30-16.00 at the Na Kian Sub-District Meeting Hall, Omkoi District, Chiang Mai Province. Community networks from Na Kian and Omkoi Sub-Districts were consulted, and they explained that the capability of local people to attend the meeting and participate would be limited. The people who live along the mid-section of the water tunnel could not participate in this meeting because:

1. The meeting was organised during the rainy season, making travel more time consuming than usual. The road is not good quality, making travelling difficult and dangerous. Some communities would have to travel far from home to

attend the meeting, especially communities living at the start and end of the water tunnel, who were invited in the invitation letter.

2. During the rainy season, local people are busy weeding agricultural areas, especially rice fields. Therefore, it was not convenient for villagers to attend the meeting.
3. The meeting place is not suitable for all, as it is not centrally located or convenient for the target communities.
4. The RID did not provide an agenda of the meeting, or explain who would provide the information, to the local people. The villagers are concerned that the meeting would be similar to past experiences, where the villagers travelled long distances to attend a meeting, but the organisers did not provide time for villagers to ask questions, or provide answers to villagers' concerns. This was not helpful for the local people, who felt the meeting was a waste of time.
5. The meeting organisers did not provide any documents related to the meeting to the local people. The villagers want to learn about and understand the project prior to attending meetings. If the villagers do not have adequate information, it will limit their capacity to express their opinions and ask questions. If so, the meeting would be one-sided, as only the organiser would express their opinion.
6. We [The People's Network] provided information to the meeting organisers to allow them to coordinate local villagers' attendance at the meeting. However, the organisers failed to travel to the field to inform target communities because they did not have a budget, and instead, they arranged the meeting by phone only. This resulted in misunderstandings about the meeting and some communities were not contacted because they do not have telephone signals. Therefore, it is clear that the meeting organisers did not make genuine attempts to invite villagers to attend the meeting, as claimed in the letter.
7. Despite the Covid-19 pandemic, the organisers did not

provide a Covid-19 safe plan or measures for preventing Covid-19 for participants.

In the past, the villagers did not have a chance to participate in the development process for the water diversion project. At times, community leaders attended meetings, but they could not share the information with their village, as they did not fully understand the language that was used in the meeting.¹¹ Essentially, only one side [project proponents] spoke during the meetings. This shows that the Royal Irrigation Department and the researchers who conducted the Environmental Impact Assessment (EIA) did not include meaningful public participation in the development process.

The villagers of Na Kian and Omkoi Sub-district disagreed with the project since they heard about it, and evidence of this can be found in the media. Now, in this letter, we again re-affirm that peoples in Omkoi and Na Kian Sub-Districts disagree with and oppose the water diversion scheme to increase water supply in the Bhumibol Dam.

Therefore, representatives of the network of Na Kian and Omkoi Sub-District will not attend this meeting. We hope you will understand and provide ways for people to engage in meaningful participation.

Yours sincerely,
The representative of Omkoi Sub-District
The representative of Na Kian Sub-District.

¹¹ Central Thai language is often used by government agencies and project proponents during public consultations and meetings, however many residents who will be affected by the water diversion project speak Karen languages and do not have an in-depth understanding of Central Thai language.

About the Authors and Translator

The People's Network of the Yuam, Ngao, Moei and Salween River Basin is a collective of civil society organisations, activists and communities from Northern Thailand (primarily from or based in Chiang Mai, Tak and Mae Hong Song Provinces) that come together to protect natural resources and oppose destructive dam and diversion projects along these rivers and their tributaries. Members of the People's Network have been involved in Salween issues for decades.

Mueda Nawanat is a lawyer, human rights defender, and an Indigenous Karen woman who grew up in the Salween Basin. She was born as a stateless person, and fought for her right to citizenship, and has spent decades advocating for citizenship rights for stateless peoples, and Ecological Child Rights, public participation in development planning, the rights of women and Indigenous people.

Zali Fung is a PhD candidate in the School of Geography, Earth and Atmospheric Sciences at the University of Melbourne. She researches the politics of dams and diversions in the Salween River Basin, focusing on resistance to the Yuam River Water Diversion Project.

Vanessa Lamb is a Senior Lecturer in the School of Geography, Earth and Atmospheric Sciences at the University of Melbourne. Her research focuses on human-environment geographies and political ecology of Southeast Asia, including the politics of ecological knowledge and development of the Salween River. She has extensive experience working with local and international NGOs in the region.