

Report
of the National Consultation Meetings on
“Prior Consultation for the Proposed Xayaburi Dam Project” in Cambodia

.....

1. Overview

1.1. Objective of the Meeting

Overall objective of the two National Consultation Meetings in Cambodia aimed to: (i) involve potentially affected, interested stakeholders and the wider public to raise awareness on the proposed Xayaburi Dam Project as well as to obtain their feedback on key issues; (ii) gain a representative range of views from potentially affected communities in Cambodia, downstream of the proposed Project, addressing both local as well as transboundary aspects; (iii) collate views from a wide group of stakeholders and to provide a holistic overview to decision makers; and (iv) reflect all the views for consideration of the MRC Joint Committee.

1.2. Participant Lists

The two National Consultation Meetings were separately held in Kratie Province on 10 February 2011 (68 participants), and Sihanoukville Province on 28 February 2011 (43 participants). *Lists of Participants were included in Annex-1.* Invited participants were from key government institutions, local authorities, NGOs, civil society, educational institutions, including representatives of communities those will potentially be affected by the proposed project. Resource persons were from the MRC Secretariat, the Cambodia members of the JCWG on PNPCA and the representatives of the Lao government were participated as observers. *The agenda of the two meetings were included in Annex-2.*

2. Main Outcomes of the Meeting

2.1. Summary of Presentation

The Mekong River Commission Secretariat (MRCS) resource persons, namely, Dr. Phoumin Han, MRCS IWRM Programme Coordinator and Mr. Voradeth Phonekeo, MRCS ISH Manager presented the outline of Prior Consultation process followed by basic information on the Xayaburi Dam project, including location of the project, project layout, project features, some technical design aspects such as the spillway, powerhouse, fish passage and sediment flushing provisions, transmission facility and the proposed construction schedule. Brief information on the Environmental Impact Assessment (EIA), Environmental Management Plan (EMP), the Social Impact Assessment (SIA), and Resettlement Action Plan (RAP) was also presented. In addition, the MRCS resource persons also presented the preliminary findings from the assessment submitted documents of the proposed Xayaburi Dam Project focusing mainly on:

- The process of MRC Prior Consultation on the proposed Xayaburi Dam project based on the 6-month period, project technical review, the knowledge gaps and further needs to minimize any cases of un-intentional negative impacts.
- Key aspects of potential impacts in local and transboundary contexts, and required mitigation measures.
- Next step to finalize the process of MRC Prior Consultation (PC)

2.2. Concerns Expressed by Participants

In both National Consultation Meetings, the participants raised their common concerns and views as summarized below.

- This is the first PNPCA of MRC, the six-month period of consultation for this proposed project is insufficient for a comprehensive enough assessment, and project documents and information should be widely disclosed.
- The disclosed website does not provide enough relevant documents and information in addition to the feasibility study and, at the time of the second Consultative Meeting the web site was under construction and the information was not downloadable.
- Based on the short remaining time it is questionable how the project developer can respond to the concerns and recommendations from the Consultative Meetings.
- Due to prevailing uncertainties, a lot of assumptions are used in the project documents, thus all result will be hypothetical findings. The JC will face great difficulties in making correct decision. Assuming that the go ahead will be approved, the project will still face great uncertainties in its future operation; especially such a structure will change for ever the Mekong regime since this will also open the way for justification for more proposed project downstream without any further requirement than a localized EIA study.
- What scope of social, economical and environmental trans-boundary impacts to Cambodia? The study should provide detail potential impacts and proposed mitigation measures including share benefit mechanism.
- Most participants have insufficient knowledge about the 1995 Mekong Agreement and its implication which required MRC Secretariat explanation on some specific articles related to the proposed project.
- General technical expert views on local and transboundary potential impacts resulted from dam construction and operation should be provided by the MRCS to the meeting in order to better inform the participants leading to fruitful outcomes.
- The Secretariat should prepare lists of categorized recommendations made by the Expert-Group specific to different staged of the project implementation namely: during pre-construction, construction, operation and maintenance period including monitoring mechanism.
- More information is required for the submitted documents, especially specific information related to potential trans-boundary impacts, and should be widely disseminated so that to provide better understanding for all stakeholders at all level.
- The information placed in the developer's website can not be considered as officially disclosed to relevant stakeholders as the agreed official communication channel should go through MRCS and NMCSs.
- Although fish passage was proposed to mitigate the impact on fish migration, but this probably will not be applicable for all kind of migratory fish species.
- Impact to agricultural sector, the eco-systems and the subsequent impact to local socio-economy and the environment resulted from flow regime change and sediment transports are of major concerns. People fear for the loss of cultivated area along the river banks, the loss of traditional rich and free sediment supplies, and the water level fluctuation due to power plant operation, the possible negative change in crop calendar and the knowledge gaps in the sector of sustainable hydropower development.

- Impact to community income base namely eco-tourism and capture fishery resulted from the changing of flow regime, reduction of flood pulse effect on fishery, shallow water, reduced and/or loss of breeding ground, nutrients and habitats, etc are not well known.
- Impact on river morphology such as river bank erosion due to short supply of sediment. River bank erosion leads to loss of agricultural land and settlement areas. There is not much knowledge in this area
- Impact to people, environment and health resulted from water pollution and water quality impairment.
- The dam safety referred to recent earthquake near to the project site is of major concerns.
- Barrier to fish migration (due to inappropriate fish passage design) and sediment trapping
- If Xayaburi Dam were to go ahead, it will trigger the remaining Mekong mainstream dam projects
- The MRC is still not technically strong enough to play the role as effective water governance body in the region especially to deal with private investment in large infrastructure such as mainstream dams
- Major concerns raised above should be satisfactorily followed in a transparent and open manner
- A learning process should be followed in such a way that direct well define stakeholders be informed on each step to be followed since this is the first dam ever to be built in the LMB;
- A clear mechanism for monitoring and assessment of any mitigation measures must be put in place and well disseminated.
- The role and function of the MRC in water governance must be strengthened to ensure equity and sustainability of the Mekong flow regime
- Mechanism of share benefit should be put in place to assure confident support from downstream communities
- This is the first PNPCA of the MRC which has to be properly conducted with provision of sufficient time, resources and number of required consultation, this case was far from being satisfactory;
- Direct and indirect affected communities are not well aware of the project and its implication on their livelihoods. To get them involved they should well understand the project and its implication.
- According to international standard there are large knowledge gaps in the field of sustainable hydropower development which can not be made available in a short time;
- The rush imply lack of transparency and accountability which are indeed happening
- It is still not clear what the prospect of the Consultation time is and document/information are insufficient, which caused difficulty in conducting a meaningful consultation on this matter.
- Limited awareness and knowledge of communities and relevant institutions.
- Limited right to participate in the PNPCA process (NGOs and effected local communities)
- How project implementer/owner will acknowledge and take action reflecting to expected concerns rising from affected communities and stakeholders?

- How should community participate during construction or planning phase?

2.3. Recommendation by Participants

As observations, participants from the government sector, civil society and NGOs who attended the two National Consultation Meetings expressed their interests and concerns to the proposed project of Xayaburi Dam. As a downstream country participants recommend the following:

- Further studies of negative impacts including effective mitigation measures are needed.
- Need detailed information on transboundary impacts to socio-economy and the environment as resulted from flow regime change and dam operation.
- A further assessment on transboundary impacts should be conducted based on international standard and practices, including EIA Report
- Support a ten-year delay in the approval of lower Mekong river mainstream dams to ensure a comprehensive understanding of all the impacts of their construction and operation, as reflected in MRC SEA Report. With current knowledge and technology, there is too much uncertainty about the impacts of hydropower development on the lower Mekong River mainstream to properly assess the risk.
- It is suggested to study the Cumulative Impact Assessment (CIA)
- Mitigation measures should be properly conducted before, during and after dam construction
- A further national consultation should be conducted when project documents and information such as the final review report are disclosed and the developer shall be invited;
- Cambodia should be invited to participate in the implementation of EMP
- Consensus from downstream water users on water use upstream
- Agreement on operation rule
- The monitoring framework proposed by project developer should included other stakeholders of downstream states
- Publicize and disseminate study/review documents after completion
- Compensation should be taken into account and applied for affected downstream state based on Article 7 and Article 8 of the 1995 Mekong Agreement. As under the current situation, MRC does not technically strong enough to deal with such Articles, so the MRC governance function should be further strengthened.
- Providing training and awareness raising toward the adaptation
- It is suggested to extend construction period in order to further study and assess and fill the knowledge gaps for sustainable hydropower development.
- Detailed study on flow regime to minimize the changes in natural flow and follow by the clear EMP to avoid serious negative impacts to agricultural planting and harvesting, wetland and inundated forests – those are breeding ground and habitat of many aquatic species, including waterfowls.
- Addressing the EMP to minimize sediment trap at downstream areas/countries in order to maintain agricultural areas and yields, as well as maintain nutrients for aquatic plants, inundated forests, especially for phytoplankton and zoo-plankton.
- Addressing the EMP to minimize impacts to water quality and aquatic ecosystem resulted from heavy metals (in the form of Dissolved Particulate Matters), which may occur during dam construction and operation.

- Taking into account on either benefit sharing or environment endowment funds to improve effected areas through capacity building, awareness raising, on-job training, and additional occupation. The project developer shall reserve additional funds for conducting the survey and assessment at transboundary effected areas.

2.4. Responses to the Questions Proposed for Plenary or Group Discussions

The MRCS resource persons tried to clarify and explain to participants who put forward such questions and recommendations as summarized above. Some of them were recorded as suggested by the Chairman, due to difficulty in response or providing feedback.

3. Conclusion

The two National Consultation Meetings were successfully conducted with fruitful outcomes and friendly atmosphere as expected (at different date and venue). This the first PNPCA ever conducted under the MRC framework Cambodia always look forward for further strengthening cooperation between all member countries through open and transparent process and will fully committed to assist MRC to improve the quality of the assessment works so that the proposed Xayaburi Dam Project meet the international standard and practices with acceptable impact in local and transboundary context and under the sustainable and equitable framework of the MRC .

Participants express their thanks to resource persons from MRCS for presenting them the said report and assisting them in their discussion. The consultation was conducted in a friendly atmosphere with mutual understanding. The NGOs and CSOs were also provided opportunities to share and voice their view on behalf of local communities.

The outcomes of both meeting will be reported in the 33rd JC Meeting, which will be held in Sihanoukville Province in late March 2011. It is expected that with these outcomes, the JC will have more and concrete basis to make a decision on how to proceed with the proposed Xayaburi Dam Project including the proposed roadmap.

Annex 1:

LIST OF PARTICIPANTS
National Consultation Meeting on Public Participation
For the Proposed Xayaburi Dam Project
10 February 2011, Kratie Province

.....

No.	Name	Position	Organisation
1	H.E. Mr Te Navuth	Secretary General	CNMC
2	H.E. Mr Kol Vathana	Deputy Secretary General	CNMC
3	H.E. Mr Wat Bottkosal	Deputy Secretary General	CNMC
4	Yos Nasy	Director of Administration	Takeo Province
5	Tep Bunnarith	Director	CECA
6	Kim Sangha	Policy Manager	WWF
7	Much Chhun Horn	Director	Ministry of Industry, Mines and Energy (MIME)
8	Im Chhoeun	Chief	Office of Environment, Prey Veng Province
9	Sim Thavirak	Deputy Chief	Office of Agriculture, Prey Veng Province
10	Ya Voeun	Deputy Chief	Office of Water Resources Kampong Cham Province
11	Has Vuthy		Office of Agriculture, Kandal Province
12	Chea Thavrith	District Governor	Tharaborivath District
13	Om Chhouphany		Provincial Cabinet, Prey Veng Province
14	Meng Sothy		Office of Agriculture, Takeo Province
15	Eng Phirun	Chief	Office of Environment, Stung Treng Province
16	Mr Sophearin Chea	Programme Officer	MRCS
17	H.E. Mr Ou Sam Ourn	Deputy Governor	Kandal Province
18	Chhun Sopheap	Official	Provincial Cabinet, Kandal Province
19	Eng Vanna	Deputy Governor	Kampong Siem District, Kampong Cham Province
20	Muth Pisey	Project Manager	PSOP, NGO in Kampong Cham
21	Sum Sarith	Deputy Chief	Office of Environment, Kandal Province
22	Pech Sunly	Chief of Commune	Stung Treng Province
23	Ly Suthchai	Chief of Commune	Stung Treng Province
24	Ros Sarun	Chief of Bureau	Office of Environment, Kampong Cham Province

25	Phourng Pov	Deputy Director of Administration	Provincial Cabinet, Kampong Cham Province
26	Bour Viruth		Office of Environment, Stung Treng Province
27	Sourng Chan Ratha	Chief of Administration	District Cabinet of Siem Bok
28	Pang Peng	Chief	Office of Environment, Stung Treng Province
29	Srey Kosal		Kok Kandal District
30	Him Srung	Chief of Commune	Sambok, Kratie Province
31	Hum Chhorn	Chief of District	Koh Trong District, Kratie Province
32	Vong Sary	Project Manager	Mlob Baytong (Green Shadow) NGO
33	Sin Samnang	Official	CNMC
34	Yen Thol	Chief of District	Sambour Meas, Kampong Cham Province
35	Va Kimhen	Second Deputy Chief	Veal Vong District, Kampong Cham Province
36	Chhe Sam Ath	Deputy Governor	Kratie Province
37	Pen Lynath	Deputy Director of Administration	Provincial Cabinet, Kratie Province
38	Chea Seyla	Deputy Director	Kampong Cham Province
39	Khieu Kanal	Member	Mekong Alumni Network
40	Chea Phallika	Project Officer	NGO Forum
41	Im Phallay	Environment Project Officer	NGO Forum
42	Seav Samneang	Research	NGO Forum
43	Sourng Mom	Director of Administration	Municipality of Stung Treng
44	So Im Bo Ney Cheat	Deputy Chief	PNPCA, DHRW
45	Mr Chrin Sokha	Deputy Director General	Ministry of Environment
46	Voradeth	ISH Manager	MRCS
47	Srun Mao	Director	CRDT, NGO in Kratie Province
48	Mornh Sam Oeun	Research Assistant	CED, Kratie Province
49	Mr Thongthip Chandalasane	Deputy of Division	LNMCS, Lao PDR
50	Mr Bouasavanh Viengsombath	Head of Fisheries Inspection Section	Department of Livestock and Fisheries, Lao PDR
51	Chhou Kimsoth	Deputy Governor	Chith Bory District, Kratie Province
52	Som Mony Rangsey	Deputy Chief	Office of Agriculture, Stung Treng Province
53	Kim Chun	Chief of Commune	Tonle Bit, Kampong Cham Province
54	Ran Sophea	Deputy Governor	Tbong Khmom Disitric, Kampong Cham Province
55	Hong Phearak	Deputy Chief	Office of Environment,

			Takeo Province
56	Ven Sovann		Office of Water Resources, Takeo Province
57	Prak Lak		Office of Water Resources, Kandal Province
58	Chheng Sopheak	Deputy Chief of Bureau	CNMC
59	Nop Chanthy	Director	Department of Environment, Kratie Province
60	Samrith Vanna	Executive Director	ADHOC
61	Mao Vichetr	Deputy Chief	Office of Agriculture, Kratie Province
62	Sam Ath Meanit	Deputy Governor	Sambor District, Kratie Province
63	Ros Rithy	Deputy Chief	Office of Water Resources, Prey Veng Province
64	Lor Makilin	Deputy Chief	Office of Water Resources, Kratie Province
65	Sourn Seng	Executive Director	CENTDOR
66	Sun Bora	Executive Director	MVI
67	Mr Phoum Han	M-IWRM Program Coordinator	MRCS
68	Sok Bun Heng	Interpreter	

LIST OF PARTICIPANTS
National Consultation Meeting on Public Participation
For the Proposed Xayaburi Dam Project
28 February 2011, Sihanoukville

.....

No.	Name	Position	Organisation
1	H.E. Mr Sin Niny	Permanent Vice Chairman	CNMC
2	H.E. Mr Te Navuth	Secretary General	CNMC
3	H.E. Mr Kol Vathana	Deputy Secretary General	CNMC
4	Mr Ku Khemlin	IKMP Coordinator	CNMC
5	Mr So Im Monichoth	PNPCA	DHRW
6	Mam Kay	Official	Ministry of Interior
7	Nouth Sokha	Chief of Office	Ministry of Tourism
8	Ou Chandy	Deputy Director of TPD	NCDM
9	Veng Sithy		Ministry of Water Resources and Meteorology
10	Am Bunthan	Program Monitoring Officer	MB
11	Luy Rasmey	Deputy Director	CEPA
12	Mr Keam Sarat	Chief of Bureau	Ministry of Foreign Affairs and International Cooperation
13	Mr Danh Serey	Deputy Director	EIA Department, Ministry of Environment
14	Mr Sok Khom	National FP Coordinator	CNMC
15	Chheng Phen		Fisheries Administration
16	Eric Barran	Senior Scientist	World Fish
17	Sam Nun	Deputy Director General	Fisheries Administration
18	Mr Bounthong Saphakdy	Director of Fisheries Division	DIF, Lao PDR
19	Mr Thongthip Chandalasane	Deputy of MFD	LNMC, Lao PDR
20	Chheang Hong	Deputy Director of Project Department	CNMC
21	Bul Delly	Secretary of TSBR	CNMC
22	Hean Veasna	Officer	MIME
23	Yan Samrith	Deputy Director	TSA
24	Huy Sophoadocrith	Chief of Office	Ministry of Public Works and Transport
25	Ek Sopheap	Vice Dean	Royal University of Agriculture, Ministry of Agriculture, Forestry and Fisheries
26	Sin Samnang	Officer	CNMC
27	Hak Socheat	National FMMP Coordinator	CNMC
28	H.E. Mr Tuon Thavrak	Director General	Ministry of Planning
29	Mr Han Phoumin	M-IWRM Programme	MRCs

		Coordinator	
30	Mr Voradeth Phonekeo	Manager of ISH	MRCS
31	Mr Chea Sophearin	Programme Officer	MRCS
32	Mr Chhith Sam Ath	Executive Director	NGO Forum
33	Kim Sangha	Policy Manager	WWF
34	Im Phally	EPM	NGO Forum
35	Suon Seng	Executive Director	CENTDOR
36	Chay Keartha	Researcher	CENTDOR
37	Chhim Rumuny	Researcher	CDRI
38	Sun Youra	Executive Director	MVI
39	Sun Max	Executive Director	CRDT
40	Khiev Kanal		MLN
41	Horn Narren	Officer	MIME
42	Chrin Sokha	Deputy Director General	Ministry of Environment
43	So Sokha	Chief of Office	CNMC

Annex 2:

**Riverine Community Based Public Participation Meeting
for the Proposed Xayaburi Dam Project
Horn Buny Hotel, Kratie City, Cambodia
10 February 2011**

.....

TENTATIVE PROGRAMME

Objectives:

- To involve potentially affected, interested stakeholders and the wider public to raise awareness on the proposed Xayaburi Dam Project as well as to obtain their feedback on key issues;
- To gain a representative range of views from potentially affected communities upstream and downstream of the proposed Xayaburi Dam Project addressing both local as well as transboundary aspects;
- To collate views from a wide group of stakeholders and to provide a holistic overview to decision makers; and
- To reflect all the views for consideration of the MRC Joint Committee.

Scope:

- The geographic scope includes areas potentially affected upstream and downstream of the proposed Xayaburi Dam Project in each Member Country;
- The substantive scope includes an overview on direct and indirect impacts caused by potential changes to fisheries and livelihoods, fish migration, sediment transport and river morphology, sediment quality, water quality and aquatic ecology, safety of dams and respective possible impacts (local and transboundary context);
- Less emphasis is given to direct resettlement aspects related to the reservoir area as this is predominantly a national issue, but it will be considered according to good practice examples in the basin.

Addressed Stakeholders

- District community groups along the river likely to be affected by the proposed dam project
- Relevant stakeholders
- Representative District officials
- Relevant line agencies via the NMCS

Expected number of participants at each meeting

- Approximately 80 participants

Documents

1. Background document on the MRC Prior Consultation Process and preliminary findings of the MRC technical review regarding the Xayaburi Dam Project
2. Hand-out of the presentations

Tentative Programme

Time	Programme	Responsible
8.00 – 8.30	Registration	NMC
8.30 – 8.40	Welcome speech	Chairman of Meeting (NMC)
8:40 – 8:50	Meeting purpose and introduction	MRCS
8.50 – 9.20	The Xayaburi Dam Project	MRCS
9.20 – 9.40	The MRC Prior Consultation Process within the context of all mainstream dam proposals	MRCS
9:40 – 10:15	Preliminary findings of the MRC technical review regarding the proposed Xayaburi Dam Project ⇒ Key aspects on possible impacts and mitigation measures ⇒ Next steps toward the finalisation of the Prior Consultation Process	MRCS
10.15 – 10:40	Discussion	
10:40 – 11:00	Coffee break	
11.00 – 12.30	Group Discussions The objective is to provide opportunity to groups to give an overview on concerns and collect mitigation measures from their points of views and local experiences. The group will be divided according to the questions interested (a series of questions will be prepared and sent to NMCS at a later stage): <ul style="list-style-type: none"> • Question 1? • Question 2? •? 	Community participants facilitated by NMCS
12:30 - 14:00	Lunch Break	
14.00 – 16.30	- Outcomes of group discussions reported by ` facilitator - Moderated plenary discussion, comments and responses	All relevant
16.30 – 16.50	Summary and next steps	MRCS
16.50 – 17.00	Closing Remarks	Chairman of the Meeting (NMC)

**National Public Participation
for the proposed Xayaburi Dam Project
Ksach Meas Hotel, Sihanoukville, Cambodia
28 February 2011**

.....

TENTATIVE PROGRAMME

Objectives:

- To involve potentially affected, interested stakeholders and the wider public to raise awareness on the proposed Xayaburi Dam Project as well as to obtain their feedback on key issues;
- To gain a representative range of views from respective stakeholders on the proposed Xayaburi Dam Project addressing both the local as well as transboundary aspects;
- To collate all stakeholder views and to provide a holistic overview to decision makers; and
- Reflect all the views for consideration the MRC Joint Committee.

Scope:

- The geographic scope includes areas potentially affected upstream and downstream of the proposed Xayaburi Dam Project in each Member Country;
- The substantive scope includes direct and indirect impacts caused by potential changes to fisheries and livelihoods, fish migration, sediment transport and river morphology, sediment quality, water quality and aquatic ecology, safety of dams and respective possible impacts (local and transboundary context);
- Less emphasis is given to direct resettlement aspects related to the reservoir area as this is predominantly a national issue, but it will be considered according to good practice examples in the basin.

Addressed Stakeholders

- Representatives of government agencies and non-government groups including representatives of the community group, national assembly members, development NGOs, research institutes and other stakeholders with an interest.

Expected number of participants at each meeting

- 80-100 participants

Documents to be distributed

1. Background document on the MRC Prior Consultation Process and preliminary findings of the MRC technical review regarding the Xayaburi Dam Project
2. Hand-out of the presentations

Tentative Programme

Time	Programme	Responsible
8.00 – 8.30	Registration	NMCS
8.30 – 8.40	Welcome speech	Chairman of Meeting (NMC)
8.40 – 8.50	Meeting purpose and introduction	MRCS
8.50 – 9.20	The MRC Prior Consultation Process	MRCS
9.20 – 9.40	The Xayaburi Dam Project within the context of all mainstream dam proposals	MRCS
9:40 – 10:15	Preliminary findings of the MRC technical review regarding the proposed Xayaburi Dam Project ⇒ The proposed project, its technical review and its basin-wide context; ⇒ Key aspects on possible impacts, overview on their transboundary meaning and mitigation measures ⇒ Next steps toward the finalisation of the Prior Consultation Process	MRCS
10.15 – 10:40	Discussion	
10:40 – 11.00	Coffee break	
11.00 – 12.30	Group Discussions The objective is to provide opportunity to groups to give an overview on concerns and collect mitigation measures from their points of views and local experiences. The group will be divided according to the questions interested (a series of questions will be prepared and sent to NMCS at a later stage): <ul style="list-style-type: none"> • Question 1? • Question 2? •? 	Representative of the communities
12.30 – 14:00	Lunch break	
14.00 – 16.00	Moderated plenary discussion, comments and responses	All relevant
16.00 – 16.20	Summary and next steps	MRCS or NMC
16.20 – 16.30	Closing Remarks	Chairman of the Meeting (NMC)

.....