

**Report on National Consultation Meeting
on Prior Consultation for the proposed Xayaburi hydroelectric power dam project
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I. Overview

1. Objectives of the meeting

1.1 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;

1.2 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;

1.3 To collate all stakeholder views and to provide a holistic overview to decision makers

2. Brief summary of the participants

The participants consist of representatives of government agencies and non-government groups including representatives of the community group, national assembly members, NGOs, university, research institutes and other stakeholder.

II. Main outcomes of the meeting

1. Summary of presentation by the MRCS or NMCS staff regarding the Prior Consultation Process and the MRC Technical Review of the proposed Xayaburi dam project

TNMCS staff made a brief introduction to the Agreement on the Cooperation for Sustainable Development in the Mekong River Basin signed on 5 April 1995, the Procedures for Notification, Prior Consultation and Agreement (PNPCA) approved by the MRC Council on 30 November 2003 which will be presenting by the MRCS staff including Strategic Environmental Assessment (SEA), MRC Technical Review Report of Xayaburi hydroelectric power project proposed by the Lao government.

MRCS staff made presentation on SEA, PNPCA, and MRC Technical Review Report of Xayaburi project as summarized below.

Strategic Environmental Assessment (SEA) of the proposed Mekong mainstream dam in the lower Mekong basin. SEA is one part of the preparation of the MRC in implementation of the Procedures for Notification, Prior Consultation and Agreement (PNPCA). SEA made assessment of the cumulative impact of the project, opportunities, risks and mitigation measures for use in decision making of the member countries on the development of hydropower in the Mekong mainstream which consider 5 key strategies as follows:

- (1) Power security and generation
- (2) Economic development and poverty alleviation
- (3) Economic integrity and biodiversity
- (4) Fisheries and food security
- (5) Livelihoods and cultural community

SEA report proposes 4 strategic options for consideration by the member countries as follows:

- Option 1 No mainstream dam
- Option 2 Defer decision on all mainstream dams at least for 10 years
- Option 3 Gradual development of mainstream dam
- Option 4 Market driven development of the proposed mainstream projects

PNPCA: PNPCA defines the timeframe of prior consultation to be complete within 6 months from the date of receiving the project documents. If necessary the extended period shall be permitted by the decision of the MRC Joint Committee. Lao PDR has made Notification of this project by submission the documents of the Xayaburi hydropower project on 20 September 2010. MRCS established the MRCS Working Group to review and consider the project documents and submitted the documents to other three member countries on 22 October 2010 which was the starting date of Prior Consultation and will be ending on 22 April 2011. During the Prior Consultation process, the member countries appointed the representatives from each country to be member of MRC Joint Committee Working Group on PNPCA (JCWG on PNPCA) to review and consider the submitted project documents and held the national consultation and submit the view/comments to the MRC Joint Committee for consideration.

MRC Technical Review Report: MRCS Working Group reviewed the submitted documents of Xayaburi project and found that the following transboundary issues lack of information and comprehensive study in the Xayaburi study reports:

- (1) **Fisheries:** fish migration route, impact to fish species, design of fish ladder
- (2) **Sediment and nutrient:** sediment analysis, river morphology change, suspended sediment and balance of nutrient in upstream and downstream of dam, cumulative impact to sediment alluvion
- (3) **Water quality:** ecological system condition, appropriate flow for environment condition
- (4) **Water transport:** impact of sediment to water transport, Quantity of water transport in upstream and down stream

2. Concerns expressed by participants

The participants expressed their concerns on the key issues which have not been studied clearly in the Xayaburi study reports as follows: change of ecological system, biodiversity, fish migration and food security, livelihoods of local people along the Mekong River, bank erosion and loss of agricultural area along the river.

The participants, therefore, propose that the project owner country considering to make additional study on the aforementioned issues. When the study complete, the project owner country should disclose the results to the public. The participants raised further issue, if the transboundary impact occur who will be responsible for damage affected other countries including Thailand.

3. Recommendations by participants

From the concerns raised by the participants as above mentioned, they made the following recommendations on the project owner country for consideration:

3.1 Disclosure of data and information

- (1) Disclose all reports (Feasibility study report, EIA report, including all available reports) which are translated in Thai language to the public before receiving the comments

(2) Apply the Thai Prime Minister Office Regulation on Public Hearing which define that data/information should be disclosed before receiving comments from the stakeholder. But the report is copyright of the Lao government.

(3) The project's owner, Consultant Company who prepared the study reports, and financial sources should disclose data/information to be in line with good governance

(4) Need to know the view of other member countries

(5) Based on technical view, it is applied precautionary principle in case of having incomplete data/information

3.2 Data and information presenter

(1) Investor and consultant company should be responsible for disclosure of data/information, instead of MRC

3.3 Prior Consultation Timeframe

(1) Due to insufficient information for consideration in particular on the transboundary impacts, it is proposed to extend the timeframe of Prior consultation in order to consideration in depth

3.4 Stakeholder

(1) To hold prior consultation forum in all provinces located along Mekong River, and also provide opportunity to the youth and student in the said areas to participate and exchange view in the forum

(2) To invite high rank positions of the Royal Thai Government joining the forum because they are the persons who make decision on national policy on energy

3.4 Others

(1) Representatives of local people in the north and northeast will organize the forum to define their position and standing point on the dam construction on the Mekong on 19 March 2011 at Ratchapat Sakonnakon University, and invite the senior management level to participate in this forum

(2) Representative of local people request to participate as observer in the upcoming MRC Joint Committee in March 2011, and also request for financial support for their participation

(3) SEA lack of data on river bank garden, number of affected people, comparison of economic benefit from river bank garden and benefit from electricity

(4) SEA study should consider the benefit from electricity as a risk

4. Responses to the questions proposed for plenary discussion

4.1 What potential impacts and mitigations of the proposed Xayaburi project would upstream communities be concerned with?

The upstream communities concern on the following issues of potential impacts and mitigations: fish migration, sediment transport, environmental health degradation.

4.2 What potential impacts and mitigations of the proposed Xayaburi project would downstream communities is concerned with?

The downstream communities concern on the same issues of upstream communities plus hydrological change including how to manage flow in wet season because there is not only released flow from power house but also additional flow in wet season.

4.3 If the dam construction were to go ahead, what issues and how would communities most like to be involved in the monitoring and mitigation program during construction and operation?

The communities would like to be involved not only in the monitoring and mitigation program during the construction and operation but also be involved in the program preparation for the said monitoring and mitigation.

4.4 How would NGOs like to communicate their concerns to NMCs during the PNPCA process

NGOs would like to communicate with the NMCs during PNPCA process through the public forum with the participation of all sector of stakeholder as well as high rank position of NMC who can make decision.

5 Conclusion

Due to the data and information relevant to the proposed Xayaburi project provided to the stakeholder are insufficient for consideration and comment. The stakeholder request to have all available reports of Xayaburi project translated in Thai language and send to the stakeholder in advance for consideration. In addition, the stakeholder suggests that the data/information presenter should be the representative of Lao PDR/project developer/consultant company instead of MRCS staff. Moreover, the data/information provided in the study reports lack of data on transboundary impact and mitigation measures so the stakeholder request the project owner country to make additional study on the tranboundary impact including the mitigation measures. With the aforementioned reasons, the stakeholders recommend to extend the timeframe for prior consultation of proposed Xayaburi project until the study of transboundary impact and mitigation measures complete for consideration and comments.

Annexes

Annex 1 Agenda

Annex 2 List of participants

Annex 3 Summary of National Consultation of proposed Xayaburi Hydroelectric Power Project

Annex 1 Agenda

National Consultation on proposed Xayaburi hydroelectric power project
22 January 2011, CHIANGKONG District, CHIANGRAI Province
10 February 2011, CHIANGKAN District, LOEI Province
12 February 2011, MUANG District, NAKONPHANOM Province

Time	item	Responsible by
09:00 - 09:30	Registration	Thai National Mekong Committee Secretariat (TNMCS)
09:30 - 09:40	Introduction	TNMCS
09:45 - 10:15	Presentation on Strategic Environmental Assessment (SEA) of proposed Mekong mainstream dam	Mekong River Commission Secretariat (MRCS)
10:15 – 10:30	Questions - Answers	All participants
10:30 - 10:45	Coffee Break	All participants
10:45 – 11:15	Presentation on Prior Consultation Process in accordance to Procedures for Notification, Prior Consultation and Agreement (PNPCA)	MRCS
11:15 – 12:15	Questions - Answers	All participants
12:15 – 13:15	Lunch	All participants
13:15 - 13:45	Presentation on overview of proposed Xayaburi hydroelectric power project and study results	MRCS
13:45 - 14:15	Questions - Answers	All participants
14:15-14:30	Coffee Break	All participants
14:30 – 16:00	Comments	All participants
16:00 – 16:30	Closing	

Annex 2 List of participants

1st meeting on 22 January 2011, Chiangkhong District, Chiangrai Province

Total participants	80	persons
- government agencies	10	persons
- non-government groups and community groups	64	persons
- national assembly members	-	persons
- universities, research institutes and others	6	persons

2nd meeting on 10 February 2011, Chiangkan District, Loei Province

Total participants	127	persons
- government agencies	25	persons
- non-government groups and community groups	90	persons
- national assembly members	7	persons
- universities, research institutes and others	5	persons

3rd meeting on 12 February 2011, Muang District, Nakhonphanom Province

Total participants	125	persons
- government agencies	14	persons
- non-government groups and community groups	102	persons
- national assembly members	6	persons
- universities, research institutes and others	3	persons

Annex 3 Summary of national consultation of proposed Xayaburi Hydroelectric Power Project

Item	Issue	Comments		
		22 January 2011 Chiangkhong District, Chiangrai Province	10 February 2011 Chiangkan District, Loei Province	12 February 2011 Muang District, Nakhonphanom Province
Technical matter				
1	SEA of proposed mainstream dam in Lower Mekong Basin	<p>1) SEA is the useful tool and to provide good technical data. SEA should be adopted by the member countries.</p> <p>2) It is proposed to select the option to defer a decision on Mekong mainstream dam at least 10 years</p>	<p>1) It is proposed to select the option to defer a decision on the Mekong mainstream dam at least 10 years</p> <p>2) SEA study should also cover the impact assessment of Mekong tributaries development</p>	<p>1) SEA study should also cover the impact assessment of Mekong tributaries development</p> <p>2) SEA should determine option clearly</p> <p>3) Disagree with SEA that consider only hydropower dam</p> <p>4) Process of data/information presentation is made after the presentation of impact assessment of Xayaburi project</p> <p>5) SEA report lack of impact study on tradition, cultural and tourism aspects</p>
2	Alternative energy	1) It is proposed to study on other alternative energy	1) It is proposed to study on other alternative energy and to allow the communities to participate in the energy management	1) To support the alternative energy in energy generation such as solar energy
3	Construction of China dams	1) Due to the previous experience, the people were impacted by China dams without mitigation. Therefore, they do not support the construction of mainstream dams		1) Due to the previous experience, the people were impacted by China dams without mitigation. Therefore, they do not support the construction of mainstream dams. if the Xayaburi dam were built it will be more impact
4	Fisheries and fish migration routes	<p>1) Local people do not receive any fisheries information on fish migration, fish habit, food area and others</p> <p>2) To determine the mitigation measure</p>	1) Loss of fisheries can compensate by reservoir fisheries only 10% which cannot solve the problem of fisheries lost	1) Dam construction cause impact to fisheries, loss of local fish, and loss of wetland
5	Fish ladder	1) Design of dam and fish ladder should be designed as natural condition	1) Design of fish ladder for Mekong mainstream dam cannot accommodate the fish migration	1) Fish ladder cannot facilitate the fish migration in term of number and species

6	Sediment		1) Propose to identify clearly impact caused by sediment	1) It is proposed to allocate budget for support rehabilitation of deep pool in the Mekong river impacted by sediment alluvion
7	Navigation			1) Design of navigation lock should take into account not only big boat but also small boat of local people
8	Flow		1) Mekong water management should be undertaken before dam construction 2. Dam construction cause change of flow and also other impacts	1) How to manage flow in wet season because there is not only released flow from power house but also additional flow in wet season
9	Importance of Mekong river	1) Mekong river is the river of life and importance for local livelihood 2) Mekong river basin is importance for food security and biodiversity should be studies comprehensively		1) Youth request the government to be aware the importance of Mekong river and conservation of natural resources of the Mekong river
10	Climate change			1) How does uncertainty of climate change affect to the mainstream dam? 2) How Xayaburi project affect to climate change?
11	Transboundary impacts and mitigation measures	1) Is there any mitigation measures? Who is responsible for this matter? 2) What issues for Transboundary impact to Thailand? 3) It is proposed to consider separately between process of learning and process of decision on what are the transboundary impact that should be presented in the report	1) What are the mitigation measures? 2) Need to know transboundary impact to Thailand	1) Any mitigation measures to cope with damage caused by the dam? 2) Local people should participate in the preparation of mitigation measures 3) It is proposed to allocate the benefit from the project for mitigation measures 4) Propose to set up the fund for compensation of damage from the project
Prior Consultation Process				
12	Disclosure of data and information	1) Propose to disclose all reports which are translated in Thai to the public before receiving the comments 2) According to Prime Minister Office Regulation on Public Hearing defined that data/information should be disclosed before receiving comments	1) Should disclose the final report of EIA, and provide it to local people in advance 2) MRC view on Xayaburi project should be disclosed	1) Disclose data on bank who provide financial support to the project construction 2) The project study report and EIA report need to translate in 4 languages of member countries, and provide to the local people in advance

		<p>from the stakeholder. But the report is copyright of the Lao government. Therefore it is proposed to apply Thailand regulation on data/information disclosure regulation</p> <p>3) The project's owner, consultant company, and financial sources should disclose data/information which is in line with good governance</p> <p>4) Need to know the view of other member countries</p> <p>5) Based on technical view, it is applied precautionary principle in case of having incomplete data/information</p>		<p>3) Data/information disclosed to local people should be simple and ease for understanding</p>
13	Data and information presenter	<p>1) Investor and consultant company should be responsible for disclosure of data/information, instead of MRC</p>	<p>1) Next forum, the project owner, investor, and consultant company should be the data</p>	<p>1) Propose that the consultant company and project owner be the data/information to the local people</p>
14	Time frame	<p>1) It is proposed to extend the timeframe for prior consultation due to incomplete data and no disclose data to the local people</p>	<p>1) Due to insufficient information for consideration, it is proposed to extend the timeframe of Prior consultation in order to consideration in depth</p>	<p>1) The data provided this time is incomprehensive. Therefore, it is proposed to extend the timeframe for PNPCC due to the period of 6 months is insufficient</p>
15	Stakeholder	<p>1) Development of this project should be received comments from stakeholder in Thailand because the developer, consultant company and financial sources is based in Thailand</p> <p>2) Government agencies who are responsible for providing data/information and define the mitigation measures</p>	<p>1) It is proposed to extend the group of participants to be broader and cover all sectors</p> <p>2) Propose to hold additional forum for providing knowledge to local people</p>	<p>1) Propose to hold prior consultation forum in all provinces located along Mekong river, and also provide opportunity to the youth and student in the said area to participate and exchange view in the forum</p> <p>2) Invite high rank positions of the Royal Thai Government join the forum because they are the persons who make decision on national policy on energy</p>
16	Others			<p>1) Representatives of local people in the north and northeast will organize the forum to define their position and standing point on the dam construction on the Mekong on 19 March 2011 at</p>

				<p>Ratchapat Sakonnakon University, and invite the senior management level to participate in this forum</p> <p>2) Representative of local people request to participate as observer in the upcoming MRC Joint Committee in March 2011, and also request for financial support for their participation</p> <p>3) SEA lack of data on river bank garden, number of affected people, comparison of economic benefit from river bank garden and benefit from electricity</p> <p>4) SEA study should consider the benefit from electricity as a risk</p>
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