The Pak Lay Hydropower Project Prior Consultation Process – *Objective and Roadmap*
1. Chronology of Correspondence and Event


- **11th Jul. 2018**, MRCS **submitted a full set of documentation of Pak Lay HPP** to all notified countries through Letter No. L-MRCS(PD)507/18.

- **8th Aug. 2018** – **1st Meeting of PNPCA JCWG** → agreed start date for Pak Lay PC process on **8th August 2018**.

- **20th Aug and 10th Sept. 2018** – MRCS obtained clarification letters on the status of Pak Lay HPP, which is not a new development proposal.
2. Some Lessons Learned from Pak Beng PC

- **Notification** was done at feasibility stage ➔ **not sufficient information** for review of **potential significant transboundary harm**

- **Greater focus on identifying additional measures to avoid, minimise and mitigate harm** provided the opportunity for the **Statement**

- **External stakeholders still had a limited understanding PC process**, and implications of the JC’s Rules of Procedure.

- There seemed to be **an expectation** that MRC should **fill knowledge gaps as part of PC process**

- **Clarity is needed on how much attention should be given to cumulative impacts** of developing the LMB, or whether **PC process should just focus on measures** to attach to notified project
3. Objectives – same but different (1)

- **Roadmap** and **Process** of prior consultation is **much the same** as the previous cases.

- **Structure of TRR** with a **summary main section** and detailed Annexes will remain the same.

- Intention is to produce a **summary of TRR for public consumption**.

- **Public participation** will be improved by:
  - *Providing fund* for notifying country to undertake national consultation;
  - *Additional fund* for notifies countries for broader stakeholder participation;
  - *Building a better understanding* of political and legal basis for PC and impact of JC’s Rules of Procedure.
3. Objectives – same but different (2)

• **Focus** will remain on **Article 7** and **measures** to **avoid, minimise and mitigate impacts**, however, **measures** should be linked to **generic factors** underpinning for **reasonable and equitable use**

• **Attention** will be paid to **viable and reasonable measures** – including opportunities to **adjust IRR** and to **internalise environmental costs**

• **Use of PC** to deepen the basis of trust that all **MCs’ rights** and **concerns** are understood, monitored and acted on

• **Better link PC and post PC process** (JAP, Tracking Matrix)
4. Implementation Process

**Pre PC (now – 1st day PC)**
- Filing and inputting into PNPCA inventory list
- Secure the availability of International Experts
- Transmit to the notified member countries
- Official documents shall be sent to the MRCS-PNPCA Core Team
- Distribute the established Checklist of PDG2009 + new contents of (PDG2018
- Detail the workplan and task distribution
  - Prepare the Concept Note on Implementation (lessons learnt, working modality and roadmap, resources)
  - Prepare a public participation and information disclosure plan
  - Prepare a fact sheet, Project Overview, Communication Plan, and FAQs, Aerial VDO of site, and stakeholder engagement and outreach.
  - Review the completeness of submitted project documents
  - Prepare the Scoping Assessment Report
  - Ensure the official submission of submitted project documents
  - Agenda and preparation for the 1st Meeting of PNPCA JCWG

**PC (180 days with extension)**
- Conduct a detailed Technical Review of the submitted project documents by the MRCS using PDG2009 + reference to new DG2018
- 3 Meetings of PNPCA JCWG with dam site visit during the 2nd Meeting. The last Meeting of the PNPCA JCWG will also review and discuss a "Statement"
- 2 Regional Stakeholder Forums with early engagement of stakeholders (to be back to back with a RSF on Pak Bang JAP and related issues)
- 2 Rounds of National Consultation/Information Sharing Meetings in notified member countries with broader participation of stakeholders (CSOs, Communities, etc.), National Experts, and National Expert Groups
- 1 Round of National Consulation Meetings in the notifying country (after 2nd Meeting of PNPCA JCWG) for a comprehensive response to draft Technical Review Report
- Official Reply Forms from notified member countries
- Special Session of the MRSCJC to conclude PC (or its extension) and agree on "Statement"

**Post PC (upon agreement from JC)**
- Official response to Technical Review Report by Lao PDR
- Based on the agreed "Statement" develop a Joint Action Plan (JAP) including workplan by the MRCS using a phased approach in consultations with MCS
- Update the Working Paper on Lessons Learnt from PNPCA implementation
- Regional Stakeholder Forum for Pak Lay JAP and its workplan
- Develop a Tracking Matrix for Pak Lay JAP implementation for the JC to track the progress and report by the MRCS on changes to design, progress with construction of the project and outcomes of any monitoring activities
- Internal review and reflection of the Pak Lay PC process implementation
5. Implementation Roadmap – key event and products

- **Notification by LNMC**: 13 Jun 18
- **Submitted to MCs**: 12 Jul 18
- **Final Meeting - Special Session of JC**: 29 Mar 19
- **Official start date**: 8 Aug 18
- **1st Meeting of JCWG**: 8 Aug 18
- **1st draft of TRR**: 12 Nov 18
- **2nd draft of TRR**: 12 Nov 18
- **3rd Meeting of JCWG**: 22 Feb 19
- **Comments from JCWG and National Experts**: 22 Feb 19
- **1st RSF**: 20-21 Sep 18
  - First round of stakeholder consultations
- **2nd RSF**: 17 Jan 18
  - Second round of stakeholder consultations
- **Final draft of TRR**: 15 Mar 19
- **2nd Meeting of JCWG and project site visit**: 5-7 Nov 18
6. Implementation Roadmap – detailed plan

DRAFT PAK LAY PNPCA PRIOR CONSULTATION PROCESS ROADMAP

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<tr>
<th>June</th>
<th>July</th>
<th>August</th>
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<th>November</th>
<th>December</th>
<th>January - February 2019</th>
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<tbody>
<tr>
<td>Submission of Pak Beng Hydropower Project by LNMC</td>
<td>Official Start Date: 8 August 2018</td>
<td>MRCS sends officially letter and the submitted Pak Lay Documents to MCs</td>
<td>1st JCWG Meeting: 5 August 2018</td>
<td>1st JCWG Meeting: 17 October 2018</td>
<td>2nd JCWG Meeting: 5 November 2018</td>
<td>2nd JCWG Meeting: 21 November 2018</td>
<td>3rd JCWG Meeting: 8 February 2019</td>
<td>Special Session of Joint Committee: 29 March 2019</td>
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<tr>
<th>National Stakesholder Engagement</th>
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<tbody>
<tr>
<td>1st National Information Sharing/Consultation Meetings: 5 September 2018</td>
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<tr>
<td>MCs sends National Comments Matrix V1: 28 September 2018</td>
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<td>5th MRC RSF: 20 September 2018</td>
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<td>6th MRC RSF: 20 September 2018</td>
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MRCS sends Final draft of the National Information Sharing Report: 28 December 2018

MRCS sends Final draft of Regional Information Sharing Report: 25 January 2019

MRCS completes Regional Stakeholder Comments Matrix V1: 24 December 2018

MRCS sends National Comments Matrix V1: 7 November 2018

MRCS sends 2nd draft of the Technical Review Report: 21 November 2018

MRCS sends 1st draft of the Technical Review Report: 17 October 2018

Notified Countries submit Official Reply Form to the MRCS: 19 February 2019

Official End Date: 29 March 2019
Thank you