

MEKONG RIVER COMMISSION

Regional Public Consultation on the Don Sahong Hydropower Project

1. Background

On 30 June 2014, Lao PDR notified the other MRC Member Countries, Cambodia, Thailand and Viet Nam, through the MRC Secretariat, of its intent to have the Don Sahong Hydropower Project undergo the prior consultation of the MRC's Procedures for Notification, Prior Consultation and Agreement (PNPCA). The prior consultation process allows the notified Member Countries to discuss and evaluate potential trans-boundary impacts of the proposed water use and to support the MRC Joint Committee with the aim to arrive at an agreement on conditions to achieve optimum use and prevention of waste of the waters through a dynamic and practical consensus.

Public consultations in the frame of the prior consultation process will seek and facilitate the involvement of those potentially affected by or interested in a proposed water use project.

The regional public consultation is arranged in addition to national consultations held in Cambodia, Lao PDR (during the preparation of the project's documents) and Viet Nam, and national information sharing meetings held in Thailand. Each national meeting is arranged by the respective National Mekong Committee Secretariat based on national regulations and frameworks.

This regional consultation is held by the MRC Secretariat and aims to provide an additional avenue for regional and international organisations, civil society, the media, research institutes and the MRC's Development Partners who may not have the opportunity to participate in the national events.

2. Rationale

The regional public consultation aims to inform, involve and consult potentially affected, interested stakeholders and the general public on the proposed Don Sahong Hydropower Project as well as the prior consultation process, the role of the MRC and the 1995 Mekong Agreement and its implications.

Expected number of participants:

Up to 100 representatives from stakeholder groups plus representatives from the MRCS and the Member Countries. A list of organisations to be invited to the meeting is provided as Annex 1 to this note.

Language: The regional consultation will be conducted in English with no simultaneous translation provided.

Dates and venues:

The regional public consultation meeting will take place on 12 December 2014 at the Champasak Grand Hotel in Pakse, Lao PDR. An optional site visit is planned for 11 December 2014 for those interested.

Objectives:

The regional public consultation is for discussion on the overview of the MRC's Prior Consultation process, the overview of the Don Sahong Hydropower Project and the scope of the MRC's technical review including its available initial findings. It intends to provide understanding of stakeholder groups on the prior consulta-

tion process, possible transboundary impacts as specified in the first draft of the technical review by the MRC Secretariat. The event will share relevant and available information for stakeholders and to gather feedback from them.

The consultation also intends to gain collective views, concerns and practical recommendations from different stakeholder groups in order to present them for the consideration of the MRC Joint Committee during the prior consultation process.

Pre-consultation activities:

- Ahead of the consultation, the MRC Secretariat will circulate all relevant information to target participants including all submitted documents of the Don Sahong hydropower project, hand-outs of planned presentations at the meeting, information on the PNPCA and the 1995 Mekong Agreement.
- The MRC Secretariat will make a public announcement on the regional consultation ahead of the event with a reference to all available information on the Don Sahong hydropower project documents on the MRC website.
- The scope and purpose of the consultation will be clearly stated and agreed upon at the beginning to avoid expectations that are impractical and too high.
 - Ground rules will be designed and explained to the participants in order to keep the discussion productive. For example, the time frame for discussing each issue, the time each individual will be allowed to speak and how often.
 - Follow-up process will be discussed on how the information from the consultation will be synthesised and used for the Don Sahong project’s prior consultation and how the outcomes of the regional public consultation will be conveyed to the participant and other stakeholders.

Draft Programme outline

Date: 12 December 2014

Time	Sessions	Topics
8.30-8.35	Welcome remarks	<ul style="list-style-type: none"> • Objectives and desired outcome of the consultation (as discussed in advance with participant representatives) • Format • Ground rules for participants • How the consultation will be documented.
8.35-8.40	Introduction By Facilitator	
8.40 - 9.00	Orientation on the MRC’s Prior Consultation process By MRC Secretariat CEO, Hans Guttman.	<ul style="list-style-type: none"> • The purposes of the prior consultation as stipulated in the Mekong Agreement and the PNPCA. • Roles of the MRC, MRC Secretariat and the four Member Countries. • How the MRC carries out the prior consultation process and who is involved in it. • How public opinion and input will be taken into consideration during the process.

9.00 - 9.15	Questions and Answers session By Facilitator	Mr. Guttman/representative from the Member Countries answer questions from the floor.
9.15–10.00	About the Don Sahong Hydro-power Project By Project developer/LNMC	<ul style="list-style-type: none"> • Location • Project operations approaches • Key findings from the project’s EIA, SIA • Other aspects to be proposed by stakeholders
10.00 -10.15	Q&A session	
10.15-10.30	Coffee break	
10.30 - 10.50	MRC Technical Review and its initial findings. By MRCS	<ul style="list-style-type: none"> • MRCS initial assessment findings* <ul style="list-style-type: none"> - Key aspects on possible impacts, mitigation measure and monitoring programmes. • Scope of technical review <ul style="list-style-type: none"> - Approaches - What the technical review will tell us and how it will be used during the process. - Initial findings of technical review
10.50- 11.20	Q&A session By Facilitator	
11.20 - 12.00	Presentations by selected stakeholder groups	<ul style="list-style-type: none"> • Representatives from civil society and NGOs deliver statements. • MRCS provides feedback and responds to key issues.
12.00-13.30	Lunch Break	
13.30-15.30	Plenary Session By Facilitator	<ul style="list-style-type: none"> • Discussion on topics such as: <ul style="list-style-type: none"> - Feedback on the technical review - Particular issues of concerns - Challenges of the process - Recommendations
15.30-15.45	Coffee break	
15.45-16.30	Perspectives and input from participants By Facilitator	<ul style="list-style-type: none"> • Participants may ask additional questions.

16.30-17.00	Conclusion By Facilitator	<ul style="list-style-type: none">• Feedback by the MRC• Points to be incorporated into a stakeholder consultation report.• How outcome of the consultation will be used during the PC, shared with the public and among the participants.• Next steps of the prior consultation process.
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*Initial assessment findings as presented by MRCS should include findings of both the assessment conducted ahead of the PC and findings of the first draft of the technical review.