



14th Regional Stakeholder Forum

Information Sharing for Transparency and Trust

Session 4: Mekong Hydropower Projects



14th Regional Stakeholder Forum (RSF)
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MRC Prior Consultation Process and Joint Action Plan: An overview

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JAP for PBHPP and PBLHPP agreed on 04 April 2019

What is Prior Consultation?

Prior consultation is **neither a right to veto** the use **nor unilateral right** to use water by any riparian without taking into account other riparian's rights.

It is a **6-month process**, but can be extended by the MRC Joint Committee.

It is about adapting the proposed use to make it more **reasonable** and **equitable**.



Prior Consultation Implementation Process

Pre PC

- Filing and inputting into PNPCA inventory list
- Send recommendation to the notified country and inform to NMCs
- Secure the availability of International Experts
- Transmit to the notified MCs
- Official documents shall be sent to the MRCS-PNPCA Core Team
- Distribute the established contents of PDG2009 and Draft PDG2020
- Detail the workplan and task distribution
- Prepare the [Concept Note on Implementation \(lessons learnt, working modality and roadmap, resources - This report\)](#)
- Prepare a stakeholder engagement and communication plan
- [Update a fact sheet, and FAQs,](#)
- [Prepare Project Overview](#)
- 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 (6 months with possible extension)

- Conduct a [detailed Technical Review](#) of the submitted project documents by the MRCS using reference to PDG2009 and Draft PDG2020
- [3 Meetings of PNPCA JCWG with site visit.](#) The last Meeting of the PNPCA JCWG will also review and discuss a "Statement"
- [Meetings between MRCS and developer](#)
- [2 Regional Stakeholder Forums](#)
- [3 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
- [Rounds of National Consultation 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 MRC JC to conclude PC \(or its extension\) and agree on "Statement" and the JAP](#)

Post PC (upon agreement from JC)

- [Official response to Technical Review Report by Lao PDR](#)
- [Release the Statement, Technical Review Report and its summary,](#) and other related documents to the public.
- Develop a [Tracking Matrix for 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
- [Meetings between MRCS, LNMC, and developer](#)
- [Regional Stakeholder Forum for JAP](#) and its workplan.
- Internal review and reflection of the PC process implementation
- Update the Working Paper on Lessons Learnt from PNPCA implementation

Comments and recommendations in the TRR

- Hydrology and hydraulics
- Sediment transport and river morphology
- Water quality and aquatic ecology
- Fisheries and fishpass
- Navigation
- Dam safety
- Socio-economic issues

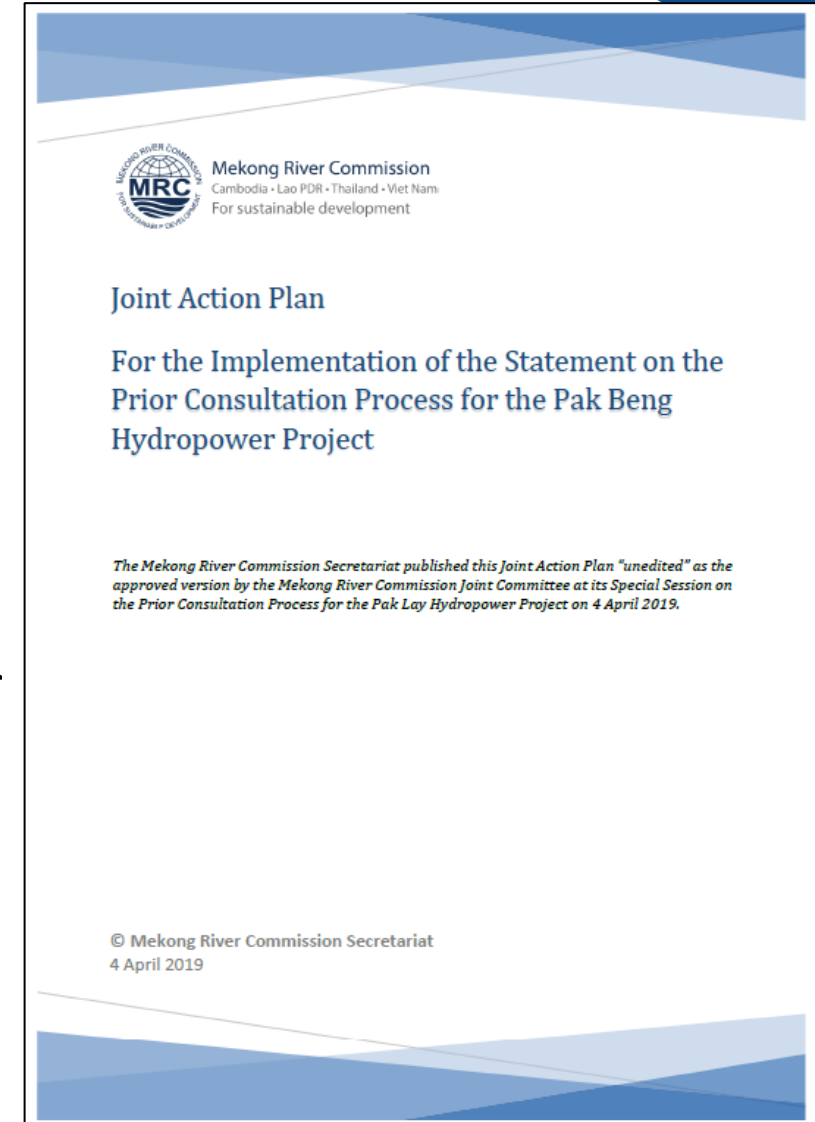


JAP implementation is based on the development stage of the project

- **Phase 1: Initiation (right after JAP approved)**
 - *Focus on modality and resources to implement it*
- **Phase 2 Project Design (period between after JAP approved and construction)**
 - *Explore measures that may further improve project design and operations of the project, and address concerns raised during the PC process*
- **Phase 3: Construction (during construction)**
 - *Aim at appraising progress, monitoring of impacts during construction and having inputs into any design changes*
- **Phase 4: Operation (during operation)**
 - *Will include agreement by the JC on a set of monitoring and reporting parameters for the operational phase of the project*

Key issues highlighted in Statement/JAP for PBHPP:

1. Address potential effects to upstream and downstream hydraulics and hydrology
2. Improve the sediment transport through the headpond/in-channel storage and water management
3. Improve upstream and downstream fish passage
4. Gain a better understanding of potential transboundary socio-economic impacts
5. Minimise potential impacts on the freedom of navigation
6. Consider establishing a communication channel to get the inputs into the ongoing design and development of the PBHPP together with MRC's support
7. Gain a better understanding of the potential impacts of the PBHPP
8. Monitoring
9. Information sharing



Key issues highlighted in Statement/JAP for PLHPP:

1. Addressing the impacts of the changed [hydrology](#)
2. Increasing the transport of [sediment](#) through the head pond
3. Improving the [fish passage](#) facilities
4. Gaining a better understanding of potential [transboundary socioeconomic](#) impacts
5. Improving the design of the [dam safety](#) features
6. Increasing the safety of the [navigation](#) facilities
7. Maintaining a communication channel to get the inputs into the [ongoing design and development](#) of the PLHPP together with MRC's support
8. Gaining a better understanding of the potential impacts of the PLHPP
9. Monitoring
10. Information sharing



Mekong River Commission
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For sustainable development

Statement on the Prior Consultation Process for the Pak Lay Hydropower Project in Lao PDR

The Mekong River Commission Secretariat published this Statement "unedited" as the approved version by the Mekong River Commission Joint Committee at its Special Session on the Prior Consultation Process for the Pak Lay Hydropower Project on 4 April 2019.

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Thank you!

