

IMPLEMENTATION OF PREVIOUS PRIOR CONSULTATION PROCESSES AND PROGRESS OF IMPLEMENTATION OF THE JOINT ACTION PLANS OF PAK BENG AND PAK LAY HYDROPOWER PROJECTS

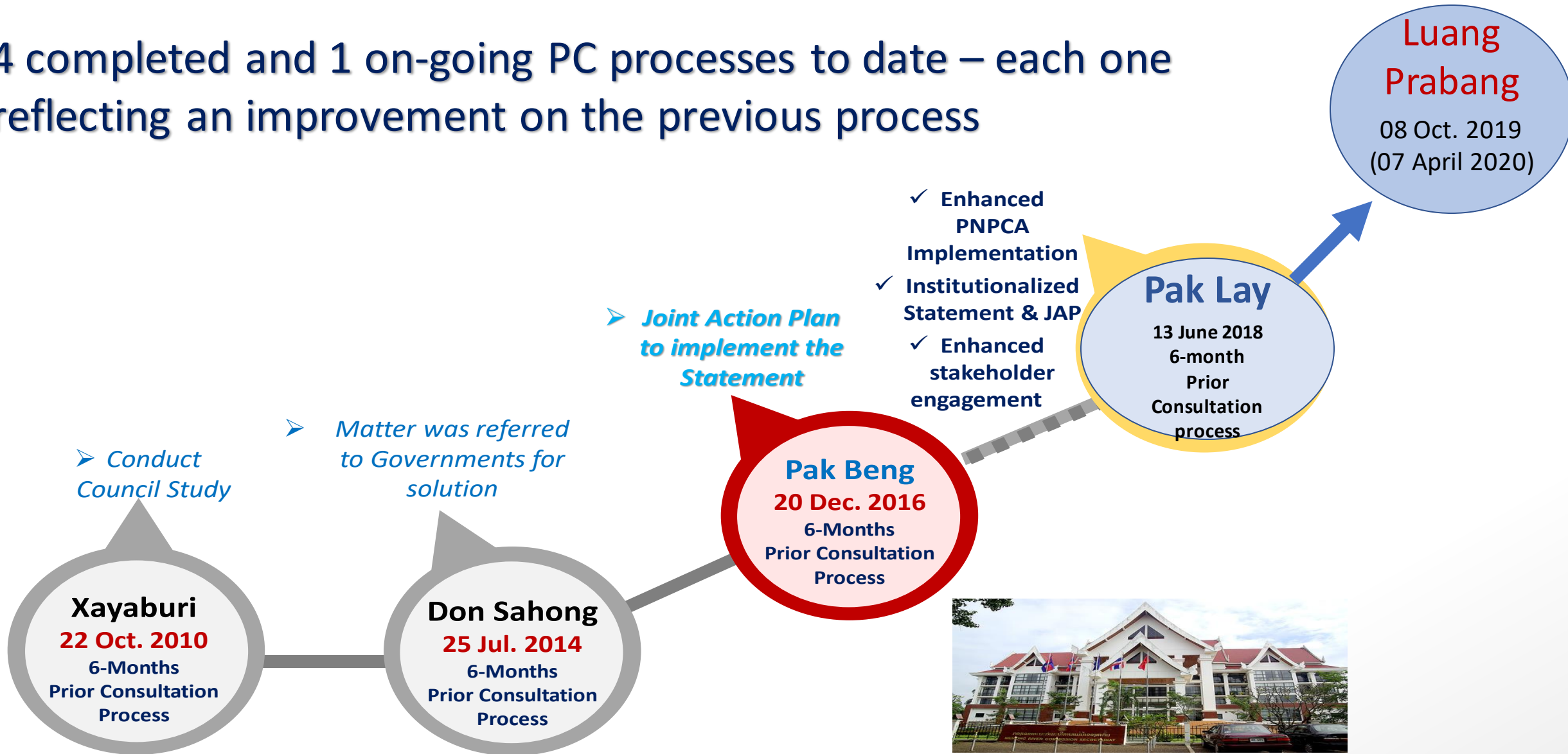
THE FIRST REGIONAL INFORMATION SHARING ON LUANG PRABANG HYDROPOWER PROJECT
06 NOVEMBER 2019, VIENTIANE, LAO PDR

Dr. Thim Ly, Chief River Basin Planner, Planning Division, MRC Secretariat



1. Prior Consultation Process to date

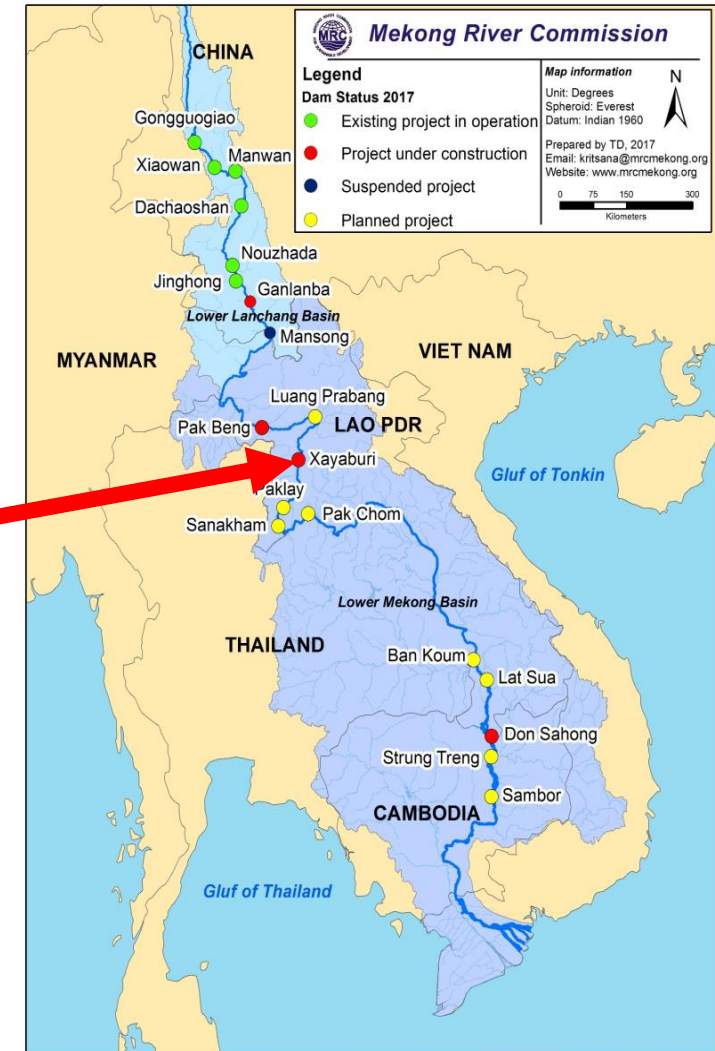
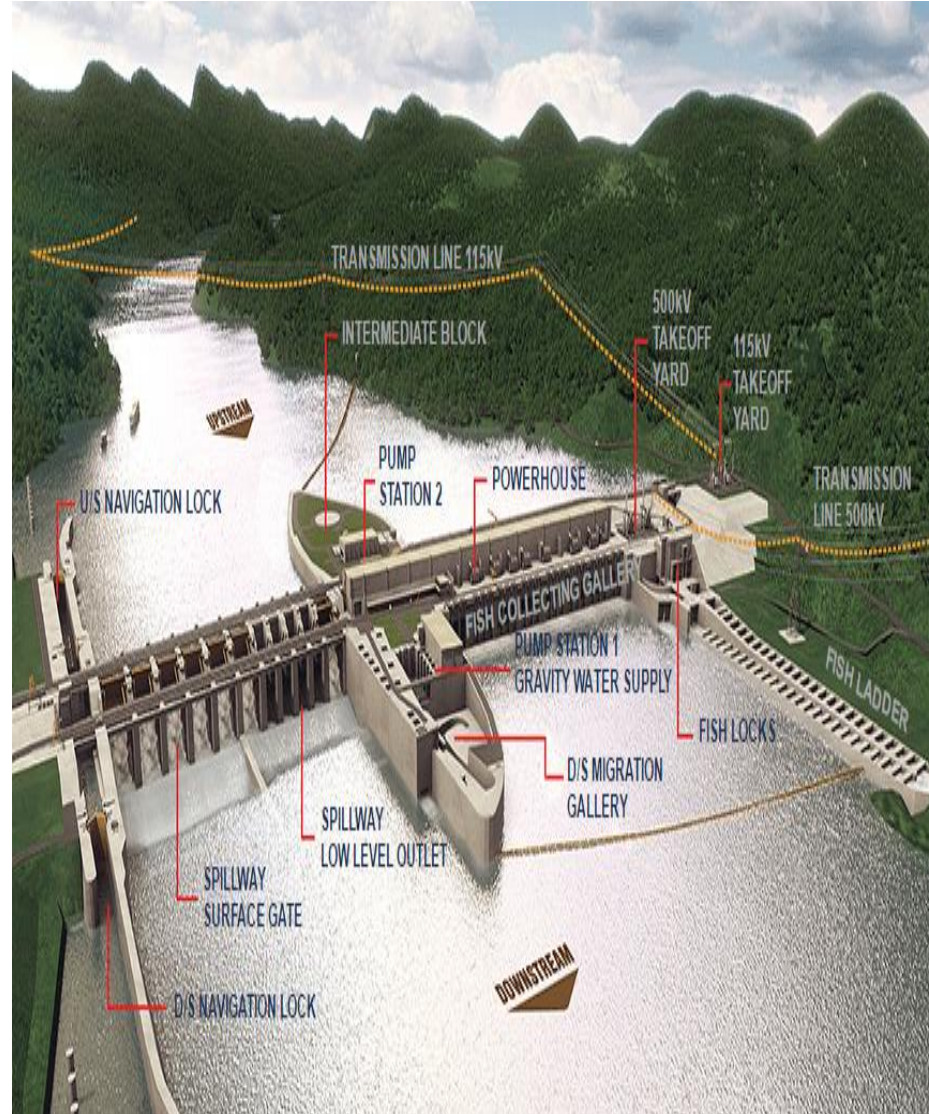
4 completed and 1 on-going PC processes to date – each one reflecting an improvement on the previous process



2. The Xayaburi project

Xayaburi Hydropower Project

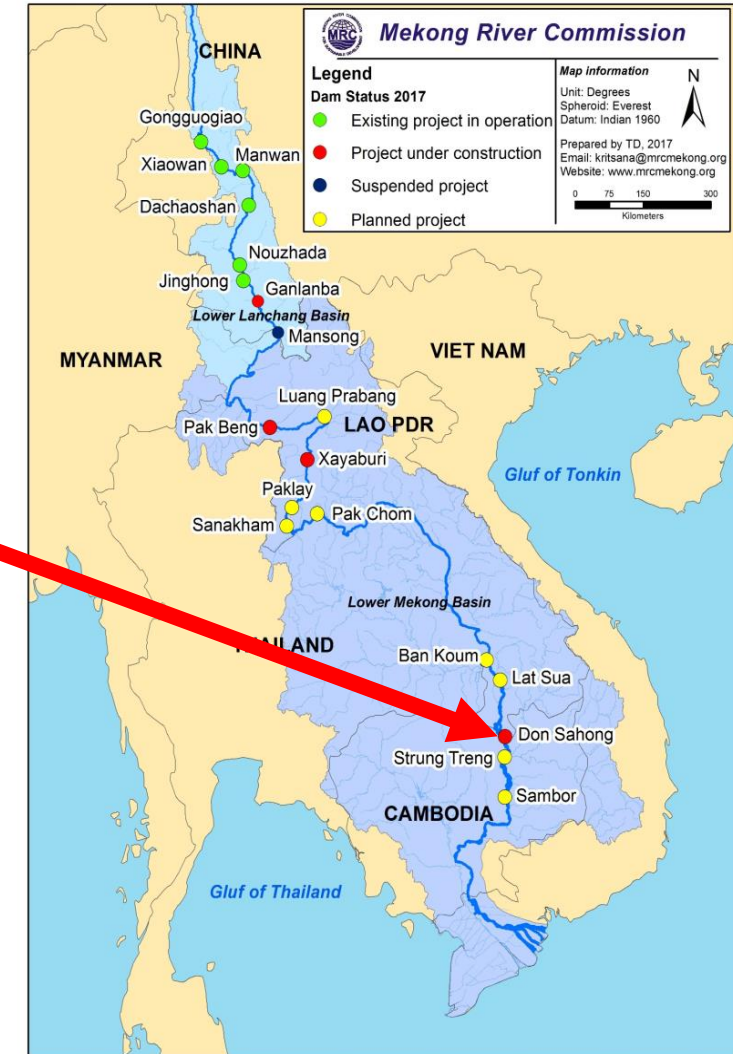
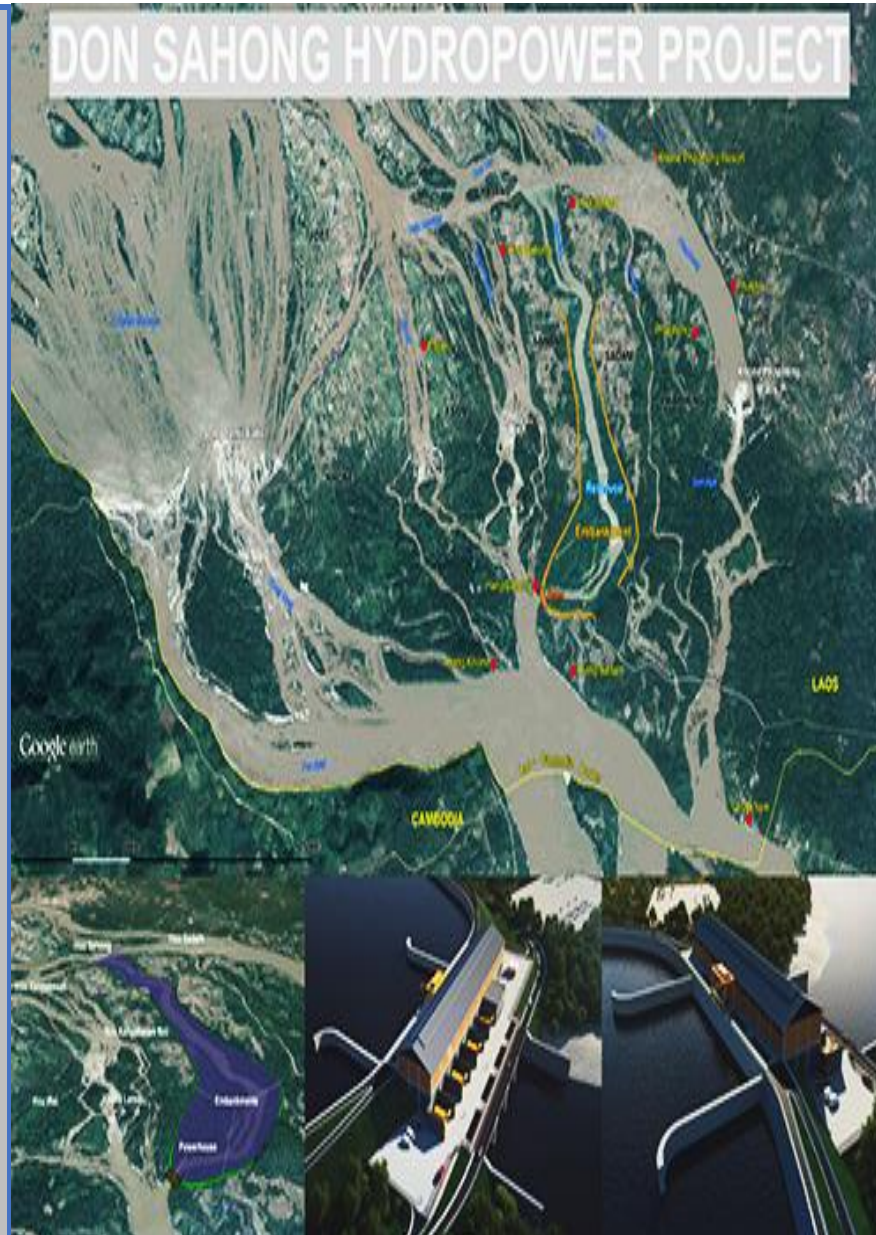
- Xayaburi province, Northern Laos
- 100 Km downstream of Luang Prabang
- **3rd Cascade of hydropower projects**
- **Max. capacity: 1,285 MW**
- Turbines: **7*175 MW**
- Commercial operation: **OCT 2019**
- Export to THAILAND: **94%**
- For Lao PDR: **6% (1 million people)**
- PNPCA PC Process:
 - ❖ **Start date: 22 Oct 2010**
 - ❖ **End date: 19 Apr 2011**



3. The Don Sahong Project

Don Sahong Hydropower Project

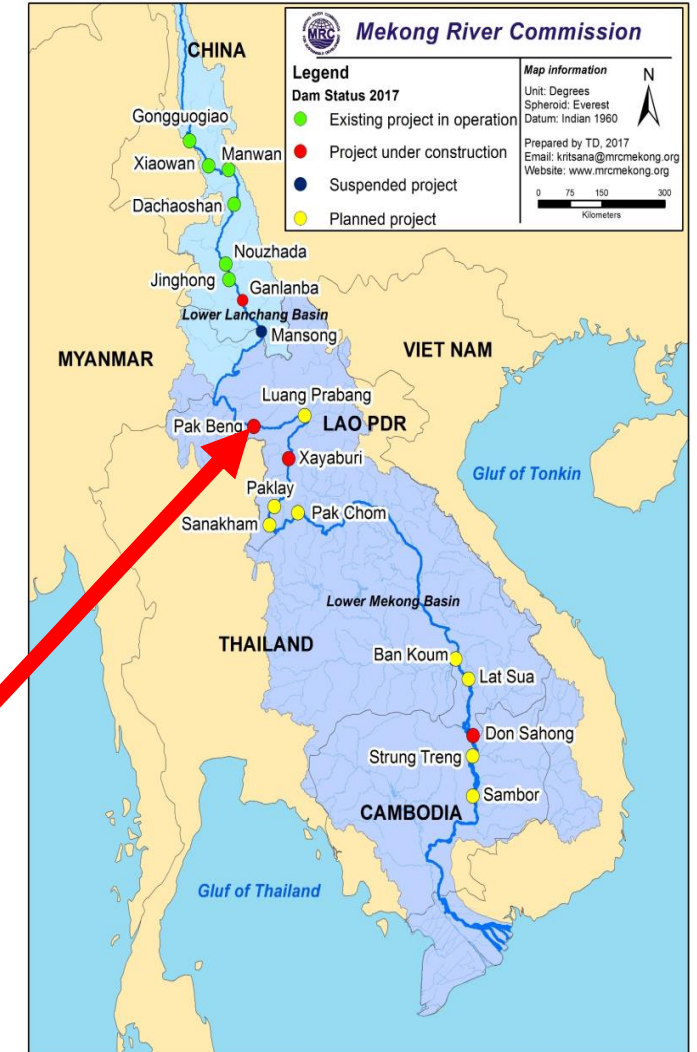
- Champasack province, Southern Lao PDR
- ~2km upstream of Cambodia border
- Max. capacity: 260 MW
- Turbines: 4*65 MW
- Construction's start date: Jan 2015
- Commercial operation: ~2019 (based on company website), May 2018 (based on submitted PC form)
- PNPCA Notification: 30 Sep 2013
- Re-submission for PC: 30 June 2014
- PNPCA PC Process:
 - ❖ Start date: 25 July 2014
 - ❖ End date: 24 Jan 2015



4. The Pak Beng Project

Pak Beng Hydropower Project

- Oudomxay province, Northern Laos
- 174 km upstream of Luang Prabang
- **1st Cascade of hydropower projects in LMB**
- **Max. capacity: 912 MW**
- Turbines: **16*57 MW**
- Construction's start date: **Pending** (Jan 2017 – based on submitted PC form)
- Commercial operation: **Jan 2024 (based on submitted PC form)**
- Mainly for export
- PNPCA PC Process:
 - ❖ **Start date: 20 Dec 2016**
 - ❖ **End date: 19 Jun 2017**



5. The Pak Lay Project

Pak Lay Hydropower Project

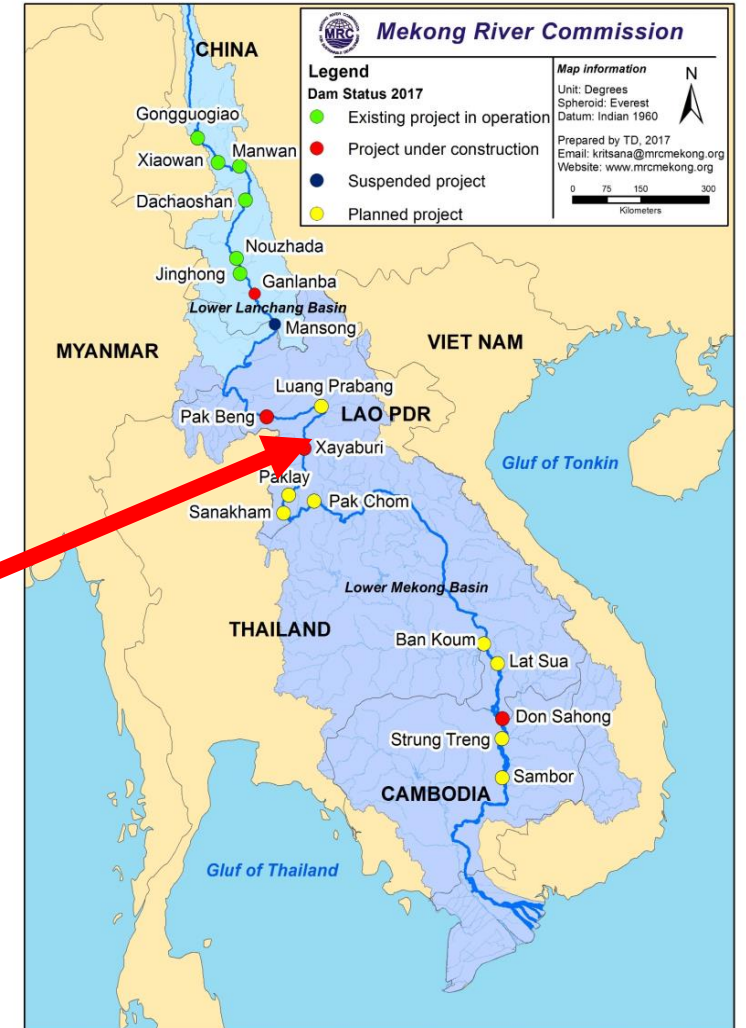
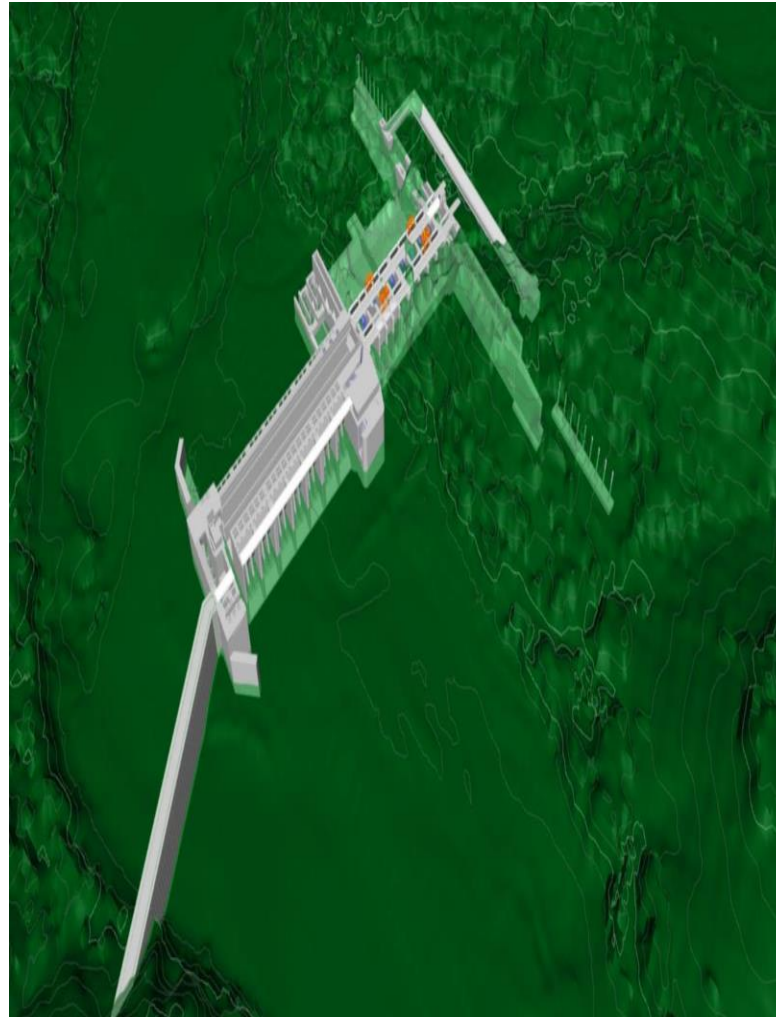
- Run-of-river project
- Xayaburi province, northern Laos
- 241 km upstream of Vientiane
- **4th cascade of dam projects in LMB**
- **Installed capacity: 770 MW**
- **Turbines: 14*55 MW**
- Construction date: ~2022
- Operation date: ~2029
- Mainly for export & local consumption
- PNPCA PC Process:
 - ❖ **Start date: 8 Aug 18**
 - ❖ **End date: 4 April 19**



6. The Luang Prabang Project

The Luang Prabang HPP

- Run-of-river project
- 25 km upstream of Luang Prabang town, 130 km upstream of Xayaburi HPP
- 2nd cascade of dam projects in LMB
- Installed capacity: **1460 MW**
- Turbines: 7*200 MW
- Auxiliary Unit: 60MW
- Construction date: 2020
- Operation date: 2027
- Mainly for export (Thailand and Viet Nam)
- PNPCA PC Process:
 - ❖ **Start date: 8 Oct. 2019**
 - ❖ **End date: 7 April 2020 (?)**



7. Lessons learnt from PNPCA PC Process

- **Misperception on PC process** by external stakeholders expected a “**yes**” or “**no**” answer (especially for Xayaburi and Don Sahong).
- At first, **stakeholder involvement was seen insufficient** as they were only given the outcomes, rather than opportunity to engage (but improved with Pak Beng and Pak Lay).
- Notification at a “**feasibility stage**” → insufficient information on final potential impacts, and updated information provided from time to time → **catching a moving train**
- **Greater focus on avoid, minimise and mitigate** leading to development of a **set of measures**
- **Post- PC process** is critical to refining and firming up recommendations into “**Statement**” and “**Joint Action Plan**”

7. Lessons learnt from PNPCA PC Process (Cont.)

- **Increased relevance of conjunctive management of the cascade:** the need to **align with the design parameters of other HPPs**, and importance of **multiplicative effects** is becoming more relevant with each HPP on the mainstream.
- **Increasing cumulative impacts:** the risks associated with the cumulative impacts of dams on both the mainstream and tributaries is growing with each successive Prior Consultation process.
- **Roles of PDG2009 and revised PDG2019:** an expectation that the review would be evaluated against the draft PDG2019
- **More interaction between MRCS and developer** should be promoted to gain better understanding of the project and of MRC recommendations.

8. Implementation of the JAP of Pak Beng and Pak Lay

The Joint Action Plan:

- Gives confidence to all MCs that **their concerns are being addressed** in the *ongoing design, construction and future operations* of the projects;
- Keeps the MRC engaged in the ongoing process of identifying measures to avoid, minimise and mitigate **potential transboundary impacts**; and
- Provides access to a wider pool of expertise, if required.



The JAP Tracking Matrix:

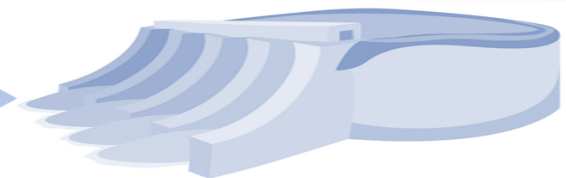
- Provides a mechanism to track progress of JAP implementation, and
- Provides a mechanism for the MRCS to report to the Joint Committee.



JAP



REDESIGN



8. Implementation of the JAP of Pak Beng and Pak Lay (Cont.)

- JAP Pak Beng and JAP of Pak Lay – approved on 4 April 2019
- JAP Pak Beng → Tracking Matrix: final draft pending comments from Lao PDR
 - **By 11 Sep. 2019:** access road on right bank 100% and on left bank 50%; Compensation completed to affected families from access road on right bank.
- JAP Pak Lay → Tracking Matrix: 1st draft discussed at the 7th Meeting of the Joint Platform (9 Oct. 2019) → 2nd draft is being prepared by the MRCS
 - **By 11 Sep. 2019:** no progress on ground but revising EIA and Resettlement Plan.

JAP + Tracking Matrix:

- Phase 1 – Initiation
- Phase 2 – Project Design
- Phase 3 – Construction
- Phase 4 - Operations

OBJECTIVES AND ROADMAP FOR THE PRIOR CONSULTATION OF THE LUANG PRABANG HYDROPOWER PROJECT

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1. Background

- On **31st July 2019**, MRCS received submitted documents for Luang Prabang HP Prior Consultation process.
- On **2nd Aug. 2019**, MRCS **acknowledged** LNMC with a proposed road map for the 6-month process and copied to notified countries.
- On **3rd Sept. 2019**, MRCS ***submitted all submitted documents of Luang Prabang project.***
- On **8th Oct. 2019**, agreed on starting date on 8 Oct. 2019, and on proposed road map, with subject to flexibility on some dates for national events..

3. Objectives

- **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 exploring opportunity to consider **internalising external costs**.
- **Use of PC** to deepen the **basis of trust** that all **MCs' rights, responsibilities** and **concerns** are **understood, monitored and acted on**.
- **Link PC and post PC process** (JAP, JAP Tracking Matrix)
- **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.

2. Implementation Approach

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 contents of PDG2009 and Draft PDG2019
- 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.

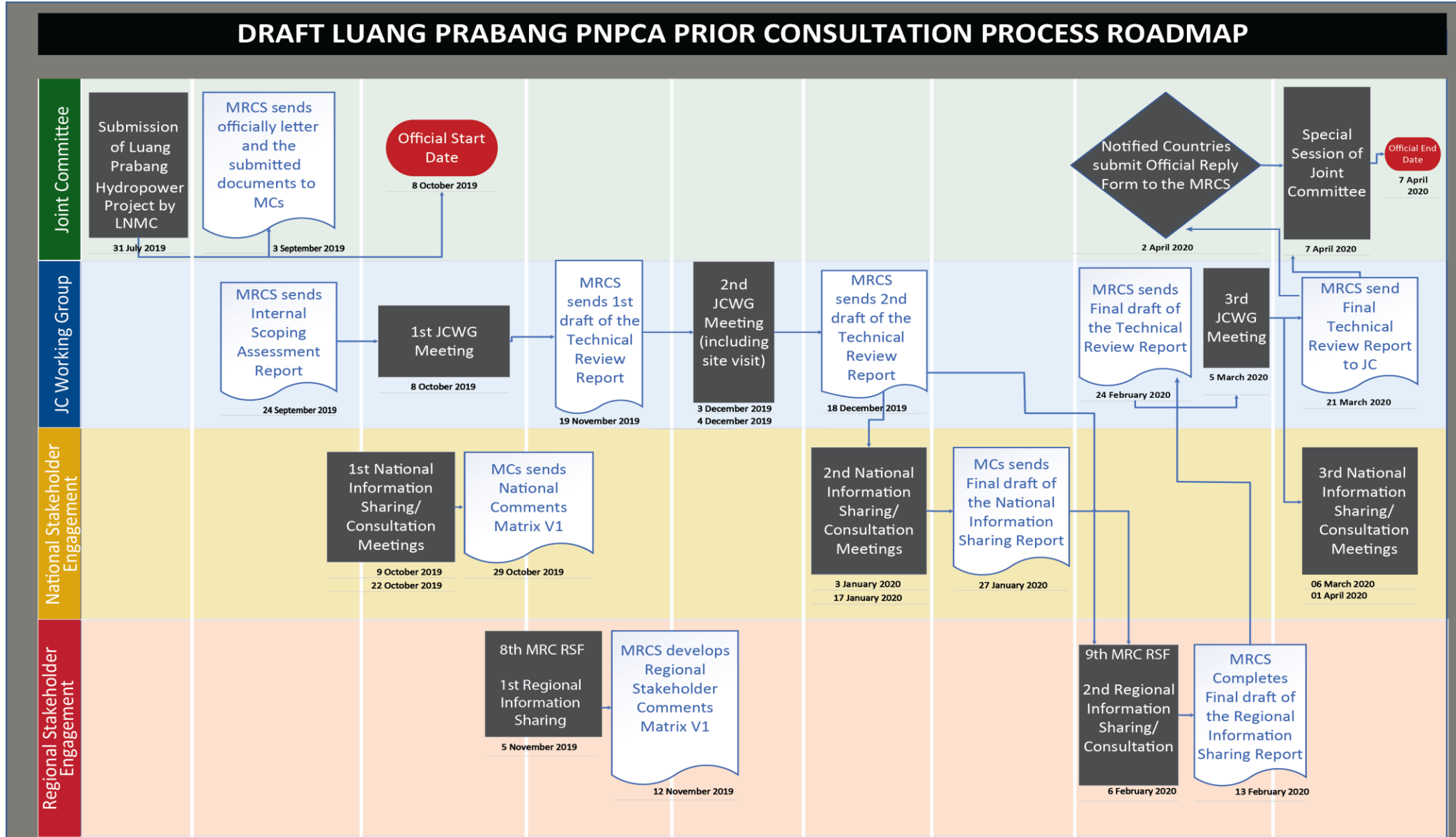
PC (6 months with possible extension)

- Conduct a [detailed Technical Review](#) of the submitted project documents by the MRCS using reference to PDG2009 and Draft PDG2019
- 3 Meetings of PNPCA JCWG with site visit during the 2nd Meeting. The last Meeting of the PNPCA JCWG will also review and discuss a "Statement"
- [Meetings between MRCS and developer](#)
- 2 [Regional Stakeholder Forums](#) with early engagement of stakeholders (to be back-to-back with 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
- 1 Round 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"](#)

Post PC (upon agreement from IC)

- [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.
- Based on the agreed "Statement" develop a [Joint Action Plan \(JAP\)](#)
- 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 and developer](#)
- [Regional Stakeholder Forum for Luang Prabang JAP](#) and its workplan.
- Internal review and reflection of the Luang Prabang PC process implementation
- Update the Working Paper on Lessons Learnt from PNPCA implementation

3. Agreed Road Map for LPHPP PC process





THANK YOU

One Mekong. One Spirit.