



MEKONG RIVER COMMISSION

STATEMENT ON PRIOR CONSULTATION PROCESS FOR THE PAK BENG HYDROPOWER PROJECT IN LAO PDR

The Joint Committee of the Mekong River Commission (MRC) met at a Special Session on the Pak Beng Hydropower Project (PBHPP) on 19th June 2017 in Vientiane, Lao PDR.

The MRC Joint Committee recalled that the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (Mekong Agreement) in 1995 signed by the Governments of Cambodia, Lao PDR, Thailand and Viet Nam set out cooperation in all fields of sustainable development, utilisation, management and conservation of the water and related resources of the Mekong River Basin; and that the Parties reaffirmed, at the second MRC Summit in 2014, their commitment to the Objectives and Principles of the Mekong Agreement.

The MRC Joint Committee also recalled that in 2016, the MRC adopted the Basin Development Strategy 2016-2020 for the Lower Mekong Basin, which recognises mainstream hydropower as a development opportunity while potential adverse transboundary impacts need to be minimised.

The MRC Joint Committee noted the Government of Lao PDR's submission of the proposed PBHPP for the Prior Consultation under the Procedures for Notification, Prior Consultation and Agreement (PNPCA) and recognised its mandates to evaluate the proposed use with the aim of arriving at an agreement. The MRC Joint Committee also noted with appreciation the Lao PDR's spirit of cooperation and responsibility during the PNCPA process for the PBHPP.

It further noted that the MRC Secretariat had taken a Technical Review Report provided for the Prior Consultation process, facilitated meetings of the MRC Joint Committee Working Group and National and Regional Stakeholder Forums. The MRC Joint Committee acknowledged that the notified Countries had submitted individual reply forms on the proposed PBHPP.

Having considered the Technical Review Report and outcomes of the National and Regional Stakeholder Forums and reply forms in the PNPCA process, the MRC Joint Committee:

I. Calls on the Government of the Lao PDR to make all every effort to address any potential adverse transboundary impacts of the PBHPP by considering *inter alia* the following measures in the ongoing development of the proposed Project:

1. Address potential effects to upstream and downstream hydraulics and hydrology:

- a. Undertaking, in cooperation with Thailand, further flood modelling to map areas and infrastructure in Thailand that may be inundated, under a range of operating rules, and a range of tributary inflows;
- b. Indicating the frequency at which this inundation may occur;
- c. Apply proper operation rules and coordination to minimise the impacts on flows both local and transboundary nature; and
- d. Using the outcomes of these analyses to inform the Parties for development of monitoring activities and the design and operations of the PBHPP.

2. Improve the sediment transport through the headpond/in-channel storage and water management by:

- a. Optimising sediment-related design to improve the sediment delivery efficiency of the PBHPP, including effective flushing gates and mechanical delivery method;
- b. Considering the measures to minimise and mitigate the potential impacts of sediment deposition in the headpond/in-channel storage;
- c. Creating near pre-dam hydraulic conditions at the dam site during higher inflow conditions;
- d. Reviewing the sediment management strategy to pass sediment more frequently, such as on a seasonal or annual basis, and not only when flow levels exceed 5,961 m³/s;
- e. Coordinating sediment management operations at the PBHPP with other hydropower projects in the region to minimize adverse impacts and optimize power supply; and

- f. Coordinating water management operations at the PBHPP with other hydropower projects in the region to minimize adverse impacts for flood and drought downstream.

3. Improve upstream and downstream fish passage by considering:

- a. Examining the design and effectiveness of the fishpass facilities at the Xayaburi Hydropower Project when designing and constructing the fish pass for the PBHPP; and
- b. Considering the most effective designs in terms of the entrances and exits, slope of the fishpass, flow velocity and capacity of fishpass, dam operational rules to maintain drifting fish egg and larvae and effective fish passing, operation of spillway gates and turbines to minimise fish mortality and installing fish screens to divert larger fish from the turbines.

4. Gain a better understanding of potential transboundary socio-economic impacts by:

Considering the emerging results from the socio-economic impact assessment of the MRC Council Study and undertaking further assessment if needed on the consequences of the PBHPP on livelihoods and food security.

5. Minimise potential impacts on the freedom of navigation by:

- a. Undertaking an additional assessment of the lifting heights under a range of operating conditions and circumstances, and to consider the requirements of the Preliminary Design Guidance for Proposed Mainstream Dams in the Mekong River (PDG) with respect to lock designs in this regard;
- b. Improving the safety of the upstream and downstream approaches to the lock system by considering appropriate design changes; and
- c. Using the lock system to facilitate fish migration during construction, drawing upon the Xayaburi system as an example.

6. Consider establishing a communication channel to get the inputs into the ongoing design and development of the PBHPP, including at a minimum the following expertise:

- a. Dam safety;
- b. Sediment flushing infrastructure;
- c. Fish passage infrastructure;
- d. Navigation lock infrastructure; and
- e. Socio-economic assessment.

7. Gain a better understanding of the potential impacts of the PBHPP by:

- a. Collecting additional data to better support local and transboundary impacts assessment and identification of appropriate mitigation measures;
- b. Improving the impact assessments at both local and transboundary levels including changes in flow regimes, sediment transport, fisheries, water quality, and ecological health as recommended by the Technical Review Report; and
- c. Using the emerging results from the ongoing MRC Council Study to consider the impacts of the PBHPP in the context of cumulative impacts of other existing and planned mainstream dams including the dams in the Upper Mekong River.

8. Monitoring

Expanding the MRC Joint Monitoring of the mainstream development projects to cover the impacts assessment of the PBHPP on the hydrology, back water, sediment, water quality, aquatic ecology and fisheries in construction and operation stages.

9. Information sharing

Periodically share the monitoring data, the updated detailed design and operating rules with the MRC for comment and reference.

II. Requests the Mekong River Commission Secretariat to support the preparation of a Joint Action Plan (JAP) that outlines a post Prior Consultation process.

III. Requests the MRC Secretariat to incorporate the key findings from the PBHPP PNPCA process in the development of Commentaries to the Procedures for Notification, Prior Consultation and Agreement through its work with the MRC Joint Platform, and to expedite this work for consideration by the MRC Joint Committee.

The MRC Joint Committee notes that the list of recommendations above may be updated based on the additional information provided. The MRC Joint Committee will continue its dialogue on the PBHPP in order to address the transboundary impacts of the PBHPP through the Joint Action Plan (JAP). Financial arrangement would be discussed for all the items listed above.