









OVERVIEW AND BENEFIT OF THE PNPCA IMPLEMENTATION OF PREVIOUS PRIOR CONSULTATION PROCESSES, AND OBJECTIVES AND ROADMAP FOR THE PRIOR CONSULTATION OF THE SANAKHAM HYDROPOWER PROJECT

THE 10TH MRC REGIONAL STAKEHOLDER FORUM – REGIONAL CONSULTATION ON THE PRIOR CONSULTATION PROCESS FOR SANAKHAM HYDROPOWER PROJECT
24 NOVEMBER 2020, PAKSE, LAO PDR, VIA VIDEO CONFERENCE

Prepared by the MRC Secretariat

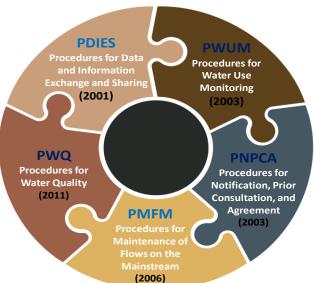
Presented by Mr. Sophearin Chea, Regional Water Policy Consultant, Planning Division



Overview and benefit of the PNPCA under the overall MRC procedural framework and the 1995 Mekong agreement

Member Countries also Agreed to Certain Things





- Cooperate in the sustainable development of the Mekong River Basin – including on hydropower;
- Maintain flows on the mainstream;
- Make every effort to avoid minimise and mitigate harmful effects;
- Cease activities that cause substantial damage when proof is provided by the affected countries;
- Discuss state responsibility where substantial damage is caused;
- Allow freedom of navigation on the mainstream; and
- **Notify** emergency situations.

When PNPCA is Applied?

Type of River	Season	Scope of water-use	Required procedure
		Inter-basin (from the Mekong basin to another basin)	Specific Agreement
	Dry	Intra-basin (within the Mekong basin)	Prior Consultation
Mainstream		Inter-basin (from the Mekong basin to another basin)	Prior Consultation Prior Consultation
A:	Wet	Intra-basin (within the Mekong basin)	Notification
Tributary	+ Both	Both inter and intra-basin	Notification Notification

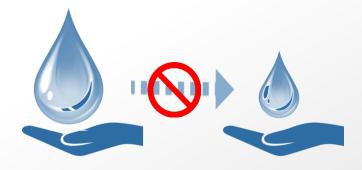
Important Things to Remember about Prior Consultation

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 cooperation mechanism not a policing action,
 i.e. not a 'yes' or 'no' (Chapter II);
- It should aim at a decision on whether the proposed use is reasonable and equitable (Article 5);
- It should identify measures that would make it more reasonable and equitable (Article 7);
- It is a 6-month process, but can be extended by decision of the Joint Committee.







Benefits of the PC process

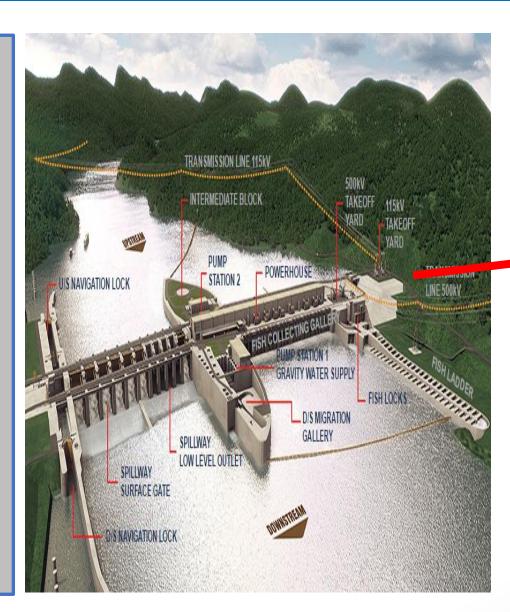
- Sharing of extensive data and information about the project
- Enhanced cooperation amongst the MCs and engagement with stakeholders
- Official and legitimate platform to share concerns, views and suggestions over the project:
 - > Improve the baseline data/information
 - Discuss transboundary and cumulative impacts
 - Improve the project (design, construction, and operation) to avoid, minimize and mitigate the potential adverse transboundary impacts
- Independent review and recommendations from experts
- ✓ Concrete improvement and adaptation of the proposed project
- ✓ Mechanism for the follow-up/post PC process (JAP, JEM)

Implementation of previous Prior Consultation Processes and progress of implementation of the Joint Action Plans of Pak Beng, Pak Lay and Luang Prabang Hydropower Projects

1. 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: OCT2019
- Export to THAILAND: 94%
- For Lao PDR: **6% (1 million** people)
- PNPCA PC Process:
 - **Start date: 22 Oct 2010**
 - **❖** JC SS: 19 Apr 2011





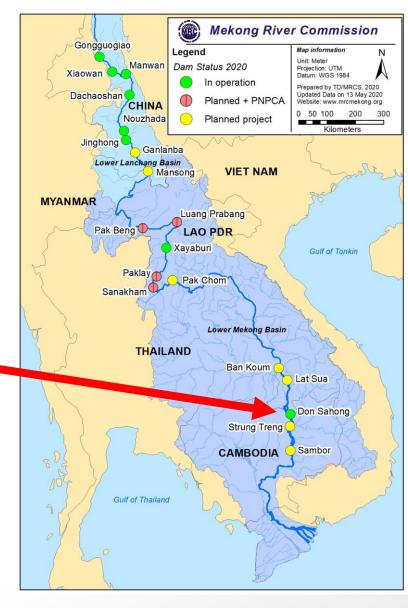
2. The Don Sahong Project

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: Jan2015
- 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
 - **❖** JC SS: 24 Jan 2015



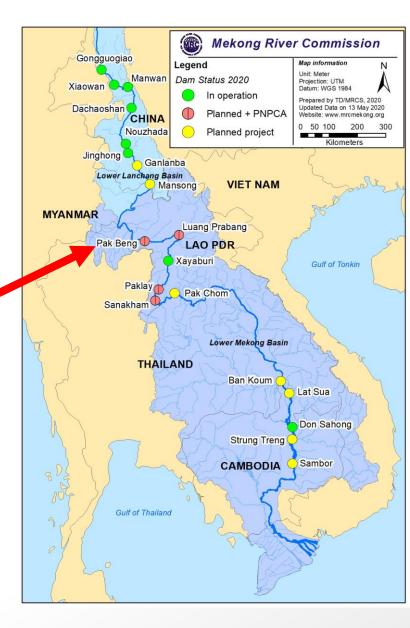


3. The Pak Beng Project

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

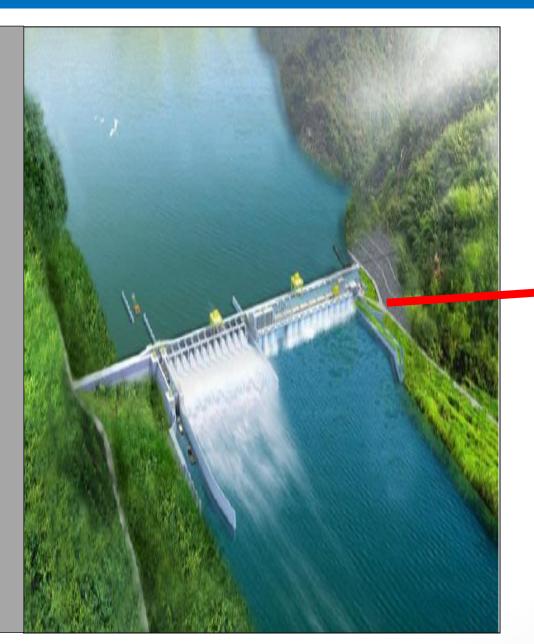


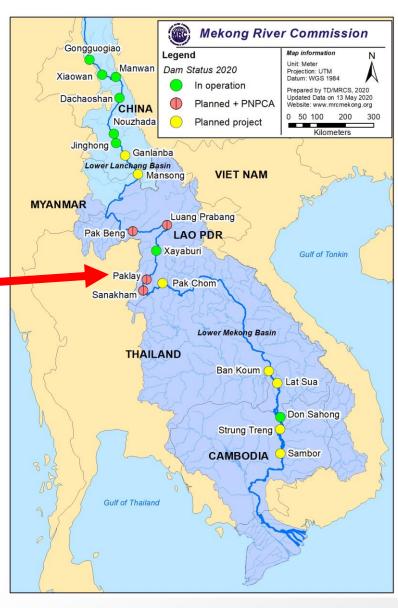


4. The Pak Lay Project

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: 770MW
- 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

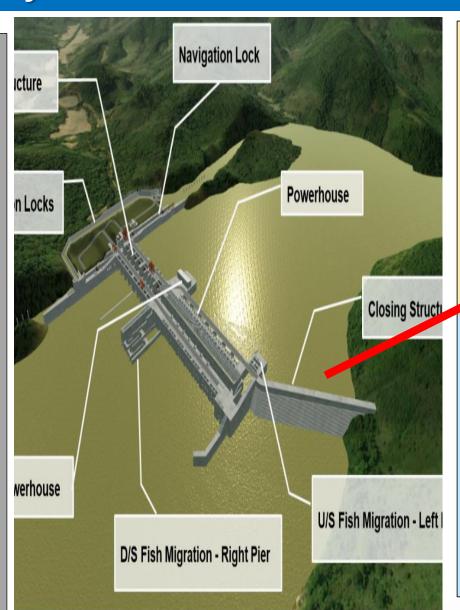




5. The Luang Prabang Project

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 (based on submitted PC form)
- Operation date: 2027
- Mainly for export (Thailand and Viet Nam)
- PNPCA PC Process:
 - ❖ Start date: 8 Oct. 2019
 - End date: 30 June 2020







PRIOR CONSULTATION PROCESS TO DATE

5 completed PC processes to date – each one reflecting an improvement on the previous process

Lessons learnt from PC Implementation

XAYABURI

22 Oct. 2010 6-Month Prior Consultation Process

DON SAHONG

25 Jul. 2014 6-Month Prior Consultation Process

PAK BENG

20 Dec. 2016 -

19 Jun. 2017

PAK LAY

13 Jun. 2018

04 Apr. 2019

LUANG PRABANG

08 Oct. 2019

30 Jun. 2020

COUNCIL STUDY, REDESIGN OF THE PROJECT JOINT ENVIRONMENTAL MONITORING AGREED STATEMENT AND JAP

AGREED STATEMENT AND JAP

AGREED STATEMENT AND JAP

- Enhanced PNPCA implementation
- Clear conclusion at the end of the 6-month PC process
- Institutionalised Statement and JAP
- Enhanced stakeholder engagement

Progress on Implementation of the JAPs of PBHPP, PLHPP, and LPHPP (2)

Date/Project	РВНРР	PLHPP	LPHPP
Starting date of PC	20 Dec. 2016	8 August 2018	08 October 2019
Ending date of PC	19 June 2017	04 April 2019	30 June 2020
Agree on Statement	19 June 2017	04 April 2019	30 June 2020
Agree on JAP	04 April 2019	04 April 2019	30 June 2020
Start to discuss Tracking Matrix	1 st draft – 29-30 May 2018 (at 5 th JP Meeting)	1 st draft – 09 Oct. 2019 (7 th JP)	1 st draft – 30 July 2019 (8 th JP)
Current update	To submit to the Joint Committee Preparatory Meeting for the 27 th Council Meeting for taking note.		eeting for the 27 th

Update of the PBHPP, PLHPP, and LPHPP development

Pak Beng HPP	Pak Lay HPP	Luang Prabang HPP
 Negotiation on Concession Agreement (CA) is being carried out with GoL. Negotiation on Power Purchase Agreement (PPA) is being carried out with EGAT. 	 Negotiation on Concession Agreement is being carried out with GoL. Negotiation on Power Purchase Agreement is being carried out with EGAT. 	 Approval of the basic design has been obtained. Negotiation and finalization of key project documents (CA, PPA, and Credit Facility Agreement) are being carried out. Monitoring and data collection is continuing. On-going design and preconstruction works.

Note: this is based on progress informed by the LNMC.

Objectives and Roadmap for the Prior Consultation of the Sanakham Hydropower Project

Project Overview

- Run-of-river project
- 5th in the Cascade of hydropower projects in LMB
- 83.7 km D/S of the Pak Lay HPP and 2 km U/S of the Thai-Lao border
- Installed capacity: 684 MW
- Turbines: 12*57 MW
- Expected construction start date:
 2020
- Expected operations start date:
 2028
- Mainly for export and local consumption
- Total cost: 2,073 Million USD



Developer: Datang (Lao)
 Sanakham Hydropower,
 a subsidiary of China's
 Datang International
 Power Generation Co.
 Ltd.



Background

- 9 Sept. 2019: Submission of SNHPP from Lao PDR for PC process
- 25 Nov. 2019: JC Prep. Meeting at the 26th MRC Council Meeting:
 - ➤ To conduct the SNHPP PC process after the completion of the LPHPP PC process
- 30 July 2020: 1st JCWG Meeting:
 - ➤ Agreed on starting date as 30 July 2020
 - ➤ Agreed to implement PC for SNHPP with flexibility due to Covid-19 pandemic, and based on based on step-wise approach

Objectives of the PC process for SNHPP

- Focus will remain on Article 7 and measures to avoid, minimise and mitigate impacts (Technical Review Report)
- ▶ Use of PC process to deepen the basis of trust that all MCs' rights, responsibilities and concerns are understood, monitored and acted on → → Agreement on the Statement
- Linkage of the PC and post PC process (JAP, JAP Tracking Matrix)

Implementation Approach

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 SNHPP JAP and its workplan.
- Internal review and reflection of the SNHPP PC process implementation
- Update the Working Paper on Lessons Learnt from PNPCA implementation

Road Map for SNHPP PC process

- Starting date: 30 July 2020
- Ending date: to be decided as implemented based on step-wise approach (due to Covid-19)

Important tentative milestones for stakeholder engagement:

- > 24 Nov. 2020: 1st Regional Stakeholder Consultation
- Oct Dec. 2020: 1st round of national information sharing/consultations in NMCs
- Jan. Feb. 2021: 2nd round for national information sharing/consultations in NMCs, after 2nd draft TRR
- March 2021: 3rd round of national information sharing/consultations in NMCs
- ➤ March April 2021: 2nd Regional Stakeholder Consultation



List of submitted documents (09 Sept. 2019) (1)

No.	Name of Document	Number of Pages
1	Engineering-Status-Report	307
	1. Appendix – Compliance with MRC Preliminary Design Guidance	31
2	Engineering-Status-Report -Drawings	125
3	Hydrological Data and Sediment Sampling	70
4	Reservoir Sedimentation and Backwater	24
5	Overall Design Report of Automatic System of Hydrologic Data Collection and Transmission	77
6	Overall Design Report of Sediment Monitoring System	18
7	Sediment management	13
8	Two-dimensional Numerical Simulation and Calculation Report of Reservoir Sedimentation	92
9	Model Calculation Report of Navigation Channel Sedimentation	85
10	Hydraulic Physical Model Investigation of Filling and Emptying System	46
11	SIA-social Impact Assessment	273

List of submitted documents (09 Sept. 2019) (2)

No.	Name of Document	Number of Pages
12	Social Management and Monitoring Plan	75
13	Resettlement Action Plan	331
14	Environmental Impact Assessment	465
15	Environmental Management and Monitoring Plan	171
16	Transboundary Environmental and Social Impact Assessment & Cumulative Impact Assessment	316
17	Design Report of Fish Passage Facilities	93
	17.1. Attached figure	3
18	Presentation	
	18.1. PNPCA Consulting & Opening Workshop	92
	18.2. Feasibility Study Report	37
	18.3. Updated Feasibility Study Report	35
Total number of pages		2,779
19	Video (Lao Mekong Sanakham HPP Introduction – in the stage of FS)	15.10mns.

List of additional documents (28 Aug. 2019) (3)

No.	Name of Document	Number of Pages
1	Attachment D1 (5 files): 4 pictures of geological map of SNHPP, and 1 AutoCAD file on	
2	regional geological map of SNHPP Attachment D3 (1 file): Volume 4 Calculation and Analysis Report of Dam (Cofferdam) Break Flood	81
3	Attachment H1 Report on Overall Hydraulic Model Test (1 folder and 1 file): 1 folder with 46 AutoCAD files, and 1 Report on Overall Hydraulic Model Test (31 pages)	
4	Attachment N1 (2 files): 1 AutoCAD file on layout of ship lock and 1 AutoCAD file on general project layout	
5	Attachment N2 (1 file): Hydraulic Analysis for Water Filling and Emptying System of Lock Chamber	
6	Attachment N3 (1 file): Calculation of stability against sliding for the ship lock	6
7	Attachment D2 - Stability and stress calculations for the dam	4
8	Attachment N4 - Sediment Transport and River Morphology	27

THANK YOU

One Mekong. One Spirit.