

*The 5<sup>th</sup> Regional Stakeholder Forum  
Basin Planning and Environmental Management  
20-21 September 2018  
Landmark Hotel, Vientiane, Lao PDR*



# **Technical Guidelines for Trans-boundary Environmental Impact Assessment**



# Contents of Presentation

- **Background**
- **Progress of Preparation**
- **Main Features of TbEIA TGs**
- **Objectives**
- **Principle**
- **Scope**
- **TbEIA Process**
- **Importance of TbEIA TGs**
- **TbEIA IN Relation with Other Process**

# BACKGROUND (1)

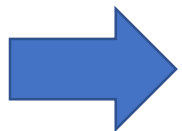
- ❑ Mekong River Basin offers development opportunities for all countries, but at the same time, the development will potentially pose negative impacts on the environment (MRC BDS).
- ❑ 1995 Mekong Agreement (MA) requires **to make every effort to avoid, minimise and mitigate harmful effects....** from the development and use of the Mekong River Basin water resources....



(Ghi chú: Đánh giá chỉ thực hiện cho 11 đập từ Sambor lên đến Pak Beng)

## BACKGROUND (2)

- To fulfill the requirements of 1995 MA, **information on trans-boundary environment impacts (TbEI) of the water development projects is required.**
- However:
  - **National EIA** does not require TbEA
  - **PNPCA** does not explicitly indicate the requirement of TbEIA
  - To date, no Guidelines on TbEIA exist
- As results:
  - **No TbEA** were conducted for Xayaburi and Don Sahong HPPs, so there were a difficulties to conclude the consultation process (PNPCA).
  - **TbEIA** was available for Pak Beng HPP, but was prepared by the developer independently without involvement of potentially impacted countries.



*Development of the MRC TbEIA Technical Guidelines is urgently needed to support and reinforce the implementation of the PNPCA.*



# Progress of Preparation

- ❖ **2004: Official development of TbEIA Technical Guidelines** (Framework, Technical Guidance and Institutional Support) was started.
- ❖ **2006: Draft TbEIA Framework** for Mekong was completed.
- ❖ **2009-2011: Two pilot studies** on bank erosion in Bokeo (Lao PDR) and in Chiang Rai (Thailand) were conducted to test and revise the Framework.
- ❖ **2011: Development of Technical Guidance** and Institutional Support was initiated.
- ❖ **2015-2017: A pilot study** (Sesan River between Cambodia and Viet Nam) was agreed by the Member Countries to verify the Technical Guidance.



# MAIN FEATURES OF TbEIA TG

## TABLE OF CONTENTS

1. Introduction
2. Definition of terms
3. Objective
4. Principle
5. Scope
6. **TbEIA process**
7. **Technical implementation**
8. **Institutional Support Guidance**
9. Revision and Amendment

# OBJECTIVES

- **General:** To support implementation of Articles 3-8 of the MA95.
- **Specific:** To support implementation of the PNPCA and to support national EIA systems in application of EIA on proposed projects with potential significant trans-boundary impacts.



# PRINCIPLES

1. State sovereignty
2. Polluter-pays principle
3. The Good Faith/Good Neighbor principle
4. Reciprocity principle





# SCOPE

Does the project belong to group relevant to the Mekong Agreement i.e.:

- (a) Hydropower projects;
- (b) Irrigation schemes;
- (c) Ports and riverworks;
- (d) Industrial & mining projects;
- (e) Aquaculture projects;
- (f) Navigation projects; and
- (g) Water abstraction projects for water supply?



This Guidelines does not apply

Yes

Does the project require an EIA within the Country of Origin?



Country of Origin informs other Member Countries in accordance with the PNPCA procedure. The concerned Member Countries may then decide to develop a separate arrangement to address any potential transboundary environmental impacts.

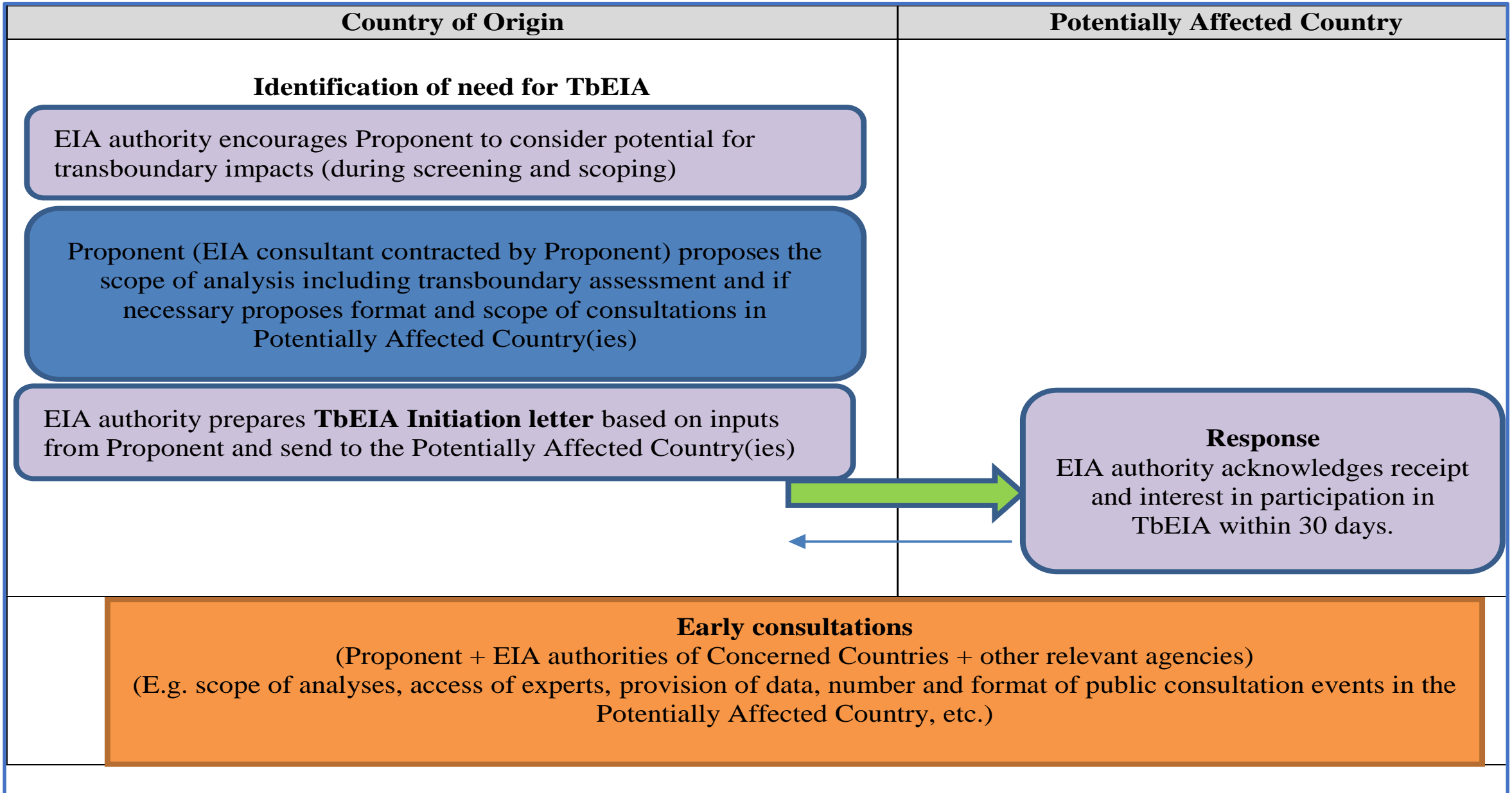
Yes

The EIA authority within the Country of Origin instructs Proponent to consider potential transboundary impacts.

# TbEIA PROCESS (1)

1. TbEIA initiation and early consultations
2. Determination of the scope of TbEIA
3. Preparation of the EIA Report
4. Transboundary consultation of the EIA Report
5. Public participation, dissemination of information and consultation within the PACs
6. EIA approval and decision-making
7. EIA results implementation and monitoring
8. Costs of transboundary EIA

# TbEIA PROCESS (2)



# TbEIA PROCESS (3)

## Determination of the scope of a transboundary assessment

Proponent (EIA consultant contracted by Proponent) conducts scoping (e.g. preliminary assessment, Scoping Report) while taking into account also results of Early consultations

EIA authority ensures that formal scoping conclusion (if applicable) reflects transboundary dimension as appropriate

## Preparation of the EIA Report

Proponent (EIA consultant contracted by Proponent) conducts EIA analyses and fact-finding consultations  
Prepare **EIA Report** and submit it to the EIA authority

Proponent (EIA consultant contracted by Proponent) conducts EIA analyses and fact-finding consultations

**Transboundary/regional and national consultations on EIA Report (through PNPCA)**

# TbEIA PROCESS (4)

EIA authority sends the EIA Report to the Potentially Affected Country via NMC in CO and MRCS

Proponent with support of NMC conducts national consultations and public participation events in line with the standards of Potentially Affected Country

NMC collects comments on EIA Report and sends them in consolidated manner to the Country of Origin via MRCS

## EIA Approval and Decision on the project

EIA authority concludes the EIA process

Decision making (permitting) authority adopts decision on project implementation and accompanying statement (how EIA results were considered)

EIA authority and other relevant authorities and the public are informed via NMC and MRCS



# TbEIA PROCESS (5)

## EIA results implementation and monitoring

Proponent (project operator) implements EMP and monitoring (including components on the territory of the Potentially Affected Country(ies) and reports systematically the results of the monitoring

Relevant authorities check and enforce compliance of the project with the conditions of approval and EMP and monitoring commitments. Results of monitoring are regularly transmitted to the Potentially Affected Country via NMC and MRCS

EIA authority and other relevant authorities and the public are informed via NMC and MRCS

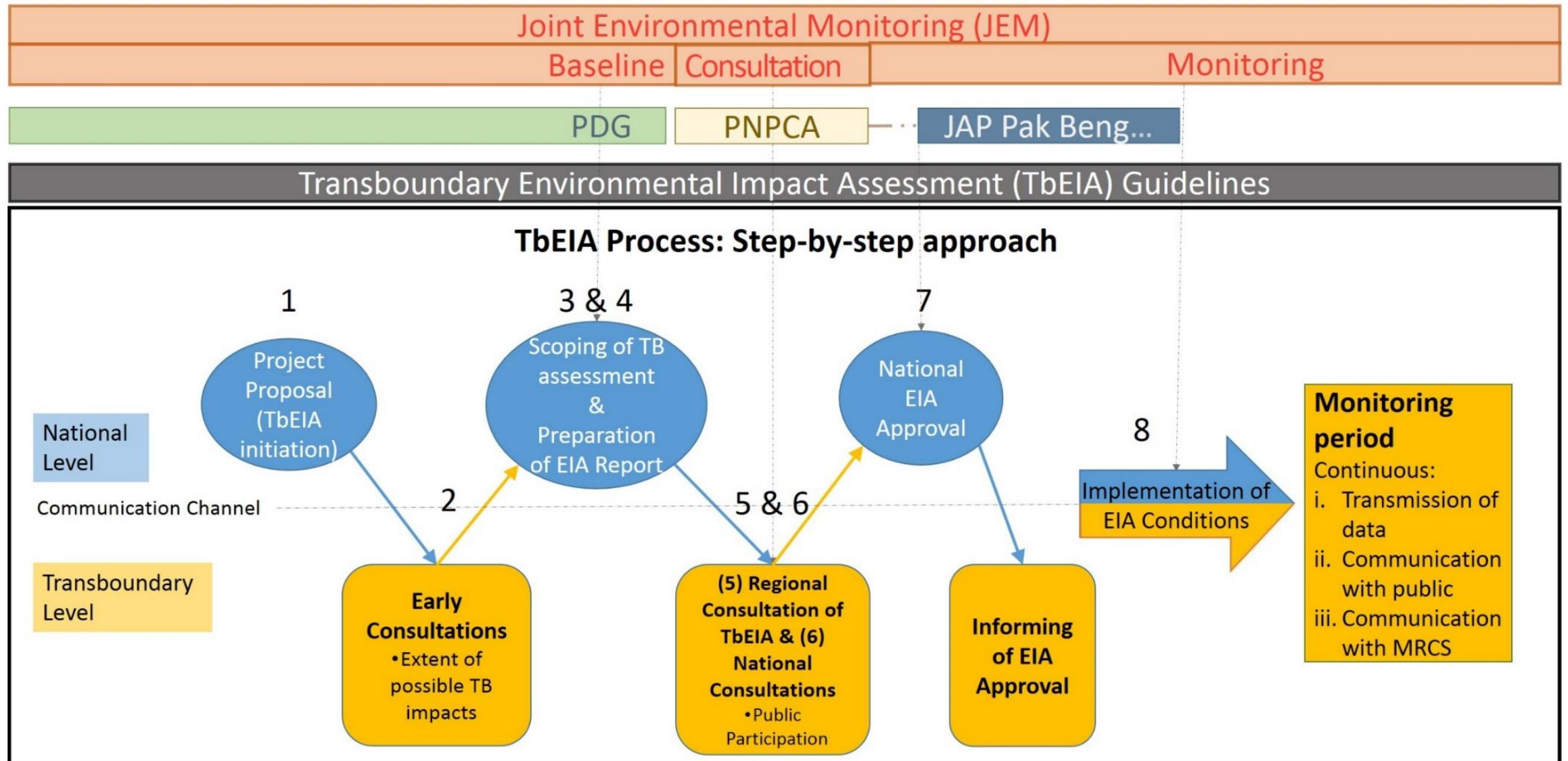
## IMPORTANCE OF TBEIA TGs

- 1. Involve all countries and relevant stakeholders** since beginning (planning, design, construction and operation).
- 2. More opportunities for developers** to collect more data and information.
- 3. Build trust and strengthen the cooperation** among the countries.
- 4. Reduce efforts to implement the PNPCA** and more chance to get consensus.
- 5. Along with EIA information**, the results of TbEIA will be supplemented as valuable inputs for decision making process.



**All these will ensure the sustainable development of the Mekong River Basin.**

# TbEIA IN RELATION WITH OTHER PROCESSES



Timeline for Project Development with possible transboundary impacts and Implementation

# Thank you

