

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

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

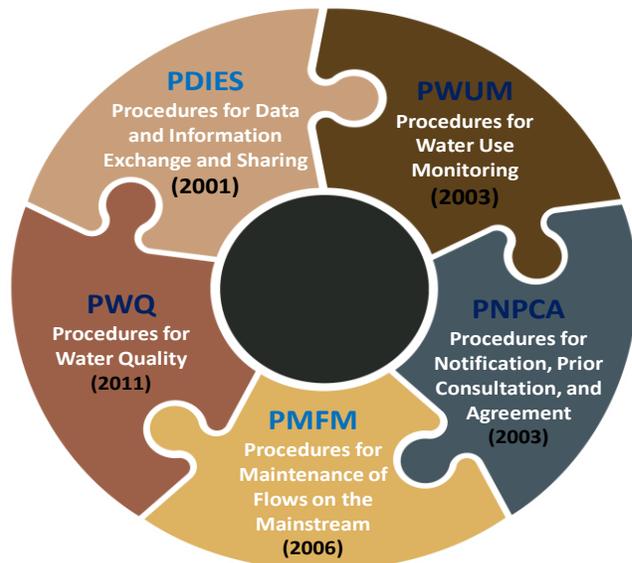
*Prepared by the MRC Secretariat*

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



# Overview and benefit of the PNPCHA 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?

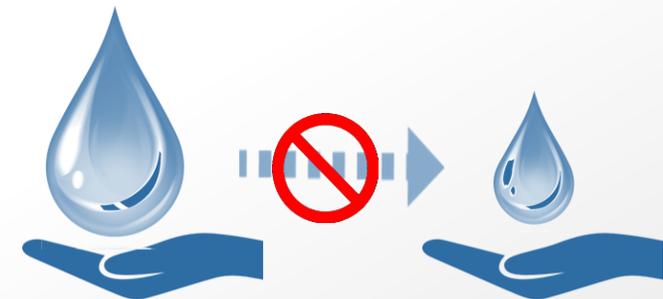
Type of River	Season	Scope of water-use	Required procedure
 Mainstream	 Dry	Inter-basin (from the Mekong basin to another basin)	 Specific Agreement
		Intra-basin (within the Mekong basin)	 Prior Consultation
	 Wet	Inter-basin (from the Mekong basin to another basin)	 Prior Consultation
		Intra-basin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

INCREASING ENGAGEMENT

# 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)

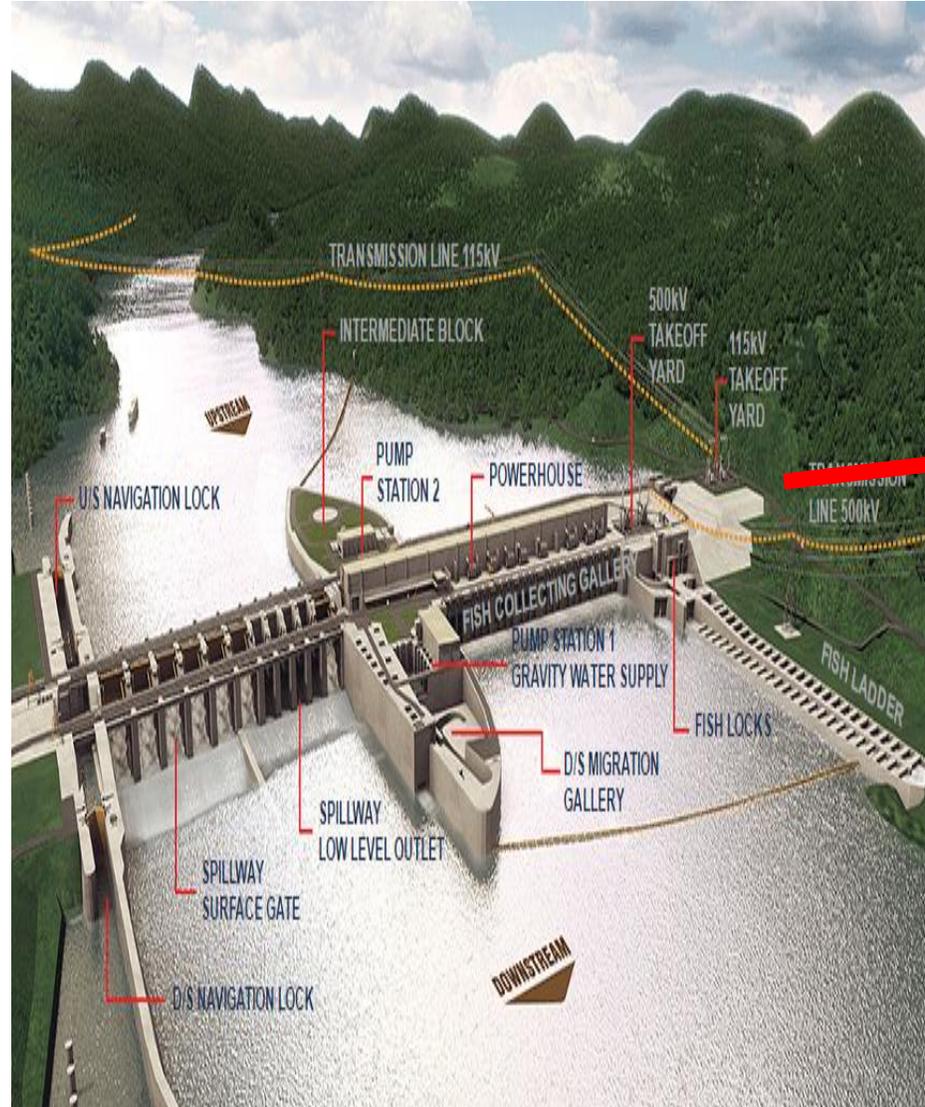


# Implementation of previous Prior Consultation Processes and progress of implementation of the Joint Action Plans of Pak Beng, Pak Lay and Luang Prabang Hydropower Projects

# 1. The Xayaburi project

## Xayaburi Hydropower Project

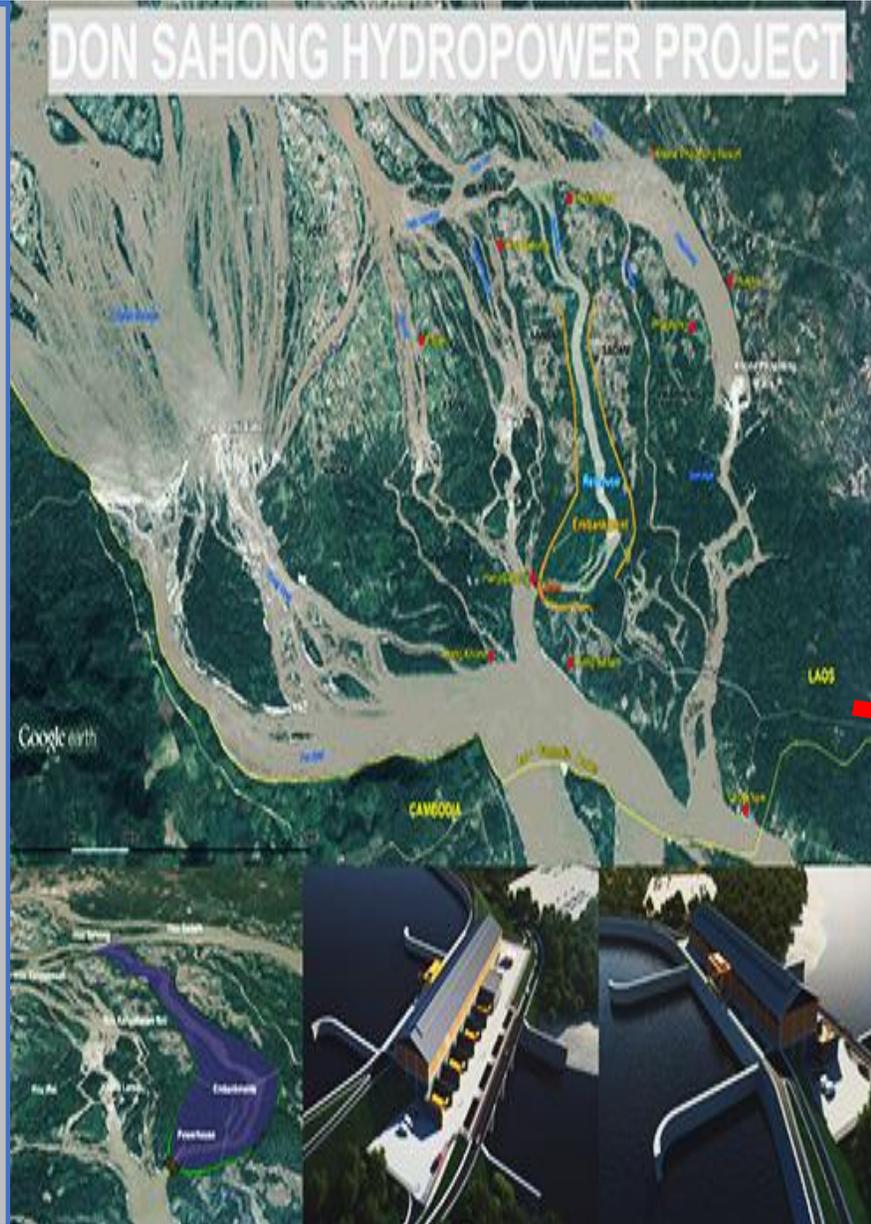
- Xayaburi province, Northern Laos
- 100 Km downstream of Luang Prabang
- **3<sup>rd</sup> Cascade of hydropower projects**
- **Max. capacity: 1,285 MW**
- Turbines: **7\*175 MW**
- Commercial operation: **OCT 2019**
- Export to THAILAND: **94%**
- For Lao PDR: **6% (1 million people)**
- PNPCA PC Process:
  - ❖ **Start date: 22 Oct 2010**
  - ❖ **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: **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**
  - ❖ **JC SS: 24 Jan 2015**



# 3. The Pak Beng Project

## Pak Beng Hydropower Project

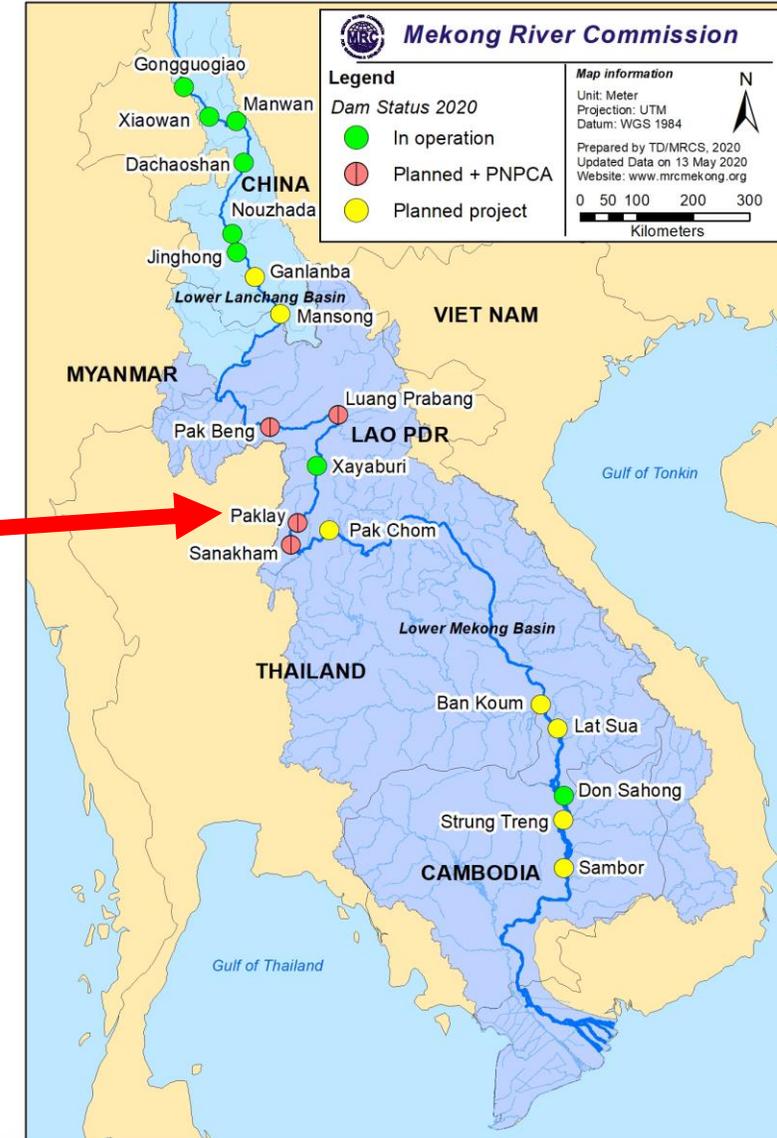
- Oudomxay province, Northern Laos
- 174 km upstream of Luang Prabang
- **1<sup>st</sup> Cascade of hydropower projects in LMB**
- **Max. capacity: 912 MW**
- Turbines: **16\*57 MW**
- Construction's start date: **Pending** (Jan 2017 – based on submitted PC form)
- Commercial operation: **Jan 2024 (based 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

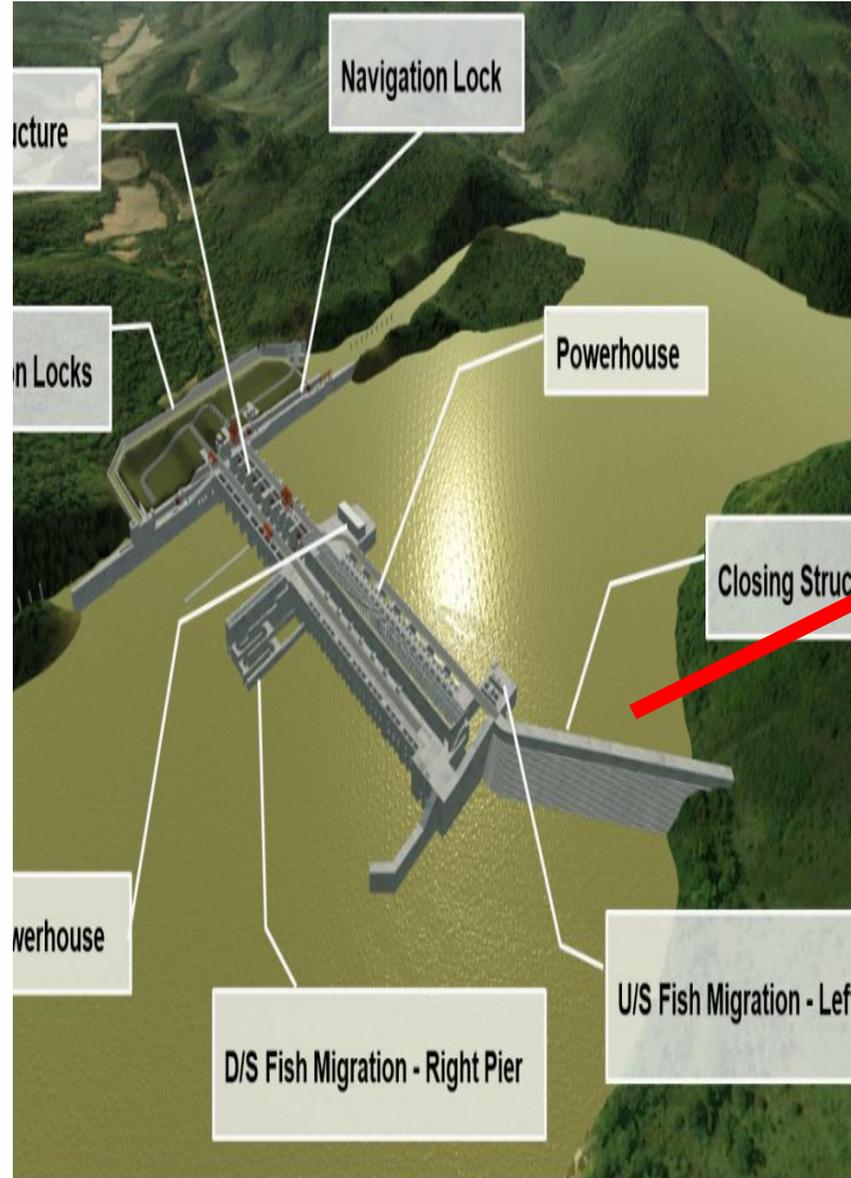
- Run-of-river project
- Xayaburi province, northern Laos
- 241 km upstream of Vientiane
- 4<sup>th</sup> cascade of dam projects in LMB
- Installed capacity: **770 MW**
- Turbines: **14\*55 MW**
- Construction date: ~2022
- Operation date: ~2029
- Mainly for export & local consumption
- PNP/PCA PC Process:
  - ❖ **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



- 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	PBHPP	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 <sup>st</sup> draft – 29-30 May 2018 (at 5 <sup>th</sup> JP Meeting)	1 <sup>st</sup> draft – 09 Oct. 2019 (7 <sup>th</sup> JP)	1 <sup>st</sup> draft – 30 July 2019 (8 <sup>th</sup> JP)
Current update	To submit to the Joint Committee Preparatory Meeting for the 27 <sup>th</sup> Council Meeting for taking note.		

# Update of the PBHPP, PLHPP, and LPHPP development

Pak Beng HPP	Pak Lay HPP	Luang Prabang HPP
<ul style="list-style-type: none"><li>➤ Negotiation on Concession Agreement (CA) is being carried out with GoL.</li><li>➤ Negotiation on Power Purchase Agreement (PPA) is being carried out with EGAT.</li></ul>	<ul style="list-style-type: none"><li>○ Negotiation on Concession Agreement is being carried out with GoL.</li><li>○ Negotiation on Power Purchase Agreement is being carried out with EGAT.</li></ul>	<ul style="list-style-type: none"><li>• Approval of the basic design has been obtained.</li><li>• Negotiation and finalization of key project documents (CA, PPA, and Credit Facility Agreement) are being carried out.</li><li>• Monitoring and data collection is continuing.</li><li>• On-going design and pre-construction works.</li></ul>

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
- 5<sup>th</sup> 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.



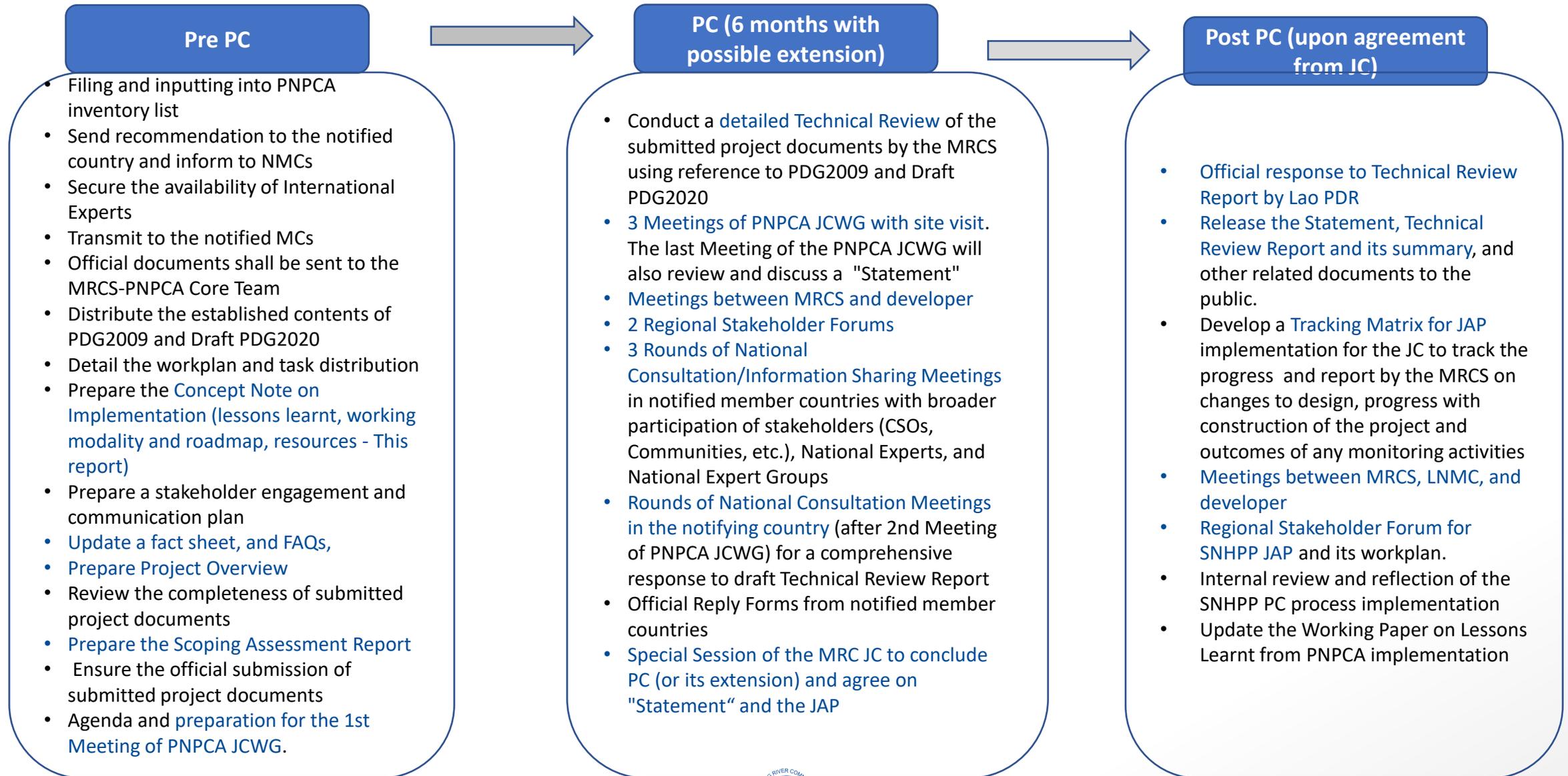
# Background

- **9 Sept. 2019:** Submission of SNHPP from Lao PDR for PC process
- **25 Nov. 2019:** JC Prep. Meeting at the 26<sup>th</sup> MRC Council Meeting:
  - *To conduct the SNHPP PC process after the completion of the LPHPP PC process*
- **30 July 2020:** 1<sup>st</sup> 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



# 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: 1<sup>st</sup> Regional Stakeholder Consultation
- Oct – Dec. 2020: 1<sup>st</sup> round of national information sharing/consultations in NMCs
- Jan. Feb. 2021: 2<sup>nd</sup> round for national information sharing/consultations in NMCs, after 2<sup>nd</sup> draft TRR
- March 2021: 3<sup>rd</sup> round of national information sharing/consultations in NMCs
- March – April 2021: 2<sup>nd</sup> 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
<b>Total number of pages</b>		<b>2,779</b>
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 regional geological map of SNHPP	
2	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.*