

**Mekong River Commission Procedures for
Notification, Prior Consultation and Agreement**

Form/Format for Reply to Prior Consultation

1. Replying State(s):

Kingdom of Cambodia

2. Date of reply:

15 June 2017

3. Replying Ministry(ies)/Agency(ies) (Name, mail/e-mail address, telephone, fax):

Cambodia National Mekong Committee (CNMC)

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4. Contact person/facilitator (Name, mail/e-mail address, telephone, fax):

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5. Name of the proposed use/project:

Pak Beng Hydropower Project

6. Location of the proposed use:

In Pak Beng District, Oudomxay Province, Northern part of Lao PDR

7. Nature of proposed use

Intra-basin water use on the mainstream during wet and dry seasons

8. Date of receipt of the document:

12 December 2016

9. Reply to proposed use:

According to the 1995 Mekong Agreement and its Procedures and related Guidelines, any proposed use of the Mekong River water, especially mainstream water use must comply with the principles of “sustainable, reasonable and equitable use of water and should not cause any significant harmful effects to the neighboring countries”.

The Prior Consultation (PC) Process, under the MRC Procedures on Notification, Prior Consultation and Agreement (PNPCA), for the proposed Pak Beng Hydropower Project of Lao PDR on the Lower Mekong Mainstream (PBHP), has allowed the riparian States to discuss and evaluate the impacts of the proposed project and any other affects which is the basis for arriving at an agreement upon conditions by the Joint Committee. Prior consultation is neither a right to veto the use nor unilateral right to use water by any riparian without taking into account other riparians' rights.

Within this PC Process, Cambodia has established the inter-ministerial working group for PNPCA on PBHP PC and undertaken the consultation with various stakeholders, including the line Ministries, Civil Society Organizations, Non-governmental Organizations, Research Institutes, Academia and provincial authorities through the official correspondences and the national stakeholder consultation meetings. In addition, the National Experts were recruited to assist and support the Prior Consultation Process at the national level.

The Cambodia's Reply Form submitted to the MRC Joint Committee through the MRC Secretariat related to the proposed PBHP, having been taken into accounts the comments and recommendations obtained from various stakeholders through the consultation processes mentioned above. The details which are required to be fully considered and addressed as follows:

1. It is recommended that the Pak Beng Hydropower Project Documents should have been reviewed and evaluated by the independent consultants and MRC Preliminary Design Guidance for Proposed Mainstream Dams in the Lower Mekong Basin (PDG), needs to be fully applied by the notifying country.
2. The transboundary cumulative impact assessment of submitted PBHP in combination with other two mainstream hydropower projects Xayabouri and Don Sahong and the Study on the flow change in the dry and wet seasons and their impacts needs to be undertaken.
3. The transboundary cumulative impacts on hydrological condition change, sediment, water quality, fishery and natural resources of Mekong River and Tonle Sap Great Lake need to be thoroughly assessed and the mechanisms and measures to jointly monitor and to avoid, minimize and mitigate those impacts need to be effectively operationalized and implemented. Fish passage needs to be thoroughly studied the fish ecology and fish biology and be effectively designed to ensure the high-level efficiency of fish passage for

downstream and upstream migration. In this regard, the effective and sustainable transboundary fishery management is extremely important and needed.

4. Study on transboundary cumulative impacts over environment, and socio-economics downstream stemming from the water release in the event of extreme flooding during the wet season is required. Additionally, it needs to be carried out the study on the possibility of water release and sufficient water release in case of severe drought during the dry season. Information on dam operation for electric generation and operational rules on the Mekong mainstream cascade dams, need to be shared with the Member Countries.
5. The detailed assessment and analysis of future water situation with a focus on transboundary water impact, including possibility of Cambodia in developing its hydropower projects, Sambo and Stung Treng.
6. Monitoring stations for the transboundary impacts downstream on hydrology, sediment, water quality, aquatic ecology, fisheries and navigation are required to be in place with the ensured effective operation. Data from the operational monitoring stations needs to be shared and analyzed with regular assessment reports. Those reports need to be shared with the Member Countries.
7. The proposed Environment Management and Monitoring Programme needs to be clearly identified and revised with action plan to respond to the 1995 Mekong Agreement on efforts to avoid, minimize and mitigate harmful effects on river system and warning other Member Countries of water quality and quantity emergencies. Additionally, the environmental restoration plan should be considered, developed and effectively implemented.
8. Transboundary benefit sharing, including the cross-border power trading and water utilization, should be applied based on the mutually beneficial cooperation in line with the 1995 Mekong Agreement.
9. Cambodia fully supports the findings and recommendations mentioned in the MRC Technical Review Report and would request those findings and recommendations be fully addressed and responded by the notifying country with due consideration for the practical action.

Cambodia strongly hopes that notifying country and the Developer will comply fully and make every effort to fulfill with all the recommendations made by Cambodia and in the MRC Technical Review Report regarding the PBHP.