

The 5th Regional Stakeholder Forum

First Regional Information Sharing on Pak Lay Prior Consultation Process

20-21 September 2018

Landmark Hotel, Vientiane, Lao PDR



The Pak Lay Hydropower Project Prior Consultation Process – *Objective and Roadmap*



1. Chronology of Correspondence and Event

- Lao PDR submitted to MRCS *Letter No. 0519/LNMCS dated 12th Jun. 2018* on **13th Jun. 2018** with a full set of documentation for Pak Lay HP PC process
- **13th Jun. 2018**, MRCS **informed** notified countries through *Letter No. 446/18*, and **acknowledged** LNMC via *Letter No. 447/18*
- **11th Jul. 2018**, MRCS **submitted a full set of documentation of Pak Lay HPP** to all notified countries through *Letter No. L-MRCS(PD)507/18*
- **8th Aug. 2018** – 1st Meeting of PNPCA JCWG → agreed start date for Pak Lay PC process on **8th August 2018**
- **20th Aug and 10th Sept. 2018** – MRCS obtained clarification letters on the status of Pak Lay HPP, which is not a new development proposal



2. Some Lessons Learned from Pak Beng PC

- **Notification** was done at **feasibility stage** → not sufficient information for review of **potential significant transboundary harm**
- **Greater focus on identifying additional measures to *avoid, minimise and mitigate harm*** provided the opportunity for the **Statement**
- **External stakeholders still had a limited understanding PC process**, and implications of the JC's Rules of Procedure.
- There seemed to be an **expectation** that MRC should **fill knowledge gaps as part of PC process**
- **Clarity is needed on how much attention should be given to cumulative impacts** of developing the LMB, or whether **PC process should just focus on measures to attach to notified project**



3. Objectives – same but different (1)

- **Roadmap** and **Process** of prior consultation is **much the same** as the previous cases
- **Structure of TRR** with a **summary main section** and detailed Annexes will remain the same
- Intention is to produce a **summary of TRR for public consumption**
- **Public participation** will be improved by:
 - *Providing fund* for **notifying country** to undertake national consultation;
 - *Additional fund* for **notifies countries** for broader stakeholder participation;
 - *Building a better understanding* of political and legal basis for PC and impact of JC's Rules of Procedure.



3. Objectives – same but different (2)

- Focus will remain on **Article 7** and measures to *avoid, minimise and mitigate impacts*, however, measures should be linked to **generic factors** underpinning for **reasonable and equitable use**
- **Attention** will be paid to **viable and reasonable measures** – including opportunities to **adjust IRR** and to **internalise environmental costs**
- **Use of PC** to deepen the basis of trust that all **MCs' rights** and **concerns** are understood, monitored and acted on
- **Better link PC and post PC process** (JAP, Tracking Matrix)



4. Implementation Process

Pre PC (now – 1st day PC)

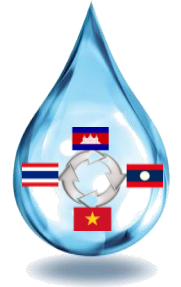
- Filing and inputting into PNPCA inventory list
- Secure the availability of International Experts
- **Transmit to the notified member countries**
- Official documents shall be sent to the MRCS-PNPCA Core Team
- Distribute the established Checklist of PDG2009 + new contents of (P)DG2018
- Detail the workplan and task distribution
- **Prepare the Concept Note on Implementation (lessons learnt, working modality and roadmap, resources)**
- Prepare a public participation and information disclosure plan
- Prepare a fact sheet, Project Overview, Communication Plan, and FAQs, Aerial VDO of site, and stakeholder engagement and outreach.
- 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 (180 days with extension)

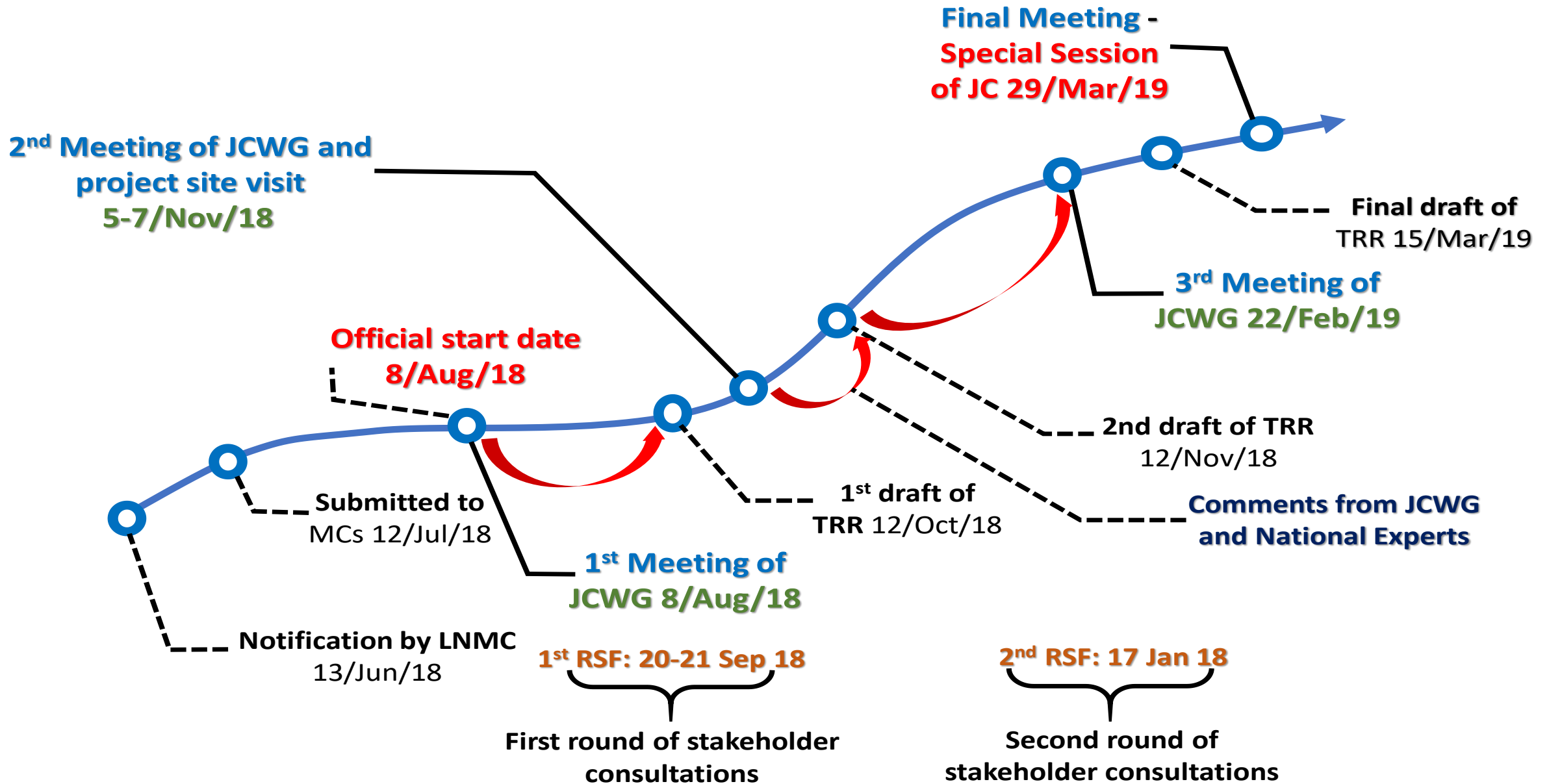
- **Conduct a detailed Technical Review of the submitted project documents by the MRCS using PDG2009 + reference to new DG2018**
- **3 Meetings of PNPCA JCWG with dam site visit during the 2nd Meeting. The last Meeting of the PNPCA JCWG will also review and discuss a "Statement"**
- **2 Regional Stakeholder Forums with early engagement of stakeholders (to be back-to-back with a RSF on Pak Beng JAP and related issues)**
- **2 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**
- **1 Round 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"**

Post PC (upon agreement from JC)

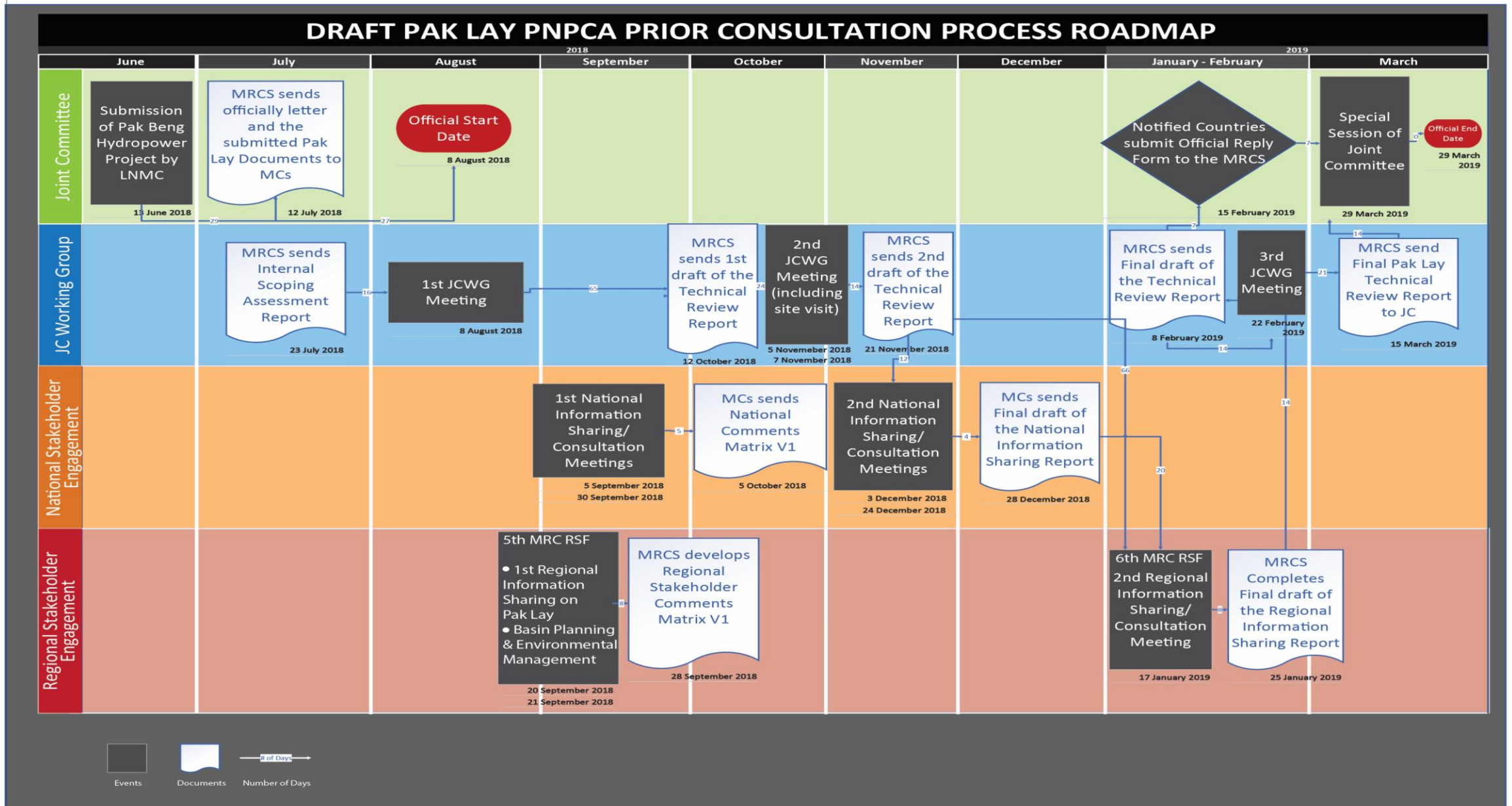
- Official response to Technical Review Report by Lao PDR
- **Release the Statement, Technical Review Report and its summary, and other related documents to the public.**
- **Based on the agreed "Statement" develop a Joint Action Plan (JAP) including workplan by the MRCS using a phased approach in consultations with MCs**
- **Update the Working Paper on Lessons Learnt from PNPCA implementation**
- **Regional Stakeholder Forum for Pak Lay JAP and its workplan**
- **Develop a Tracking Matrix for Pak Lay 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**
- **Internal review and reflection of the Pak Lay PC process implementation**



5. Implementation Roadmap – key event and products



6. Implementation Roadmap – detailed plan



Thank you

