



REPUBLIQUE DU SENEGAL
Un Peuple – Un But – Une Foi



9th WORLD WATER
FORUM DAKAR 2022



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APPLICATION OF WATER UTILIZATION RULES AND PROCEDURES: PROCEDURES FOR NOTIFICATION, PRIOR CONSULTATION AND AGREEMENT (PNPCA) FOR MAINSTREAM HYDROPOWER PROJECTS IN THE MEKONG RIVER BASIN

9TH WORLD WATER FORUM

SESSION 3B2 - PROMOTING PEACE BY DEVELOPING AND IMPLEMENTING LEGAL FRAMEWORKS FOR TRANSBOUNDARY WATER RESOURCES

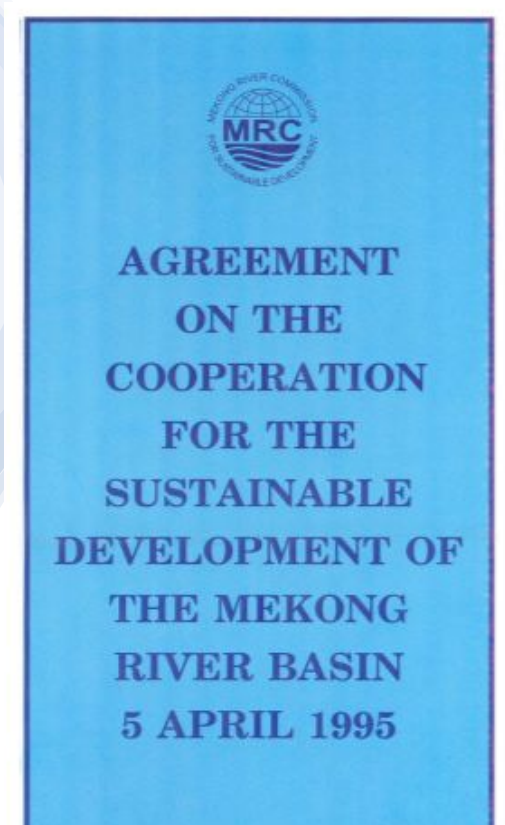
22 MARCH 2022, DAKAR, SENEGAL

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1995 Mekong Agreement and Water Utilisation Rules

- Cooperate in the **sustainable development** of the Mekong River Basin (Joint Basin Development Strategy)
- **Notify and consult with other Member Countries** on water use which may have significant impact;
- **Make every effort to *avoid minimise and mitigate*** harmful effects (**reasonable and equitable use**);
- **Maintain flows** on the mainstream;
- **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;
- **Notify** emergency situations.



Procedures for Notification, Prior Consultation and Agreement (PNPCA)

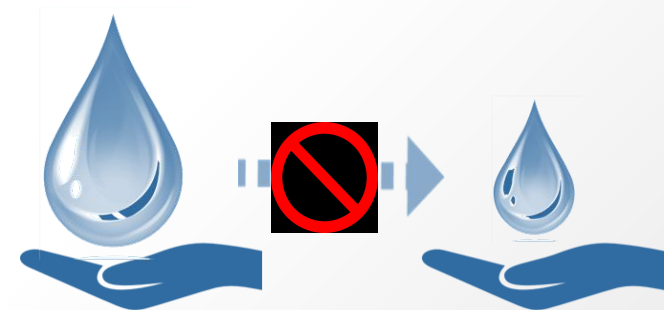
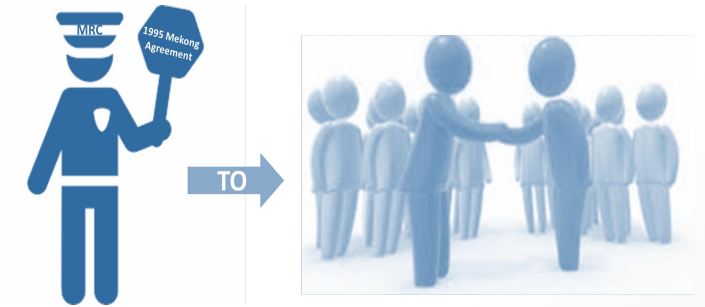
| Type of River | Season | Scope of water-use | Required procedure |
|---|---|--|--|
|  Mainstream |  Dry | Inter-basin (from the Mekong basin to another basin) |  Specific Agreement |
| | | Intra-basin (within the Mekong basin) |  Prior Consultation |
| |  Wet | Inter-basin (from the Mekong basin to 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**,
- It should aim at a **decision on whether the proposed use is reasonable and equitable - identify measures** that would **make it more reasonable and equitable**;
- It is a **6-month process**, but can be extended by decision of the Joint Committee.



Benefits of the PC process (6 Processes already applied to hydropower on Mekong River mainstream)

- 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)





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THANK YOU

One Mekong. One Spirit.