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MRC Transboundary Environmental Impact Assessment (TbEIA) Guidelines and its Voluntary Application

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OUTLINE

MRC TbEIA

Background and development timeline

Key Principles of the TbEIA Guidelines

Scope of Application of TbEIA Guidelines

Key implementation steps

TbEIA's Consultation Process and Public Participation



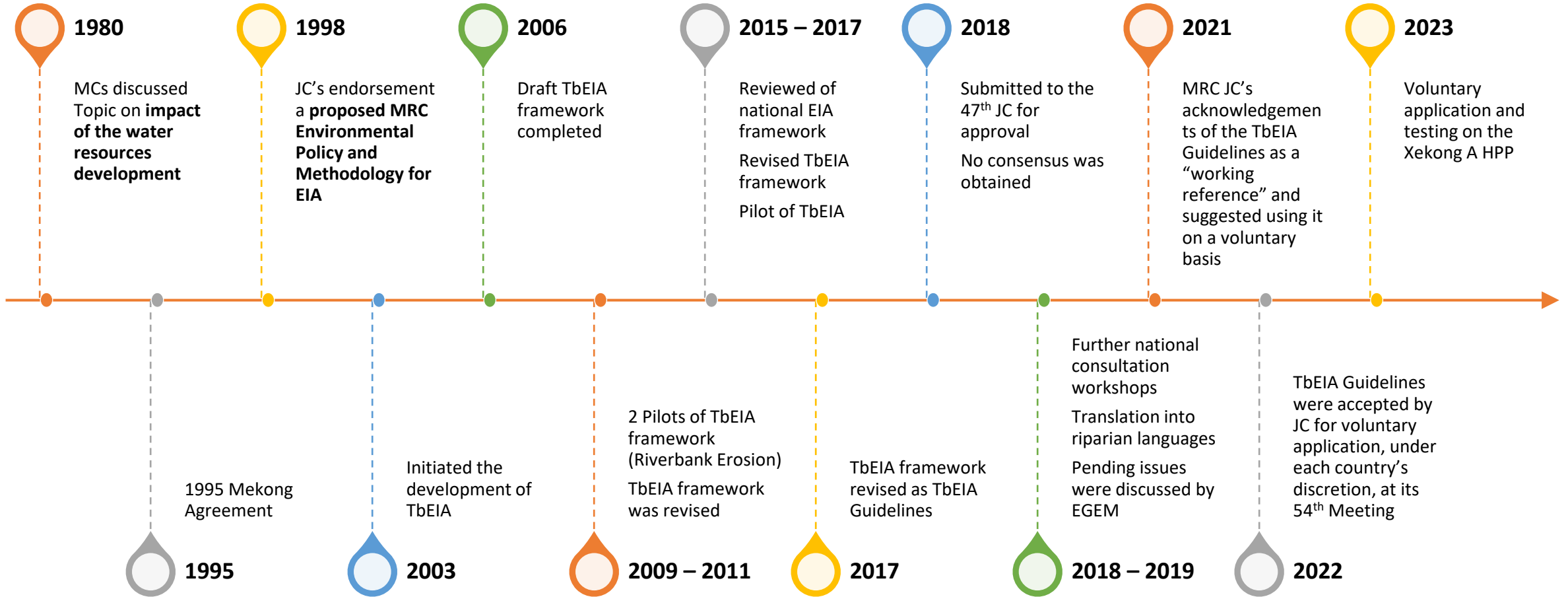
GUIDELINES FOR TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT IN THE LOWER MEKONG RIVER BASIN

October 2022



Background and Development Timeline

Development Timeline of the MRC TbEIA



A wide river flows through a valley, surrounded by lush green hills and mountains. The river is filled with numerous small, rocky islands and sandbars, creating a complex network of channels. The sky is a clear blue with scattered white clouds. The overall scene is a natural, scenic landscape.

Key Principle of TbEIA Guidelines

Key Principles of the TbEIA Guidelines (1)



Application of the TbEIA Guidelines will be **voluntary**;



Non-legal binding document and a **working** document;



Application of the TbEIA Guidelines will be for both types of projects: (1) newly **proposed project** or (2) **existing project**, with no TbEIA conducted;



Application of the TbEIA Guidelines will be for projects located in the **Mekong mainstream** or its **significant or transboundary tributaries**;



Complement to and reduce efforts in the implementation of the **PNPCA** and have more chance to get **consensus**;

Scope and Steps of Application of TbEIA Guidelines



Scope of Application of TbEIA Guidelines

Does the project belong to group relevant to the 1995 Mekong Agreement i.e.:

- (a) Hydropower projects;
- (b) Irrigation schemes;
- (c) Ports, river works, and navigation projects;
- (d) Industrial & mining projects; and
- (e) Aquaculture projects.

Yes

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

Yes

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

No

This Guidelines does not apply

No

Country of Origin informs other Member Countries in accordance with the PNPCA Procedure.

TbEIA Technical Implementation – 8 key steps

Step 1: Identification of potential transboundary environmental impacts and the need for TbEIA

Step 2: TbEIA initiation and Early consultations

Step 3: Determination of the scope of a transboundary assessment

Step 4: Preparation of the EIA Report

Step 5: Transboundary consultation of the EIA Report (*regional level consultations*)

Step 6: Public participation, dissemination of information and consultation within the Potentially Affected Country (National level consultation)

Step 7: EIA approval and Decision-making Country of Origin

Step 8: EIA results implementation and monitoring



Consultation and Public Participations

Step 2: TbEIA Initiation and Early consultations

- Key role: Proponent (Consultant appointed by Proponent)
 - Propose Tb issues to be analyzed and data gathered in the Potentially Affected Country
- Key role: EIA-responsible authority (Country of Origin)
 - Prepares TbEIA Initiation letter based on inputs from Proponent
- Key role: EIA-responsible authority (Potentially affected Country)
 - Responds to TbEIA initiation letter within 30 days
- Early consultation (Regional Workshop):
 - Scope of analysis,
 - Access to the potentially affected territory
 - Arrangements for further consultations, data sharing, costs etc.

Step 5: Transboundary consultation of the EIA Report (regional consultations through PNPCA)

- National consultation at Country of Origin
 - Conducted as per the national EIA guidelines of the Member Countries
- National consultation at Potential Affected Countries
 - Draft EIA report (addressing also the transboundary impacts) transmitted through NMCS of Country of Origin and MRCS to NMCS of Concerned Member Countries to transboundary consulted at national levels
 - Any comments obtained from transboundary consultation are collated and submitted back the Country of Origin via the reverse process
- The regional consultations with stakeholders from Concerned Member Countries facilitated by the MRC Secretariat
 - Allow for a transboundary discussion of comments and findings collected by NMCS during the national consultations on the EIA Report in Concerned Member Countries

Step 6: Public participation, dissemination of information and consultation within the Potentially Affected Country (national consultations through PNPCA)

- Draft EIA report (addressing also the transboundary impacts) is disseminated and consulted with public as per national EIA standards of Concerned Member Countries .
- The results of national consultations (including public participation) are taken into account during Regional consultations as per PNPCA.

For more information on the MRC Guidelines on
Transboundary Environmental Impact Assessment

Please visit: www.mrcmekong.org/publications



THANK YOU

One Mekong. One Spirit.