

November 30, 2020

Mr. Tran Dinh Nhan

General Director

Tập đoàn Điện lực Việt Nam (EVN)
No. 11 Cửa Bắc, Trúc Bạch ward,
Ba Đình district, Hà Nội city, Vietnam

Dear Mr. Tran Dinh Nhan,

Re: Request for Assistance to Address Community Concerns about the Lower Sesan 2 Hydropower Project, Stung Treng Province, Cambodia

We, community members affected by the Lower Sesan 2 Hydropower Project (the “Project”) in Stung Treng Province, Cambodia, are writing to you to seek your assistance in addressing our ongoing concerns about the Project and the impacts it has caused to our lives.

We understand that Vietnam Electricity (“EVN”) is the parent company of EVN International Joint Stock Company, which has an interest in the joint venture company that owns and operates the Project. We are writing to urge your company to exercise its influence in the Project to ensure that our communities are able to have a meaningful dispute resolution process to address our ongoing concerns and needs, facilitated by the International Finance Corporation’s (“IFC”) Compliance Advisor/Ombudsman (“CAO”). This request is discussed in further detail below.

Community Concerns

The Project is located on the Sesan River, below the confluence of the major Sesan and Srepok tributaries and about 25km from the Mekong River. Construction of the \$816 million, 400-megawatt project began in 2014, and the project completed construction and commenced operations in 2018.

As communities impacted by the Project, our lives depend on land and natural resources. The Project has and will continue to cause major adverse impacts to our ancestral land, our livelihoods and traditional practices. These impacts have not been properly addressed or compensated.

The dam’s 340-square-kilometer reservoir resulted in the relocation of approximately 5,000 people. The majority of our communities are indigenous and ethnic minority people. Many people in the project-affected communities opposed construction of the project due to concerns over its impacts on our lives. Our communities were not appropriately consulted during the project’s planning and development process, including during the environmental impact assessment and the development of the compensation and resettlement plan. Some communities, including those located upstream and downstream of the project, were not consulted at all. This has been documented in studies of the environmental impact assessment and resettlement process.¹

¹ See, Ian G Bard, ‘Best Practices in Compensation and Resettlement for Large Dams: The Case of the Lower Sesan 2 Hydropower Project in Northeastern Cambodia’, Rivers Coalition in Cambodia, May 2009. Available at:

Following sustained pressure on our communities to accept the relocation and move to the resettlement sites, hundreds of families from our villages moved to the new villages. However, over a hundred families in two villages have continued to refuse to relocate and accept the compensation offered by the project developers. In addition to displacement, our communities continue to face major adverse social and environmental impacts as a result of the Project. Some of these issues are distinct and unique to our different villages, but they include: access to land, security of tenure including communal land title, compensation for lost assets and livelihoods, water access and quality, livelihoods support and restoration, and maintenance and replacement of poor quality infrastructure. Communities in the reservoir area, and up and downstream of the project, are also seeking a comprehensive impact assessment on fish, farmland, local livelihoods and emergency preparedness.

Project's Lack of Compliance with National Laws and International Standards

The Project has failed to comply with its obligations under Cambodian law and international standards, including breaches of Cambodian laws governing the requirements for environmental impact assessment, development-induced displacement and resettlement, and the rights of indigenous peoples.

Additionally, the Project has not complied with the IFC's environmental and social performance standards. As the Project has ties to IFC financing, the Project should have been properly implemented and monitored in its compliance with IFC's Performance Standards, namely: Performance Standard 1 (Assessment and Management of Environmental and Social Risks and Impacts); Performance Standard 4 (Community Health, Safety, and Security); Performance Standard 5 (Land Acquisition and Involuntary Resettlement); Performance Standard 6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources); and Performance Standard 7 (Indigenous Peoples).

EVN's Corporate Obligations

Additionally, EVN's 'Ethical Standards and Enforcing Culture'² state that: "EVN strives to apply advanced, clean and environmentally friendly technologies with the aim of energy efficiency, conservation and environmental impact mitigation. EVN also commits itself to make adequate investments in pollution control, environmental quality improvement for all the projects owned and invested by EVN." With respect to Ethical Standards EVN has committed to: "always comply with all provisions of the current laws, internal management regulations of EVN and EVN's subsidiaries. EVN respects rules, etiquette in communication, courtesy, honesty in relationships, objectivity, transparency, fairness and equality in relationships with external stakeholders (customers, partners, communities) as well as internal stakeholders (employees, owners, managers)."

We acknowledge EVN's core values in willingness to engage with Project stakeholders including our communities. In ensuring the Project's compliance with these obligations, we ask that EVN and its subsidiary, the EVN International Joint Stock Company, assist our communities to access a meaningful dispute resolution process to address our ongoing concerns and needs, through the IFC's Compliance Advisor/Ombudsman Independent Dispute Resolution process.

[www.academia.edu/1049246/Best Practices in Compensation and Resettlement for Large Dams The Case of the Planned Lower Sesan 2 Hydropower Project in Northeastern Cambodia](http://www.academia.edu/1049246/Best_Practices_in_Compensation_and_Resettlement_for_Large_Dams_The_Case_of_the_Planned_Lower_Sesan_2_Hydropower_Project_in_Northeastern_Cambodia).

² <https://en.evn.com.vn/c3/gioi-thieu-f/EVN-Culture-2-50.aspx>

IFC's Independent Dispute Resolution Process

We are seeking an independent mediation process to address our concerns through the CAO,³ which is the independent accountability mechanism for one of the project's financiers (the IFC). Our communities filed complaints to the CAO regarding the IFC's financial ties to the Project. In July 2018, the CAO found our complaints admissible, referred our case to independent dispute resolution, and reached out to government and corporate stakeholders.⁴ The CAO received a response from the Cambodian Ministry of Interior that the provincial authorities had declined to participate in the dispute resolution process. The authorities have acknowledged that issues remain with the Project's impacts on local people, however, we are under pressure from the authorities to accept a resolution that does not meet our needs or address our concerns.

We are therefore seeking the support of your company to help us engage in constructive dialogue with all Project stakeholders to rectify the ongoing environmental and social issues of the Project. As EVN is participating in and directly benefiting from the Project, we urge you to exercise your power and influence to ensure that affected communities are able to have a meaningful dispute resolution process facilitated by the CAO, with the good faith participation of all relevant stakeholders, including provincial authorities.

Continuing the Project without addressing our grievances would result in reputational harm and potential financial risks. The joint venture company, Hydropower Lower Sesan 2 Co. Ltd., will manage the project for the 45 year concession and good relations with local people are essential. Engaging with affected people and addressing our ongoing concerns will help to ensure a smooth relationship with the local population.

According to the Memorandum of Cooperation⁵ between Cambodia and Vietnam, "bilateral cooperation should not only strengthen the power sector and energy security, but also to bring practical benefits to enterprises and people of the two countries in the future." As a state-owned enterprise, we believe that EVN has a key role in strengthening economic development and enhancing the friendship between Vietnam and Cambodia, as key to EVN's mission and operations. We therefore call on EVN to set a positive example for other Vietnamese overseas companies operating in Cambodia by ensuring a constructive relationship with local people and ensuring compliance with Cambodia's national laws.

We request your response by 31 December 2020. For additional questions of information, please contact us at [sesancommunities@gmail.com]. We look forward to hearing from you soon.

Sincerely,

The people of

Old Srekor village, Stung Treng Province

Punong indigenous people from Old Kbal Romeas village, Stung Treng Province

³ www.cao-ombudsman.org/.

⁴ www.cao-ombudsman.org/cases/case_detail.aspx?id=1275.

⁵ <https://en.evn.com.vn/d6/news/Strengthening-the-connection-between-the-power-systems-of-Viet-Nam-and-Cambodia-66-163-680.aspx>

New Kbal Romeas village (Resettled Community), Stung Treng Province
Communities along the Srepok and Sesan Rivers upstream of the Lower Sesan 2 Hydropower Project in
Taveng, Lumpath, Kounmom, Angdong Meas and Veun Sai districts, Ratanakiri Province

** Please note that a copy of this letter has been sent to financial stakeholders in the Project, including:

China Huaneng Group
Huaneng Lancang River Hydropower Co. Ltd
Hydropower Lower Sesan 2 Co. Ltd.
Vietnam Electricity (EVN)
Vietnam Electricity International Joint Stock Company
China Development Bank
Industrial and Commercial Bank of China (ICBC)
Agricultural Bank of China
Bank of Communications of China
Bank of Ningbo
China Construction Bank
China Everbright Bank
China Merchants Bank
Shenwan Hongyuan
Vietnamese An Binh Commercial Joint Stock Bank (ABBank)
Vietnam Joint Stock Commercial Bank for Industry and Trade (VietinBank)
Crédit Agricole
Credit Suisse
Standard Chartered
APG Groep NV
Norges Bank Investment Management (NBIM)