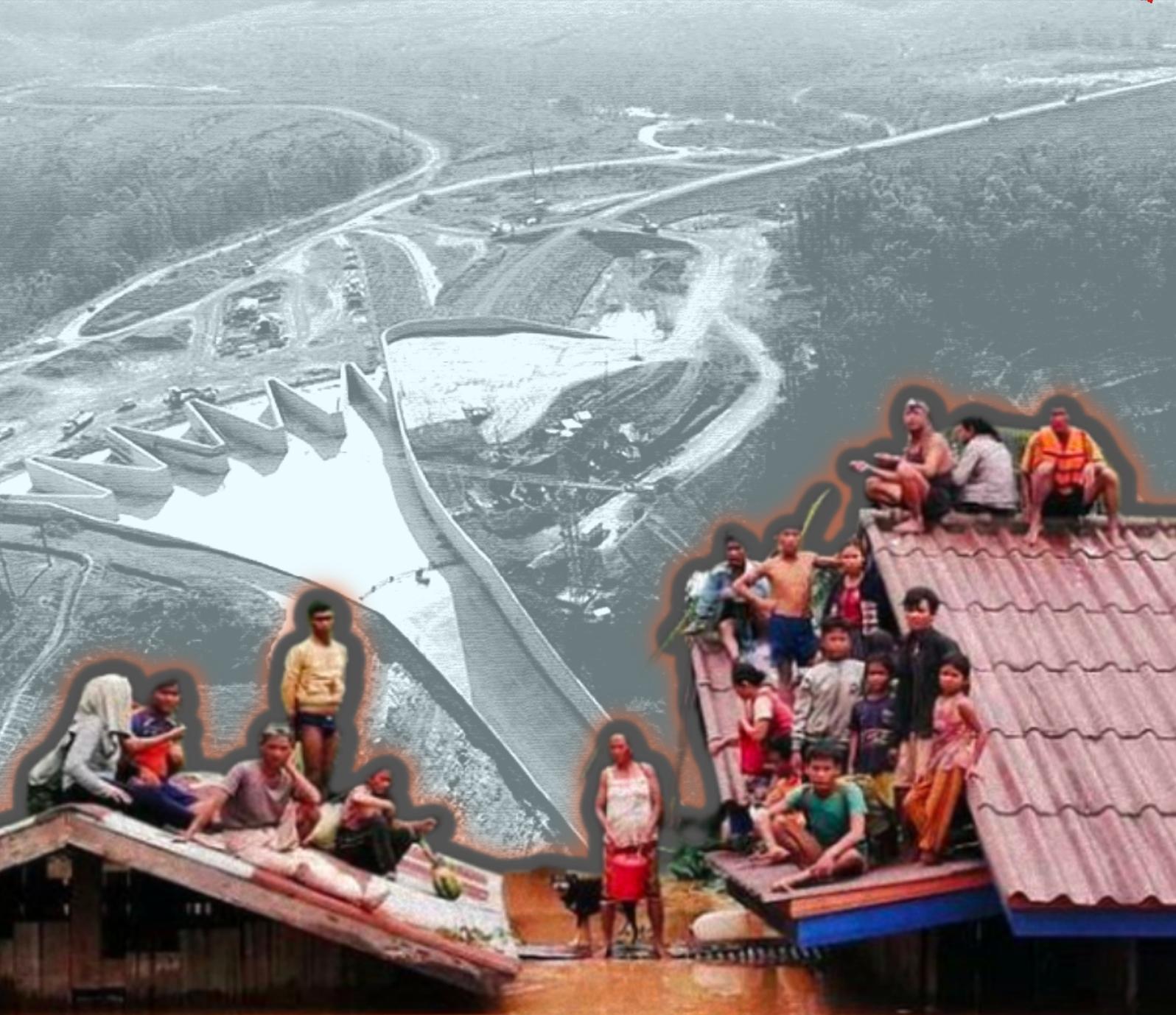


28 February 2022

FOLLOW-UP UN COMPLAINT

to seek Justice for the Survivors of the Xe-Pian
Xe-Namnoy Dam collapse in Attapeu Province, Laos



#CorporateAccountability #JustTransition

We Want #PeopleOverProfit

Follow-up UN Complaint to seek Justice for the Survivors of the Xe-Pian Xe-Namnoy Dam collapse in Attapeu Province, Laos, submitted to the following relevant UN Working Group and UN Special Procedures:

1. UN Working Group on the issue of Human Rights and Transnational Corporations and Other Business Enterprises
2. UN Special Rapporteur on the issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment
3. UN Special Rapporteur on the Right to Food
4. UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health
5. UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this context
6. UN Special Rapporteur on the Human Rights of Internally Displaced Persons
7. UN Special Rapporteur on the Rights of Indigenous Peoples
8. UN Special Rapporteur on Minority Issues
9. UN Special Rapporteur on Extreme Poverty and Human Rights
10. UN Special Rapporteur on the Right to Development
11. UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

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SUBJECT: FOLLOW-UP UN COMPLAINT TO SEEK JUSTICE FOR THE SURVIVORS OF THE XE-PIAN XE-NAMNOY DAM COLLAPSE IN ATTAPEU PROVINCE, LAOS

To the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the Human Rights of Internally Displaced Persons; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on minority issues; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to development; and the Special Rapporteur on the human rights to safe drinking water and sanitation

1. Content of the allegation:

On 23 July 2018, an auxiliary saddle dam, 'Saddle D' of the Xe-Pian Xe-Namnoy Hydropower Project located in Attapeu and Champasak provinces in Southern Lao PDR collapsed, resulting in a massive flood from the release of five billion cubic meters of water. Given inadequate warning by the dam engineers and provincial government officials of the imminent risk of collapse, local communities in 19 villages were impacted by the massive flood of water, mud, and debris. The flood damage displaced over 7000 people in Lao PDR, and left at least 71 people dead or missing in Attapeu province, according to the official toll.[1] Roads, bridges, vehicles, irrigation systems, thousands of livestock, and more than 1700 hectares of agricultural land were destroyed by the mud and debris rendering much of the area inarable.[2] An overall estimated 15,000 people were impacted by the flood in Lao PDR and an additional 15,000 across the border in Cambodia along the Sekong River.[3] The thousands who were displaced in Lao PDR were relocated to emergency camps set up by the government in Sanamxay district.

Three years later, survivors remain in cramped temporary shelters and suffer from lack of access to sufficient food, lack of access to safe drinking water, inadequate sanitation, and dangerous housing circumstances[4], which were even exacerbated by the COVID-19 containment and lockdown orders issued by the government in 2020-2021. Survivors also still suffer from insufficient support despite promises from the government and PNPC of a recovery plan to compensate for the loss of life, livelihood, and property.

This submission outlines the extent to which the government of Lao PDR and private companies involved in the project have intervened in assisting affected populations in the aftermath of the disaster. The report will summarize information regarding the populations impacted by this disaster, the ongoing recovery efforts by the perpetrators of the disaster, and the shortcomings of these efforts.

2. Identification of the alleged victim:

According to the official toll, it is estimated that the flood damage displaced over 7000 people in Lao PDR, and left at least 71 people dead or missing in Attapeu province.[5] In total 19 villages were affected, and 958 households in seven villages were severely affected including 166 in Ban Mai, 184 in Ban The Hin, 154 in Ban Hinlad, 103 in Ban Sengchan, 57 in Ban Sa-nhong, 225 in Ban Khok Kong, in Ban Tamayod (please see Annex 1.) The thousands who were displaced were relocated to emergency camps set up by the government in Sanamxay district.

Roads, bridges, vehicles, irrigation systems, thousands of livestock, and more than 1700 hectares of agricultural land were destroyed by the mud and debris rendering much of the area not arable.[6] Farmland and villages along the Sekong river in Cambodia were also flooded with the deluge displacing about 5000 people. An estimated total 15,000 people were impacted overall by the flood in Lao PDR and an additional 15,000 across the border in Cambodia along the Sekong River.[7] PNPC and the Lao government have not taken any responsibility for the plight of Cambodians affected by the disaster leaving them without any assistance. [8]

3. Identification of the alleged perpetrators of the violation (if known), including substantiated information on all the actors involved, including non-state actors if relevant

Located in Attapeu Province in Southern Laos, the Xe-Pian Xe-Namnoy Hydropower Project dam project was developed by a consortium of South Korean and Thai companies, comprising SK Engineering & Construction (SK E&C) with 26% equity; Korea Western Power Company with 25% equity; and Ratchaburi Electricity Generating Holding Public Company with 25% equity, and the state-owned Lao Holding State Enterprise (LHSE) with 24% equity.[9] The \$1.02 billion USD venture was financed by Korean Export-Import Bank's Economic Development Cooperation Fund as well as four Thai Banks: Krung Thai Bank, Ayudhya Bank, Thanachart Bank, and the Export-Import Bank of Thailand.[10] The Xe-Pian Xe-Namnoy Power Company (PNPC) is a special-purpose corporation established to oversee the construction of the dam and operate it for 27 years. The construction of the dam commenced in 2013 and commercial operations were meant to begin in late 2018 with 90% of the power generated from the operation purchased by the Electricity Generating Authority of Thailand while the remainder to Lao PDR markets.[11]). The project was covered by a liability insurance amounting to USD 50 million, based on two policies: USD 10 million construction insurance policy and USD 40 million excess of loss liability policy. However, the information about this insurance coverage was undisclosed to the affected communities, and they were neither informed nor consulted about the response timeline and potential plans.[12]

4. Date, place and detailed description of the circumstances of the incident(s) or violation. The information submitted can refer to violations that are said to have already occurred, that are ongoing or about to occur.

While the recovery process has moved forward in the years since the disaster, the government of Lao PDR and private companies involved have had many shortcomings in making the process equitable, participatory, efficient, and transparent as summarized in this submission. The government of Lao PDR, as a major equity shareholder, regulator of the construction standards and sovereign government has a duty to protect the human rights of survivors of this disaster, to ensure their welfare in following through on their pledge for compensation and reconstruction, and to uphold business practices and cooperation that ensure that the human rights of local communities are protected. The private companies involved including PNPC and SK E&C also have the duty to engage in business ventures that ensure environmental justice, and human rights for the communities they do business in.

4.1. Shortcomings in the immediate disaster response:

After the dam collapse on 23 July 2018, disaster response from responsible private companies and the Lao government was not immediate or prepared despite being notified of damages to the dam prior to its collapse. While SK E&C alleged that local communities were alerted to begin evacuation 24 hours prior to the disaster, there is a lack of evidence that these alerts reached and impacted the affected communities. The local provincial government was not notified until noon on the day of the collapse.[13] Some families reported being told by district authorities to expect normal flooding in the afternoon and advised to prepare to move to a safer location, but were withheld information regarding the dam bursting.[14] Some affected communities reported having no prior knowledge of the dam existing at all, indicating a lack of communication regarding the potential impact of the dam's construction including developing and implementing an early warning system.[15]

Immediately following the disaster, a National Investigation Committee was established to analyze the causes of the collapse and determine the degree of the responsibility of the actors involved. Nevertheless, the findings of the report submitted to the Lao Government were never fully released to the public.[16] The government made an effort to downplay the severity of the disaster and inculpated heavy rainfall conditions as the reason for the engineering failure.[17] Independent international investigators brought in by the Lao government later established that the saddle dams collapse was due to poor quality construction and negligence on the part of the private companies building the dam.[18] Other sources suggested the inadequate construction of the dam, alleging that the dam's construction period was shortened compared to the original design, and that the process was hastened to allow early soaking.[19] Furthermore, local Lao media was censored, and international media were completely restricted by the government while relief agencies were firmly controlled in providing aid to the survivors.[20] Lao authorities warned citizens to be conscious about the veracity of the news of the collapse and to follow state-owned media rather than social and foreign media, accusing them of spreading misinformation.[21] Some families reported being instructed by local authorities that if questioned, they were to say the flooding was due to a natural event.[22]

4.2. Recovery efforts and compensation package:

According to the Minister of Labour and Social Welfare, Mrs. Baikham Khattiya, the government and PNPC promised a recovery effort and compensation for survivors. The compensation package totaled to 94,736,277,900 Lao Kip (\$10,466,939 USD), split in half and paid in two installments with the first half paid on July 19th, 2019, 50,513,828,000 Lao Kip (\$5,581,021USD), and second half paid on July 16th, 2020 44,222,449,900 Lao Kip (\$4,885,918 USD) (cited from doc XPXN-Compensation). Also, the government announced living allowances of USD 12 per month for each survivor. The provincial authorities had fallen behind to pay, and some victims reportedly received only rice or finishing net, while others did not receive anything. [23] The families of those who lost relatives in the official death toll received a one-time payment of \$10,000 USD from the private companies responsible, managed directly by SK E&C.[24] Furthermore, 1 hectare of agricultural land, and 1 hectare of housing land were given to each affected household in this compensation package and 807 new permanent houses are to be built. For the 2021 rainy season PNPC and SK E&C have also pledged 42 tons of rice seed for survivors to plant.[25] The government also communicated an intention for transparency on the timeline of responding to the disaster and to involve communities in planning.

The government promised to build 807 permanent houses for those displaced by the disaster although 985 households were affected. While 107 houses are being financed by the Japanese government and UN-Habitat, the remainder of 700 are funded by the developers of PNPC.[26] As of April 2020, out of the 700 houses financed by PNPC, only 36 homes were completed and 4400 survivors were still living in temporary shelters. [27] In June 2021, 505 of the houses were under construction (60% of the project complete) and only 182 were estimated to be complete and ready to be occupied by the end of this 2021.[28] Three years on from the disaster in July 2021, up to 3600 people are still left in temporary shelters. The provincial government communicated that construction delays were due to lockdowns and supply chain issues because of the COVID-19 pandemic.[29] Survivors were told that the permanent houses would take 4 to 5 years to complete and were being built away from their original villages in a less fertile area where farmers cannot grow the same crops that they used to. Survivors reported concerns about the site of the new homes on uneven, hilly surfaces and the impact it will have on their access to consistent water and electricity and their ability to farm effectively. [30] As of February 2022, the Governor of Sanamxay District in Attapeu Province, Mr. Soulivong Aphayvong, told the state-led news media that 401 of the 700 homes financed by PNPC were completed and handed over to the flood victims, with 299 houses still under construction by Vanseng Construction Development Company. [31] This information could not be confirmed on the ground by non-governmental sources.

Regarding the 107 houses under the UN-Habitat project, as of 25 November 2021, UN-Habitat confirmed that 67 families were moved into permanent homes a year earlier, under the UN-Habitat project and USD 2.2 million support from the Japanese Government.[32] While this is considered a great achievement by the Lao government, which granted the Certificate of Appreciation from the Attapeu Provincial Government to UN-Habitat in September 2021 in recognition of houses and 24/7 water supply system built for the vulnerable communities, 67 families being moved to permanent homes is a very low number considering the funding provided by the Japanese government and the years that have passed.

4.3. Temporary shelters and emergency camps:

Five emergency camps were constructed by the government to provide temporary shelter for the survivors who were displaced. The five camps were set up in Sanamxay district and were called Hadyao Camp, Dong Bak Camp, Don Beuk Camp, Tamayod Camp, Bin Dong Camp (now moved to Samong Tai). The temporary housing in these shelters were not completed until January 2019, months after the collapse.[33] The shelters also varied in quality, with some lacking WASH infrastructure entirely.[34] The government and PNPC promised families living in the shelters a daily allowance of 5000 Lao Kip (\$0.56 USD), a monthly stipend of 100,000 Lao Kip (\$11.15 USD), and monthly rice ration of 20 kilograms.[35] However, as reported by the villagers living in a temporary shelter, PNPC stopped providing people with the promised living allowances and reduced rice quantity from 20 to 12 kilograms since February 2021.[36]

Reports from journalists, independent observers, and individuals living in the shelters described them as unsanitary, and not viable for long-term shelter. The shelters were reported as being foul smelling, filled with waste, extremely hot due to being made of corrugated metal, and unable to shelter the inside from flooding during the rainy season. Cooking, dining, and sleeping rooms were as well reported to be lacking in the shelters.[37] The toilets were also full of waste, and pose a public health concern as residents have contracted infectious diseases as a result such as dengue.[38] Many are forced to defecate in nearby forests. Survivors report that authorities had never conducted any inspections of the shelters, and had not indicated any plans to sanitize, or pump sewage out of the toilets.[39] Furthermore, the rice rations have been reported to be rotten and monthly stipends have been inconsistently paid at the discretion of authorities with stipends allegedly being up to three months late. These many factors have resulted in many survivors fleeing the shelters in favor of building their own huts or small houses on land allocated by authorities, or on their previously flooded farm and old villages.[40] In fact, most people assigned to the Dong Bak Village Center fled the shelter in lieu of this option as they described having faced more suffering in the shelters than in their own makeshift houses.

4.4. Lack of consultation with affected community, meaningful participation, transparency and consistency:

A key issue in the recovery effort has been the lack of consistency and transparency in providing adequate compensation. The recovery effort has been impacted also by a notable lack of involvement of affected communities, a lack of transparency from responsible parties, inconsistencies in the recovery process including the provision of compensation, as well as delays due to the COVID-19 pandemic.[41] The government has released little official information regarding its pledges to the people, and as a result, thousands of survivors are still left suffering and waiting for support in the wake of this disaster.

Following the disaster, government and PNPC officers were sent to assess damages and estimate compensation money. Survivors report a lack of transparency regarding the post-disaster surveys and are concerned that the official figures of loss of life, property, and livelihood are inaccurate. Thus, survivors that lost family members not accounted for in the official death toll would not be compensated for their loss.

Survivors also report inconsistencies between the estimates they were given of the damage incurred and the actual compensation received. In one example, a villager was told the estimate of damages was around \$3000 USD but received less than \$2500 USD in compensation. Some survivors have refused to accept the compensation entirely due to the insufficient amount offered.[42] Survivors were suspicious of the transparency of donation distribution from authorities, given previous problems with donation distribution in Attapeu province following Typhoon Ketsana. Civil society organisations and PNPC along with the other joint companies provided donations, however it was reported that donation items were insufficient and coordination of the distribution was disorganized and failed to reach remote communities.[43] Although issues and inconsistencies with compensation were present prior to the COVID-19 pandemic, the lockdowns and financial distress of the government has only exacerbated the shortcomings in the recovery efforts.[44]

Villagers also reported on social media that authorities such as the Deputy Governor of Attapeu Province, Mr. Ounlar Sayasith, cut 20% of the compensation money for processing fees.[45] Furthermore, in the past year, media reports show that PNPC is in financial distress affecting their ability to meet their pledges to the communities affected although the consortium of companies had \$50 million USD in insurance. However, they did have enough funds to rebuild a more structurally sound saddle dam regardless of their responsibility towards the communities their dam impacted. In some instances, authorities such as the district chief of Sanamxay district have blamed their provision of spoiled rice rations on transportation restrictions due to the COVID-19 pandemic.[46]

Although Saddle Dam D, the auxiliary dam that collapsed in 2018 was competently rebuilt since the disaster, two additional Saddle Dams, E and F, are in the same vulnerable condition as Saddle Dam D prior to its collapse. Given the weakness of these auxiliary dams, they show signs of impending failure if reservoir levels reach a dangerous level. Despite the need for high alert and close monitoring of the risk these saddle dams place on the communities affected by the previous dam collapse, the Lao government, Korean contractors, and Thai utilities have not indicated any attention to this. The potential imminent risk of two other dams collapsing is yet another example of the lack of transparency there has been in the aftermath of the initial disaster in 2018. [47]

4.5. Lack of effective complaint mechanisms:

While official government statements have reiterated denial that authorities have received any complaints from the survivors, the reality is that there seems to be insufficient processes and mechanisms to make an inquiry or grievance with the government or companies involved. When survivors have been able to make inquiries regarding late stipends, they report being diverted through bureaucratic processes and receiving inconsistent information between lower and upper-level authorities regarding the flow of compensation. Furthermore, communities are reluctant to voice concerns for fear of losing the little compensation they do receive. On September 12, 2019, Houayheuang 'Mouay' Xayabouly, an advocate for survivors of the collapse in Champasak province, was arrested for criticizing the government regarding their response via Facebook posts.[48] She was sentenced to the maximum sentence, 5 years in prison and a \$2250 USD fine for the charge of defaming the country according to Article 117 of Laos' criminal code.[49] This arrest provides an example of the limitations survivors have in voicing their complaints against the government to provide what was promised to them due to the possibility of retaliation. Another reason for the reluctance of communities to voice concerns is the lack of accountability government officers have in taking responsibility for poor performance – no officials have resigned to take responsibility since the establishment of the Lao PDR in 1975. [50] Lastly, in the instances that communities have been involved, it is only tangentially by including district officials rather than community members. The inability for the community to voice their needs has impacted the government's intention for a transparent and smooth implementation of the recovery process, and for representation in decision-making related to their future wellbeing and livelihood.

Spotlight on the OECD Korea National Contact Point: On the other hand, when Korean civil society actors, outside of Laos, tried to hold the Korean companies into account and seek remedy for the victims via the OECD Korean National Contact Point (KNCP), their complaint has not resulted in any compensation to the victims due to the companies' lack of cooperation and participation. Indeed, on 28 June 2019, the Korean Civil Society Task Force Team for the Xe-Pian Xe-Namnoy Dam Collapse submitted a complaint to the OECD Korean National Contact Point, against the Export Import Bank of Korea (KEXIM), SK Engineering & Construction (SK E&C), and Korea Western Power Co.,Ltd. (KOWEPO) (hereinafter "the respondents") regarding the collapse of a saddle dam built for the Xe-Pian Xe-Namnoy reservoir. While the complaint was found admissible and the KNCP offered food offices for mediation with the complainants, both companies (SK E&C and KOWEPO) refused to cooperate. Through a final statement on 23 July 2020, the KNCP provided four recommendations to the companies, including: (1) opening a dialogue with the complainant, (2) give an explanation to the complainant regarding recovery and relief activities and compensation, (3) adopt an internal system to create settings and cooperate on responsible business conducts as per the OECD guidelines for MNEs and OECD Due Diligence Guidance, and (4) send a report on progress within six months. Unfortunately, the two companies have not cooperated and the case has been closed without further investigation into the human rights issues raised.[51]

5. Identification of the person(s) or organization(s) submitting the communication, if different from the victim (this information will be kept confidential).

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Representative: Emilie Pradichit

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ANNEX 1. LETTER 03/PDC ISSUED ON 29 JUNE 2020 BY THE DISASTER CONTROL COMMITTEE AT PROVINCIAL LEVEL (ATTAPEU PROVINCE)



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ

ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນາຖາວອນ

ຄະນະກຳມະການຄຸ້ມຄອງໄພພິບັດຂັ້ນແຂວງ

ເລກທີ. 03.../ກພຂ

ອັດຕະວິ, ວັນທີ. 29.6.2020

ໜັງສືສະເໜີ

ຮຽນ: ທ່ານ ເຈົ້າແຂວງ ສີເກົາລິນ ແລະ ເປົງຕື່ຍາງສຸງ)

ເລື່ອງ: ຂໍອະນຸມັດຮັບຮອງເອົາມູນຄ່າການຊົດເຊີຍ 5 ລາຍການດ້ານເສດຖະກິດຄົວເຮືອນ ຂອງ 6 ບ້ານ 1 ຄຸ້ມ (ທີ່ໄດ້ຮັບຜົນກະທົບຈາກເຫດການສົນເສື່ອນໄພຍື່ນ ເຊປຽນ-ເຊນ້າບໍ່ອຍແຕກ ມູນເມືອງສະໜາມໄຊ ກຶ້ງວັນທີ 23/7/2018).

- ອີງຕາມ: ຂໍ້ຕົກລົງຂອງທ່ານເຈົ້າແຂວງ ສະບັບເລກທີ 236/ຈຂ.ອປ, ວັນທີ 26 ກຸມພາ 2020 ວ່າດ້ວຍການແຕ່ງຕັ້ງຄະນະກຳມະການຄຸ້ມຄອງໄພພິບັດຂັ້ນແຂວງ.
- ອີງຕາມ: ບົດບັນທຶກກອງປະຊຸມຄະນະກຳມະການຄຸ້ມຄອງໄພພິບັດຂັ້ນແຂວງຮ່ວມກັບບໍລິສັດ ຮ່ວມກັບບໍລິສັດ PNPC ໃນກຶ້ງວັນທີ 15/6/2020.
- ອີງຕາມ: ບົດບັນທຶກກອງປະຊຸມຄະນະປະເມີນຜົນກະທົບດ້ານເສດຖະກິດສົງຄົມ ແລະ ສິ່ງແວດລ້ອມຂັ້ນເມືອງ ຮ່ວມກັບບໍລິສັດ PNPC ກຶ້ງວັນທີ 24/6/2020.

ຄະນະຄຸ້ມຄອງໄພພິບັດຂັ້ນແຂວງ ຂໍຖືເປັນກຽດຮຽນມາບົ່ງທ່ານເຈົ້າແຂວງ ດ້ວຍຈຸດປະສົງ: ຂໍອະນຸມັດຂໍ້ຕົກລົງຮັບຮອງເອົາມູນຄ່າການຊົດເຊີຍ 5 ລາຍການດ້ານເສດຖະກິດຄົວເຮືອນ ຂອງ 6 ບ້ານ 1 ຄຸ້ມທີ່ໄດ້ຜ່ານການປະເມີນແລ້ວ ເຊິ່ງມີມູນຄ່າທັງໝົດ 94.736.277.900 ກີບ, ໃນນີ້: ຊຳລະ 50% ຜ່ານມາ ມູນຄ່າ 50.513.828.000 ກີບ, ມູນຄ່າສະເໜີຊຳລະ 50% ສຸດທ້າຍ ກຶ້ງນີ້ ມູນຄ່າ 44.222.449.900 ກີບ ເຊິ່ງລາຍລະອຽດ ດັ່ງນີ້:

ກ. ຂໍ້ມູນລວມ:

ລ/ດ	ຊື່ບ້ານ	ຈຳນວນຄົວເຮືອນ	ມູນຄ່າຊົບສິນທີ່ປະເມີນ	ມູນຄ່າຈັດບັບ 80%	ລົບຈ່າຍ 50% ຜ່ານມາ	ຈ່າຍ 50% ສຸດທ້າຍ
1	ບ້ານໃໝ່	166	27.773.087.000	24.433.637.200	11.797.112.250	12.636.524.950
2	ບ້ານ ທ່າຕີນ	184	16.643.083.500	14.762.473.900	8.219.106.750	6.543.367.150
3	ບ້ານຫີນລາດ	154	22.469.292.000	19.822.584.000	10.663.926.000	9.158.658.000
4	ບ້ານທ່າແສງຈັນ	103	10.720.187.500	9.408.303.500	5.374.731.250	4.033.572.250
5	ບ້ານສະໝອງ	57	8.836.997.000	7.817.958.600	4.307.711.500	3.510.247.100
6	ຄຸ້ມໂຄກກ່ອງ	225	17.650.285.000	15.509.088.800	8.747.211.000	6.761.877.800
7	ບ້ານຕະມ່ປອດ	51	3.371.293.500	2.982.231.900	1.404.029.250	1.578.202.650
	ລວມ	958	107.464.380.500	94.736.277.900	50.513.828.000	44.222.449.900

ຂ. ຂໍ້ມູນ 5 ລາຍການທີ່ຕິເປັນເປີເຊັນຫຼືກວ່າຫຼືຍຫຼ້ນ:

ລ/ດ	6 ບ້ານ 1 ຄຸ້ມ	ມູນຄ່າຄິດໄລ່ເບື້ອງຕົ້ນ	ສະເໜີເປັນ	ມູນຄ່າເຈລະຈາຕັ້ງສຸດທ້າຍ
1	ພາຫະນະ	35.286.820.000	80%	28.229.456.000
2	ເຄື່ອງໃຊ້ຄົວເຮືອນ	28.353.693.000	80%	22.682.954.400
3	ທຸລະກິດຄົວເຮືອນ	12.367.540.000	100%	12.367.540.000
4	ສັດລ້ຽງ	28.420.804.000	100%	28.420.804.000
5	ອາຫານ ແລະ ເຄື່ອງມື ກະສິກໍາ	3.035523.500	100%	3.035523.500
ລວມ		107.464.380.500	88.16%	94.736.277.900

ດັ່ງນັ້ນ, ຈຶ່ງຮຽນສະເໜີມາບັງທ່ານ ເພື່ອຊ່ວຍຕົ້ນຄວ້າພິຈາລະນາຕາມທາງຄວນຕ້ວຍ.

ຮຽນມາດ້ວຍຄວາມເຄົາລົບ ແລະ ນັບຖືຢ່າງສູງ

ຮອງເຈົ້າແຂວງ

ປະທານຄະນະກາມະການຄຸ້ມຄອງໄພພິບັດຂັ້ນແຂວງ



ອຸ່ນຫຼ້າ ໄຊຍະສິດ

ANNEX 2: ANALYSIS OF LETTER 03/PDC ISSUED ON 29 JUNE 2020 BY THE DISASTER CONTROL COMMITTEE AT PROVINCIAL LEVEL (ATTAPEU PROVINCE) IN COMPARISON WITH MANUSHYA FOUNDATION'S DESK RESEARCH AND DATA COLLECTION ON THE GROUND

1. Financial Compensation

Over 958 households in seven villages (or Ban) were affected by the collapse of Xe-Pian Xe-Namnoy dam in 2018; including 166 households in Ban Mai, 184 households in Ban Tha Hin, 154 households in Ban Hinlad, 103 households in Ban Sengchan, 57 households in Ban Sa-nhong, 225 households in Ban Khok Kong, and 51 households in Ban Tamayod.

The compensation money promised by PNPC (Xe-Pian Xe-Namnoy Power Company) amounted to 94,736,277,900 Lao Kip (10,466,939 USD) in total; the money would be split in half and each half would be paid on a scheduled date. The first half of the compensation money was paid on 19 July 2019, for a total of 50,513,828,000 Lao Kip (5,581,021USD). And the second half was paid last Thursday on July 16, 2020, for a total of 44,222,449,900 Lao Kip (4,885,918 USD). These were the amount of compensation money promised to the villagers as stated so in the official documents below.

However, according to the news and several villagers, it seemed that the president of the Provincial Disaster Protection Committee and Deputy Governor of Attapeu Province, Mr. Ounlar Sayasith, had cut 20 percent off of the money, stating that it was for processing fee. This news had caused dissatisfaction among the villagers and many voiced their complaints through their Facebook posts.[\[52\]](#)

One of the villagers said that the government in collaboration with PNPC had sent their officers to assess the damage and estimate the amount of compensation money. The villager said that the estimated damage of their household costed around 100,000 Thai Baht. However, the compensation money they got were only that of 80,000 Thai Baht.

2. Temporary Shelters

The government set up temporary shelters for those who were affected by the dam collapse disaster. The shelters were set up in five places (or five centers) which were;

1. Hadyao Village Center
2. Dong Bak Village Center
3. Don Beuk Village Center
4. Tamayod Village Center
5. Bin Dong Village Center

According to sources, these temporary shelters were not in good living condition; the places had a foul smell and were filled with garbage.[\[53\]](#) The shelters were made of metal and the temperature inside got extremely hot. Inside of the shelters also got wet whenever it rains that caused an electrical short circuit and sometimes it even caused the shelters to catch on fire.

Moreover, many were concerned about the sanitary of the shelters as many residents in the shelters contracted diseases such as diarrhea, eye infections, and skin rashes.[\[54\]](#)

3. Information regarding disaster relief provided by Government of Lao PDR and PNPC in response to of Xe-Pian Xe-Namnoy dam collapse

Each person in temporary housing centers would be paid 250,000 Lao Kip per month by the company and the government. They would also be given 20 kilograms of rice per month as well. However, for the last three months, neither the rice nor the money was provided. The last time they were paid was in March, 2020.

Regarding permanent housing, the government had promised to build 802 houses for all 985 affected households as their new permanent houses. Of all 802 house which were currently being built, 107 of them are being built under the UN-Habitat project and 700 of them are being built by PNPC.

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About Manushya Foundation

Manushya Foundation was founded in 2017 with the vision to build a movement of Equal Human Beings #WeAreManushyan. Manushya is an intersectional feminist human rights organization reinforcing the power of humans, in particular women, human rights defenders, indigenous peoples, forest-dependent communities, environmental defenders, LGBTI groups, and Youth, to be at the heart of decision-making processes that concern them and to speak truth to power at the forefront of their fight for Human Rights, Equality, Social Justice and Peace. Through coalition building, capacity building, community-led research, advocacy and campaigning, and sub-granting, local communities become Agents of Change fighting for their rights and providing solutions to improve their lives and livelihoods, pushing back on authoritarian governments and harmful corporations. Manushya defends local communities and seeks justice with them before the United Nations, focusing on women's rights and gender equality, digital rights, climate & environmental justice, and corporate accountability across Asia.

For further information on the work of Manushya Foundation, visit:

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