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# NEWS RELEASE

LAO GOVERNMENT AND IMPLICATED COMPANIES  
MUST DELIVER JUSTICE FOR SURVIVORS OF 2018  
ATTAPEU DAM COLLAPSE



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## NEWS RELEASE: LAO GOVERNMENT AND IMPLICATED COMPANIES MUST DELIVER JUSTICE FOR SURVIVORS OF 2018 ATTAPEU DAM COLLAPSE

**26 July 2022, Bangkok** - To mark the four years of injustice since the tragic Xe-Pian Xe-Namnoy dam collapse in Attapeu Province in Laos, Manushya Foundation releases its follow-up complaint to 11 United Nations Special Procedures, shedding light on new allegations of human rights violations. The [UN complaint](#) submitted to the United Nations on 28 February 2022 urges the Lao Government and implicated companies, including dam developers, banks and insurers, to effectively address the adverse human rights and environmental impacts caused by the Lao dam collapse, and to provide effective, fair and adequate compensation to at least 7,000 survivors.<sup>1</sup>

On the night of 23 July 2018, “Saddle D” of the Xe-Pian Xe-Namnoy hydropower dam project in Laos collapsed, triggering flash floods which spread across six villages in both Laos and neighboring Cambodia, inflicting extensive damage on local farmlands, property, and houses.<sup>2</sup> Official toll in Laos alone showed that **over 7,000 people were displaced, and at least 71 others killed or missing, in the aftermath.**

The hydropower project, deemed critical by Laos for the country’s economic development, was denounced by environmental organizations and local communities due to gaps in environmental and social impact assessments. However, communities’ voices were not heeded and the project was almost 90 percent completed at the time of collapse. **The hydropower compound is now in full operation.**

The lack of transparency throughout development drew the attention of local human rights defenders. Since 2017, Joseph Akaravong, Lao environmental and community rights activist, has been actively documenting the lack of community consultations, and lack of transparency around the financing and construction of the dam. He interviewed villagers and subsequently posted their [videos](#) on Facebook,<sup>3</sup> which became viral following the dam collapse. *“Although domestic laws in Laos provide for consultation with affected communities prior to commencement of a development project, most projects in the country are undertaken without meaningful participation of affected communities. There is a clear lack of consideration of the local community from the Lao authorities,”* said Joseph Akaravong. *“This routine violation of people’s fundamental rights by the Lao government must end”*, he added. Joseph’s activism made him a target of reprisal by the Lao government. He had to leave his motherland in August 2018, and has been living in hiding for many years. Joseph eventually fled to France earlier this year where he is seeking asylum.<sup>4</sup>

**No accountability in sight: Four years after the tragedy, thousands of victims still have not received either full or fair compensation, and an estimated 3,600 people are still living in limbo in emergency camps, where poor living conditions have been reported: water shortage, restricted ventilation, and sanitation problems, to name a few.**<sup>5</sup> With the Lao government and companies behind the project pointing fingers at each other, the future of accountability remains uncertain.<sup>6</sup>

Emilie Palamy Pradichit, Founder and Executive Director of Manushya Foundation, also highlighted the importance of hearing affected communities’ voices and providing them with effective reparations. *“We strongly call on the Lao government to uphold its international human rights obligations and on companies involved to provide adequate compensation to survivors. Lao people’s fundamental rights must be upheld at every step of the recovery process. For this very reason we have submitted a complaint to United Nations Special Procedures and we will always stand by the survivors and affected communities who lost their livelihoods in the Lao dam collapse, until their demands are met, full restoration of their livelihoods guaranteed and justice is given,”* she underlined.

**All entities backing the project and profiting from it must shoulder responsibility**, including the South Korean and Thai governments. The UN Guiding Principles on Business and Human Rights (UNGPs) mandate States to take steps to prevent human rights abuses from being committed on foreign soil by business enterprises established within their jurisdiction<sup>7</sup>, and to ensure effective access to remedy in case of a human rights violation. The duty to provide redress can likewise be ascribed to business enterprises themselves, either alone or jointly with stakeholders. Thus, the consortium of companies which formed the joint venture as well as banks from which funding was secured, and insurers backing the project, are equally liable. Thailand's responsibility, specifically, is derived from its National Action Plan on Business and Human Rights (NAP-BHR).

*“As of today, no one has been held accountable for the losses and harms suffered by Lao people due to the Xe-Pian Xe-Namnoy dam collapse. The recovery process has been very slow and is being badly managed. All governments and companies involved are responsible and must promptly establish a compensation fund accessible to all survivors and displaced persons,”* stressed Joseph Akaravong.

The Lao government's offhand handling of the collapse prompted anger among members of affected communities. Nevertheless, **Laos, whose human rights record has been tarnished for decades, reacted by harassing those speaking up against the injustices.** In September 2019, Houayheuang Xayabouly, also known as [Muay](#),<sup>8</sup> was arbitrarily arrested for publicly condemning Laos' inaction and continued involvement in similar dam projects which detriment communities and the environment.<sup>9</sup>

**Keeping the fight alive:** The [follow-up UN complaint](#) published by Manushya Foundation serves as a timely reminder of the broken promises received by survivors. **11 UN Special Procedures on relevant thematic issues received the UN complaint in February this year.**<sup>10</sup> **Subsequently, the UN Human Rights Experts sent a new Joint Allegation Letter to the Lao government and 22 companies, which will be made public in the coming months.**<sup>11</sup>

The release of the [UN complaint](#) also coincides with the Lao Ministry of Energy and Mines' notice issued on 18 July 2022, stating that dams must ensure appropriate water management and emergency planning.<sup>12</sup> However, this tightening of control comes two days after a [video](#) of two leaks from the **Nam Theun 1 dam** had circulated on social media and went viral,<sup>13</sup> raising Lao people's concerns of overstressing or breakage, and putting in question the motivations behind the Lao government's new measure. The Lao government claims it had known about the leaks at the Nam Theun 1 dam since June 2022 and that the seepage would be repaired soon, but water still continues to flow unabated.

Precisely four years after the Xe-Pian Xe-Namnoy dam disaster, a potential collapse of the Nam Theun 1 dam would jeopardize lives and livelihoods of both Lao and Thai communities living downstream. While a draft law on hydropower safety was also approved earlier this month by the Lao National Assembly to improve safeguards against accidents,<sup>14</sup> the lack of environmental and human rights concerns is even more disturbing considering the ambitious plans of Laos to become the “battery” of Southeast Asia, exporting its hydroelectric energy to neighboring countries rather than moving to clean and renewable energy solutions.

Emilie Pradichit explained: *“Laos must shift from being the unsustainable battery of Southeast Asia. Large-scale hydropower projects are detrimental to human rights and the environment, and do nothing in terms of climate change mitigation. Instead, the Lao government must focus on realizing a Just, Inclusive, Green and Feminist Transition where concerned communities are put at the center, all throughout the process.”*

To avoid similar tragedies in the future, **Manushya Foundation urges the Lao Government and the companies involved to effectively address the human rights impacts caused by the Lao dam collapse, in a timely manner and to provide effective reparations to the survivors, including adequate compensation and full restoration of their livelihoods.** In particular, Manushya Foundation calls on Laos to bring its economic development strategies in line with international human rights standards, including to comply with its international human rights obligations and UPR commitments, and to implement the recommendation received from Norway during its third Universal Periodic Review (UPR), that it supported, on the development and implementation of a National Action Plan on Business and Human Rights.<sup>15</sup>

**Last but not least, Manushya Foundation strongly urges companies and governments around the world to always put people and the planet over profit, putting an end to preventable disasters once and for all.**

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### Background

*The construction of the Xe-Pian Xe-Namnoy hydropower dam project in Laos' southernmost Attapeu and Champasak provinces began in 2013, consisting of three main dams and a storage reservoir on the Sekong River basin reinforced by five saddle dams. The hydropower project was developed as a build-operate-transfer by Xe-Pian Xe-Namnoy Power Company (PNPC), a joint venture of South Korean and Thai companies, and state-owned Lao Holding State Enterprise (LHSE), financed by Korean and Thai banks. Notwithstanding ongoing security concerns, the construction of the Xe-Pian Xe-Namnoy dam project resumed shortly after the collapse. The Lao government continued to downplay the severity of the disaster, blaming it on heavy rainfall and engineering failure, in the years that followed.<sup>16</sup>*

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**Access the Follow-up UN Complaint to seek Justice for the Survivors of the Xe-Pian Xe-Namnoy Dam Collapse, in Attapeu Province, Laos, (28 February 2022):**

<https://www.manushyafoundation.org/followup-un-complaint-on-attapeu-xpxn-dam-collapse>

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**All you need to know about Manushya Foundation's previous work on the Attapeu dam collapse and our campaign to #FreeMuay from jail is available here:**

- [News release](#): Laos must undertake transparent and independent investigation to ensure effective remedies for the victims of the dam collapse – and Thailand should also bear responsibility, 20 August 2018;
- [Statement](#) of the Thai Business & Human Rights Network on the Lao Dam Collapse, 20 August 2018;
- [Manushya Foundation's Submission](#) to the UN Special Rapporteur on Extreme Poverty and Human Rights on the situation in Lao People's Democratic Republic (PDR), March 2019;
- [Joint Submission](#) with the Asia Indigenous Peoples Pact (AIPP) to the UN Universal Periodic Review (UPR) for Lao PDR Third UPR Cycle, 21 July 2019;
- [Joint Statement](#): One year after Xe Pian-Xe Namnoy dam collapse, civil society from Korea and the Mekong call for immediate accountability and redress, 23 July 2019;
- [Manushya's Foundation UPR Factsheet to inform Lao PDR's Third UPR](#): Overview of the Human Rights Situation in Lao PDR - Legal Framework, Challenges, Case Studies & Community-led UPR Recommendations, January 2020.
- [#Freemuay from jail in Laos](#): Campaign to Free Lao woman human rights defender Ms. Houayheuang Xayabouly (Muay) and stop the human rights violations against her.
- [Joint Complaint to the United Nations on the Human Rights Violations faced by Ms. Houayheuang Xayabouly \(Muay\), Lao Woman Human Rights Defender](#), March 2020.
- [Joint Individual Complaint to the United Nations Working Group on Arbitrary Detention \(UNWGAD\) concerning the case of Houayheuang \("Muay"\) Xayabouly](#), December 2020.

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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: <https://www.manushyafoundation.org/>

**Endnotes**

- <sup>1</sup> UN Joint allegation letter by Special Procedures LAO 1/2020 addressing the negative human rights impacts caused by the collapse of an auxiliary dam in Attapeu province, in the south-eastern state of Lao PDR, available at : <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25088>.
- <sup>2</sup> Inclusive Development International and International Rivers, *Reckless endangerment: Assessing responsibility for the Xe-Pian Xe Namnoy Dam collapse*, (2019), available at: [https://www.internationalrivers.org/wp-content/uploads/sites/86/2020/06/reckless\\_endangerment\\_final\\_for\\_web-compressed.pdf](https://www.internationalrivers.org/wp-content/uploads/sites/86/2020/06/reckless_endangerment_final_for_web-compressed.pdf)
- <sup>3</sup> Joseph Akaravong Facebook Page, *Public post of 23 February 2017 sharing the voices and concerns of affected communities of three villages in the face of the Xe Pian-Xe Namnoy dam*, (23 February 2017), available at: [https://m.facebook.com/story.php?story\\_fbid=1850076008604657&id=100008068268130](https://m.facebook.com/story.php?story_fbid=1850076008604657&id=100008068268130). See also Manushya Foundation, *Submission to the UN Special Rapporteur on Extreme Poverty and Human Rights on the situation in Lao PDR for his official country visit from 18 to 28 March 2019*, (March 2019), available at: <https://www.manushyafoundation.org/unsr-extreme-poverty-hr-laopdr>
- <sup>4</sup> Manushya Foundation, CIVICUS, Forum Asia, *Joint Submission to the UN Universal Periodic Review (UPR) for Lao PDR Third UPR Cycle, 35th Session of the UPR Working Group*, (18 July 2019), available at: <https://www.manushyafoundation.org/joint-lao-upr-submission>
- <sup>5</sup> Water shortage, restricted ventilation, and sanitation problems have been reported. Please see: OHCHR, Untitled communication: United Nations Human Rights Council to Xe-Pian Xe-Namnoy Power Company, (17 April 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25088>
- <sup>6</sup> OHCHR, *Xe-Pian Xe-Namnoy Power Company's reply to the Joint Allegation Letter*, (12 June 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35334>  
OHCHR, *Krung Thai Bank's reply to the Joint Allegation Letter*, (16 June 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35348>  
OHCHR, Republic of Korea's Reply to the Joint Allegation Letter, (6 July 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35415>  
OHCHR, *Lao Government's reply to the Joint Allegation Letter*, (16 July 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35426>  
OHCHR, Thanachart Bank's reply to the Joint Allegation Letter, (28 August 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35547>

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- OHCHR, *Bank of Ayudhya Public Company Limited's Reply to the Joint Allegation Letter*, (11 September 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35564>
- OHCHR, *Export-Import Bank of Thailand's Reply to the Joint Allegation Letter*, (19 October 2020), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35621>
- 7 OHCHR, *United Nations Guiding Principles on Business and Human Rights*, available at: [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)
- 8 Muay is a woman human rights defender with extensive activism in environmental rights and anti-corruption. Unlike Joseph, Muay decided not to flee as she is the breadwinner of her family and is tending to a very young daughter. Muay was handed a five-year sentence at the end of a trial wrought with improprieties and remains in arbitrary detention to date.
- 9 In December 2020, Manushya Foundation, The Human Rights Foundation (HRF), and Humanity Beyond Borders jointly submitted an individual complaint to the United Nations Working Group on Arbitrary Detention (UNWGAD) to request a formal investigation on the arrest and wrongful conviction of Muay and declare that her arbitrary imprisonment is in clear violation of international law. Please see: <https://www.manushyafoundation.org/free-muay-individual-complaint> ; In June 2021, the UNWGAD condemned Laos for its persecution of Muay, determining that the arrest and subsequent imprisonment were arbitrary and urging Lao authorities to release her immediately. Please see the UNWGAD decision: <https://www.business-humanrights.org/fr/latest-news/laos-un-finds-detention-of-woman-human-rights-defender-was-arbitrary/>; The Lao Government has yet to respond.
- 10 The follow-up complaint was sent to 11 UN Special Procedures on relevant thematic issues, including extreme poverty and human rights, business and human rights, adequate standards of living, and non-discrimination, it can be accessed on Manushya Foundation's website: <https://www.manushyafoundation.org/followup-un-complaint-on-attapeu-xpxn-dam-collapse>.
- 11 OHCHR-UN Special Procedures, *News Release: Lao dam disaster: UN experts decry lack of progress for survivors four years on*, (22 July 2022), available at: <https://www.ohchr.org/en/press-releases/2022/07/laos-dam-disaster-un-experts-decry-lack-progress-survivors-four-years>
- 12 Laotian Times article, *Laos Energy Ministry Places Dams on Notice Amid Wet Season Storage*, (19 July 2022), available at: <https://laotiantimes.com/2022/07/19/laos-energy-ministry-places-dams-on-notice-amid-wet-season-storage/>
- 13 Radio Free Asia, *Unease downstream despite assurances that leaking Lao Nam Theun 1 is safe*, (20 July 2022), available at: <https://www.rfa.org/english/news/laos/dam-worry-07202022183610.html> ; Joseph Akaravong Facebook Page, *Public posts of 16 July 2022 sharing the accident at the Nam Theun 1 dam*, (16 July 2022), available at: <https://bit.ly/3BhgiSu> and <https://bit.ly/3Qb4em7>; Thai PBS News, *สถานช.ประเมินเขื่อนน้ำเทิน 1 ในลาวรั่วซึมจากการก่อสร้าง ไม่กระทบน้ำโขง*, (17 July 2022), available at: <https://news.thaipbs.or.th/content/317589>; Office of the National Water Resources Facebook Page, *Public post of 17 July 2022 regarding the accident at the Nam Theun 1 dam*, (17 July 2022), available at: <https://www.facebook.com/onwrnews/posts/pfbid02Xm3NnRrhgBL7JTmxsrvb9fFnYSF7BBX1YZ92pzD1Nt8sSXHoc2WoJKBidrnrFHSI>
- 14 Laotian Times, *Authorities in Laos Draft Law on Hydropower Safety*, (20 January 2020), available at: <https://laotiantimes.com/2022/01/20/authorities-in-laos-draft-law-on-hydropower-safety/>
- 15 OHCHR-Human Rights Council, *Universal Periodic Review of Lao PDR, Third Cycle's Matrix of Recommendations*, available at: <https://www.ohchr.org/en/hr-bodies/upr/la-index>
- 16 David J. H. Blake and Keith Barney, *Impounded Rivers, compounded injustice: contesting the social impacts of hydraulic developments in Laos*. *International Journal of Water Resources Development*, 1-22, (2021), available at: <https://doi.org/10.1080/07900627.2021.1920373>