



**KINGDOM OF CAMBODIA**  
Nation Religion King

Permanent Mission of the Kingdom of Cambodia  
to the United Nations Office and other International  
Organizations at Geneva

Ref. 2017/09/ 376

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights at Geneva and with reference to letter's No. UA KHM 2/2017 dated 13 July 2017, has the honour to enclose herewith the response of the Royal Government of Cambodia in response the Joint Urgent Appeal from Special Procedures on the issues of the Lower Sesan 2 Hydropower Dam project in Stung Treng province.

The Permanent Mission of the Kingdom of Cambodia would be grateful if the said document could be forwarded to its highest destination.

Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations avails itself of this opportunities to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 September 2017



The United Nations Office of the High  
Commissioner for Human Rights  
Special Procedures Branch  
Geneva

## **MME's Response to concerns raised by the OHCHR regarding the development of Lower Sesan 2 Hydropower Project**

The Ministry of Mines and Energy (MME) would like to clarify on all points raised by the United Nations Special Rapporteur on Human Rights in Cambodia as follow:

First and foremost, we would like to solemnly declare that the King of the Kingdom of Cambodia, the Royal Government of Cambodia (RGC) and all civil servants under all line ministries and agencies are Khmer (Cambodian); we have Khmer flesh and blood; our heart are Khmer, serving the Khmer people. We love and respect our fellow Khmer citizens; we seek benefits for Khmer more than any foreigners. Khmer race consists of Khmer citizen and all minority groups and indigenous people throughout the Kingdom of Cambodia. No other races would love Khmer more than our own Khmer people. Only a handful of extremists would bring destruction to its own nation and people for their personal benefits and their cronies. Energy development and especially in power sector in Cambodia is to serve our Khmer people, therefore, all hydropower plant projects have taken full and clear considerations and impacts on all aspects such as environment, social and economic. So there is no way that Cambodia would or does develop our nation only to destroy ourselves. It is a matter of fact in this world that each race would have their own idealistic view for their own people, so there is a common belief that no other races (foreigners) would love their own nation and people more than its fellow citizens who share that same race, roots and destiny.

I.

In regarding to the information raised by the United Nations Special Rapporteur on Human Rights in Cambodia, the Ministry of Mines and Energy realized that there is a misunderstanding and some of the reported data were inaccurate. Therefore, the ministry would like to clarify that there is a total of 860 families/households affected by the Lower Sesan 2 hydro power dam project (LSS2). The provincial resettlement committee and the company have been working jointly together in doing relocation and resettlement since the beginning of 2014 until present day. As a result, there are 755 families/households, equivalent to 88% have already accepted compensation based on the resettlement and compensation policy. There are still 105 families/households equivalent to 12% who chose to remain and have repeatedly rejected the resettlement proposal and plan. On 15<sup>th</sup> July 2017, the provincial



authority of Stung Treng did not force or evict people from their homes, but rather to make an announcement and to inform the remaining people in the affected area who have not yet agreed to accept the compensation policy to be cautious in the event when water level rises as the water gate at the hydro power dam LSS2 was to closed for trial and testing. The authority has also urged the affected remaining community to accept the terms and conditions of the resettlement and to cooperate fully with local authorities including districts, communes and villages levels, as well as company in rescue efforts and transport them to a safe relocated zone whether to move to a newly built housing or to a higher ground areas in order to avoid any incidents caused by the flood. In parallel to this effort, a provincial emergency response working group was set up to collaborate with local authorities at all levels to station in each targeted area in preparation for rescue mission for those households/families who have remained and continued living in their houses. This effort is done without using any kind of forces or threats to try to making them leave their homes. When water gate at the dam was closed, water has begun rising in the villages, and it created an opportunity for a handful of civil society organizations (CSOs) or Non-Governmental Organizations (NGOs) and those radical extremist groups to enter the areas in order to provoke people in the affected communities to rise up and protest against the project development. They have used all kinds of tactics such as acting as if force eviction was done; speaking and giving interview with eyes full of tears in front of camera (once done they laugh as normal); willing to die and not to be relocated, and they even built newly short term small cottages in order to be captured in photographs. All these activities were performed with one single most important purpose and that is to seek funding from donors for their own personal agenda and the benefits of their respective organizations. These are the reasons why authorities stopped allowing NGOs and those extremist activist groups enter the site. They are doing this to protect the people and the communities, because they were hindering and interfering with rescue efforts. In regard to the demand for permission to continue living in the existing villages even when the water rises and the mitigation is to move to a higher ground, both the ministry and the provincial authority of Stung Treng have on numerous occasions requested the people to relocated to the newly built resettlement areas which was established and constructed by the company and local authority. The resettlement areas consists of land, housing, agricultural land, key public infrastructure and most importantly it is a safe zone for everyone. In the case raised about ,not yet resolved for, ancestral

graveyard and burial ground, the resettlement committee and the company have already given all the necessary funds for holding a formal and traditional ceremony in order to relocate those graveyards. So for the accusation that issue has not been resolved is not true, because this only applies to 12% people who chose to remain as mentioned above.

## **II.**

Government procedure related to consultation with the public in order to seek consent for development of LSS2 project was conducted accordingly. In 2007, during the Environmental Impact Assessment (EIA) period, independent consultants from Power Electric Consultation Company 1 (PECC1) and Key Cambodia Consultation (KCC) have worked together on public consultation with those households who are both affected directly and those who are affected indirectly. Public consultations were conducted 2 times. The first round was done by working alongside with leaders of communes and among village heads, aiming to raise community awareness about the development of the LSS2 project and to assess the environmental issues which were likely to happen. The second consultation was prepared after the first one was a success and yield fruitful results to show to public. Each consultation was attended by representatives of those directly affected communities including Plouk commune, Kbal Romeas commune, and Sre Kor commune in Sesan district, and representatives of those indirectly affected communities including Ta Lak commune, Sesan district, Stung Treng province and Sre Ang Krong commune, Kon Mom district, Ratanakiri province as well as representative from provincial department; private sector; NGOs; and related stakeholders.

### 1<sup>st</sup> Public Consultation:

#### Phase 1:

In February 2008 the consultation was conducted in the affected communities which composed of 3 directly affected communes and 2 indirectly affected communes. Based on the preliminary study information, there were about 85 percent of the total consulted people disagreed with the project meanwhile there were only 15 percent showed their support.

#### Phase 2:

After having visited Viet Nam and did field study to learn about new resettlement areas and compensation policy, a public consultation was conducted by the resettlement working group of PECC1 together with affected communities in April



2008. As the result, there were about 84% had agreed with the project in development of LSS2.

#### 2<sup>nd</sup> Public Consultation

In May 2008, the public consultation was conducted which was involved by all stakeholders included KCC/PECC1, Stung Treng provincial authority, the affected families, related institutions, representatives of the related provincial departments, NGOs and private sectors (forest concession land company). The purpose of hosting that public consultation was to get comments and recommendations from all stakeholders to improve engineering layout, to include more exemption measures and to check and follow up on environmental management for environmental impact assessment study.

Finally, the result showed that there were 84% of the total affected families favored the development of LSS2 project because this project had very minimal and recoverable environmental impacts; therefore, Cambodia went ahead with the development. Although majority support was obtained, the minority voices were not ignored either.

#### III.

The Ministry of Mines and Energy would like to reiterate that the Environmental Impact Assessment (EIA) of the project LSS2 was fully completed in December 2009. The approval process was done through a rigorous examination and assessment from the Ministry of Environment (MOE). Numerous consultation sessions were conducted with participation from line ministries, NGOs, and related stakeholders. In regard to the impacts on indigenous people and communities were also included in the full EIA.

#### IV.

To proceed with the implementation of compensation policy for displacement of the affected people by the LSS2 project, at the national level, the ministry has set up a committee on compensation policy with scope of works ranging from establishing new settlement, and public infrastructure to prepare documentations for public awareness. The main core purpose of the committee is to implement the compensation policy and plans, decide on compensation and report back the results to the RGC. At the Stung Treng provincial level, another committee was set up to be responsible for actual compensation on the ground. It serves directly to the affected

families and households in Plouk commune, Kbal Romeas commune, and SreKor commune in Sesan district, Stung Treng province. This committee worked on formulating their action plans and activities, survey areas and data collection on people's assets and measure the actual land size that would be compensated. Beside this task, the committee is also responsible for creating public awareness and public campaign on the benefits and advantages on hydro power dam, environmental protection measures, different phases and timeline in the LSS2 project, resettlement and compensation policy, and various community programs in order to improve their living conditions. According to standard measures and procedures of compensation policy and new resettlement will include the following:

Compensation policy having been implemented, the package includes:

- Either brick or wooden houses of 80 square meters on an area of 1000 square meters (20m x 50m) per family
- 5 hectares of agricultural land per family
- Additional sponsorship policy includes:
  - US\$100 per family for transportation cost to new location
  - Cash equivalent to 20kg of rice per month for a year for each person
  - Oil expense of US\$15 per family/month for a year
  - Labor cost of US\$50 (one time only) for each person (to buy seeds and pesticide)
  - Extra incentive bonus for those families that relocated as per settlement policy of US\$200 for each family
- Graveyard burial ground cost of US\$200 per family
- Extra compensation on any household buildings such as kitchen, cottage, rice field, domestic animal houses etc. which are affected
- Compensate for crops and fruit trees
- Build key public infrastructure such as road, bridge, health center, schools, pagoda local administrative offices, police station and military police station, etc.

Apart from the compensation policy above, for each newly couple (separated as a new family entity) received 1 plot of land sized 1000 square meters and 2 hectares of agricultural land. Additionally, the government also provides the whole community with allocation of land forest, social land concession, burial grounds, and land for sanctuaries and community traditions.

V.

During the period of implementation of the resettlement and compensation policy for LSS2 project, the Law on Expropriation was not adopted yet. Thus, the provincial resettlement working group and the committee need to work on a compromised basis with affected family by explaining and raising awareness of the benefits from project development and the resettlement and compensation policy.

**The ministry would like to emphasize that in all compensation and resettlement policy implementation, there has never been and there will never be any force eviction or threat to the impacted people by any means. People make their own choices, all housing allocation was done in a lottery format whether to pick a wooden housing or brick housing or to receive cash amount equivalent to the value of their house.**

Ministry of Mines and Energy welcomes anyone who is interested on the LSS2 project to find more information in details as well as on the resettlement policy in order to eliminate any misconceptions, misunderstandings and worries. The field trip to the project site can be arranged, coordinated and facilitated by our ministry with proper request and purpose from those who are interested. In doing so, it would be the most responsible and appropriate way preventing and avoiding altogether any illegal entry or any attempts to create chaos situation in the areas.