



XE-PIAN XE-NAMNOY POWER COMPANY LIMITED

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Ref. No.: PNPC-340/2022

Date: 30 August 2022

Federica DONATI

Officer-in-Charge

Special Procedures Branch

Office of the High Commissioner on Human Rights

Palais Des Nations, 1211 Geneva 10

Switzerland

Your Ref: AL OTH 50/2022

Subject: Response to Joint Communications from Special Procedures.

Dear Federica DONATI,

PNPC acknowledges receipt of your letter (Ref: AL OTH 50/2022) dated 18 July 2022.

PNPC has duly reviewed the Joint Communication from Special Procedures and noted the alleged concerns and your request for additional information. During diligent review, PNPC has identified numerous inaccuracies and outdated information contained within the report.

Please find herein attached the detailed responses (see Attachment No. 1) to the request for additional information and also clarifications and corrections on the inaccuracies contained within the report. For the updated information, please find attached photographs of the four new permanent villages including new permanent houses and public infrastructure.

Notwithstanding the remaining alleged concerns, PNPC notes that there are significantly less concerns than in previous Joint Communications from Special Procedures. This reflects the significant progress made in the compensation and rehabilitation activities, and therefore the improved situation in the affected area of Sanamxay District.

PNPC has conscientiously fulfilled its commitment to provide funds in the amount of **\$US24.5M** for the construction of seven hundred (700) new permanent houses with toilets, of larger sizes, and of better quality than the previous houses in the old villages. PNPC has already transferred the said amount to the Government of Lao, whose special committee was set-up to oversee the construction of the new permanent houses. Whilst construction progress was hampered during the Covid-19 pandemic due to the consequent travel/transport restrictions, the construction of the seven hundred (700) new permanent houses is currently at ninety-six percent (96%) completion and will be fully completed soon.

PNPC has completely fulfilled its commitment to pay all of the \$US43.9M Third-Party Liability compensation claims. All eligible claimants for compensation (including each individual household) were included in a consultation process, signed-off on their compensation amounts, directly received their compensation payments, and provided corresponding acknowledgement receipts of compensation payments and release-of-liability confirming their satisfaction with the payment. There is now only one compensation category remaining to be paid which is being expedited.

In addition to the \$US43.9M for Third-Party Liability compensation and \$US24.5M for the new permanent houses, PNPC has also fulfilled its commitment to provide **\$US22.8M** of additional funding for the development and construction of four new villages, including the public infrastructure to support education, health and livelihoods. These public infrastructures include better schools, health centers, water supply, irrigation systems, village halls, temples, community market, resettlement coordination center, and roads. The majority of these public infrastructure has already been completed including the schools and health centers. The remaining infrastructure works are currently underway and will be completed soon.

Aside from financial donations from PNPC and its Shareholders, PNPC has provided the total amount of **\$US91.2M** for compensation payments and the development and construction of four new villages with better housing and public infrastructure.

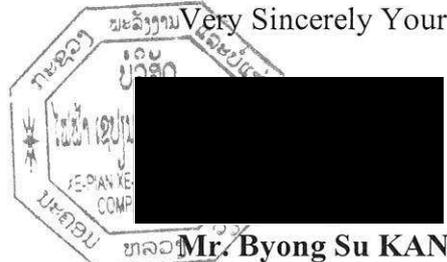
It is hoped that the information above together with the attached detailed responses to the allegations contained in the report will alleviate any apprehensions the OHCHR may have and that the sincere efforts and continuing endeavors of PNPC, its Shareholders, and the Government of Laos for the good of the people of Sanamxay District affected by the Saddle Dam D Wash-out are duly recognized. Be rest assured that PNPC has done and will complete all of its commitments with the best intention for the affected people.

Furthermore, PNPC would like to clarify that the UN Report's allegation that Saddle Dams E and F are in the same condition as Saddle Dam D prior to the wash-out is inaccurate. Saddle Dams E and F were strengthened based on a design prepared by a world-renowned international dam construction company. The design was reviewed and approved by the Owner's Engineer. Strengthening works were completed in 2019 which consisted of the installation of downstream berms and pilings, and the use of cut-off walls and deep pressure relief wells, among others. In addition, the Saddle Dam D was replaced by a Roller Compacted Concrete (RCC) dam to ensure more stability.

Lastly, PNPC and its Shareholders would like to emphasize that the alleged concerns in the UN Report were based on inaccurate and outdated information. Raising issues with inaccurate and untruthful information should not be allowed and is detrimental to the Government of Lao, PNPC, its Shareholders, and all other Stakeholders of the Project. As stated above, PNPC has done and will complete its commitments under the supervision of the GOL and the laws of the Lao PDR for the affected people as best as it could.

Please do not hesitate to contact us should you wish to seek further information.

Very Sincerely Yours,



Mr. Byong Su KANG
Chief Executive Officer

Attachments:

- Attachment No. 1: PNPC Detailed Response to UN Report
- Attachment No. 2: Photographs of New Permanent Villages with New Houses
- Attachment No. 3: Photographs of the Public Infrastructure

Attachment No 1: PNPC Detailed Responses to UN Report

Number	1
UN Report	Almost four years after the auxiliary saddle dam collapse, many survivors, who have been internally displaced, remain in unsatisfactory temporary accommodation while long-term housing has not been provided; there is little
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The UN Report statement that many survivors remain in temporary accommodations is totally inaccurate, misleading, and discriminatory.</p> <p>Construction of the 700 new permanent houses funded by PNPC is at ninety-six percent (96%) completion as of the time of this writing. Families have already moved out from the temporary accommodations and into the new permanent houses. Only 50 out of 812 families (6 %) remain at the temporary accommodation and these families will be resettled to their new permanent house soon. One out of four temporary accommodation has been totally dismantled, and the remaining three temporary accommodations are in the process of being dismantled.</p>

Number	2
UN Report	Furthermore, since its collapse in 2018, the auxiliary saddle dam, saddle D, has been rebuilt. However, two additional saddle dams, E and F, reportedly are in the same condition as saddle D prior to its collapse, displaying signs of
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The UN Report statement that the Saddle Dam E and Saddle Dam F are in the same condition as Saddle Dam D is completely inaccurate and erroneous.</p> <p>Saddle Dams E and F were strengthened based on a design prepared by a world-renowned international dam construction company. The design was reviewed and approved by the Owner's Engineer and an Independent Expert Panel (IEP). The IEP is a group of international dam experts working on behalf of the Government of Lao to investigate the cause of the Saddle Dam D wash-out, and review and approve any strengthening works for Saddle Dams E & F. Strengthening works were completed in 2019 which consisted of the installation of cut-off walls, curtain grouting, concrete piles, rock counterweight, and relief wells, among others.</p>

Number	3
UN Report	<p><i>Housing</i></p> <p>The Lao government promised to build 807 permanent houses for those displaced by the 2018 disaster. Of those, a few have been financed by a neighbouring country and 66 by a bilateral governmental donor through a UN Habitat project. UN Habitat confirmed that, with that support, 66 families were moved into permanent homes during the previous year.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>PNPC acknowledges and give due recognition to the support provided for the construction of 66 permanent houses by a bilateral government donor through the UN Habitat and the Government of Thailand for the construction of a further 46 permanent houses.</p> <p>However, PNPC would like to clarify errors in the UN Report:</p> <ul style="list-style-type: none"> The actual target number of new permanent houses to be constructed is 812 and not 807 as stated in the UN Report. These 812 houses consist of 46 houses funded by the Government of Thailand, 66 houses funded by a bilateral government donor through the UN Habitat, and 700 houses funded by PNPC.

	<ul style="list-style-type: none"> Construction of the 66 permanent houses funded by a bilateral government donor through the UN Habitat were in fact completed with almost 100% occupancy before November 2020.
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Number	4
UN Report	The remaining 700 permanent houses have been funded by Xe-Pian Xe-Namnoy Power Company (PNPC), the special-purpose, public-private enterprise managing the Attapeu dam which is 50% State-owned. The houses
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.) is not a 50% state-owned company as stated in the UN Report. The Lao State Holding Enterprise (representing the Lao Government) holds a 24% share of the company.</p> <p>The fact that the UN report mis-reported a basic fact that is publicly available (and also contradicts the statement in its own report in the section “Private Actors’ Involvement”), highlights that the report was not thoroughly fact-checked, verified or even proof-read, and therefore contains numerous mis-representations, errors, and misinformation.</p>

Number	5
UN Report	enterprise managing the Attapeu dam which is 50% State-owned. The houses were meant to accommodate 3,500 people from 6 affected villages who were living in 3 temporary camps. In May 2020, the government stated that USD
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>Just to clarify that the new permanent houses to be constructed were meant to accommodate people from 5 affected villages then temporarily living in 5 temporary camps.</p> <p>Again, the UN report has mis-reported basic facts of the situation in Sanamxay District which highlights that the author clearly is not knowledgeable on the subject matter nor has fact-checked or verified the statements in the report which undermines the entire contents.</p>

Number	6
UN Report	200 houses was delayed. Authorities specified that they had carried out a needs assessment to prioritize beneficiaries, and that, once ready, houses would be assigned to beneficiaries with disabilities and beneficiaries over 65 years old as a priority. However, it was noted that the design of most houses was not suited to the needs of persons with disabilities or to those of older persons.
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The Government of Lao designed several house types for the construction of the new permanent houses based on cultural and traditional house designs and types of houses found in the area acceptable to the house recipients. These house designs/types included bungalow type houses or single-story villas which are suitable for the aged and persons with disabilities.</p> <p>The Government of Lao allocated house designs/types to households based on their preferences and previous houses, albeit larger, of better quality, and with toilets.</p>

Number	7
UN Report	living in 3 temporary camps. In May 2020, the government stated that USD 24 million had been allocated to the construction of the houses, to be completed by the end of 2021.
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	PNPC is unable to verify and confirm the May 2020 government statement stated in the UN Report because the UN Report provides no reference or source. Just to clarify that the Attapeu Provincial Government entered into a contract for the construction of the new 700 permanent houses to be completed in early 2022 and not by the end of 2021 as alleged in the UN Report.

Number	8
UN Report	In June 2021, 505 of the houses were under construction and only 182 were estimated to be complete and ready to be occupied by the end of 2021. The delays in the construction of houses were attributed to various factors, such as clearing, zoning and expropriating private land for the purpose of building new homes, as well as bad weather conditions, access to the area, lockdowns and supply chain disruptions because of the COVID-19 pandemic.
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	It appears that the main objective of the UN Report section on “housing” is to highlight the delay in the construction of the permanent houses. Whilst the UN Report makes a brief reference to the Covid-19 pandemic, the UN Report has underreported the real and considerable obstructive effect of the Covid-19 pandemic on the progress of constructing the new permanent houses. From March 2020 until June 2022, the Government of Lao had either fully closed or placed significant restrictions on its international borders in response to the Covid-19 pandemic. Whilst the government policies were highly effective at controlling Covid-19 and kept its people safe, the subsequent consequence of the restrictions totally affected the supply chain of goods and materials for the construction of the new permanent houses. In fact, during the more than 2-years period of travel restrictions, there were stringent restrictions on the movement of goods and people throughout the country, including inter-provincial and inter-district boundaries. Convergence of people were prohibited, forcing factories and construction works throughout the country to totally stop. Similarly, Attapeu Province placed stringent travel restrictions along its district and provincial boundaries. Sanamxay District was greatly affected and the supply of construction materials and manpower for the construction of the new permanent houses slowed down immensely. These intra-country and inter-country travel restrictions in response to the Covid-19 pandemic had a significant impact on the construction of the new permanent houses which the UN Report has underreported.

Number	9
UN Report	<p>In April 2022, the Minister of Information, Culture and Tourism visited villagers in the Sananxay District of Attapeu Province and stated that 403 houses were built, of which 322 completely finished. A large proportion of survivors therefore remain in temporary shelters, which, reportedly, are unsanitary and unsuitable for long-term shelter.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>PNPC notes that the UN Report dated 18 July 2022 in its concluding remarks on house construction is referring to data from 3-months prior to its report instead of finding out the latest status.</p> <p>As of 22 July 2022, the overall progress on the construction of the PNPC funded new 700 permanent houses in the new permanent villages is at ninety-six percent (96%) completion. 653 out of 812 (80%) new permanent houses have been completed and handed over. The progress is significantly higher than that stated in the UN Report.</p> <p>As well as reporting old data, the UN Report also misunderstands the status back in April 2022. In April 2022, there was a handover ceremony for 261 completed new permanent houses in addition to 151 new permanent houses funded by PNPC that were handed over in 2021 and in addition to the completed 112 new permanent houses funded by UNHabitat/Government of Thailand. Therefore, back in April 2022, a total of 524 out of 812 (65%) new permanent houses were already completed and handed over (not 332 as stated in the UN Report).</p> <p>As well as being out-of-date, the UN Report has significantly misunderstood and under-reported the status of new permanent houses back in April 2022.</p>

Number	10
UN Report	<p>It was reported that, on multiple occasions, rice rations were rotten and allowances have been inconsistently paid at the authorities' discretion, with stipends arriving up to three months late. Additionally, some authorities reportedly cut 20% of the compensation money for processing fees.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The UN Report provides no source or evidence for this allegation, which is therefore difficult to verify and confirm.</p> <p>PNPC has fully provided the required funding for rice rations and daily allowances to the Government of Lao. The Government of Lao is the party responsible for distributing the rice and cash allowances.</p> <p>The UN Report allegation of cuts in compensation money is not possible. Compensation payments to households were directly deposited to each claimant's/household's personal bank accounts and not paid via any government authorities or offices. Each individual household signed a compensation payment receipt form and release-of-liability to confirm receipt and satisfaction with the compensation payment.</p>

Number	11
UN Report	<p>It was also reported that since February 2021, PNPC has stopped providing the promised living allowances and has reduced rice quantity from 20 to 12 kilograms. Reportedly, PNPC is in financial distress affecting their ability to meet their commitments to the communities affected.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>Pursuant to the agreement with the Government of Lao, PNPC has already fully provided the required \$US3.13M to support the cost of operating and maintaining the temporary accommodations. The amount is inclusive of the cost for the daily cash allowances and monthly rice provisions. The funding by PNPC of the monthly rice provisions covering the period up until June 2021 is consistent with the Lao Law of providing 3-years transitional assistance. PNPC has fulfilled its obligations to fund the cash allowances and rice support.</p> <p>PNPC has fully provided the funding required by the Government of Lao, which is independent of its financial situation. The financial situation of PNPC has not affected its ability to honor its various commitments to the Government of Lao and the affected people of Sanamxay District to fund proper compensation and rehabilitation. Any allegation that PNPC is in financial distress is very irresponsible reporting.</p>

Number	12
UN Report	<p><i>Complaint mechanisms and accountability</i></p> <p>While authorities reiterated that they have not received any complaints from survivors, reportedly there are insufficient processes and mechanisms for survivors to file complaints with the government or the companies involved, and no inquiries have been launched. Additionally, when survivors have been able to make their grievances known, they have reported being diverted through bureaucratic processes or receiving unreliable information.</p> <p>Communities also seem reluctant to voice their concerns for fear of retaliation, in the form of losing their compensation or even being arrested for criticizing the government. A human rights defender advocating for the survivors of the collapse was reportedly arrested on 12 September 2019 for criticizing the government regarding its response via Facebook posts and sentenced to five years imprisonment on the charge of defaming the country (see LAO 2/2020, to which your company replied on 12 June 2020).</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The compensation process includes household-by-household compensation data collection and then household-by-household consultation to explain compensation amount and the basis for calculation. During these household-by-household sessions, affected persons have the right to raise their complaints which are resolved face-to-face. Therefore, the UN Report of households being diverted through overly bureaucratic process is inaccurate.</p> <p>With regards to the UN Report's alleged arrest of a human rights defender, PNPC is not aware of any such incident.</p>

Number	13
UN Report	<p>1. Based on your previous response, your company conducted a “full and detailed dam safety review” to prevent recurrence of such disasters in the future. Please provide further information regarding the findings and actions taken to redress any actual or potential adverse human rights impacts other than revising its Emergency Action Plan for Dams. In particular, we would appreciate more information on the results of the assessment of the two additional Saddle Dams E and F, and what steps were taken to ensure that they are not in the same vulnerable condition as Saddle Dam D prior to its collapse.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>Saddle Dams E and F were strengthened based on a design prepared by a world-renowned international construction company. The design was reviewed and approved the Owner’s Engineer and an Independent Expert Panel (IEP). The IEP is a group of international dam experts working on behalf of the Government of Lao to investigate the cause of the Saddle Dam D wash-out, and review and approve the strengthening works for Saddle Dams E & F. Strengthening works were completed in 2019 which consisted of the installation of cut-off walls, curtain grouting, concrete piles, rock counterweight, and relief wells, among others. Meanwhile, the revised Emergency Action Plan for Dams was further enhanced to include new recommendations from the Government of Lao and its international consultants.</p>

Number	14
UN Report	<p>2. Noting in your previous response that “your company adheres to the GOL grievance procedures”, kindly provide clarification on the extent of participation of your company in this grievance procedure. Please detail what steps, if any, are being taken to raise the awareness of survivors to this grievance process. Please also provide information on whether there are other processes and mechanisms available to survivors to file complaints, make their grievances known or make inquiries with regard to housing, compensation or other issues related to the 2018 dam collapse. Please detail what steps, if any, are being taken to raise the awareness of survivors to this grievance process.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The compensation and grievance process executed by the Attapeu Province, District local government unit, Village Authorities, PNPC, the EPC Contractor, and internationally recognized third party specialty company for claims loss adjustments is very transparent and consultative.</p> <p>All claimants were individually interviewed followed by open consultation meetings held in each village where compensation amounts and calculations of claims were immediately explained. Each individual interviews and village meeting served as venues for grievances and where queries are answered. In all the individual interviews and village meetings, the PNPC is always in attendance to ensure immediate and comprehensive responses to any complaints and queries to the satisfaction of the complainants.</p> <p>All claimants were given opportunities to provide responses/ feedbacks on their compensation claims and processes/procedures. PNPC and the GOL always coordinate and partner in taking every effort to resolve and answer any complaints and queries to the satisfaction of each claimant.</p>

Number	15
UN Report	<p>3. Please provide information on what policies and structures are in place to ensure the transparency of the compensation process. We would also appreciate further information on whether and/or to what extent your company has publicly disclosed all recorded financial flows related to compensation, grievance and reparation disbursements as well as how and where this information is disclosed. In particular, please describe any steps taken to ensure that donations, supplies, and compensation payments reach their intended recipients; payments are paid on a consistent schedule; estimates given on the damage incurred and actual compensation received by affected communities are consistent; and the application of certain processing fees are legitimate.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The transparency of the compensation process is described in Item No. 12. Payments were deposited directly to each claimant's/household's bank accounts. Donations from the private and government sectors were coursed through relevant government offices/committee tasked for the management of donations.</p> <p>However, individual compensation claims and payment amounts are not publicly available because these documents contain private and personal information.</p> <p>Meanwhile, all claims for losses and damages required by relevant government agencies were all fully settled after a series of consultations, verifications, and eventual agreement.</p>

Number	16
UN Report	<p>4. Noting in your previous response that "Attapeu Provincial Departments, PNPC, SKEC, Village Authorities, and a third party specialty company claims loss adjuster interviewed/assessed/consulted with each household claimant on their claims for losses and damages" [sic], please clarify whether there is an established claims process with the projects' insurers through which affected people can receive compensation payments. If so, please elaborate further on whether your company has publicly disclosed that affected people may be able to claim from the insurance company the damages that they have suffered, and what steps have been taken by the company to ensure that affected people are aware of the existence of this coverage and of their right to make claims. If such an insurance claims process is not in place, kindly explain why such mechanism has not been resorted to.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>PNPC requested the insurance company to expedite compensation payment process. Eventually, a global settlement agreement was entered into and the amount of \$US50M representing the total insurance coverage amount for Third Party Liability (TPL) insurance coverage was released.</p> <p>The PNPC and the Government of Lao immediately conducted compensation process directly with each individual claimant/s to collect data, calculate compensation amounts, and opening of bank accounts. Compensation payments were then directly deposited into each individual claimants' bank accounts.</p> <p>Meanwhile, PNPC funded claims in excess of the TPL Insurance Coverage. Individual compensation claims and payment amounts are not publicly available because these documents contain private and personal information. However, each household has a copy of the compensation claim and payment documents.</p>

Number	17
UN Report	<p>5. Noting your company’s previous response that temporary shelters have been built for affected groups, we would be grateful for information about the number of people that have been left in temporary accommodation, the number of houses that are left to be constructed and/or completed and the estimated time line for such constructions to be completed. Further, please provide a detailed explanation as to whether there is an opportunity for affected stakeholder groups, particularly through established grievance mechanisms, to provide feedback on the quality of these temporary shelters and emergency camps.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>Construction of the new permanent houses is at ninety-six percent (96%) completion as of this writing and is expected to be fully completed soon.</p> <p>Please refer to Attachment No. 2 for photographs showing the good conditions of the four new villages with new permanent houses.</p> <p>Only 50 out of 812 families (6 %) remain at the temporary accommodation and these families will be resettled to their new permanent house soon. One out of four temporary accommodation were totally dismantled, and the remaining three temporary accommodations are in the process of being dismantled. Some of the temporary accommodation (modular houses) were donated to the affected people and being used next to their new permanent houses.</p>

Number	18
UN Report	<p>6. Noting your company’s previous response that houses are being built for affected groups, please provide a detailed explanation as to how your company ensures that such remedies are adequate, in view of the current needs of affected groups and individuals as well as their future long-term needs. In particular, please explain how your company has ensured that the location of these houses is appropriate with respect to providing affected communities with adequate and reliable access to essential food, clean water, essential medical services, appropriate clothing and electricity, education for children, and to securing their farming livelihoods. Moreover, please elaborate on how the needs of people in situations of vulnerability or marginalization, particularly those living with disability and elderly people, were considered in the design of these houses.</p>
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	<p>The locations of the four new permanent villages was selected by the Government of Lao. The locations of the new permanent villages are outside of any flood prone areas.</p> <p>The Government of Lao developed a “Master Plan” for the construction of the four new permanent villages. The “Master Plan” includes public infrastructure which are far more numerous, bigger, and of better quality than what was previously existing in the old villages to ensure that the people have easy access to education, water supply, health services, and livelihood support, among others. The public infrastructure includes the following:</p> <ul style="list-style-type: none"> • Kindergarten schools • Primary schools • Secondary schools • Health centers

	<ul style="list-style-type: none"> • Community markets • Water supply systems • Temples • Irrigation systems • Village halls • Roads including some sealed roads • New Agricultural Lands • Resettlement coordination center <p>PNPC and the Government of Lao agreed on the funding of the Master Plan in the amount of \$24.5M for permanent house and \$US22.8M for public infrastructure and which was fully and completely provided. The Government of Lao is implementing the construction of the new permanent villages which is inclusive of the construction of the new houses and other public infrastructure.</p> <p>Please refer to Attachment No. 3 for photographs showing the good conditions of the new public infrastructure.</p>
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Number	19
UN Report	7. Please indicate what measures have been adopted to support durable solutions for the communities displaced by the dam collapse and to ensure their full participation in the planning and management of their return, resettlement or reintegration.
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	The Government of Lao is responsible for the planning and management of the resettlement and reintegration of the communities, particularly under a Committee set-up for the purpose.

Number	20
UN Report	8. Please kindly provide information on how Xe-Pian Xe-Namnoy Power Company Limited and its operations do not impact negatively the work of human rights defenders, specifically in light of the recommendations provided to business enterprises in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), which recalls for States and businesses the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.
Clarification and response by PNPC (Xe-Pian Xe-Namnoy Power Co. Ltd.)	PNPC is engaged in a business which respects and recognizes human rights advocacies. PNPC has always respected the vital work of the UN special rapporteur in protecting human rights and in doing so PNPC has always responded to and followed-up on the UN's reports in a comprehensive and timely manner.

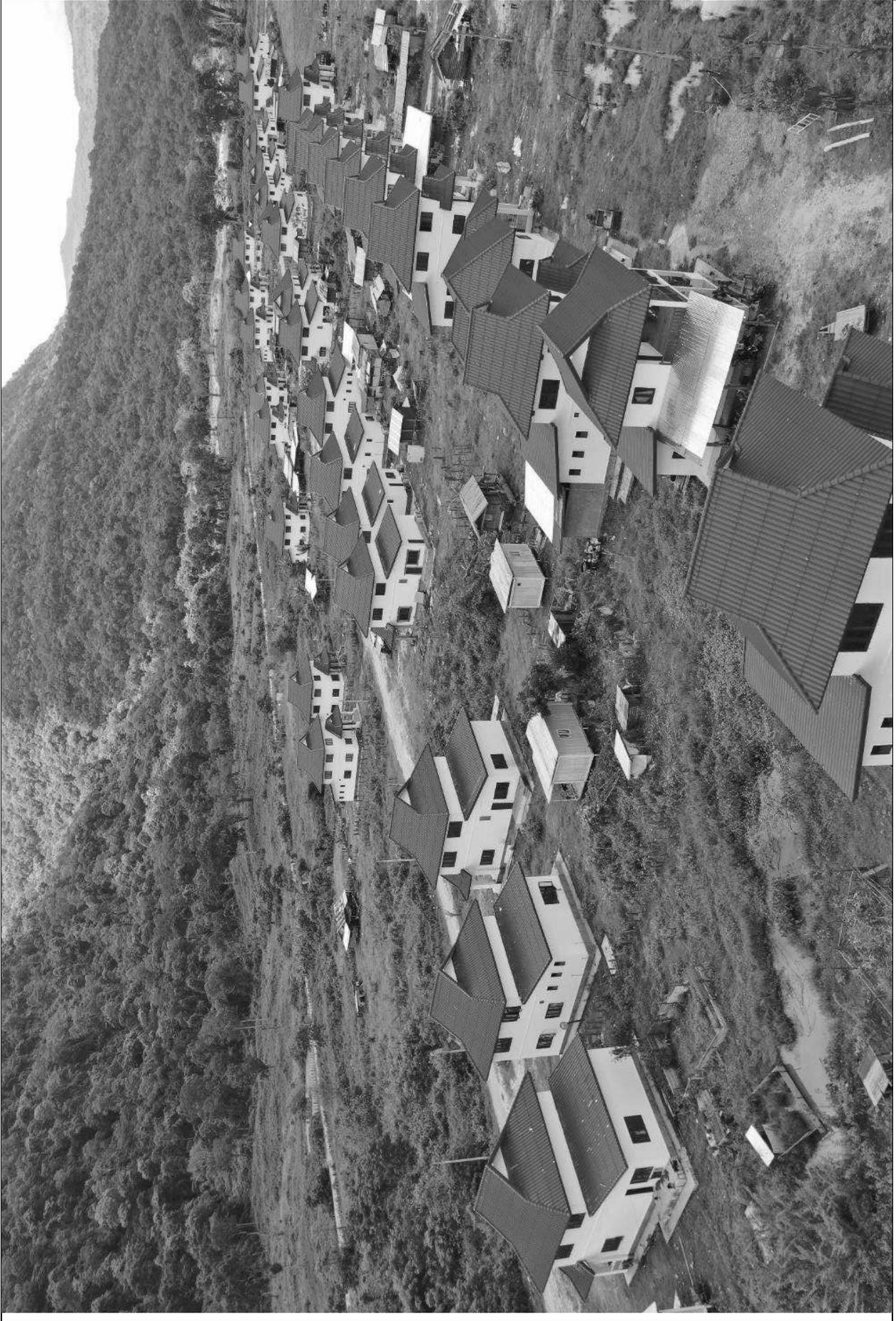
Attachment No 2: Photographs of New Permanent Villages with New Houses



The New Permanent Village for Ban Mai/Thahin (Done Bark Village)



The New Permanent Village for Hinlath



The New Permanent Village for Ban Thasengchanh (Done Bok Village)



The New Permanent Village for Ban Samoungtai (Pindong Village)

Attachment No 3: Photographs of Public Infrastructure Funded by PNPC Through Master Plan



Temple at New Permanent Village of Ban Mai/Thahin (Done Bark Village)



Resettlement Coordination Center at New Permanent Village of Ban Mai/Thahin (Done Bark)



Secondary School at New Permanent Village of Ban Mai/Thahin (Done Bark Village)



Village Meeting Hall at New Permanent Village of Ban Mai, Thahin



Repaired and Improved Irrigation System for New Ban Thasengchanh (Done Bok Village)



Primary School for the New Permanent Village for Ban Thasengchanh (Done Bok Village)



Village Meeting Hall for the New Permanent Village for Ban Thasengchanh (Done Bok Village)



Health Center for New Permanent Village of Hinlath



Temple for the New Permanent Village of Hinlath



Village Hall for the New Permanent Village of Samoung Tai (Pindong Village)



Community Market for the New Permanent Village of Samoung Tai (Pindong Village)



Repair and Improved Irrigation System for New Permanent Village of Samoung Tai and Hinlath



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 18 July 2022

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CEO
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REF: AL OTH 50/2022 (PLEASE USE THIS REFERENCE IN YOUR REPLY)

PAGES: 13 (INCLUDING THIS PAGE)

OBJET/SUBJECT: **JOINT COMMUNICATION FROM SPECIAL PROCEDURES**

Please find attached a joint communication sent by 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 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 situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on the human rights to safe drinking water and sanitation.

Mandates of 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 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 situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL OTH 50/2022
(Please use this reference in your reply)

18 July 2022

Dear Mr. Kang,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; 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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extreme poverty and human rights and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 44/15, 46/7, 43/14, 43/16, 41/15, 44/13 and 42/5.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 56 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing

Xe-Pian Xe-Namnoy Power Company Limited

legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we have received information concerning the involvement of your company in the collapse of an auxiliary dam in Attapeu province. We recall the background information received, which is already described in a joint allegation letter addressed to Xe-Pian Xe-Namnoy Power Company (JAL OTH 9/2020 of 17 April 2020), which the present communication follows upon. 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 and resulted in massive flooding. In part due to the inadequate warning provided 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 left at least 71 people dead or missing in Attapeu province, according to the official toll. Roads, bridges, vehicles, irrigation systems, thousands of livestock, and more than 1700 hectares of agricultural land were also destroyed by the mud and debris rendering much of the area inarable. 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. Some of those who were internally displaced in Lao PDR were relocated to emergency camps set up by the Government in Sanamxay district.

In the above-mentioned communication, we outlined our concerns about the human rights impacts of the flood, including the aggravated situation of people living in poverty in the affected areas; lack of access to healthcare, safe drinking water and sanitation, and housing of many internally displaced people; the loss of lands experienced by local communities and indigenous peoples; and the apparent lack of free prior and informed consent regarding the potential impact of the dam on their lands and resources. We also expressed further concern as to the lack of support provided to immediate evacuation and monitoring mechanisms for dams in the country, and in relation to the accountability measures applicable to involved companies and the issue of access to remedy – both judicial and/or non-judicial – for affected persons.

We are grateful for your company's detailed reply to the above communication. The present communication outlines new allegations and remaining concerns with regard to the populations impacted by the dam collapse, and the ongoing recovery efforts undertaken by authorities and the companies involved.

According to the new information received:

Almost four years after the auxiliary saddle dam collapse, many survivors, who have been internally displaced, remain in unsatisfactory temporary accommodation while long-term housing has not been provided; there is little transparency, consistency and involvement of the affected communities throughout the recovery effort; victims have been provided little support and lack compensation; and there are no effective complaint mechanisms for survivors.

Furthermore, since its collapse in 2018, the auxiliary saddle dam, saddle D, has been rebuilt. However, two additional saddle dams, E and F, reportedly are in the same condition as saddle D prior to its collapse, displaying signs of

impending failure if reservoir levels reach a certain level.

Housing

The Lao government promised to build 807 permanent houses for those displaced by the 2018 disaster. Of those, a few have been financed by a neighbouring country and 66 by a bilateral governmental donor through a UN Habitat project. UN Habitat confirmed that, with that support, 66 families were moved into permanent homes during the previous year.

The remaining 700 permanent houses have been funded by Xe-Pian Xe-Namnoy Power Company (PNPC), the special-purpose, public-private enterprise managing the Attapeu dam which is 50% State-owned. The houses were meant to accommodate 3,500 people from 6 affected villages who were living in 3 temporary camps. In May 2020, the government stated that USD 24 million had been allocated to the construction of the houses, to be completed by the end of 2021.

In February 2021 however, it was reported that the building of at least 200 houses was delayed. Authorities specified that they had carried out a needs assessment to prioritize beneficiaries, and that, once ready, houses would be assigned to beneficiaries with disabilities and beneficiaries over 65 years old as a priority. However, it was noted that the design of most houses was not suited to the needs of persons with disabilities or to those of older persons.

In June 2021, 505 of the houses were under construction and only 182 were estimated to be complete and ready to be occupied by the end of 2021. The delays in the construction of houses were attributed to various factors, such as clearing, zoning and expropriating private land for the purpose of building new homes, as well as bad weather conditions, access to the area, lockdowns and supply chain disruptions because of the COVID-19 pandemic.

In February 2022, the Governor of Sanamxay District in Attapeu Province stated that 401 of the houses were completed and handed over to the survivors, with 299 houses still under construction. He stated that the final 299 homes would be completed by April 2022.

In April 2022, the Minister of Information, Culture and Tourism visited villagers in the Sanamxay District of Attapeu Province and stated that 403 houses were built, of which 322 completely finished. A large proportion of survivors therefore remain in temporary shelters, which, reportedly, are unsanitary and unsuitable for long-term shelter.

Other types of recovery and compensation measures

According to the Minister of Labour and Social Welfare, the government and PNPC promised a recovery effort and compensation for survivors. The compensation package totaled USD 10,466,939, split in half and paid in two installments, in July 2019 and July 2020. Moreover, the government and PNPC promised families living in the shelters a daily allowance of USD 0.56 USD, a monthly stipend of USD 11.15, and a monthly rice ration of 20

kilograms.

It was reported that, on multiple occasions, rice rations were rotten and allowances have been inconsistently paid at the authorities' discretion, with stipends arriving up to three months late. Additionally, some authorities reportedly cut 20% of the compensation money for processing fees.

It was also reported that since February 2021, PNPC has stopped providing the promised living allowances and has reduced rice quantity from 20 to 12 kilograms. Reportedly, PNPC is in financial distress affecting their ability to meet their commitments to the communities affected.

Complaint mechanisms and accountability

While authorities reiterated that they have not received any complaints from survivors, reportedly there are insufficient processes and mechanisms for survivors to file complaints with the government or the companies involved, and no inquiries have been launched. Additionally, when survivors have been able to make their grievances known, they have reported being diverted through bureaucratic processes or receiving unreliable information.

Communities also seem reluctant to voice their concerns for fear of retaliation, in the form of losing their compensation or even being arrested for criticizing the government. A human rights defender advocating for the survivors of the collapse was reportedly arrested on 12 September 2019 for criticizing the government regarding its response via Facebook posts and sentenced to five years imprisonment on the charge of defaming the country (see LAO 2/2020, to which your company replied on 12 June 2020).

Private actors' involvement

PNPC, a special-purpose corporation established to oversee the construction of the dam and operate it for 27 years, is a Lao-registered joint venture comprising the following enterprises:

- a. SK Engineering Construction (SK E&C) with 26% equity;
- b. Lao Holding State Enterprise with 24% equity;
- c. the RATCH Group Public Company Limited (formerly known as Ratchaburi Electricity Generating Holding) with 25% equity. The International Finance Corporation provided a USD 150 million sustainable loan to RATCH Group in 2021 via the latter's subsidiary RH International (Singapore) Corporation Pte Ltd; and
- d. Korea Western Power Company with 25% equity. Its parent company is state-owned enterprise Korea Electric Power Corporation (KEPCO), which, in turn, has Korean Development Bank as one of its major shareholders.

The project's electricity is expected to be sold to state-owned enterprises Electricity Generating Authority of Thailand (EGAT) and Electricite du Laos.

The project financing is shared among one Korean bank (Export-Import Bank of Korea) and four Thai banks (Krungthai Bank, Thanachart Bank, Export-Import Bank of Thailand, and Bank of Ayudhya). Bank of Ayudhya's parent company is Mitsubishi UFJ Financial Group.

AON Thailand, the project's insurance advisor, arranged the insurance for the different components of the project. The project has about USD 50 million in liability coverage from American International Group (AIG), Korean Re, and Samsung Fire & Marine. The Korean firms have reinsured their exposure with Singapore-based Asia Capital Reinsurance Group. While PNPC, in its response dated 12 June 2020, stated that numerous open consultation meetings were held in each affected village, it is alleged that most affected people are unaware that such insurance coverage exists and have received no information as to whether they have a right to make any claims on the basis of this insurance.

Without prejudging the accuracy of these allegations, we would like to express our deep concern regarding the condition of saddle dams E and F, which warrants high alert and close monitoring of the risk for communities affected by the previous dam collapse as well as the general population and environment.

We are also concerned about the lengthy delays in providing survivors with long-term accommodation, leaving them stranded in unsuitable and unsanitary temporary shelters, with serious impacts on their rights to adequate housing and to health. Furthermore, we are concerned about the irregularities in providing allowances, compensation money and rice, along with the reported suspension by PNPC to the payment of living allowances which affect survivors' rights to food and an adequate standard of living. Moreover, we are concerned about the protracted displacement of survivors of the dam collapse, the lack of durable solutions to their displacement and their lack of participation in the planning and management of their return, resettlement or reintegration.

We would also like to express our concerns about the retaliation against human rights defenders advocating for the survivors of the collapse, who are facing judicial harassment and other forms of retaliation for their legitimate human rights work. Finally, we are concerned about the lack of a genuine complaint process and related mechanisms for survivors as well as the reprisals reportedly faced by the affected communities or their spokespersons when voicing their grievances and concerns.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful if you could provide any additional information you may have on the above-mentioned allegations. In addition:

1. Based on your previous response, your company conducted a “full and detailed dam safety review” to prevent recurrence of such disasters in the future. Please provide further information regarding the findings and actions taken to redress any actual or potential adverse human rights impacts other than revising its Emergency Action Plan for Dams. In particular, we would appreciate more information on the results of the assessment of the two additional Saddle Dams E and F, and what steps were taken to ensure that they are not in the same vulnerable condition as Saddle Dam D prior to its collapse.
2. Noting in your previous response that “your company adheres to the GOL grievance procedures”, kindly provide clarification on the extent of participation of your company in this grievance procedure. Please detail what steps, if any, are being taken to raise the awareness of survivors to this grievance process. Please also provide information on whether there are other processes and mechanisms available to survivors to file complaints, make their grievances known or make inquiries with regard to housing, compensation or other issues related to the 2018 dam collapse. Please detail what steps, if any, are being taken to raise the awareness of survivors to this grievance process.
3. Please provide information on what policies and structures are in place to ensure the transparency of the compensation process. We would also appreciate further information on whether and/or to what extent your company has publicly disclosed all recorded financial flows related to compensation, grievance and reparation disbursements as well as how and where this information is disclosed. In particular, please describe any steps taken to ensure that donations, supplies, and compensation payments reach their intended recipients; payments are paid on a consistent schedule; estimates given on the damage incurred and actual compensation received by affected communities are consistent; and the application of certain processing fees are legitimate.
4. Noting in your previous response that “Attapeu Provincial Departments, PNPC, SKEC, Village Authorities, and a third party specialty company claims loss adjuster interviewed/assessed/consulted with each household claimant on their claims for losses and damages” [sic], please clarify whether there is an established claims process with the projects’ insurers through which affected people can receive compensation payments. If so, please elaborate further on whether your company has publicly disclosed that affected people may be able to claim from the insurance company the damages that they have suffered, and what steps have been taken by the company to ensure that affected people are aware of the existence of this coverage and of their right to make claims. If such an insurance claims process is not in place, kindly explain why such mechanism has not been resorted to.
5. Noting your company’s previous response that temporary shelters have been built for affected groups, we would be grateful for information about the number of people that have been left in temporary accommodation, the number of houses that are left to be constructed and/or completed and the estimated time line for such constructions to

be completed. Further, please provide a detailed explanation as to whether there is an opportunity for affected stakeholder groups, particularly through established grievance mechanisms, to provide feedback on the quality of these temporary shelters and emergency camps.

6. Noting your company's previous response that houses are being built for affected groups, please provide a detailed explanation as to how your company ensures that such remedies are adequate, in view of the current needs of affected groups and individuals as well as their future long-term needs. In particular, please explain how your company has ensured that the location of these houses is appropriate with respect to providing affected communities with adequate and reliable access to essential food, clean water, essential medical services, appropriate clothing and electricity, education for children, and to securing their farming livelihoods. Moreover, please elaborate on how the needs of people in situations of vulnerability or marginalization, particularly those living with disability and elderly people, were considered in the design of these houses.
7. Please indicate what measures have been adopted to support durable solutions for the communities displaced by the dam collapse and to ensure their full participation in the planning and management of their return, resettlement or reintegration.
8. Please kindly provide information on how Xe-Pian Xe-Namnoy Power Company Limited and its operations do not impact negatively the work of human rights defenders, specifically in light of the recommendations provided to business enterprises in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), which recalls for States and businesses the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.

We would appreciate receiving a response within 60 days. Beyond this delay, this communication and any response received from your company will be made public via the communications reporting website. They will also subsequently be made available in the annual report on communications to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that letters on the same subject have also been sent to the Governments of Japan, the Republic of Korea, the Lao's People Democratic Republic, Singapore, Thailand, and the United States of America, as well as to other companies involved in the abovementioned allegations.

Please accept, Mr. Kang, the assurances of our highest consideration.



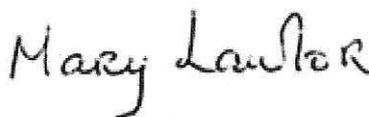
Fernanda Hopenhaym
Vice-Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises



David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment



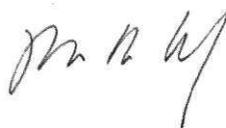
Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



Mary Lawlor
Special Rapporteur on the situation of human rights defenders



Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons



Olivier De Schutter
Special Rapporteur on extreme poverty and human rights



Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

We would like to highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and Principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have caused or contributed to adverse impacts. Moreover, the commentary of Principle 11 states that “business enterprises should not undermine States’ abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes”.

The Guiding Principles have identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (Guiding Principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when “business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes”.

The Committee on Economic, Social and Cultural Rights has described the core content of the right to food in its General Comment No. 12. The Committee considers that the core content of the right to adequate food implies, inter alia, the availability of food, acceptable within a given culture, in a sufficient quantity and quality; and accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights (para. 8). The right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). It entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7).

The right to adequate housing is also a central component of the right to an adequate standard of living and is protected in article 25 of Universal Declaration of Human Rights, article 11.1 of International Covenant on Economic, Social and Cultural Rights (ICESCR) and article 17 of the International Covenant on Civil and Political Rights (ICCPR) establishes that no one “shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”. Furthermore, according to the CESCR’s General Comment No. 7 (paras 15 and 16), procedural protections are essential in relation to forced evictions, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid.

With respect to the right to health, interpreting this language in its General Comment No. 14, the CESCR stated that “the right to health embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as... a healthy environment” (para. 4). Finally, General Comment No. 14 holds that the right to health also extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment (para. 4).

General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights describes the normative content of article 12 of ICESCR. In General Comment No. 14, the Committee interprets the right to health as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information. (para. 11, GC 14 CESC).

We would like to also refer to the Guiding Principles on Internal Displacement, which provide, among others, that satisfactory conditions safety, nutrition, health and hygiene is provided to displaced persons. In particular, Principle 18 requires that internally displaced persons shall have an adequate standard of living that includes essential foods and potable water, basic shelter and housing, appropriate housing and essential medical services and medication. Principle 28 provides that special effort should be made to ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration. Principle 29 states that competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they were

dispossessed of upon their displacement. When recovery of such property and possession is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Finally, we would like to draw your attention to the report on the visit to Lao PDR of the Special Rapporteur on extreme poverty and human rights, Philip Alston (A/HRC/41/39/Add.2). On the conditions of those affected by the Xe-Pian Xe-Namnoy dam collapse, he recommended for monthly allowances to be increased and paid on time, for victims to be genuinely consulted, fertile land to be provided and counselling to be made available.