



Joint Statement by the River Coalition in Cambodia (RCC) On the Update of the Lower Sesan 2 Hydropower Dam

We, members of the River Coalition in Cambodia (RCC) as listed below, are greatly concerned over the Notification dated 08 April 2016 by the Stung Treng Provincial Administration on the **“Ultimatum on the Survey of Impacts of the Proposed Construction of the Lower Sesan 2 Hydropower Dam”**, which set **31 May 2016** as the last day of the final survey.

This Notification gives us even greater concern that the posed Lower Sesan 2 Hydropower Dam is not developed in such a way that is sustainable and truly benefits Cambodians, in particular, the local communities currently being affected. The fact that many challenges have not been resolved concerning the process of compensation and relocation, and the fact that the Provincial Administration has determined an inappropriate timeframe and pushed the implementation ahead with an ultimatum are causing more challenge for the people and are in contrast with national laws and legal standards under a number of laws related to comprehensive public participation¹ as well as Cambodia’s obligation to respect human rights.²

The people affected by the Lower Sesan 2 Hydropower Dam project are entitled to a fair, transparent and inclusive process that ensures **“appropriate and fair”** compensation, as well as assurance that people will find themselves in normal or better conditions following relocation. Indigenous communities and other affected people have the right to an opportunity of **Free, Prior and Informed Consent** for any proposed projects that will relocate them from their land and natural resources.

A community-based research³ shows that no sufficient information was given to villagers on the purpose of the asset survey, the process of compensation and relocation during the survey of assets of affected people conducted between end 2014 and early 2015. As a consequence, people do not understand the process and documents of the survey. Villagers reported that consultations were limited, and so were the opportunities to ask questions, and that they were not given any copies of the survey. Many people encountered intimidation, oppression, and pressure during the asset survey. In addition, some affected people who took part in the survey, whether notified or not, had to accept because they had no choice.⁴ These reports raise important questions whether the survey was conducted in compliance with Cambodian laws stipulating that a contract not arising from free and genuine agreement related to misinformation or

¹ Constitution of the Kingdom of Cambodia (Articles 35 and 44), Land Law 2001 (Articles 4 and 5), Law on Environmental Protection and Natural Resource Management 1996 (Article 16), Guidelines on Environmental Impact Assessment in the Kingdom of Cambodia: Public Participation (page 17).

² International Covenant on Civil and Political Rights 1966; International Covenant on Economic, Social and Cultural Rights 1966; Declaration on the Rights of Indigenous Peoples 2007. Guidelines for human rights standards in development induced resettlement are set out in the United Nations ‘Basic Principles and Guidelines on Development Based Evictions and Displacement’ 1997

³ A questionnaire of over 220 questions were completed in the villages of Kbal Romeas, Sre Sranok, Jrob, Sre Kor 1 and Sre Kor 2 in July and August 2015. In-depth interviews were also conducted with people in Pluk village who had lost their land to the Lower Sesan 2 Hydropower project, but were not included in the asset survey.

⁴ Fisheries Action Coalition Team (FACT), My Village (MVi); 3S Rivers Protection Network (3SPN), ‘EXPERIENCES OF COMMUNITIES TO BE RESETTLED FOR THE LOWER SESAN 2 DAM: Findings and Recommendations on the Asset Survey’, April 2016.

use of coercion or without proper explanation in order to obtain an agreement should be considered illegitimate.⁵

In this case, many households objected to leaving their land and did not accept the compensation and relocation. They said that they did not want to leave their ancestral land and sacred locations, or did not agree to losing access to natural resources, which sustain their livelihoods and culture. The villagers who had taken part in the asset survey or had received compensation expressed their concerns over the quality of houses, the farmland at the relocation sites, quantity of compensation offered, and the measurements being implemented to support livelihood change program. Many villagers who faced the losses of land and access to natural resources or suffered serious damages were not included in the compensation and relocation policy, and were not offered any compensation. This includes thousands of people in the upper and lower parts of the dam as well as the people living along the Mekong and Tole Sap rivers who encounter fundamental threatening factors on their livelihoods and food security due to losses of fisheries, migrant fish, and fertile silt for agricultural crops because of the Lower Sesan 2 Hydropower project.⁶

These concerns raise questions about legal obligation to both national and international standards for compensation and resettlement, including protection of basic human rights and indigenous people's rights in the process of their resettlement. Requirements under international principles for compensation and relocation were pointed out by the UN Special Rapporteur on Human Rights in Cambodia, **Ms Rhona Smith**, after her visit to the Lower Sesan 2 Hydropower Dam area.⁷

The ultimatum for negotiation of compensation and resettlement will make the public see that people experience more pressure and intimidation, which is not beneficial to both parties. Therefore, we, members of the River Coalition in Cambodia, would like to **request that the Royal Government and the Lower Sesan 2 Hydropower Dam Development Company** consider the concerns of every citizen affected by the Lower Sesan 2 project and enable them to receive comprehensive solutions through a meaningful and transparent dialogue before resettlement and compensation can continue. Further, the Royal Government must establish an effective and reliable public complaint mechanism with an independent resettlement commission and ongoing monitoring.

Once again, we strongly hope that the Royal Government and the Company will continue to negotiate and make utmost efforts to resolve problems to ensure that the Lower Sesan 2 Dam is developed in a transparent and participatory manner towards sustainable development and truly benefits local people now being affected by the project and all Cambodians.

Phnom Penh, 31 May 2016

For more information, please contact:

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Supported by:

- NGO Forum on Cambodia
- My Village (Mvi)
- 3S Rivers Protection Network (3SPN)
- Fisheries Action Coalition Team (FACT)
- Tonle Sap Lake Water Preservers' Network

⁵ 2007 Civil Code, Section II, Articles 345-350.

⁶ An independent analysis concludes that there will be a loss of 9.3% of fish biomass in the entire Mekong River basin (Ziv et al 2010). This research also indicated a reduction of 6-8% of fertile silt.

⁷ Mission Completion Statement: A Statement by Professor Rhona Smith, UN Special Rapporteur on the situation of human rights in Cambodia, 31 March 2016, Phnom Penh.

- Culture and Environment Preservation Association (CEPA)
- Northeastern Rural Development Cambodia (NRD)
- Mlup Promviheathor Center (MPC)
- Cambodian Community Development (CCD-Kratie)
- Cambodia Indigenous Youth Association (CIYA)
- Cambodian Indigenous People Organization (CIPO)
- Indigenous Rights Active Members (IRAM)
- Cambodia Indigenous People Alliance (CIPA)
- Highlanders Association of Cambodia (HA)
- Khmer Farmer Cooperation Agriculture Development Organization (KFCADO)
- Nak Akphivath Sahakum (NAS)