

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-290-4700  
Fax: 212-736-1300; 917-591-3452

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March 26, 2021

Shu Yinbiao, Chairman  
Deng Jianling, Director of the Board and President  
China Huaneng Group Co., Ltd.  
No. 6, FuXingMenNei St  
Xicheng District, Beijing, 100031  
Fax: +86-10-63228866

**Re: Lower Sesan 2 hydroelectric dam in Cambodia**

Dear Mr. Shu Yinbiao and Mr. Deng Jianling,

We are writing regarding the Lower Sesan 2 hydroelectric dam in northeastern Cambodia. Human Rights Watch is an independent, international nongovernmental organization that monitors and reports on human rights in nearly 100 countries globally.

As you know, the Lower Sesan 2 dam project was planned and carried out by Hydropower Lower Sesan 2 Ltd. Co., which is majority owned and controlled by the China Huaneng Group. It was completed in 2018.

Human Rights Watch has carried out extensive research on the Lower Sesan 2 project since 2019, examining the impacts of the dam on the rights of local communities, their income, livelihood, land, access to food and water, and their participation in decision-making.

We conducted site visits to communities impacted by the resettlement process, and interviewed dozens of residents displaced by the project and others upstream of the project who have seen their livelihoods affected by it. We also interviewed local leaders, civil society organizations, journalists, and other persons familiar with the project.

As outlined in the attached appendix, our research identified several problems with how the project was planned, and how China Huaneng Group and its subsidiary companies, working with Cambodian

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officials, carried out consultations with impacted communities on resettlement and compensation plans.

Specifically, we documented problems with decisions about who would be compensated and how much they would receive. Our research found that many, if not most, of the people displaced by the dam were not adequately compensated, and that many others who were impacted were not compensated at all. Our research indicates that possibly tens of thousands of people are now suffering severe deteriorations in their income and livelihoods because of the project. These problems—and failures to address them—violate international human rights standards and may violate Cambodian law.

We wish to provide you with an opportunity to provide your company's perspectives on the Lower Sesan 2 project and answer questions we have posed below. We would be very grateful if, having reviewed our findings, you can provide us responses by April 26, 2021 to the following questions, and provide any other comments you wish to add:

1. Background. Under international human rights law and Cambodian law, people subject to involuntary resettlements have the right to relevant information, full consultation, and participation throughout the entire process, as well as to just compensation in accordance with human rights standards. Compensation should at a minimum cover the loss of physical structures and land and those resettled should have access to the same or equivalent sources of livelihood and income, formal or informal, and compensation should also include the loss of any livelihood and income to the extent that is not replaced. Indigenous communities whose rights are impacted should be consulted to ensure that they are not deprived of rights without their free, prior, and informed consent.

Our research indicates that many villagers were not given relevant information or fully consulted, that compensation given to villagers displaced by the project was not adequate and did not meet these standards, and that non-displaced villagers upstream and downstream of the dam, who saw their fishing incomes severely degraded, were given no compensation at all.

- a) How much funding, as a whole amount in US dollars, was set aside for compensation and resettlement relating to this project?
- b) Can you provide Human Rights Watch with a final copy of all the project's Environmental Impact Assessments, other impact assessments, any baseline

assessments conducted, and all versions of the project's resettlement and compensation plans?

- c) Has China Huaneng Group received reports that many villagers displaced by the project have reported inadequate compensation? If so, what steps have you take to address these complaints?
- d) How was compensation for lost fishing income calculated? Was it restricted to a single year of lost income? Why?
- e) What steps did China Huaneng Group take to consult communities that were displaced and resettled by the dam? Did the company make relevant information available to communities, both in translated written form and through accessible oral explanations? If so, please provide documentation of the consultation procedures used.
- f) What steps did China Huaneng Group take to consult communities upstream and downstream of the dam, whose fishing incomes were anticipated to be disrupted by the project? Were they provided compensation? If so, please provide documentation of the consultations and the compensation.
- g) What steps did China Huaneng Group take to ensure that affected Indigenous communities were adequately consulted and that their right to free, prior, and informed consent was respected? Please provide documentation of the consultation and processes followed.
- h) What transitional support was provided for people who were resettled? How was that assistance determined?
- i) What calculations did China Huaneng Group use to determine compensation for graves of community members' ancestors that were in the submergence zone? Did the company consult with affected communities in making the compensation determination?
- j) Did your company or its subsidiaries consider alternative, less disruptive projects that would have lessened displacement, or other designs or operational strategies for the project to reduce impacts on fisheries?
- k) Will China Huaneng Group commit to undertaking a full assessment of harms caused by the project and to providing appropriate remediation as required under international, Cambodian, and Chinese law?
- l) Will China Huaneng Group commit to a new plan for compensation for those displaced or otherwise impacted by the Lower Sesan 2 project, to remedy the issues identified by Human Rights Watch or others?

2. Many of the communities displaced by the Lower Sesan 2 dam have serious and ongoing complaints about their living situations and problems with social services and agricultural land provided to them.
  - a) Did the China Huaneng Group put in place accessible grievance mechanisms to address complaints? If so, what steps did you take to inform affected communities of its existence and procedures for using those mechanisms?
  - b) If there were grievance mechanisms in place, how many complaints did you receive, what steps did you take to resolve complaints, and how many were successfully resolved? Please provide any available documentation and data from the grievance mechanisms.
  - c) Has China Huaneng Group or its subsidiaries engaged in any consultations or communications with impacted communities since the completion of the dam? If yes, what has been the result?
  - d) Is China Huaneng prepared to engage in new consultations and negotiations to address ongoing complaints of impacted communities?
3. Public statements on November 23, 2020 by China Huaneng and a Cambodian group, Asian Vision Institute (AVI), indicate that AVI carried out a research project about the Lower Sesan 2 project in 2020 and completed a report entitled “Corporate Social Responsibility of China Huaneng Group Co. Ltd,” discussing the project’s social and economic impacts. Can you provide Human Rights Watch with a copy of that report?
4. Many relocated villagers have complained that water from wells in resettlement areas is undrinkable, and report that they are now obliged to purchase water from trucks to fill cisterns. When Cambodia’s Interior Minister Sar Kheng visited the resettlement site in February 2019, he was told of these problems and reportedly said he would work to address them.
  - a) What, if anything, has China Huaneng Group or its subsidiaries done to ensure that water in the resettlement areas for the project is safe?
  - b) Has China Huaneng Group or its subsidiaries conducted any tests on the water in the resettlement sites for presence of contaminants?
  - c) If so, can you send us the official results?

5. Several villagers told Human Rights Watch that they were threatened by Cambodian government officials not to criticize the project or that they would not be eligible for compensation from your company.
  - a) Are you aware of these allegations and if so, what measures did you take, if any, so that Cambodian government officials would not engage in such activities?
  
6. Our research was unable to determine what entities purchased the electricity produced by the Lower Sesan 2 dam and where it is consumed. We also have been unable to determine how much actual electricity the dam has produced, cumulatively, per month, year, or on an ongoing basis.
  - a) Over the last two years, how much electrical energy has the Lower Sesan 2 dam produced? Can you provide Human Rights Watch with data or information on the dam's electricity production in gigawatt-hour averages (month-by-month or week-by-week); in terms of daily, weekly, or monthly megawatt output; or in any other format available over the period 2019 to present.
  - b) Can you confirm whether Electricite du Cambodge is the purchaser of electricity produced by the Lower Sesan Dam, or if not, explain to which entity the power is sold, and how revenues are paid?
  - c) What are the fees, terms, or prices for electricity provided by Hydropower Lower Sesan 2 Ltd. Co. to the purchaser of the electricity it produces?
  - d) In 2019 and 2020, how much monthly or yearly net revenue or loss has China Huaneng Group or Hydropower Lower Sesan 2 Ltd. Co. incurred from operating and selling the electricity produced by the Lower Sesan 2 dam?
  - e) Can you provide any information or data on what consumers, customers, or beneficiaries benefit from electricity from the Lower Sesan 2 dam? Can you provide any information or data that breaks down where the electricity is currently used or sent to? In particular: how much electricity (as a monthly or weekly percentage of overall output) has been used by consumers in Stung Treng, Kratie, and Ratanakiri in 2019 and 2020, versus how much has been sent to other areas?
  - f) Can you state whether communities displaced or impacted by the dam are receiving electricity services, and if so, at what cost?
  
7. We wrote to China's State Assets Supervision and Administration Commission (SASAC) to request documentation of any reviews they conducted of this project.

- a) Did SASAC, any other Chinese government office, or the Industry and Commerce Bank of China, exercise any oversight, write any reports, or conducted any written reviews about this project's resettlement or compensation policies or processes?
  - b) If so, can you send any such reviews to us?
  - c) Did your company engage in any reviews or processes involving the SASAC or the Ministry of Commerce, connected to the project being part of the Belt and Road Initiative?
8. Lastly, in the view of China Huaneng Group, what exactly are the criteria or characteristics of this project that make it part of the Belt and Road Initiative?

In the interest of ensuring our reporting on the Lower Sesan 2 is comprehensive and objective, we are requesting your responses so that they can be reflected in our reporting; they may be published in full or in part. To ensure that there is time to incorporate your responses, we need to receive written responses to the above inquiries by April 26, 2021.

We would also be happy to speak by video if you wish to discuss these matters in more detail. To arrange for a discussion or for any questions, please contact me, John Sifton, Asia Advocacy Director, at [siftonj@hrw.org](mailto:siftonj@hrw.org).

Human Rights Watch thanks you for your time and attention.

We look forward to your reply.

Sincerely,



John Sifton  
Asia Advocacy Director  
Human Rights Watch

## **Appendix: Summary of Findings**

Human Rights Watch’s research on the Lower Sesan 2 project has revealed serious problems with the consultation and compensation processes that company personnel and Cambodian government officials carried out between 2012 and 2019, during which several thousand people were forced to move off property flooded by the dam, either to resettlement sites or sites of their own choosing.

Human Rights Watch found that the dynamics of the consultation processes were often coercive, with villagers often being told that packages of compensation were non-negotiable, or that if they refused what was offered, they would receive nothing. The specific compensation funds offered to impacted families was in almost all cases inadequate or otherwise problematic. For impacted families outside areas flooded by the dam—those in communities upstream and downstream who depend upon the river’s fish and sediment for their productivity and income—no compensation was offered at all, despite predictions that the dam would impact fishery incomes (including in areas not only just upstream and downstream of the dam, but across the entire Mekong system). No families impacted by the dam were offered any trainings of other job development in alternative income generation activities.

As will be detailed in our upcoming report, specific problems included the following:

- Funding offered by China Huaneng Group to build new homes was inadequate, and pre-built homes were in poorer conditions than those villagers already had.
- New lands offered to resettling families were less fertile and harder to plow than land villagers had before, but no compensation was offered for increased costs of plowing and fertilizer.
- Compensation for lost fruit trees and other crops was far below actual values.
- Compensation for lost income from fishing was calculated for only one year and did not address the future decades of lost income villagers would suffer as a result of lower fish catch yields.
- Indigenous people, comprising a majority of those displaced, were permanently deprived of many of their rights as Indigenous people, including access to their communal lands and forests. No compensation was offered for loss of income from gathering of forest products. Inadequate methods were used for calculating compensation for the destruction of the graves of villagers’ ancestors, and compensation practices did not take into account the special

status of burial grounds within Indigenous communities' belief systems. (As noted below, consultation practices in general did not follow international standards applicable to Indigenous peoples.)

- Several household heads, many of whom cannot read, said they signed compensation documents with no knowledge of their contents and no independent advice.
- While the project offered some transitional assistance to persons resettling, in the form of food and cash for moving costs and basic essentials, many villagers indicated that the amounts offered were inadequate to meet needs.
- Many villagers said they complained to company representatives or local government officials about the resettlement and compensation processes, but typically received no response or responses that did not address concerns.
- Affected communities did not know of any formal grievance mechanisms set up by China Huaneng Group to address their concerns.
- Communities also said the lack of information about the resettlement process made it difficult to make decisions and file grievances. Civil society groups said key project documents that set out the project's plans, the company's and the government's obligations during resettlement, and more recent versions of the project's impact assessments, were not made readily available to communities or explained to them in sufficient detail.
- Neither the China Huaneng Group or any of its business partners, nor relevant Cambodian government officials, appear to have taken any steps to ensure specifically the rights of the Indigenous people in affected areas, or ensure that arrangements impacting them were agreed to with their free, prior, and informed consent, as set out under international standards.
- None of the communities that we interviewed upstream or downstream of the dam were consulted with or offered compensation for anticipated income losses resulting from interrupted fish migration and sediment loss, which led to steep reductions in fishery catches and productivity of crops planted along riverways in the past.
- Neither China Huaneng Group or its subsidiaries, financiers, nor any business partners, nor relevant Cambodian government officials, appear to have taken any steps to gauge the social, economic, or environmental impacts of this project beyond the immediate areas affected by the dam's construction and the flooded reservoir created by the dam after its completion—larger impacts that are likely being felt by hundreds of thousands, and perhaps even millions, of people in Cambodia.



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Dinah PoKempner, *General Counsel*  
James Ross, *Legal and Policy Director*

2021年3月26日

董事长舒印彪  
董事总经理邓建玲  
中国华能集团有限公司

北京市西城区复兴门内大街6号, 邮编: 100031  
传真: +86-10-63228866

主旨: 关于柬埔寨桑河二级水电站项目

尊敬的舒印彪先生、邓建玲先生:

我们谨就柬埔寨东北部桑河二级水电站项目向您致函。人权观察是独立的国际非政府组织, 监测报导全球近 100 个国家的人权状况。

如您所知, 桑河二级水电站项目由桑河二级水电有限公司策划执行, 中国华能集团拥有该公司多数股权及控制权。该项目于 2018 年建成。

人权观察自 2019 年起密切研究桑河二级水电项目, 探讨水电站对当地社群的影响, 包括他们的权利以及收入、生计、土地、粮食与净水来源和决策参与。

我们曾实地走访受安置过程影响的社区, 访问到数十位因该项目被迁移的居民, 以及生计受该项目影响的上游居民。我们也访问了当地领导人、公民社会组织、记者和其他熟知该项目人士。

如附录所示, 我们的研究指出多方面问题, 包括项目如何规划、中国华能集团及其子公司—在柬方官员协同下—如何就安置与补偿方案咨询受影响社区的意见等等。

具体而言, 我们记录到有关补偿对象与金额的决定存在许多问题。我们的研究发现, 许多水电项目被拆迁居民(如果不是绝大多数)没有得到足够补偿, 还有许多受影响人员完全没有得到补偿。我们的研究指出, 可能有数万人的收入与生计受该项目影响而严重恶化。这些问题—及其迟迟无法解决—违反国际人权标准, 也可能违反柬埔寨国内法。

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我们愿意给您一个机会，表达贵公司对桑河二级水电项目的观点，并答复我们提出的下列问题。盼望您能审视我们的发现，并在 2021 年 4 月 26 日前针对下列问题给予答复，也欢迎您提供其他任何意见：

1. 背景。根据国际人权法和柬埔寨国内法，自愿迁移者有权获得相关信息、充分咨询和全过程参与，并有权获得符合国际人权标准的公正补偿。补偿应至少包括建筑物和土地的损失，被拆迁人员应获得相同或相当的正式或非正式生计和收入来源，补偿还应包括任何生计和收入的损失直至达到未拆迁的程度。应咨询权利受影响的原住民社区，确保其权利不在未经自由、事先和知情同意下遭到剥夺。

我们的研究显示，许多村民没有得到相关信息或充分咨询，给予该项目拆迁村民的补偿不足，没有达到前述各项标准；水电站上下游未拆迁村民的渔业收入大幅降低，却没有得到任何补偿。

- a) 本项目预先准备的补偿与安置基金，总数以美元计算是多少？
- b) 您能否提供人权观察所有本项目环境影响评估、其他影响评估及任何曾实施的基线评估的最终报告书，以及本项目安置与补偿方案的所有版本？
- c) 中国华能集团是否收到报告，指出许多本项目拆迁村民申诉补偿不足问题？若有，您采取何种措施解决相关投诉？
- d) 渔业收入损失的补偿如何计算？是否仅限一年收入损失？为什么？
- e) 中国华能集团采取何种措施，对本水电站拆迁安置社区进行意见咨询？该公司是否为这些社区提供相关信息，包括经过翻译的书面形式和易于理解的口头说明？若有，请提供咨询程序所使用的文件纪录。
- f) 中国华能集团采取何种措施，对水电站上下游预期将蒙受渔业收入损失的社区进行意见咨询？这些社区是否得到补偿？若有，请提供相关咨询与补偿的文件纪录。
- g) 中国华能集团采取何种措施，确保受影响的原住民社区得到适当咨询，并保障他们自由、事先与知情同意的权利？请提供相关咨询及事后跟进的文件纪录。
- h) 被拆迁民众得到何种跨国援助？这些援助是如何决定的？
- i) 中国华能集团采用何种计算方式，决定被淹没社区居民祖坟的补偿标准？该公司是否曾就其补偿决定咨询受影响社区的意见？
- j) 您的公司或其子公司是否考虑过，采取其他干扰程度较低的项目方案以缩减拆迁范围，或者采取其他设计或运营策略以降低对渔业冲击？
- k) 中国华能集团是否承诺对本项目造成的伤害进行全面评估，并根据国际、柬埔寨和中国法律提供合理补偿？
- l) 中国华能集团是否承诺提出新的方案，对受到桑河二级水电项目拆迁或其他影响的民众提供补偿，以补救人权观察和其他方面指出的问题？

2. 许多桑河二级水电站拆迁社区持续强烈抗议他们的生活处境，以及有关社会服务与农耕土地的问题。
  - a) 中国华能集团是否设有便利的申诉机制以解决投诉？若有，您采取何种措施让受影响社区知晓相关机制的存在及其申诉程序？
  - b) 若已设有申诉机制，你们曾收到多少件投诉，以什么措施解决投诉，有多少件成功解决？请提供申诉机制的任何可得文件纪录和数据。
  - c) 中国华能集团或其子公司，在水电站建成后，曾否参与对受影响社区进行的任何谘询或沟通？若有，成果如何？
  - d) 中国华能集团是否准备参与新的谘询与谈判，解决受影响社区的持续投诉？
3. 中国华能和柬埔寨团体亚洲展望研究所（Asian Vision Institute）于 2020 年 11 月 23 日发表的声明显示，亚洲展望研究所曾于 2020 年对桑河二级水电站项目进行一项研究计划并完成题为「中国华能集团有限公司企业社会责任」的报告，讨论该项目的社会与经济影响。您能否提供这份报告给人权观察？
4. 许多被迁移村民投诉，安置区的井水不可饮用，并称他们现在必须从卡车买水储存。柬埔寨内政部长韶肯 2019 年 2 月到安置点视察，居民曾向他反映这些问题，据报他说会著手解决。
  - d) 中国华能集团或其子公司做了什么，若有，确保本项目安置区有安全水源？
  - e) 中国华能集团或其子公司是否曾对安置点水源进行污染物含量检测？
  - f) 若有，能否将正式结果寄给我们？
5. 多名村民告诉人权观察，有柬埔寨政府官员威胁他们不得批评本项目，否则将丧失向贵公司领取补偿的资格。
  - b) 您是否知道这些指控，若是，您采取何种措施，若有，以避免柬埔寨政府官员涉入相关活动？
6. 我们的研究无法确定桑河二级水电站生产的电力卖给哪些机构、用在何处。我们也无法确定该水电站累计、每月、年度或持续产生的实际发电量。
  - a) 过去两年来，桑河二级水电站生产了多少电力？可否向人权观察提供数据或信息，说明该水电站自 2019 年至今的发电量，不论以每月或每周平均吉瓦小时，或每日、每周或每月百万瓦出力，或任何其他形式计算。

- b) 您能否证实柬埔寨电力公司即是桑河二级水电站生产电力的买受方，若不是，请说明电力销售给什么机构、如何支付收益？
  - c) 桑河二级水电有限公司向电力买受方开出怎样的费用、条件或价格？
  - d) 从 2019 到 2020 年，通过运营和销售桑河二级水电站所生产的电力，中国华能集团或桑河二级水电有限公司每月或每年的净收益或亏损是多少？
  - e) 您能否提供任何信息或数据，说明哪些消费者、顾客或受益方从桑河二级水电站的发电获益？您能否提供任何信息或数据，分别说明目前电力被用于或送往何处？特别是：从 2019 到 2020 年，有多少电力（每月或每周占总出力的百分比）供应上丁省、桔井省和腊塔纳基省的消费者，有多少被送往其他地区？
  - f) 您能否说明该水电站迁移或影响社区是否得到供电服务，若有，费用是多少？
7. 我们曾致函中国国有资产监督管理委员会（国资委），索取其就本项目所做的任何审查纪录。
- d) 针对本项目安置或补偿的政策或程序，国资委、任何其他中国政府机关或中国工商银行有没有行使任何监督、撰写任何报告或实行任何书面审查？
  - e) 若有，能否将上述审查寄给我们？
  - f) 您的公司是否曾参与国资委或商务部关于一带一路而与本项目有关的任何审查或程序？
8. 最后，站在中国华能集团的观点，本项目达到何种标准或具备何种特色所以被纳入一带一路倡议？

为了确保我们关于桑河二级水电站的报告内容周延、客观，请您就以上各项问题给予答复，以便反映在我们的报告当中；您的答复内容可能部分或全文发表。为确保有足够时间将其纳入，我们必须在 2021 年 4 月 26 日前收到您的答复。

若您希望就此议题作更深入讨论，我们也很乐意用视讯方式对话。安排会谈或有任何疑问，请与本人即亚洲区倡议主任约翰·席夫顿联络，电邮：[siftonj@hrw.org](mailto:siftonj@hrw.org)。

人权观察感谢你拨冗关注。

期待您的回复。

谨此，

A handwritten signature in black ink, appearing to read 'John Sifton'.

约翰·席夫顿 (John Sifton)  
亚洲区倡议主任  
人权观察

## 附录：研究发现摘要

人权观察对桑河二级项目的研究表明，该公司人员与柬埔寨政府官员于 2012 到 2019 年进行的谘询和补偿程序存在严重问题，在此期间有数千人被迫离开遭水电站淹没的财产，迁往安置点或其自择地点。

人权观察发现，谘询过程的动力通常来自胁迫，村民通常被告知整套补偿方案不容协商，或者若拒绝建议就什么也得不到。提供给受影响家户的具体补偿金几乎全都是不足够或有问题的。尽管预期水电站将影响渔业收入（不只是水电站上下游，还包括整个湄公河流域），但水电站淹没区以外的受影响家户——住在上游和下游依靠河中鱼类和沉积物获取作物和收入的社区——却没有得到任何补偿。所有受水电站影响的家户都没有得到任何职业培训，以便他们发展其他替代创收活动。

根据我们报告中的详细说明，具体问题包括下列各项：

- 中国华能集团提供建造新居的基金不足；村民原本住房质量不佳，但重建的住房更差。
- 相较于村民原有土地，分配给安置家庭的新土地肥沃度较低，耕作较困难，因此提高的耕作和施肥成本却没有得到补偿。
- 对果树和其他作物损失的补偿远低于实际价值。
- 对渔业收入损失的补偿仅以一年计算，没有考虑未来几十年村民因为渔获量降低而损失的收入。
- 占移民大部分的原住民永久失去其作为原住民的各项权利，包括共有土地和林地的使用权。森林产物采集收入的损失没有得到任何补偿。对村民祖坟损毁的补偿计算方式不当，补偿的实行也没有考虑到原住民社区信仰体系下坟地的特殊地位。（如下文所述，谘询过程一般没有遵循原住民适用的国际标准。）
- 多位户长（部分不识字）表示，他们签署补偿文件时并不了解内容，也无法获得独立意见。
- 本项目虽为移民提供某些跨国援助，以食物和现金补贴搬迁费用和必需品，但许多村民指出，这些援助的额度不能满足需求。
- 许多村民表示，他们曾向公司代表或地方政府官员投诉安置和补偿相关问题，但总是得不到答复或所得到的答复无法解决疑难。
- 受影响社区不知道中国华能集团有任何解决疑难的正式申诉机制。
- 各社区并表示，因为缺乏有关安置程序的信息，他们很难做决定或提出申诉。公民社会团体表示，有关本项目的立案、该公司与政府的安置义务以及项目影响评估的最新版本等关键文件都没有随时向社区公开，也没有向社区充分说明。
- 无论中国华能集团或其事业伙伴，或者相关的柬埔寨政府官员，显然都没有采取任何措施保障受影响地区原住民的权利，或确保对他们有影响的各种安排得到国际标准所要求的自由、事先和知情的同意。

- 我们访问过的水电站上下游社区全都没有受到谘询，也没有补偿预期收入损失，包括鱼群受扰迁徙以及沉积物减少，这些因素过去曾造成河川沿岸渔获量和农作物产量降低。
- 中国华能集团或其子公司、融资方或任何商业伙伴，以及相关的柬埔寨政府官员，显然都没有采取任何措施以估算本项目在水坝工程及其建成后淹没区直接影响范围以外的社会、经济或环境冲击—这些更大范围的影响可能触及数十万甚至数百万柬埔寨民众。