



August 23rd, 2013

Robert Allen Jr.
General Manager
Theun-Hinboun Power Company Ltd.
P.O. Box 3382
Vientiane, Lao PDR

Re: Formation of the Panel of Experts for the Theun Hinboun Expansion Project

Dear Mr. Allen,

We are writing to follow up on the question of the formation of the panel of experts for the Theun Hinboun Expansion Project. We acknowledge THPC's affirmation that the panel will be an independent entity with a mandate covering both social and environmental aspects of the project, and that the experts selected will be asked to take the Asian Development Bank's safeguard standards into account (Reference: [Correspondence to FIVAS and International Rivers](#), 2 May 2013). However, we would like to know whether THPC is willing to commit to upholding the principles of best practice developed by the World Commission on Dams (Guideline 22 on Independent Review Panels for Social and Environmental Matters). We believe that by committing to these standards, all of which are established practices of corporate responsibility in the hydropower industry, THPC will demonstrate an intention to establish a panel of experts that has credibility as an independent, transparent body accountable to all stakeholders, including affected communities of the Theun, Hinboun, Hai, Gnouang and Kading watersheds. Since THPC has yet to provide a clear articulation on the process of formation and establishment of the mandate of the panel of experts, we have the following questions:

- ⌚ Can you please clarify whether you intend to signal your commitment towards transparency, accountability and objectivity by making the panel's terms of reference (ToR) accessible to the public, and allowing civil society and other stakeholders to suggest potential candidates?
- ⌚ Secondly, can you clarify whether THPC intends to follow practices established to ensure sufficient expertise on social, environmental and health concerns by developing a panel of three or more people?
- ⌚ Please confirm if the panel will explicitly have the autonomy to examine issues of social, environmental, health and cultural concerns that are not limited to those that are deemed important within the scope of the current THPC Social and Environmental Division's Monitoring Program.
- ⌚ Could you clarify the duration of the Panel's work and frequency of reporting that is envisioned

by THPC in terms of whether it will have the mandate to continue to do site visits and reports for the remaining duration of the project's Concession Agreement?

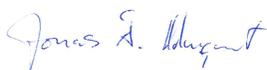
- ⌚ Finally, can you confirm whether the panel's reports will be made publicly accessible in both English and Lao languages on your website as well as in print in THPC site offices?

We look forward to hearing further about your commitments to these matters. Thank you for your time and attention.

Sincerely,



Johan Frijns, Coordinator, BankTrack



Jonas Ådnøy Holmqvist, Director, FIVAS



Tania Lee, Lao Program Coordinator, International Rivers



Lucie Pinson, Private Finance and Coface Campaigner, Les Amis de la Terre France



Cam Walker, National Liaison Officer, Friends of the Earth Australia



Dr. Mark Zirnsak, Director, Justice & International Mission, Synod of Victoria and Tasmania, Uniting Church in Australia

Cc:

Mr. Jens Laugen, SED Manager, THPC

Mr. Tore Haga, Senior Vice President, International, Statkraft

Mr. Stephen Sparkes, Vice President, Social and Environmental Management, Statkraft

Mr. Nicolas Leclerc, ANZ Bank

Mr. Mike Smith, ANZ Bank

Mr. Bruce McMullin, ANZ Bank

Mr. Toby Kent, ANZ Bank

Mr. Nanno Kleiterp, FMO

Mr. Bruno Wenn, DEG

Dr. Herbert Baumgartner, DEG

Mr. Claude Périou, PROPARCO

Ms. Emmanuelle Bru, BNP Paribas

Mr. Laurence Pessez, BNP Paribas

Mr. Patrick Bader, BNP Paribas