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## TERRA briefing paper: The Xekaman 1 hydroelectric dam

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After years of delay, construction could soon begin on the proposed Xekaman 1 hydroelectric dam in the southern Lao province of Attapeu.

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### Project history

After years of delay, construction could soon begin on the proposed Xekaman 1 hydroelectric dam in the southern Lao province of Attapeu. Originally to be developed by Tasmania's state-owned Hydro-Electric Commission Enterprise Corporation (HECEC), the project is now in private hands. This briefing paper contains the latest information available on the Xekaman 1. It was compiled

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US\$1 billion signed on April 6, 1994, between the Lao government and HECEC.

The original deal covered four projects: Nam Cha 1 and 2 in northern Vientiane province, the Xekaman 1 and the Southern Lao Power Transmission System.

The Nam Cha 1 and 2 dam projects were subsequently dropped by HECEC following the death of one of their hydrologists in a grenade attack near the site of the projects in May 1994. The 468 megawatt (MW) Xekaman 1 is located 52 kilometres east of Attapeu City, on the Xekaman River, one of six tributaries flowing into the Se Kong River. The Se Kong is one of the largest tributaries of the Mekong, and along with the Se San and Sre Pok Rivers it contributes approximately 20 per cent of the Mekong's flow at their confluence in Stung Treng province, northeast Cambodia.

In June 1995, HECEC signed a second MoA with the Lao government for Xekaman 1 and the transmission system, presumably to move the project into the full development stage. The MoA stated the Lao government had a 25 per cent equity in the Xekaman project and unspecified foreign partners 75 per cent.

Construction of the dam and the transmission system was supposed to commence by November 1995 and be completed by the beginning of the year 2000. Since June 1995, however, progress on the project has been slow, in part owing to changes in HECEC's ownership structure. HECEC was privatised in 1996, and now consists of two private companies owned by senior executives of the former HECEC. One of these companies, Austral Lao Power (ALP), has the rights to the Xekaman 1 and Southern Lao Transmission System and is pushing ahead with both projects in collaboration with a prominent Malaysian logging company, Idris Hydraulic.

But while the corporate structure behind Xekaman 1 is different, little else about the project has changed. The proposed dam will relocate nearly a thousand mainly indigenous people, severely damage local fisheries and flood approximately 230 square kilometres of forest. The involvement of a logging company in the new corporate team behind the Xekaman 1 is particularly disturbing, given the dam's location in one of the last remaining areas of lowland tropical forest in mainland Southeast Asia.

Serious doubts surround the proposed dam's economic feasibility, in particular the lack of a Power Purchase Agreement (PPA) with the Electricity Generating Authority of Thailand (EGAT), so far the only potential customer for power produced by the dam. EGAT dropped Xekaman 1 from its 3,000 MW Memorandum of Understanding with Laos in early 1997.

ALP's management have also inherited the former HECEC's well known

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Cooperation Agency (JICA) in 1993. The project's details are:

- A 187 metre concrete faced rock-fill dam, the second highest of its type in the world.
- Installed capacity 468 MW.
- The most recent cost estimate for the project is US\$450 – 500 million.
- Build-Own-Transfer scheme with a 20 to 25 year concession period.
- Construction was originally supposed to be carried out by John Holland, which helped build the “Friendship Bridge” over the Mekong River, and the Brazilian company Companhia Brasileira de Projectos e Obras (CBPO), involved in the construction and engineering work on the controversial, and recently canceled, Bakun dam in Sarawak, Malaysia.
- According to the developers, at its full supply level the Xekaman will have a reservoir of approximately 230 square kilometres, “adjacent” to the Dong Ampham protected area, one of 17 National Biodiversity Conservation Areas declared by the Lao government.
- Nine villages – 812 people will be forcibly resettled.
- The environmental impact assessment is to be carried out by the Tasmanian-based consulting firm Gutteridge, Haskins and Davey (GHD).
- The Southern Lao Power Transmission System was designed to transport power to local areas in southern Laos and neighbors Thailand, Vietnam and Cambodia. According to the original MoA signed in 1994, “The power grid for southern Laos will connect all hydroelectric schemes and other forms of power generation into one single system ... Any existing projects or commitments by the GOL in southern Laos will be coordinated technically and commercially into the proposed power transmission grid.” The total cost for the transmission project is US\$250 million.

### HECEC goes private

HECEC was formed in 1987 as a commercial arm of the Hydro-Electric Commission (HEC), a semi-autonomous government authority charged with handling all aspects of power generation and supply in the Australian island state of Tasmania. HEC enjoyed enormous political and economic influence for nearly 60 years as an advocate of large-scale hydropower dam construction. Its activities resulted in the destruction of many of the state's rivers, a massive over supply of power, and account for approximately 40 per cent of the state's US\$3.5 billion debt.

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virtual exhaustion of opportunities to build dams in Tasmania, and a corresponding lack of employment opportunities for its staff, HEC formed HECEC to bid on a commercial basis for hydropower projects overseas, mainly targeting Southeast Asia and the Pacific Islands.

As a state-owned body, HECEC undertook work in some 17 countries. In 1989 HECEC sent two engineers to Athens to help a contractor to prepare a tender to construct the Messachora dam project, which created an uproar in Greece and internationally as it would have diverted water required for maintaining an internationally recognised wetlands. In the Philippines, HECEC was involved in the US\$200 million plus Casecnan hydropower project on the island of Luzon. The 150 MW dam was opposed by a wide selection of local organisations due to its impacts on indigenous people.

Until recently, HECEC's international projects were a commercial extension of HEC Tasmania's operations. This changed on July 26, 1996, when HECEC underwent an unusual privatization process whereby the company was sold to several of its senior executives. The deal included Xekaman 1 dam and the Southern Lao Power Transmission Project, and HECEC's only other foreign subsidiary, HECEC Projek (M), which was responsible for the marketing of HECEC's activities in Malaysia.

Two companies emerged from the buy-out. The first, HECEC Australia, basically consists of the old HECEC's consultancy services. The second, Austral Lao Power Management (ALP), is solely interested in the Xekaman 1 and transmission system. Informed sources in Laos indicate that ALP is the property of three private investors. One of these, Peter Martin, is the former Major Projects Manager for HECEC. Involved in the Xekaman 1 project since its inception, Martin appears to be the main impetus behind the creation of ALP. The second, Colum O'Keefe heads a firm called Finmark Consultants, based in Malaysia and Singapore. The third shareholder is unknown.

ALP collaborated with a prominent Malaysian logging company, Idris Hydraulic, to purchase the MoA for Xekaman and the transmission system for a reported sum of US\$2 million, the costs incurred by the project's developers before they were 'privatised'. To do this they formed a vehicle called ANSCAN international, owned 51 per cent by Idris, 49 per cent by ALP.

While the buy-out has certainly helped deflect adverse publicity away from Xekaman 1, the ownership change was motivated by differences

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from the dam, and the likelihood of cost overruns arising from the project having to be passed onto Tasmanian tax payers.

## Present status

ALP's management maintain that construction has yet to begin, pending the outcome of "government to government" discussions over the project between Laos and Malaysia. In the meantime, there are indications ALP have entered into negotiations with the Lao government over a concession agreement to cover the dam and the transmission system. If the project's backers can finalise financing for the project, construction will begin and the concession agreement will be signed over to a new company, Austral Lao Power Private Limited Company (ALP PLC).

Although details have not been made public, it appears that ALP PLC's intended ownership structure will be Idris Hydraulic 35 per cent, 35 per cent to a consortium of three Thai-based companies, including American International Assurances and Asian Infrastructure Development, and 5 per cent ALP. The Lao government will retain its 25 per cent equity in the project.

American International Assurances (AIA) is part of the American International Insurance Group. Along with Asian Infrastructure Development Company, AIA recently launched its second infrastructure fund in Asia, which included a US\$800 million deep sea water port and industrial estate in Haiphong, north Vietnam, bids for a 600MW power plant to service five industrial estates managed by the Industrial Estate Authority of Thailand, and an unspecified 468MW dam in Laos, the same size as Xekaman 1.

## The Malaysian connection

Idris Hydraulic has a 1,200,000 hectare timber concession in the Malaysian state of Sabah, and was rumored to be one of several Malay timber companies vying for concessions in the reservoir area of the recently canceled Bakun dam in Sarawak state. It has a number of other interests, including commercial tree plantations and tourism. Media reports indicate that the company is one of several under the patronage of Deputy Prime Minister Anwar Ibrahim.

Idris has extensive overseas activities. In January 1995, Idris entered into an agreement with the state-owned Myanmar Timber Enterprise to jointly log a 1.2 million hectare concession at an undisclosed location in Burma. Idris has also been reported to have been considering timber

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newspaper carried an article which confirmed that Idris had acquired a 50 per cent stake in ANSCAN International which was involved in a Memorandum of Understanding to build a dam in Laos.

Idris' main motivation for involvement in Xekaman 1 appears to be the prospect of access to timber in the dam's reservoir area. One estimate is that approximately one million cubic metres of wood will have to be cleared to make way for the dam. A Vientiane-based dam contractor told one researcher in 1995 that there "are individuals associated with (the then) HECEC who are very interested in logging the area, and who are more interested in the timber than in building the dam, and the only way they'll get the timber is if there's a dam, which will inundate the area – it's just an excuse to get the timber."

As part of attempts to reform the forestry sector, in late 1994 the Lao government revoked all foreign logging licenses. While foreign companies retained the right to process timber, they must do this in cooperation with one of three military-backed companies which control the timber trade in the north, south and central parts of the country. Despite this, Idris are reportedly negotiating with DAFI, the southern military company, to log the reservoir themselves.

Through its participation in the Xekaman 1 dam, Idris joins a long list of foreign logging companies presently involved in Laos, including a growing number of Malaysian interests. Part of a strategy to internationalise their activities as domestic timber reserves run out, Malaysian logging companies have been working in Laos since at least April 1994, when Malaysian PM Mohammad Mahathir visited Cambodia and Laos at the head of a large business delegation. Malaysian media reports at that time said that timber was one of the main attractions.

The current list of Malaysian investors provided by the Malaysian embassy in Vientiane omits all but one Malay timber company, United Plymill and Sawmills (Laos), which has the contract to carry out underwater logging at the Nam Ngum reservoir. Reports in the Malaysian press, however, say at least one Sabah and two Sarawak-based logging companies are active in Laos. Malaysian "forest teams" have been reported working with the largest of Laos's military owned companies, the Mountainous Areas Development Corporation. There are also unconfirmed reports that Malaysian timber interests are active in southern Laos through Thai front companies.

Another Malaysian company, HIPA Forest Industries (Malaysia) has a 50-

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controls logging in northern Laos. The two parties are also behind a

US\$80 million timber processing plant, which will make finished wood products for export to Japan, Thailand, Malaysia and the Lao domestic market.

In response to heavy criticism of their activities at home and internationally, Malaysian Logging company representatives have met on several occasions to work out strategies to deflect criticism of their overseas operations. This is done in coordination with the Malaysian Timber Council and Malaysian embassies in the countries in question.

## The Australian connection

ALP's management have claimed to researchers and journalists that since HECEC's "privatization", Xekaman 1 dam and the transmission project have absolutely no Australian involvement and no links back to its former parent company HEC. Based on the available information, however, such claims are completely untrue and only designed to deflect possible criticism of the project by groups in Australia.

The Xekaman 1 dam has enjoyed considerable official and unofficial support from the Australian government since its inception. The original April 1994 MoA for the project was signed in the presence of Australia's then-Prime Minister Paul Keating, one day after he had presided over the opening of the "Friendship Bridge" over the Mekong River between Laos and Thailand. Quoted in the Australian media, Keating said HECEC's success was part of Australia's rapid commercial expansion into Laos, the evidence of a closer engagement with Asia, and "the precursor to growth and jobs in Australia".

This support was part of a wider policy on the part of the Australian government to pick high profile, big budget projects to showcase the capabilities of Australia's corporate sector overseas, especially in Asia. In the past Xekaman 1 project has also received support from the Australian embassy in Vientiane.

HECEC's original purpose was to provide employment opportunities for HEC staff in the face of dwindling opportunities to build dams in Tasmania. ALP continues to have the same access to HEC's services and skills base. During an interview with the Australian group AID/WATCH in Vientiane in February 1997, Grahame Maher, ALP's present Project Coordinator in Laos, said that HECEC Australia had a role as "engineering design managers" for the project. Many of ALP's key executives have a long institutional affiliation with HECEC and HEC,

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Australian company John Holland was originally slated to carry out construction of the dam in a joint venture with CBPO (although more recent reports that Holland may no longer be involved need to be investigated). The environmental impact assessment for the dam and Southern Lao Transmission System is being carried out by the Tasmanian-based consultancy firm Gutteridge, Haskins and Davey. At one point Forestry Tasmania (attached to the state Forestry Department) were involved as a consultant for GHD, although their links to the project are now unknown, with at least one report claiming that they have been replaced by a group called 'Forestry Technology', or Fortech, a commercial arm of Australian National University. The participation of Australian-based legal and accounting companies still needs to be confirmed.

### Economic concerns

Speaking at a seminar on hydropower in Laos, held in Australia in October 1996, Alan Sann, Environmental and Development Manager at GHD, said that the official cost of the Xekaman 1 dam was estimated to be between US\$450 – 500 million. No revised figure has been given since. The Lao government holds 25 per cent equity in the project. On the basis of these figures, this means they will have to contribute a considerable amount of money. In the absence of multilateral funding, the Lao government will have to borrow this from private banks, probably in the form of a limited liability arrangement with interest rates set at a premium. This is in addition to having to contribute the Xekaman River's natural resources.

Already there are indications that the 1995 cost is severely underestimated. To take one example, ALP's geo-technical investigations have reportedly so far not included any drilling at the dam site. Instead they have relied on the information in the 1993 JICA report. Apparently, standard procedure for smaller dams (the Xekaman 1 is 180 meters high) is to do at least 12 drills. These are not difficult to do, but they are expensive (more recently, ALP's management have said that they are now doing these investigations. The project is riddled with these sort of unspecified cost over runs. HECEC did not put construction and other services out to a competitive tender, but have negotiated directly with Holland and CBPO. Similarly, ALP appears set to get the management contract if Xekaman 1 goes ahead, again, without an external bidding process. This could result in a significantly higher project cost.

Concerns have also been expressed over the lack of hydrological data

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been collected has been done by people with little understanding or training in the data collection process. A 1995 report by the Protected Areas Division of the Department of Forestry in Vientiane noted that "...villagers we interviewed commonly reported that the Xekaman River has become increasingly shallow over the last 10 to 20 years. Flows have apparently decreased steadily from year to year, and some sandbars that were previously submerged all round are now above water for part of the year. If this undocumented trend continues to develop, the economics of the Xekaman 1 could be seriously jeopardised."

In late February 1997, Xekaman 1 was dropped from the list of power projects in Laos from which Thailand had committed to buy 3,000 MW by the year 2006. EGAT Governor Preecha Chungwatanna was quoted at the time as saying that Xekaman 1 had been cut because the Lao government had not yet given a concession agreement to an investor for the project. Despite claims by the developers in late 1996 that the Xekaman 1 "was on track" to complete PPA with EGAT in late 1996, no agreement has been signed to date and it is unclear whether ALP have even begun talks with EGAT on the matter. The recent Thai economic crisis, and the resulting decline in Thai power demand, further reduces the likelihood of EGAT buying power from Xekaman 1.

Another justification for the Xekaman 1 when it was first launched was that it would be able to supply nearby areas with cheap power. But there is already more than enough produced by the South Korean built Houay Ho (scheduled to be completed in early 1999) to do this. The Protected Areas Division report said that the Houay Ho will "Produce more than enough hydropower (160MW) to supply all of the southern Lao provinces with electricity and still have more than enough left over to sell to Thailand."

The Southern Lao Power Transmission System is worth around US\$200-250 million. Peter Martin told a one journalist earlier this year that ALP was not interested in the project if it did not include the transmission line. There are also reports that ALP is pushing to make the power line project contractually separate from the dam, in case the latter falls through.

HECEC originally wanted the line to go through Pakse. Now EGAT has said that power from Thailand will have to enter the Thai grid at three points, Savannakhet, Nong Khai, Chiang Kong. Extending it to Savannakhet, the nearest point, will increase the cost substantially.

There are also conflicts with some of the other hydropower developers

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## Kept in the dark: Lack of studies and information

Upon the signing of the second MoA for the Xekaman 1 in June 1995, the then chair of HECEC, Peter Rae, pledged that a “comprehensive environmental and social impact assessment, involving local community consultation is to be conducted before starting any construction work.” This was to include studies on the dam’s impact on wildlife, forests and river ecosystems, a catchment management plan and a number of other studies.

In November 1995, the Tasmanian based consultancy firm Gutteridge, Haskin and Davies (GHD) produced a draft Initial Environmental Examination of the Xekaman No1 and the Southern Transmission project. As of October 1997, ALP have yet to produce an environmental impact assessment. Instead, ALP have responded to requests by researchers and journalists that they are sending “ongoing studies” to the Lao government, although the existence of these has not been independently verified.

The Initial Environmental Examination contained little mention of Xekaman 1’s negative environmental impacts. It was put together in a short time, on the basis of one brief visit to Attapeu and a few helicopter flights over the proposed dam site. Only a small section was translated into Lao and made available to local officials in Attapeu. GHD was not independently selected but directly employed by HECEC. GHD has in turn sub-contracted much of the work on designing social and environmental mitigation measures to a company called Resource Management Services.

The intense secrecy surrounding the Xekaman 1 is a deliberate strategy based in part on a reading of the “lessons” of Nam Theun 2, which ALP have been following carefully. ALP management maintain they will not approach foreign banks for funding until all the relevant documentation and studies have been completed so as to minimise the potential for outside groups to interfere in the project. Meanwhile, ALP have actively blocked attempts by independent researchers to get information and interview consultants working on the project. In January 1996, Wildlife Conservation Society experts had difficulty gaining access to the area to conduct studies of the Dong Ampham protected area. Despite having official approval, their clearance to enter the area was revoked at the last minute.

Details regarding the number of people to be relocated by the proposed

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Xekaman 1 would necessitate the relocation of nine villages, 154 families, “of hunter gatherer and subsistence agricultural people”, 812 people in all. Other sources maintain that the government is hoping to use Xekaman 1 to move closer to 2220 people, including villages from the Xekaman’s watershed. At least 200 village people have been relocated already.

The dam’s developers have set up a “Consultative Forum” to deal with relocation and associated issues. It includes local and central level representatives of Lao mass organisations, as well as representatives of the central and local government. It has met three times since 1994, twice in Vientiane and once in Attapeu. Maher told AID/WATCH that the forum is aimed at “keeping families informed of the project and related issues and how they are managed.” He said that it had been working well, and wondered aloud why the Nam Theun 2 had experienced so many problems with relocation.

Villagers in the area interviewed in the 1995 Protected Areas Report said they did not want to move. According to the report: “The Xekaman River basin was heavily bombed during the Indochina war, and the people in the area suffered years of difficult conditions during the war years. Many villagers expressed dismay about only finally being able to put their lives back together, only to find that they will be uprooted by the Xekaman 1 dam.”

## Impact on Fisheries

The Initial Environmental Examination contained no mention of Xekaman 1’s impact on fisheries. Of the 1000 plus fish species that are thought to exist throughout the Mekong, 400 are reported to exist in the stretch of the River in southern Laos alone. According to the Protected Areas Division report, “It would not be unrealistic to suggest that there could be from 300 – 400 fish species in the Xekaman River. Many species are thought not to exist elsewhere in Laos apart from the three to four kilometre stretch of the river proposed for the construction of the dam. In comparison, Australia in its entirety has 27 known indigenous fish species. The Xekaman River is also an important habitat for the endangered freshwater Irrawaddy dolphin.

Although fishers along the Xekaman River are unanimous in declaring that fish catches have declined throughout the Sekong Basin in the last 10 – 20 years, fisheries continue to be an important part of local economy and make up an estimated 70 to 90 per cent of protein

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downstream water levels, particularly during the dry season when water levels will not be as low as normal due to the water collected in the rainy season being released to generate power. Seasonally flooded forests will dry up, depriving fish of access to important spawning and feeding grounds.

These changes will affect farming patterns of villages living along the banks of the Xekaman downstream of the dam (14 villages, approximately 10,826 people), as large areas of seasonally submerged land, planted with vegetables and tobacco during the dry season will be submerged all year round.

According to the Protected Areas Report, “Together, these downstream fisheries impacts are likely to be severe. Many fish populations are likely to be heavily reduced, and some species may disappear from the river entirely ... In addition, reductions in fish stocks in the Xekaman may have a significant impact on fisheries in the Sekong and even the Mekong Rivers, as many fish that presumably feed and spawn in the Xekaman River are believed to migrate between the Xekaman and the Sekong and Mekong Rivers.”

### Building the dam to cut the trees?

The ALP position is that much of the forest in the proposed reservoir has been destroyed by several generations of illegal logging and slash and burn agriculture. According to Alan Sann the area to be flooded is “a largely degraded tract of re-growth Dipterocarp woodland and cleared agricultural land.”

By contrast, in an interview several years ago, an official from the department of forestry in Laos claimed that 80-90 per cent of the reservoir area was pristine forest. A 1993 report by the World Conservation Union claimed that approximately 75-80 per cent remains pristine forest.

Southern Laos has some of the last intact areas of lowland tropical forest remaining on mainland Southeast Asia. Investigations carried out by the Protected Area’s Division of the Department of Forestry in Laos reported the presence of many globally threatened large mammal species, including tigers and other large cats, elephants, deer, otters, wild boar and various primate species. A number of rare bird species are also believed to inhabit the forests near the Xekaman River.

The involvement of Idris Hydraulics’ is particularly disturbing given that

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of funding a management plan of a potential dam site, i.e., being seen to be subsidising a dam builder.

Given the poor track record of logging companies to confine their activities to their concession areas, Idris' participation in Xekaman 1 greatly increases the danger posed to the local forest by the dam. There is also the danger posed by road and bridge construction associated with the project. Based on the experience of Laos and other countries in the region, the upgrading of roads leads to an increase in hunting and logging, both legal and illegal. It also opens up areas to other developers, particularly those interested in large-scale export oriented agricultural crops, industrial tree plantations and tourism resorts. Included in the Xekaman project is one bridge and a ferry crossing. A number of roads in Attapeu province will be upgraded during the operation.

### Questions and follow up

More information is needed about many aspects of Xekaman 1 dam.

- What is the background to the so-called 'privatization' of the HECEC? What are the financial details of the management buyout?
- What is the involvement of Idris Hydraulic in the Xekaman project? If the project goes ahead, can it expect any official assistance from the Malaysian government as a result of Idris's participation?
- What are the roles of American International Assurances and Asian Infrastructure Development Company in Xekaman 1?
- What are the links between the Tasmanian Hydro Electric Commission, Austral Lao Power and HECEC Australia in relation to the Xekaman project?
- What is the involvement of other Australian interests in the project, including John Holland, Gutteridge Haskins and Davey, Forestry Tasmanian, etc?
- If the Xekaman project goes ahead, will the developers receive any Australian state or federal government subsidies such as export credits or loan guarantees?
- What is the up-dated cost of Xekaman 1 and Southern Power Transmission Project and how will the financing for these be arranged?
- Have any detailed environmental impact studies been completed on Xekaman 1 and the Southern Power Transmission Project since Gutteridge, Haskins and Davey released its Initial Environmental Examination in 1995? What is the role of Resource Management Services in conducting studies of the project?

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