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Open Letter to the Vietnamese Government

President Tran Dai Quang

Vice President Ms Dang Thi Ngoc Thinh

Prime Minister Nguyen Xuan Phuc

3. Juli 2018

Dear Ms. Vice President and Mr. Prime Minister,

We would like to come back to the issue of the marine pollution caused by FORMOSA HA TINH STEEL, for which the FORMOSA PLASTICS GROUP (FPG) is to be held responsible.

We wrote to you regarding this matter back in 2016 and would also like to refer you to the enclosed *Charter on Industrial Hazards and Human Rights* adopted by the Permanent People's Tribunal (PPT) in 1994.

Just over a year ago, FORMOSA HA TINH STEEL caused an environmental disaster of shocking proportions in Viet Nam. Following national and international protests, the company's main shareholder, FORMOSA PLASTICS GROUP, was forced into paying out US\$500 million in compensation.

We kindly ask you to provide us with any new information you might have on any the following issues:

01. What is the extent and nature of the damages that have been recorded?
02. What was done to ensure all damages were properly recorded?
03. Where exactly did these damages occur?
04. Who assessed these damages?
05. Where is the documentation on these damages? Who are the people who have seen this documentation? Who are the people who have access to it?

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06. Is the documentation on these damages publicly available?
07. What measures are in place to monitor the extent of the damage long-term?
08. When were compensation payments paid by FORMOSA HA TINH STEEL and/or FPG?
09. What was the actual value of the compensation payments paid out by FORMOSA HA TINH STEEL and/or FPG?
10. Who decided on the level of these compensation payments?
11. What was the basis for setting compensation payments at this level?
12. What were the damages that FORMOSA HA TINH STEEL and/or FPG made compensation payments for?
13. Who were the people or organisations FORMOSA HA TINH STEEL and/or FPG made compensation payments to?
14. And who was it that actually received the compensation payments?
15. Which groups of victims were the compensation payments meant for?
16. Which regulations were followed and who made the actual compensation payments to the victims?
17. When were the compensation payments made by FORMOSA HA TINH STEEL and/or FPG?
18. Which damages were remedied, and when?

Information received by us indicates that the amounts paid out in financial compensation cannot be considered adequate reparation for the damage experienced by the victims, especially when it comes to loss of livelihood. As far as we are aware, victims who were promised help in finding new sources of income have yet to actually receive this help.

Reportedly, the long-term health impacts on people in the affected region have not been considered. In this regard, we would like to point out the section entitled "Health, Safety and Environmental Rights of Workers and Communities" contained in the enclosed *Charter on Industrial Hazards and Human Rights*.

Reports indicate that the damage to and destruction of the marine environment was neither documented nor remedied.

In July 2017, the steel plant resumed its production with an increased capacity. The information we have received suggests that fishing activities near the steel plant are still not possible. There are no findings from independent experts concerning the state of the water, the air or the ground - neither regarding the affected regions nor the recommissioning of the steel plant.

We urge you to do everything in your power to make sure all damages and consequences for the people in the affected region of Viet Nam are resolved and remedied.

As far as we are aware, numerous legal complaints and class actions by the affected people were not accepted. Why is this?

We condemn any measures taken by the Vietnamese government in order to suppress legitimate and peaceful protest.

A Vietnamese blogger who used the internet to report on and disseminate information about the marine pollution which was caused by FORMOSA HA TINH STEEL and for which FORMOSA PLASTICS GROUP (FPG) is ultimately responsible, has reportedly been sentenced to 7 years in prison. We urge you to immediately quash his sentence.

As far back as 2009, *ethecon - Foundation Ethics & Economics* awarded the International ethecon Black Planet Award to the owners and managers of the FORMOSA PLASTICS GROUP (FPG). This internationally recognised award names and shames persons who commit crimes against people and the environment. Since then, the company has been implicated in numerous incidents of environmental and water pollution. In the United States, for example, they were taken to court following protests by local residents.

Those responsible for the pollution of the water, the ground or the air in Viet Nam must be brought to account. So far, none of those at FORMOSA PLASTICS who are responsible for this disaster have been held accountable or brought before a court. We call on you to press ahead with judicial or criminal proceedings against the managers in charge at the time.

In connection with the environmental disaster in Viet Nam, for which the owners of FPG are responsible, we would like to reiterate these demands:

Comprehensive reparation and compensation for all damages caused by FORMOSA PLASTICS through FORMOSA HA TINH STEEL.

A comprehensive independent assessment as well as the documentation of all damages caused by FORMOSA PLASTICS through FORMOSA HA TINH STEEL.

Robust short- and long-term monitoring of all damages caused by FORMOSA PLASTICS through FORMOSA HA TINH STEEL.

Continuing and comprehensive disclosure of all the details and any new findings regarding

- the environmental disaster in Viet Nam caused by FPG
- the consequential and long-term damages arising from this disaster
- reparation and compensation payments/measures
- clean-up operations and recovery of the affected areas

Judicial or criminal proceedings against those responsible for the environmental disaster and for any adverse health effects.

Enforcement of requirements for the protection of people and the environment imposed on FORMOSA PLASTICS.

Please also make sure that any related protests or demonstrations can go ahead, and allow any legal complaints or appeals in connection with the disaster caused by FPG and/or the compensation and reparation provided.

Yours sincerely,

Angela Beutler

on behalf of the board of
ethecon - Foundation for ethics and economy

