



SUBMISSION OF THE EXTRATERRITORIAL OBLIGATION WATCH COALITION FOR THE EXAMINATION OF LAO PEOPLE'S DEMOCRATIC REPUBLIC'S INITIAL REPORT UNDER THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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The Extra-Territorial Obligation Watch Coalition (ETOs Watch Coalition) is a network of NGOs that focuses on transboundary issues related to human rights, community rights, natural resources, and the environment. The coalition utilizes a monitoring method to track and monitor investments in large-scale development projects in sectors such as energy, mining, economic land concessions, and special economic zones. This monitoring extends to Thai investors and investors from other nations in Southeast Asia, with particular emphasis on the Mekong region or CLMV countries, namely Cambodia, Laos, Myanmar, and Vietnam.

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I. Introduction

1. The Extraterritorial Obligation Watch Coalition (ETO Watch Coalition) welcomes the opportunity to provide further information to the UN Committee on Economic, Social and Cultural Rights (CESCR) for its examination of the Lao People's Democratic Republic (Lao PDR). This document serves as an additional submission to the joint report submitted on 7 August 2023 by the International Commission of Jurists (ICJ), the ETO Watch Coalition, and Land Watch Thai (LWT) for the preparation of the CESCR's List of Issues (LOI) concerning Lao PDR's initial report under the International Covenant on Economic, Social and Cultural Rights (ICESCR) ("2023 Joint Submission to CESCR").¹ It also builds upon the joint submission for the Universal Periodic Review (UPR) of Lao PDR, submitted by the ETO Watch Coalition, ICJ, and EarthRights International on 11 October 2024 ("2024 Joint Submission to the UPR").²
2. Prepared by the ETO Watch Coalition, with drafting support from the ICJ, this submission aims to draw CESCR's attention to concerns regarding Lao PDR's implementation of and compliance with its obligations under the ICESCR, by:

¹Joint Submission of the International Commission of Jurists, the Extra – Territorial Obligation Watch Coalition and Land Watch Thai for the Preparation by the Committee on Economic, Social and Cultural Rights of A List of Issues for the Examination of Lao People's Democratic Republic's Initial Report under the International Covenant on Economic, Social and Cultural Rights, 7 August 2023, available at: <https://www.icj.org/wp-content/uploads/2023/08/ICJ-Submission-Lao-LoI-FINAL-7-AUGUST-2023.pdf>

² Joint submission of the International Commission of Jurists, the Extra-Territorial Obligation Watch Coalition and EarthRights International to the Universal Periodic Review of Lao PDR, 11 October 2024, available at: https://www.icj.org/wp-content/uploads/2024/10/Joint-UPR-Lao-Submission-ICJ_ET_AI-11-Oct-2024.pdf

- 2.1 providing updates on the development of cases mentioned in the 2023 Joint Submission to CESCR, including those related to the establishment and development of Special Economic Zones (SEZs) and the construction of dam projects in Lao PDR;
- 2.2 raising concerns over the transboundary impact of the rare earth, gold, and other mining operations that severely affect economic, social and cultural rights (ESCRs) in Lao PDR; and
- 2.3 highlighting the repeal of legislation on compensation and resettlement for those affected by development projects, which significantly undermines the protection of ESCRs.

II. Update on the cases mentioned in the 2023 Joint Submission to CESCR

3. The 2023 Joint Submission to CESCR addressed several key concerns and offered recommendations regarding:
 - 3.1. human rights violations and abuses of ESCRs resulting from the establishment and development of SEZs in Lao PDR;
 - 3.2. violations of ESCRs of communities living along the banks of the Lower Mekong River—which spans Lao PDR, Cambodia, Thailand, and Vietnam—due to dam construction in Lao PDR; and
 - 3.3. allegations of human rights violations against defenders working on ESCRs, including enforced disappearances, killings, arbitrary arrests and detentions, and the misuse of judicial processes to silence defenders, linked to the enforcement of laws inconsistent with human rights standards.

Unfortunately, the concerns set out in the 2023 Joint Submission to CESCR remain unaddressed.

Special Economic Zones (SEZs)

4. The ongoing ESCR violations in the context of SEZs—as highlighted in Part II of the 2023 Joint Submission to CESCR—include labour rights abuses; violations of the right to an adequate standard of living; failure to ensure meaningful consultation with affected communities regarding project planning, future livelihoods, or resettlement arrangements; and failure to provide fair and adequate compensation and other forms of remedies.
5. These continuing violations are illustrated by the most recently approved SEZ, the *Mahanathy Sithandone SEZ*, which remains under construction while previously raised concerns are being repeated. This case is also referenced in paragraphs 14 and 15 of the 2024 Joint Submission to the UPR.
6. According to information provided by a local researcher interviewed by the ETO Watch Coalition, who had spoken with several affected individuals in the SEZ, many reported that they had not meaningfully participated in the decision-making process. While someone had spoken with them and collected information about their properties and households, they were not informed how this data would be used. Affected individuals also expressed dissatisfaction with the lack of opportunities to voice their concerns or challenge compensation decisions made by government authorities and project developers. They raised particular concern that, as they rely on fisheries for their

livelihoods, relocation away from the river area would significantly undermine their standard of living. Additionally, during the construction of a golf course within the SEZ, Radio Free Asia (RFA) reported that around 35 families refused to relocate, citing that the compensation offered was insufficient to purchase new land or build homes elsewhere.³

Hydropower dam projects

7. A similar situation persists regarding dam construction projects in Lao PDR, which continue to result in human rights violations and ESCR abuses for people living along the banks of the Lower Mekong River—spanning Lao PDR, Cambodia, Thailand, and Vietnam. The cases mentioned in the 2023 Joint Submission to CESCR—including the *Xayaburi Hydropower Project* (paras. 26–27), *Sanakham Hydropower Project* (paras. 31–33), *Pak Beng Hydropower Project* (paras. 34–36), *Xe Pian-Xe Namnoy Hydropower Project* (paras. 38–40), and *Luang Prabang Hydropower Project* (paras. 28–29, 37)—have seen limited progress in addressing the human rights concerns previously raised. These concerns include forced evictions carried out without adherence to procedural safeguards under international human rights law; lack of genuine consultation with affected communities; failure to provide fair compensation or adequate resettlement packages; and insufficient access to remedies for those harmed, such as in the case of the Xe Pian-Xe Namnoy dam collapse. These actions have deprived affected communities of their livelihoods, jeopardized their rights to food, work, and just and favourable working conditions, and caused environmental and ecological harm across multiple countries along the Lower Mekong River.
8. In one case, the project also threatens a cultural heritage site if implemented as planned. Notably, the *Luang Prabang Hydropower Project*—referenced in paragraph 37 of the 2023 Joint Submission to CESCR—has moved forward despite calls from the UNESCO World Heritage Centre and ICOMOS International to reconsider or relocate the project. These bodies recommended that Lao PDR avoid siting current and future hydropower projects in areas that could endanger World Heritage properties, their associated values, or their environmental setting.⁴ Nevertheless, construction has continued. Furthermore, longstanding disputes over compensation—particularly claims that compensation is below market value, as noted in paragraphs 28 and 29 of the 2023 submission—remain unresolved.
9. Another recent example that illustrates the Lao government’s continued failure to address known gaps and prevent repeated violations is the *Pak Lay Hydropower Project*, located on the Mekong mainstream in Pak Lay District. According to the project’s Environmental and Social Impact Assessment (ESIA), the dam will require the relocation of residents from eight villages, affecting approximately 993 households. However, as reported by RFA in January 2024, many villagers scheduled for relocation stated that they had not received any information regarding compensation or resettlement plans, despite infrastructure construction already being underway and the dam’s construction began at the end of

³ Lao villagers unhappy with compensation as SEZ development begins, 4

January 2024, available at: <https://www.rfa.org/english/news/laos/champassak-landcompensation-01042024160353.html>

⁴ Nao Hayashi (UNESCO World Heritage Centre) and Laurence Loh (ICOMOS), ‘Report on the Joint World Heritage Centre/ICOMOS Mission to the “Town of Luang Prabang”’, April 2022.

2024.⁵ These villagers expressed their unwillingness to relocate and voiced concern over how their livelihoods would be impacted in the new locations.

10. Additionally, during road construction in the dam area, some roads were built across plantation areas belonging to local villagers and smallholder farmers. While relocation was not required in those cases, affected individuals reported dissatisfaction with the compensation provided for their land—ranging from only 30 to 40 million kip (approximately USD 1,380 to 1,850)—amounts they considered insufficient.⁶

II. Transboundary pollution crisis from mining and its impact on ESCRs in Lao PDR

11. In addition to the cases mentioned above and in the 2023 Joint Submission to CESCR, the ETO Watch Coalition wishes to draw the Committee’s attention to a transboundary pollution crisis caused by mining activities that are impacting communities in Lao PDR. This situation reflects the Lao government’s failure to fulfil its obligations under the ICESCR—particularly Articles 1, 6, 7, 11, and 12.
12. In 2025, the ETO Watch Coalition received several credible reports documenting a transboundary pollution crisis originating primarily from large-scale mining operations in Shan State, Myanmar. These operations are reportedly under the control of the United Wa State Army (UWSA) and financed by Chinese capital. In addition, domestic mining projects in Lao PDR—such as Sepon gold-copper mine in Savannakhet province—has also contributed to the discharge of large volumes of sediment and heavy metal contaminants into Nam Kok, sub-river of Nam Ngum which is its tributaries of the Mekong rivers⁷. These rivers all flow into the Mekong River, affecting northern Thailand and Lao PDR.⁸ In the absence of effective preventive measures, these activities are seriously impacting the rights to health, a clean, safe, and sustainable environment, and an adequate standard of living for communities in Lao PDR.⁹
13. These allegations are supported by multiple forms of scientific and empirical evidence, including:¹⁰

⁵ Lao people are concerned about compensation for the Pak Lay Dam, expecting construction of the dam at the end of the year’, 16 January 2024, available at: <https://transbordernews.in.th/home/?p=36950>

⁶ Ibid

⁷ Effects of Contamination by Heavy Metals and Metalloids on Chromosomes, Serum Biochemistry and Histopathology of the Bonylip Barb Fish Near Sepon Gold-Copper Mine, Lao PDR, 18 December 2020, available at: <https://www.mdpi.com/1660-4601/17/24/9492>

⁸Toxic Fallout from Myanmar’s Rare Earth Mining Reaches Thailand: ETOs Watch Submits Urgent Report to UN Special Rapporteur, 2 August 2025, available at: <https://etowatchcom.wordpress.com/2025/08/02/toxic-fallout-from-myanmars-rare-earth-mining-reaches-thailand-etos-watch-submits-urgent-report-to-un-special-rapporteur/>

⁹ Rare Earth... 'heritage' that Laos must trade for 'investment', 18 April 2024, <https://thaipublica.org/2024/04/pundop131-rare-earth/>

¹⁰Toxic Fallout from Myanmar’s Rare Earth Mining Reaches Thailand: ETOs Watch Submits Urgent Report to UN Special Rapporteur, 2 August 2025, available at: <https://etowatchcom.wordpress.com/2025/08/02/toxic-fallout-from-myanmars-rare-earth-mining-reaches-thailand-etos-watch-submits-urgent-report-to-un-special-rapporteur/>

- 13.1. **Satellite imagery:** The Shan Human Rights Foundation (SHRF) released high-resolution satellite images showing massive expansion of rare earth and gold mining operations in the mountainous region along the Thai-Myanmar border. This area forms the headwaters of the Kok and Sai Rivers, which flow into the Mekong River. The images reveal extensive deforestation, landscape degradation, and large, poorly managed tailings ponds located dangerously close to water sources.
- 13.2. **Water quality testing:** Thailand's Pollution Control Department (PCD) confirmed the presence of several heavy metals—including arsenic, lead, manganese, and mercury—at levels exceeding safety standards in the Kok, Sai, and Ruak Rivers, which directly feed into the Mekong River.
- 13.3. **In-depth research:** A Thai research team from Thailand Science Research and Innovation (TSRI) used "participatory environmental forensics" and environmental DNA (eDNA) analysis to identify the "chemical and biological fingerprints" of the contaminants. Their findings confirm that the pollutants in the northern Mekong correspond specifically to rare earth and gold mining activity in Shan State.
14. Despite the severity of the situation, the Lao government has taken little action to address the issue or to ensure protection of the ESCRs of its population from cross-border harms caused by activities outside its territory. Notably, the contamination of the Mekong River directly threatens the right of communities along its banks to access clean and safe water. The bioaccumulation of heavy metals in the food chain—through fish and agricultural products—poses serious long-term health risks, including cancer, neurological disorders, and chronic kidney disease. These risks disproportionately affect vulnerable groups such as children, pregnant women, and the elderly. Furthermore, the Mekong River ecosystem, a crucial source of food security and income for millions in Lao PDR, is being severely degraded. The contamination has led to a decline in fish populations, making them unsafe for consumption and directly affecting the fishing and farming livelihoods of riverside communities.¹¹
15. The situation may worsen due to compounding impacts from infrastructure projects. Of particular concern is the risk that hydropower dam reservoirs in Lao PDR—such as the *Pak Beng Dam* (referenced in paragraphs 34–36 of the 2023 Joint Submission to CESCR)—will trap sediment contaminated with arsenic and other heavy metals. These reservoirs may become long-term "toxic sediment sinks," leading to the accumulation of pollutants and creating an "environmental time bomb" with irreversible impacts on the Mekong River ecosystem and the communities that depend on it.

III. Withdrawal of legal protections concerning compensation and resettlement for individuals affected by development projects

16. In recent years, the ETO Watch Coalition has observed that the Lao government has dismantled several key legal protections—particularly those governing compensation and resettlement for development projects—without establishing adequate frameworks to replace them. This is inconsistent with Lao PDR's international human rights obligations,

¹¹ Ibid

including under the ICESCR. Similar concerns were raised in the 2024 Joint Submission to the UPR, with a detailed analysis provided in paragraphs 4–7.

17. The most significant legal rollback was the repeal of Decree No. 84 on Compensation and Resettlement Management in Development Projects, which had been adopted on 5 April 2016. The Decree provided standards for compensation and guidelines for resettlement. Despite its implementation challenges, Decree No. 84 was considered by civil society organizations and affected individuals to be a critical tool—offering legal safeguards, promoting public participation, and establishing procedures for obtaining compensation and resettlement in the context of development and investment projects. However, on 13 December 2023, the Ministry of Natural Resources and Environment (MONRE) issued an announcement repealing the Decree, claiming its content was already incorporated into the amended Land Law (2019).
18. However, the Land Law remains vague and inadequate as a replacement for the repealed Decree. For instance, its legal framework potentially excludes private investment projects from its scope, fails to explicitly guarantee the participation of landowners or individuals who depend on the land in decision-making processes related to remedies and reparations, limits compensation to land-related losses only, and lacks any provisions concerning resettlement. These shortcomings significantly weaken the protection and redress available to individuals affected by development projects.
19. The removal of Decree No. 84, without adequate substitution, has exacerbated the human rights violations already documented in the context of SEZs and hydropower dam projects. As described above, there are numerous reports of forced evictions carried out without meaningful consultation, unjust compensation, and inadequate resettlement packages—issues that are now more difficult to challenge or remedy due to the absence of a robust legal framework.

V. Recommendations

Reiterating the recommendations made in the 2024 Joint Submission to the UPR, and with a view to ensuring Lao PDR’s full compliance with its obligations under the ICESCR—in light of the concerns raised above as well as those outlined in the 2023 Joint Submission to CESCR—the ETO Watch Coalition respectfully urges the CESCR to recommend that the Lao PDR authorities:

In relation to human rights violations and abuses resulting from the establishment and development of SEZs and the construction of dam projects in Lao PDR:

- Review all SEZ and hydropower dam projects in Lao PDR to ensure that they do not cause harm to the environment, ecosystems, or neighbouring countries. Projects should be halted or reconsidered where scientific evidence shows that they risk undermining livelihoods, displacing communities without adequate safeguards, or violating the right to a clean, healthy, and sustainable environment.
- Adopt laws and legal safeguards to explicitly prevent forced evictions, including by amending the 2019 Land Law to ensure protection for individuals and communities customarily occupying and using land, regardless of legal title. Ensure that evictions must only take place when all procedural safeguards required under international

human rights law are in place and effectively implemented, including prior, adequate, and meaningful consultation with affected communities.

- Conduct human rights, environmental, and social impact assessments prior to the initiation of any project that could result in forced eviction. These assessments must also include consideration of transboundary impacts, and must be conducted with genuine public participation in accordance with international law and standards. The findings must be meaningfully considered before project approval and implementation.
- Immediately address serious human rights violations and abuses occurring in SEZs, including human trafficking and sexual or other forms of exploitation—especially of women workers.
- Adopt and implement disaster prevention and response plans, including early warning systems, evacuation protocols, and ongoing monitoring to prevent disasters such as dam collapses.
- Ensure that development projects do not contribute to the violation of obligations to protect cultural heritage, including by revisiting the decision to construct a hydropower dam near the Luang Prabang World Heritage Site.

In relation to the transboundary pollution crisis caused by mining operations in the neighbouring country:

- Conduct a comprehensive and independent assessment of the transboundary health and environmental impacts on Lao communities affected by contamination in the Mekong Basin, including those resulting from mining operations in Myanmar.
- Engage in negotiations with the governments of Myanmar, Thailand, and China—as host, transit and investor countries—to address the pollution at its source and establish long-term prevention measures.
- Strengthen and enforce environmental laws for all domestic mining projects to prevent further ecological damage to the Mekong River and its surrounding communities.

In relation to the withdrawal of legal protections concerning compensation and resettlement:

- Rescind the repeal of Decree No. 84 on Compensation and Resettlement Management in Development Projects. Instead of eliminating this legal safeguard, the government should improve the Decree to address its shortcomings and ensure it could effectively guarantee the right to effective compensation and remedy, adequate resettlement, and sustainable livelihood restoration for individuals and communities affected by development projects.