

Submission to the United Nations 45th Session of the Universal Periodic Review Working Group for the 4th UPR of the People's Republic of China (January-February 2024)

**China's extraterritorial obligations in the area of
Economic, Social, and Cultural Rights in Thailand
- Case of cross-border impacts of Upper Mekong Dams and Lower Mekong Dams**

Joint Submission by Living River Association, Mekong Community Institute, Ing River People Council

July 2023



I. Introduction

1. This joint submission highlights the breach of China's extraterritorial human rights obligations (ETO) and the cross-border impacts of hydropower projects on the enjoyment of economic, social, and cultural rights (ESC rights) by local communities in Thailand, in particular, right to a safe, clean, and sustainable environment, food security rights, the right to conserve and restore natural resources, the right of communities to access resources and protect ecosystems and biodiversity in the Mekong River, as well as the right to participate in the governance of water management. This submission uses case studies of dams on the Upper Mekong River in China to illustrate the harmful effects on the people in the downstream communities along the eight provinces in Thailand, especially in three districts in Chiang Rai province in Thailand.
2. Since the third UPR of the People's Republic of China in 2018¹, the Chinese government has not been able to effectively regulate businesses and subsidiaries which are legally domiciled and/or owned by the Chinese state. It has failed to hold them accountable for the negative human rights and environmental impact of their domestic and cross-border activities. China has a responsibility to share the fair use of the Mekong River and respect the rights of people downstream because it is an international river and a lifeline of many communities.
3. There are 11 dams in the Upper Mekong River in China. One of the 11 dams with significant transboundary impacts is the Jinghong Dam in Yunnan Province, with an electric capacity of 1,750 megawatts. Its construction began in 2003 and completed in May 2009. It is 340 kilometers from the Thai border. The harmful impacts of the Jinghong Dam stem from water management that lacks "participatory governance from people at downstream and mechanisms for transboundary impact assessments".
4. Another emblematic case is the Pak Beng Dam in Laos, which is in the process of receiving approval for its construction. It is 97 kilometers from the Thai border. This dam will directly affect communities along the Mekong River in Thailand.
5. Following the 2018 UPR², the Chinese Government officially accepted³ that it has already implemented the following recommendations concerning overseas investment, development cooperation, and Chinese business activities outside of China, including issues related to climate change to respect human rights for development projects undertaken in China and abroad⁴.
6. In its official responses to these 2018 UPR recommendations, the Chinese Government specifically stated: "Chinese companies operating overseas must observe local laws and regulations and refer to the UN Guiding Principles on Business and Human Rights."⁵ Similarly, in its latest National Human Rights Action Plan (2021-2025)⁶, the Chinese Government commits to promote "responsible business conduct in global supply chains" and to "encourage Chinese businesses to abide by the UN Guiding Principles on Business and Human Rights in their foreign trade and investment, to conduct due diligence on human rights, and to fulfil their social responsibility to respect and promote human rights."

7. The UN Committee on Economic, Social, and Cultural Rights (CESCR) has raised concerns in 2014⁷ and again in 2023 about inadequate measures by the Chinese Government to ensure that Chinese companies, both State-owned and private, respect economic, social, and cultural rights, including when operating outside of China. The UN Office of the High Commissioner for Human Rights' follow-up letter to the Chinese government in April 2019 also encouraged China to establish a "legal framework to guarantee that activities of Chinese business enterprises subjected to its jurisdiction do not negatively impact on human rights abroad." The High Commissioner again raised the issue of business and human rights⁸ during her official visit to China in May 2022⁹.
8. This joint submission is based on the testimonies collected on the ground from the communities, complemented by official (legal) documents and desk research. The finalization of the report as well as the elaboration of the recommendations involved the local communities mentioned in the report.

II. Violation of Rights and Impacts of Dam Construction on the Upper Mekong River, China

A. Case 1: Transboundary Impact of China's Upper Mekong Dams on Chiang Rai, Thailand

9. China has initiated the Going-out Policy Strategy since 2014 in Southeast Asia and followed the Belt and Road Initiative (BRI) through investments in large-scale infrastructure development, including more than 50 large-scale hydropower projects in the Greater Mekong Sub-region and mining industry. Most of them are dam projects in Cambodia, Lao PDR (16 dams with an installed capacity of 2,256 megawatts), and Myanmar. More than 11 ladder dams have been built in the upper reaches of the Lancang River in China¹⁰. Out of the 26 completed dams in China, many are hydroelectric power dams near the borders of Thailand, causing human rights, economic, social, and environmental impacts on local communities in three districts of Chiang Rai Province, the upper northern region in Thailand which is the downstream area of the 11 ladder dams in China, and seven provinces in the northeastern region of Thailand in the lower Mekong area.
10. Jinghong Dam: The China-Thailand border area where the Mekong River flows into Thailand is 340 kilometers away from Jinghong Dam in Yunnan province. The dam affects the three districts of Chiang Rai – namely Chiang Saen, Chiang Khong, and Wiang Kaen – comprised of at least 39 villages with a population of approximately 68,000 people.
11. Eleven dams on the upper Mekong River in China are already generating electricity and two dams on the Lower Mekong River in Laos have already been built. Another 11 dams are in the process of obtaining approval for construction. Communities in the

northeastern region of Thailand in the area of the Thai-Laos border have faced abnormal fluctuations in the Mekong River, which is believed to be caused by the use of Chinese hydropower dams and commercial shipping from China down to Thailand in the golden triangle area near Chiang Saen District¹¹, including the "Jinghong dam".

12. According to a Mekong River Commission (MRC)¹² Council¹³ study conducted between 2012 -2017¹⁴, building hydroelectric dams until 2040 will result in a sharp decline in fish stocks. Fish biomass¹⁵ is expected to drop by 35-40% in 2020 and by 40-80% in 2040, with each riparian country's fishery loss rates as follows: Thailand 55%, Lao PDR 50%, Cambodia 35%, and Vietnam, 30%. This finding is consistent with the Thai Ban Mekong Basin Research Report¹⁶ (March 2023). The Living River Association and Civil Society Community research found that: in 2004, there were 14 local fishing groups in the Mekong River. At present, five groups have disappeared, leaving only nine groups and only two new groups have been found. From the 2017 survey by Living River Association, there were a total of 266 fishing boats. At present from Mekong-Taibaan-research-2023¹⁷, there are 11 local fishing groups, with only 195 fishing boats remaining and 151 fishermen in 38 villages across three districts along the banks of the Mekong River in Chiang Rai province.
13. An earlier report by World Wildlife Fund (WWF) in 2010 already warned giant Mekong catfish faces extinction¹⁸. The population of giant catfish is an indicator of the abundance of the Mekong River. Giant catfish comes to spawn in Chiang Rai every year and there is a tradition of catching catfish. The long history ended as catfish gradually disappeared from the Mekong River since 2007 after the construction of the upper Mekong dam.¹⁹ .

A.1. Abnormal fluctuation of the Mekong water levels

14. On January 2, 2020, the Chinese Water Resources Authority issued a notification to the water management authorities in Thailand, Laos, Vietnam, Myanmar, and Cambodia on the planned water discharge reduction from Jinghong dam upstream in Xishuangbanna, Yunnan province, which may affect water levels downstream.²⁰
15. On July 18, 2019, Mr. Somkiat Prachawong, Secretary-General of the National Water Resources Office (ONWR) of Thailand, issued a document clarifying the water level situation in the Mekong River during June-July, which is the beginning of the flood season. The document indicated that it was the lowest level ever recorded, and that the water level of the Mekong River in Thailand's upper reaches, from Chiang Saen, Chiang Rai, to Luang Prabang, Lao PDR, down to Vientiane, through Nong Khai, to Nealeng, Cambodia, was the lowest since 1992²¹.
16. **The year-round discharge of the Jinghong dam from 2018 to 2021 reveals two notable patterns of the discharge:** the Jinghong dam discharge rose and dropped all year round. There were many occasions when the discharge levels were more severe than what were indicated in the notifications. Yet, China never provided an explanation. The reduced discharges in January of 2020 and 2021 are similar. Even though the

notified period has ended, China continued to reduce the discharge rather than increasing it.

A.2. Ecosystems and Biodiversity

17. Research findings using satellite data from 1992-2019, gauge data, daily river data from Chiang Saen Station, Eyes on Earth, Inc., and Global Environmental Satellite Observations, Inc. in over the 28 years have proven that “dams in China” have had an effect on water levels in the dry lower Mekong River²². Upper-stream dams have impacted negatively on the environment and biodiversity in the downstream area, including unusual natural phenomena such as unseasonal tide, the Mekong River turning a clear color without sediment, and the disappearance of diverse species in aquatic ecosystems.
18. According to Thai Baan Research at Chiang Khong, The Mekong river, Living River Siam - SEARIN and Chiangkhong Conservation Group (November 2006 report) , and Thai Ban Mekong research report (March 2023), it was found that the impacts have led to irreversible changes in the local ecosystems and biodiversity²³. These in turn have dire effects on the way of life of the communities whose livelihoods depend on the health of the Mekong River and its ecosystems. For example, the marked reduction of fish stocks and disappearance of many fish species as well as the abnormal and unpredictable water levels of the Mekong River have drastically reduced the livelihood activities of the communities around the Mekong River resulting to significant loss of income and displacement from their traditional occupations. Currently, China has not accepted responsibility and there is no State agency that will give priority to solving the impact on the ecosystem and the violations of economic rights of the communities along the Mekong River in more than 38 villages in Chiang Rai and seven other northeastern provinces²⁴.

A.3. Riverbank erosion

19. Massive amounts of Mekong sediment are deposited in the reservoirs. In addition to greatly shortening the service life of the dam, the sediment lost from the river also results in the fast erosion of the banks, which occurs when the river currents change the flow direction and damage the banks on both sides of the water. The damaged area covered the entire residence and public places of the villages and vegetable plantations along the banks.
20. Many villages adjacent to the Mekong River have to face this problem, such as Ban Ton Phueng in Laos, Ban Saeo, Ban Pong Khong, Ban Suan Dok, Ban Sop Yab, Chiang Saen District, Chiang Rai Province, Ban Don at Ban Pha Kub, Ban Mueang Karn. Ban Don Mahawan, Ban Pak Ing, Chiang Khong District, Ban Jam Pong, Ban Huai Luek, Wiang Kaen District, Chiang Rai Province, especially Ban Pak Ing. Because the current flows much faster and stronger, the Mekong Riverbank along the coast has eroded significantly, about 500 meters long and much more rapidly in the past 3-4 years, compared to the years before, according to observations by local villagers.

A.4. Effects on fish species and fishing

21. Fluctuations in water levels have also affected fish migration in the Mekong River. The fishermen from the affected communities have given consistent testimonies that fish species that migrate up and down the Mekong River become lost in the water. Fish that used to swim upstream to spawn in the north could not swim up due to low water level²⁵. The Mekong River Basin is known to have the third largest fish species diversity in the world. Villager Research 2012-2023 found 100 species of fish, classified into 90 local fish species. But the difference is that the amount of catch has decreased in all species.
22. According to Mekong Thaiban research in 2023 and fishermen's catch data, it was found that in 2012, one round of fishing boats caught 126 fish, size 0.5–1 kg. In 2016, one round of fishing boats caught only 50 fish, size 0.3–1 kg. In 2017– 2020, the catch decreased to 5 fish, size 2-3 kg. In 2022, due to the water flows from the dam release, the fish cannot be caught, and the migration of large fish has decreased to the point where they cannot be caught nowadays. Villagers' research found that fishing in the Mekong River requires stable water conditions. If the water rises or falls, it must be natural and gradual. The Jinghong dam's power generation disrupts the fish migration cycle. As a result, fishermen catch less fish.

A.5. Socio-economic impacts of reduction of kai (freshwater algae)

23. The change in the Mekong ecosystem has severely affected kai- a type of Mekong seaweed because kai is a plant that is very sensitive to its environment, i.e. its appearance mostly occurs at water depths not exceeding 40-45 cm. The water must be clear, and sunlight must shine through. The research of Ban Chiang Khong - Wiang Kaen found that since 2002, at the stone beach, which is the origin of the kai, freshwater kais are deposited with sand sediments. As the Mekong water becomes turbid, kai cannot reproduce. In addition, the tide level is abnormal, causing the newly born kai to last just a day before they die. The quality of the kai is not good. In addition, sand sediments stick to the kai and make it difficult to clean. Community research also found that when the number of kai decreases, the period of collecting and keeping the kai is shorter than before, from 4-5 months to only one month. When the period of keeping the kai is shorter, the income of the kai-collectors and sellers, who are mostly housewives, is reduced as well. Kai or Mekong seaweed is an important source of income for villagers who can earn money without any investment. There are both fresh and dried kai for sale. Normally, collecting and selling kai will earn about Thai baht (ThB) 500-1,000 per day, or about ThB7,000-8,000 per year depending on the diligence of the person. From 2008-2010, villagers could collect at least 10 kilograms per day per person. These were freshly sold at ThB20-30 per kilogram. When processed into dried kai, the selling price was ThB100-120 per sheet per kilogram. Nowadays however, because the retention time for kai has been shortened, the villagers' incomes were reduced as well. The kai crisis intensified in 2011, from at least 10 kilograms per person it was reduced to 1-2 kilograms per person²⁶.

A.6. Impact on agriculture along the Mekong Riverbank

24. Agriculture is important for livelihood of people living along the Mekong River, both as a source of food and income for their families. It is also a social and cultural area of the Mekong people. The Mekong River is an important vegetable growing area for people along the lower Mekong River in Burma, Thailand, Laos, Cambodia, and Vietnam due to the abundance of natural fertilizers that are carried along the Mekong River, especially during the flood season. Vegetables can be planted in seasonal rotation without having to pay rent or buy land for farming. No one owns them permanently because the land is formed naturally and may be passed on to the children of the future. At present, the Mekong River has changed and affected the agricultural areas along the riverbanks. The changes made have the following effects: 1) Farming is not possible in coastal areas and has affected income and household expenditures; the people have to depend on other professions. 2) Production costs increase because farmers started to pay rent for use of agricultural land. The rent is about ThB 4,000-5,000 per 1 rai (1 rai =0.16 hectare) per year. They also have to pay for irrigation. The cost of pumping water increases because the land is far from the water source. 3) Outmigration to work in other provinces became another option despite the risks involved. As migrant workers, they have to stay away from their homes, families, and villages. It resulted to increased household burden and stress.

B. Case 2: Pak Beng Dam

B.1. Background

25. The Pak Beng Dam in Laos is in the process of preparing for construction²⁷. The Pak Beng Hydroelectric Dam Project consists of a concrete dam, power plant, floodgate, and lift-up doors for the passage of cargo ships, tourist boats, and fish in migration. The dam will be about 15 meters wide and approximately 1,000 meters long. The power plant will have a capacity of 912 megawatts. The dam is located on the main Mekong River in Pak Beng, Oudomxay Province, northern Lao PDR, far upstream of Pak Beng. The dam will be built south of Kaeng Pha Dai. Wiang Kaen District Chiang Rai. The distance is about 97 kilometers and is about 125 kilometers from Chiang Khong District.
26. The dam project is jointly invested by Pak Beng Power Company Limited (PBPC), which is registered in the Lao People's Democratic Republic (Lao PDR). The company's shareholders are the Chinese state-owned China Datang Overseas Investment Company Limited, holding 51% stake, and the multinational company Gulf Energy Development Public Company Limited, headquartered in Thailand, holding a 49% stake.

B.2. Communities' Opposition and Complaints

27. The project currently has passed the stage of Impact Assessment despite opposition during the Procedures for Notification, Prior Consultation, and Agreement (PNPCA), despite unclear answers on the impact of changing natural boundaries on the Mekong River between Thailand and Laos. There have been no adequate studies on the proposed dam's cross-border effects on deterioration of fishing resources, efficiency of fish passage, and impacts on fisheries and community land loss from floods.
28. On April 25, 2022, Gulf Energy Development Public Company Limited informed the Stock Exchange of Thailand that it has signed a joint Memorandum of Understanding (Tariff MOU) with China Datang Overseas Investment Co., Ltd. (CDTO) and EGAT for the Pak Beng Hydroelectric Power Plant Project, under the framework of the Memorandum of Understanding between Thailand and the Lao PDR²⁸.
29. The Pak Beng Dam Project entered the process of advance notice and consultation (PNPCA) according to the Mekong Agreement 1995 on December 20, 2016, and was completed six months later on June 19, 2017. The Department of Water Resources of Thailand, as the secretariat of the Thai National Mekong River Commission at that time, organized four forums in three Thai provinces, labeled as "Pak Beng Dam project information forums", a total of four forums: twice in Chiang Rai on 9 February 2017 and 18 May 2017, once in Nong Khai on 17 March 2017, and once in Ubon Ratchathani on 23 March 2017, but did not specify any cross-border impacts of the project. Many concerns from Thai civil society were not listened to.
30. Civil society resorted to judicial mechanisms by filing a lawsuit at the Administrative Court in Thailand against the Pak Beng Dam Project on June 8, 2017, with the Director-General of the Department of Water Resources of Thailand, the Department of Water Resources itself, and the Mekong River Commission of Thailand as defendants. The complainants asked the Administrative Court to consider or order the defendants to invalidate the PNPCA public hearing regarding the Pak Beng Hydroelectric Power Project. The complainants argued that the public hearing process in this project was not comprehensive and inconsistent with the requirements of the constitution and environmental law²⁹.
31. On September 23, 2017, the Administrative Court rejected the lawsuit under the Act on Promotion and Development (1992), which is the master law for the preparation of environmental impact assessment reports in Thailand, on the ground that there is no provision under that law for transboundary environmental impact assessments. There was also no provision in the law granting the three defendants the power to issue rules or regulations regarding cross-border environmental impact assessments. The China Datang Overseas Investment Co., Ltd. (China Datang) came to a meeting on January 15, 2018, with representatives of the People's Network in eight provinces in the Mekong Basin to find a way to study the transboundary impacts from the dam. However, since that meeting, there has been no progress on the study process with the Lao government and China Datang.

32. On July 8, 2016, representatives of communities affected by Ban Huay Luek Muang Yai Sub-district, Wiang Kaen District, Chiang Rai Province also filed a complaint with the National Human Rights Commission of Thailand (NHRCT) about the possible impact of the Pak Beng Dam project. The respondent is the Department of Water Resources as the Secretariat of the Thai National Mekong River Commission.
33. The Research survey on local knowledge, ecosystems, the upper Thai-Laos border Jampong - Huai Luek, May 2018 from Living Rivers Association, Mekong Community Institute and Mekong school found that there are two villages of concern: Ban Huai Luek and Ban Jam Pong are close to the water storage level of the dam. Lao PDR has stated that it is 340 meters above mean sea level (MSL), which is consistent with the opinion of the Royal Irrigation Department of Thailand that the Pak Beng Dam project may result in higher levels of the Ngao and Ing rivers during the flood season, which will affect the flooding in the areas of Chiang Khong, Khun Tan, and Thoeng districts, and the Ngao river basin in the Wiang Kaen district can increase.
34. The NHRCT proposed to relevant Thai government agencies to protect the rights of the people according to the Thai constitution, which stipulates that projects that will cause territorial changes must be approved by the Thai Parliament. Unfortunately, the process was aborted because of a coup d'état in 2014. As a result of the coup, civil and political rights were suspended, the Cabinet ceased its duties, and the Parliament was not able to pass laws, therefore the project has yet to be approved by the Parliament. Disregarding this important procedure violates Thai's domestic law and international law. Moreover, the PNPCA process is in conflict with the Mekong Agreement because there was also no consultation with Vietnam and Cambodia³⁰.

B.3. Cross-border impacts of the Pak Beng Dam

35. The Pak Beng Dam will likely result in cross-border impacts on the area above the dam in Wiang Kaen District, Chiang Khong District, and Chiang Saen District, Chiang Rai Province. The distance between these three districts and the dam is only 97 kilometers. Once the dam is built, the water level will rise to 340 meters above sea level, which will affect agricultural areas along the banks of the Mekong River, farmland, residences, and in the tributaries Nam Ing and Nam Ngao along the Thai-Lao border.
36. Chiang Rai province is only 340 kilometers south of the Jinghong Dam on the upper Mekong River in China. Besides the Jinghong Dam, there are 10 other dams that have been completed. The proposed Pak Beng Dam, if constructed in Laos, will only be 97 kilometers from the Thai border. Both the 11 existing upper dams and the upcoming Pak Beng dam will sandwich Chiang Rai. If water management is inconsistent, it may affect the Thai-Lao border and cause serious disasters such as floods and droughts in the future.
37. **Mr. Thongsuk Inthawong, former headman of Huay Luek Village³¹** said: "Right now, what we face every day is Mekong water levels rise and fall due to dams in China. An increase of only one meter, or 50 centimetres, has already greatly affected our

livelihoods. Still, we have to confront yet another dam in Pak Beng.” Ban Huai Luek was the first village to be affected. According to the size of the data, the dam crest is 340 meters high, while the elevation of Ban Huai Luek is 315 meters. If the dam's ridge is 340 meters high, nearby villages in Wiang Kaen District, including Chiang Khong District, will be greatly affected. However, the village community was not informed. Who will be responsible if there is a real flood damage? If the Pak Beng Dam collects water up to 340 meters high, it will flood more than 10 villages to the mouth of the Ing River and into Thoeng District. Chiang Rai”

38. The dam construction will likely cause permanent flooding in Laos. It is estimated that 6,700 villagers from 14-25 villages in Laos will have to move to higher ground to find new places to live.³² Flooding along the banks along the Thai-Laos border will also affect the arable areas and residences of riverside villages. Fish species will be destroyed, resulting in loss of fishing-based livelihood. The dam will block the spawning routes of wild Mekong fish species, such as the Mekong giant catfish, that migrate from the Mekong's lower reaches. Fish species in tributary rivers such as Ing River, Kok River, and various tributaries will also be affected. The dam will likely destroy the ecosystem with seasonal fluctuations in water levels.
39. The Pak Beng Dam will also harm local businesses that operate passenger ships and cruise ships by blocking passenger traffic routes from Chiang Khong District and the city of Huay Sai, Bokeo District, to the World Heritage site of Luang Prabang in Lao PDR, and flooding and destroying natural attractions on both sides of the Mekong River, such as a rocky island, sandy beaches, and sub-ecosystems in the Mekong River. The loss of income-generating activities will likely push migrant workers from Laos into Thailand due to the loss of their traditional way of life.

III. Conclusion

40. The development of China's hydropower dams in the Upper Mekong Basin has caused severe impacts on the ecosystems along the border with the downstream countries. According to research conducted with communities by the River for Life Association in Chiang Saen District, Chiang Khong District, and Wiang Kaen District in Chiang Rai Province, when these dams started to operate in 1997, the water level in the lower Mekong River began to change.
41. During some weeks, the water level rose for three days and then dropped for two days, which is not the natural cycle of the Mekong River.
42. The Mekong River is the source of livelihood for farmers and fishermen and is also essential to local cultures and traditions. The diverse ecosystems in riparian countries are now threatened by the expansion of dams in addition to the 11 hydropower dams operating on the upper Mekong River and two in Laos and nine more ongoing operation work.

43. China shares an obligation to ensure sustainable management and protection of natural resources and ecosystems to ensure that these resources are available to future generations. Measures must also be taken to mitigate and adapt to the impact of environmental threats including through policies that promote sustainable development, conservation, and environmental justice.

IV. Recommendations to the Chinese government:

44. Immediately suspend all hydropower and river development projects on the Lancang-Mekong, until comprehensive environmental and social impact assessments, in accordance with international standards, are properly conducted, with affected communities duly consulted and appraised. These assessments should be carried out in a transparent and participatory manner, recognizing the health and vitality of the Mekong River and the lives of those who depend on it. The World Commission on Dams' strategic priorities such as Gaining Public Acceptance, Comprehensive Options Assessment, Sustaining Rivers and Livelihoods, and Sharing Rivers for Peace, Development, and Security, should be considered. Dams and river development projects found by this assessment to be harmful to the rights of affected communities and where harms could not be adequately remedied should be ceased altogether.
45. Initiate, support, participate in, conduct Strategic Impact Assessment of all cascade dams that have been built, currently under construction, or those to be developed on the Upper Mekong River, especially the impact on hydrology, water flow, sedimentation and fish migration, with a view to enable sustainable use of shared rivers and peace in the region, as well as to develop downstream mitigation measures from existing dams.
46. Form a joint committee with all Mekong River countries, with meaningful participation by local communities affected by dams' projects of each country, to seek ways to manage water resources in the Mekong Basin in a sustainable manner and compliance with international human rights standards.
47. Establish a fund, jointly with all Mekong River countries and stakeholders, to restore the ecology, culture, economy, and society of the affected communities in Thailand who have suffered harms due to the cross-border impacts of dams built in China.
48. **Submitting organizations demand that Member States of the UN recommend to China to:**
 - Establish a regulatory and enforcement framework to regulate investment and assess business activities for private companies operating in China's homeland and abroad to ensure compliance with international human rights standards that will not directly or indirectly affect the exercise of ESC rights that will cause negative impacts on economy, society, culture, and environment both domestically and across borders.
 - Investigate violations of economic, social, and cultural rights and the right to a safe, clean, and sustainable environment attributed to operations and investment by Chinese companies in Thailand and other host States and hold perpetrators

accountable for these violations.

- Introduce the necessary due diligence on all future investments involving Chinese companies and subsidiaries operating overseas to ensure that their activities do not compromise the exercise and enjoyment of ESC rights and their rights in a safe, clean, and sustainable environment in the host States.
- Conduct independent and transparent assessments of human rights and environmental impacts prior to activities. If negative impacts or even risks of negative impacts are identified, the company will refrain from carrying out this activity. Such impact assessments also need to be carried out during the project implementation.
- Strengthen China's human rights obligations monitoring and reporting system to ensure that Chinese companies and subsidiaries do not violate the ESC rights of communities and people abroad. Collaborate closely with communities and civil society organizations in monitoring and reporting and disseminate the results of monitoring and reporting to the public. Take measures (including legislation) to ensure that companies operating overseas respect the right to fair and favorable working conditions throughout their offshore operations; and hold to account non-state companies domiciled in China for violating the right to fair and favourable conditions of workers in host States. Victims of abuse must have access to legal and social remedies.

Endnotes

¹ <https://www.ohchr.org/en/press-releases/2018/11/chinas-human-rights-record-be-reviewed-universal-periodic-review>

² <https://www.ohchr.org/en/hr-bodies/upr/cn-index>

³ <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/40/6&Lang=E>

⁴ Promote measures that ensure that development and infrastructure projects inside and outside its territory are fully consistent with human rights and respect the environment and the sustainability of natural resources, in line with applicable national and international law and the commitments of the 2030 Agenda for Sustainable Development (Ecuador).

⁵ <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/40/6/Add.1&Lang=E>

⁶ <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/2022-11-28/Human-Rights-Action-Plan-of-China-2021-2025.pdf>

⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F2&Lang=en

⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F3&Lang=en

⁹ The UN ESCR Committee's General Comment No. 24 of 2017 emphasizes the fact that "States parties [to the ICECSR] may be held directly responsible for the action or inaction of business entities: (a) if the entity concerned is in fact acting on that State party's instructions or is under its control or direction in carrying out the China's ladder dams include: (1) Wunonglong (2) Lidi (3) Huangden (4) Dahuaqiao (5) Miaowei (6) Gongguoqiao (7) Xiaowan (8) Manwan (9) Dachao Shan (10) Nuozhadu (11) Jinghong

¹¹ Downstream Impacts of Hydropower and Development of an International River: A Case Study of Lancang-Mekong, Southeast Asia Rivers Network November 2004

¹² <https://www.mrcmekong.org/about/mrc-governance/mrc-council/>

¹³ The Study on Sustainable Management and Development of the Mekong River including Impacts of Mainstream Hydropower Projects, known as the MRC Council Study, https://www.mrcmekong.org/assets/Publications/Council-Study/MRC_CouncilStudy-SEP19.pdf

-
- ¹⁴https://www.mrcmekong.org/assets/Publications/Council-Study/MRC_CouncilStudy-SEP19.pdf
- ¹⁵ Fish biomass is derived from the total number of fish counted in a specific area of water multiplied by the average weight of fish sampled, <https://onlinelibrary.wiley.com/doi/10.1111/raq.12388>
- ¹⁶ <http://www.mekongci.org/images/publication/book-Mekong-Taibaan-research-2023.pdf>
- ¹⁷ <http://www.mekongci.org/images/publication/book-Mekong-Taibaan-research-2023.pdf?fbclid=IwAR2OPWHnpeuNA3fyQL-E87TPYDRXxJkyrzQNsEXjFEiRh44pyJWfF0TzDc>
- ¹⁸ <https://www.bbc.com/news/world-asia-pacific-10786189>
- ¹⁹ https://mgronline.com/science/detail/9560000074642?fbclid=IwAR0atfo3v022xypc26QjyVIPO-eb0wILPhT-9ra_MpdaJHvUjJhYdhyWQa0
WWF – Dam construction on the lower Mekong River could pose a new serious threat to its survival of catfish in the Mekong River It is one of the largest and rarest freshwater fish in the world. This is the new WWF Study Report Published: 20 Jun 2013 12:47 PM By: MGR Online
- ²⁰ https://thainews.prd.go.th/en/news/print_news/TCATG200102163052524 Chinese dam to reduce water discharge into Mekong River, 1st-3rd January, Jinghong dam will reduce its water discharge rate to 800-1,000 cubic meters per hour and will lower that amount to 500-800 cubic meters per hour on 4th January. After this period, the water discharge will be restored to the normal level. The discharge reduction is due to the planned testing of electricity transmission equipment at the dam
- ²¹ <https://www.bbc.com/thai/thailand-49072092>, July 23, 2019, What happened to Thailand? When China and Laos do not drain water from dams on the Mekong River
- ²² <https://thaipublica.org/2020/04/monitoring-water-flowing-upper-mekong-basin-report/> Mekong Water Data Initiative, Monitoring the Quantity of Water Flowing through the Upper Mekong Basin Under Natural (Unimpeded) Conditions
- ²³ Research on villagers, Mekong River, river of life and cultural way of life village research team Chiang Khong-Wiang Kaen 1 November 2004
- ²⁴ Research of villagers along the Mekong Chiang Rai, Chiang Khong Conservation Group, Living Rivers Association Mekong Community Institute, Research team of villagers along the Mekong River, Chiang Rai Province, March 2023
- ²⁵ http://www.livingriversiam.org/4river-tran/4mk/mek_n163.html
- ²⁶ <http://www.mekongci.org/images/work-mekong/report-kai.pdf>
- ²⁷ Summarize the situation of the Mekong River for the descendants of the Mekong River. Update December 2022 www.mymekong.org, p. 33
- ²⁸ According to the Thailand Power Development Plan 2018-2037, the 1st revision (PDP2018Rev.1)
- ²⁹ <https://www.seub.or.th/blogging/news/PakbengDamNotice>, 17-01-2018
- ³⁰ <https://www.nhrc.or.th/getattachment/43843853-a928-4c59-90c6-cd57d4e31232/%E0%B9%80%E0%B8%AD%E0%B8%81%E0%B8%AA%E0%B8%B2%E0%B8%A3.aspx>
- ³¹ Research on local knowledge, ecosystems, the upper Thai-Laos border Jampong - Huai Luek by villagers Ban Jampong, Lai Ngao Subdistrict and Huai Luek Village, Muang Yai Subdistrict, Wiang Kaen District Chiang Rai Province, May 2018, River for Life Association Chiang Khong Conservation Group Mekong Community Institute
- ³² <https://www.sarakadee.com/2017/11/22/pakbang/>