



UNITED NATIONS HUMAN RIGHTS COUNCIL

45th Session of the Working Group on the Universal Periodic Review

January - February 2024

**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS
AND THE EXTRA – TERRITORIAL OBLIGATION WATCH COALITION TO THE
UNIVERSAL PERIODIC REVIEW OF CHINA**

Submitted on 18 July 2023

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

The Extra-Territorial Obligation Watch Coalition (ETO 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.

P.O. Box 1270, Rue des Buis, 3, 1211 Geneva 1, Switzerland

Tel: +41(0)22 979 3800 - Fax: +40(1)22 979 3801 – Website: <http://www.icj.org>

E-mail: info@icj.org

SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS AND THE EXTRA-TERRITORIAL OBLIGATION WATCH COALITION TO THE UNIVERSAL PERIODIC REVIEW OF CHINA

1. The International Commission of Jurists (ICJ) and the Extra-Territorial Obligation Watch Coalition (ETO Watch Coalition) welcome the opportunity to contribute to the Human Rights Council's (HRC) Universal Periodic Review (UPR) of the People's Republic of China (China).
2. In this submission, the ICJ and ETO Watch Coalition bring to the attention of the HRC and the Working Group on the UPR our concerns regarding:
 - a. Measures that were adopted by China following its third UPR cycle to ensure that activities carried out by China, or entities China is in a position to influence, do not have a negative impact on human rights abroad, including activities carried out beyond China's borders;
 - b. Human rights violations and abuses of economic, social and cultural rights of people living along the banks of the Lower Mekong (Lancang) River, which spans Lao PDR, Cambodia, Thailand and Vietnam, resulting from the construction of dam projects in China;
 - c. Credible allegations of human rights abuses involving Chinese business entities and State-owned enterprises (SOEs) operating in Southeast Asia, which would render China responsible for violations of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the United Nations Guiding Principles on Business and Human Rights (UNGPs) for its failure to take reasonable measures that could have prevented the occurrence of such abuses abroad;¹ and
 - d. Ratification of international human rights instruments.
3. The submission concludes with accompanying recommendations.

Measures that were adopted by China following its third UPR cycle

4. In 2018, following its review under the third UPR cycle, China accepted recommendations to promote measures that ensure that development and infrastructure projects, including those beyond its borders, fully adhere to human rights and respect the environment and the sustainability of natural resources.² China also agreed to consider the establishment of a legal framework to guarantee that activities carried out by industries subject to its jurisdiction do not have a negative impact on human rights abroad.³ Furthermore, China committed to creating a regulatory framework to assess the human rights and environmental impacts of corporations headquartered in China⁴ and extending Chinese laws, regulations, and standards, as well as the UNGPs, to Chinese companies operating beyond China's borders.⁵
5. Following the third UPR cycle, several measures were adopted to address the above-noted recommendations. These include: the Asian Infrastructure Investment Bank (AIIB)'s Project-affected People's Mechanism (PPM); the fourth Human Rights Action Plan (2021-2025); the Measures for Compliance Management of Central State-owned Enterprises; and the Mediation and Consultation Mechanism for the Mining Industry and Mineral Value Chain.

6. However, ICJ and the ETO Watch Coalition consider that these measures are inadequate, given that human rights and environmental organizations continue to receive a significant number of allegations of human rights abuses involving entities China is in a position to influence, such as the designated landmark projects under the Belt and Road Initiative (BRI) in Southeast Asia. We consider that this is partly because most measures adopted are not legally binding, and they are difficult to enforce juridically. ICJ and ETO Watch Coalition further observed that, for those measures to be effective, it is necessary to explicitly require compliance with internationally recognized human rights, as outlined in the International Bill of Human Rights and ILO Core Conventions, as required by Principle 12 of the UNGPs.

Asian Infrastructure Investment Bank's Project-affected People's Mechanism

7. In December 2018, the AIIB, in which China is the largest shareholder with 26.5 % voting shares,⁶ established the PPM, which serves as a mechanism allowing for “an independent and impartial review of submissions from Project-affected people who believe they have been or are likely to be adversely affected by AIIB’s failure to implement the [Environmental and Social Framework (ESF)]”.⁷
8. While this Mechanism may enable the AIIB to take actions to address specific complaints, the framework that is used as the basis of the compliance review – the ESF – contains provisions that fall short of international law and standards.⁸ For example, the ESF requires clients to “engage in free, prior and informed consultation with” and “obtain the broad support of” the affected indigenous peoples’ communities if activities under the project would, for example, affect land and natural resources subject to traditional ownership or under customary occupation or use or cause relocation of indigenous peoples.⁹ However, the AIIB is required to obtain “free, prior and informed consent” only when the laws of the host State so require, with no mention made of the UN Declaration on the Rights of Indigenous Peoples, whose adoption China supported, and which, in turn, calls for such consent, whatever the laws of the host State.¹⁰

Fourth Human Rights Action Plan (2021-2025)

9. In September 2021, China adopted its fourth Human Rights Action Plan (2021-2025) aiming to “promote responsible business conduct in global supply chains” by “encouraging Chinese businesses to abide by the UNGPs 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”.¹¹
10. However, the Action Plan lacks specific details on the measures China will take to hold entities operating in China or under its jurisdiction accountable for corporate human rights abuses committed abroad and to ensure effective complaint mechanisms and remedies for victims.

Measures for Compliance Management of Central State-owned Enterprises

11. In August 2022, China’s State-owned Assets Supervision and Administration Commission (SASAC) issued the Measures for Compliance Management of Central State-owned Enterprises, which came into effect on 1 October 2022.¹² Compared to the Guidelines on Compliance Management of Central State-owned Enterprises (for Trial Implementation)

issued by the SASAC in 2018, the Measures feature stricter requirements to strengthen their compliance management systems. However, the Measures only apply to the largest and most influential Chinese State-owned enterprises, referred to as “Central Enterprises”, and require them to nominate a chief compliance officer and embed the compliance reviews as a mandatory procedure in the operation and management process.¹³

Mediation and Consultation Mechanism for the Mining Industry and Mineral Value Chain

12. In May 2023, the China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters (CCCMC) launched the Mediation and Consultation Mechanism for the Mining Industry and Mineral Value Chain. The mechanism aims to build a “mediation and consultation platform [...] which can be used by stakeholders throughout the entire life cycle of the mineral value chain [...] to mitigate risks in the mineral supply chain.”¹⁴
13. Regrettably, such a mechanism only concerns companies involved in mining activities, other companies along the critical minerals value chains, and international end-users. It has limited power and does not conduct a compliance review on disputed matters.¹⁵ Concerns also persist regarding the composition of the committees managing the mediation, fact-finding, assessment and verification process, which are crucial to ensure that the mechanism be independent, inclusive and impartial to all stakeholders.¹⁶

The construction of dam projects in the upper Mekong River basin

14. Civil society organizations, including the ETO Watch Coalition and its members, continue to receive reports about the detrimental impacts on the environment and on ecosystems, as well as violations of civil, economic, political, social and cultural rights of people living along the Lower Mekong River’s banks (Lao PDR, Cambodia, Thailand and Vietnam), resulting from the construction of dam projects in the upper Mekong River basin.
15. The Mekong River is one of the world's most biodiverse river basins, supporting over 1,100 species of fish. It serves as a crucial food source for approximately 70 million people living in Lao PDR, Thailand, Cambodia and Vietnam, who rely on the river for their livelihoods.¹⁷
16. Since 1995, 11 dams have been built upstream in the upper Mekong River basin in China. According to the independent group Mekong Butterfly, the dams were built without meaningful engagement of and effective consultation with affected communities of the lower Mekong River basin, who have been left feeling ignored, as their concerns and complaints are disregarded.¹⁸
17. In addition, local communities have consistently expressed concern about the irregular flooding and droughts caused by these dams. According to the Stimson Center,¹⁹ between 2019 and 2021, the restrictions imposed by the Chinese dams had a significant impact on the flow of the river during the wet season, exacerbating drought conditions throughout the lower basin.²⁰
18. In an effort to address these concerns, China signed an agreement with the Mekong River Commission (MRC)²¹ in 2020 to share year-round data on the river's flow. However, based on data collected by Mekong Butterfly, this sharing of data has reportedly not proven effective. For instance, between 2018 and 2021, the Jinhong Dam, which is the closest dam to the lower Mekong region, has been observed to increase and decrease its discharge throughout the year without prior notification or with quantities exceeding the official notification, without providing reasons. Mekong Butterfly’s reports in January 2020 and

2021 indicated that China reduced the discharge at the Jinghong dam even after the specified period mentioned in the notification, citing power maintenance. Additionally, during the dry season between January and March 2022, Mekong Butterfly documented abrupt increases and decreases in the Jinhong Dam's water discharge without prior notification.²²

19. Civil society and affected communities further complained that the dams trap nutrient-rich sediment, affecting fish catch, rice cultivation and river weed. A study conducted by the MRC and released in December 2017 also predicted a 97 % reduction in sediment flux to the Mekong Delta caused by the trapping of sediments in dams of the Upper Basin and 120 tributary dams planned by 2040. It also predicted that the tributary and, particularly mainstream, dams will disrupt migration routes essential for the continued survival of 30-40% of the species that comprise the Mekong fish resources and 30-40% of the total fish biomass catch.²³
20. Pursuant to the MRC's website, the construction of dams, among other factors like basin development and climate change, has put increasing pressure on the Mekong fisheries, directly affecting people's rights to food, to an adequate standard of living and to work, among others, in the lower Mekong River Basin.²⁴
21. The natural flow of water and sediment is also vital for river weed and rice cultivation, which serves as a significant source of income for women and the elderly who rely on the river for their livelihoods. However, their harvest has reportedly fallen since the dams were built upstream.²⁵

Allegations of human rights violations and abuses involving Chinese business entities and SOEs operating in Southeast Asia

22. Human rights and environmental organizations, including the ETO Watch Coalition, continue to receive reports of violations and abuses of civil, economic, political, social, and cultural rights of local residents in Southeast Asia, involving Chinese companies and Chinese-backed development or mega projects. These reports persist even after China's third UPR cycle.
23. These reports include: projects' detrimental impacts on the environment and ecosystems, and forced eviction instances, mostly carried out by host States' governments to make way for Chinese businesses. Forced evictions are often carried out without respect for the procedural protections required under international human rights law, such as those outlined in the Committee on Economic, Social and Cultural Rights' (CESCR) General Comments No. 7 and 23. Such protections include the absence of genuine consultation with those affected, unfair compensation to locals for their loss of land, and inadequate resettlement packages. Additionally, there are concerns about the limited access to information and lack of meaningful participation of local communities, including indigenous people, in decision-making processes and environmental impact assessment processes, as well as reports of alleged grave violations of labour rights, including contemporary forms of slavery, such as human trafficking. Such allegations disclose credible evidence of China's violations of its legal obligations to take reasonable measures that could have prevented the occurrence of such abuses abroad, under the ICESCR, in particular, the obligation to protect effectively against infringements of economic, social and cultural rights in the context of business activities, as spelt out in CESR's General Comment No. 24, and under the Convention on the Rights of Child, as outlined in the Committee on the Rights of the Child's General Comment No. 16 on State obligations regarding the Impact of the Business Sector on Children's Rights.

Detrimental impacts on the environment, ecosystems, rights to food, work and cultural rights

24. Civil society organizations continue to receive reports indicating that the construction of several development and infrastructure projects by Chinese SOEs may have detrimental impacts on the environment and ecosystems in Southeast Asian countries if these projects are implemented as planned. In several instances, environmental impact assessments have been conducted reportedly haphazardly, with indications of fraudulent or negligent practices by the companies responsible, lack of transparency, access to information and public participation, as well as of non-compliance with scientific evidentiary standards and analysis. Moreover, several projects have caused and may lead to the deprivation of livelihoods, posing a threat to the affected communities' human rights, including the rights to adequate food and adequate housing, and the rights to work and to just and favourable conditions of work.
25. Examples include several dams in the lower Mekong being developed and financed by Chinese SOEs, such as the Pak Beng Hydropower Dam²⁶ and Sanakham Hydropower Project²⁷ in Lao PDR.

Pak Beng Hydropower Dam

26. In the Pak Beng Hydropower Dam's case, Thai residents living along the banks of the Lower Mekong River raised concerns about the lack of an official study of the Dam's transboundary impact on Thailand despite the launch of the Guidelines for Transboundary Environmental Impact Assessment in the Lower Mekong River Basin (TbEIA) by the MRC Secretariat in February 2023.²⁸ Additionally, there are concerns about the Dam's backwater effects, posing a flooding risk to certain communities and farmlands in Thailand. As a result, people living along the river may be forced to relocate or resettle.²⁹ Civil society organizations, including the ETO Watch Coalition and International Rivers, have also expressed concern that the construction of the Dam would block fish migration routes and disrupt the Mekong's biological conditions and ecosystem, resulting in income loss for many fishing families and the potential extinction of endangered species.³⁰
27. In 2017, International Rivers also commissioned four experts to review project documents for the Pak Beng Hydropower Dam to better understand the quality of reports, including the Transboundary Environmental and Social Impact Assessment & Cumulative Impact Assessment's report; the Social Impact Assessment's report; the Resettlement Action Plan; and the Fish Passage Design's report, all prepared on behalf of the Dam developer. Overall, the review found that project documents were substantively inadequate, and provided an extremely limited picture of the Dam's expected environmental and social impacts, especially its transboundary and cumulative impacts. For example, the reviewers pointed that data presented in the reports, including on fisheries, hydrology and sediment, was largely drawn from studies conducted in 2011 and earlier, with little consideration of more recent information and changes to the Mekong River, including the construction of the Xayaburi and Don Sahong Dams.³¹
28. In response to local residents' concerns, in 2018 a representative of the Chinese SOE, the joint venture responsible for developing the project, a representative from the Lao Energy and Mining Department, and representatives of the potentially affected Thai communities met. The Chinese SOE's representative assured that the dam's construction would be carried out in a manner respectful of the other countries' laws and customs, and would incorporate adequate science and technology knowhow. The meeting took note of the local residents' concerns and pledged to find appropriate solutions to address them.³² A

subsequent follow-up meeting took place in August 2019 to discuss the methods of conducting a transboundary impact assessment with Thai academics. However, at the time of writing, the potentially affected communities have not received any updates about the actual transboundary impact assessment that the developer is to conduct, even after the developer entered into a Tariff Memorandum of Understanding with Thailand's Electricity Generating Authority of Thailand (EGAT) in April 2022.³³

Sanakham Hydropower Project

29. In the Sanakham Hydropower Project's case, to which Thailand has strongly objected on numerous occasions, raising serious concerns about its impact on the Mekong River's ecosystem, on the livelihoods of communities in riparian areas who rely on the Mekong's biodiversity, and on the potential transboundary impacts on Thailand.³⁴ Environmental organizations have warned that the project may affect fisheries and cause the disruption of fish migration patterns. The dam could also remove sediment from the Mekong vital for the fisheries of Tonle Sap in Cambodia and for the banks of the delta in Vietnam.³⁵
30. Additionally, according to the Rapid Assessment of Transboundary Impacts Caused by Rapid Water Fluctuation Downstream of the Sanakham Hydropower Project, which was prepared by the Secretariat of the MRC and released in October 2021, if the dam undergoes rapid changes in discharge, it may result in significant water level changes, measured in meters per day, immediately downstream of the dam. These changes may have various adverse effects, including the loss of crucial habitats for key fish species, a catastrophic decline in critically endangered species' populations, and the loss of livelihoods, particularly for poorer riparian villagers.³⁶
31. In July 2020, the Joint Committee of the MRC also rejected documents submitted by the Lao government for prior consultation regarding the Sanakham project, as they found that the Transboundary Environmental and Social Impact Assessment and Cumulative Impact Assessment (TBESIA/CIA)³⁷ contained "out of date information."³⁸ Save the Mekong Coalition further claimed that large sections of Sanakham's TBESIA/CIA are outdated and plagiarized³⁹ from the TBESIA/CIA of the dam project at Pak Lay.⁴⁰ In January 2021, the Chinese developer reportedly submitted a revised technical report to the MRC, which sought to address some concerns about the impact assessment, but the MRC did not accept the revisions, concluding that the information in the new report was still insufficient.⁴¹

Abuses of the Right to Adequate Housing

32. Mega projects' development typically requires displacing people residing in those areas to make way for these projects. Regardless of the ownership and tenure status, land transfers from communities to business entities have often been carried out by host States' governments without adequate consultation. Furthermore, compensation and rehabilitation provided to affected communities and individuals have often been inadequate, in breach of international law and standards, such as the CESCR's General Comment No. 4 and the Basic Principles and Guidelines on Development-based Evictions and Displacement.
33. For example, according to the aforementioned Pak Beng Hydropower Dam project's environmental impact assessment report, the Dam will affect a total of 26 villages in three provinces. A total of 923 families, or about 4,700 people are expected to lose their land, fruit trees and other crops; and will be relocated to new villages.⁴² In March 2023, the villagers in Bokeo province, who will be affected by the project, were informed by the Lao

authorities that the compensation would be based on "the actual social and economic situation in the area" and "the same policy that was used for the Xayaburi dam project," which was completed and went into operation in 2019. However, years later, the displaced villagers from the Xayaburi dam project still lacked farmland and access to water.⁴³

34. The villagers in Bokeo province expressed concern that the compensation would be too low, as it often happens in the Lao PDR. They further emphasized that the company and the authorities should consider the value of business losses when determining compensation, given that their homes and land serve as their livelihood sources. Additionally, the authorities have reportedly not provided any information regarding the relocation to the new villages.⁴⁴
35. Another instance is the development of the Kyaukphyu Special Economic Zone (KPSEZ) in Myanmar, which is a key strategic component of China's Belt and Road Initiative (BRI). According to the ICJ's report issued in 2017, around 20,000 people potentially faced forced eviction due to the KPSEZ.⁴⁵ The land acquisition process for the KPSEZ, initiated in 2016, also lacks transparency and contravenes national laws governing land acquisition. Myanmar Government officials have reportedly stated that possession of formal land tenure would be a prerequisite for receiving compensation. However, residents of the designated KPSEZ area have been unable to register land. International standards require that displaced persons be supported to restore their livelihoods, regardless of whether they hold formal tenure.⁴⁶ As of June 2023, according to Radio Free Asia (RFA), it is reportedly still unknown what kind of compensation would be provided for residents adversely affected by the projects.⁴⁷
36. Some human rights violations and abuses documented by civil society organizations have occurred in projects funded by multilateral development banks that China is in a position to influence. For example, UN experts and civil society organizations have consistently raised concerns regarding human rights violations and abuses committed in the Mandalika Urban and Tourism Infrastructure Project located in Indonesia's Mandalika Special Economic Zone (SEZ), funded by the AIIB.⁴⁸ A communication sent by UN independent experts to the AIIB in March 2021 drew attention to, among others, allegations of forced evictions and threats against local residents, highlighting that the AIIB failed to exercise adequate due diligence and comply with its own Environment and Social Framework.
37. According to the UN experts' communication, demolitions and evictions were carried out in an atmosphere of coercion and intimidation, with excessive deployment of security personnel and police force.⁴⁹ In response to the communication, the AIIB stated that they had also received the same allegations from a group of CSOs and had conducted consultations with communities. However, they found no evidence of coercion, direct use of force, or intimidation regarding land acquisition and resettlement. They, nevertheless, did acknowledge that the presence of armed police could have created fears among affected people.⁵⁰
38. In 2020, the National Commission on Human Rights of Indonesia (KOMNAS HAM) also issued a recommendation to the Indonesian Tourism Development Corporation (ITDC) and the West Nusa Tenggara Governor to ensure adequate compensation for affected communities and comply with business and human rights standards.⁵¹ Despite such recommendations, a survey by local NGOs published in 2023 indicated that 89% of respondents did not feel that their concerns were taken seriously by the ITDC or AIIB, and

70% of respondents experienced intimidation by State authorities in the process of land acquisition.⁵²

Failure to Ensure Transparency and Consultation

39. The companies' and the States' lack of transparency regarding decision-making, planning, construction, as well as during the operational phases of development, is a common concern. Persons affected by the development of various infrastructures and mega projects in Southeast Asia have reportedly not been given genuine opportunities to participate in or challenge decisions made about project plans or their future livelihood and living arrangements.
40. For example, in the aforementioned KPSEZ in Myanmar, several experts, including the ICJ, have long expressed concern that in the course of developing the KPSEZ, the persons affected by the project were denied opportunities to participate in decision-making.⁵³ While authorities have claimed that over 100 meetings have taken place between SEZ officials and community members, the ICJ has received repeated complaints indicating that these meetings primarily focused on the dissemination of basic high-level project information and did not allow for genuine dialogue between residents, their representatives and SEZ officials. Meetings were often called at late notice, and there were apparently minimal opportunities for discussion. Residents' requests for the details of land acquisition and resettlement arrangements were reportedly noted by SEZ officials but went unanswered, even after residents followed up by correspondence. It also appeared that most residents affected by the SEZ were not invited to meetings; instead, the authorities mainly invited local leaders and elites. Verifiable details of the content of, and participation in, these meetings have not been made publicly available.⁵⁴ Activists have also long campaigned for a halt to the deep sea port in the KPSEZ denouncing that the project was started without the meaningful consultation of residents and has failed to address the concerns of local fishermen, who believed that the project would negatively impact area fish stocks and cut off their access to key bodies of water.⁵⁵

Impact on indigenous peoples

41. Some projects reportedly had an impact on indigenous peoples' livelihood, culture and traditions, in violation of the UN Declaration on the Rights of Indigenous Peoples, which China voted in favour of. In some instances, these violations occurred in high-risk or conflict areas. With respect to this, China had accepted recommendations during its third UPR cycle to "ensure that companies operating in high-risk or conflict areas conduct human rights due diligence in line with the UNGPs".⁵⁶
42. An example is the Hat Gyi Hydropower Dam project, one of seven proposed hydropower projects on the Salween River in Myanmar, located in an area where many ethnic conflicts have taken place. The project has been developed by four shareholders, including a Chinese SOE. While clashes broke out several times in Karen State between the Myanmar military and Karen forces close to the site of the proposed dam, resulting in numerous deaths and the forced displacement of thousands of ethnic Karen villagers, these clashes were seen as a move by the military to secure the area in preparation for the dam's construction.⁵⁷ In 2007, the National Human Rights Commission of Thailand (NHRCT) ruled that the Hatgyi Dam's construction might be a key factor leading to "human rights abuses against ethnic groups" and "damage to natural resources, surrounding environments, and ecosystem" of Salween River. The dam also reportedly contributed to the displacement of ethnic Karen villagers to Thailand and the transformation of several

areas into permanently flooded areas.⁵⁸ According to the NHRCT's report, the Hat Gyi Dam was allegedly developed without any consultation with the indigenous communities.⁵⁹

43. While the construction was delayed, *coup* leader, Senior General Min Aung Hlaing, announced a plan to resume the controversial Hatgyi Dam project during his trip to Karen State in 2021.⁶⁰ A representative from the Karen Environmental and Social Action Network (KESAN) also spoke at a panel during the Mekong – ASEAN Environmental Week in September 2021, highlighting that a road was being constructed to the area where the dam would be located. He denounced the use of forced labour in the construction of the road, with internally displaced persons being compelled by the Myanmar military to carry out the work.⁶¹
44. Another example is the investment of Chinese transnational companies in Indonesia's nickel sector.⁶² Reportedly, the operation of nickel mines and processing facilities has not complied with human rights and has failed to be environmentally clean and sustainable, with persistent reports of labour rights and other human rights violations.⁶³ In several cases, nickel producers have been accused of land grabbing and of violating the right to free, prior and informed consent (FPIC) of indigenous peoples. It has been reported that these indigenous communities signed agreements under pressure and threat from police and local authorities, thereby accepting extremely low prices for their lands.⁶⁴

Serious violations of labour rights, the prohibition of forced and compulsory labour, and human trafficking

45. Chinese investors have, on several occasions, been implicated in allegations of serious labour rights violations, the prohibition of forced and compulsory labour, and human trafficking in Southeast Asia.
46. For example, the Cambodia's Sihanoukville Special Economic Zone (SSEZ), another landmark project on the BRI, reportedly hosted around 24,000 workers and employees,⁶⁵ and has been run under a bilateral agreement between China and Cambodia since 2012.⁶⁶ In 2020, it was estimated that 80-90% of Sihanoukville businesses were owned by Chinese nationals.⁶⁷ However, civil society organizations continue to receive reports that employers within SSEZ often ignore labour law protections. Key reported concerns included violations of the rights to work and to just and favourable conditions of work, such as inadequate minimum wages to ensure a decent living, forced overtime, harsh labour conditions, and instances of physical abuse, as well as reported restrictions on the right to form and join trade unions.⁶⁸
47. There have also been reports of guns, drugs, money laundering, human trafficking, child labour, widespread violence and general insecurity.⁶⁹ Reports of trafficking citizens from Taiwan, Malaysia, China and other Southeast Asian countries in SSEZ have been continuous. Victims were generally trafficked for the purposes of being forced to work as online scammers⁷⁰ through deception by presenting lucrative businesses, job openings, or even cheap or free trips abroad. In these scamming operations, victims reportedly live in constant fear of physical assaults, rape, mounting debt, being bought and sold, and their potential untimely death.⁷¹ On several occasions, Cambodian polices have denied knowledge of these allegations. Several rescue operations have also been reported by local authorities. Several suspects arrested for illegal scamming operations have also been listed as fugitives by China.⁷²

48. Another instance is the Golden Triangle Special Economic Zone (GTSEZ), established in 2007,⁷³ serving as a gambling and tourism hub catering for Chinese citizens. The GTSEZ is well known for criminal activities, including sexual exploitation and abuse, trafficking for the purposes of forced work in online scams and drug trafficking. People from various countries, including Vietnam, Myanmar and Malaysia were allegedly lured to the GTSEZ with promises of employment, but many were forced to work as online scammers, reportedly through beatings and torture.⁷⁴ Reports have emerged of female workers being held against their will, forced to work overtime, and, in some cases, trafficked for sexual exploitation.⁷⁵ Nevertheless, the zone developer has denied accusations of involvement in criminal activities in the zone. Lao SEZ officials did not deny reports of human trafficking, drug smuggling, or wildlife smuggling. However, they blamed such abuses on tenants and not on the zone itself, which in itself is not an excuse.⁷⁶
49. In 2018, the U.S. government sanctioned the Chinese Chairperson of the GTSEZ as head of a trafficking network for engaging in drug trafficking, human trafficking, money laundering, bribery, and wildlife trafficking, much of which is facilitated through the Casino located within the GTSEZ.⁷⁷

Ratification of International human rights instruments

50. Although China is now a party to several core human rights treaties,⁷⁸ it has yet to become a party to the International Covenant on Civil and Political Rights (ICCPR), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW).

Recommendations

In light of the above-mentioned concerns, the ICJ and ETO Watch Coalition call upon the HRC and the Working Group on the UPR to recommend:

- a) Halt projects/investments that are the subject of credible allegations of human rights violations and abuses, including overseas. Conduct a thorough review of the project plans to ensure they respect human rights and determine appropriate measures to address human rights violations and abuses. These measures include conducting an independent and impartial investigation of corporate human rights abuses, ensuring meaningful participation of those affected, and guaranteeing the provision of effective remedies. Upon completion of the thorough review and investigation, withdraw investment if necessary;
- b) Adopt a specific law and a national action plan for businesses and human rights to regulate and provide guidance on the business activities of Chinese enterprises operating abroad, as well as activities in China that may potentially cause transboundary impacts. Ensure compliance with international human rights laws and standards, including making a specific reference to the UNGPs and internationally recognized human rights as outlined in the International Bill of Human Rights and ILO core Conventions;
- c) Adopt a specific law or regulation that requires Chinese corporations to exercise due diligence in monitoring and, where necessary, regulating the activities of its subsidiaries, and other companies they are in a position to influence, such as business entities in which they have invested, or business partners, suppliers and subcontractors, inside and outside its territory, in order to prevent or mitigate the risk of adverse impacts on human rights and the environment abroad;

- d) Develop a specific law or amend existing laws to ensure that access to justice, effective remedies, including reparation, should be extended beyond China's national borders to communities who live in the vicinity of Chinese companies' operations and who have suffered harm due to such business operations. Address legal and practical barriers that could lead to a denial of access to effective remedies for cross-border corporate human rights abuses;
- e) Ensure that victims of such violations and abuses have access to complaint mechanisms, including those within the development bank that funded the disputed project. These mechanisms should be independent, inclusive, and effective for all stakeholders. The framework used for compliance review must comply with international law and standards. This also entails requiring Chinese enterprises to establish accessible and effective Operational Level Grievance Mechanisms (OGM) in accordance with the UNGPs, which address concerns by individuals and local communities affected by these businesses' operations;
- f) Enact a specific law that mandates Chinese enterprises, including those operating abroad, to undertake human rights due diligence that meets international standards prior to engaging in new activities or significant business decisions or changes in operation throughout their entire global value chains; and
- g) Become a party to the ICCPR, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹ The UN Committee on Economic, Social and Cultural Rights reaffirms in its General Comment No. 24 that States' obligations "(do) not stop at their territorial borders", and stressed that State parties are required to "take the steps necessary to prevent human rights violations abroad by corporations domiciled in their territory and/or jurisdiction" whether they are "incorporated under their laws, or had their statutory seat, central administration or principal place of business on the national territory". The Committee highlighted that a State party would be in breach of its obligations under the ICESCR "where the violation reveals a failure by the State to take reasonable measures that could have prevented the occurrence of [a corporate abuse]."

² Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: China,' 26 December 2018, para 28.130, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/59/PDF/G1844659.pdf?OpenElement>

³ Ibid, para 28.131

⁴ Ibid, para 28.134

⁵ Ibid, para 28.135

⁶ AIIB, 'Members and Prospective Members of the Bank', available at: <https://www.aiib.org/en/about-aiib/governance/members-of-bank/index.html>

⁷ AIIB, 'AIIB Policy on the Project-affected People's Mechanism,' 7 December 2018, section 2.1, available at: <https://www.aiib.org/en/policies-strategies/download/project-affected/PPM-policy.pdf>.

⁸ China Dialogue, 'China's World Bank' is making it easier to complain', 19 February 2019, available at: <https://chinadialogue.net/en/business/11086-china-s-world-bank-is-making-it-easier-to-complain/>.

⁹ AIIB, 'Environmental and Social Framework', February 2016 (Amended February 2019, May 2021 and November 2022), section 70.1, available at: https://www.aiib.org/en/policies-strategies/download/environment-framework/AIIB-Environmental-and-Social-Framework_ESF-November-2022-final.pdf.

¹⁰ Ibid, section 71. Pursuant to Article 10 of the UN Declaration on the Rights of Indigenous Peoples, no relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned.

¹¹ State Council Information Office of the People's Republic of China, 'Human Rights Action Plan of China (2021-2025)', September 2021, at 44, available at: <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/2022-11-28/Human-Rights-Action-Plan-of-China-2021-2025.pdf>.

¹² SASAC, 'Measures for the Compliance Management of Central Enterprises,' August 2022, available at: <http://www.csicare.com/Law/LawShowEn?id=228289>

¹³ Global Times, 'Central enterprises to establish chief compliance officer; compliance reviews embedded in business management,' 18 September 2022, available at: <https://www.globaltimes.cn/page/202209/1275542.shtml>; Center for the Study of Human Rights at Nankai University, 'NGO Report: China's Implementation of the "International Convention on Economic, Social and Cultural Rights"', 2022 available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=Z2evgg/KQitPmEcSGMucoJWo8WMJx6acOeRXBdRVUqiV8N4saocynkXIkXio62eYHPpCHRORC50VsB4tadYdMA==

¹⁴ CCCMC, 'Mediation and Consultation Mechanism for the Mining Industry and Mineral Value Chain', 15 May 2023, available at: <https://www.cccmc.org.cn/kcxfzxx/zyzx/al/ff80808187f9e83501881d10823206e4.html>. Standard documents applicable to this Mechanism include the UNGPs, CCCMC's Guidelines for Social Responsibility in Outbound Mining Investments (GSRM), and the Chinese Due Diligence Guidelines for the Mineral Supply Chain. See: CCCMC, 'Guidelines for Social Responsibility in Outbound Mining Investments (GSRM)', available at: <http://images.mofcom.gov.cn/csr2/201812/20181224151850626.pdf>; and CCCMC, 'Chinese Due Diligence Guidelines for Mineral Supply Chain: Second Edition', available at: <https://www.shuzih.com/pub/be5308b5badcc0e51953493d8b927935/082f6716dcb54aafa8cc11f5a4ac53f9.pdf>

¹⁵ The Mediation and Consultation Mechanism for the Mining Industry and Mineral Value Chain, at 4

¹⁶ Accountability Counsel, 'Accountability Counsel and Inclusive Development International advise on new Chinese-led accountability mechanism for the mining sector', 19 January 2023, available at: <https://accountabilitycounsel.org/2023/01/accountability-counsel-and-inclusive-development-international-advise-on-new-chinese-led-accountability-mechanism-for-the-mining-sector/>

¹⁷ RFA, 'Thai, Chinese backers sign power purchase agreement for Mekong River dam in Laos,' 23 March 2023, available at: <https://www.rfa.org/english/news/laos/pak-lay-dam-agreement-03232023164400.html>

¹⁸ Mekong Butterfly, 'Statement of the Network of People in the 8 Provinces Along the Mekong River,' 10 April 2022, available at: <https://themekongbutterfly.wordpress.com/2022/04/10/%e0%b9%81%e0%b8%96%e0%b8%a5%e0%b8%87%e0%b8%81%e0%b8%b2%e0%b8%a3%e0%b8%93%e0%b9%8c%e0%b9%80%e0%b8%84%e0%b8%a3%e0%b8%b7%e0%b8%ad%e0%b8%82%e0%b9%88%e0%b8%b2%e0%b8%a2%e0%b8%9b%e0%b8%a3%e0%b8%b0%e0%b8%8a/>

¹⁹ The Stimson Center is a nonpartisan policy research center based in Washington, D.C. The Center's Mekong Dam Monitor project is an open-source online platform for near-real time monitoring of dams and environmental impacts in the Mekong Basin. See: <https://www.stimson.org/project/mekong-dam-monitor/>

²⁰ Stimson, 'Mekong Dam Monitor at One Year: What Have We Learned?', 3 March 2022, available at: <https://www.stimson.org/2022/mdm-one-year-findings/>

²¹ The MRC is an intergovernmental organization established in 1995 to boost regional dialogue and cooperation in the Lower Mekong River Basin. Based on the Mekong Agreement among Cambodia, Lao PDR, Thailand and Viet Nam, the MRC serves as both a regional platform for water diplomacy and a knowledge hub – to manage water resources and support sustainable development of the region.

²² Mekong Butterfly, 'Statement of the Network of People in the 8 Provinces Along the Mekong River,' 10 April 2022, available at:

<https://themekongbutterfly.wordpress.com/2022/04/10/%e0%b9%81%e0%b8%96%e0%b8%a5%e0%b8%87%e0%b8%81%e0%b8%b2%e0%b8%a3%e0%b8%93%e0%b9%8c%e0%b9%80%e0%b8%84%e0%b8%a3%e0%b8%b7%e0%b8%ad%e0%b8%82%e0%b9%88%e0%b8%b2%e0%b8%a2%e0%b8%9b%e0%b8%a3%e0%b8%b0%e0%b8%8a/>; and Mekong Butterfly, 'Chinese dams and 12 years of water stealing: China's selfishness (自私自利) and double crossing (两面三刀) on the lower Mekong governments', 27 April 2021, available at: <https://themekongbutterfly.wordpress.com/2021/04/27/chinese-dams-and-12-years-of-water-stealing-chinas-selfishness-%E8%87%AA%E7%A7%81%E8%87%AA%E5%88%A9-and-double-crossing-%E4%B8%A4%E9%9D%A2%E4%B8%89%E5%88%80-on-the-lower-mekong-governmen/>

²³ MRC, 'The Council Study: The Study on the Sustainable Management and Development of the Mekong River Basin including Impacts of Mainstream Hydropower Projects,' 29 December 2017, available at: https://www.mrcmekong.org/assets/Publications/Council-Study/Biological-resources-assessment_Volume-4_Council-Study.pdf; MRC, 'Short Technical Note: Mekong Sediment from the Mekong River Commission Study,' available at: <https://www.mrcmekong.org/assets/Publications/Mekong-sediment-from-the-MRC-Council-Study-Technical-notedocx.pdf>

²⁴ MRC, 'Fisheries,' available at: <https://www.mrcmekong.org/our-work/topics/fisheries/>

²⁵ Bangkok Post, 'China's Mekong dams turn Thai fishing villages into 'ghost towns,' 21 March 2023, available at: <https://www.bangkokpost.com/thailand/general/2532989/chinas-mekong-dams-turn-thai-fishing-villages-into-ghost-towns>; Thai Post, 'River Weed, the Reflections of the Change in the Mekong River,' 4 March 2022, available at: <https://www.thaipost.net/public-relations-news/97607/> (in Thai).

²⁶ The construction is expected to start in 2022 and be completed by 2029 but, to our knowledge, as of the date of the submission, the construction has not yet begun. See: NS Energy, 'Pak Beng Hydropower Project,' accessed on 13 July 2023, available at: <https://www.nsenergybusiness.com/projects/pak-beng-hydropower-project/>

²⁷ The construction is expected to begin in 2023 and finish in 2028. MRC, 'Sanakham Hydropower Project,' accessed on 13 July 2023, available at: <https://www.mrcmekong.org/news-and-events/consultations/pnpca-prior-consultations/sanakham-hydropower-project/>

²⁸ According to the MRC's Guidelines on TbEIA, each member country – consists of Cambodia, Lao PDR, Thailand, and Viet Nam- is encouraged to ensure that national EIA processes for certain projects that have a capacity to cause a significant negative impact on the protection of the environment and ecological balance of the Mekong River Basin or to affect reasonable and equitable utilization of the waters of the Mekong River system should take into consideration their potential transboundary environmental impacts. The Guidelines are available at: <https://www.mrcmekong.org/resource/aqrsbk>; See also: Transborder News, 'Thai ISOC and others worried about transboundary impacts in Pak Beng is built,' 3 May 2023, available at: https://transbordernews.in.th/home/?p=33813&fbclid=IwAR3dxgqeXqUkNO03tLiHq-rOe5JLifE5TjwOmt6Kkl6DrSmragNZ_h42tpQ (in Thai).

²⁹ The Mekong Butterfly, 'Circumventing State's Responsibility in Transboundary Investment: the case of Pak Beng Hydropower Project in Laos PDR,' 22 December 2017, available at: <https://themekongbutterfly.wordpress.com/2017/12/22/circumventing-states-responsibility-in-transboundary-investment-the-case-of-pak-beng-hydropower-project-in-laos-pdr/>; EarthRights International, 'We Will Never Stop Raising Our Voices: Facing the Pak Beng Dam,' 4 October 2018, available at: <https://earthrights.org/blog/we-will-never-stop-raising-our-voices-facing-the-pak-beng-dam/>; and Bangkok Post, 'Chiang rai locals upset at Lao dam plan,' 6 October 2022, available at: <https://www.bangkokpost.com/thailand/general/2407988/chiang-rai-locals-upset-at-lao-dam-plan>.

³⁰ Ibid

³¹ IR, 'Independent Expert Review of the Pak Beng Dam EIA,' 2017, available at: <https://archive.internationalrivers.org/resources/independent-expert-review-of-the-pak-beng-dam-eia-16488>

³² Thai Rath, 'Datang Corp and the Lao Energy and Mining Department discussed transboundary impact in building the Pak Beng Dam', 15 January 2018, available at: <https://www.thairath.co.th/news/local/north/1178087> (in Thai)

³³ Kaohoon International, 'GULF Signs Tariff MOU for Pak Beng Hydroelectric Power Project in Lao PDR,' 25 April 2022, available at: <https://www.kaohooninternational.com/markets/510980>

³⁴ For example, Apinya Wipatayotin, 'Govt warns over Lao dam plan', Bangkok Post, 25 November 2020, available at: <https://www.bangkokpost.com/thailand/general/2025023/govt-warns-over-lao-dam-plan>; and Marwaan Macan-Markar, 'Thailand challenges Laos dam building spree on Mekong River', Nikkei Asia, 30 January 2021, available at: <https://asia.nikkei.com/Politics/International-relations/Thailand-challenges-Laos-dam-building-sprees-on-Mekong-River>; Bangkok Tribune, 'Thailand Insists On "Sufficient" Data On Transboundary Impacts Of Lao Pdr's Sanakham Dam Before Consultation Wrap-Up', 22 April 2022, available at: <https://bkktribune.com/thailand-insists-on-sufficient-data-on-transboundary-impacts-of-lao-pdrs-sanakham-dam-before-consultation-wrap-up/>

³⁵ For example, Prachatai, 'Isaan Mekong basin network concerns the Sanakham hydropower push', 29 May 2020, available at: <https://prachataienglish.com/node/8553>

³⁶ MRC, 'Executive Summary: The Rapid Assessment of Transboundary Impacts Caused by Rapid Water Fluctuation Downstream of the Sanakham Hydropower Project,' October 2021, available at: https://www.mrcmekong.org/assets/Consultations/Sanakham/EN_Rapid-assesment-for-SNHPP_2021.pdf

³⁷ Available at: <https://www.mrcmekong.org/assets/Consultations/Sanakham/16-TbESIA-and-cumulative-impact-assesst.pdf>

³⁸ Bangkok Tribune, 'Formal Consultation for Sanakham, the Mekong's Sixth Proposed Dam, Kick-Started with Dam Documents Thrown Back For Improvement,' 30 July 2020, available at: <https://bkktribune.com/formal-consultation-for-sanakham-the-mekongs-sixth-proposed-dam-kick-started-with-dam-documents-thrown-back-for-improvement/>

³⁹ Save the Mekong Coalition, 'The Mekong doesn't need more destructive dams,' 5 June 2020, available at: <https://www.bangkokpost.com/opinion/opinion/1929692/the-mekong-doesnt-need-more-destructive-dams>. Save the Mekong Coalition claimed that, for example, the chapters on Public Involvement, Conclusion and Recommendations sections are the same as Pak Lay TBESIA/CIA, with the only real difference being the name of the project. The TBESIA/CIA makes little to no reference to multiple studies about the Mekong and the impacts of hydropower published in the last 10 years.

⁴⁰ Pak Lay Hydropower project is planned to be located on the mainstream Mekong River in Lao PDR. The construction is expected to begin in early 2024 and open for business by 2032. Several civil society organizations, including the Save the Mekong Coalition, have expressed concerns about the environmental and social impacts of the project. Save the Mekong Coalition has also warned that up to 90% of the Transboundary Environmental and Social Impact Assessment Report for the Pak Lay dam project has been plagiarized from the report of the Pak Beng Hydropower Dam project. See: BHRRC, 'Laos: Villagers concerned over Pak Lay dam as relocation and compensation plans remain unclear,' 20 February 2023, available at: <https://www.business-humanrights.org/en/latest-news/laos-villagers-concerned-over-pak-lay-dam-as-relocation-and-compensation-plans-remain-unclear/>

⁴¹ RFA, 'Thailand Rejects New Technical Report on Large-Scale Lao Mekong Mainstream Dam,' 22 January 2021, available at: <https://www.rfa.org/english/news/laos/dam-01222021205124.html>

⁴² RFA, 'Lao villagers worry that compensation for Pak Beng Dam will be too low,' 14 March 2023, available at: <https://www.rfa.org/english/news/laos/dam-03142023160455.html>

⁴³ Ibid; RFA, 'Lao Villagers Displaced by Xayaburi Dam Still Lack Farmland, Water,' 29 September 2021, available at: <https://www.rfa.org/english/news/laos/displaced-09292021174252.html>

⁴⁴ Ibid

⁴⁵ ICJ, 'Special Economic Zones in Myanmar and the State Duty to Protect Human Rights,' February 2017, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2017/02/Myanmar-SEZ-assessment-Publications-Reports-Thematic-reports-2017-ENG.pdf> ('ICJ 2017 SEZ Report')

⁴⁶ Ibid

- ⁴⁷ RFA Burmese, 'China pressures Myanmar to proceed on port project amid community concerns', 1 June 2023, available at: <https://www.rfa.org/english/news/myanmar/project-06012023165833.html>
- ⁴⁸ UN OHCHR, 'Communication No. AL IDN 5/2021,' 4 March 2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26108>; UN OHCHR, 'Communication No. AL OTH 49/2021,' 4 March 2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26109>; UN OHCHR, 'Communication No. AL IDN 1/2022,' 8 March 2022, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27131>; UN OHCHR, 'Communication No. AL IDN 3/2022,' 14 February 2023, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27786>; UN OHCHR, 'Communication No. AL OTH 132/2022,' 14 February 2023, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27788>.
- ⁴⁹ UN OHCHR, 'Communication No. AL OTH 24/2021,' 4 March 2021, at 3 – 6, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26078>.
- ⁵⁰ AIIB, 'AIIB Management Response to The March 4, 2021 Joint Communication from the Special Procedures Mandate-Holders of the United Nations Human Rights Council,' 3 May 2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36176>
- ⁵¹ Komisi Nasional Hak Asasi Manusia, 'Keterangan Pers Nomor 043/Humas/KH/X/2020 Rekomendasi Komnas HAM RI atas Penyelesaian Sengketa Lahan Sirkuit MotoGP Mandalika,' 15 October 2020, available at: <https://www.komnasham.go.id/files/20201015-rilis-rekomendasi-komnas-ham-ri-#H3LH3.pdf> (in Bahasa Indonesia).
- ⁵² Koalisi Pemantau Pembangunan Infrastruktur Indonesia, "'Kalau merugikan masyarakat lokal, buat apa pembangunan?": Dampak-Dampak Hak Asasi Manusia dan Sosio-Ekonomi dari Proyek Pembangunan Infrastruktur Urban dan Pariwisata Mandalika,' April 2023, at 11 – 12, available at: <https://walhisulsel.or.id/wp-content/uploads/2023/04/Laporan-Riset-Survei-KPPII-tentang-Dampak-Dampak-HAM-dan-Sosio-Ekonomi-Proyek-Mandalika.pdf> (in Bahasa Indonesia).
- ⁵³ RFA Burmese, 'China pressures Myanmar to proceed on port project amid community concerns', 1 June 2023, available at: <https://www.rfa.org/english/news/myanmar/project-06012023165833.html>; and ICJ, 'Special Economic Zones in Myanmar and the State Duty to Protect Human Rights,' February 2017, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2017/02/Myanmar-SEZ-assessment-Publications-Reports-Thematic-reports-2017-ENG.pdf>
- ⁵⁴ ICJ 2017 SEZ Report, at 60.
- ⁵⁵ RFA Burmese, 'China pressures Myanmar to proceed on port project amid community concerns', 1 June 2023, available at: <https://www.rfa.org/english/news/myanmar/project-06012023165833.html>
- ⁵⁶ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: China,' 26 December 2018, para 28.133, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/59/PDF/G1844659.pdf?OpenElement>
- ⁵⁷ For example, Montri Chanwong, 'Hatgyi dam...A Next Time Bomb of Refugees', Bangkok Biz News, 5 March 2009, available at: http://www.livingriversiam.org/4river-tran/4sw/swd_a37.html; Bangkok Post, 'The power struggle at Salween River', 30 November 2014, available at: <https://www.bangkokpost.com/thailand/special-reports/446181/the-power-struggle-at-salween-river>; International Rivers, 'Thailand's Responsibility to the People of the Salween River', 29 September 2016, available at: <https://www.internationalrivers.org/blogs/254/thailand%E2%80%99s-responsibility-to-the-people-of-the-salween-river>; The Nation, 'Petition to claim rights violated over Salween dams', 21 November 2014, available at: <https://www.nationthailand.com/national/30248318>
- ⁵⁸ NHRCT, 'Investigation Report No: 526/2550', 27 December 2007.
- ⁵⁹ Ibid; See also: Bangkok Post, Villagers 'ignored' in dam study, 20 December 2015, available at: <https://www.bangkokpost.com/thailand/general/800004/villagers-ignored-in-dam-study>
- ⁶⁰ See Lin Htet Myat, 'Myanmar Junta Sells Resources to Neighbors in Exchange for 'Legitimacy'', The Irrawaddy, 15 June 2021, available at: <https://www.irrawaddy.com/opinion/guest-column/myanmar-junta-sells-resources-to-neighbors-in-exchange-for-legitimacy.html>

⁶¹ Green News, 'A move for Hat Gyi Dam, amidst COVID-19 pandemic and Myanmar crisis,' 26 September 2021, available at: <https://greennews.agency/?p=25812>

⁶²Nickel is a critical mineral for the production of electric vehicle batteries. Nikkei Asia, 'Dirty metals for clean cars: Indonesian nickel could be key to EV battery industry,' 19 October 2022, available at: <https://asia.nikkei.com/Spotlight/The-Big-Story/Dirty-metals-for-clean-cars-Indonesian-nickel-could-be-key-to-EV-battery-industry>.

⁶³ Trend Asia, 'Workplace Accident: Neglect and Violation of Employee Rights in Indonesia Nickel Industrial Areas,' 13 March 2023, available at: <https://trendasia.org/en/workplace-accident-neglect-and-violation-of-employee-rights-in-indonesia-nickel-industrial-areas/>.

⁶⁴ For example, VICE News, 'They Will Die': Tesla-Linked Mining Project Is Devastating One of the World's Uncontacted Peoples,' 11 April 2023, available at: <https://www.vice.com/en/article/wxj8wm/uncontacted-tribe-threatened-indonesia>.

⁶⁵ Khmer Times, 'PM Hun Sen reaffirms Cambodia's commitment to development of needed physical infrastructure,' 9 June 2023, available at: <https://www.khmertimeskh.com/501305441/pm-hun-sen-reaffirms-cambodias-commitment-to-development-of-needed-physical-infrastructure/>

⁶⁶ Charlie Thame, 'SEZs and Value Extraction from the Mekong: A Case Study on the Control and Exploitation of Land and Labour in Cambodia and Myanmar's Special Economic Zones', Focus on the Global South, 2017, available at: https://focusweb.org/wp-content/uploads/2017/10/sezs_and_value_extraction_in_the_mekong_english.pdf

⁶⁷ Matthias Alffram, 'Sihanoukville pays the price for heavy reliance on Chinese', Bangkok Post, 9 May 2022, available at: <https://www.bangkokpost.com/business/2306938/sihanoukville-pays-the-price-for-heavy-reliance-on-chinese>

⁶⁸ Charlie Thame, 'SEZs and Value Extraction from the Mekong: A Case Study on the Control and Exploitation of Land and Labour in Cambodia and Myanmar's Special Economic Zones', Focus on the Global South, 2017, at 22, 24-25, available at: https://focusweb.org/wp-content/uploads/2017/10/sezs_and_value_extraction_in_the_mekong_english.pdf; and Ivan Franceschini, 'As far apart as earth and sky: a survey of Chinese and Cambodian construction workers in Sihanoukville', Critical Asian Studies, 2020, available at: <https://urbandatabase.khmerstudies.org/get-datas/247>; CCIM, 'Independent union does not exist to protect rights and working conditions of workers in Sihanoukville Special Economic Zones', 19 November 2018, available at: <https://ccimcambodia.org/?p=1289>; Joe Buckley, Christian Eckerlein, 'Cambodian Labour in Chinese-Owned Enterprises in Sihanoukville. An Insight into the Living and Working Conditions of Cambodian Labourers in the Construction, Casino and Manufacturing Sectors,' September 2020.

⁶⁹ Matthias Alffram, 'Sihanoukville pays the price for heavy reliance on Chinese', Bangkok Post, 9 May 2022, available at: <https://www.bangkokpost.com/business/2306938/sihanoukville-pays-the-price-for-heavy-reliance-on-chinese>

⁷⁰ Scam operations such as telephone scams that duped the victims into transferring money to their accounts, fake forex and digital currency trading ring, an illegal online casino den, and scam call center that were giving out fake loans.

⁷¹ US Department of State, '2022 Trafficking in Persons Report: Cambodia,' available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/cambodia/>; Mech Dara, Cindy Liu and Danielle Keeton-Olsen, 'Victims Allege Sihanoukville Precincts With Ties to Major Businesses Are Sites of Scams, Torture, Detention,' VOD, 18 February 2022, available at: <https://vodenglish.news/victims-allege-sihanoukville-precincts-with-ties-to-major-businesses-are-sites-of-scams-torture-detention/>; China Labor Watch, 'The Aftermath Of The Belt And Road Initiative: Human Trafficking In Cambodia,' 19 August 2022, available at: <https://chinalaborwatch.org/the-aftermath-of-the-belt-and-road-initiative-human-trafficking-in-cambodia-%E4%B8%80%E5%B8%A6%E4%B8%80%E8%B7%AF%E7%9A%84%E5%90%8E%E9%81%97%E7%97%87%EF%BC%9A%E6%9F%AC%E5%9F%94%E5%AF%A8%E7%9A%84/>; and Nicholas Farrelly, Alice Dawkins, Patrick Deegan, 'Sihanoukville: a Hub of Environmental Crime Convergence', Global Initiative Against Transnational Organized Crime, September 2022, available at: https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-report_Sihanoukville_For-upload.pdf

⁷² Bangkok Post, 'Chinese gambling kingpin taken into custody in Bangkok,' 13 August 2022, available at: <https://www.bangkokpost.com/thailand/general/2367871/chinese-gambling-kingpin-taken-into-custody-in-bangkok>

⁷³ Vientiane Times, 'Waterside market in Golden Triangle SEZ now 50 percent complete,' 6 October 2022, available at: https://www.vientianetimes.org.la/freeContent/FreeContent2022_Waterside194.php

⁷⁴ RFA, '700 Malaysian workers stranded, held for ransom in Lao SEZ', 3 October 2022, available at: <https://www.rfa.org/english/news/laos/ransom-10032022143444.html>

⁷⁵ RFA, 'Lao officials propose new labor contract to protect workers in Chinese-run SEZ', 25 February 2022, available at: <https://www.rfa.org/english/news/laos/labor-contracts-02252022160405.html>; RFA, 'Lao authorities seem powerless to stop crime in Golden Triangle economic zone', 25 November 2022, available at: <https://www.rfa.org/english/news/laos/golden-triangle-11252022131629.html>; RFA, 'Lao authorities order Golden Triangle SEZ to suspend hiring locals', 28 July 2022, available at: <https://www.rfa.org/english/news/laos/hiring-suspension-07282022170307.html>

⁷⁶ Thibault Serlet, 'Golden Triangle: The world's worst special economic zone,' Investment Monitor, 28 March 2022, available at: <https://www.investmentmonitor.ai/comment/golden-triangle-special-economic-zone-laos-worst/>; and RFA, 'Laotian arrested after 2 Chinese nationals shot in Bokeo economic zone,' 30 June 2023, available at: <https://www.rfa.org/english/news/laos/bokeo-shooting-06302023150522.html>

⁷⁷ U.S. Department of the Treasury, 'Treasury Sanctions the Zhao Wei Transnational Criminal Organization,' 30 January 2018, available at: <https://home.treasury.gov/news/press-releases/sm0272>

⁷⁸ Such as the ICESCR, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination.