



Submission by Manushya Foundation to the UN Special Rapporteur on the Right to Development for the Asia regional consultation on Practical Implementation of the Right to Development: Identifying and Promoting Good Practices

12-13 December 2018, Bangkok, Thailand

Introduction

1. As an international standard, the 1986 Declaration on the Right to Development (A/RES/41/128), provides that development aims at the constant improvement of the well-being of the entire population and all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits. Article 1 of the Declaration states that:

- i. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
- ii. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

2. Additionally, Article 8 reaffirms that States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. Further, States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

3. The importance of inclusive development is again reiterated in the 2015 Addis Ababa Action Agenda (endorsed by A/RES/69/313) in Chapter 1, point number 18 further underlining the necessity of building effective, accountable, and inclusive institutions at all levels, including good governance, rule of law, human rights, fundamental freedoms, equal access to fair justice systems, and measures combat corruption and curb illicit financial flows. The 2030 Agenda for Sustainable Development, as outlined in A/RES/70/1, places primary importance on the universal respect for human rights and human dignity, along with rule of law, justice, equality, and non-discrimination, with particular emphasis on leaving no one behind and reaching the furthest first. The Agenda underlines the need to achieve each of the 17 Sustainable Development Goals (SDGs) to fulfil the right to development.

4. Despite the States' commitment to the Right to Development and the number of provisions for inclusive and participatory development practices as outlined in the Declaration, the 2030 Agenda and other UN documents, a practical guideline for ensuring such provisions has not yet been established. This has led to escalated income or wealth disparity, harmful development, particularly on marginalized populations, weak accountability mechanisms, and increased limitation in access to



remedial institutions. This submission aims to highlight such challenges with brief discussion of situations in Asia, focusing on Mekong countries, where Manushya has been primarily engaging. Further, the submission also shares good practices from Asia and globally, and provide key recommendations for good practices in designing and implementing policies and programs to advance human development with human rights-based approach.

(In)Equality in Development

5. Unequal Distribution of Income/Wealth – The UN Economic and Social Commission for the Asia and the Pacific (ESCAP)’s regional SDG Progress Report 2017 informs that the region as a whole seems to be regressing in achieving SDG10 on reducing inequalities – measured on the basis Gini coefficient (most commonly used measurement of income or wealth distribution) and labour share of Gross Domestic Product (GDP). While inequalities are reducing to some extent in South and South-West Asia, South-East Asia has increasing inequalities. Rising inequalities is also a common feature across high-income countries in the region. Thus, if development is to be measured in terms of income and wealth, the Asia region faces a mammoth challenge. In a recent case in point, Credit Suisse’s Global Wealth Databank 2018ⁱ reportedly ranked Thailand as the world’s most unequal country in terms of wealth distribution, followed by India and Russia. By the year, the richest 1% Thais owned 66.9% of the country’s wealth compared to 58% in 2016. Despite increased wealth due to rapid economic growth, distribution remains vastly unequal and perpetuates an elite-ruling society in Thailand. Further, a 2018 study by the OECD looking at the critical need to enhance governance in the country identified the insufficient public participation in policy making by all groups in society, in particular marginalized communities, as undermining the efficient allocation of resources toward public needs and development goals.ⁱⁱ Lack of participation and lack of inclusion only exacerbate economic and social inequalities, putting the wealthiest and privileged parts of society at the center of decision-making processes economically affecting the country as a whole, and leaving marginalized communities further behind. Economic, political and social inequalities in Thailand are mutually reinforcing conditionsⁱⁱⁱ, which are present throughout the Asia region, including but not limited to Cambodia, Lao PDR and Myanmar. For example, reliance on economic growth led by the resources sector has been disproportionate in places like Lao PDR where increased capital has yet to translate into reduced poverty. With economic growth concentrated in national and provincial capitals, rural poverty remains three times higher than that of urban areas, perpetuating wealth disparity.^{iv}

6. Benefits vs. Harms due to “Development” –

6.1. *The Case of Development Projects:* Often projects undertaken with the purpose of development cause greater harms particularly to the communities in the project area than benefits to them. At the same time, these communities are usually those that are already marginalized in the overall development of the country such as indigenous peoples and ethnic minorities, rural communities, etc. A 2018 baseline study by the Manushya Foundation found that communities in Thailand are neglected in the policy making and implementation of natural resource management, resulting in adverse development and environmental impacts. Development projects aimed at increasing economic growth and quality of life of people often prove to be detrimental to local communities and their surrounding environment. Moreover, consultation processes related to environmental, health and social impact assessments, do not include all stakeholders especially the communities that are likely to be affected by the development project; and thus do not take into consideration the free, prior and informed consent of indigenous peoples and local communities.



This can lead to threats to the right to life, food, water, secure environment to live, livelihood and ultimately forcefully displace the communities causing social disruption. Moreover, this is also a threat to all flora and fauna in the region where the business establishment is set up. In regards to the construction of dams and reservoirs in the Mekong Basin, several projects have already been completed, while some are still in progress. The construction of large dams, such as the Pak Mun Dam in the Northeastern region of Thailand has changed the ecosystem of the Mun River, significantly decreasing the number and type of fish species migrating from the Mekong River. Mun River fishing communities in 10 northeastern provinces have been affected by drastic reductions in fish populations and are now faced with food insecurity.^v While these communities have little or no say or control over the identification, design, implementation and benefits sharing of the projects, the disparity between the actors benefitting and those negatively affected is further demonstrated when they claim redress for the harms, such as in the cases of the Pak Mun Dam and Moh Power Plant in Thailand^{vi} and the Heinda mine in Myanmar.^{vii} In the case of the Pak Mun Dam, the situation has been ongoing for over 26 years and no measures have been taken to solve the problem, with affected communities not receiving fair compensation as of today. The affected communities are demanding the Pak Mun Dam to be decommissioned, to restore the river and their lost livelihoods.^{viii} Moh Power Plant, villagers' lives were negatively impacted by health concerns because of pollution and over 30,000 persons were displaced. While the initial compensation was a per-person sum, the Electricity Generating Authority of Thailand (EGAT) appealed the decision with an outcome of a lump-sum to be allocated according to each villager's length of stay in the village. The Heinda mining project was responsible for flooding Myuang Po village annually due to the inability of the village to drain into the nearby river due to increased sedimentation. This caused severe damage to plantations, houses, and other water sources in the area, while also contaminating water supplies with toxic chemicals and leading to the extinction of some species of plants and animals. Although compensation was demanded by the court in 2014, villagers still have not received such funds. Furthermore, observable in various hydropower projects such as Xayaburi^{ix}, Pak Beng^x, etc. in Mekong region, addressing harms and ensuring fair distribution of benefits and outcomes become a transboundary^{xi} concern. In such projects, not only the communities in the country where the project is located are displaced without consultation or fair compensation, even the communities in countries dependent on the resource being exploited can suffer harm without any redress or benefit. More recently the Lao dam collapse at the Xe-Pian Xe-Namnoy hydropower project demonstrates the apparent negligence of governments, investors and constructors critically undermining the healthy development of society. The Thai Business & Human Rights Network called on the Lao Government to undertake a transparent and independent investigation to ensure effective remedies for the victims of the dam collapse and for the companies, investors and the Thai government to take remedial and preventive steps to meet their extraterritorial responsibilities to those affected.^{xii} As of today, the investigation lacks transparency and independence, and no adequate remedy is provided to affected communities. As a result, by putting profit over people, development initiatives do not benefit all sectors of society and cause more harms than good. By not applying a human rights lens to development, UN Member States will not live up to their commitment to achieve the SDGs by 2030.

6.2. Good Practice 1: Human Rights Impact Assessment in a Brazil Land Conflict: The Sirinhaem Case^{xiii}: A decades-long land conflict case in Brazil recently produced a rare occurrence, where a community-based Human Rights Impact Assessment (HRIA) was conducted at the same time as a company-led HRIA. Pastoral Land Commission (CPT) partnered with Oxfam to conduct an HRIA while Coca-Cola and PepsiCo committed to conducting their own impact assessment of the Sirinhaem case. Although Oxfam was in touch with all parties, the assessments processes of Coca-



Cola, PepsiCo and CPT were conducted independently, and thus the finding from each did not inform the other's outcomes. Analysing this case, Oxfam found that parties consciously conducted parallel impact assessments to inform each other's outcomes. This process of two parallel impact assessments resulted in Coca-Cola and PepsiCo being more understanding of the community's concerns and proposed solutions. The study of this case indicated that having both the community and the company actively engage in due diligence processes resulted in more opportunities to collaborate, in order to achieve results in the future.

6.3. Good Practice 2: Best Practice adopted by a business enterprise: The case of Lafarge

French Lafarge Cement company has been featured in Chris Laszlo's book titled "Sustainable Value: How the World's Leading Companies Are Doing Well by Doing Good".^{xiv} Lafarge's cement plant in Tetouan (Morocco) was initially built on the fringes of the town but then found itself in the middle of the town following urban expansion. The plant was also starting to become obsolete. Consequently, Lafarge made the decision to build a new plant and invited the local community to advise them on where it should be located. Residents were taken to nearby sites to assess the level of nuisance, including with relation to the noise, vibration and desecration of landscape. After several rounds of consultation, the new plant was built a few kilometres away from the initial site. The new plant is now universally accepted.^{xv}

6.4. The Case of Weak Land Governance undermining Community Development: Across countries in Asia, foreign investors, domestic elites and governments have benefitted from the recent trend of large scale land acquisition. While commercial investment in land can contribute to economic development opportunities, the combination of weak land governance, powerful corporations, corruption, lack of transparency and the quest for development and economic growth have created an unrestricted setting for projects and business practices where local communities are evicted from their land and where land use rights are ignored. South-East Asian local communities' distinct dependence and connection to their land as part of their identity and culture is not often prioritized.^{xvi} In Thailand, Manushya Foundation has analyzed an abundant number of cases where government policies have led to forced eviction, arrest for illegal logging and intimidation of communities who have been in possession, and living on, their lands for decades, such as the Lao-speaking communities in Isaan or the indigenous Chao Lay communities in southern Thailand. Land evictions and land grabbing negatively impact the entire livelihood of communities and may lead to hunger and malnutrition. Evicted families are at risk of losing their only source of income, social protection networks, as well as cultural and spiritual binding mechanisms for communities with deep ties to the land. The issuance of land use certificates for corporate purposes – to official state departments, individuals and business entities – which target part of lands that have traditionally been used by local communities showcases the government's pursuit of economic growth at all cost.^{xvii} Further, the government's increasing policy of declaring natural reserves by reclaiming forest areas utilized and managed by local communities has fuelled conflicts. In 2014, the Forestry Master Plan was issued based on NCPO Orders 64/2014. The Master Plan was around the discourse that commercial investors' exploitation of Thailand's natural resources is responsible for deforestation and must be stopped. It has also released Order 66/2014, a supplemental directive which states that government operations must not impact the poor and landless who had lived on the land before the enforcement of Order 64/2014.^{xviii} However, implementation of the Master Plan has overwhelmingly targeted impoverished villagers and indigenous peoples who lived on their lands for decades as "investors" or alleged that local communities were being funded by wealthy investors, resulting in a complete disregard of the protection measures set out by Order 66/2014.^{xix} These restrictive measures have resulted in further restrictions on people's livelihoods by granting greater power to the government over land



management and limiting deprived communities' rights to defend their land. Complaints from communities and individuals who have been affected by government operations to combat forest encroachment have been reported to the NHRCT.^{xx}

6.5. Good Practice 1: Community mobilization as well as sustainable land and forest management, to resist land evictions^{xxi}: In 1966, Karen people settled in Huay Hin Lad Nai, a small village of 20 households in northern Thailand surrounded by the National Forest Reservation Area, and the Khun Jae National Park. In 1968, the Thai government allowed the Chian Rai Tha Mai logging company to operate in the area which led to the destruction of sacred forest areas and water sources. In 1984, the government annulled the forest concession, and eight year later declared the Khun Kae National Park a protected area and ordered the community to move out of the territory. While the villagers did not have appropriate structures and institutions in place to protect their community's land and livelihoods, the government did not recognize their customary land rights. To challenge the government's actions and order, the community adopted a sustainable land and forest-use planning system to organize in resistance against logging and evictions. They also collaborated with neighbouring Lisu and Hmong communities that faced the same problems. In 1994, they formed the Northern Farmer's Network (NFN) which aims "(i) to promote and support the community on natural resources management and conservation; (ii) to carry out advocacy work for the state to recognize the community's land-related rights; and (iii) to promote and support a model of sustainable agriculture by using the community's traditional knowledge and rotational farming". The network actively participated in actions and protests, and collaborated with other stakeholders such as the Northern Development Foundation (NDF) and the National Assembly of the Poor. The NDF, together with Huay Hin Lad Nai community, conducted research highlighting the positive impact of indigenous peoples' sustainable natural resource management systems, particularly how rotational farming sequesters more carbon than it emits and is key to food security. The community also established their rules and regulations for restoring and managing the forest and resources sustainably with participation of women and youth. They also devised innovative income generation methods to sustain their struggle and implement their plans. In 2003, the village was officially recognized under Chiang Rai province. Occupying around 3,700 hectares, with 85% retained as forest cover and only 1% used for rotational farming under the present land use pattern. The villagers generate income from wild tea, honey and bamboo, among others, of which certain amount is set aside for the community forest management fund. They also revived their traditional practices and culture. The community has been in the process of getting their collective land rights recognized by the State.^{xxii}

6.6. Good Practice 2: Mutually Beneficial Agreements between Smallholder Farmers and Private Sector Investors: In the report, 'Responding to 'Land Grabbing' and Promoting Responsible Investment in Agriculture'^{xxiii} from the International Fund for Agricultural Development, the promotion of mutually beneficial agreements between smallholder farmers and private sector investors is touted as a potential way to increase the sustainability of private sector investment in agriculture. Preferably, smallholders farmers shall be in partnerships that do not require large-scale land acquisitions, which can take the form of out-grower schemes, contract farming or joint share equity schemes, with outside investors focusing mainly on providing expertise and other support in agro-processing or improved access to markets. The success of such partnership and the real benefits to smallholder farmers and rural communities more generally, depends on the level of ownership, voice (governance), risk-sharing and benefit-sharing between partners.



6.7. Good Practice 3: The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of Tenure of the United Nations Food and Agriculture Organization (FAO)^{xxiv}: It explicitly aims to strengthen the capacity of the private sector. The Guidelines seek to improve the governance of tenure of land and cover principles of implementation of responsible tenure governance, rights responsibilities and other relevant frameworks. For non-state actors, including businesses, the general principles of the Voluntary Guidelines include: the responsibility to respect human rights and legitimate tenure rights; due diligence to avoid infringing human rights and legitimate tenure rights; appropriate risk management systems to address adverse impacts on human rights and legitimate tenure rights; the need for businesses to provide for and cooperate in non-judicial mechanisms to provide remedy, including effective operation-level grievance mechanisms; the need to identify and assess any actual or potential impacts on human rights and legitimate tenure rights; respect for customary rights of indigenous peoples; and providing secure rights to women and other marginal groups.

(Lack of) Accountability & Access to Remedies

7. Rule of Law and Reprisals – Access to justice and strong institutions (SDG 16) is the second critical area indicated in the UN ESCAP report as the Asia-Pacific region seems regressing in. Though only measured with on the indicators related to homicide and corruption index, the trend is indicative of broader lack of rule of law and accountability. For example, Thailand’s Criminal Code, particularly Section 328 regarding defamation, has played a major role in the limitation of individual access to remedies concerning social and development issues. Through vague application of Articles 14 and 15 of the Computer Crimes Act, criticism and dissent have been stifled across all demographics of individuals, often utilized to silence activists and human rights defenders. Such cases have typically involved an individual vs. a corporation such as Natural Fruit Company^{xxv}, PTT^{xxvi}, and various mining companies.^{xxvii} While such persons have access to the judicial system, the provision of justice is not always fair or impartial, and judicial precedent is not respected in all cases. In addition, since the military government, the National Council for Peace and Order (NCPO), came to power after the May 2014 Coup, the political climate has exacerbated insecurity for human rights defenders, who are now at greater risk of judicial harassment, arbitrary detention, physical violence and killing, in particular environmental rights defenders (EHRDs) defending land, environmental and indigenous peoples’ rights from corporate capture and in the face of development projects.^{xxviii} This is reflected in an analysis on the situation of EHRDs prepared by the UN Special Rapporteur on the situation of Human Rights Defenders in 2016, which indicates that EHRDs face unprecedented risks, and that Thailand is amongst the ten most dangerous countries for environmental defenders.^{xxix} At the same time, in Lao PDR with a one-party system that controls the judiciary and severely restricts the civil society, as corruption is reportedly widespread in both forms of bribery and political connections, the rural poor are disproportionately affected due to land-use policies that have favored international companies in establishment of plantation forestry, agricultural, and hydropower projects.^{xxx} In both Lao PDR and Thailand, the disappearance of prominent activists, such as Sombath Somphone and Porlajee “Billy” Rakchongcharoen respectively, has incited public distrust in rule of law, particularly among the marginalized groups.

7.1. Good Practice 1: Aligning with the voluntary principles on security and human rights^{xxxi}: In 2000, a small group of governments, companies, and non-governmental organizations cooperated to develop and launch a set of Voluntary Principles on Security and Human Rights. The Voluntary Principles on Security and Human Rights (VPs) represent a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework



that encourages respect for human rights. The VPs were developed in response to reports of human rights abuses allegedly committed by security providers contracted by the extractive industry. The VPs include provisions on regular consultations between companies and host governments & local communities, and the monitoring of progress of investigations into alleged abuses.

7.2. Good Practice 2: Model Law for the Recognition and Protection of Human Rights

Defenders: On 21st June 2016, a Model National Law for the Recognition and Protection of Human Rights Defenders was launched by the International Service of Human Rights (ISHR) to provide support for the implementation of international human rights law on the rights and protection guaranteed to HRDs, including the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms at the domestic level.^{xxxii} Developed following an in-depth analysis of international and regional human rights instruments along with resolutions and recommendations provided by the UN mechanisms and special procedures including from treaty bodies and Special Rapporteurs, this model law aims to fulfill three primary purposes. These are: (a) to serve as a guide to States in the development of law, policy and institutional mechanisms; (b) to function as a tool for HRDs to advocate for legal recognition and protection of their work; and (c) to operate as a mechanism for States and civil society to assess and monitor the implementation of existing law and policy.^{xxxiii} This model law is unique in its constitution as it was developed following consultation with 500 HRDs from over 110 countries around the world, with its contents revised and finalized by 28 of the world's leading jurists and experts on human rights. This was also synthesized after a comprehensive analysis of legal research from over 40 countries and jurisdictions. To ensure 'a supportive legal framework and effective access to justice'^{xxxiv} by HRDs, the model law consists of clear legal provisions that set out and reinforce the obligation of the State, its institutions and authorities to protect and promote the work of HRDs as well as those that prevent, examine and remedy violations. To achieve this goal, the model law also outlines the role of HRDs in defending rights, while providing for a mechanism to ensure their protection, accompanied by commentaries and designed to be adaptable to national contexts and systems.

However, for this model law to be effective in the domestic context such as within Asia, it would have to be bolstered with political support, will and resources to ensure its implementation. In addition, it has to be accompanied by complimentary measures such as an independent judiciary, an effective national human rights institution, as well as by providing international and regional institutions and mechanisms with access to the system.

7.3. Good Practice 3: Businesses adopting measures that protect HRDs:

In recent years, a few companies have been focusing on their responsibility to protect and support HRDs, and some good practices can be noted. In a ground-breaking development, Adidas has set a bar in 2016 by issuing a general corporate policy statement^{xxxv} in support of HRDs. FIFA's human rights policy also makes mention of HRDs by committing to "respect and not interfere with the work of both human rights defenders who voice concerns about adverse human rights impacts relating to FIFA and media representatives covering FIFA's events and activities. Where the freedoms of human rights defenders and media representatives are at risk, FIFA will take adequate measures for their protection including by using its leverage with the relevant authorities".^{xxxvi} In November 2017, the Anglo-Australian multinational mining, metals and petroleum company BHP Billiton publicly stated that it was opposed to the restriction of the advocacy activities of environmental groups.^{xxxvii} Individual companies have also issued statements in support of HRDs in specific cases in Angola (Tiffany & Co) and Thailand (S-Group).^{xxxviii}



Recommendations

8. While declarations, commitments, and agendas for the right to development have been agreed to by UN Member States, the lack of inclusive participatory processes and lack of a human rights approach to development are undermining the achievement of the SDGs. In addition, the lack of practical guidelines and suggestions for best practices has left States without proper implementation efforts. Therefore, the Manushya Foundation makes the following recommendations for advancing the right to development in Asian States:

- a) Implement effective economic and social reforms to guarantee equitable distribution of benefits of growth to all sections of population and reduce inequalities among them.
- b) Formulate development strategies through participatory process with primacy to the needs of the marginalized populations, including women, rural poor, indigenous peoples and minorities, among others.
- c) Design and implement development projects with meaningful consultations to address the development priorities of the communities in the project area and in partnership through public-community-private partnership (PCPP) approach whereby the communities are in the center of the development project in terms of control and benefits sharing.
- d) Require in law and through stringent enforcement conduct of comprehensive independent assessments of environmental, social and human rights impacts, including at transboundary level as needed, of the relevant development projects to prevent, address and mitigate those impacts, whereby those assessments are either led by the concerned communities or have their full and effective participation or require their approval.
- e) Enact laws, and ensure strict enforcement thereof, to require businesses conduct effective human rights due diligence to address their impacts as well as to establish criminal liability for businesses that violate human rights in and outside the home States.
- f) Ensure that the right to development of indigenous peoples respect their right to self-determination and that to develop their own development priorities and require their free, prior and informed consent as guaranteed in the UN Declaration on the Rights of Indigenous Peoples, and thus undertake development activities for indigenous peoples in line with the concept of self-determined development.
- g) Strengthen mechanisms and institutions to provide effective remedy and justice for harms caused by development projects, including that the developers are subject to strict resolution and compensation deadlines.
- h) Reform the criminal code provisions, such as those in Thailand, that are not in compliance with human rights provisions as stated in the International Covenant on Civil and Political Rights (ICCPR) and ensure that effective mechanisms are in place to guarantee development projects are carried out according to international transparency standards and in line with The Rio Declaration on Environment and Development.



Endnotes

- ⁱ Credit Suisse Research Institute, *Credit Suisse Global Wealth Databook 2018*, (October 2018), available at: <https://publications.credit-suisse.com/tasks/render/file/index.cfm?fileid=777FDF0E-E060-F608-52DAF97E062CC35B&fbclid=IwAR1QgKFG4dRm50djzWxkoKKDatsMW89rZIQ9UGzDexR8vohbSd03pkpTFyw>.
See also: Bangkok Post, *Report: Thailand most unequal country in 2018*, (6 December 2018), available at: <https://www.bangkokpost.com/business/news/1588786/report-thailand-most-unequal-country-in-2018>
- ⁱⁱ Zeid Mohd Arif, A. et al. (2018), *“Enhancing governance in Thailand”*, OECD Economics Department Working Papers, No. 1472, OECD Publishing, Paris. <http://dx.doi.org/10.1787/8ddfd4c6-en>
- ⁱⁱⁱ <https://kyotoreview.org/issue-17/inequality-and-politics-in-thailand-2/>
- ^{iv} <https://www.bti-project.org/en/reports/country-reports/detail/itc/lao/ity/2018/itr/aso/>
- ^v Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: Community Rights, Management of Natural Resources and Environmental Impacts*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- ^{vi} <https://www.bangkokpost.com/news/general/483785/egat-loses-mae-moh-pollution-lawsuit>;
<http://www.nationmultimedia.com/national/After-10-year-battle-power-plant-victims-win-bt25--30254864.html>
- ^{vii} <https://www.business-humanrights.org/en/myanmar-pongpiat-lawsuit-re-environmental-health-impact-of-heinda-tin-mine-0>
- ^{viii} Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: Community Rights, Management of Natural Resources and Environmental Impacts*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- ^{ix} <https://www.internationalrivers.org/campaigns/xayaburi-dam>;
<http://www.globalwaterforum.org/2011/12/13/the-xayaburi-dam-challenges-of-regional-water-governance-on-the-mekong/>
- ^x <https://www.internationalrivers.org/resources/briefing-on-pak-beng-dam-lawsuit-16498>
- ^{xi} <https://www.theguardian.com/sustainable-business/2015/may/06/dams-hydropower-mekong-river-thailand-laos-don-sahong-xayaburi>
- ^{xii} Thai Business and Human Rights Network, *Laos: undertake a transparent and independent investigation to ensure effective remedies for the victims of the Dam Collapse*, (20 August 2018), available at: <https://www.manushyafoundation.org/single-post/2018/08/18/Thai-Business-and-Human-Rights-Network-demands-Laos-for-transparent-investigation-on-Dam-Collapse-and-Thailand-to-also-take-responsibility>
- ^{xiii} <https://www.cambridge.org/core/journals/business-and-human-rights-journal/article/human-rights-impact-assessments-in-a-brazil-land-conflict-towards-a-hybrid-approach/B0BEFFC7B3C2FCA3565D74A2F201EE18>
- ^{xiv} Chris Laszlo, *Sustainable Value - How the World's Leading Companies Are Doing Well by Doing Good*, (Stanford University Press, 2008), p. 103-105
- ^{xv} International Finance Corporation (IFC), *Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets*, (May 2007), p. 116, available at: http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_handbook_stakeholderengagement_wci_1319577185063
- ^{xvi} Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: Land-related Rights in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- ^{xvii} Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: Land-related Rights in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- ^{xviii} ENGAGE, *The Master Plan: a Solution to Deforestation or a Strategy to Evict the Poor?*, (2014) available at: <http://www.engagegrassroots.org/human-rights.html>
- ^{xix} Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: The Rights of Indigenous Peoples in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>



- xx Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: Land-related Rights in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- xxi International Land Coalition, Asia Indigenous Peoples Pact, “Sustainable forest management ties indigenous group together against eviction threats”, (2016), available at: http://www.landcoalition.org/sites/default/files/documents/resources/case_study_0049_thailand_en.pdf
- xxii Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: The Rights of Indigenous Peoples in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- xxiii Harold Livsage, International Fund for Agricultural Development, *Responding to Land Grabbing and Promoting Responsible Investment in Agriculture*, (2011), available at: <https://www.globalpolicy.org/global-taxes/49981-responding-to-land-grabbing-and-promoting-responsible-investment-in-agriculture-.html>
- xxiv United Nations Food and Agriculture Organization (FAO), *Voluntary Guidelines on the Governance of Tenure*, (2012), available at: <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>
- xxv https://freedom.ilaw.or.th/en/case/469#the_verdict; <https://prachatai.com/english/node/7687>
- xxvi https://freedom.ilaw.or.th/en/case/773#additional_information
- xxvii <https://www.frontlinedefenders.org/en/case/case-history-surapan-rujichaiwat>;
<https://www.fortifyrights.org/publication-20160330.html>;
<https://www.fortifyrights.org/publication-20160212.html>;
<https://freedom.ilaw.or.th/en/case/745>; <https://www.fortifyrights.org/publication-20160510.html>
- xxviii Manushya Foundation & Thai BHR Network, *NBA on BHR Thematic Briefer: The Protection of Human Rights Defenders in the context of business and human rights in Thailand*. Summary from the Independent CSO National Baseline Assessment on Business & Human Rights, (2018), available at: <https://www.manushyafoundation.org/bhr-briefers>
- xxix United Nations Special Rapporteur on the situation of human rights defenders, *Analysis on the situation of environmental human rights defenders and concrete recommendations to better protect them*, p.19, available at: https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders_0.pdf.
- xxx <https://www.bti-project.org/en/reports/country-reports/detail/itc/lao/ity/2018/itr/aso/>
- xxxi Secretariat of the Voluntary Principles on Security and Human Rights, *Voluntary Principles on Security and Human Rights*, (2000), available at: <http://www.voluntaryprinciples.org/>
- xxxii ISHR, *Groundbreaking Model Law to recognize and protect human rights defenders*, (21 June 2016) available at: <https://www.ishr.ch/news/groundbreaking-model-law-recognise-and-protect-human-rights-defenders>
- xxxiii ISHR, *Model Law for the Recognition and Protection of Human Rights Defenders*, p. 2, available at: https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf
- xxxiv UN Human Rights Committee, *Report of the United Nations High Commissioner for Human Rights*, 11 April 2016, A/HRC/32/20, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>
- xxxv Adidas Group, *The adidas Group and Human Rights Defenders*, available at: https://www.adidas-group.com/media/filer_public/f0/c5/f0c582a9-506d-4b12-85cf-bd4584f68574/adidas_group_and_human_rights_defenders_2016.pdf
- xxxvi FIFA, *FIFA’s Human Rights Policy*, (May 2017) available at: resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf
- xxxvii Business and Human Rights Resource Centre, *Defenders & businesses: from adversity to cooperation in providing remedy for victims*, available at: <https://business-humanrights.org/en/defenders-businesses-from-adversity-to-cooperation-in-providing-remedy-for-victims>
- xxxviii Reporters Without Borders, *Thailand*, (2018) available at: <https://rsf.org/en/thailand>