



**SUBMISSION OF THE EXTRATERRITORIAL OBLIGATION WATCH
COALITION FOR THE EXAMINATION OF 4th CYCLE UNIVERSAL PERIODIC
REVIEW FOR THAILAND**

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The Extra-Territorial Obligations Watch Coalition (ETOs Watch Coalition) is a network of NGOs, consisting of 6 organizations; The Mekong Butterfly, Spirit in Education Movement (SEM), Rivers and Rights (R&R), Burma Concern, Community Resources Centre Foundation (CRC), and EarthRights International (ERI), that focuses on transboundary issues related to human rights, community rights, natural resources, and the environment. The coalition utilizes a monitoring method to track and monitor investments in large-scale development projects in sectors such as energy, mining, economic land concessions, and special economic zones. This monitoring extends to Thai investors and investors from other nations in Southeast Asia, with particular emphasis on the Mekong region or CLMV countries, namely Cambodia, Laos, Myanmar, and Vietnam.

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I. INTRODUCTION

1. During Thailand's 3rd cycle Universal Periodic Review (UPR), Thailand received and accepted a range of recommendations relevant to environmental protection, the right to health, access to justice, business responsibility, and the protection of human rights defenders.
2. However, during the reporting period under review, Thailand has continued to face serious and recurring transboundary human rights and environmental harms linked to cross-border investment, extractive industries, energy development, and high-risk supply chains.
3. This **submission** focuses on four interrelated areas of concern:
 - Transboundary pollution and environmental harm, particularly air and water contamination linked to cross-border economic activity and extractive supply chains;
 - cross-border dams and hydropower development in the Mekong and Salween basins and their human rights implications.
 - Thailand's implementation of the UN Guiding Principles on Business and Human Rights (UNGPs), including through its National Action Plan on Business and Human Rights (NAP), the development of mandatory Human Rights and Environmental Due Diligence (mHREDD), and related reforms; and
 - Thailand's preparations for establishing a National Contact Point (NCP) in the context of its OECD accession process.

II. TRANSBOUNDARY POLLUTION AND HUMAN RIGHTS VIOLATIONS

A. Transboundary Air Pollution

4. Transboundary Air Pollution and the Hongsa Coal Power Plant

5. Northern Thailand faces PM2.5 haze pollution from February to May every year. People have been dealing with PM2.5 pollution for over a decade. Persistent hazardous levels of air pollution, characterized by high levels of PM2.5, occurs across much of the northern part of Thailand. The pollution is from various factors, including open burning in agricultural areas, particularly in the rice, maize and sugar production businesses within Thailand and neighboring countries such as Lao PDR and Myanmar.

6. This situation has severely impaired the enjoyment of the highest attainable standard of physical and mental health for local people and poses significant risks, particularly to vulnerable groups such as children, pregnant women, the elderly, and individuals with respiratory diseases. To date, the situation remains unresolved, with no significant mitigation observed. PM 2.5 levels are increasing alarmingly, making it one of the regions with the world's worst air quality.

7. In 2026, the Ministry of Commerce issued a regulation for the import of burn-free maize. This regulation imposes additional environmental requirements. The goal is to reduce transboundary haze and PM2.5 pollution and create a mandatory traceability system. However, there is no regulation for burn-free maize inside the country.

8. Air pollution from coal-fired power plants further illustrates the significant health and environmental consequences of such projects. The **Hongsa Coal Power Plant and Mining**

project in Laos PDR, operated by Thai developers, has been linked to increased rates of respiratory diseases in northern Thailand, particularly in Nan Province. Furthermore, research has found emissions of sulfur dioxide and nitrogen dioxide contribute to highly acidic soil conditions, which damages crops, contaminates water sources, and disrupts aquatic ecosystems. Collectively, these effects contribute to diminished agricultural productivity, undermined food security, and devastated the livelihoods of communities dependent on natural resources.¹

9. **There is a lack of transboundary environmental and health impact assessments, a regulatory requirement for (Tb-EHIA) for cross-border investments.** This regulatory shortfall has led to insufficient measures to mitigate adverse effects on ecosystems and communities, exposing them to significant environmental and health risks.

10. The National Human Rights Commission of Thailand (NHRCT) considered the Hongsa Coal Power Plant poses a significant risk of causing transboundary impacts on people in Nan Province and surrounding areas. As this is a large-scale cross-border investment involving many sectors of Thailand, the Thai government is consequently responsible under its extraterritorial obligations for preventing impacts on human rights and the environment. Furthermore, the NHRCT recommended that the respondent companies and the Electricity Generating Authority of Thailand (EGAT), as a co-investor and power purchaser, **adhere to the strictest environmental and health standards to ensure that emissions from the power plant do not cause transboundary impacts.** Additionally, NHRCT provided recommendations to several Thai government agencies.²

Recommendation

- . The Thai government must take the NHRCT recommendations into account (above) and implement those recommendations within one year.
- . Thailand takes seriously its obligation under the right to health and must include transboundary environmental and health impact assessments in the law.
- . Thailand must issue a regulation for the burn-free maize, and the mandatory traceability system should be extended to maize products within Thailand.

B. Water Pollution from Cross-Border Mining and Extractive Supply Chains

11. Thailand has experienced some of the clearest examples of cross-border environmental harm with direct human rights consequences, particularly in relation to water contamination in river systems shared with Myanmar and Lao PDR.

12. These incidents reveal structural weaknesses in Thailand's legal and regulatory framework. Although Thai communities have been directly affected by pollution originating outside Thailand, **the state still lacks a binding framework requiring transboundary environmental and health impact assessment, mandatory supply-chain traceability, and corporate accountability for Thai-linked investment.**

Kok-Sai-Ruak-Mekong River: Arsenic and Heavy Metals Linked to Upstream Mining

13. Since 2025, Thai authorities have repeatedly detected arsenic and other heavy metals above national standards in the Kok River, Sai River, and parts of the Mekong River in Chiang Mai and Chiang Rai provinces. In June 2025, the Pollution Control Department (PCD) reported

arsenic contamination exceeding Thailand's surface water standard of 0.01 mg/L at 11 monitoring points in the Kok River basin, particularly in areas close to the Myanmar border.³

14. The monitoring continued into 2026. In February 2026, the PCD again warned that arsenic concentrations in the Kok and Sai rivers exceeded the national standard and advised the public to avoid direct use of river water in affected areas.⁴ In March 2026, the PCD's 16th monitoring round found that arsenic remained above standard at several points in the Kok, Sai, Ruak, and Mekong rivers, demonstrating that the contamination is not isolated or temporary but ongoing.⁵

15. Thai public health authorities also warned communities to avoid or limit the consumption of freshwater fish from affected rivers after tests showed contamination concerns involving heavy metals.⁶ These warnings have raised serious concerns about the rights to health, food, water, livelihood, and a safe environment of river-dependent communities in northern Thailand.

16. Available evidence from Thai authorities, independent researchers, and civil society organizations indicates that the contamination is likely linked to upstream mining activities in eastern Shan State, Myanmar, including gold mining, but primarily from rare earth extraction in areas near the source of the Kok River.⁷

17. These developments are particularly concerning in the context of global demand for critical transition minerals (CTMs). **Thailand risks becoming not only an affected downstream State, but also a transit, processing, and trade corridor for high-risk mineral supply chains associated with contamination, militarization, opacity, and severe human rights abuse.**

Salween River Basin: Heavy Metal Contamination and Cross-Border Public Health Risks

18. Similar concerns have emerged in the Salween River basin, where the PCD reported in November 2025 that arsenic exceeded Thailand's surface water standard at all 13 sampling points tested in Mae Hong Son Province, and lead exceeded the standard at one point.⁸

19. The significance of this case lies not only in the contamination itself, but in the fact that **it reflects a shared transboundary river crisis.** In February 2026, authorities in Karenni State, Myanmar, reportedly warned local communities not to drink water from the Salween River and its tributaries after tests found arsenic levels above the WHO drinking-water guideline, indicating that communities on both sides of the border may be affected by upstream contamination.⁹

20. These findings assert the need for Thailand to adopt a more proactive, basin-wide, and rights-based response. At present, Thailand's response has been largely limited to environmental monitoring, health advisories, and bilateral communication. While important, these measures are insufficient if they are not accompanied by traceability of upstream sources, due diligence requirements, and accountability for business actors and financiers linked to high-risk mining operations.

Kraburi River: An Emerging Blind Spot in Southern Thailand

21. In 2025, Thai authorities and local communities reported deteriorating water quality in the Kraburi River along the Thailand–Myanmar border, prompting environmental sampling and raising concern over possible cross-border mining-related impacts.¹⁰

22. The case also highlights broader governance gaps, including weak traceability of cross-border mineral flows and the absence of a permanent, transparent, and rights-based monitoring mechanism for southern border rivers in Thailand.

C. Structural Governance Gaps

23. The above cases reveal a major structural gap in Thai law and policy. Thailand still lacks a **binding framework requiring transboundary environmental and health impact assessments (Tb-EHIA)** for projects, trade, infrastructure, extractive logistics, and investments that may cause foreseeable harm to communities or ecosystems in Thailand or neighboring countries.

24. Thailand also lacks a robust legal regime requiring mandatory traceability, disclosure, and human rights and environmental due diligence for high-risk commodities such as rare earths, gold, and other minerals such as antimony that enter, transit through, are financed from, or are exported via Thailand.

25. Without such measures, Thailand risks facilitating a regional model of “outsourced extraction, imported pollution, and diffused responsibility”, in which environmental harm is externalized across borders while profits are internalized by investors, parent companies, financiers, and supply-chain actors.

Recommendations

26. The Government of Thailand must:

a. Enact legislation requiring transboundary environmental and health impact assessments (Tb-EHIA) for projects, investments, trade, transport, and extractive-related activities likely to cause cross-border harm.

b. Introduce mandatory traceability, disclosure, and human rights and environmental due diligence requirements for high-risk minerals and extractive commodities entering, transiting through, financed from, or exported via Thailand.

c. Establish an independent cross-border pollution monitoring and remedy mechanism, with meaningful participation of affected communities, regular public disclosure of data, and access to compensation and rehabilitation where harm has occurred.

d. Ensure that polluters, including business actors and state entities, are held accountable for providing effective, adequate, and timely compensation to affected people and communities that have suffered income losses due to toxic contamination.

e. Engage in international negotiations — Urgently pursue multilateral negotiations with concerned countries (Myanmar, China, Laos) through the Mekong River cooperation framework to address the problem at its source (mining operations).

III. CROSS-BORDER DAMS, HYDROPOWER DEVELOPMENT, AND THAILAND’S RESPONSIBILITY

27. Thailand also accepted recommendations concerning environmental sustainability, public participation, and the protection of affected communities. These concerns remain highly

relevant to Thailand's role in supporting, financing, purchasing power from, or otherwise enabling cross-border hydropower development in the Mekong and Salween basins.

28. Thai state agencies, state enterprises, financiers, and private sector actors have long played significant roles in regional hydropower development, including through electricity purchasing arrangements, project finance, engineering, political support, and regional energy planning. Yet Thailand still lacks a legal requirement that such actors conduct transboundary human rights and environmental due diligence before becoming involved in projects that may affect downstream communities.

A. Xayaburi Dam

29. The Xayaburi Dam in northern Lao PDR remains one of the clearest and most emblematic examples of Thailand's cross-border energy footprint in the Mekong region. Although the dam is already operational, it continues to symbolize unresolved concerns regarding the cumulative impacts of mainstream Mekong hydropower on fisheries, sediment transport, riverbank agriculture, biodiversity, and food security in Thailand and throughout the Lower Mekong basin.

30. The project is especially relevant to Thailand's extraterritorial obligations because it has long been closely tied to Thai corporate, financial, and state-linked involvement. The project developer is Xayaburi Power Company Limited (XPCL), in which Thai-linked interests have played a major role, and the project has historically depended on Thai construction, Thai financing, and Thai electricity purchasing arrangements.

31. The **Xayaburi Dam is therefore highly relevant to the UPR** because it demonstrates how Thai outbound investment and electricity purchasing can sustain large-scale transboundary infrastructure without an adequate legal framework ensuring prior human rights scrutiny, public participation, basin-wide cumulative assessment, or effective access to remedy for affected communities.

B. Pak Beng Dam: Risk of Becoming a "Toxic Reservoir"

32. The Pak Beng Dam, located on the Mekong mainstream in northern Lao PDR near the Thai border, remains one of the most concerning proposed mainstream projects for Thailand. The project is significant not only because of its expected impact on river ecology and fisheries, but also because it now sits within an emerging regional context of heavy metal contamination and upstream extractive pollution.¹¹

33. The Pak Beng dam has long been integrated into regional electricity export planning, with the majority of its generated electricity designated for export to Thailand. This commercial orientation has already been formalized through a power purchase agreement (PPA) concluded with the EGAT in 2023.

34. For Thailand, the most urgent concern is that Pak Beng should no longer be assessed as a "stand-alone hydropower project." It must instead be evaluated in relation to the rapidly intensifying water contamination crisis in the upper Mekong basin, including arsenic and other heavy metal detections in the Kok, Sai, Ruak, and Mekong River that are believed to be associated with upstream mining and extractive activity.

35. In this context, there is a growing and serious concern that reservoirs created by mainstream dams such as Pak Beng may function as sediment traps or long-term retention zones for toxic materials, including arsenic, lead, and other heavy metals transported through the river system. If contaminated sediments settle and accumulate in impounded sections of the river, the project could create not only hydropower infrastructure but also a long-term toxic retention system with implications for fisheries, aquatic ecology, sediment dynamics, and downstream public health.

36. This concern is particularly important for Thailand because the Thai side of the Mekong would be among the first downstream zones exposed to cumulative ecological and sedimentary changes associated with the project. Communities that depend on seasonal fisheries, riparian agriculture, and riverbank ecosystems may face both hydropower impacts and new contamination-related risks that have not been adequately integrated into project planning.

37. To date, existing hydropower planning and review processes have not adequately addressed this **“dam and mining contamination” interaction**, even though it may become one of the defining cross-border environmental governance issues in the Mekong basin over the coming decade.

C. Luang Prabang Dam

38. The Luang Prabang Dam is one of the most advanced and controversial mainstream Mekong hydropower projects currently under construction. According to the Mekong River Commission (MRC), construction began in 2020 and is expected to be completed in 2027, with commercial operation to follow thereafter.¹²

39. The project is highly relevant to Thailand because it is directly linked to Thai investment and Thai electricity demand. According to CKPower’s official disclosures, the company holds 50% ownership in Luang Prabang Power Company Limited (LPCL), the project concessionaire. CKPower has also stated that the electricity project will be sold to EGAT under a 35-year power purchase agreement (PPA) once operations begin.¹³

40. The Luang Prabang dam should therefore not be treated as merely a Lao domestic infrastructure project. It is a project whose financial viability depends significantly on Thai corporate capital and long-term Thai public electricity procurement, making it directly relevant

41. The impacts are also no longer only future risks. Independent reporting described large-scale construction activity, including major earthworks, conveyor systems, concrete structures, and extensive workforce mobilization along the Mekong corridor.¹⁴ These developments indicate that the project is already transforming the river landscape and surrounding communities.

42. A particularly serious concern is the impact of the project’s reservoir and resettlement plan on communities that will be inundated or displaced. Reporting from Thai media and regional observers indicates that villages in the reservoir zone, including Lad Han village, face relocation as the reservoir area is prepared, with residents expected to move to designated resettlement sites.¹⁵

43. **The project has also drawn concern because of its location near the historic city of Luang Prabang, a UNESCO World Heritage area and major cultural landscape.** Critics

have raised concerns not only about impacts on fisheries, sediment transport, and river ecology, but also about potential harm to the wider cultural, tourism, and heritage environment associated with the Mekong and nearby sacred and historic sites.¹⁶

D. Sanakham Dam

44. The **Sanakham Dam**, proposed on the Mekong mainstream in Lao PDR close to the Thai border, remains one of the projects most likely to have direct transboundary impacts on communities in northeastern Thailand. In addition to concerns over fisheries, sediment, and riverbank erosion, the project has raised serious concern that reservoir operation may contribute to backwater effects, elevated river levels, and localized flooding or prolonged inundation on the Thai side.¹⁷

45. These risks are especially serious because communities along the Mekong in 7 provinces remain directly dependent on the river for fisheries, agriculture, riverbank cultivation, navigation, and local livelihoods. Any significant alteration to water levels or flow patterns may therefore produce not only ecological harm, but also direct territorial and socio-economic consequences inside Thailand.

46. Concerns about the Sanakham project have also been formally recognized within Thailand. In 2022, the Office of the Ombudsman conducted public consultations and field visits in seven Mekong-border provinces to examine complaints and concerns regarding the project's likely transboundary impacts. These included concerns related to water level fluctuations, boundary effects, riverbank changes, fisheries, and impacts on livelihoods.¹⁸

47. Sanakham is also relevant to Thailand because it is designed primarily as an export-oriented hydropower project, with electricity intended mainly for sale to Thailand. Although Thai ownership is not as clearly documented as in some other Mekong dam cases, Thailand remains a key enabling actor through its role as a regional power purchaser, policy partner, and downstream State.

48. Recent developments also require clarification. The project is not newly entering the MRC's Procedures for Notification, Prior Consultation and Agreement (PNPCA) process, as it has already been under the MRC's Prior Consultation framework since 2020.¹⁹ However, reporting in 2025 indicates that the project may now be re-accelerated or advanced further, despite unresolved concerns over transboundary impacts, participation, and accountability.²⁰

E. Phou Ngoy Dam: Backwater Risks, Flooding, and Intensified Harm to Ubon Ratchathani

49. The Phou Ngoy Dam, proposed on the Mekong River in Champasak Province, Lao PDR, is one of the projects of greatest concern for Thailand because of its likely direct transboundary hydrological impacts on communities in Ubon Ratchathani Province. Although the project is often discussed in relation to hydropower generation, fisheries, and resettlement in Lao PDR, it also raises a serious and under-addressed concern that the reservoir and altered water levels may cause backwater effects extending into Thai territory, particularly around the Mun–Mekong confluence in Khong Chiam District and potentially further upstream into the Mun River ecosystem.²¹

50. This concern is especially serious because Ubon Ratchathani already experiences recurrent and severe flooding, including urban flooding, prolonged inundation, and seasonal backflow pressure along the Mun River and connected low-lying areas. In such a context, the Phou Ngoy project would not create an entirely new risk in isolation; rather, it could intensify and compound an existing structural flood vulnerability that communities in the province already face on a near-annual basis.²²

51. In 2024, based on concerns raised by local communities, the NHRCT **highlighted that the project could significantly alter river levels on the Thai side.** According to publicly discussed hydrological modelling referenced during field visits and consultations, if the dam is operated at a normal reservoir level of 98 metres, the water level in the Mekong could rise by approximately 4 meters from the dam site and create a backwater effect extending roughly 80 kilometers upstream, potentially reaching Khong Chiam District in Ubon Ratchathani.²³

52. This is particularly alarming because the affected area includes the confluence of the Mun and Mekong Rivers, where hydrological interactions are already highly sensitive. Communities and local observers have warned that if water levels in the Mekong are artificially elevated for reservoir operation and power generation, this could cause water from the Mekong to back up into the Mun River, slow drainage, and worsen waterlogging, prolonged inundation, and flood retention in areas that already struggle to discharge seasonal floodwaters efficiently.²⁴

53. Residents and civil society groups in Ubon Ratchathani have explicitly warned that the Phou Ngoy Dam could contribute to backwater flooding, increase flood duration, and make it more difficult for floodwater to drain from the city and surrounding riverine communities. In practical terms, this means the project could worsen recurring flood events in Ubon Ratchathani municipality and surrounding districts, especially during periods of high flows in the Mekong and Mun, thereby exacerbating a pre-existing urban and rural disaster burden rather than creating a single, isolated impact.²⁵

54. For affected communities in Thailand, the project may not only threaten fisheries, navigation, and riverbank agriculture, but also contribute to more prolonged urban flooding in Ubon Ratchathani, increased waterlogging in low-lying residential and agricultural zones, greater flood risk around the Mun River corridor and the Pak Mun area, and additional strain on already inadequate flood management and disaster preparedness systems.

55. This is especially concerning given that Ubon Ratchathani and the surrounding parts of the lower Mun basin have already faced repeated flood crises over the past decade. Communities, therefore fear that the Phou Ngoy project would not merely add another environmental pressure, but would compound an already chronic and socially unequal pattern of exposure, where those who are repeatedly affected by floods may be forced to bear yet another layer of transboundary harm without meaningful participation, prior protection, or access to remedy.

56. The project also demonstrates why tributary and near-border dams should not be treated as secondary or less significant merely because they are not located in Thailand or because they are framed primarily as energy infrastructure. In reality, the Phou Ngoy Dam could function as a hydrological intervention with direct territorial consequences for Thailand, including altered drainage dynamics, upstream impoundment pressure, and intensified disaster risk for Thai communities.

F. Thailand's Energy Governance Still Lacks Rights-Based Safeguards

57. Across all these cases, a central governance problem persists: Thailand still does not require Thai state agencies, state-owned enterprises, financiers, state utilities, or private companies to undertake mandatory transboundary environmental and human rights due diligence before financing, constructing, purchasing power from, or otherwise enabling high-risk hydropower projects abroad.

58. This gap is particularly significant to EGAT, Thai-listed energy firms, Thai banks, construction companies, and project-related investors, all of which may play decisive roles in determining whether cross-border projects proceed. At present, however, these actors are not subject to a binding legal obligation to demonstrate that they have identified, prevented, mitigated, and remedied foreseeable human rights and environmental harms before entering project commitments.

59. Thailand's regional energy governance, therefore, continues to rely on a model of economic participation without legal accountability. This is no longer tenable given the scale of evidence now available concerning cumulative basin impacts, food security risks, contamination concerns, and the rights of river-dependent communities.

Recommendations

a. Thailand must enact legislation requiring project developers, financiers, and business enterprises to conduct mandatory transboundary environmental and health impact assessments (Tb-EHIA) for investment and infrastructure projects that are likely to cause cross-border impacts affecting communities, ecosystems, and public health in Thailand, the host country, and the wider region.

b. Thailand must require all state entities involved in cross-border hydropower and large infrastructure projects to conduct mandatory transboundary human rights and environmental due diligence. This should occur before financing, constructing, purchasing electricity, insuring, or otherwise enabling such projects. The process must include assessing cumulative basin-wide impacts, flood and contamination risks, and threats to livelihoods and food security.

c. Thailand must prohibit Thai public agencies and state enterprises, including EGAT, from entering into or maintaining power purchase agreements or other forms of state support for cross-border energy projects where meaningful public participation, access to information, transboundary impact assessment, and effective remedies for affected communities have not been ensured in accordance with international human rights and environmental standards.

d. Thailand must establish an independent cross-border accountability and remedy mechanism, including accessible complaint pathways for affected communities in Thailand and neighboring countries, to receive grievances related to Thai-linked hydropower, energy, and infrastructure projects, and to ensure monitoring, disclosure, remediation, and institutional follow-up where transboundary harms are alleged or identified.

IV. BUSINESS AND HUMAN RIGHTS: PROGRESS, GAPS, AND THE NEED FOR BINDING REGULATION

A. Thailand's Adoption of the UN Guiding Principles on Business and Human Rights

60. Thailand has made notable policy progress over the past decade in adopting and applying the UN Guiding Principles on Business and Human Rights (UNGPs). Thailand was among the first countries in Asia to adopt a National Action Plan on Business and Human Rights (NAP), reflecting growing recognition that the State has obligations to regulate business conduct and protect communities from business-related harm.

61. Thailand adopted its first National Action Plan on Business and Human Rights (2019–2022) and subsequently advanced to a second phase of implementation, which is currently in force. At the time of writing, Thai authorities are also in the process of preparing a third NAP, expected to be finalized and announced for implementation in 2027.

62. However, implementation remains uneven and incomplete, especially where business activities extend beyond Thailand's territory and involve subsidiaries, contractors, joint ventures, overseas project companies, financiers, and supply chains.

B. NAP Priority Area 4: Cross-Border Investment and Multinational Enterprises

63. Thailand's NAP is especially relevant to this submission because it includes a dedicated priority area on "Cross-Border Investment and Multinational Enterprises" (Priority Area 4), which directly addresses the kinds of harms. It signaled official recognition that Thai companies and investors operating abroad can contribute to adverse impacts on communities, the environment, and human rights, and that Thailand has a role to play in regulating and addressing those risks.

64. Since the adoption of the NAP, Thai authorities have taken steps relevant to **Priority Area 4**. These include policy discussions on responsible business conduct and cross-border corporate accountability. Additional actions involve awareness-raising and capacity-building on the UNGPs and OECD standards. Preparatory discussion on grievance and complaint mechanisms for business-related harm has also taken place. More recently, authorities have engaged in institutional work related to Thailand's OECD accession process, including preparations for establishing a National Contact Point (NCP).

65. Thai authorities, including the Rights and Liberties Protection Department (RLPD), Ministry of Justice, have reportedly undertaken research and preparatory work for the establishment of an NCP for Thailand, in line with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. This is an important and timely development, particularly given Thailand's growing role as a home State for outward investment and its aspiration to align with OECD standards.

66. At the same time, however, Priority Area 4 remains under-institutionalized and largely non-binding. It has not yet produced a legal architecture capable of preventing or remedying recurring harms associated with Thai-linked investment.

67. In practice, affected communities continue to face serious barriers in seeking accountability where Thai companies, financiers, or parent companies are linked to harms outside Thailand. These barriers include lack of disclosure, weak access to information, uncertainty regarding parent company responsibility, absence of a specialized grievance mechanism, and limited access to judicial remedy.

68. The continued recurrence of transboundary pollution, displacement, and environmental harm demonstrates that Priority Area 4 has not yet been implemented in a way that meaningfully changes business conduct or improves access to remedy.

Recommendations

69. The Government of Thailand must:

a. Publish a transparent implementation review of the National Action Plan on Business and Human Rights or NAP, including measurable indicators, institutional responsibilities, timelines, and identified gaps.

b. Ensure that the third NAP (to be adopted in 2027) contains legally binding follow-up measures, especially on due diligence, disclosure, parent company accountability, access to remedy, and cross-border grievance mechanisms.

c. Guarantee meaningful participation of affected communities, Indigenous Peoples, workers, human rights defenders, and civil society organizations in the development, implementation, and monitoring of the third NAP.

C. Mandatory Human Rights and Environmental Due Diligence (mHREDD / mHRDD)

70. According to the second NAP, the Ministry of Justice (MOJ) should study and consider the Bill on mandatory Human Rights Due Diligence. The first draft of the Act on Promotion of Responsible Business Conduct was developed by the MoJ together with national and international experts in 2025. The Draft Act proposes limiting the scope to large enterprises. According to section 3 of the draft, large enterprises are business enterprises engaged in the manufacturing sector with an annual total revenue exceeding 500 million baht, or business enterprises engaged in wholesale, retail, or service sectors with an annual total revenue exceeding 300 million baht, as determined based on the business activity.

71. The duties under this law are to do human rights and environmental due diligence through the supply chain from the raw materials to the end of use of the product. **The Draft Act describes the six steps of due diligence**, proposes effective stakeholder consultation in each step of the due diligence process, proposes a phased timeframe, sets up a grievance mechanism, and provides remediation when the violation is caused by the company.

Recommendations

a. Thailand within 2 years must enact a mandatory Human Rights and Environmental Due Diligence law in accordance with international standards, including ensuring stakeholder participation when the business decisions may impact human rights and the environment throughout the value chain.

b. Thailand ensures that financial institutions must have a complaint mechanism and measures to inspect and follow up after lending money to various projects.

c. Thailand must issue mandatory measures for businesses that are not listed in the Stock Exchange of Thailand to prioritize/respect human rights principles, including disclosing information on supply chains and business operations abroad.

D. Thailand's OECD Accession Process and the Need for an Independent National Contact Point (NCP)

72. Thailand's accession process to the Organisation for Economic Co-operation and Development (OECD) is ongoing. In July 2024, the OECD adopted Thailand's accession roadmap, and in December 2025, Thailand submitted its Initial Memorandum, formally launching the technical phase of the accession process.²⁶

73. In this context, the establishment of a National Contact Point (NCP) in line with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct has become increasingly relevant. **The NCP could provide an important non-judicial avenue for addressing complaints concerning Thai companies and multinational enterprises linked to human rights and environmental harms, including harms arising from overseas investment and cross-border operations.**

Recommendations

74. The Government of Thailand must:

a. Establish an independent and effective National Contact Point (NCP) in line with the OECD Guidelines to receive complaints by Thailand's overseas investment to investigate human rights violations and act as a mediator between Thai companies and those affected.

b. Guarantee that the NCP complements, and does not replace, judicial and administrative remedies, and that its design and operation are developed through meaningful consultation with civil society and affected communities.

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