



BUSINESS AND HUMAN RIGHTS IN LAO PDR

OVERALL CONTEXT

Over the last few decades, Lao PDR has seen a vast amount of economic growth. While Lao PDR counts 72% of its population depending on agriculture as a main source of income, its principal approach to economic development and poverty alleviation has been by expanding investments in hydropower projects, mining activities and the extractive industry. These large-scale development projects harm the environment and result in serious violations of the human rights of local communities; with cases of land grabbing, loss of livelihoods, unfair compensation and relocation being the most recurrent. Although Lao PDR has enacted domestic laws and policies covering various aspects of infrastructure projects, including natural resources and environmental management, environmental and social impact assessments, public participation, compensation and resettlement; in practice, these laws and policies do not protect the rights of individuals and communities and do not provide effective means to remedy. It is evident that the government's economic strategies focusing on investments in development and infrastructure projects are not benefiting the majority of the population, mainly rural, but instead enrich the wealthy elites. Moreover, Lao PDR does not provide for a legal framework holding companies and investors accountable for abusive business conducts and harms caused to communities and the environment. As a result, the unsustainable economic development of the country has put profits over people and nature, creating an environment of impunity, hurting Mother Nature and further putting rural communities and indigenous peoples in situation of poverty and at the margins of society.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the Government of Lao PDR received 17 recommendations related to the impact of infrastructure investment and development projects on human rights. The recommendations covered eliminating poverty and improving the standard of living, promoting inclusive growth, particularly in rural and remote areas, reviewing land concessions granted by the government, protecting and enhancing the rights of women and indigenous peoples, and ensuring national policies related to forced displacement of persons are compliant with international human rights standards. Of the 17 recommendations made, the government accepted 16 and made note of one recommendation on engaging indigenous peoples in decision-making processes that affect them. At present, only 3 recommendations on combating corruption, empowering women in decision-making, and providing ethnic groups with equal access to social services have been partially implemented, with the remaining 14 recommendations not being implemented at all.



REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1: Corruption and its contribution to increasing inequality:

High levels of corruption in the infrastructure development sector lead to massive losses of state revenue, increasing poverty and disparity in wealth distribution with the wealthy benefitting from these projects at the cost of the poor and marginalised. In 2018 alone, corruption cost the government about 846.44 billion kip or U.S. \$97.7 million. According to Transparency International Corruption Perceptions Index 2018, which measures public sector corruption, the government of Lao PDR ranks 132 out of 180 for 2018.

In development projects, corruption takes many forms. In some cases, it was reported that some projects which had already received funding from the government were not formally accounted for, or the work was left unfinished or of substandard quality. In some cases, officials inflated project costs and misappropriated the extra money.

Challenge 2: Infrastructure development projects increase inequality, are damaging to the human rights of local communities, further putting them in situation of displacement and poverty:

In the 8th Five-Year National Socio-Economic Development Plan (2016-2020), the government of Lao PDR sets infrastructure development, specifically hydropower development as a means to generate income and reduce poverty. However, by following this approach, the economic growth of Lao PDR has not improved the lives of most of the population. The benefits of investment and development projects have not reached the most marginalised section, with the wealthy sections of society benefiting from them disproportionately.

This has led to the marginalised being put further into poverty, not just from losing economic benefits such as capital and employment opportunities coming out of these projects but also due to forced displacement following a government strategy of **'turning land into capital'**, leading to a loss of natural resources that they depend on for their income, livelihood and survival. Displaced, negatively affected by development projects for a long period of time and without any adequate compensation such as the failure to fully restore their livelihood, individuals belonging to local communities are denied their right to work, their right to a healthy environment, their right to physical health, their right to food, their right to water and to an adequate standard of living.

Further, the actual benefit of the construction of these dams will be enjoyed by other countries that commission the construction of the dams, with very little to no benefit reaching the local economy or population. Even when the Lao government will take ownership of these dams, the cost for the upgrade and maintenance may be too high compared to possibly more effective forms of electricity generation that are being developed. This means it will not be a beneficial means for revenue even in the future.

Challenge 3: Lack of access to information, media control over information being shared on development projects & failure to meaningfully consult with affected communities on decisions related to development projects that affect them:

No access to information on development projects affecting communities: Communities that are affected by development projects are not given access to information about the project and its social, environmental or human rights impact. Environmental impact assessments (EIAs) are said to be conducted by private consulting firms in the case of most projects, without involving local

The government of Lao PDR has taken measures towards combating corruption, but more needs to be done. For instance, the Government has cracked down on "ghost projects" where officials embezzled the government's money for non-existent projects, and also dismissed many officers engaged in corruption.

However, two problems arise in appropriately addressing corruption. The first is the serious restrictions on civic space and freedom of expression in Lao PDR which makes it difficult to combat corruption effectively. The second is the ability of the government to combat corruption in all situations. For instance, as of October 2019, the Lao government is still attempting to determine the actual number of civil servants as it was found that payments were being made to 'ghost' civil servants that did not exist.

An example of the serious social & human rights impact of dams and other investment projects was seen during the collapse of a saddle dam in the Xe-Pian Xe-Namnoy Hydropower Project in Attapeu province on 23rd July 2018. The collapse of the dam caused flooding in 13 downstream villages, with over 4,000 people displaced and relocated to temporary shelters. More than a year after the collapse, thousands of people displaced have still to be resettled and adequately compensated. They continue living in poor conditions, with no means of livelihood and their basic needs being denied leading to a violation of several rights including the right to food, water and to an adequate standard of living.

In response to the collapse, in June 2019, the Ministry of Energy and Mines announced a plan to inspect all existing dams and those under construction in order to prevent future accidents, loss of life, and damage to property. The investigation has revealed poor standards, the lack of proper consultation, and the absence of insurance for some dams.

Case studies in relation to lack of information on development projects

In several instances, the right of individuals to access information is not protected or respected, particularly on informing them of the negative impacts of development projects. For instance, the findings of the EIA conducted before construction of the Nam Ou dam were not disclosed to the public or those communities who would be affected by the project.

Another example of poor provision of information and consultation has been found in the latest dam that is being planned called the



communities in the assessment, and without applying a human rights lens. This information is often not provided to affected communities before, during as well as after the project is completed.

Strict control of media and silencing critics of development projects sharing information on development projects

Through strict control of the media, information that highlights the negative impact of a project shared either by foreign media or by individuals on social media is denied by the government. Additionally, information is put out by the government or state-owned media to maintain a positive image of development projects. There is a firm control of public dialogue and any independence expressed in civil society as well as a complete rejection or punishment of any criticism. Through this tight control on any view different from that of the government's, meaningful consultation with communities or their participation in decision-making are completely impossible.

No meaningful consultation and no respect of FPIC:

Domestic laws in Lao PDR provide for consultation with affected communities prior to commencement of a development project. Commitments have also been made at the regional and international level, in this regard. However, most projects in the country are undertaken without meaningful participation of communities and in the absence of their free, prior, informed consent. This is in violation of the provisions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the Procedures for Prior Notification, Prior Consultation and Agreement (PNPCA) under the 1995 Mekong Agreement and Articles 7 and 8 of Decree 112 on EIAs.

Some groups such as women, specifically indigenous women, who are disproportionately affected by development projects are not included in these decision-making processes. For more information on this aspect, please refer to the UPR Advocacy Factsheet on Women's rights.

Luang Prabang hydropower dam. In this case, it was found by experts from the Mekong River Commission that the plans for the project were missing vital information, such as the potential ecological impact on the loss of grounds for fish spawning, how the turbines of the dam claim to be friendly to fish, and what compensation will be provided to affected communities. Moreover, those most affected by the project such as rural communities from Lao PDR and those further downstream in Cambodia were completely excluded from public consultations.

The Xe-Pian Xe-Namnoy dam which collapsed in 2018, was constructed despite reported gaps in the public consultation process, inadequate EIAs and failure to meet international environmental standards.

Case studies in relation to media control and criminalisation of individuals sharing information on negative impacts of development projects or questioning government's responsibility:

With economic growth seen as a matter of national importance and national security, any critique of such projects or of the government is restricted and accompanied by a heavy penalty and prison sentences on any individual that highlights any negative impacts on communities resulting from these projects. This prevents transparency and access to information by all those individuals that could be impacted by development projects.

For instance, following the collapse of the Xe-Pian Xe-Namnoy dam, the Lao government attempted to conceal information related to the dam collapse through a letter of the Prime Minister warning Lao citizens not to believe the misinformation of the foreign and social media and instead to follow state-owned media.

Furthermore, on 22 November 2019, a 31-year-old woman from Champasak Province, Houayheuung Xayabouly also known as Mouay was sentenced to 5 years in prison and a 20 million Kip fine on charges under Article 117 of the Criminal Code for propaganda activities against and slandering Lao PDR. Her only actions were criticising the actions taken by the Lao government in response to the flood that affected the Southern provinces of the country in late August and September 2019. She also previously highlighted instances of corruption and denounced the handling of the Xe-Pian Xe-Namnoy dam collapse in 2018. Prior to her trial and sentencing, she was also detained in Champasak provincial prison from the date of her arrest on 12 September 2019, with her family not being allowed to meet her.

Case study in relation to lack of meaningful consultation and consent of communities prior to the development of the project:

The Lao government is guilty of violating the right to Free, Prior and Informed Consent (FPIC) of indigenous peoples in their country. This violation was seen in 2012, when the government granted a land concession to the ancestral land of the ethnic Nha Huen/Yahern in Southern Champasak province to a Lao based subsidiary of Olam International company to set up a coffee plantation, without consulting them. In further violation of their rights, in October 2018, the company announced plans to expand the coffee plantation further.

In an example of unsustainable development, in September 2019, the government officially confirmed its plan to build the Luang Prabang hydropower dam in Houygnou village despite several warnings about the impact on the environment, particularly on the risk of droughts and the decline of fish stock.

Future development projects will also continue to harm local communities and their livelihood, as concluded by a study of the Mekong River Commission (MRC). The Study states that 11 hydropower projects to be constructed South of China by 2040, 9 of which are in Lao PDR, will threaten the economic and food security of

Challenge 4: Unsustainable development in the country has serious environmental impacts:

The construction of hydropower and other infrastructure development projects in Lao PDR negatively affects the ecology of the region and the lives of individuals who reside at or near the project site, which creates further vulnerability for the affected people. This happens because of threat to food security due to the loss of fisheries, flooding, contamination of water, and health risks due to pollution resulting from construction of these projects. This is particularly dangerous since the government hopes to make Lao PDR



'the battery of Asia' through a hydropower program, under which 46 large dams have already been built and with 100 projects expected to be in operation by 2020.

the Mekong region. These projects are expected to result in a drop of fish stocks by an alarming 40 percent.

Further fear is being caused by the drought like conditions resulting from the Mekong river and some of its tributaries running dry. The clearest sign of this was seen in December 2019, when the Mekong river turning an aquamarine colour because of the less flow of water, sedimentation and the visibility of the riverbed which has algae. This could also result in less food being available for insects and small fish reducing aquatic biodiversity, which will subsequently affect the fish catch of local communities and their livelihoods.

Challenge 5: Land concessions granted to businesses result in land grabbing, denying land-related rights and harming the lives & livelihood of communities:

As two-thirds of the population of Lao PDR derives its income from land, the loss of land results in destruction of their livelihood, income, employment, and food security. Individuals and communities have been forcibly displaced from their lands without adequate avenues for resettlement or effective compensation. The customary rights of local communities to their land is also denied, in this manner.

Land confiscations have caused serious impacts on local communities residing in the area. The majority of people residing on these lands are rural and indigenous communities, who are further marginalised as a result especially the indigenous and rural communities. With the loss of land that they are dependent on, the way of life of indigenous communities as well as their identity being lost with the youth moving to cities in search of sources of income. For further information on this aspect, please refer to the UPR advocacy factsheet on indigenous peoples.

Land-related rights are also denied to individuals and communities who have been resettled due to development projects and the creation of Special Economic Zones (SEZs). Several communities that are displaced by these projects are being given land already assigned to other

According to Article 17 of the 2015 Constitution of Lao PDR and the 2003 Land Law, all land in the country belongs to the State. Individuals have to register their ownership of the land. However, this practice is not followed by rural and indigenous communities due to their inability to register their ownership due to language barriers and difficulties in accessing the process for registration. As a result, the customary land rights of these communities are being denied. Their lands are often confiscated and allotted by the government to companies, under its system of land concessions. In this manner, as of 2018, the government of Lao PDR has reportedly granted over 1750 land concessions to companies, to use the lands of local communities for long periods of time with some granted for as long as 100 years.

In 2012, the government issued a moratorium on issuance of new land concessions. However, according to reports, new concessions are still being issued. Additionally, there is no information available publicly on review of existing concessions and those affected have not been involved or consulted during the process of review of land concessions.

In a more obvious act of denying the land-related rights of local communities, in 2019, the government of Lao PDR gave the land that was promised to the victims of the 2018 Xe-Pian Xe-Namnoy dam collapse to a Chinese banana company in the form of a land concession. The affected community members were instead asked to work in the banana plantation, which they refused to do because of the risk of pollution from the plantation that had been identified.

Challenge 6: Lack of effective remedy such as adequate and timely compensation for harms suffered from development projects:

Individuals and communities who bear the brunt of business activities, do not receive timely or adequate compensation and other remedies for the harms that they suffer. Often, they are not provided with appropriate resettlement options, and find themselves in temporary shelters with poor living conditions, on poor quality lands, without proper access to resources, healthcare, education, and employment, which only drives them further into poverty. In a number of cases, it was reported that the compensation given by the Government was either inadequate or there was a delay in making payments to affected parties.

Access to effective remedies for communities who have been affected by investment and development projects is also restricted because of the shrinking space for civil society in Lao PDR. For more information on this aspect, please refer to the UPR Advocacy Factsheet on Access to Effective Remedy.

In the Luang Namtha province of Lao PDR, the construction of the Nam Thai 1 Dam hydropower project saw the resettlement of more than 100 families in a village almost four years ago. However, these families have no means of obtaining water due to a drought resulting in the drying up of the Nam Tha river located 10 km from the resettlement village. With a limited commitment to assist the villagers the Sengphet company, a Lao subcontractor of China South Power Grid Corporation involved in their support does not do so anymore as their commitment ended in 2018. Moreover, with the dam beginning operations in November 2019, the flow of water downstream has been further reduced worsening the condition of the people living there.

In 2018, a similar situation arose in the resettlement village for the Xekaman I hydropower plant in Sanxay district of Attapeu province where the already marginalised ethnic Katu villagers were without potable water for more than 3 months, due to a broken pump that was put in place to supply this water. They were also unable to use their wet paddy lands to earn a living.

The newly passed Law on Resettlement and Vocation (2018) was meant to address major issues about relocation. Nonetheless, the new law contains several provisions that significantly violate international human rights standards, particularly the right to effective remedy for all. For more information about it, refer to the Law on Resettlement and Vocation Factsheet.



Challenge 7: International Finance institutions (IFIs) and foreign Governments provide funds for large-scale infrastructure projects without undertaking a proper assessment of the social, environmental and human rights impact of these projects:

International Finance Institutions like the World Bank, the Asian Development Bank provide development assistance to Lao PDR and contribute to its economic growth. The World Bank has long been a proponent of the Laos' program to expand hydropower production to propel economic growth. As illustrated in some cases, development partners and funders have often failed to critically assess the human rights implications of projects before funding them, resulting in land grabs and displacement of persons. They are also reported to withdraw from the project without ensuring that all communities affected by the project have been adequately resettled and compensated.

Additionally, in an effort to provide development aid towards poverty alleviation or institutional improvement, the effectiveness of this aid is not effectively assessed. In Lao PDR, the tangible benefits and impact on the rights of individuals is not assessed with ineffective monitoring particularly of the local authorities at the provincial level.

Expert voice: *"Although States are the main guarantors of human rights, international financial institutions can also be held responsible if they are complicit in prescribing policies with probable negative impacts on human rights,"* the expert said. (UN Independent Expert on foreign debt and human rights, Juan Pablo Bohoslavsky)

Challenge 8: The threat of Chinese investments such as the Belt and Road Initiative (BRI) on local communities:

Chinese investments in Lao PDR have been focussed on obtaining as much benefit as possible from the resource rich Lao PDR. In doing so, projects such as the Belt and Road Initiative (BRI) have focused on facilitating economic and political cooperation amongst several Asian countries through infrastructure development projects, such as the China-Laos railways which aim at connecting an otherwise landlocked country. Although intended to have a positive outcome, the BRI reflects a scenario where several challenges explained above merge altogether, namely: foreign investments without impact assessments, development projects leading to unsustainable development and increase inequality, human rights violations and environmental negative impacts, land grabbing, lack of effective remedy - including financial compensation or alternative housing.

The World Bank continued to advise the Government on and fund the controversial Nam Theun 2 Dam in Lao PDR despite heavy criticism of the project for its adverse environmental and human rights impacts.

The Nam Theun 2 Dam, which became operational in 2010, was financed by the World Bank, Asian Development Bank and other lenders who claimed it to be a model of sustainable development which would generate revenue and reduce poverty. Despite heavy criticism of the project for its adverse environmental and human rights impact on communities, the World Bank continued to advise the Government on and fund the project. The project is reported to have forcibly displaced approximately 6,200 indigenous persons and other communities, destroyed fisheries, impaired water quality, and destroyed people's livelihoods. According to a recent 2019 report, villagers who were displaced by the dam close to 10 years ago are still struggling to access land and earn a livelihood.

In the case of the \$4.47 billion Xayaburi dam that took more than 12 years to construct, which is found to disadvantageously benefit the Electricity Generating Authority of Thailand (EGAT), further studies and consultations were urged by several individuals including the governments of Cambodia and Vietnam. However, it was found from the study of the construction agreement that delay in construction would require a payment of \$210,000 per day to the Thai government, which could have motivated the government of Lao PDR to push ahead with the construction. This is particularly alarming given that the EGAT had about 12,000 MW or 30 percent electricity reserve or excess electricity in 2019 alone, which is equal to the power that can be generated by 10 Xayaburi dams.

As part of the BRI, the projects planned in Lao PDR include the Nam Ou hydropower plant, the Phonxaly-Yunna Road, and the Vientiane-Boten Railway which will serve as a land bridge to facilitate the export of goods from continental ASEAN into China and Europe. Critics point to the fact that these projects will result in Lao PDR serving as a land connection reducing the cost of delivery of goods from China to Europe, without the domestic economy benefiting from this. Such critiques have been disregarded by claims stating that the BRI also intends to improve the telecommunication capability of Lao PDR bringing it into the internet age, thus opening new avenues because of these developments and owing to jobs created along these new infrastructure developments. This argument is also questioned due to the fact that even to undertake all jobs resulting from the BRI, Chinese nationals are being brought in denying jobs to the local population.

The Laos-China railway project, part of China's BRI initiative has added to the rising public debt of Lao PDR. To finance BRI projects, Lao PDR has borrowed large sums of money from China resulting in it being identified as one of eight countries in 2018 that remains at a risk of not being able to sustain its debt. In fact, statistics from the International Monetary shows that by the end of 2017, Lao PDR had an overall debt of \$13.6 billion, of which close to half is owed by the government to China. Due to this, China now owns an increased amount of public debt in Lao PDR which was found to be higher than the nominal GDP of the country in 2017. Currently, it is not known what the government of Lao PDR has placed as collateral due to the lack of transparency in these projects. Therefore, the ultimate cost of Chinese investment to the people of Lao PDR could be unknown and much higher than anticipated, if the government is unable to settle its debt.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

1. Corruption and its contribution to increasing inequality.

- 1.1.** In line with observation no. 70 of the UN Special Rapporteur on extreme poverty and human rights (2019), corruption must be tackled systematically at all levels of government. This includes providing full disclosure of existing tax and tariff exemptions provided to investors, as well as full disclosure of public debt and ensure transparency of information, including up-to-date social and economic statistics, budgetary information, hydropower contracts, and land concessions, in order to achieve good governance and informed policy-making.

2. Infrastructure development projects increase inequality, and are damaging to the human rights of local communities, further putting them in situation of poverty.

- 2.1.** Amend the 8th National Socio-Economic Development Plan to reduce heavy reliance on hydropower, large infrastructure and land concessions so as to re-evaluate the country's hydropower strategy and diversify investments for local development and employment opportunities, in line with recommendations in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic.
- 2.2.** Develop a National Action Plan on Business and Human Rights, to implement the UN Guiding Principles on Business & Human Rights (UNGPs) on the ground in Lao PDR, in order to regulate corporate activity and reduce their negative incidence on poverty.
- 2.3.** Ensure redistribution of development benefits, particularly to those affected by development projects through a shared value approach, to ensure that the success of the activities of enterprises is linked to the value it produces for society by addressing the challenges it faces in accordance with the right to equality and the right to development as enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Declaration on the Right to Development.
- 2.4.** Enhance planning for development and investment projects to refrain from forced displacement and improve resettlement & compensation plans for land expropriation by providing effective access to information to the concerned communities, and adopting transparent and equitable approach to determine resettlement and compensation in a fair manner with involvement of neutral third parties as needed, in accordance with the Basic principles and guidelines on development-based evictions and displacement as set out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.
- 2.5.** Establish an independent monitoring body for social, environmental & human rights impacts of development projects and investments, including for people subjected to involuntary resettlement and loss of lands, in line with recommendation 90 (e) in the report of the UN Special Rapporteur on extreme poverty and human rights (2019) on his visit to the Lao People's Democratic Republic.

3. Lack of access to information & failure to meaningfully consult with affected communities on decisions related to development projects that affect them.

- 3.1.** In line with recommendation 40 (a) of the Human Rights Committee (2018), Lao PDR should take all steps necessary to ensure that meaningful consultations are held with communities with a view to obtaining their free, prior and informed consent for development projects with an impact on their livelihood, lifestyle and culture.
- 3.2.** Ensure that communities participate in any process concerning their relocation, that such relocation is carried out in accordance with relevant international standards, in particular the principle of non-discrimination, the rights to be informed and consulted, to an effective remedy and to the provision of adequate relocation sites that take due account of their traditional lifestyle and, where applicable, their right to ancestral land; and provide adequate compensation when relocation is not possible.
- 3.3.** Improve process for identification, design, impact assessments and impact mitigation measures of development and investment projects to ensure transparency, participation and consent of and accountability to local communities in line with international human rights standards.

4. Unsustainable development in the country has serious environmental impacts.

- 4.1.** In line with recommendation 90 (e) of the UN Special Rapporteur on extreme poverty and human rights (2019) on his visit to the Lao People's Democratic Republic, promote the establishment of an independent monitoring body to assess, monitor and regulate the environmental impacts of natural resource-related and development infrastructure projects, such as hydropower projects. As suggested by the UN special Rapporteur in observation no. 39 (a) (2019), this includes a cumulative assessment of the environmental, ecological and human rights impacts, including on livelihood and food security for affected people and areas.

5. Unsustainable development in the country has serious environmental impacts.

- 5.1.** In line with observation 94 of the UN Special Rapporteur on extreme poverty and human rights (2019), ensure that the revised land law protects customary land tenure, including for those relying on communal lands and provide for greater ownership of rural women such as through a customary land titling program (covering forest lands as well) undertaken in conjunction with the concerned communities, particularly women.
- 5.2.** Strictly enforce the moratorium on new land concessions until review of the existing concessions through a public and transparent process with meaningful participation of the concerned communities is undertaken to terminate or bring into compliance improperly executed or corrupt concessions.
- 5.3.** Cease works on ongoing and new large-scale hydropower projects until a comprehensive review of those projects are undertaken for safety, impacts vis-à-vis benefits, including to local communities, and respect of rights and environmental protection.
- 5.4.** In line with observation no. 35 of the UN Special Rapporteur (2019), improve resettlement planning for development and investment projects to refrain from involuntary resettlement and improve land valuation methods for expropriated lands by communicating methodologies involved in determination of resettlement and compensation, and undertaking those in a fair manner through the involvement of neutral third parties.

6. Effective remedies for harms suffered from development projects.

6.1. In line with the UPR recommendation made by Germany and supported by the Lao government during its 2nd UPR cycle in January 2015, aimed to ensure that in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.

7. International Finance institutions and foreign Governments provide funds for large-scale infrastructure projects without undertaking a proper assessment of the social, environmental and human rights impact of these projects.

7.1. According to the recommendations in the report of the UN Special Rapporteur on extreme poverty and human rights (2019), development partners should reckon with their own responsibilities for the lack of progress in relation to poverty elimination and human rights. Multilateral and bilateral lenders should give more consideration to the harms caused by foreign investment and ensure that projects bring greater benefit to the Lao people.

8. The threat of Chinese investments such as the Belt and Road Initiative (BRI) on local communities.

8.1. In line with the report of the UN Special Rapporteur on extreme poverty and human rights (2019), the government of Lao PDR and the international community must highlight the attendant risks that accompany Chinese investments such as the Belt and Road Initiative (BRI) on countries borrowing for the project and transparency must be urged for all actions taken for projects that fall under it.

UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					
121.38	Continue to incorporate the provisions of the human rights conventions, to which it is a party, in its national laws and development policies.	Vietnam	16.3	Supported	Not Implemented
Theme: Addressing corruption					
121.113	Implement the national action plan to combat corruption, including strengthening of laws and enforcement, and provide greater resources to independent anti-corruption bodies.	New Zealand	16.5, 16.6 & 16.a	Supported	Partially Implemented
Theme: Poverty eradication, inclusive growth and development in a sustainable manner					
121.51	Continue its efforts to reach the remaining targets of the Millennium Development Goals.	Myanmar		Supported	Not Implemented
121.61	Further mainstream the rights of the vulnerable populations into its formulation of the Eighth National Socioeconomic Development Plan for 2016–2020. Enhancing economic and social opportunities for women, children, persons with disabilities, and older persons should be clearly mentioned in the next National Plan in order to ensure full implementation at all levels and in all sectors of society.	Thailand	1.3, 1.4, 1.b & 16.3	Supported	Not Implemented
121.162	Pursue its efforts to broadly reduce poverty.	Djibouti	1	Supported	Not Implemented
121.163	Continue its efforts to eliminate poverty, especially in remote regions.	Vietnam	1, 10.2 & 10.3	Supported	Not Implemented
121.164	Continue its efforts to adopt a development policy to meet the needs of the people to reduce poverty in order to protect and promote human rights.	Yemen	1 & 17.14	Supported	Not Implemented
121.167	Continue its efforts in socioeconomic development and poverty eradication with a view of achieving its Millennium Development Goals target.	Malaysia	1, 4, 6, 8, 10.2 & 11.1	Supported	Not Implemented
121.169	Intensify its efforts to promote inclusive growth, especially in the rural and mountainous areas.	Thailand	8.3, 10.2, 10.3 & 16.7	Supported	Not Implemented
Theme: National land policy and land concessions					

#	Recommendations	Country	SDGs	Response	Level of Implementation
121.170	Ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.	Germany	1.4 & 2.3	Supported	Not Implemented
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					
121.171	Enforce the moratorium on new land concessions announced by the Government of the Lao People's Democratic Republic in June 2012 and reform the current system for the management of land leases and concessions.	Poland	1.4 & 2.3	Supported	Not Implemented
121.172	Review existing land concessions and cancel or sanction those found to be violating the law.	Sweden	1.4 & 2.3	Supported	Not Implemented
Theme: Women's rights to participation in decision-making processes					
121.82	Ensure full participation of women in the monitoring mechanisms of the Law on Development and Protection of Women adopted in 2004 and carry out dissemination campaign among the whole population of the country, particularly in rural areas.	Mexico	5.5	Supported	Not Implemented
121.157	Further work in empowering women in decision-making.	Ethiopia	5.5	Supported	Partially Implemented
Theme: Indigenous peoples' rights and their participation in decision-making processes					
121.162	Ensure that all ethnic groups are treated equally and have equal access to social services, including health and education.	Ghana	10.3	Supported	Partially Implemented
121.191	Acknowledge and guarantee the indigenous peoples' rights, including by fully engaging indigenous peoples of the country in decision-making in all the matters that affect them.	Estonia	16.7	Noted	Not Implemented
Theme: Respect for the rights of persons displaced by development projects					
121.196	Respect all its national and international obligations regarding forcibly displaced persons.	Switzerland	16.3	Supported	Not Implemented



REFERENCES

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