

# Deprived of their Rights and their Lands:

## Indigenous Peoples facing Corporate Abuses in Laos and Thailand



Submission to the UN Working Group on  
Business and Human Rights' Call for Inputs on  
Indigenous Peoples' Free, Prior and Informed Consent





## Deprived of their Rights and their Lands: Indigenous Peoples facing Corporate Abuses in Laos and Thailand May 2026

Submission by

Manushya Foundation



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**Submission to the UN Working Group on Business and Human Rights**  
**‘Deprived of their Rights and their Lands: Indigenous Peoples facing Corporate Abuses in Laos and Thailand’**

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## Introduction

Across Laos and Thailand, local communities face daily abuses from corporate actors, often with the complicity of authorities. Among communities, Indigenous Peoples are one of the most vulnerable groups. From lack of legal recognition, lack of access to information to exclusion from decision-making, from land grabbing and forced eviction to environmental degradation, from destruction of cultural heritage and loss of livelihood to health impacts, Indigenous Peoples are the primary victims of corporate greed and impunity.

At the core of all these abuses and violations are the denial by governments of the existence of Indigenous Peoples and their specific rights, in particular their right to Free, Prior and Informed Consent (FPIC). FPIC is the cornerstone of Indigenous Peoples' rights on which rests their ability to enjoy a number of other rights under the UN Declaration of the Rights of Indigenous Peoples (UNDRIP). In this context, and in response to the [call for inputs](#) issued by the UN Working Group on Business and Human Rights, this submission by Manushya Foundation shares the harsh reality and struggles experienced by Indigenous Peoples and partners that Manushya works with and support and addresses questions to other stakeholders 1, 2, 3 and 6.

### 1. Lack of recognition of Indigenous Peoples and their Right to Free, Prior and Informed Consent

By refusing to acknowledge the particularities of Indigenous Peoples, arguing that they are already protected as ethnic groups, the Lao and Thai governments deliberately refuse to respect, protect and fulfil Indigenous Peoples' rights, denying them their right to self-determination and collective rights, including customary land rights and the right to FPIC, in clear violation of international human rights law.

#### 1.1. In Laos

Laos is the most ethnically diverse country in mainland Southeast Asia. Article 8 of the Constitution enshrines the right of all ethnic groups to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation. The government recognised 160 ethnic subgroups within 50 ethnic groups divided into 4 main ethno-linguistic groups: Lao Tai, Hmong-Lu Mien, MonKhmer, and Sino-Tibet.<sup>1</sup>

However, Laos does not recognise Indigenous Peoples, despite voting in favour of the adoption of the UNDRIP. Rather, the government classifies Indigenous Peoples as 'ethnic groups' and deems that all groups have the same status.<sup>2</sup>

On a positive note, in May 2024, the National Assembly Resolution No.57 amended provisions of the 2019 Land Law, permitting the issuance of land titles and certificates within state forest zones for communities with longstanding usage. This reform is expected to benefit over 3,000 villages nationwide. However, key challenges remain in implementing the Resolution and ensuring recognition of collective rights over forests.<sup>3</sup>

## 1.2. In Thailand

The estimated number of Indigenous Peoples in Thailand is around 6.1 million people, or 9.7% of the total population.<sup>4</sup> Similarly to Laos, Thailand's Constitution under Section 70 enshrines the protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the State, health or sanitation. However, Thailand does not recognise Indigenous Peoples, despite approving the adoption of UNDRIP.

On 15 November 2024, the Cabinet approved a resolution authorising the issuance of two Royal Decrees: one under Section 64 of the *National Parks Act B.E. 2562 (2019)* and another under Section 121 of the *Wildlife Conservation and Protection Act B.E. 2562 (2019)*. These decrees limit forest residents to a maximum of 20 rai (approximately 8 acres) for a period not exceeding 20 years, and grant officials the authority to evict and fine 'violators' without judicial oversight.<sup>5</sup> These decrees have been criticised for not recognising Indigenous Peoples as 'guardians' of the forest, by pushing them out of their ancestral lands. The decrees limit Indigenous communities' ability to remain in forest areas and to access the resources essential for their livelihoods.<sup>6</sup> This exacerbates land insecurity and heightens the risk of human rights abuses, as weakened land tenure in protected forest areas facilitates forced eviction and land grabbing. In March and April 2025, multiple Indigenous and forest-dependent community networks mobilised in Bangkok and Chiang Mai to demand the repeal or revision of the decrees.<sup>7</sup> In May 2025, 11 Indigenous leaders and human rights defenders who participated in the Bangkok protest were SLAPPED, charged under the Public Assembly Act for allegedly violating laws regulating peaceful assembly.<sup>8</sup>

Furthermore, on 6 August 2025, Thailand adopted the *Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025)* which entered into force on 19 September 2025. The Act enshrines ethnic groups' fundamental rights and their ability to live in society in accordance with their culture, traditions and traditional way of life and guarantees protection against '*unfair discrimination*' (Section 5). In particular, the Act recognises ethnic groups rights relating to land, natural resources and the environment necessary for their subsistence or community public activities (Section 9), including:

- *'The right to manage, conserve, restore, maintain and use natural resources, the environment, biodiversity and plant and animal genetic resources which form part of their intellectual and ecological heritage, in a balanced, fair and sustainable manner, including maintaining cultural connections with land, water, forests, the sea, coastal areas, and other natural resources.*
- *The right to live in a healthy, safe environment, free from pollution and hazardous substances arising from government or private sector policies, plans or projects, or joint public-private projects, and the right to fair remedies and compensation when adversely affected.'*
- *The right to protection from actions that cause ethnic groups to be displaced from their land, territories, natural resources, or residences without prior notification and without the opportunity to independently exercise their legal right to contest such actions. Ethnic groups shall have the right to fair remedies and resettlement on land and natural resources suitable for their ways of life, with proper*

*legal recognition of land status or other suitable arrangements, and the right to participate in resolving the impacts arising from such actions.’*

The Act also sets procedure for the establishment of ‘ethnic way of life protection areas’ (Section 37) in which communities have the right to reside and utilise land and natural resources (Sections 38, 39).

While this Act could be seen as a step in the right direction for the protection of ethnic groups, important gaps remain, including:

- The Act fails to recognise Indigenous Peoples and their right to FPIC. The term ‘Indigenous Peoples’ initially contained in the bill was then removed by Parliament.<sup>9</sup>
- The definition of ethnic groups refers to Thai nationality which may exclude stateless people (Section 3). It is noteworthy that Indigenous Peoples, in particular women, face challenges in accessing Thai citizenship.<sup>10</sup>
- The protection and promotion of the ways of life of ethnic groups can be limited under broad circumstances: public order, good morals, national security, public health, rights and freedoms of others (Section 5).
- The Act does not explicitly say that ethnic groups’ rights relating to land, natural resources and the environment exist irrespective of legal ownership (Section 9). This is important considering that communities often lack land titles. Around 90% of Indigenous women live in protected forest areas where land ownership is not legally recognised, while the remaining 10% often lack direct land rights, as titles are commonly registered under male family members due to cultural inheritance norms.<sup>11</sup>
- The right to maintain traditional ways of life is conditioned to the fact that practices do not cause ecological imbalance or environmental harm. It is key to highlight that one persistent stereotype Indigenous and highland communities face is the misconception that they are solely responsible for environmental degradation (Section 9).<sup>12</sup>
- The declaration of an ethnic way of life protection area is conditioned on an agreement between the community and the relevant State agencies in the area (Section 37) which can be difficult to achieve.
- The master plan and map on the management of the ethnic way of live protection area prepared under the agreement shall not result in changing the boundary or legal status or revoking the status of State land and shall be carried out only to the extent that it is not contrary to public order or good morals, or harmful to national security, public health, or natural resources and the environment (Section 37).
- The Act does not address the issue of conflict of law, such as with forest conservation laws, which are false climate solutions. Thailand’s forest conservation laws<sup>13</sup> criminalise Indigenous Peoples and forest-dependent communities rather than protecting them and recognising them as ‘guardians’ of the forest.<sup>14</sup> Under the 2025 *Ethnic Way of Life Protection and Promotion Act*, communities have the right within an ethnic way of life area to reside and utilise land and natural resources but in compliance with laws applicable to that area (Sections 38, 39). However, Indigenous Peoples and ethnic minorities have been criminalised under Thailand’s 2014 Forest Reclamation Policy for alleged encroachment. Over 48,000 cases have been unfairly prosecuted for living and farming on communities’ lands. On 9

October People’s Movement for a Just Society and the Network of People Affected by the State’s Forest Reclamation Policy submitted a letter to parliament demanding the adoption of an Amnesty Act.<sup>15</sup>

### **Recommendations to Laos and Thailand**

- In line with the 2025 CESCR Concluding Observations for Laos and the 2022 CERD Concluding Observations for Thailand, uphold the right of individuals and communities to determine their own identity, including identifying as Indigenous, in accordance with the UNDRIP.
- In line with the 2025 CESCR Concluding Observations for Laos and the 2022 CERD Concluding Observations for Thailand, ratify the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organisation (ILO).
- In line with the 2025 CESCR Concluding Observations for Laos and the 2022 CERD Concluding Observations for Thailand, adopt an adequate legal framework that provides effective recognition and protection for the right of Indigenous Peoples to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired, and ensure that effective mechanisms are in place to ensure the enforcement of such a legal framework.

### **Recommendations to Thailand**

- In line with the 2022 CERD Concluding Observations, ensure that Indigenous Peoples are consulted on legislative or administrative measures that affect the land and natural resources that they own or have traditionally owned, occupied or otherwise used or acquired with a view to obtaining their FPIC.
- Repeal or revise legislation that restricts Indigenous Peoples’ right to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.
- Ensure alignment between the Ethnic Way of Life Protection and Promotion Act and other natural resources related laws to guarantee the absence of criminalisation of communities within ethnic way of life areas.
- Adopt an Amnesty Act granting amnesty to Indigenous Peoples and other forest communities who have been unfairly criminalised under the Forest Reclamation Policy, while ensuring that companies and investors are not granted amnesty.

## **2. Systemic violations of Indigenous Peoples’ Right to Free, Prior and Informed Consent**

The lack of recognition of Indigenous Peoples inevitably leads to systemic violations of their right to FPIC in the context of business activities. Communities who lack legal recognition over their lands are excluded from decision-making impacting their lives and projects detrimental to them are approved through a top-down approach.

### **2.1. In Laos**

#### **2.1.1. Dispossession of Indigenous Peoples’ ancestral lands for development projects**

As per Article 17 of the Constitution and Article 3 of the 2019 Land Law, all land belongs to the State, making registration of ownership of land compulsory for individuals. However, Indigenous communities face obstacles in conforming to this obligation, mainly due to language barriers and challenges tied to accessing registration process.<sup>16</sup> Furthermore, the 2019 Land Law which aims at regulating land use rights, has largely benefited State and private interests, leaving communities vulnerable.<sup>17</sup> The law does not adequately address the rights and needs of Indigenous communities, facilitating the exploitation of their ancestral lands for development projects without proper consultation or remediation.<sup>18</sup>

The absence of legal recognition of the right to FPIC coupled with the exclusion of Indigenous Peoples from meaningful participation in decision-making processes, have fueled forced eviction and land grabbing for development projects without adequate remediation, further exacerbating Indigenous Peoples' marginalisation.<sup>19</sup>

In its 2025 Concluding Observations, the Committee on Economic, Social and Cultural Rights expressed its concerns related to the negative impacts of business activities and large-scale development projects, in particular with regard to extractive activities, the construction of dams and hydropower plants and the establishment of special economic zones on Indigenous Peoples and the enjoyment of their rights.<sup>20</sup> The UN Special Rapporteur in the field of cultural rights also noted in her 2024 Preliminary observations following her visit to Laos the absence of procedural safeguards in development projects that guarantee the exercise of the right to FPIC and that would take into account cultural rights.<sup>21</sup>

Over 840,000 people live within or on the boundary of 23 national biodiversity reserves, most of them are Indigenous Peoples.<sup>22</sup> In 2023, Laos lost more than 136,500 hectares of primary forest, a 47% increase from the previous record in 2022, placing it among the countries with the highest rates of deforestation worldwide. Intensive agricultural expansion projects fueled by Chinese investments have been the main driver of this dramatic increase in forest loss.<sup>23</sup> In 2024, the country recorded a loss of more than 351,000 hectares of tree cover, of which 64% within protected areas. On its own, Luang Prabang province lost nearly 40,000 hectares, some of it is attributable to the construction of the problematic Luang Prabang hydropower project.<sup>24,25</sup>

The expansion of mining, hydropower and agriculture projects further exacerbate pressure on Indigenous Peoples' lands and is accompanied by systemic violations of their right to FPIC:

- In early 2024, Indigenous Peoples in Houaphanh Province suffered environmental and health contamination with heavy metals chemicals, including cyanide, arsenic and lead caused by the operations of a rare-earth mining project. Not only runoff of tainted water used during mining processes was released into the environment, but there had also been a leak from a chemical storage tank. Hundreds of families in 36 villages have been impacted, not able to use water from two area rivers. Villagers downstream who were the most impacted were not aware about the mining project and found out about it as a result of the contamination two years after the mine prematurely started operating in 2022, thus demonstrating the complete absence of FPIC.<sup>26</sup> The recent proliferation of rare earth mining - at least 27 rare earth mines that have opened across river basins in Laos since 2022

- increases companies' covetousness over Indigenous' territories while posing environmental and health risk to Indigenous communities in Laos as well as transboundary risk to downstream communities in neighbouring countries.<sup>27</sup>
- The Nam Ou River Cascade Hydropower Project consisting of seven dams and which became fully operational in 2021 displaced thousands of people, primarily Indigenous Peoples and ethnic minorities. Deprived of their right to FPIC, Indigenous Peoples also lacked access to information, in particular the project's environmental impact assessment (EIA) and other key information. Livelihood sources have been destroyed or significantly reduced due to dam construction, without adequate compensation or acknowledgement of their loss<sup>28</sup> This project is part of Laos's ambition to become the 'battery of Southeast Asia'.<sup>29</sup> In the Lower Mekong Basin, Laos is at the center of hydropower development with 98 projects accounting for 64% of the region's total installed capacity.<sup>30</sup> A study conducted by the Mekong River Commission stated that dams '*pose a serious threat to the ecological health and economic vitality of the region*'. Impacts include a 30-40% decrease in Mekong fisheries by 2040 and a 97% reduction in the sediment load reaching the Mekong Delta.<sup>31</sup> The boom of hydropower projects increases Indigenous Peoples' vulnerabilities as they are deprived of their land, livelihoods and traditional practices without their consent.
- Following the development of railway connectivity, allowing fastest exportations to China, there has been a dramatic expansion of fruit plantations, mostly in southern Laos where Indigenous communities have been forced to give up their lands to foreign fruit companies. More than 110,000 hectares of land within national conservation and protected forest areas have been granted to investors, converting them into "production forests" for agriculture and logging purposes.<sup>32</sup>

### 2.1.2. Lack of access to remedy

While the 2018 Law on Resettlement and Vocation aims to manage and monitor resettlement to ensure that affected people are provided with residential and production land and occupation, several legal provisions continue to hinder the protection of community rights, and weak enforcement mechanisms have left numerous communities displaced by development projects without fair compensation or adequate resettlement. In December 2023, the government repealed the 2016 Decree 84 on Compensation and Resettlement Management in Development Projects which provided guidelines for fair compensation and resettlement of affected communities, arguing that these issues were already covered under the 2018 Law on Resettlement and Vocation and the 2019 Land Law. However, these laws have failed to provide effective remedies for affected communities.<sup>33</sup>

The case of the Xe Pian-Xe Namnoy dam collapse in Attapeu province on 23 July 2018 which resulted in the death of at least 71 people, the displacement of over 7,000 and the destruction of 1,700 hectares of land is one of many examples of lack of remediation. Seven years after the man-made disaster, affected communities continue to wait for justice and adequate compensation. To date, many displaced families have been resettled in poorly constructed homes on infertile land, with limited access to livelihoods.<sup>34</sup>

## 2.2. In Thailand

Similarly to Laos, Indigenous Peoples in Thailand are excluded from meaningful participation in decision-making processes and have been suffering land grabbing and other negative impacts from development projects without adequate remediation, further aggravating their marginalisation.

### 2.2.1. Dispossession of Indigenous Peoples' ancestral lands for tourism purposes

In the south of Thailand, Indigenous Peoples are particularly impacted by the tourism industry.

- Chao Lay peoples living in Southern Thailand in the islands and coast of the Andaman Sea have seen their lands grabbed and their access to their fishing area cut off for hotels, resorts and on the beach-front business activities. In December 2022, 15 Chao Lay people on Koh Lipe were prosecuted for protesting against land grabbing and the blockage of a pathway used to access a school, a local hospital, and the beach by a project developer.<sup>35</sup> In April 2025, the same company that claims ownership over the disputed land and previously blocked the public route returned to the area, this time with the intention of demolishing the school's canteen and restroom facilities, alleging that the school has encroached on their land for many years.<sup>36</sup> The company then cut down trees and partially demolished the school's wall, claiming it would construct a new canteen and other facilities as replacements for those it intended to remove.<sup>37</sup> This caused the Chao Lay community to stage a protest as they contested that the land had been donated to the school and did not encroach on the company's claimed land.<sup>38</sup>
- The Mani or Maniq, an Indigenous group in Southern Thailand, face increasing exploitation of their land, culture, and resources by business actors operating without their FPIC. Attempts by central authorities and civil society networks to secure land for the Mani have been obstructed by local officials and tourism operators whose unlawful businesses in protected forest areas depend on preventing recognition of Mani land rights. Community members have faced fabricated allegations, police intimidation, and pressure to withdraw from lands designated for them, while resorts continue to use Mani cultural identity as a tourist attraction, collecting donations and generating revenue without consent, transparency, or equitable benefit-sharing. Intermediaries and local actors have also misappropriated funds and development resources, confiscated community property, and controlled financial benefits meant for the Mani, depriving them of meaningful participation in decisions affecting their lives.<sup>39</sup>

### 2.2.2. Destruction of Indigenous Peoples' ancestral lands by mining activities

In the north of Thailand, Indigenous Peoples are particularly impacted by mining.

- In 2019, Indigenous Plong Karen community in Omkoi in Chiang Mai province found out that a coal mine would occupy large parts of their farmland and divert two streams they rely on for irrigation.

The project had been approved by the Office of Natural Resources and Environmental Policy and Planning (ONEP) in 2011 without their FPIC. Following community opposition to the project, in 2020 the National Human Rights Commission found irregularities in the approval process.<sup>40</sup> In 2022, the community filed a lawsuit seeking to revoke the project's EIA report. While the court granted a temporary injunction preventing the company or any relevant agencies from taking any action until a judgment is issued or the court orders otherwise,<sup>41</sup> the company has continued its efforts to advance the project, including by creating division within the community. In 2024, the community joined the 'People's Network for Mining Justice' which filed a case with the Supreme Administrative Court demanding the revocation of Thailand's Second Mineral Management Master Plan arguing it was developed without public participation.<sup>42</sup>

- In Mae La Noi in Mae Hong Son Province, Indigenous Karen and Lua communities have been opposing the planned reopening of fluorite mining in a watershed near the La River which had caused negative impacts in the past, including water contamination, health issues and loss of livelihood. Almost thirty years after an abrupt stop of operations and no remediation from the mine, the company has been seeking to resume operation since 2021 without FPIC of communities. The mine could potentially impact around at least 500 residents across five villages. Despite the fact that so far, the company has not completed the EIA requirement, thus preventing the project from moving forward, there are fears that the mine could find a way to slip through Thailand's legal gaps despite communities' strong opposition.<sup>43</sup>

Indigenous Peoples in Northern Thailand also face transboundary impacts of business activities for which they have not been consulted and have not consented to.

- In Chiang Mai and Chiang Rai provinces, Indigenous communities have recently been impacted by contamination of the Kok River and the Sai River caused by rare earth mining in Myanmar. Water contamination has caused skin rashes to people as well as loss of livelihoods.<sup>4445</sup>
- In Nan province, Indigenous Lua communities face negative impacts from a coal mine and power plant located 20 kilometers away across Thailand's border. Study found high levels of mercury in peoples' hair and communities have witnessed an increase of respiratory-related cases since the plant started operating in 2016.<sup>46</sup>

#### **Recommendations to Laos and Thailand**

- In line with the 2025 CESCR Concluding Observations for Laos, adopt and implement, in consultation with Indigenous Peoples, a clear and transparent procedure to ensure systematic prior consultations aimed at obtaining FPIC, particularly before granting licences for development projects and business activities in the lands and territories that they have traditionally owned, occupied or otherwise used or acquired.
- In line with the 2025 CEDAW Concluding Observations for Thailand, ensure the meaningful participation of Indigenous women in decision-making processes regarding the use of their traditional lands and establish effective consultation mechanisms to secure their FPIC.
- In line with the 2025 CESCR Concluding Observations for Laos, ensure that Indigenous Peoples participate in any process concerning their relocation, and that such relocation is carried out with

the provision of adequate relocation sites and respect for their traditional lifestyle and their right to ancestral land; and provide adequate compensation when relocation is not possible.

- In line with the 2022 CERD Concluding Observations for Thailand, ensure access to effective remedies, prioritising restitution of Indigenous Peoples' lands, territories, and resources, and where restitution is deemed materially impossible by a court, provide just compensation and culturally appropriate relocation options.
- Ensure that Indigenous Peoples who are actually or potentially affected by business activities have complete and timely access to all relevant information and in a language they understand to ensure that they are able to participate effectively in key decisions that affect them.

### 3. Recent legal developments on responsible business conduct

#### 3.1. In Laos

Over the last 20 years, the government has authorised 1,143 mining projects and 1,1336 mineral processing projects, in addition to dozens of dams. Meanwhile, the Ministry of Energy and Mines cruelly lacks experts and technicians to ensure compliance with regulations and monitor projects, according to a 2024 internal report: at least 2,500 staff are needed, and skills need to be improved. The lack of skilled staff contributes to poor management and monitoring of projects, enabling adverse impacts to communities and the environment.<sup>47</sup>

While communities are calling for accountability, in 2024, a multi-stakeholder workshop co-organised by the Ministry of Foreign Affairs and UNDP was held exploring implementation strategies for National Action Plans on Business and Human Rights (NAP-BHR).<sup>48</sup> However, considering the scale of human rights abuses affecting communities in Laos in the context of business activities, the systemic nature of such abuses and the blatant lack of accountability, it is crucial that Laos adopt mandatory human rights due diligence legislation. Communities cannot afford to wait years for the adoption of a NAP-BHR which will either fail to adopt a smart mix approach of voluntary and mandatory measures or will not be effectively implemented as its Thai counterpart.<sup>49</sup>

#### 3.2. In Thailand

Thailand has recently been working on the drafting of a responsible business conduct bill which would impose human rights and environmental due diligence obligations to companies. As part of an 'EU-Thailand Cooperation Facility' project, EU Advisors conducted a study and proposed a draft on mandatory due diligence. Two on-invite multi-stakeholders consultation workshops were organised, the second taking place at the end of July 2025 to discuss the draft. The draft was not publicly shared and affected communities, including Indigenous Peoples, were not invited to participate. Manushya Foundation received the English and Thai version of the draft from another civil society organisation.

While it is not the latest version of the bill, the 22 July 2025 version of the *Act on the Promotion of Responsible Business Conduct, B.E* fails to refer to Indigenous Peoples and the obligation for companies to

respect their rights and in particular their right to FPIC when conducting due diligence. This constitutes a serious gap in the bill considering that not only Thailand is home to Indigenous Peoples, but also that Thai companies, when operating abroad, do so in countries where Indigenous Peoples live, such as Laos.

#### **Recommendations to Laos**

- Adopt mandatory human rights due diligence legislation that includes the obligation for companies to respect Indigenous Peoples' right to FPIC while ensuring meaningful consultation and participation of rightsholders, including Indigenous Peoples in the development process of the law.
- Ensure that human rights and environmental transboundary impacts are included in the requirement to conduct impact assessment as part of mandatory due diligence and that the right to FPIC of Indigenous communities across borders is respected.
- Ensure that relevant authorities such as the Ministry of Energy and Mines have adequate resources, both financially and human, including sufficient trained staff, to efficiently monitor projects and ensure compliance with regulations.

#### **Recommendations to Thailand**

- In line with the 2021 UPR recommendation made by Bahrain, move forward with developing the Act on the Promotion of Responsible Business Conduct, B.E., and ensure meaningful consultation and participation of rightsholders, including Indigenous Peoples. This includes gender-sensitive consultation processes, presenting draft texts in languages communities understand, and allowing communities to submit comments in their own language.
- Ensure that obligations to companies include the obligation to respect Indigenous Peoples' right to FPIC.

## **4. Conclusion**

While Laos and Thailand are bound under international human rights law to respect, protect and fulfil Indigenous Peoples' rights and cannot circumvent their obligations under the guise of equality, corporations and investors operating in those countries have a responsibility under the UN Guiding Principles on Business and Human Rights to respect their rights, irrespective of States' compliance with their own obligations (Principles 11-12). Free, Prior and Informed Consent is not optional, nor a one-way consultation process; it is a non negotiable fundamental right.

## 5. Endnotes

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- <sup>4</sup> International Work Group for Indigenous Affairs, *The Indigenous World 2025: Thailand*, (25 April 2025), available at: [https://iwgia.org/en/thailand/5678-iw-2025-thailand.html#\\_edn2](https://iwgia.org/en/thailand/5678-iw-2025-thailand.html#_edn2)
- <sup>5</sup> Resilience, *More than a protest: Thailand's forest communities fight for justice*, (19 June 2025), available at: <https://www.resilience.org/stories/2025-06-19/more-than-a-protest-thailands-forest-communities-fight-for-justice>
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