

Forest, industrial zone... (Thailand): two local communities struggles

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Kaeng Krachan indigenous communities raise concerns over rights issues ahead of world heritage nomination

Members of the indigenous Karen communities living near the Kaeng Krachan Forest Complex have raised concerns over unresolved community rights issues ahead of the Thai government's 4th nomination of the forest for world heritage status in 2021.



Members of the communities holding a traditional ceremony to inform the spirits that the event is being held

On 16 December 2020, an event was held at the hot spring centre in Nong Ya Plong District, Phetchaburi, where members of the indigenous Karen communities living in the areas surrounding the Kaeng Krachan Forest Complex came to speak about unresolved community rights issues, including issues of land rights, citizenship, and loss of their traditional way of life.

The Kaeng Krachan Forest Complex covers 482,225 hectares of forest in Phetchaburi, Ratchaburi, and Prachuap Kiri Khan, and includes four conservation areas in Thailand's western region: the Kaeng Krachan National Park, the Kui Buri National Park, the Chaloem Phrakiat Thai Prachan National Park, and the Maenam Pachi Wildlife Sanctuary.

The forest complex area also includes several villages, both in the conservation zone and in the nearby area, which contain over 5000 households. Ban Tha Salao village in Nong Ya Plong District, near the Kaeng Krachan National Park, is one of these. Many of its community members have faced and are still facing legal prosecution as the authorities claim they have encroached on forest land.

Wansao Phungam, one of the villagers, said she has been affected by the National Council for Peace and Order's forest reclamation policy. In August 2018, she was arrested for encroaching on national

park land, even though she insisted that she inherited her plot of land from her parents and that she is not encroaching.

She said that other plots of land around hers have a Certificate of Utilization, but her parents had never obtained the document, as they have 7 children and her father was sick, so her mother was not able to travel into town to get the certificate. She also said that the other owners have not faced legal prosecution.

The court of first instance sentenced Wansao to 3 years and 8 months in prison and a fine of over 2 million baht. She filed an appeal, and the Appeal Court dismissed the case. She is still waiting to see whether park officials will take the case to the Supreme Court.



Wansao Phungam

Wansao said that she and her community have gone to many government agencies, but no one has paid attention to their complaint. She said that they have gone to parliament to file a petition, but they were dismissed and forced out of the premises. She said that she would like the authorities to resolve the issues facing the communities before nominating the forest complex as a world heritage site.

“Maybe they think we don’t matter or something, I don’t know. I don’t understand,” Wansao said, “but I think it’s too much of a violation of our rights and discriminating against us and our ethnic group. Whatever happens, I am still happy to be Karen, but they can’t discriminate against us. They can’t come and violate our rights. We have rights just like everyone else. We are Thai too.”

Wijitra from the Ban Huai Sarika community said that most of the land in her community has now been seized as people face legal charges, and they are not able to make a living on the land. The requirement that they have to constantly use a plot of land also means that they are not able to grow crops according to their rotational farming tradition. Because of this situation, she would like the authorities to arrange for them to hold the right to the land together as a community.



A sign at the event says “indigenous communities have been here before the national park. Arresting people is not the solution to the problem.”

Pongsak Tonnamphet from the Bang Kloi village said that his community once had a secure life, but they are now living in poverty, and lack land on which to make a living. He said that each time the

authorities went to conduct a survey, their land got smaller and smaller, and he asked how his community will be able to continue to live and farm on this land.

He said that the community does not object to the Kaeng Krachan Forest Complex being declared a world heritage site, but he has heard about the protected cultural zone declared at the Phu Men community in Uthai Thani, and hopes they could do the same at Chai Phaen Din, a village deeper in the Kaeng Krachan forest from where the Bang Kloi community has been evicted.

A representative from the Karen Network for Culture and Environment, Tanaosri region, along with members of the Karen indigenous communities living in the Kaeng Krachan Forest Complex area read out a statement following the panel, which stated that there has been no sincere and fair effort to resolve the land rights issues faced by the communities. Not only that, they are also being denied civil rights and are facing racial discrimination, with many community members still unable to get Thai citizenship and denied access to basic welfare, while community rights defenders face harassment and legal prosecution. The statement also mentioned the case of community rights defender Porlajee "Billy" Rakchongcharoen, who disappeared in 2014 and whose bones were found in May 2019, in which no progress has been made. Legislation also led to violations of human rights and the destruction of the indigenous way of life.

The statement called for the network and the communities to be able to participate in the process of resolving issues, and said that, as community rights issues have not been resolved but instead made worse, they would like to object to the Thai government's nomination of the Kaeng Krachan Forest Complex as a world heritage site.

Community members from the Bang Kloi Village also issued an open letter the World Heritage Committee saying that, after they were evicted from their ancestral land at Chai Phaen Din, deep in the Kaeng Krachan forest, they still face health issues, poverty, livelihoods issues, and land rights issues.

The letter stated that, in 1996, when the director of the Kaeng Krachan National Park had them relocated to Pong Luk village, 7 rai (around 2.76 acres) of land was promised to each family. However, the promise was not kept, and the land was not fertile, so the villagers moved back to their original land.

In May 2011, park officers forcibly evicted the villagers from their land and burned around 100 houses and rice barns, once again forcing them out of their land. In 2012, Ko-i Meemi, the community's spiritual leader who later passed away in October 2018 at the age of 107, along with 6 other community members then filed a complaint with the Administrative Court against the Department of National Parks, Wildlife, and Plant Conservation and the Ministry of Natural Resources and Environment for malfeasance. In 2018, the Supreme Administrative Court ordered the two agencies to pay compensation to the community members.

However, the letter said, the community has still not been allocated land, forcing people out of their community as they have to go find work in cities to support their families. The situation is also made worse after the Covid-19 pandemic caused many people to lose their jobs. Meanwhile, Billy, who was from Bang Kloi and a community rights defender, became a victim of enforced disappearance and even though the Department of Special Investigation (DSI) found crucial evidence [1], no progress has been made in bringing the perpetrators to justice [2].

The letter stated that, while the community does not object to the Thai government's nomination of the Kaeng Krachan Forest Complex as a world heritage site, they would like the decision-making process to be transparent and based on facts. On 6 November 2020, the Thai authorities invited

diplomats from 8 state members of the World Heritage Committee to visit Kaeng Krachan, but even though community representatives were invited to observe the visit, they were not able to contribute information. Moreover, the visit was mainly conducted in English, in which most community members cannot communicate.

The community called on the authorities to resolve land rights issues before the world heritage nomination. In addition, they would like to be able to continue their tradition of rotational farming, and to be allowed to return to Chai Phaen Din. They also asked that their rights as an indigenous community whose way of life is tied to the forest be respected.

Park official representatives, including the Director of the Maenam Pachi Wildlife Sanctuary and the Assistant Director of the Thai Prachan National Park, were at the event but declined to join the discussion as the topic being discussed is at policy level and is beyond the scope of their responsibility.



Community members gathering on the stage before the statement was read.

The Thai government previously nominated the Kang Krachan Forest Complex as a natural world heritage site three times: in 2015, 2016, and 2019. All three times, the World Heritage Committee referred the nomination back to the Thai government in order to allow it to resolve the rights and livelihoods concerns relating to the Karen communities in the area and to reach a consensus of support for the nomination. At the 43rd session of the World Heritage Committee in 2019, the Committee also encourages the Thai government to “work in partnership” with Myanmar “on future biological connectivity and collaborative efforts on conservation between the nominated property and the proposed protected area in Myanmar.”

The 44th session of the World Heritage Committee was previously scheduled for 29 June - 9 July 2020, but was postponed to June - July 2021 due to the Covid-19 pandemic and is to take place at Fuzhou, China. The Thai government will once again be nominating the Kaeng Krachan Forest Complex as a world heritage site during this session.

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- Prachatai. Submitted on Mon, 21 Dec 2020 - 06:11 PM:
<https://prachatai.com/english/node/8979>

Chana industrial project delayed, protesters return home



On the 6th day of a protest in front of Government House, a cabinet resolution has delayed a city zoning meeting, a process required for the proposed industrial project in Chana District, Songkhla Province, and established a committee to solve the problem of constructing the industrial zone over 16,000 rai.

The protesters from Chana under the banner reads “STOP Chana Industrial Estate”.

On 15 December, Thammanat Prompao, Deputy Minister of Agriculture and Cooperatives, announced that the committee will consist of both those in favour and those against the project. Membership of the committee will be considered later and fieldwork may be carried out at the beginning of 2021.

He admitted that this is not a suspension or delay of the industrial project. However, the decision does delay the city zoning, which results in a delay of other parts of the project.

The villagers’ representative said that they will give the government some time to work but vowed to come back if the resolution is not realized. They also want the media to investigate local politicians who benefit from the project and who may pressure Thammanat for coming out to help the villagers.

The government arranged buses along with food and drinks for the villagers’ journey home.

On the same day, at the Government Complaints Centre, another group of the villagers from Songkhla submitted a petition via Suporn Atthawong, Deputy Minister of the Prime Minister’s Office, to demand that the project proceed.

They stated that the project will alleviate the locals’ livelihood and quality of life. They also questioned the way the government listens to a minority who are against the project, which the group believes was being instigated by outside NGOs.

The group wants the Chana Rak Thin group, who had come to protest against the project, to return to the public hearings which they have rejected in the past. They also want the government to prevent the industrial project from being politicized. If the government ignores these demands, they are ready to mobilize over 10,000 people to protest at Government House.

The Chana industrial project was approved by a cabinet resolution at the last cabinet meeting of the junta government which was installed after the coup in 2014. According to the Bangkok Post, the project aims to construct an 18-billion-baht industrial estate on 16,700 rai of land. The area covered 3 sub districts with 1,500 residents.

The project is controversial because of questions about the public hearing process where those who opposed the project out of many concerns, including its impact on livelihoods, homes and the environment, were barred from attending hearings.

Previously, the group that is against the project have 2 demands:

- The Chana industrial city prototype project must be cancelled, along with related activities like changes to city zoning and Environmental Impact Assessments (EIA), as it is an illegitimate legacy of the previous junta government.

- After cancellation, the government must conduct a proper Strategic Environmental Assessment (SEA) to establish quality academic data for decisions about further development projects in the south.

Prachatai

Source: *Thairath* [3], *Matichon* [4]

- Prachatai. Submitted on Wed, 16 Dec 2020 - 02:21 PM :
<https://prachatai.com/english/node/8971>

Footnotes

[1] <https://prachatai.com/english/node/8202>

[2] ESSF (article 56152), [Kaeng Krachan \(Thailand\): Six years after Billy disappeared, authorities must provide justice and protect his community's rights.](#)

[3] <https://www.thairath.co.th/news/politic/1995181>

[4] https://www.matichon.co.th/politics/news_2485852