Voices from the Margin

Economic, Social and Cultural Rights in Northeast Thailand

Nong Jahn Community Forest
Nong Jahn Village
In the northeast region of Thailand, commonly known as Isaan, forest communities' ways of life are centered around the ecosystem upon which they depend. Equipped with the wisdom of generations before them, they live and work sustainably with the forest. Because their way of life is so intrinsically intertwined with the forest, they are completely dependent on its continued existence.

The Thai state meanwhile subscribes to a foreign model of conservationism: designate a protected forest area, rope it off, and keep everyone - except tourists or commercial plantations - out. In assuming that all human impact is destructive, this model fails to acknowledge that people can live harmoniously with the environment.

In cities far from the mountains, trees, and riverheads, state officials create policy that dictates the management of natural resources. They do so without any input from the people who have been managing the forest for decades. The state has systematically evicted villagers and cut off their access to the forest, thereby threatening their subsistence and culture.

The people of Nong Jahn are rooted in their land. For decades, the Nong Jahn villagers have fought for the right to own their land and continue their symbiotic relationship with the forest. Today, they are part of a movement fighting the state over legislation that would have them evicted from their home and cut off from their way of life. The Thai government continues to deny their appeals. Until the state respects the rights of forest communities to live in peace and dignity, the future remains insecure for both the villagers and the forest.

ESC Rights Examined:
Article 11.1: Right to Security of Tenure
Article 11.1: Right to Participation
Article 11.1: Right to Food
Article 15: Right to Culture

Potential Number of People Affected:
In Thailand, between 20 and 25 million people are forest-dependent, meaning that they rely on the forest in some capacity to supplement their subsistence. An estimated 10,848 villages actually live in these forested areas. Of these people, 1.25 million live within the boundaries of national parks, rendering them unable to obtain rights to their land, political representation, or access to the forest.

Findings:
The village of Nong Jahn is located within the boundaries of a national park. The National Park Act of 1961 prohibits villagers from owning land in national parks, accessing the forest, or utilizing its resources. Villagers' insecurity of tenure means that they live under constant threat of eviction, which limits their ability to participate in public decision-making and fully develop their community. In addition, without providing secure and lawful access to the forest, the state's actions threaten Nong Jahn's culture, livelihood, and food security.
Humanity speaks many languages, but there is one that unites us all – the language of human dignity.

Voices from the Margin is an examination of issues concerning the compromise of human dignity through the exploration of an Economic, Social, and Cultural Rights (ESCR) framework. As an international covenant whose language illustrates each human's inherent needs, the framework bridges perceived divides between nations, ethnic groups, classes, genders, ages, and cultures. The rights included in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are unique in their universality and capacity to embrace all diversity, allowing for the shared language of human dignity.

Regardless of signatory status, no state has fully realized the rights detailed in the ICESCR. In every existing political, economic, and social structure, there are people who, despite being equally deserving of human dignity, have their rights exploited and overlooked by the state.

Thailand is no exception. Against the backdrop of rapid development and industrialization that has improved the lives of some, lies myriad individuals whose ability to live with dignity has been severely compromised. As a signatory to the ICESCR since 1999, Thailand pledges to actively fulfill the Economic, Social, and Cultural Rights guaranteed for its citizens. These rights, however, are merely words on paper, often remaining unrecognized by the state in practice.

Non-compliance by the state with ICESCR is evident in the Northeastern region of Thailand, more commonly known as Isaan. Predominantly rural, with the lowest regional per-capita GDP in Thailand and an ethnic makeup that is generally Lao rather than Central Thai, Isaan is geographically, economically, and culturally marginalized. Due to the region's potential for industrial growth and its untapped natural resources, the people of Isaan have experienced the impacts of numerous development schemes and initiatives formulated by the central government.

Voices from the Margin pilot project began in 2008 with six reports and as intended, has grown and replicated. The addition of two new reports in 2009 saw Voices from the Margin develop into a series of eight reports. The project illustrates that the ESCR framework can be used as a powerful tool for social and political mobilization. The reports focus on the right of Isaan communities to self-determination, specifically regarding struggles surrounding chemical agriculture, HIV/AIDS, the damming and dredging of rivers, urban slums, and now forest laws and gold mining.

The human voice behind these issues brings them to life: A woman suffers from severe health problems after using water contaminated with heavy metals. A
forest community living under the burden of illegality and fear of eviction, remains strong and united in their fight to preserve the their livelihood and land. A woman loses her husband and father after being displaced by a dam and still finds the strength to fight for her lost livelihood. A mother goes to Bangkok to work, because she can no longer support her family through farming due to the dredging of a river. A man finds out he is HIV positive, and after overcoming depression and discrimination, works with other HIV positive people, inspiring them to live again. A grandmother comes to the city for a better life and ends up in a slum, with the continual threat of eviction. A father can no longer catch enough fish to provide for his family because of a dam and so must watch his children leave the community to find work.

Although these voices tell the stories of individual struggles, they speak for thousands of others whose voices are not heard. Despite different backgrounds and obstacles, these individuals share the common experience of marginalization inflicted by state policies. These marginalized people find solidarity in the common language of human dignity, a language harnessed by the ICESCR in order to foster an understanding and respect of universal human rights.

An ESCR framework not only fosters understanding of human rights amongst individuals, but also works to hold state actors accountable for their actions and inactions. Individuals, groups, and movements across the world have taken matters into their own hands and presented ESCR cases against their governments. As global trends indicate, people from all over the world are connecting and building solidarity in a struggle to defend their ESC rights. Therefore, the ESCR framework has tremendous potential as a mechanism to ensure the effective provision of human rights. Due to the universality of ESCR, a diversity of people affected by distinct issues can take ownership of the framework in a common pursuit for self-determination. The framework is a means to facilitate communication between the state and the people by amplifying the people’s voices.

The ICESCR is powerful because it gives form to dignity and provides a language by which marginalized people can build understanding and solidarity. ESCR does not create dignity, but rather affirms that dignity is inherent to all people. Differences in nationality, ethnicity, class, gender, age, and culture are perceived barriers that can be overcome through this common language. The versatility of the ICESCR encompasses all such differences, allowing us the opportunity to work together in solidarity for the economic, social, and cultural rights all human beings deserve – thus we mobilize for a social movement that is unhindered by borders.
Dai Saenjan does not know how much longer he will be able to teach the children of Nong Jahn how to forage in the forest. He climbs a makeshift ladder to the top of a phak wahn tree to demonstrate the proper gathering techniques his father taught him decades ago. With the current threat of eviction, Dai fears the age-old traditions of the forest will be lost.

Dai has already been evicted twice from Nong Jahn. Although his way of life depends on the land, he has no rights to his home of 26 years. “This land is everything to me,” Dai says. “I will die on this land.”

But given Nong Jahn’s history of eviction, Dai’s fate is uncertain. In 1986, the central government implemented a national security program to expose communists seeking refuge in the forests. This was disguised as the “Greening of the Northeast” program. As a result, 150,000 forest communities, including Dai’s, were rounded up and relocated. “I was very frightened,” Dai recalls.

The eviction uprooted Dai’s family of 10 from their land. Originally relocated to Sam Phak Nam where work was scarce, Dai’s brothers and sisters migrated to Bangkok and other cities in search of employment. No one in his family had ever lived in the city. For the first time in their lives, food was measured in baht, not in labor.

As the eldest, Dai was the only one to stay in Sam Phak Nam to help support his parents. Unable to subsist off the low-wage day labor jobs in Sam Phak Nam, Dai and his parents defiantly moved back to Nong Jahn in 1987.

The relocation had permanent repercussions for the unity of their family. Only three of Dai’s siblings ever returned home from the city.

Those who did return had just begun to settle back into their lives when the military violently displaced the villagers of Nong Jahn. In late December 1991, they heard an announcement over the radio. Phu Pha Man was declared a national park, and Nong Jahn fell within its boundaries. “When I heard that my home was declared as a national park, my heart disappeared,” Dai says. “I didn’t know why we had to move…the ones who live here are actually the ones who protect the forest.”

In compensation for this second eviction, the military promised Dai and other villagers farmland. Nothing materialized. “If they won’t give us our land, then we will take it back,” Dai swore. Angered by the injustice, he returned to reclaim his rightful home in 1992.

As a result of his return, Dai has recovered his deep-rooted connection to the forest, as well as his main source of sustenance. Today, more than 70 percent of the food he consumes comes from the forest, which he navigates as easily as an urban-dweller would a supermarket. “I remember trees like others remember market signs,” Dai says. He is able to rely on the forest’s provisions because he continues to use the wisdom he learned from his father.

In a struggle to save his community’s culture, Dai hopes to pass down his wisdom to the youth of Nong Jahn. While the lack of proper registration and the threat of eviction remain a reality, his hopes for the future are dependent on his community’s security.

“As from my heart, I do not fear eviction,” Dai says, “If someone tries to move us again, we will fight. We have to fight for our right to live.”
Synopsis

Phu Pha Man National Park is located on the border between Loei and Khon Kaen Provinces in the northeastern region of Thailand. The park encompasses 203,750 rai of woodland and deciduous forest at the head of the Nam Pong River (see Appendix for conversions). Nong Jahn is one of seven villages with farmland within the national park, and one of three villages with residences in the national park. Like most villages in forested areas, the Nong Jahn community structures its livelihood and culture around the land.

Nong Jahn villagers use the forest area for farming, collecting resources, and other cultural practices. They grow crops such as corn, cassava, tamarind, rice, and mango for sale and personal consumption. In addition, approximately 70 percent of the community’s diet comes from gathering the forest’s natural supply of fruits, vegetables, mushrooms, insects, and small animals. The villagers also rely on the forest as a source of traditional medicine and as a site of spiritual significance. Villagers know that the lasting preservation of their culture depends on careful management of the environment.

Historically, Nong Jahn villagers have been vulnerable to changes in government policies, some of which have led to eviction. The most significant of these policies is the National Park Act of 1961, which restricts villagers’ access to the forest and its resources, and prohibits them from acquiring land titles. Currently, these limitations violate the community’s rights to housing, food, livelihood, and culture.

Regional and National Context

Since the creation of the National Park Act in 1961, over 100 national parks have been designated in Thailand. Many of the parks were declared on land with established villages. According to non-governmental organization (NGO) officials, there are as many as 250,000 families, or 1.25 million people living in forests claimed as national parks. In the eyes of the state, any villages on this land automatically became “illegal.” Their residents were prohibited from inhabiting, cultivating, and managing the land and its resources.

The absence of land rights allowed the state to initiate several resettlement programs that evicted villagers from their homes. In Isaan, two mass relocations took place. Beginning in 1986, the state implemented the “Greening of the Northeast” program. Under this campaign, there was a hidden national security policy through which the state evicted villagers from forest communities in an attempt to inhibit the recruitment efforts of the communist movement in Thailand. The state claimed this mass eviction was necessary in order to protect the “security of the nation.” After a change in government, many villagers returned to their original land.

Shortly after the military coup in 1991, the military government began its second mass relocation effort, known as Khor Jor Kor. The alleged intention of the program was to help the poor by giving them new land with land titles outside of preservation areas. It was also supposed to conserve forests by limiting human impact. Another purpose of the program, however, was to clear protected areas to be used as commercial eucalyptus plantations. Land titles never materialized.
Evictions were violent. In many cases, villagers were beaten and forcibly removed from their land by armed military forces, and their homes were destroyed. Public outrage and grassroots resistance against the program were strong. As a result, government officials cancelled the program that year, and many villagers returned home.

The grassroots networks formed during Khor Jor Kor continued to fight for land rights. They began advocating for community land titles as the ideal solution to the problem of landlessness among forest communities. In contrast to individual land titles, community land titles give ownership of land to an entire community. Individual plots cannot be sold to outsiders or investors, and the community must agree not to expand its boundaries. In this way, community land titles unify the community and empower them to participate in management of their land and resources.

Today, one group at the forefront of the movement for community land titles is Thailand Networks for Land Reform (TNLR). This network is made up of grassroots organizations from across the country. On February 11, 2009, the network demonstrated on behalf of communities seeking land reform at the Parliament in Bangkok. More than 500 network members submitted a petition of the short-term and long-term demands of affected communities to Deputy Minister of Interior Thaworn Senneam. Thaworn agreed to all of the short-term demands. On March 10, 2009, the Ministry of Interior announced the formation of regional and national committees to research community land titles and other land-related issues.

Community Profile

Nong Jahn covers 1,811 rai within the Phu Pha Man National Park and contains the homes and cultivation land of 49 families. The majority of the community generates their income from farming; the average income is 51,124 baht (Bt) a year (see Appendix for conversions).

Since its establishment in 1965, Nong Jahn Village has been a victim of two state-led evictions. In 1986, national park forest rangers relocated villagers to the nearby villages of Sam Phak Nam and Pha Sahm Yawd as part of the government’s “Greening of the Northeast” program. Villagers walked an estimated 17 kilometers to and from their farmland each day before eventually moving back to Nong Jahn.

In 1991, villagers were evicted under the Khor Jor Kor program. This eviction plan divided the village between two relocation sites, in some cases splitting up families. The state promised the displaced villagers they would receive adequate land compensation. When the villagers arrived at their relocation site, however, they found that the land they were promised was already occupied. In 1992, after the program was cancelled, 34 families returned to Nong Jahn.

Upon returning to their homes, villagers discovered that they were subject to the stipulations in the National Park Act (1961). The state had declared their land part of Phu Pha Man National Park. Therefore, they were prohibited from inhabiting and cultivating the land and collecting resources from the forest.

Despite these strict regulations, Nong Jahn has collaborated with the Royal Forest Department (RFD) since 1993 to conserve and restore the forest. The villagers have continued to incorporate sustainable resource management practices into their everyday lives, such as organic farming and building clay houses to limit timber use. Villagers are careful not to exhaust the environment by harvesting certain plant varieties at specific times of the year and ensuring that no resource is ever fully depleted. Nong Jahn has also agreed to maintain their relatively small community size in order to limit their impact on the ecosystem.

For over 10 years, villagers and NGOs worked together to negotiate with national park officials in efforts to restore access to forest resources. In 2004, Phu Pha Man National Park was one of 11 national parks in Thailand selected for a development project called Joint Management of Protected Areas (JOMPA). Established to facilitate participatory approaches in protected area management, the program gave Nong Jahn villagers the opportunity to prove they were capable of sustainably managing and utilizing the park’s natural resources. This led to the 2007 creation of a memorandum of understanding (MOU) between Phu Pha Man National Park and Nong Jahn Village, which provides temporary and limited access to forest resources.

Villagers and NGOs are currently working together to obtain a community land title, because they presently have no temporary or permanent land rights. Though they have housing registrations in neighboring districts, which grant them access to social services, the village is not legally registered. Consequently, they do not have representation in local government or access to development funding.
Legal Reference

Forest use and protection in Thailand were originally overseen by the RFD, under the Ministry of Agriculture and Cooperatives. In 2002, the Senate voted to create a new ministry, the Ministry of Natural Resources and Environment (MONRE), specifically for conservation and protection activities. National parks in Thailand are currently administered by the National Park, Wildlife and Plant Conservation Department (DNP), a subdivision of MONRE.

Relevant Acts and Policies

The National Park Act of 1961 outlines regulations for the management of national parks in Thailand. The intention of this act was to ensure that forest area covers at least 40 percent of the country. This forested area is divided into two categories: protected forest (25 percent) and productive forest (15 percent). The act prohibits use of protected forests for holding or possessing land, collecting natural resources, hunting or catching animals, and deteriorating soil, among other restrictions.

The Tambon Council and Tambon Administrative Authority Act revised the local government structure as part of Thailand's continuing efforts to decentralize government. Section 68 specifies that the Tambon Administrative Authority, more commonly known as the Tambon Administrative Organization (TAO), is responsible for providing power and water for consumption and agriculture.

On June 30, 1998, the Cabinet issued a resolution stating that the National Parks Department must find adequate land for displaced forest communities or allow them to stay until adequate land can be found. Villages located in critical environmental areas, like Nong Jahn, must be moved. The relationship between Phu Pha Man National Park and Nong Jahn has allowed villagers to remain in the park until adequate land is found.

On November 21, 2007, after 18 years of debate, the Community Forest Bill passed through the National Legislative Assembly. The bill defines a legal community forest as being located outside of a protected area. It states that all community forest organizations must be properly registered with the RFD. Communities living within national parks, like Nong Jahn, do not fall into any of the community categories outlined in the bill and are subsequently unrecognized by the Thai government.

The 1997 Thai Constitution, also known as the People’s Constitution, promoted community management of resources and explicitly recognized traditional community rights. The 2007 Constitution continues to acknowledge many of these rights.

Chronology

1961: National Park Act comes into effect.
1965: Dong Lan Forest Preserve, including the region later designated Phu Pha Man National Park, is declared; four families establish a village in Nong Jahn within Dong Lan.
1986: “Greening of the Northeast” program; military relocates Nong Jahn villagers to Sam Phak Nam.
1987: Villagers return to Nong Jahn village and farms because they never received new farmland, as promised during eviction.
1991: Nong Jahn and Sam Phak Nam villagers forcibly relocated to Sri Chompoo and Phukradung Districts as a part of Khor Jor Kor.
December 8, 1991: Phu Pha Man declared a national park.
July 3, 1992: Khor Jor Kor withdrawn after Isaan-wide protests.
1992: Villagers return to Nong Jahn.
1996: Thailand signs International Covenant on Civil and Political Rights (ICCPR).
1997: Thai Constitution ratified that grants communities the right to participate in management of local resources.
June 30, 1998: Cabinet of Ministers permits some forest communities to remain on forestland until land replacement is found.
1999: Thailand signs ICESCR.
2002: Ministry of Natural Resources and Environment (MONRE) established.
2004: Joint Management of Protected Areas Project begins.
2006: Nong Jahn housing registration moved to Chumpae District, Khon Kaen Province.
November 21, 2007: Community Forest Bill passes.
2007: Memorandum of Understanding (MOU) between Phu Pha Man National Park and Nong Jahn initiated to address forest resource management.
2008: Nong Jahn village collaborates with Ministry of Interior and TAO to formalize village and officials of National Park disagree.
February 11, 2009: Thailand Networks for Land Reform (TNLR) presents list of short- and long-term demands for landless villagers.
March 10, 2009: Ministry of Interior announces formation of regional and national committees to discuss TNLR demands.
The National Park Act (1961) violates the ESC rights of villagers who live on national park land and who depend on its resources. The State's history of evictions and its continued failure to support permanent land ownership in national parks denies villagers their lawful rights under the ICESCR, as signed by Thailand in 1999. The State's failure to respect, protect, and fulfill the community's right to security of tenure infringes on their ability to access amenities, fully participate in public decision-making and continue their traditional livelihood. Furthermore, limitations regarding resource access limit their future food security, and ability to protect and maintain their culture.

The ICESCR states that in order for the right to housing to be fully realized, it “should not be interpreted in a narrow or restrictive sense . . . that views shelter exclusively as a commodity . . . rather, it should be seen as the right to live somewhere in security, peace, and dignity.”33 The National Park Act of 1961 stipulates that villagers do not have the right to live on or hold legal titles to land in a national park or forest reserve. While the villagers of Nong Jahn have been granted temporary permission by Phu Pha Man National Park to live within its boundaries, this provision can be overturned at any time. Villagers have no legal recourse with which to protect themselves from “forced eviction, harassment, or other threats,” circumstances specifically addressed by the ICESCR.34

Memorandum of Understanding (MOU)

During the JOMPA project, the Phu Pha Man National Park Department signed MOUs with seven villages and two subvillages, including Nong Jahn, regarding resource use. The MOUs are semi-official agreements that outline villagers’ access to the forest for water, land use, and plant collection. The MOUs are designed to work within the framework of the National Park Act. The first draft of the Phu Pha Man-Nong Jahn MOU began in 1998 but did not come into effect until 2007. According to the Nong Jahn MOU, villagers can collect plants from the forest in the amount of 50 kilograms per person per day if the forest items are used for “research, studies, or examination” (see Appendix for conversions).35 Currently there is no clear law or act that legally supports informal agreements between national parks and communities. The Phu Pha Man officials report that the draft of the MOU has been submitted for approval by MONRE, but no one on the ministerial level has returned a signed, final version to villagers, despite repeated requests.36

ICESCR Analysis

The National Park Act (1961) violates the ESC rights of villagers who live on national park land and who depend on its resources. The State's history of evictions and its continued failure to support permanent land ownership in national parks denies villagers their lawful rights under the ICESCR, as signed by Thailand in 1999. The State's failure to respect, protect, and fulfill the community's right to security of tenure infringes on their ability to access amenities, fully participate in public decision-making and continue their traditional livelihood. Furthermore, limitations regarding resource access limit their future food security, and ability to protect and maintain their culture.

Right to Housing

Article 11.1: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

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Additionally, as stated in the ICESCR, “[i]ndispensable to the right to adequate housing is the right to participate in public decision making.”35 Without ownership of the land they live on, the community is not legally entitled to official representation in government, thus prohibiting them from participating in the process of public decision-making. Furthermore, in order to fully realize the right to adequate housing, the State must also fulfill villagers’ right to access amenities such as water, electricity, and education.36
Right to Secure Tenure

General Comment 4.8(a): “…Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;”

The National Park Act of 1961 officially prohibits the distribution of land titles to citizens living in areas designated as national parks. In creating this act, the State failed to take into account the livelihood and culture of people living in forest communities on national park land. Having no legal claim to the land on which they live, the villagers of Nong Jahn are constantly subject to the threat of mandatory eviction and relocation.

The implications of eviction extend far beyond relocation of residence, affecting access to work, livelihood, and quality of life. Villagers of Nong Jahn have been subjected to two evictions since establishing their community in 1965. Villagers were moved from their homes in 1986 during the “Greening of the Northeast” program. In 1991, Nong Jahn villagers who had returned to their homes after the 1986 eviction were forcibly removed from their village for a second time under the Khor Jor Kor program. The repeated occurrence of these evictions illustrates the historical pattern of insecurity for Nong Jahn villagers, which is still present today. Although the State has begun making provisions for temporary land security, as discussed below, its refusal to recognize the villagers’ right to own their land leaves the community vulnerable to future evictions.

Furthermore, the ability of Nong Jahn villagers to live and cultivate on their land cannot be separated from their ability to provide their own means of subsistence and livelihood. Farming is their primary source of income and supplements the food materials gathered in the forest. Therefore, secure and legal rights to their land in Phu Pha Man National Park are fundamental to their ability to work. Past evictions...

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**VOICES Lek Imjeen**

Lek Imjeen’s grandparents were among the first settlers of Nong Jahn. Since her grandparents planted their family roots in 1965, Lek has withstood two evictions. At 54 she refuses to leave her home, the place where she has raised two generations of children.

“I may not have the documents to prove it,” Lek says, “but in my heart, I feel I have the right to stay here. However, [my heart is] not recognized by the law.”

In 1988, the military forcibly relocated Lek from Nong Jahn to Sam Phak Nam village, eight kilometers away. Without adequate land in Sam Phak Nam to support her family, she was forced to find work in Bangkok. She spent four years in the capital before returning to her family and her home in Nong Jahn.

She had barely resettled when the military came to evict her a second time in 1991. A year later Lek defiantly returned to reclaim her homeland.

At present, the 49 Nong Jahn households are allowed to remain on their land, but only until a satisfactory alternative is found. No alternative is satisfactory in Lek’s eyes.

“Everything that we love is here,” Lek says. “To put it simply, I’m not going anywhere else anymore. I couldn’t go back to square one.” Lek and the other villagers need a community land title so that eviction no longer threatens their lives. Her home is more than a physical shelter, it represents a community and a connection to the land that could never be replaced.”
demonstrate that depriving villagers of their land also deprives them of their work and ability to provide for themselves and their families. Currently, villagers are reluctant to grow certain crops, such as perennial trees, out of fear of losing their land before being able to benefit from these investments. In not respecting villagers’ right to security of tenure and making it illegal for them to cultivate their land, the State is threatening the villagers’ rights to work and their ability to provide their own means of subsistence.

On June 30, 1998, the Cabinet issued a resolution allowing the State to provide temporary stay to communities in national forests. Over the past two decades, the State has also issued temporary land titles, including Sor Por Kor and Sor Tor Kor, to certain forest communities. While these temporary measures constitute progressive action by the State, there are no provisions which offer any temporary titles to communities living within national parks.

Both the JOMPA project and the MOU illustrate that Phu Pha Man National Park officials are working towards genuine consultation and collaboration with Nong Jahn villagers. The MOU allows villagers to remain on the land under the condition that they do not expand beyond their current location. This provisional measure does not truly fulfill the State’s obligation to respect Nong Jahn villagers’ right to housing because it is temporary and holds no legal weight.

On March 10, 2009, the State agreed to form regional and national committees to address the aforementioned limitations regarding land tenure. In doing so, the State is making progress to fulfill the right to adequate housing as outlined in the ICESCR. However, until the Thai government fully realizes this proposition, the rights respected in the MOU remain temporary and insecure.

Without a comprehensive national policy protecting the right to adequate housing and security of tenure, the risk of eviction remains a constant threat to the land and livelihoods of Nong Jahn residents. Security of tenure is indispensable to the State’s obligation to respect the livelihoods of Nong Jahn villagers and protect their ability to achieve steady economic development. In addition, the full realization of security of tenure is essential to protect the villagers’ long-term, sustainable access to amenities and participation in public decision-making.

**Right to Amenities and Participation**

**General Comment 4.9(a):** “The right to participate in public decision-making is indispensable if the right to adequate housing is to be realized and maintained by all groups in society.”

**General Comment 4.8(b)** “All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, [and] energy for cooking, heating and lighting.”

**ICCPR Article 25:** “Every citizen should have the right and the opportunity... without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives.”

In addition to security of tenure, the ICESCR stipulates that villagers must also have the right to participate in public decision-making in order for the right to housing to be fully realized. This is reinforced by the International Covenant on Civil and Political Rights (ICCPR) signed by Thailand in 1996 which states that “every citizen should have the right and the opportunity... to take part in the conduct of public affairs, directly or through freely chosen representatives.” In Thailand, the right to participate in local government is contingent upon status as a registered, legal village. In 2007, Nong Jahn applied to be a registered village. The Ministry of Interior denied the application, thereby depriving them of elected representation, an official forum to voice their concerns, and access to public funds for community development and infrastructure projects. By denying Nong Jahn the right to be a legal village, the State is not providing villagers with the right to directly petition the TAO for services or funding for amenities such as electricity, water, and education. Currently, water in Nong Jahn is piped illegally from the mountain, and only half of the households have access to limited electricity from solar panels. Additionally, children attend school six kilometers away in Pha Sahm Yawd Village. There is no transportation to the school and, as a result, families bear extra temporal and financial costs. Without representation to voice their needs, the community has been unable to improve access to these services. By not providing registration, the State is hindering full political representation and access to amenities and social services, thereby obstructing full realization of the right to adequate housing.
Right to Food

Article 11.1: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right.”

General Comment 12.7: “The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations...sustainability incorporates the notion of long-term availability and accessibility.”

Article 1.2: “In no case may a people be deprived of its own means of subsistence.”

The restrictive provisions outlined in the National Park Act of 1961 violate the “right of everyone to an adequate standard of living for himself and his family, including adequate food” by prohibiting the collection and consumption of forest resources.49 Specifically, the act violates the right to long-term, sustainable access to food resources.50 With the designation of Phu Pha Man National Park in 1991, villagers were prohibited from entering the forest to gather the food they had always depended on and, therefore, were deprived of their own means of subsistence.51 Mushrooms, bamboo shoots, *phak wahn*, red ant eggs, squirrels, and other forest foods have traditionally comprised more than half of the villagers’ diet.

Through this act, the State has failed to “uphold its obligation to respect existing access to adequate food...and not to take any measures that result in preventing such access.”53 For 15 years following the designation of Phu Pha Man National Park, villagers faced the risk of arrest when they entered the forest to gather food. By not respecting the needs of forest-dependent communities living in national parks, the State is failing to provide the opportunity for communities to manage their own forest resources, thus threatening the villagers’ food security.

Although the National Park Act remains the governing policy within national parks, the 2007 MOU of Phu Pha Man National Park is temporarily respecting the villagers’ access to food. Within the current framework of the MOU, villagers are allowed to collect up to 50 kilograms of herbs, plants, fruits, et cetera from the forest a day, under the condition that it is used for purposes of “research, study, or

VOICES Wirat Sangkathet

“If you run, I will shoot you,” a park ranger threatens, pointing his gun in the air. He fires a warning shot as 10 rangers close in on Wirat Sangkathet. His legs tremble beneath him as he holds onto the squirrel he has just shot for his family’s dinner.

Wirat, age 27, was arrested, handcuffed, and hauled down to the Phu Pha Man National Park office for hunting a wild animal - a squirrel. The rangers were about to take him to jail when Jahroon Selam, Nong Jahn’s community leader, convinced them that Wirat had been hunting for sustenance and not for sport. Jahroon assured the officers Wirat would be the first and last villager caught hunting in the forest. They allowed Wirat to return home that night, but the December 2008 incident changed everything.

Growing up, Wirat and his brothers caught small animals in the forest, a daily duty made illegal by the declaration of the Phu Pha Man National Park in 1991. These hunting excursions provided meat for their entire family. Until the arrest, over 60 percent of the food Wirat’s family consumed came from the forest.

In the past, two or three squirrels were enough to satisfy the diet of his six family members. Now, in order to afford the extra Bt100 required daily to purchase meat from the market, Wirat and his brothers have to work as part time field hands in addition to running the family farm.

Haunted by his arrest, Wirat now fears entering the forest that has sustained him since childhood.”72
Voices from the Margin

Non Jong

Right to Culture

Article 15.1: “The States parties to the present Covenant recognize the right of everyone: (a) to take part in cultural life.”

Article 15.2: “The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation [and] the development… of culture.”

The ICESCR asserts that the State has the obligation to take all steps necessary for “the conservation [and] the development… of culture.”55 While the ICESCR does not define or discuss culture beyond the stipulations of Article 15, the Thai Constitution guarantees citizens many cultural rights including the preservation of local cultures for future generations, local wisdom, and spiritual and religious practices.56

As previously stated, the National Park Act of 1961 denies villagers secure land tenure. This insecurity impedes the conservation and development of culture by threatening the community’s ability to practice spiritual and religious traditions, both of which are linked specifically to the Phu Pha Man forest.

The forest is an important site of spiritual practices. The villagers of Nong Jahn believe that ancestral spirit owners act as guardians for specific, sacred locations on their land, such as the caves of Pha Yah Nahk. Every December, villagers perform a rite to the cave spirit to protect those who enter.57 Their lack of secure tenure makes villagers vulnerable to forced eviction that would prevent the practice of these important cultural traditions.

In addition to their spiritual beliefs, most of the villagers of Nong Jahn are Theravada Buddhists. In the Thai Constitution, the State affirms that “[a] person shall enjoy full liberty to…exercise a form of worship in accordance with his belief …a person shall be protected from any act of the State, which is derogatory to his rights or detrimental to his due benefits on the grounds of professing a religion.”58

The community in Nong Jahn draws social strength from the temple they constructed in March 2003. The sustainability of the temple is, in turn, linked to the livelihood of the community. For example, the forest monks59 depend on the villagers’ donations for food. If the State were to evict the people of Nong Jahn again, the monks and villagers would be deprived of the community’s forest temple.60 The insecure tenure of the Nong Jahn community endangers both the survival of the temple and the villagers’ right to practice their religion. By denying them land titles, the State is not respecting their right to culture.

Along with needing secure tenure for the preservation and development of their cultural practices, the villagers also require access to the forest. The declaration of Phu Pha Man forest as a national park limits their participation in the management and conservation of their natural resources and interrupts the generational transfer of local knowledge regarding foods and herbs of the forest. By failing to provide the villagers with sustainable access to the forest and natural resources of Phu Pha Man National Park, the State is not respecting the Nong Jahn community’s right to conserve, develop and “take part in cultural life,” as required by Article 15.1 of the ICESCR.61

Nong Jahn villagers collect 70 percent of their food from the forest.62 Around 10 percent of their medical care comes from traditional medicines made from forest herbs and plants they collect.63 Knowledge of how to navigate the forest and utilize its resources is specific to the community and passed down through generations. The local wisdom used to collect food is as culturally significant as the food itself.64

The National Park Act does not allow villagers to collect and consume forest resources in Phu Pha Man National Park. The MOU drafted in 2007, however, provisionally allows access to many forest resources, though most herbs used for medicinal purposes grow deeper in the forest than the MOU permits villagers to go. Without comprehensive examination.” The national park permits villagers to collect food using this loophole. The MOU states, however, that it is illegal to hunt in the forest, thus inhibiting access to small animals such as squirrels, a major protein source for villagers. The MOU provisionally meets immediate and limited food needs, but fails to provide any security for future access to food.

In drafting the MOU, Phu Pha Man National Park is working around the National Park Act to temporarily fulfill villagers’ right to adequate food by “pro-actively engaging in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security.”54 Without amendments to the National Park Act, however, the State cannot protect long-term, sustainable access to food sources and therefore is not fulfilling its obligation to respect villagers’ right to adequate food.
and permanent legislation, future access is insecure, and the transmission of this local wisdom to future generations is jeopardized. Thus, by restricting traditional gathering practices, the State has not fulfilled its obligation to take “into account as far as possible perceived non-nutrient based values attached to food.”

The villagers of Nong Jahn depend on the forest to survive. Thus, the preservation and sustainability of natural resources are essential to the culture of the community. The villagers practice conservation techniques when gathering resources in the forest. For example, the community has created additional preserved areas within the forest that are off-limits to anyone who extracts resources. The Thai Constitution states that communities have the right to participate “in the preservation… of natural resources and biological diversity.” The National Park Act, however, does not recognize their right to access the forest or practice their cultural conservation methods.

The ICESCR states that all people have the right “to take part in cultural life.” This is further supported by the Thai Constitution, which outlines the government’s obligations “to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation.” At this point, the only action on the part of the State to respect, protect, and fulfill that cultural right is the MOU between the villagers and national park officials. The agreement illustrates progress, but has no legal validity and does not guarantee secure, sustainable access to the forest and its resources. By not providing secure tenure and sustainable access to natural resources, the State is not respecting or protecting Nong Jahn’s right to conserve and develop their culture.

Voices Nong Jahn Villagers

Buddhist temples are at the center of Isaan communities. But for the people of Nong Jahn, the construction of this symbolic structure was almost denied.

When villagers of Nong Jahn wanted to expand their temple by building a sala, they needed the permission of local authorities.

The park officials allowed them to collect wood of dead trees. What they were able to collect was not enough, but construction had to continue. “There is no temple without a village,” explains Samai Poodta Gosom, minister of the temple, “and without a temple, there is no village.” In order to complete their temple, villagers donated wood from their homes that they had privately collected. The donated wood was sanded and prepared for construction.

A spy of the national park saw the sanded wood, assumed it to be freshly cut wood, and promptly alerted park officials. It didn’t take long for forest officers to arrive at the scene and attempt to halt the temple’s construction. Only a few officers made it past the community’s makeshift barriers; the rest were left to contend with torch-wielding village women. Officers may have been armed, but the women were fearless. They fended off the rangers while the men continued building the temple. Eventually their confrontation drew the attention of the local government and media. The Na Nong Thoom TAO president negotiated on behalf of the villagers to keep the wood they had gathered.

Villagers may have emerged relatively unscathed from this encounter, but park restrictions continue to threaten their cultural practices and access to forest resources.

General Recommendations

Considering the aforementioned violations, we recommend that the State take the following steps to redress the issues facing the villagers of Nong Jahn, in order to fulfill its obligation under the ICESCR:

Grant a community land title to Nong Jahn, providing the village with secure and sustainable tenure and freeing individuals from the threat of eviction. The community land title is ideal for both the State and Nong Jahn Village, because it will secure
borders of the community, inhibiting further human impact on the National Park environment, while protecting community rights to land. This can be accomplished in two ways:

- Amend Section 6 of the National Park Act of 1961 to permit communities, as a whole, to obtain legal land deeds within national park lands. This would influence State policy towards all communities living on national park land.
- Apply Section 7 of the National Park Act to adjust the National Park territory in order for Nong Jahn's farmland to be considered as outside Phu Pha Man National Park territory. Once outside of the national park boundaries, Nong Jahn would be designated preserved forest, which is under the authority of RFD. Once under the auspices of RFD, the area around Nong Jahn should be declared a degraded forest, thereby making the territory of Nong Jahn eligible for land certificates.

Approve Nong Jahn's application for legal village status, thus ensuring villager participation in public decision-making and providing the community with an official voice in government forums. Legality will ensure a community development budget and fair access to amenities.

Maintain a collaborative relationship between villagers and Phu Pha Man National Park officials in order to uphold and develop conservation practices so that biodiversity is maintained. Each party should hold the other accountable in their efforts.

Amend Section 16 of the National Park Act to allow communities greater access to forest resources. Necessary amendments include, but are not limited to:

- Amend Section 16.1 to allow communities to clear national park land within village boundaries as a means to sustain livelihood.
- Amend Section 16.2-4, 16.7-8 to allow communities to take a sufficient amount of resources from the forest. Specifically, residents can use forest resources for survival, not for trading purposes.
- Amend Section 16.5-6 to allow communities access to natural water resources. This is only relevant in the case that the State is not currently supplying the community with water.
- Amend Section 16.11-12 to allow communities to raise domesticated animals for maintaining livelihood.
- Amend Section 16.15-16 to allow communities to hunt and trap wild animals for livelihood, with the exception of nationally declared endangered species.

Amend the Forest Act of 1941 and National Reserved Forest Act of 1964 to allow communities greater access to forest resources, including timber and forest products. These amendments should exempt forest communities from the provisions in the acts which prevent access and use of such resources.

- Amend Section 17 of the Forest Act to exempt forest communities, such as Nong Jahn, from the provisions of this law.

Design and implement programs and legislation that promote collaboration between communities and national park departments. These programs should use community participation (such as the present MOU) as the model for forest resource management.
Appendix:

Thai Measurement and Currency Conversions:

35.2 Thai baht = 1 US dollar (March 2009)  
40 Thai baht = 1 US dollar (December 2005)  
36 Thai baht = 1 US dollar (December 1998)  
53 Thai baht = 1 US dollar (January 1998)  
25 Thai baht = 1 US dollar (December 1995)  
48.2 Thai baht = 1 euro (March 2009)  
45 Thai baht = 1 euro (Average for December 2001 – 2005)  
39 Thai baht = 1 euro (Average for December 1998 – 2001)

1 rai = 1600 square meters
1 acre = 2.147 rai
1 wah = 4 square meters or .0025 rai
1 hectare = 6.25 rai or 10,000 sq. m.
1.609 km = 1 mile
0.454 kg = 1 pound

Relevant ICESCR Articles and General Comments and ICCPR Articles:

To access the International Covenant on Economic, Social, and Cultural Rights:  

To access all General Comments of the International Covenant on Economic, Social, and Cultural Rights:  

To access the International Covenant on Civil and Political Rights:  

Relevant Articles and General Comments to the Right to Adequate Housing:

ICESCR Article 1.2:  
All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

ICESCR Article 11.1:  
The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

ICCPR Article 25:  
Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:  
(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;  
(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;  
(c) To have access, on general terms of equality, to public service in his country.

ICESCR General Comment 4.7:  
In the Committee’s view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity… the reference in article 11.1 must be read as…”Adequate shelter means … adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost.”

ICESCR General Comment 4.8:  
Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute “adequate housing”
for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:

(a) Legal security of tenure... Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;
(b) Availability of services, materials, facilities and infrastructure ...All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;
(f) Location. Adequate housing must be in a location, which allows access to employment options, health-care services, schools, child-care centers and other social facilities...

ICESCR General Comment 4.9:
… In addition, the full enjoyment of other rights - such as the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom of residence and the right to participate in public decision-making - is indispensable if the right to adequate housing is to be realized and maintained by all groups in society. Similarly, the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.

Relevant Articles and General Comments to the Right to Adequate Food:

ICESCR Article 11.1:
The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

ICESCR Article 15.1:
The States Parties to the present Covenant recognize the right of everyone:
(a) To take part in cultural life;
(b) To enjoy the benefits of scientific progress and its applications;
(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Thai Constitution:
Chapter III, Part 12, Section 66:
Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and
exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion.

Chapter III, Part 12, Section 67:
The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately…

Chapter IV, Part 8, Section 85:
The State shall act in compliance with the land use, natural resources and environment policies as follows:
(1) preparing and applying the rule on the use of land throughout the country with due regard to the compliance with environmental condition, nature of land and water and the way of life of local communities, the efficient measures for preservation of natural resources, the sustainable standard for land use and opinion of the people in the area who may be affected by the rule on the use of land;
(2) distributing the right to hold land fairly, enabling farmers to be entitled to the ownership or the right in land for agriculture thoroughly by means of land reform or by other means, and providing water resources for the distribution of water to farmers for use in agriculture adequately and appropriately;
Notes:

2. See chronology and community profile sections for further details.
5. Verena Brenner and others, Thailand's community forest bill: u-turn or roundabout in forest policy?, paper (University of Freiburg, January 1999), http://www.freidok.uni-freiburg.de/volltext/772/.
6. Ibid.
7. Ibid.
9. Short-term demands include: 1. To allow the members of the networks to live in and cultivate the disputed areas until the matter is settled. In addition, the government should support pilot projects in new land reform communities... 2. To ask the concerned authorities and officials to stop intimidating members of the networks and to stop destroying the property and produce of the members. 3. During the dialogue with the government, the authorities must stop making arrests and filing lawsuits... 4. The government should allow members to access basic infrastructure and development schemes... 8. Slow down the 38 new national park declarations. 9. Initiate a project promoting “community common land titles” and a land bank for the poor, fully supporting its funding and processes. For full text see Supara Janchitfah, “Demands of the landless,” Bangkok Post, February 10, 2009, http://www.bangkokpost.com/news/investigation/11670/demands-of-the-landless.
13. This was an effort to move forest communities in Isaan into more centralized locations to impede the recruitment efforts of the Communist Movement of Thailand. The state justified the eviction as necessary to protect the “security of the nation.” Wipattanachai interview, March 17, 2009.
16. Brenner, et al., Thailand’s community forest bill
19. Types of legal villages: 1) Official village, and 2) Temporary village. In a cabinet resolution on May 14, 1996, the Ministry of Interior set up criteria for the establishment of a remote village: Population is not less than 600 people or 120 households; When some of the area has been separated to form a new village, it must contain at least 200 inhabitants or not less than 40 households; must be more than six kilometers away from the original community; and must be approved by the resolution of the Village Committee, Tambon Council or the Tambon Administrative Authority Council, and the committee of District Officers. Thai Parliament, Local Administration Act of 1914.
24. Protected Area Regional Office 8 cited the volume of communities and inadequate funding for the slow removal process. Protected Area Regional Office 8, interview held at Protected Area Regional Office 8, Khon Kaen, March 20, 2009.
26. These communities are classified as A-type: communities that have lived within a protected area and managed resources within it for more than ten continuous years to the present day, B-type: communities that live within the protected area but have withdrawn from managing resources within the protected area at the present day, and C-type: communities that live outside the protected area but manage resources within a protected area. Thai Parliament, Community Forest Bill, 2007.
30. Khon Kaen Forest Land Management Department, interview held at Forest Land Management Department, Khon Kaen, March 20, 2009.
32. Ibid.
33. General Comment 4.7, ICESCR. For full text, refer to Appendix.
34. General Comment 4.8(a), ICESCR.
35. General Comment 4.9, ICESCR.
36. General Comment 4.8(b), (f), ICESCR.
38. The national park must do a boundary survey with the committee in order to prevent changes from the boundary expanding. Phu Pha Man National Park and Nong Jahn community, Memorandum of Understanding, 2007, 1.7 of the Draft MOU.
39. Kittibodee Yaipool, Dean of the Faculty of Law, Khon Kaen University, interview held at KKU Law Faculty, March 20, 2009.
42. Article 25(a), ICCPR. For full text, refer to Appendix.
43. The Ministry of Interior cited insufficient funding as justification for denying the application. Samai and Jahroon interview, March 12, 2009.
44. General Comment 4.8(b), ICCPR.
45. Nong Jahn is presently within the jurisdiction of Sam Phak Nam, but because it is a separate community and has no real representation within Sam Phak Nam, villagers have little bargaining power to receive support from the local government. Samai and Jahroon interview, March 12, 2009.
46. Samai and Jahroon interview, March 12, 2009.
48. Representation would include an officially elected village headperson and assistant, a Tambon Administrative Organization (TAO) and a budget for these positions. Samai and Jahroon interview, March 12, 2009.
49. Article 11.1, ICESCR.
50. General Comment 12.1, ICESCR.
51. Article 1.2, ICESCR.
52. Phak wahn is the informal name for a forest plant native to mountains in the Northeast of Thailand.
53. General Comment 12.15, ICESCR.
54. Ibid.
55. Article 15.1, ICESCR.
57. Samai and Jahroon interview, March 12, 2009.
59. Forest monks are part of the Thai forest tradition, which uses remote wilderness and forest dwellings as training grounds for spiritual practice. It is associated with the attainment of abhinna, or supernatural powers. Forest monks are especially orthodox, conservative, and ascetic. Thanissaro Bhikkhu, The Customs of the Noble Ones, http://www.accesstoinsight.org/lib/authors/thanissaro/customs.html (1999).
60. Samai and Jahroon interview, March 12, 2009.
61. Article 15.1, ICESCR.
64. General Comment 12.11, ICESCR.
68. Article 15.1, ICESCR.
ESCR Mobilization Project

The ESCR Mobilization Project was originally conceived on December 10, 2006 at a gathering of grassroots organizations in the Northeast of Thailand. This group formed the basis of the Peace and Human Rights Center of Northeast Thailand (PHRC). A disparate group of community organizations and networks determined that what unified their struggles was the International Covenant on Economic, Social, and Cultural Rights.

With help from the Surin Farmers Support and Surin Rice Fund, a week-long research project produced two pilot reports in May 2007. For the month of November 2008, students from the CIEE Khon Kaen program at Khon Kaen University revisited participating communities in the Northeast to spend time with villagers, share in their lives, conduct interviews, and compile information needed for this report. At a conference following the drafting of the reports, village leaders from five of the six target areas declared themselves as the Human Rights Network of the Northeast (Thailand) on December 2, 2008. Two more communities joined the network in March 2009. The entire project has been carried out under the auspices of the Law Center for Society at Khon Kaen University in cooperation with the National Human Rights Commission of Thailand.

The goal of the ESCR Mobilization Project is not merely to produce reports. The reports are intended to be one component of a larger strategy, the core of which is to explore the possibility of using an ESCR framework to organize and mobilize grassroots organizations, to create greater awareness of ESCR, to develop a local, regional, national, and international strategy, and to pressure the Thai government to comply fully with its ESCR obligations and commitments.

For further details about the methodology employed in the project, materials for carrying out an ESCR report, news of the campaign's progress, or more information, please visit the Peace and Human Rights Center at: http://www.geocities.com/phr.center/index.htm.

PHRC Coordinator: Suvit Gulapwong

Contact the ESCR Mobilization Project at: escr.mp@gmail.com

Participating Organizations and Networks include:
• Lampaniang Conservation and Restoration Group
• Khon Kaen Slum Revitalization Network and United Communities Network
• Network of People Living with HIV/AIDS (TPA+ Isaan)
• Committee of the Mun River Wetlands Conservation Network (CMRCN-Rasi)
• The Mun River Basic Community Preservation Project (Pak Mun)
• Surin Farmers Support and the Surin Rice Fund
• Sustainable Development Foundation Thailand
• People Who Conserve Their Hometown

The Acting Members of the ESCR Mobilization Project, who headed up and were responsible for the execution of this report are:

Project Managers: Perla Bernstein, Jenny Hardy, Meghan Ragany, Margo Silverman
Primary Report Authors: Kelsey Birza, Luke Rampersad, Sarah Robinson, Alexandra Scott
Profile Authors: Lisa Bruckner, Mikaela Dunitz, Samuel Newman
Feature Article Authors: Cortney Ahern, Melissa Garber
Photography Editors: Piper Harrington, Katja Nelson

Layout Editors: Piper Harrington, Ilana Garcia-Grossman


Project Facilitators: Arunee Sriruksa, Jintana Rattanakhemakorn, John Mark Belardo, Kanokpan Paladech

Project Advisors in Thailand: Sunee Chaiyaros, Commissioner of the National Human Rights Commission of Thailand, Dr. David Streckfuss, Director, CIEE Khon Kaen, and Decha Premruedeelert, Senior Advisor, NGO Coordinating Committee on Rural Development (Northeast Thailand)

Project Advisor (International): Dr. Srirak Plipat, Director, International Mobilization Team, International Secretariat, Amnesty International

Project Transportation Director: Suree Wongsak

Translator: Bunthawat Boonjar

“A Common Language” by Eimon Htun

Cover Photo: Han Buajahn, Credit: Katja Nelson

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