



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/60
11 February 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Right to food in Thailand

1. While the world's attention is directed towards the urgent food and water needs of the Asian tsunami victims, throughout the region the actions of state agents continue to pose the greatest enduring threat to the food needs of local populations. The Asian Legal Resource Centre has made separate written statements to the sixty-first session of the Commission on the right to food in India and Myanmar. It is also deeply concerned by actions taken by Thailand's security forces that have resulted in the deprivation of food, hunger, chronic malnutrition and displacement among the Pang Daeng community, Chiang Dao district, Chiang Mai province. Following the illegal arrest of 48 people from the Pang Daeng community for alleged land encroachment, families of that community have endured extreme hardship due to the massive disruption caused and the severe food shortages that have followed. Although the detained persons have been released on bail, they still face numerous charges that continue to severely affect their and their families' ability to survive.

2. On 23 July 2004, 34 men and 14 women from Pang Daeng community were arrested and charged with forest encroachment and illegal entry into the Chiang Dao national reserved forest. Some 200 officers from 11 government agencies were involved in the mass arrest, including army, police, and forestry and local administrative officials. As most of the arrested persons were the earners for their families, those who were not arrested – mostly women and children – have endured severe hardship ever since. Families with newborns and young children in particular have had to prioritise their food for the most needy, and subsequently, many have had to go without.

3. Among those affected was Korn Thamyod, and her two-year-old child Boonmee, whose husband, Sutha Thamyod, was among those arrested. Korn was suffering injuries from a car accident, and her child is also physically disabled; the two of them suffered hunger as a result of the arrest of Sutha. Another person who was arrested was E Poma Jaku, who has two dependants: her six-year-old son, Wanchalerm, and her mother Nasee, who is 48 and suffers from blindness and diabetes. In her absence, and with the whole community affected, the woman's son and mother were left to fend for themselves.

4. Although the detained persons were released on bail, their situation remains vulnerable as they face further debilitating charges. It should be noted that in a small village economy when one or two persons face arrest and legal problems, others are available to provide for the food and basic needs of the affected families. However, when an entire community is massively disrupted, as has occurred in this case, the prospects for survival are much worse. This community consists of 82 families, half of whom have been directly affected by the arrests that took place.

5. It should also be noted that there were numerous irregularities in the procedure of arrest, which lawyers from the Law Society of Thailand are now presenting as grounds for dismissal of the charges against the victims. Among them

- a. The police did not inform the persons that they were going to be arrested;
- b. The authorities did not obtain the proper warrants from the court as required by sections 237-238 of the Constitution of Thailand;

- c. The authorities claimed that the arrested persons were encroaching on the forest illegally under the National Reserved Forest Act (1964). However, the community was officially established in the early 1980s, when the relevant authorities issued documents of land title. In fact, the community leaders settled in the area some 50 years ago. The people had also participated in government programmes for protection of the forests, and had been given assistance by government agencies in connection with these projects; and
- d. The eviction was a blatant act of discrimination, as the only persons arrested belonged to poor minority communities; this despite there being numerous large-scale illegal encroachments in the area by business-persons with orange farms, resorts, golf courses and other commercial enterprises, none of whom have been affected.
6. The arrests that took place on 23 July 2004 were not the first instance of Pang Daeng villagers facing arrest on allegations of illegal encroachment. On 26 January 1989, 27 villagers were arrested, and on 26 March 1998, 26 were arrested. In both of these incidents, all persons arrested were men and each was found guilty and sentenced to jail terms. On the second occasion, the arrests triggered national protests at heavy-handed treatment of poor rural people by the authorities. Finally, new regulations were established, and the Order of the Forest Bureau in Chiang Mai Area No. 831/2542 (1999) put in place new arrangements for local people to participate in forest protection schemes. Evidently, however, these arrangements were overlooked during the most recent arrests.
7. According to the Central Registration Bureau, Department of Local Administration, the affected persons have not been included in the list of ethnic hilltribe groups that are eligible for citizenship. Without this recognition, the villagers will continue to be denied their right and security to the land and its food, which they have occupied for more than 20 years. Lacking citizenship in the land of their birth, and arrested for trespassing on the very land that most have ever known, the villagers of Pang Daeng face complete uncertainty with food scarcity, among many other issues, now a very real and serious threat to their future survival.
8. In light of the above, the Asian Legal Resource Centre urges the Commission to take the necessary steps in order that the Government of Thailand
- a. Investigate immediately the irregularity in the arrest and prosecution of the Pang Daeng villagers and abide by its international and national obligations to respect, protect and fulfil the right to food by way of implementing guidelines and monitoring mechanisms to ensure that this occurs.
- b. Overturn all charges laid against the villagers, in order that their right to food is protected by way of securing their livelihoods against further threats from the authorities. Irrespective of other aspects of this case, the right to food of the affected persons must be upheld.
- c. Provide full compensation to the villagers for losses suffered to their livelihoods as a result of the arrests, detentions and other state actions that have seriously affected the tenuous means for survival available to these persons.
- d. Respect past decisions made with regards to the status of the Pang Daeng villagers, which gave these people legitimate rights to occupy the land and to participate in forest protection schemes.

- e. Establish an independent body to investigate the heavy-handedness by Thailand's security forces and apparent repeated harassment of the Pang Daeng villagers with a view to legal and disciplinary action against the offending officers.
