



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I write to inform you that in the course of its 90<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination has further considered, under its early warning and urgent action procedure, the situation of the Karen indigenous people in the Kaeng Krachan National Park (“KKNP”), Thailand, brought to the Committee’s attention by a non-governmental organisation. The Committee would like to remind the State party that in its previous 80<sup>th</sup> session, it had addressed allegations of forced evictions of the Karen indigenous people from the same area in its letter of 9 March 2012. The Committee regrets that the State party has not replied, so far.

The Committee is informed about allegations of continuing and escalating violence against the Karen indigenous people living in the Kaeng Krachan National Park. It is alleged that for more than a decade, the Government of Thailand has been engaged in a policy aimed at forcibly evicting the Karen indigenous people from the KKNP, while threatening irreparable harm to their livelihood and cultural identity as well as enjoyment of their human rights.

Reportedly, in 2010, Karen indigenous people from settlements near Bang Kloï Bon and Pu Ra Kam were evicted from their lands while their houses, rice granaries and other possessions were destroyed. Such acts were allegedly repeated in May, June and July 2011 during which houses and rice stores were burnt as well as agricultural tools and other possessions. In addition, a number of Karen indigenous people were allegedly arrested and charged, and some others fled to seek refuge with their relatives outside the KKNP. However, Karen affected families reportedly chose to return to their area months later.

His Excellency Mr. Thani Thongphakdi  
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Such evictions were reportedly carried out in follow-up to the State party's position that indigenous peoples' traditional farming methods were incompatible with natural conservation objectives and that those evicted were irregular migrants. The submission claims that the State party has also argued that evictions were done pursuant to the Forestry Law which prohibits the occupation of forest lands, including by indigenous peoples, irrespective of whether the lands were traditionally occupied and used by them. These arguments are contradicted by the submitting organization which claims that those evicted are of Thai origin by birth and descent.

The urgency of the Committee's letter relates also to allegations that the State party has incorporated ancestral lands of the Karen indigenous people in a site known as the Karen Krachan Forest Complex ("KKFC") for nomination as a natural World Heritage Site under the World Heritage Convention of UNESCO. The Committee was informed that in view of the inscription of this site on the UNESCO's list, Thailand has committed to make efforts to remove the Karen indigenous communities from the site. The list has reportedly been formally nominated for inscription and will be considered by the World Heritage Committee, in October 2016.

It is reported that the State party has ignored the 2007 Royal Thai Constitution which protects the right for persons to remain in national parks and forest areas they have occupied prior to demarcation or establishment as well as a Thai Cabinet resolution of 3 August 2010 on the restoration of the livelihoods of the Karen, which allows them to remain in their ancestral lands and to continue their traditional farming. It is claimed that despite the protection by the Cabinet resolution and the Constitution, the State party has failed to provide redress to the Karen indigenous people for forced evictions as well as for other alleged human rights violations.

According to information received, in February 2016, the Central Administrative Court considered a legal challenge relating to forced evictions that took place in 2011. In its judgement, the Court found that the Department of National Parks, Wildlife and Plant Conservation has the right to burn Karen properties. It is claimed that such a decision would negatively impact the livelihoods and the protection of the rights of the Karen indigenous people in KKNP. It is also claimed that the nomination of the KKFC site was done without any significant consultation and the free, prior and informed consent of the Karen communities is given. It is reported that only very little information was provided to the villagers about the project.

The Committee is concerned that these allegations, if verified, could hinder the full enjoyment of rights under the Convention. The Committee recalls the concerns expressed in its letter of 9 March 2012 as well as recommendations made in paragraph 16 of its concluding observations (CERD/C/THA/CO/1-3, para. 16) of August 2012, that requested "the State party to review the relevant forestry laws in order to ensure respect for ethnic groups's way of life, livelihood and culture, and their right to free, prior and informed consent in decisions affecting them, while protecting the environment".

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party submit information on all of the issues and concerns as outlined above by 14 November 2016, as well as on any action



already taken to address these concerns. In particular, it requests that the Government of Thailand provide information on:

- (a) Allegations described above;
- (b) Steps taken to cease threats, intimidations, harassment against the Karen indigenous, investigate allegations of excessive use of force and provide reparation to Karen for any loss;
- (c) Measures taken to ensure the free, prior and informed consent of the Karen indigenous people or genuine consultation in decisions affecting them;
- (d) Steps taken to reconsider the nomination of the KKFC site from the World Heritage's list until an agreement is found with the Karen people.

In addition, the Committee requests that the State party urgently halt the eviction of the Karen indigenous people from the KKNP and take steps to prevent any irreparable harm to the livelihood of Karen as well as to ensure that they enjoy their rights including by effectively implementing the relevant provisions of the Constitution.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of Thailand, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,

Anastasia Crickley  
Chair

Committee on the Elimination of Racial Discrimination