

Right Angle

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Social conflicts and the peaceful resolution

The picture in newspapers recently depicting some old folk sitting with hands over their heads to plead for mercy from the Bangkok Metropolitan Authority (BMA) officers not to remove their belongings must touch several readers. They came from the Northeastern fishing village to Bangkok to protest against the construction of the Pak Mool Dam, which heavily affects their livelihood for years. Unfortunately, most city dwellers paid less attention to their plights as time passed. They were even irritated when the final government's decision to open the sluice gates only for 4 months was not agreed by protesting villagers.

Despite warnings from human rights advocates and academics that these villagers have the right to continue their protest peacefully in front of the Government House, the BMA claimed their responsibility and asserted their authority to keep public order and thus summarily moved the makeshifts shelters of the villagers. Their heavy-handed measure received support from Bangkok residents while villagers were appeased to return home without any solution to their problem.

The Pak Mool Dam protest ended just a few days after the violent crash between the local protesters and the police officers in the South. A group of local people have long protested against

the Thai-Malaysian Gas Pipeline Project, which is a joint venture between the national petroleum companies of the two countries with supports of both governments. It requires the construction of pipeline passing community areas to bring up natural gas in the sea to refinery. In front of the hotel where the joint Thai-

Malaysian Cabinet meeting to be held in Had Yai, the protesting group was violently clamped down by police officers, who accused the protesters of using violence and instigating public disorder.

The two cases shared some similarities, particularly that the root causes of the problems are not addressed. In both cases, the government agencies asserted the supremacy of public order, the majority's view and national interest to discredit the protest. However, the public opinion is divided over the government's aggressive act if it is the sustainable way to maintain public order and social harmony.

A Thai National Human Rights Commissioner and the other two Thai

social critics who have observed and taken part in social movements for decades viewed that there should be a better way to address social conflicts and discussed how the Thai society can move to peaceful resolution.



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Professor (Emeritus) Pradit Chareonthaitawee,

a Thai National Human Rights Commissioner and Chairperson of the Sub-Commission to investigate the violent incident stemming from the protest against the Thai-Malaysian Gas Pipeline Project, said in a meeting with governmental agencies that the violence in the Thai society nowadays is a result of the lack of meaningful public participation in mega-projects.

Articles 46 and 56 of the 1997 National Constitution clearly stipulated that local communities have legitimate rights to participate in the management of their local natural resources, he pointed out. Sadly, these principles are not heeded and respected. There has not been yet any legislation to guarantee such rights under the Constitution. "If we want to prevent the future conflicts, people must be able to participate since the beginning and their voice must be heard", he emphasised.

"A series of demands for social justice indicate that the society is now facing problems to be addressed", said **Mr. Paiboon Wattanasiritham** of the Community Organisation Development Institute in a seminar organised by the National Human Rights Commission. He noted that the Thai society has yet to prevent conflicts from the escalation into the violent use of force, which leads to the deeper conflicts.

He also confirmed that the Pak Mool villagers have the legitimate right to call for justice despite their minority proportion. "Society is like a family unit that we have to live together. A trouble facing by a member is also the trouble of the rest of the family. All members need to find ways and means to solve it in order to bring back peace and happiness, not to shrug it off as it is of the minority", he said.

To reconcile the conflicts over the Pak Mool Dam and the Thai-Malaysian Gas Pipeline Project, Mr. Wattanasiritham suggested that they need a mediator. For a broader framework, the society should have a common rule through broad-based consultation to regulate to what extent the public or people can participate in these public projects, and to clearly identify rights and responsibilities of each party. Since the two cases have reflected a deep-rooted problem of the society, they require an in-depth study of all relevant factors to be lessons learnt by all. This will strengthen a culture of peaceful resolution within the Thai society, which requires some times to develop and achieve.



Prof. (Emeritus) Pradit Chareonthaitawee

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Prof. Prawase Wasi

However, it is still better than using violence.

Professor Prawase

Wasi, the Thai Senior Citizen, compared the peaceful resolution of social conflicts with "a football match" which requires the rules for all players to respect, and for the referees to control the game as known to all players. The public as

watchers will monitor if the game is played or controlled by the rules. If not, the watchers will give boos and jeers.

"Social disagreement is common and unavoidable. Mostly, it stems from the structural flaws of the society. Without clear rules, the conflicts can spill over into violence. The point is how to manage conflicts in a civilised and peaceful way, taking them as stepping stones to the more constructive society, not violence. Peaceful civic society is an ultimate goal of democracy which we have to achieve."

"It is, therefore, important to establish such rules of conduct which must not be arbitrarily laid down. All parties concerned must accept and give recognition to the rules." In the process of drafting, he said, public hearings are necessary for mutual learning of all parties and raising public awareness. This is the process that the present Constitution was previously drafted.

He elaborated that the rules must include what is called peaceful assembly or protest, what activities are regarded "offside", and to what extent they can be tolerated or should be dismissed. The rules must also limit the authorities' use of force. For example, the metal baton should be prohibited.

These rules should be made legislation together with the establishment of a National Committee of Conflict Reconciliation. The government should not act as mediator since it is a conflicting party, Dr. Wasi said. Instead, the government should open the space for protesters to air their grievances and exercise restraints in dealing with them since they are not enemies. Both sides should be gentle to each other and withhold belligerent attitudes. In fact, this has always been the Thai way of life, he concluded.



Mr. Paiboon Wattanasiritham

...Society is like a family unit that we have to live together. A trouble facing by a member is also the trouble of the rest of family...

What had happened in the protest against the Thai-Malaysian Gas Pipeline Project



The objection against the project began in 1998 when there was a signing of the preliminary agreement on the trading of gas from Malaysia-Thailand Joint Development Area between the national petroleum companies of the two countries, and proceeded on the business contract in 1999. Because of the widespread objection by people and academics, the government later organized public hearings twice of which the procedure the public disapproved. However, the Chairman of Public Hearing Committee announced that the public hearing was completed and finally led to the confrontation with authorities for the first time.

In reference to the Environmental Impact Assessment (EIA), the specialists only accepted the technical aspect, excluding the social impact which the Policy and Environment Bureau requested the specialists to reconsider. Last year, the concerned agencies issued the specialists' acceptance on the EIA.

During the mobile cabinet meeting with the Malaysian counterpart held in December 2002 in Had Yai of Songkhla province, the protesters assembled in front of the hotel, intended to submit the letter of complaint to the Prime Minister. In the middle of their daily Muslim rituals at night of 20 December, the police lined up with batons to continuously force the protesters away. At last, the protesting group was violently dispersed by police officers. As a result, a number of protesters were injured and 12 leaders were arrested. A day later, the arrested protesters were detained on the charge of attacking or threatening to use force against the



police, possessing the weapons in public and without a reasonable cause, etc.

Due to this respect, the National Human Rights Commission, the Human Rights Committee of the Law Society, the Southern academics group, and the network of 15 non-governmental organizations condemned the use of violence in the clampdown and urged the unconditional release of 12 protesters.

Having made no effect, the NHRC issued two statements expressing concerns over the practice with the arbitrary use of force, which could result in the violations of the Constitution to the degree of its de facto abolishment. The NHRC also appointed a Sub-Commission led by a Commissioner Professor Pradit

Chareonthaitawee to investigate the violence on 20 December with the objective to address the cause and to give recommendation for the resolution of conflict for all parties concerned. However, a number of representatives of involving authorities denied to give testimony to the Sub-Commission by claiming that the case is being brought to the court of justice with the police's charge against leading protesters with above-mentioned allegations. The NHRC, therefore, had to issue the third statement clarifying the authority and responsibility of the Commission under the Constitution and the related Act. The result of the Sub-Commission's investigation is expected by the end of March.



STATEMENT ON THE VIOLENT SITUATION STEMMING FROM THE PROTEST AGAINST THE THAI-MALAYSIAN GAS PIPELINE PROJECT

THE SECOND STATEMENT CONCERNING THE VIOLENT SITUATION STEMMING FROM THE THAI-MALAYSIAN GAS PIPELINE PROJECT "THE AGGRESSIVE PROVOCATION RESULTING IN A CONSTITUTIONAL CRISIS"

(1) The National Human Rights Commission has learnt and monitored, with deep concern and regret, the violent clash between the police officers and people who protest against the Thai-Malaysian Gas Pipeline Project in Hat Yai, Songkhla Province, on the night of 20th December 2002. It is of particular concern that the situation can lead to misunderstanding and disintegration within the Thai society if the facts surrounding the incident are distorted to gratify personal whims or interest as it had been done in the past. If this is simply allowed to repeatedly happen, our country will never achieve a sustainable, just and peaceful development in harmony.

(2) The National Human Rights Commission wishes to reiterate that it has no intention to interfere in the national administration which is under the authority of the government. However, with its concern about the situation, the stability and integrity of the system of constitutional liberal democracy which belongs to all Thai people, the National Human Rights Commission feels obliged to appeal to both the government and Thai people for the following:

(2.1) To uphold the principle of justice, and with empathy of the government's responsibility and to safeguard integrity of officials involved with the incident, the National Human Rights Commission calls for an establishment of an independent Committee comprising representatives from the government and civil society sector whom the public trust in. The Committee should be responsible to establish the facts, and report to the public its findings and lessons learnt from the incident to prevent any repetition in the future.

Meanwhile, the arrested protesters must be treated humanely and strictly with due process of law.

(2.2) Presumably, the group has staged a protest against the Thai-Malaysian Gas Pipeline project partly due to the negligence of the obligations and spirits of the Constitution to guarantee the basic rights and freedoms which bind the Parliament, the Cabinet, the Courts and all governmental agencies. In this light, the National Human Rights Commission studied the case and gave recommendations to the Prime Minister, but has yet not received any response or clarification.

As the bloody violence stemming from the Project occurred, the National Human Rights Commission deems it necessary to urge the government, once again, to review the project from the beginning of the process, including the previous public hearings for the reason why the project is not acceptable to those specialized in this field.

(2.3) To keep the society in justice, the National Human Rights Commission appeals to every Thais to follow and peruse the incident, also watch closely to the government's policies and development projects. The Thai-Malaysian Gas Pipeline case is only one of many harsh problems which are about to take place and can lead to further violence in the future. This is not an interference but it is the people's legitimate rights and the government's responsibility as stipulated under Section 76 of the Constitution that:

"The State shall promote and encourage public participation in laying down policies, making decision on political issues, preparing economic, social and political development plans, and inspecting the exercise of State power at all levels."

(3) This statement calls for transparency and accountability in the administration to maintain rightness, justice and peace in the society.

Following the statement dated 22nd December 2002 calling for the government to appoint an independent Committee to investigate the violent incident related to the Thai-Malaysian Gas Pipeline Project in Hat Yai of Songkhla Province, the National Human Rights Commission would like to reiterate that the recommendation was made to give the government an opportunity, at the time when the Thai society is in a state of confusion and difficulty, to show its vision and wisdom to rectify mistakes and omission of the Constitutional spirit in the past, and to verify the facts in order to protect the integrity of innocent officials involved at all levels.

It is regrettable that, instead of an effort to resolve the problem in an open, straightforward and transparent way for the sake of justice and unity in the country, the aggressive provocation and instigation were chosen which caused an atmosphere of hatred, contempt, suspicion and disunity among the Thai people.

The Commission is concerned that the aggressive behavior to impress the public on decisiveness in administration has signalled the revival of dictatorship as seen by some high-ranking commanders of national forces, both past and present, voicing their support in using force to solve social conflicts. This is to cover up their past malpractices and corruption at the time of the authoritarian ruling and are yet to be investigated. Moreover, such reaction tends to suppress the people's legitimacy to exercise their rights to participate in public policies and development.

The threatening gestures which resort to the arbitrary use of force and violence show the serious lack of discipline and possibly lead to the non-compliance or even the abolition of the Constitution. It is, therefore, the responsibility of the

The National Human Rights Commission of Thailand
22nd December 2002



government and related organizations to stop such a threat and prevent its recurrence. Any institution which fails to duly perform its duty implies that it is part of the authoritarians giving consent to suppress the people's rights to participate in politics and to check State's power, including corruption in many government's large-scale projects.

Being concerned that one violent incident may flare up to a crisis that overthrows the Constitution, the National

Human Rights Commission feels responsible to safeguard human rights and freedoms which are the spirit of the liberal democratic constitution by issuing this statement. It is not going to cause unnecessary alarm or concern to the public, but to prevent the bloodshed as repeatedly happened in the past.

Whether or not the government will appoint an independent Committee to investigate the case, the National Human

Rights Commission will conduct its investigation as mandated by the Constitution, and expects understanding and cooperation from people with conscience in the government and the civil society.

**The National Human Rights
Commission of Thailand
26th December 2002**

Report on Investigation made by the National Human Rights Commission on Violence related to the Thai-Malaysian Gas Pipeline Project

The National Human Rights Commission, an independent organization established under Section 199 and 200 of the 1997 Thai Constitution, has the mandate to examine and report on the commission or omission of acts which violate human rights or which do not comply with the Constitution or other domestic laws and international treaties to which Thailand is a party. This entity also has been given the mandate to propose remedial measures suitable for individuals or related agencies and to propose amendments of laws, rules, and disseminate human rights education or research. With these obligations, the National Human Rights Commission has appointed a Sub-Committee to study and investigate the violent situation stemming from the Thai-Malaysian Gas Pipeline Project on the 20th December 2002 in Hat Yai, Songkhla Province. The Sub-Committee subsequently notified the involved agencies requesting that they submit written statements to clarify details of the facts, and summoned any involved individuals for verbal testimony as a part of the investigation in order to ensure fair treatment of all parties.

1. A few of the individuals relevant to this case turned down the Sub-Committee's invitation on the appointed dates apparently stating they had other engagements. The latest excuse given is that the case has already been considered in the court of law. Therefore, to give testimony to the Sub-Committee could be interpreted as the interference to the court's inquiry.

2. In this connection, the National Human Rights Commission would explain its purpose and mandates of the investigation as follows :

2.1 The investigation is not aimed at examining the judicial process by which a governmental agency brings a lawsuit against people either on the criminal, civil or administrative charges.

2.2 The examination and report of the commission or omission of acts which violate human rights is being carried out in order to be able to propose remedial measures which may involve officials in the operational and governing levels as well as the policy makers, the measures to prevent the reoccurrence of similar incidents in the future, and the amendments of laws to improve human rights with respect to this issue.

2.3 In case that a person whose rights have been violated has brought a lawsuit against the alleged governmental agency, it indicates the plaintiff's decision to bring to justice and seek compensation for his or her violated rights through the court. The National Human Rights Commission shall not, therefore, further proceed with the examination.

2.4 Nevertheless, for a criminal case in which a person is charged by a governmental agency in any judicial court for non-direct human rights violation despite some related acts, the case will not be considered out of the National Human Rights Commission's constitutional authority to further proceed with the examination. The reason is that the practice of the governmental agency involved with the case has not been examined in the human rights perspective, which is the constitutional mandate of the NHRC.

2.5 The claim that the case is considered in a court of law without distinction of the plaintiff, who may be citizen or governmental agency, gives an opportunity for the governmental official to hasten in bringing the case to a lawsuit. This shall be considered unjust and unfairly acting in abuse of citizens' constitutional rights since they have not yet fully exercised their rights by bringing a lawsuit to the court. The National Human Rights Commission's acceptance of the claim is to neglect the will of the Constitution and to be considered accomplice of human rights violation.

Therefore, in the case of a lawsuit against citizens brought to the court by the governmental agency when the citizens in question have not made claim to court for the governmental organization's human rights violation cannot be determined as a case under article 22 of the National Human Rights Commission Act B.E. 2542 (1999).

3. In accordance with the will of the Constitution B.E. 2540 (1997) to protect people's rights and liberties, the National Human Rights Commission deems it necessary to insist that all persons and officials involved in the situation have responsibilities to co-operate by giving facts surrounding the incident with accuracy and transparency to facilitate the investigation . Above all, it is this co-operation that will maintain the rule of law of the country.

Human rights education:

A lesson learnt from the protest against the Thai-Malaysian Gas Pipeline Project



Prof. Saneh Chamarik

...All parties simply lack public awareness and have not learnt lessons from the past. The Thai society has now gone through the dictatorship regime, but rapidly slipped into the summary consumerism...

Human rights education is one of five focus areas in the six-year Strategic Plan of the National Human Rights Commission (NHRC). A Sub-Commission was then appointed to carry out activities to promote human rights education in the schooling system and law enforcement agencies such as the co-operation in development of curricula and training courses.

Apart from advocating the formal human rights education, the Commission also focuses on the activities to raise human rights awareness from problems encountered in the society.

The violent clash between police officers and the protesters against the Thai-Malaysian Gas Pipeline Project in the evening of 20 December 2001 in Had Yai caused concerns to many Thais that violence is still an option to solve a

conflict. In the past, the uses of force and violent measures occurred too frequently during the authoritarian ruling. As the country has been democratised, such a violence was beyond expectation. The clash thus shocked many people.

Therefore, on 28 January 2001, the Sub-Commission on Human Rights Education in co-operation with the Senate's Sub-Committee on Justice and Human Rights organised a one-day seminar on "A Lesson Learnt from the Thai-Malaysian Gas Pipeline Project." People who involved with the incidents such as senior police officers, community leaders, and also academics, mass media representatives were invited to give comments how the society can learn the lesson from the incident and avoid violence in social conflicts. Following are recommendations drawn from the discussion:

| EDUCATION |



- To prevent any future conflict, the government needs to enhance more public participation in development projects by improving laws and regulations with recognition of human rights principles and the community rights.

- The structural flaws and social conflicts have to be addressed through the process of strictly abiding peaceful means. However, the peaceful principle does not mean in any sense to suppress the right of people to express their opinions.

- All parties concerned must learn together to respect human rights principles and the community rights. By doing so, human rights education is urgently needed, and should be regarded as another form of "social investment".

- The public awareness concerning the compliance of the Constitutional provisions and political reform should be

increased.

- The common rules and codes of conduct for conflict prevention and management are to be drawn, and also an impartial body for conflict reconciliation should be established.

- Communities should be strengthened, particularly in terms of self-determination in order to protect their own rights and the right of community.

- Draconian laws should be reviewed and revised to recognise the rights of people as guaranteed by the Constitution.

In the concluding remarks of the Seminar, Professor Saneh Chamarik, the NHRC Chairperson, said that the Gas Pipeline Project is only one of many cases to follow. These projects potentially cause conflicts between the government and people. "It is a result of the failure to

implement the Constitutional provisions", he said. All parties simply lack public awareness and have not learnt lessons from the past. The Thai society has now gone through the dictatorship regime, but rapidly slipped into the summary consumerism.

He further explained that natural resources are valuable and badly needed by business people. The caveat is the failure to comply with certain provisions of the Constitution, which then opens the door to the greedy interest groups to exploit local natural resources. He also warned the government that it is not too late to allow the meaningful participation to the ongoing and forthcoming public projects. We must prevent interest groups to flout laws or regulations for personal interest, or to use the word "development" as an alibi to exploit natural resources.

10th December :

The Thai Constitution and International Human Rights Day



"The human dignity, right and liberty of the people shall be protected."

**National Constitution
(B.E. 2540)
Section 4**

It has been for some time that both Thai governmental agencies and NGOs have annually celebrated the importance of the Constitution on 10 December. The 1997 Constitution has been repeatedly upheld as the result of political development and people's struggle. Despite such regards, the Constitution is not much applied as a guideline in the Thai livelihood. In this respect, the National Human Rights Commission organised a seminar to commemorate the Constitution and International Human Rights Day on 10 December 2002 to emphasise the significance of the day and drew more people's attention to human rights.

Particularly on this occasion, it was the 5th anniversary of the present People's Constitution (B.E. 2540) in which Section 4 states that "The human dignity, right and liberty of the people shall be protected." It is for the first time that, in the Thai Constitution, the human dignity is recognised and the people's universal rights and freedoms are upheld. Thus both the Thai Constitution Day and the International Human Rights Day are truly connected in the respect of human rights and dignity.

In the event, amidst the demand for constitutional amendment, the Chairperson of the National Human Rights Commission said in the opening that he encouraged the society to review the Constitution, which was not meant for alteration but enforcement of the articles concerning human rights to be seriously implemented.

The Constitution becomes closer to people's ways of living whenever it is linked with the disadvantaged, the marginalized and the excluded who have to face with many kinds of human rights violation such as right to housing, labour rights, community right to conserve and manage their local natural resources. These experiences were revealed by representatives of labourers, slum dwellers and the Karennis from lower Klitty village in the talk "The tale of the miserables." These voices reflected the complication of human rights violation in Thailand that has insinuated into social structure, and it is necessary to identify to the public how certain government's policies can potentially violate their rights.

In the session "In expectation of the National Human Rights Commission," academics, media, governmental officials, senators, and people shared their experience in working for people to take part in shaping the directions of community development. They themselves admitted that their rights were also violated one way or another. These confirmed the complication of human rights situation by which everyone voiced the importance to raise awareness, gathered information and knowledge relevant to the Thai society, and worked toward the change at policy and structure levels. And the National Human Rights Commission must urgently act toward the goal to protect and promote human rights in Thai society with participation of all parties.



Human rights networking: A strategy for human rights promotion

Experience and lessons learned from the seminar

- **Regulation and respect of identity of networking**

From the small group discussion among organizations from the North, it reflected that human rights organizations in each region have their own existence and identity. Local organizations are familiar with each other and have already worked closely together at a certain level. In other words, there is already a network of local organizations for human rights. Therefore, in order to connect the local networking system, it is necessary to have a good knowledge of the local characteristics, needs, expertise, problems and environments of the organizations, and equally important to respect the identity of the existing network. This was resonated in what Prof. Saneh Chamarik, the NHRC Chairperson, stated at the seminar closing *"Local community should keep and value their own identity since it is very vital. Don't lose it just because you come to join the Commission."*

- **The sustainable relations of networking comes from an equal relationship**

During the workshop, questions that the organizer received from every regional group is "How natural is the relationship between the National Human Rights Commission and the networking organization going to be?" They were ambivalent that networking organizations would be just a small mechanism that is used by the Commission. However, after a challenging and frank discussion, everyone agreed that, to maintain efficient human rights networking function, equal relationship needs to be built. The Commission and the networking organization need two-way communications, information sharing, and regular co-ordination. In addition, the NHRC needs to cooperate with networking organizations, in various aspects of geography, issues, target groups and multi-levels to offer more access to people and all organizations with the wills to work for human rights network.

Even though this seminar is the first step of the NHRC toward strengthening capacity of human rights networking in Thailand, it gave us many lessons. Information obtained is valuable to develop human rights network since it derived from real experience from groups of people who work at the grassroots level.

Nowadays, there are many types of network occurring in Thailand including civil society, people's organization, NGOs, and academic groups for social reform. The aim of all these networks is either to target similar issues such as children, women, elderly people, environment or to co-ordinate in accordance with geographical areas. When these people come together with their skills and experiences, the power of synergy occurs. The more people and organizations become co-ordinated, the stronger they are. It helps multiplying power of networking in contact. It is generally accepted that working through networking by linking experts and people with experiences from every corner of society is an important strategy for human rights promotion and protection. However, we still require a proper study of how to create networks and work with them in a systematic and effective manner. People in the networks still understand the nature and working mechanism differently, which is an obstacle for connection.

As the National Human Rights Commission of Thailand (NHRC) has foreseen the benefit of networking system, they organized a seminar on "How to connect and develop human rights network in Thai Society" during 19-20 November last year. Participants included representatives from the government sector, NGOs, people's and civil organizations all over the country. They exchanged information, shared experiences, and brainstormed about authority, responsibility, mission of the NHRC and how to coordinate in human rights protection in the future.

National Human Rights Institutions

The Human Rights and Equal Opportunity Commission, Australia

The Human Rights and Equal Opportunity Commission (HREOC), established in 1986 by the Australian Federal Parliament, is an independent statutory authority whose functions are to monitor, protect and promote human rights in Australia. Its responsibility is also to administer Human Rights and Equal Opportunity Commission Act 1986, Sex Discrimination Act 1984, Racial Discrimination Act 1975 and Disability Discrimination Act 1992. Its four focus areas cover public awareness and education; anti-discrimination and human rights complaints; human rights compliance; policy and legislative development.

With these main areas, the human rights education is placed as a priority. To fulfill the goal, the HREOC has developed the communications strategies to target all Australians by making use of the media and working with the business and community groups to disseminate and develop human rights messages as well as developing human rights materials for schools.

As part of the strategies, the HREOC contributes to public debate on human rights and discrimination issues including refugees and asylum seekers, racial vilification, indigenous social justice, native title, sex discrimination and harassment, disability discrimination, for examples.

For further information on the human rights education materials and updates, please visit website : www.humanrights.gov.au

The National Human Rights Commission of the Republic of Korea

The National Human Rights Commission of Korea (KNHRC) launched its mission as an independent institution on November 25, 2001 under the National Human Rights Commission Act. Currently, the Commission is composed of 11 Commissioners. Its secretariat is structured with 5 bureaus, 18 divisions and a library with 215 staff members. Its main

functions are to investigate complaints and provide remedies with respect to human rights violations and discriminatory practices, to make recommendations on the government's policies and submit its opinions, to educate the public and promote public awareness of human rights, and to ensure close working relationship with national and international human rights institutions.

Until now, the Commission has dealt with over 3,500 complaints related to human rights violations and discriminations. At the end of last year, half of them were settled while the rest are still under investigation. The Commission also made policy recommendations on many issues such as the ratification of the Rome Statute establishing the International Criminal Court and the cancellation to issue the Terrorism Prevention Bill which finally succeeded. In terms of human rights education, it initiated a variety of courses on human rights to train school teachers, policemen, guards and military servicemen. Apart from that, it was accepted one of the 12 members of the APF at the latest annual meeting.

The New Zealand Human Rights Commission

On the 10th December 2002, the New Zealand Human Rights Commission campaigned to raise New Zealanders' awareness of their human rights and responsibilities. It is to emphasise the positive and binding value of human rights through co-ordinating nationwide human rights activities and workshops, and distributing human rights information and materials. The Commission also launched the new National Plan of Action (NPA) for Human Rights project across the country to rediscover and re-examine the human rights framework set out in the Universal Declaration of Human Rights.

For further information on the New Zealand Human Rights Commission, please visit website : www.hrc.co.nz

About the Asia Pacific Forum of National Human Rights Institutions - APF



During the previous decade, the issue of human rights has increased the interest and concern in global perspective apart from other conventional issues as security and global economy. As the governments have a prime responsibility to the realization of human rights for their people, they are required to make the issue one of the factors considered in the process of policy formation and implementation. However, each state is unable to handle the violation of human rights on its own since the violation has become more borderless and transnational such as people smuggling and trafficking across the countries. Therefore, the international cooperation and assistance is the major key to tackle and prevent the human rights violation. Other international, regional and national independent organizations are thus to give complementarity to the promotion and protection of human rights at the national level.

The national human rights institutions have increased the important role after the 1993 World Conference on Human Rights. It was agreed that such an institution should be established with independent functions in each country. Despite the emergence in more countries, the difference in level of full development and effectiveness of the national human rights institutions remain.

In 1996 the initiative to establish the Asia Pacific regional cooperation of national human rights institutions started in Larrakia Declaration which was adopted at the first annual meeting held in Australia. In reference to the Declaration, the APF was set up as an independent non-profit organization that supports, through regional cooperation, the establishment and development of national institutions in order to protect and promote human rights of the peoples of the region. It also provides the necessary practical assistance and support to its individual national human rights institution members, governments and NGOs to enable them to more effectively undertake their own human rights protection, monitoring, promotion and advocacy.

The current APF membership includes 12 full member institutions from Australia, Fiji, India, Indonesia, Mongolia, Nepal, New Zealand, the Philippines and Sri Lanka with the national human rights commissions of

| REGIONAL FOCUS |

Korea, Malaysia and Thailand being accepted at the latest annual meeting in India. The condition for the independent national institutions to be recognized as full members is that they have to conform with the Paris Principles which is a detailed set of principles on the status of national institutions endorsed by the UN Commission on Human Rights and the UN General Assembly and become the foundation and reference point for the establishment and operation of national human rights institutions.

Activities

• Annual Meetings

The annual meetings of the Forum are the largest and most comprehensive regular human rights meetings in the Asia Pacific region. They are a mechanism for the practical advancement of human rights, particularly because they bring together national human rights institutions, the UN agencies,

governments and NGOs in a harmonious, practical and largely non-political setting.

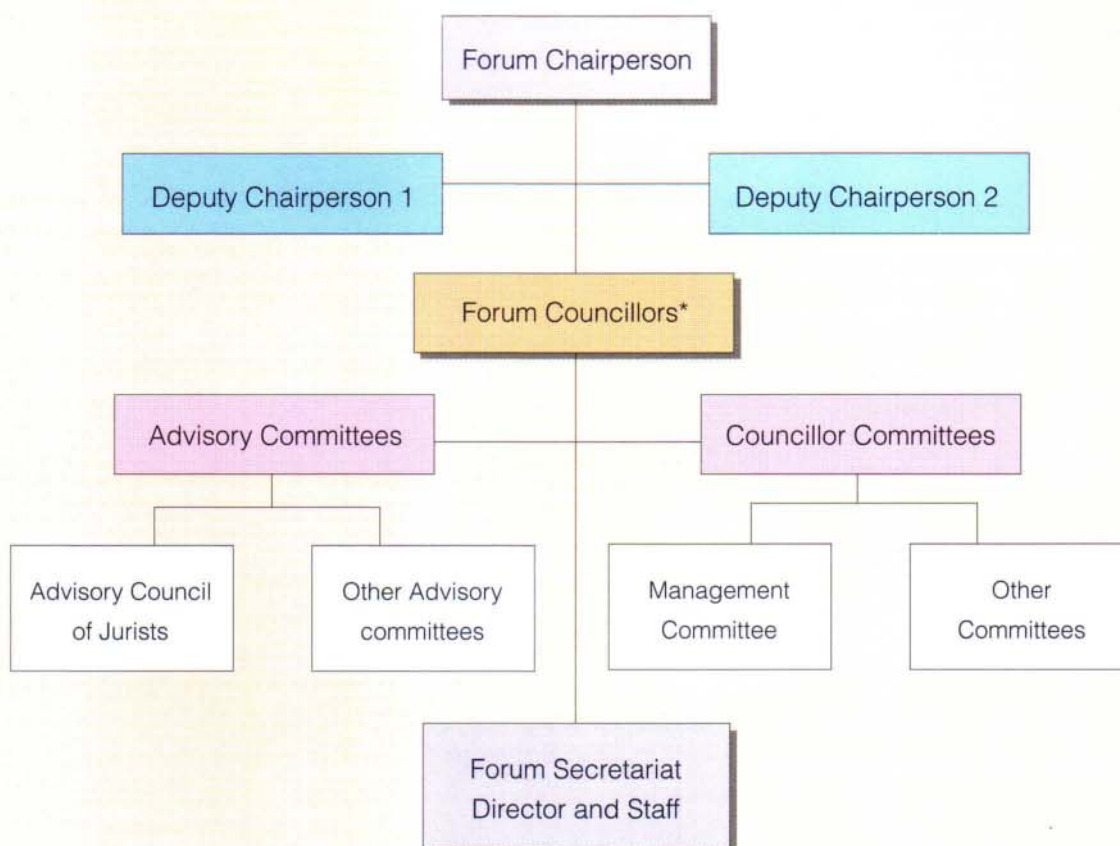
• Advisory Council of Jurists

Advisory Council of Jurists (ACJ) is a specialist advisory body to provide to the Forum and its member institutions with jurisprudential guidance, comment, opinion and advice on the interpretation and application of relevant international human rights standards. The ACJ, upon request, can settle principles of international law and the treaty obligations of the concerned states.

• Other Activities

In order to expand mutual support, cooperation and joint activity among member institutions, the programs on information exchanges, training and development for commission members and staff, development of joint positions on issues of common concern, sharing expertise, periodical regional meetings, specialist regional seminars on common themes and needs are drawn up.

Organizational Chart



*The Forum Council is the decision-making body of the APF which comprised one voting councillor nominated by each full member institution. Forum Councillors can establish committees of councillors, or advisory committees.

Source : <http://www.asiapacificforum.net>

SMCE:

A practical solution to poverty reduction and sustainable development at the grass roots level

After the economic collapse in 1997, Thai society has focused more on internal strength and learned its valuable lessons from the past mistakes. Now as the society is going through a self-reform, both the governmental and non-governmental development organizations are paying attention toward the self-help learning, the sufficient living, and the self-reliance economy more than ever. For example, there are talks and action projects, especially focusing on the establishment of community business to help reduce poverty at the grass roots level, continually implemented nationwide. Nevertheless, only a few last and even fewer succeed in helping the villagers reduce poverty however earnest and enthusiastic the programs might be. Why is it so? Let's see how a local community in Mai-riang district, Nakonsriathammarat province analyzed the problems and how they came up with "Small and Medium Community Enterprise (SMCE)"; a newly, yet practical solution to reduce poverty and to instill sustainable development within the place they call home.

Learning from the past

"Villagers in Mai-riang community experienced a failure in community business before. However, they do gain from the past mistakes they learned."

Mai-riang community members once received help from the governmental development organization to set up community business, but the governmental development plan provided for their community business did not work out well. Such plan was designed, with a well intent, by the supporting governmental agency and was based on raw materials found in the community and the demand of the central market. However, it failed to address the lack and the demand of certain type of product within the local market while neglected the community identity and its local and traditional wisdom when it came to the product building process. Consequently, a number of communities located in the same geographical area and those producing similar raw materials ended up carrying out almost identical products to the same markets. With overwhelming quantity of similar products, the community and nearby local markets were over-supplied. The central market's doubts in the quality of community products resulted in even greater lost. These community products did not sell. Eventually, the community business stopped operating.



In the face of economic crisis and expanding poverty, members of Mai-riang community gathered up and organized a series of open discussions in order to identify and analyze the past problems. Instead of passively waiting for the governmental aide, they were determined to find a pro-active measure, in which the community can deal with poverty and become self-reliant economically or, at least, be able to help its members to achieve the sufficient standard of living. Through their self-learning process and strong determination, community members not only learned that the root cause of their community business' failure heavily relied upon non-well-rounded plan and mismanagement. They also learned, in depth, about themselves, their community, and the world outside. With all these inputs, they decided that once more they would give a go to community business. But, this time they would do it their own way in accordance with the "Community Action Plan" written from their "collective knowledge". And, that is how SMCE was initiated and implemented in Mai-riang community.

Community strengthening for the present

The term SMCE is referred to business enterprises, being initiated, funded, and run by the local community and its networks. SMCE is similar to the private business enterprises in a way that it has a systematic management, with product research, target customers, and marketing plan. *However, what makes it totally different from the existing business is that SMCE does not focus on making profit. Rather, it puts priority to the self-reliance and the strength of community and its networks, including the promotion of the community's self-determined right to development.* SMCE in Mai-riang Community certainly makes the most concrete exemplary case for Thailand at present.

During the initial state, villagers in Mai-riang community launched their SMCE project with help from some governmental and non-governmental development organizations in form of funding (loan), consultation, and encouragement from



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experts. However, later, they have been working quite independently with other communities, which turned out very well in the hands of villagers.

Sustainable development in a long run

The achievement of SMCE in Mai-riang has proven that villagers and local communities are capable of doing business. Apart from the existing natural resources, these people are full of creativity and are imbued with local and traditional wisdom, which will lend a great hand to the building of *products' identity* - an important ingredient to make the product sold and the business lasted.

All they need is an opportunity to participate in the project from its initiation, planning, development, operation, to management. This opportunity is essential to the local communities dealing with SMCE as much as it is to others dealing with controversial development projects, regardless the type. If given enough opportunity, the Thai local community should be able to enjoy their way of life and their right to determine the sort of development they deem necessary, and not be pressed to relocate or to accept the development project they did not need.

Taking Mai-riang community as a case study, SMCE has been proven a practical solution towards community poverty reduction and sustainable development at the grass roots level. Its existence and its operation provide the involving members and local communities a sufficient living, a self-reliance economy, and a strong knit of network. Although it may not immediately help improve economy on a larger scale, an increasing number of self-reliant communities succeeded in SMCE management could gradually help foster sustainable development to the society and to the country in a long run. Such success further proved that local communities do not only possess the right, but also an ability to determine the right to development. Little by little, sustainable development could be fostered practically through this.



At a Corner...

The National Human Rights Commission (NHRC) will mark its record that just 10 days after the event to commemorate the Constitution and International Human Rights Day on 10 December 2002, a violent clash of the opponents to the Thai-Malaysian Gas Pipeline Project by police took place in Hadyai, in the Southern province of Songkhla.

The Constitution of the Kingdom of Thailand B.E. 2540 (1997), which is a result of more than 3 decades of people's democratic movement and which has been considered the Thai Constitution that most respects human dignity and value, is now seriously challenged. The National Human Rights Commission, which was established under the Constitution, is also being assessed by the society whether it can give justice to people.

Mega-projects, which cause violence by ignoring and neglecting the people's participation and destroying the natural resource bases, continue in Thai society. The direction of national development still follows the growth-oriented path that measures the development success by economic indicators, not the development of spiritual and human value that add respect to human dignity.

This issue of "Right Angle" is therefore focusing on sharing with readers a significant value for humankind, **peace and peaceful resolution** as they are instrumental to the prevention of human rights violation in the situation of conflicts and violence.

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