

**The Complaint No. 210/2555: Community Rights and Rights on Land Management, Case of Allegation against the Department of National Parks, Wildlife and Plant Conservation acting in compliance with the Cabinet's Resolutions for proofing of rights and setting-up dispute resettlement on land problems;**

Mr. Arhama Leeheng lodged a Complaint to the National Human Rights Commission of Thailand (NHRCT) with allegation upon the Announcement with Demarcation of National Forest, B.E. 2508 (1965) and the Royal Decree on Demarcation of National Forest in Budo-Su-ngai Padi Mountain Range, promulgated on the date of 8<sup>th</sup> June 1999, covering areas of 87 villages, 25 sub-districts and 9 districts in three Deep South Provinces where unavoidably overlapping arable and residential areas of villagers. Under the National Forest, villagers are not allowed to cut-down any trees, including their defunct rubber trees with replanting of substituents. The Cabinet, in reference to this Case, adopted a Resolution on the date of 14<sup>th</sup> October 2008 with approval upon proposals of the Centre for Administration of Poverty and Rural Development in accordance with Self-Sufficiency, with the conclusion that: for the avoidance of risk with environmental impacts. The Cabinet agrees upon a proposal for cutting- defunct rubber trees down with replanting of substituents in proportion not exceeding 4 percent of those being in areas, while all relevant agencies are also requested to accelerate the land dispute resettlement for suffered villagers with issuance of land title. Nevertheless for there is none of or very few implementations in accordance with that Cabinet's Resolution, as a result villagers still suffered. Thus the Complaint was lodged with request for investigation.

The National Human Rights Commission of Thailand (NHRCT) has acquired and considered the facts gained from examination of relevant laws and opined that problems of suffered villagers caused by the promulgation of Royal Decree on Demarcation of National Forest in Budo-Su-ngai Padi Mountain Range, corresponding to a Complaint, shall be divided into 4 main groups as follows:

- 1) A group of people residing outside the National Forest are proved to dwell and occupy their land for generations. In the past, they all understood that their arable areas were fallen under the National Forest scheme in the sense of overlapping. After the clear official demarcation undertaken with the setting-up of

the National Forest in Budo-Su-ngai Padi Mountain Range, they all were informed that some plots of land shall be issued with the Land Title Deeds. Agencies in charge of demarcation with issuance of land title then surveyed and demarcated occupied areas with granting of land title to some villagers. Nonetheless due to the death of Head of demarcation team from the Unrest, the process of demarcation with issuance of land title is being suspended. So if there is a need to continue this solution, a new Demarcation Team shall be formed with embarking upon remaining tasks until the completion.

- 2) A group of people occupying areas inside the National Forest are proved to be 223 villagers. This was the result of the first announcement of National Park in 1965 covering first half of Budo Mountain and the later announcement in 1999 with overlapping some remaining with left-over. These plots of lands are found in Ba Chor District, Raman District and Ruesor District. The problems of this group are not too serious, due to forest laws are enforced with more flexibility.
- 3) A group of people occupying areas further announced to be under the National Park whom facing most difficulties with earning for their life, due to their all plots of land were seized.
- 4) A group of people requesting to change or cut down their rubber trees which would be entitled to rights and compensation schemes under the Rubber Replanting Aid Fund.

In reference to the abovementioned Case with problems, the NHRCT deems expedient to adopt a Resolution to propose policy recommendations to the Cabinet, the Southern Border Provinces Administration Centre (SBPAC) and all relevant agencies to consider, under Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Article 257 Paragraph One (5) and the National Human Rights Commission Act, B.E. 2542 (1999), Section 15(3), as follows:

1. The Cabinet shall consider to reaffirm its Resolution, dated 14<sup>th</sup> October 2008, with approval upon a proposal for cutting-down on defunct rubber trees with replanting of substituents in proportion, not exceeding 4 percent of those being in areas, for the avoidance of risk with environmental impacts. While all relevant

agencies are also requested to accelerate the land dispute resettlement for suffered villagers with issuance of land title.

2. The Southern Border Provinces Administration Centre (SBPAC) shall propel the establishment of the Center Surveying Land Demarcation with mandate to make a clear database of villagers suffered in this Case. The problems of suffered villagers shall be divided into 4 main groups as: (i) a group of people residing outside the National Park; (ii) a group of people occupying areas inside the National Forest; (iii) a group of people occupying areas further announced to be in the National Park whom are facing most difficulties with earning for their life, due to their all plots of land were seized; and (iv) a group of people requesting to change or cut down their rubber trees which would be entitled to rights and compensation schemes under the Rubber Replanting Aid Fund.

The NHRCT, with efforts of the Sub-Committee Implementing Human Rights Strategies in the Deep South Provinces, had convened a Meeting on 21<sup>st</sup> January 2013 with brainstorming from relevant agencies and then submitted suggestions for the land dispute resettlement to the SBPAC, pursuant to a Letter of NHRCT, No. 0003/466, dated 22<sup>nd</sup> February 2013.

3. The Department of National Parks, Wildlife and Plant Conservation, Ministry of Natural Resources and Environment and the Department of Lands, Ministry of Interiors shall, without any delay, conduct examination with scrutiny and demarcation for those lands unclear or in disputes with fair practices.

By the conclusion, Office of the NHRCT is entrusted, by the NHRCT, to follow-up and monitor any actions undertaken corresponding to a Resolution.