

Report No. 1140/2558 on Community Rights on Protection: Complaint on affect from the construction of the barrier of the Solar Energy Generation Project in Phitsanulok province.

- **Issues of Complaint:**

The complainant is a farmer in Tambon Ma Tong, Phrom Phiram district of Phitsanulok had complaint to the National Human Rights Commission that his land was next to the Solar Energy Generation Project area owned by a company. This Solar Energy project constructed a barrier to prevent water surrounding the project site which affected the livelihood of the complainant and the community villagers. The problem is that the barrier had blocked the natural flow of canals. During the rainy season, the barrier will block the water prevent the flooding of the project site but water will be flooding over the aggravation area of the complainant and other community villagers. Flooding will cause the damage to the rice field and bring about the decreasing of rice products.

- **Result and findings of the National Human Rights Commission**

The National Human Rights Commission had considered and found that the complaint is on the draining water in the rice field of the farmers/ villagers which is next to the project site of the solar energy generation plantation, which caused the problems to the community rights. The project is lacking of participation of people in the area. It's also the conversion of agricultural land into plantation affecting the farming traditional livelihood of the people. Moreover, the future activities of the plantation such as the land surface adjustment, digging water canal surrounding the plantation and sewage the water into natural water sources, for instances, might also affected the neighborhood. The big community may be changed due to the forced purchasing of land from the villagers by the rich. However, the farming identity of traditional community still remained.

The villagers in those affected area uphold their community rights to manage, maintain and utilize natural resources and environment as well as the eco-balanced and sustainable bio-diversity. The villagers called for a resolution to drain the water out of the farmland naturally and ensure that the community still gain benefit from the natural resources they ever get. So that to prevent the impact on the farming livelihood and their quality of life and not in contrary to the public interest in accordance with article 66 and 65 of the

Constitution B.E. 2550 [2007] which are still endorsed and protected by the current interim constitution B.E. 2557 [2010].

- **Success and progress of Human Rights Protection**

The National Human Rights Commission had also play a mediating role to reconcile some certain dispute and resolve the case of Human Rights violation base on article 27 of the National Human Rights Commission Act B.E. 2542 [1999]. MOU between the Tambon Administration Organization of Ma-Tong, the company (who was complained) and the villagers around the project site who were affected to resolve the problems/ dispute and end the doubts of those who were affected. The representatives of Office of the National Human Rights Commission, Phitsanulok Civil Work and City Planning Office, Mass Operation Unit of the Military, Yom and Nan River Water Supply and Maintenance Project were also presented as witnesses.