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Subject: Concerns and recommendations on the proposed establishment of Kaeng Krachan Forest Complex (KKFC) as a natural world heritage site in Thailand

Dear Mr. Badman

With reference to your e-mail dated 15 July 2014 from IUCN World Heritage Programme inviting comments to nominations to the World Heritage List being evaluated by IUCN in 2014-2015. We welcome the opportunity to provide comments and observations into the evaluation process, and are particularly pleased to have the opportunity to comment on the Kaeng Krachan Forest Complex, as it has been an area in which we have had concerns for some time.

We, the Karen Network for Culture and Environment – Western region (KNCE) and allied organizations, have met and deliberated at length on this issue in Ratchaburi province on the 14 September 2014. With respect, the KNCE would like to provide additional information, context and analysis that we feel will assist in the evaluation that IUCN is to undertake. We have specific recommendations, outlined at the end of this letter, to ensure that any further moves towards inscribing the KKFC be conducted with due respect for our rights and with appropriate measures in place to ensure the active, full and effective participation of the Karen communities living in and near the site in the inscription process and in future management arrangements.

Indigenous peoples and the Kaeng Krachan Forest Complex

KKFC is made up of 4 protected areas, namely: Mae Nam Phachi Wildlife Sanctuary, Kaeng Krachan National Park, Kui Buri National Park and Chaloeam Phrakiat Thai Prachan National Park covering 482,225 hectares in the three provinces of Ratchaburi, Phetchaburi and Prachuab Kirikhan. The KKFC—apart from being rich in biological diversity (both flora and fauna)—is a home to indigenous Karen who have been living there for hundreds of years. Their land is part of their identity, and most of their livelihood comes from the lands they farm and from the surrounding forests. The national park officials have been planning to relocate or evict the communities out of protected areas in their attempt to establish a natural World Heritage site using the national forest conservation policy and law.

A clear case in point is the series of forced relocation of Karen people from Bang Kloi Bon and Jai Paen Din out of the Kaeng Krachan national park to Bang Kloi Lang in 1996, 2010 and 2011. These forced relocations have caused tremendous economic hardships to the relocated communities and have seriously impacted on their social and culture life. The KNCE and its allies, therefore, submitted a complaint letter to the concerned Thai government authorities and to the UN Committee on the Elimination of Racial Discrimination on 13 February 2012 demanding them to urgently resolve these problems. We recommended then, and reiterate here, that UNESCO should fully evaluate and addresses the issue of forced relocation of the Karen communities, as well as

Thailand's compliance with its obligations to protect the rights of the Karen as guaranteed by, *inter alia*, the UN Declaration on the Rights of Indigenous Peoples, when considering Thailand's proposal for the recognition of the KKNP as a World Heritage site (See attachment for more information). It is worth noting that the UN Committee on the Elimination of Racial Discrimination accepted the urgent action request, noting with concern that “an increasing level of violence has been committed against the Karen people by the Thai National Park and Forestry Officials” and urged the Royal Thai Government to urgently act to improve the situation of the Karen people living in the Kaeng Krachan National Park.¹

However, no effective measures have been taken till date to redress or help the affected villagers who were evicted from Bang Kloi Bon and Jai Paen Din. Most of them still do not have land for farming or even a place for building their permanent houses. Some of them are forced to go to town and work as wage labourers to earn a living. They are under paid and face many forms of discrimination as many of them are yet to be given citizenship by the government.

Furthermore, it is the case that relationships between National Park staff and indigenous communities resident in and near the Park areas are strained at present and there needs to be concerted efforts at building trust and cooperation. At present, National Park staff seek to obscure the realities on the ground by stating or implying that those resident in the parks are Burmese refugees, or are drug dealers, or armed groups. Such accusations serve to increase the level of conflict and make it more difficult to achieve lasting solutions to the conflicts that have existed in the Park areas in the past.

National Human Rights Commission of Thailand

The case of Kaeng Krachan National Park has already come to the attention of the National Human Rights Commission (NHRC) in Thailand, which has recently issued a detailed report regarding the case of Kaeng Krachan and specifically the impact of the park on the resident communities, including through the forced eviction programmes carried out in the past.² This report was issued on 17 September 2014 and carried the following recommendations to the concerned authorities in Thailand to resolve the conflict:

- 1) The Department of National Park, Wildlife and Plant Conservation (DNP) should establish a fact finding committee to investigate the eviction, demolition and burning of Karen's properties who lived in Bang Kloi Bon and Jai Paen Din village and to cease all arrest, intimidation and coercion to Karen people. This is in accordance with the Cabinet Resolution dated 3 August 2010 on Policy to revitalize Karen traditional livelihoods and to temporarily allow the affected Karen people to go back and farm in their own land until the problems have been fully resolved.
- 2) The DNP should conduct a survey on land use and tenure of the Karen people in Bang Kloi Bon and Jai Paen Din using the Cabinet Resolution dated 30 June 1998 on land problem management in forest areas. This was to be completed within 60 days after receiving the NHRC report.
- 3) The DNP, in collaboration with Phetchaburi provincial government, should set up a committee to redress and compensate damages and other costs to the Karen who

¹ Letter to H.E. Mr. Sihasak Phuangketkeow, Ambassador and Permanent Representative, Royal Thai Government, Geneva, UN Committee on the Elimination of Racial Discrimination, 9 March 2012

² Human Rights Violation Report, National Human Rights Commission dated 17 September 2014 case no. 317/2557

- suffered from demolition and burning of their properties. This again was to be undertaken within 60 days after receiving the NHRC report.
- 4) The Ministry of Culture was requested to assist in resolving the current problems in accordance with the Cabinet Resolution dated 3 August 2010 on a Policy to revitalize Karen traditional livelihoods. This should be undertaken in collaboration with Phetchaburi provincial government, the Head of the Kaeng Krachan National Park and with the full and effective participation of representatives of the Karen people, and again should be initiated within 60 days after receiving this report.
 - 5) The Kaeng Krachan district under the Local Administration Department should set up a mobile unit to speed up a survey and granting Thai citizenship to the eligible Karen people. This should be done within 60 days upon receiving the NHRC report.³

In addition to this, Mr. Porlachi Rakchong Charoen also known as Billy, a Bang Kloi village leader, had documented the issues and problems faced by the evicted Karen communities from the Kaeng Krachan national park and submitted the report to the Bureau of the Royal Household demanding for justice and redress on behalf of the affected villagers. He went missing on 17 April 2014. He was detained by the head of Kaeng Krachan national park allegedly on charges of possessing wild honey on the same day. However, the national park authority claims that he was released on the same day. He has not been seen since and this case is still under investigation by the police.⁴

Failure to consult or to seek free, prior and informed consent

In KKFC area, there are many communities living inside and outside of the protected areas. Many communities are afraid that the creation of a natural World Heritage site will impact on their daily life and livelihood practices negatively, including access to forest products, medicinal plants for health care, etc. The imposition or enforcement of restrictive laws and policies by the government could lead to further intensification of conflict between communities and the government authorities.

Most of the villagers living in KKFC areas have received very little information regarding the proposed establishment of the World Heritage site. They are not yet aware of the pros and cons of establishing a World Heritage site. According to villagers, there were a few meetings held to share information about the proposed world heritage site, but no details were shared and the information provided were one-sided. Villagers living in and around the KKFC areas are worried that with the establishment of the world heritage site, there will too many outsiders coming to conduct studies, or as tourists, etc. that will cause garbage problems and environmental degradation. Such concerns have not been allayed in the process of preparing the nomination to date.

Recommendations to IUCN:

Taking into consideration the concerns and issues stated above, the Karen Network for Culture and Environment and its allied organizations recommend the following measures to be established prior to the establishment of the KKFC as a natural world heritage:

³ See also, Bangkok Post, 'Ray of Hope in Forest Fight', 27 September, 2014 for English language media coverage of the NHRC of Thailand report:

<http://www.bangkokpost.com/opinion/opinion/434545/ray-of-hopein-forest-fight>

⁴ For further information on the disappearance of Porlachi Rakchong Chareorn see Human Rights Watch: <http://www.hrw.org/news/2014/04/20/thailand-prominent-activist-feared-disappeared>

- 1) All conflicts between the government agencies and communities living in and around KKFC be resolved prior to the establishment of the proposed natural World Heritage site, in particular the cases of eviction of Karen communities from the Kaeng Krachan national park.
- 2) The concerned government agencies organize workshops to provide full information on both advantages and disadvantages of the establishment of the proposed World Heritage site to indigenous peoples and local communities, including indigenous organizations and advocates (as nominated and preferred by the directly affected communities). In addition, a public hearing should be conducted with the full and effective participation of all stakeholders.
- 3) The proposed World Heritage site should clearly recognize the rights of indigenous peoples and other communities living in an around KKFC. The establishment of the World Heritage site should not lead to infringement of their rights. Their livelihood practices and access rights to the forest must be guaranteed and their role in the conservation and management of natural resources and the world heritage site should be made explicit. New management plans and management arrangements should be developed that recognize resident Karen as equal partners in the effective conservation of the Kaeng Krachan area.
- 4) There is an urgent need to clearly demarcate the village areas, lands and territories used by resident indigenous communities and community land titles should be issued accordingly. A fair and clear conflict resolution and redress mechanism that is easily accessible and just for affected villagers should be established.

We support the establishment of a natural world heritage site that respects our rights, our identity as indigenous people and for equitable conservation of natural resources and biodiversity as an asset for the world community. We look forward to working with you in developing an evaluation and assessment of the KKFC that will enable and support the World Heritage Committee to understand and appropriately respond to the challenges of this proposed site.

- 1) Karen Network for Culture and Environment (KNCE)
- 2) Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT)
- 3) Indigenous Peoples Foundation for Education and Environment (IPF)
- 4) Indigenous Knowledge and Peoples Foundation (IKAP)
- 5) Forest Peoples Programme, UK
- 6) Asia Indigenous Peoples Pact (AIPP)