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**PERMANENT MISSION OF THAILAND
GENEVA**

The Permanent Mission of Thailand to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the joint communication from Human Rights Council special procedures Ref. AL THA 2/2019 dated 21 February 2019, has the honour to transmit herewith the Royal Thai Government's response to the said joint communication.

The Permanent Mission of Thailand to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its high consideration.

Geneva, 29 April 2019



Office of the United Nations High Commissioner for Human Rights
GENEVA.

I. Overview

- For decades, Thailand's thinking and practice towards the sustainable and long-term conservation of forest biodiversity and integrity are grounded in its commitments to promote and protect the rights of local people, ethnic groups and communities and foster their economic and cultural relationship to land and natural resources, through transparency and participatory means.

II. Law and policy updates

- In 2017, people lived in or utilized an approximate area of 15 million rai (2.4 million hectares) of the forests. While some did so under executive measures, others had yet to receive authorization and others were in disputing land claims. Around 9 million rai (1.44 million hectares) was in the reserved forest areas, and around 6 million rai (0.96 million hectares) in the "protected areas", including national parks, wildlife sanctuary, and non-hunting areas. The unauthorized or provisional occupation in the protected areas could be divided to that before 2002 of about 3.6 million rai (0.576 million hectares) and the new occupation after 2002 of about 2.3 million rai (0.368 million hectares).

- To address practical challenges in natural resources management, particularly where the rights of local or traditional communities seem to compete with environmental rights, Thailand has constantly undertaken systematic reviews of its laws, policies, measures and practices to make it possible for humans to live harmoniously in the forests, including the protected ones. These include:

- **The 2017 Constitution**, promulgated on 6 April 2017, reaffirms the ground rules since the 1997 Constitution and builds on them to create a system conducive to the needs of a pluralistic and cohesive society, specifically under the prohibition of all forms of discrimination clause and legal recognition to ensure harmonious co-existence of ethnic minorities in Thailand. Section 27 of the 2017 Constitution guarantees that all persons are equal before the law and prohibits "discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view". At the same time, Section 70 of the 2017 Constitution clearly directs the State through legislation and determination of policy for the administration of State affairs to "promote and provide protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the State, health or sanitation."

- **The 20-year National Strategy (2018-2037)**, promulgated on 13 October 2018 as directed by the 2017 Constitution, contains one of the key strategies on the promotion of social and cultural capital development that gives value to diversity, such as ethnicity, religion and culture, and non-discrimination as well as the promotion of equal rights and dignity of ethnic groups. It also attaches importance to local knowledge and wisdom of people and communities, while promoting pride of their roots, preserving their identity and traditional way of life, and cultivating common grounds in a sustainable manner.

- **The National Reform Plans**, announced on 6 April 2018, provide guidelines for the country in line with the innovation-driven 'Thailand 4.0' policy and the 2030 Agenda for Sustainable Development, covering 11 specific areas of politics, public administration, laws, justice system, the economy, natural resources and environment, public health, mass media and IT, social issues, energy

and anti-corruption. The National Reform Plan on Social Issues focuses on unlocking all barriers for disadvantaged groups in order to create social inclusion. Furthermore, the Natural Resources and Environment Reform Plan aims to protect the environment and promote effective natural resources and environment management thereby minimizing potential forest land conflicts and inequalities. It proposes a comprehensive systematic reform plan with mechanisms to deal with the issues of land-use designations, the rights to reside and utilize protected and reserved forests, community and ethnic groups rights, and sustainable forest and wildlife management. The plan has indeed led to the amendments of the National Parks Act B.E. 2504 (1961), the Forest Act B.E. 2484 (1941) and the Wildlife Conservation and Protection Act B.E. 2535 (1992), as well as the National Legislative Assembly's approval of the Community Forest Act, among others.

- o **The National Parks Act B.E....**, as approved by the NLA on 7 March 2019 to replace the National Parks Act B.E. 2504 (1961), puts in place provisions to allow people who are landless and have resided in or utilized the national park within the timeframe under the Cabinet's resolution of 30 June B.E. 2541 (1998) or within the timeframe under the NCPO's Order No. 66/2557 dated 17 June B.E. 2557 (2014) to reside in or utilize the national park for a tenure period up to 20 years per each permission on a case-by-case basis, subject to certain conditions and in conformity with the objectives to preserve, restore and maintain good conditions of natural resources, ecosystem and biodiversity of the designated areas under the "Project on the Conservation and Maintenance of Natural Resource in the National Park" approved by the Cabinet.¹ The law requires that the assessment of land occupation in the protected areas before the draft act comes into effect be conducted within 240 days from the date at which the draft act comes into effect. Not only does it for the first time provide opportunities for ethnic communities including Karen to secure land tenure, continue a traditional way of life, including a traditional rotational farming system, and preserve their cultural integrity, but it also helps reduce land conflicts in the protected areas while strictly prohibiting land encroachment and land trespassing. The law is expected to benefit around 2,700 communities to stay in the protected areas of about 5.9 million rai (0.944 million hectares), including the national parks and the wildlife sanctuary areas.

- o **The Wildlife Conservation and Protection Act B.E. ...**, as approved by the NLA on 7 March 2019 to replace the Wildlife Conservation and Protection Act B.E. 2535 (1992), will allow people who are landless and have resided in or utilized the wildlife sanctuary area or non-hunting zone within the timeframe under the Cabinet's resolution of 30 June 1998 or within the timeframe under the NCPO Order No. 66/2557 dated 17 June 2014, with the same conditions to those applied in the draft National Parks Act, to reside in or utilize the wildlife sanctuary area or non-hunting zone for a tenure period up to 20 years per each permission.

- o **The Community Forest Act. B.E. ...**, as approved by the NLA on 15 February 2019, will allow local residents living near the forests that are not protected forests such as national parks or areas that belong to the government and have potential to become a forest to submit a proposal with a renewable five-year plan on the utilization and conservation of the forest in their community to the concerned authority. Permission will be given directly by a community committee, as opposed to the current practice, in which the authority is a permit holder and the community committee is the authority's assistant. Not only will this Act address the national interest in conserving and

¹ The reference is made to the Cabinet's resolution of 30 June B.E. 2541 (1998) on 'The solutions to land use problems in the forest areas' and the NCPO's Order No. 66/2557 dated 17 June B.E. 2557 (2014) on 'Additional government agencies to suppress and stop the encroachment and destruction of forest resources; Interim policies for the operations under the current situation'.

rehabilitating forest areas, but it will also benefit local residents in working with the State on sustainable natural resources management.

- The Government has established the National Land Policy Committee to set up a policy on land allocation to the public without land ownership. Following the said policy with set criteria and conditions, the Cabinet approved in principle to allocate land as a compound plot to a community by allowing their access to utilize it as but not giving them land ownership. A community in question has to appear in a cooperative or another form as appropriate. The government has targeted a 20-year plan on living land allocation for community, which covers an area of 5.6 million rai (895,999.6 hectares) in 3 years. As of March 2019, 860 areas of land in 70 provinces have been allocated accounting for 1,294,197 rai (207,071 hectares) in total. 151 areas of land in 58 provinces have been authorized for utilization, a total area of 504,644 rai (80,743 hectares).

III. Legal actions and compensation relating to the incidents of law enforcement carried out under section 16 and 22 of the National Park Act B.E. 2504 (1961) in Kaeng Krachan National Park (KKNP) between May and June 2011

- The incidents in May and June 2011. The KKNP officials had received reasonable evidence on new encroachments and destruction of forest land in the KKNP in violation of Section 16 of the National Parks Act B.E. 2504 (1961), which prohibits any person to hold or possess land, construct any structure, or clear or burn the forest.² After due assessment and warnings, the KKNP officials decided to perform their duties under Section 22 of the Act, which allows the park officials to take any action as deemed appropriate in order to prevent or alleviate national park damage,³ through burning and destroying some shelters and moveable properties (personal properties, objects, and belongings) in the encroached areas.

- Some legal consequences of the incidents are as appeared in the Supreme Administrative Court's decision delivered on 12 June 2018 for the case between Mr. Ko-ee Mimeo and five other native Thai-Pga K'nyaw (Karen), as plaintiffs, and the Department of National Parks, Wildlife and Plant Conservation (DNP) and the Ministry of Natural Resources and Environment (MONRE), as defendants. The two key court's decisions are:

- The plaintiffs' occupation of the disputed land was in violation of Section 16 of the National Parks Act, as the land was in the national park and the plaintiffs could not provide any legal proof of land ownership or tenure. Thus, the Court could not grant the plaintiffs' request to return to the land in dispute.

- Nevertheless, the court found that, since Ban Bang Kloy Bon and Jai Pendin were recognized as a longstanding traditional community of Karen-Pga K'nyaw, the park officers' acts of burning and destroying shelters and moveable properties of the plaintiffs were an "over-exercise of power" against the key guidelines in the MONRE's handbook on the enforcement of the National Park Act's Article 22

² Section 16: Within the national park, no person shall (1) hold or possess land, nor construct any structure or clear or burn the forest; (2) collect, take out, or do by any means that endangers or deteriorates wood, gum, wood oil, turpentine, mineral or other natural resources; ... (19) leave any flammable article which may cause fire.

³ Section 22: In case any violation under this Act has caused the construction of new structures or has rendered any changes to the original state of the national park, the competent official shall have the power to order the offender to demolish or remove such thing from the national park, or restore such thing to its original condition, as the case may be. If the offender fails to comply therewith or the offender is unknown, or for the purpose of prevention or alleviation of the national park from damage, the competent official himself may take any of the said actions as may be appropriate. The expenses incurred thereby shall be borne by the offender.

as well as under the Administrative Procedure Act B.E. 2539 (1996). As the acts of burning and destroying shelters and moveable properties gravely affected the plaintiffs' rights to properties and caused unreasonable damages to the plaintiffs while maintaining public benefits, the park officers would not only have to issue a written compliance order, but also, in case the plaintiffs failed to comply, a written notice requiring the person concerned to observe the order within the period reasonably prescribed and indicating specific measures to be taken and the expenses for taking such measures or the amount of fine. The court also found that the park officers' action was against the Cabinet's resolution of 3 August 2010 on 'The restoration of Karen's way of life', which directs park officials not to arrest and protect Karen traditional community on the use of traditional land in the disputed areas. From these findings, the court decided that the park officers' action was illegal and DNP was responsible for the wrongful action of its park officers and should provide compensation for plaintiffs at a total amount of 300,987 baht (USD 9,120).

- On 12 January 2016, Kaeng Krachan Police Station submitted a case file on a wrongful and dishonest exercise of duties for the incidents above under Section 157 of the Criminal Code against Mr. [REDACTED] a former Superintendent of KKNP, and officers involved to the Office of the Public Sector Anti-Corruption Commission (PACC). The case is now under the PACC's investigation. If the PACC resolves that the officials involved committed a criminal offense, the case will be referred to a public prosecutor to proceed the case. If the PACC finds that the alleged officers committed any disciplinary fault, the PACC has the power to refer the case to their superiors' consideration for disciplinary punishment.

IV. Criminal case regarding the death of Mr. Tatkamol Ob-om, a human rights defender on 10 September 2011

- On 15 October 2015, the Appeal Court Region VII confirmed the judgment of Phetchaburi Court acquitting Mr. [REDACTED] the then chief of KKNP, and three other defendants on the charge of premeditated murder, due to the fact that the plaintiff's evidence, based principally on circumstantial evidence, was insufficient to sustain the weight of evidence to prove defendants' guilt beyond a reasonable doubt.

- Since the plaintiff did not file an appeal to the Supreme Court within one month from the date of the reading of the Appeal Court's judgment, the case is now final according to Section 216 of the Criminal Procedure Code. In addition, Section 220 of the Criminal Court prohibits an appeal to the Supreme Court if the plaintiff's case has been dismissed by the Court of First Instance and the Appeal Court.

V. Allegation of the enforced disappearance of Mr. Pholachi or "Billy" Rakchongcharoen on 17 April 2014

- In 2018, the Department of Special Investigations (DSI) took the case of Mr. Pholachi or "Billy" as a 'Special Case' No.13/2562 on 18 February 2018 in accordance with the Special Case Investigation Act, B.E. 2547 (2004). DSI has provided witness protection to Mrs. [REDACTED] Mr. [REDACTED] since 2018.

- The alleged misconduct of the officers involved, including Mr. [REDACTED] failing to hand Mr. Pholachi over to the police after Mr. Pholachi was accused of obtaining wild honey, is now under investigation of PACC for a wrongful exercise of duties under Section 157 of the Criminal Code. The

PACC's findings may result in both criminal and disciplinary action against the officials involved as mentioned above.

VI. Measures have been taken to ensure that indigenous human rights defenders are able to carry out their legitimate work, without fear of threats or acts of persecution and harassment of any kind

VII. Detail of Witness protection measures which were made available in the context of investigations into the above cases.

- **The 2017 Constitution, the National Reform Plans, and the 20-year National Strategy (2018-2037)** lay down principles and a guiding framework for government policies and actions to protect and promote human rights, including the rights to freedom of expression and opinion, and to ensure an impartial and transparent exercise of officials' powers, accountability for any wrongful or dishonest exercise of officials' powers and availability of appropriate redress.

- Applicable laws to provide a safe and enabling environment for human rights defenders to conduct their work freely include:

- A criminal offense on wrongful exercise of duties under **Section 157 of the Criminal Code** contains broad preventive and punitive effects to any wrongful and dishonest exercise of official functions of powers, such as malicious accusations or prosecutions. This offense can be investigated by the Office of National Anti-Corruption Commission (NACC) and, if a disciplinary fault or criminal act is found, referred to the superiors and/or a public prosecutor to proceed for consideration of disciplinary punishment.

- For those whose rights are affected by the unlawful administrative orders, for example, travels bans, punitive registrations or restrictions on the receipt of funding, they can seek a full review of the decisions and redress through an administrative appeal process in accordance with the Administrative Procedure Act B.E. 2539 (1996). Once the reviews are exhausted, the injured persons may appeal to the Administrative Court under the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999).

- As an effort of the Court of Justice to establish an overarching tool to **protect the right to freedom of expression against Strategic Litigation against Public Participation (SLAPP)**, a new **Section 161/1 of the Criminal Procedure Code** has taken effect on 20 March 2019 to provide the court with the power to dismiss any criminal case at the filing stage of the lawsuit if it appears to the court that the cause of action stems from (1) ill intention to harass (2) to take advantage over a person (3) to gain any unlawful benefits or (4) to achieve any corrupt underlying objectives. In parallel, the Court of Justice has also proposed a new **Section 165/2 of the Criminal Procedure Code**, which came to effect on 20 February 2019, to allow the accused to present legal and evidentiary arguments during the preliminary examination of the Court where they previously could not do so. Section 165/2 also enables the Court to play a more active role by having the power to summon witnesses and evidence proposed by the accused as the Court's witnesses.

- **Section 21 of the Public Prosecutor Organ and Public Prosecutors Act B.E. 2553 (2010)** stipulates that the public prosecutor shall be independent in his prosecution and honestly and impartially act in accordance with the Constitution and the laws. It also gives the Public Prosecutor the power to refer the opinion to the Attorney General to issue an order of non-prosecution if found that a criminal prosecution has no use to the general public or affects the nation's safety or security or significantly impairs the national interest. In addition, the Public Prosecutor Rules on the Prosecution of the Public Prosecutor B.E. 2547 (2004) directs a public prosecutor to perform his/her duties without

delay and in a just and equal manner and to take human dignity and the rights and freedom of a person into their consideration and decision.

- **The Justice Fund Act B.E. 2558 (2015)** has been established to provide legal aid to individuals, including the accused and those who suffer from trials or those whose human rights are infringed. The fund covers assistance in terms of bail, retainer of lawyers, court's fees and other expenses relating to the trial.

- **The Witness Protection Act B.E. 2546 (2003)** provides protection of witnesses in criminal cases for their safety as well as individuals who are closely related to the witnesses and at risk of being threatened or harassed as a result of them becoming or being a witness. The Government is currently amending the Witness Protection Act to enhance a legal framework and measures on witness safeguard and protection, including to cover those who are intimidated or threatened before criminal proceedings are initiated.

- In 2017 Thailand enacted **the Organic Act on the National Human Rights Commission B.E. 2560 (2017)** to strengthen the National Human Rights Commission (NHRC) in monitoring human rights violations and promoting human rights in the country in accordance with the Principles relating to the Status of National Institutions (the Paris Principles). The Act gives NHRC the power to investigate and request or order government officials or any person to present information, clarify, and provide documents and evidence (Section 33-38). The NHRC can also submit recommendations related to human rights issues or problems to the Cabinet for further action. Those who refuse to cooperate may face criminal sanctions and penalties for up to 6-month imprisonment, a fine up to 10,000 baht (about 310 USD), or both (Section 59).

- Related activities and initiatives include:

- In 2016, the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice - in collaboration with CSOs and the OHCHR Regional Office in Bangkok - published the "Handbook to Protect Human Rights Defenders". The handbook has been distributed to the general public, particularly to human rights defenders working in the field. The Government has also cooperated with all stakeholders and partners to develop details of the handbook to ensure its practicality.

- RLPD conducted a workshop on human rights defender protection framework, with a view to categorizing the security status of human rights defenders and proposing a suitable level of protection to safeguard each group against harm.

- RLPD has conducted field trips to monitor the situation of human rights defenders in various provinces with relevant organizations, including OHCHR.

- Since 2015, RLPD has been conducting trainings on human rights and law enforcement for officials-in-charge working in the Southern Border Provinces.

- Human rights defenders are included in the draft 4th National Human Rights Plan (2019 – 2023) to ensure that they will be safeguarded against intimidation, reprisals or any unlawful acts. The draft National Action Plan on Business and Human Rights has also designated human rights defenders as one (1) of the four (4) priority areas; namely, labour, land, environment and natural resources, human rights defenders and cross-border investment and multi-national enterprises.

- Thailand has constantly encouraged and involved CSOs to work with or to participate in the decision-making process of government agencies. They are also invited to join various functions and cooperation projects, including those in collaboration with international organizations. For example, the Thai CSOs network on business and human rights actively participated in several panels and events during the 7th UN Forum on Business and Human Rights in November 2018. The Thai delegation

headed by the Director-General of the RLPD also accepted the network's invitation to discuss about the draft National Action Plan on Business and Human Rights. The said meeting was also attended by Mr. Surya Deva, the then vice-chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises, members of the Thai NHRC and delegates from the EU and the UK.

- Thai authorities have shown openness in accepting visits of and meeting with a number of special procedures and in arranging some of them to meet with relevant agencies and CSOs in Thailand. The most recent visits in December 2018 – January 2019 were by Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinions and expression, Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, Ms. Victoria Tauli-Corpuz, Special Rapporteur on the right of indigenous peoples, Mr. Saad Alfarargi, Special Rapporteur on the right to development, and Ms. Yanhee Lee, Special Rapporteur on the situation of human rights in Myanmar.

VIII. The participatory process in consistent with the principle of free, prior and informed consent

IX. Measure taken to comply with the decision 39 COM 8B.5 of the World Heritage Committee in 2015.

- Thailand has for decades taken a long-term comprehensive approach to address the rights of Karen communities in the Kaeng Krachan Forest Complex (KKFC) and ensure recognition of and promote their way of living, livelihood and culture.

- In Thailand's nomination process for the inscription of the KKFC as a UNESCO World Heritage site, the concerned Karen communities, including at Ban Pong Luek and Ban Bang Kloy, have been consulted and provided information and their concerns have been appropriately addressed. The summary of measures taken by the Government regarding the decision no. 4 of the World Heritage Committee's Decision 40COM 8B.11 as appeared in Thailand's National Report in response to the World Heritage Committee's Decision 40COM 8B.11 submitted in February 2019⁴ and recent developments are as follows:

- a) Measures adopted to ensure the participation of the Karen in the management of the KKFC and consultations undertaken to seek the prior, informed consent of the Karen communities in the KKFC in the review process of the application for World Heritage status**
- b) Steps to ensure wider consultation with the Karen peoples in the process of addressing remaining concerns regarding the nomination of the KKFC as a world heritage site, as recommended by UNESCO World Heritage Committee**

- Since 2015, Thailand has actively implemented measures according to the roadmap for the nomination of KKFC which consists of 4 strategies, namely (1) prevention and suppression, (2) biological resources management, (3) integrated cooperation of all stakeholders, and (4) effective administration and management. These strategies have generated, among others, a comprehensive framework and action points.

⁴ <https://drive.google.com/file/d/1eN7osptGyodzVHVJVnIuI5rp6NICQ6Ki/view?usp=sharing>

(1) Land use and land tenure

o In addition to the allocation of the tenure rights for Karen communities in Ban Pong Luek and Ban Bang Kloy under the Cabinet Resolution on 30 June 1997, the Office of KKNP set up a Working Group on Participatory Inventory and Database Creation of Community Land Uses (PIDC-CLU) approved by the National Land Policy Committee (NLPC). The working group has been tasked to work with Karen communities in Ban Pong Luek and Ban Bang Kloy villages during 2017 – 2018 in cooperatively conducting a survey, indicating land boundaries through a combination of modern technology, local wisdom, tradition and historical evidence, identifying tenure rights, and developing a community land use agreement for those who are landless and of limited means in accordance with the NCPO's Order No. 66/2557 dated 17 June B.E. 2557 (2014), providing that they have lived in the areas prior to the announcement of the Order.

o The tenure rights identification under the two schemes can be summarized below:

Village	NCPO Order No. 66/2557				Cabinet Resolution on 30 June 1997			
	No. of occupant	No. of land parcel	Area (rai)	Area (ha)	No. of occupant	No. of land parcel	Area (rai)	Area (ha)
Ban Bang Kloy	36	36	228	36.48	75	106	356	56.96
Ban Pong Luek	37	38	212	33.92	111	138	1,094	75.041
Total	73	74	440	70.40	186	244	1,450	232.00

o As of January 2018 the population census of Karen communities in Ban Pong Luek and Ban Bang Kloy villages can be classified below:

Village	No. of Household	Population		
		Thai nationality	Non-Thai nationality	Total
Ban Bang Kloy	158	563	182	745
Ban Pong Luek	114	435	103	538
Total	272	998	285	1,283

(2) Promotion of comprehensive quality of life

o The Government has initiated the Area-based Project for Ban Pong Luek and Ban Bang Kloy villages to promote comprehensive quality of life of their inhabitants. The project is adapted from a royal initiative project and involves various agencies and organizations including the Office of KKNP, Office of the National Security Council, Kaeng Krachan District Offices of Agricultural Extension, Livestock, Community Development, Public Health, Non-formal and Informal Education, Border Patrol Police Region 14, Phetchaburi Province Culture Office and Pid Thong Lang Phra Foundation. The activities include promoting access to Thai nationality, providing support in sustainable agriculture, education, healthcare, ecotourism, community food bank development, as well as promoting their identity, ethnic values, way of life, tradition, art and culture.

(3) Participation in the management of natural resources and environment of KKFC

○ The Protected Area Advisory Committee (PAC) for KKNP has included the village headman of Ban Pong Luek selected by Karen Communities as a PAC member. The PAC regularly meets every six months and is conducted bilingually. Karen communities are also regularly informed about the roles of the PAC.

○ The Government also holds regular public hearings and meetings to gather information and concerns of local communities on sustainable natural resources management through their representatives, stakeholders and international agencies. Furthermore, IUCN Thailand has implemented the Project of Community Participation in KKFC, consisting of (1) development of a participatory KKNP management process, (2) development of a community participatory conflict management mechanism in KKNP and (3) support in participatory land use planning and development of plans for sustainable quality of life.

○ DNP database system on the management of natural resources and environment of KKFC has been developed to disseminate information on its website.

- c) The compatibility of the regulations, rules and practices by the Department of National Park, Wildlife and Plant Conservation with the international standards**
- d) The establishment of the Mechanism to solve disputes in the KKFC in an impartial manner and its accessibility for the affected communities**
- e) Measures taken by the Government to ensure to improve the livelihoods of the Karen community, including their access to cultivable land.**

• As mentioned in II, Thailand has undergone extensive revision and development of relevant forestry laws and policies with a view to promoting sustainable management of forest and local communities as well as traditional livelihood of ethnic groups living in the forests. The new legal mechanisms also reflect the efforts of the Government to create a solid platform for partnership and regular and continuous engagement with those living in the forests including the Karen communities in the KKFC. The draft National Parks Act and the draft Wildlife Conservation and Protection Act, as approved by the NLA on 7 March 2019, have in place a provision that would, for the first time, allow people who are landless and have resided in or utilized the national park within the timeframe under the Cabinet's resolution of 30 June 1998 or within the timeframe under the NCPO's Order No. 66/2557 dated 17 June 2014 to reside in or utilize the national park for a tenure period up to 20 years per each permission, subjecting to certain conditions. The new laws would also allow them to develop, participate in and maintain conservation initiatives, including rotation farming, to promote effective management, protection and safeguarding of natural resources.

• The Cabinet's resolution of 3 August 2010 on 'The restoration of Karen's way of life', which aims to provide short and long terms actions for a comprehensive enhancement of Karen's way of life including their identity, customs, traditions, management of natural resources and tenure security, access to nationality, education, has been taken as a guideline by government agencies. It has also been reflected in the roadmap for the nomination of KKFC as a world heritage site and constantly implemented by relevant agencies.

• The Cabinet's resolution of 3 August 2010 complements the Cabinet's resolution of 30 June 1998. The latter aims to provide solutions for those who live without authorization in the protected areas and other forests nationwide while the former is designed to facilitate the verification of legitimate traditional or longstanding occupation for Karen communities living in the forests before the demarcation of the concerned national parks. The verification may allow them to contest for

recognition of land ownership or tenure title under Section 6 of the current National Park Act, which prohibits determining land as a national park should the land be under ownership to, or in legal possession of, other person except for a government agency. These legal guarantees also appear in the draft National Parks Act. In practice, this verification of legitimate traditional or longstanding occupation before the demarcation of the concerned national parks must be done with extreme carefulness due to possible false claims of ownership or tenure of occupied national park areas.

- The Government's efforts to revive ethnic groups' ways of life are being supported further by a project of the Princess Maha Chakri Sirindhorn Anthropology Centre (SAC), a public organization under the supervision of the Ministry of Culture. The SAC receives a government budget of 70 million baht (2.1 million USD) to implement its planned activities in the areas of documentation, research and public education and outreach for a period of 3 years between 2019-2021. The project aims to promote public understanding and knowledge on ethnic groups in Thailand, including through developing a national database and guidelines for restoration of ethnic groups' ways of life, conducting academic researches and seminars, as well as working on a zero draft of the Act on Promotion and Preservation of Ethnic Groups' Ways of Life and a public hearing among ethnic groups on the draft Act. The project is also expected to promote ethnic groups' cultural rights and tradition and develop mechanisms to enhance capacities of ethnic groups, so that they are able to manage themselves on a basis of their cultures and ways of life and to participate in national development with other stakeholders. More importantly, the project supports the promotion of a multicultural society providing a foundation for enhanced national security and combating prejudices and reducing cultural clashes.
