

**The Development and Study Project  
4 ASEAN NIs and ESCR Enhancement via  
People's Engagement and Empowerment through Rights-based Activities  
(ESCR-PEER) \***

**October 2008 – September 2009**

Proposed by  
The ad-hoc working group of National Human Rights Commission of Thailand  
in accordance of the Cooperative Project between 4 ASEAN NIs and the European Community  
entitled "Enhancing the Role of National Human Rights Institutions  
in the Development of ASEAN Human Rights Mechanism"

Second Technical Working Group Meeting of the ASEAN NHRI Forum  
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\* This proposal was firstly developed and drafted by an ad-hoc working group of National Human Rights Commission of Thailand(NHRCT): Supattra Limpabandhu (Director of Administrative Bureau/ Secretary to the Sub-commission on ESCR), Rataya Kobsirikarn (Director of Human Rights Promotion Section/ Secretary to the Sub-commission on HRE) and Ekachai Pinkaew (Human Rights Official/ Secretary to the Sub-commission on Ethnic Groups issues) with the supervisory of Khunying (Lady) Ambhorn Meesook (National Human Rights Commissioner/ Chairperson of Sub-commissions on ESCR and International Human Rights) and Pranoon Suwanpukdee (Deputy Secretary-General of the NHRCT/Secretary to the Sub-commission on International Human Rights). It is revised in accordance of the conclusion of 2<sup>nd</sup> TWG meeting in KL, Malaysia, 29 May 2008.

**The Development and Study Project**  
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**June 2008 – May 2010**  
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**Background and Rationale**

The political, economic, social and cultural crisis in Asian Pacific Region caused by either “man-made disaster” or “natural disaster” inevitably affected to rights-bearers’ sphere and their accessibility. According to human rights implementing principles, there are 2 sides which we have to concern; firstly, the State’s obligations are to set up the guideline to (1) respect (the omission of acts which violates human rights) , (2) protect (the prohibition all forms of violation) and (3) fulfill (the provision of maximum available resources to support, provide and facilitate the sphere of rights-bearer and accessibility) the human rights including the plan for progressive achievement without all forms of discrimination against the human rights basis.<sup>1</sup> Secondly, the people or citizen’s duties under the State as “rights-bearers” who have to respect, protect and promote the human rights principle.<sup>2</sup>

In 1982, UN declared the Rights to Development Obligation which reaffirmed the significance of the communities’ participation and determination, to develop their own communities. In 1993, the Vienna Declaration and Program of Action were announced in Vienna, Austria which emphasized the importance of the rights to development and accordingly the decade of the economic, social and political transformation was declared.<sup>3</sup> At the same time, there was the worldwide human rights development knowledge transference as a lesson – learnt. One prominent lesson – learnt was the participation process, and later on it has been used to build up the guidelines of the human rights protection and promotion, which is a pro-active measure. The involvement of concerned parties who deliberate and implement projects or activities that affected human rights and actions that assist, rehabilitate and remedy the affected victims. The Civil Society Organizations (CSOs) and the Community-based Organizations (CBOs) are the main actors to play these vital roles.

The CBOs are signified as the group of people who share common values and ways of life. Furthermore, they share their management experiences which one another in the form of group working in line with the human rights principle, especially on ESC Rights and the right to self – determination. The CSOs are defined as the group of various people who share common values and vision. They also share the networking management.

From 2001, the National Human Rights Commission of Thailand (NHRCT), as an independent organization according to the 1997 and 2007 Constitutions, performs its main duty to promote and protect human rights. Since 2003, it has been very active concerning capacity building and participation among the grass roots, CBOs, CSOs and NGOs in order to accomplish sustainable development and peaceful society. NHRCT has studied and monitored the economic, social and cultural situation through the people’s points of view. NHRCT selected 4 areas around the country as the pilot study project with the cooperation with other groups of vulnerable people. Hence, NHRCT enlarges multifaceted work to the underprivileged and marginalized groups, such as the ethnic minority group, hill tribes and the stateless people. The Commission’s tasks emphasize the capacity building of people through the human rights activities and networking.<sup>4</sup>

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<sup>1</sup> The Limburg and Maastricht Principles, The Human Rights Library, The University of Minnesota <[www1.umn.edu/humanrts](http://www1.umn.edu/humanrts)> (16 May 2008)

<sup>2</sup> Eide, Asbjorn, “Economic, Social and Cultural Rights as Human Rights” in Eide, Krause and Rosas (eds) Economic, Social and Cultural Rights, (the Hague: Kluwer, 2001), 2<sup>nd</sup> edition, p 9-28.

<sup>3</sup> The 1993 Vienna Declaration and Program of Action, p. 2 <[www.ohchr.org/english/law/pdf/vienna.pdf](http://www.ohchr.org/english/law/pdf/vienna.pdf)> (16 May 2008)

<sup>4</sup> Sub-commission on Economic, Social and Cultural Rights, National Human Rights Commission of Thailand, 2003-2008

From 2003 to 2005, NHRCT implemented the co-operative project between the Chiangrai Rajabhat University and the Chiangrai College of Technology and Agriculture entitled “the New Paradigm towards Ethnic Communities Development: Rights-based approach” (the New Paradigm Project) which partly supported by the Canadian International Development Agency (CIDA) and Development Cooperation Foundation (DCF). The project activities focused on the research and development on human rights issues with the empowerment process of CBOs; such as, High- Lander Community, Assembly of Ethnic Groups of Thailand and the Network of Ethnic Eminences, in order to draft the Community’s Master Plan on Community Development, Environmental Preservation and Narcotic Control. The multifaceted activities were implemented for finding the concrete recommendations for this Master Plan in 5 pilot areas, i.e. Sancharoen village in Nan province, Ja-Lae village in Chiangrai province, Pong-Hi village in Chiangmai province, Huay Wad village in Lampang province and Wang-Mai village in Lampang province. The total budget for implementation this project was 3,400,141.45 Baht (131,536.60 USD or 67,637.59 EURO).<sup>5</sup>

During 2004-2005, Tsunami and other natural disasters caused high rate of internal displacement around Asia Pacific region. The annual meeting of Asia Pacific Forum of National Human Rights Institutions (APF) in March 2005 urged the members to start up activities by using the UN Guiding Principles on Internal Displacement (the Guiding Principles) providing a solid normative framework for addressing the human rights challenges of internal displacement, including in times of natural and man-made disasters . Later on, a working group of the APF/Brookings-Bern Project on Internal Displacement visited Thailand and conducted one-week preliminary survey and feasibility study on internal displacement project. They accordingly recommended the NHRCT to apply a lesson-learnt of the New Paradigm Project as an offshoot for the Internal Displacement project. Hence, the 2006-2007 Internal Displacement project entitled “A Comparative Study through Enhancing Process on the Rights to Life and the Rights of Self-determination for the Internally Displaced Persons among the Vulnerable Areas under the Thai Government Policy” was initiated with the partial support from the APF/Brookings-Bern Project on Internal Displacement .This project undertook the development and research methodology with the rights-based approach. Several capacity building activities were introduced with the cooperation of the CBOs in 3 selected areas: Huay Wad village in Lampang province; Pong Hai village in Chiang Mai province; and Sancharoen village in Nan province. This first phase was completed with the total expenses 613.219.03 Baht (15,000 USD or 12,198.51 EURO). Recently, the second phase (2007-2008) of the Internal Displacement project entitled “The Internally Displaced Persons’ Networking: the Constructive Ways through the Bill of Rights” continues with the continuation support from the APF/Brookings-Bern Project on Internal Displacement costs 853,645 Baht (24,975 USD or 16981.20 EURO).<sup>6</sup>

The NHRCT’s lessons-learnt from the affected cases by “the Development” during 2003 to 2008 shows that there are a vast gap concerning attitudes and understandings towards the concept of “the Rights to Development” and the ESC Rights. It respectively brings about a number of severe confrontations. The implication of “Development” of the State’s point of view is different from grassroots and as a result that most development projects do not comply with nor tentatively deteriorate the quality of life. We often find both the forced relocation cases with the arbitrary land seizures causing severe changes in ways of life without the people’s consent and participation.

In order to incorporate human rights values in Thai society, it principally embodies the Thai moral and code of conduct system i.e. Thai common values and precepts etc. But at the same time, it also inter-correlates with several global values and external influences, especially globalization within the competition of economic and political arenas. Most underprivileged and marginalized people have been disregarded, so the ESC Rights should be vigorously adopted and incorporated within the

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<sup>5</sup> Sub-commission on Ethnic Groups issues, National Human Rights Commission of Thailand, 2003-2005

<sup>6</sup> Sub-commission on Ethnic Groups issues, National Human Rights Commission of Thailand, 2005-2008

national arena through the prominence of human rights concept in the Community Rights of Thai society.

## **Human Rights Situation in Various Regions**

### **Central Region**

Geographically, this area is very well found from the high-development and business-oriented activities. In one side, the enormous and rapid growing commercial agriculture and industries cost high benefits for whole country, while the environment and natural resources as well as the people's quality and ways of life are unavoidably being marred. The tourism-oriented sector is mentioned as the most severe cause affecting communities. The lack of law enforcement is the root course of human rights violation. The local authorities are reported that mostly ignored the participation processes.

### **Southern Region**

Comparing to other regions, the Southern region's geographical location is more suitable to economic development than the others. Nevertheless, the unrest in Deep South causes people to become less secure in life and property. Lack of understanding of root causes and cultural sensitivity of local community also become the conflict. Moreover, a lot of big scale governmental projects affected to the communities, such as, Thai-Malay Pipe Line, the ongoing industrial project and the electric power generating project. The natural disaster, particularly Tsunami affected the way of life and communities.

### **Northern Region**

Most ESC problems related to land; such as, relocation of people's land for the sake of public usages and natural resource preservation. These maybe root causes of female youth sexual harassment, powering exercises of the State and the justice process. The case of forced displaced people from their communities is the major issue to affect the ethnic communities.

### **Northeastern Region**

There are a lot of violated case; such as; natural resource, forest, land, water and millstone factory, natural resource management, community rights, violation of disadvantaged group of people (children, women, the elders, HIV/AIDs, etc.) the human security and safety of human rights defender and the affected people. Moreover, there is also a problem about perception and understanding of human rights issues, such as the land development case for huge potash mine project.

To conclude that the violation of ESC Rights caused (1) failure to enforce the law (2) policy transformation to implement without evaluation (3) discrimination due to prejudices and (4) failure of the State to provide the maximum available resources.

In conclusion, the NHRCT has proposed the following recommendations:

(1) CBOs should establish problem-solving capacity by way of coordination among community member, systematic networking, good governance with accountability as well as people's empowering activities. CBOs will study their problems in their own aspects, develop their plans for resolving their identified problems and implement them with subsidized resources; hence, they could manage themselves.

(2) CSOs should be established as a peer-to-peer network of CBOs. The social dialogues and public inquiries will be mobilized through this network. CBOs can share their capacities and assistance for the others, such as, to propose the policy and strategies by people empowerment through

participation process and information dissemination and transferring the message through media. The organization that responsible to disseminate the right concept should be strengthened. The group of people has to participate in every human rights promotion activities.

(3) Capacity building, People-driven upgrading and Human space drawing activities should be started up. CBOs and CSOs will upgrade themselves and their work becomes acceptable which legitimizes their status as a partner of development project, hence the human space drawing for CBOs, CSOs, local governors, municipalities, professionals and NGOs will be systematically shaped and draw some answers for the proper ways to deal with the problems. The additional activities should be set up, such as; knowledge and understanding about human rights through people and government officials as well as the relevant rules, regulations and the laws.

The 4<sup>th</sup> ASEAN Four NIs Consultative Meeting which was held in January 2008 in Manila, Philippines, in order to strategize these prioritized issues and build the appropriate linkage for implementing their cooperative efforts. It was agreed upon at this meeting, the logical framework of ASEAN Four NIs' Cooperation which had been designed to cover the ten priority projects on each NI's proposal. Due to this instance, NHRCT proposes the professional visit and study program for capacity building and networking on human rights education; the ASEAN NIs' constructive dialogues about the best practices in addressing Economic, Social and Cultural rights; and the relevant researches on ESC Rights issues within the project entitled **"4 ASEAN NIs and ESCR Enhancement via People's Engagement and Empowerment through Rights-based Activities" (ESCR-PEER)**

### **Objectives**

The project aims to reinforce the learning processes linking human rights values and experiences to internal value and legal system. It also assists in building knowledge and capacity developmental processes for national institution's officials to improve their performance in association with political, economical and social situation in national and international levels. The 4 objectives are as the follows:

1. To promote the concept of participatory processes focusing on ESC Rights in the pilot area along the Andaman coast. These provinces are facing the economic, social and cultural changes caused by Governments' developmental policies (man-made disaster) and natural disasters such as Tsunami.
2. To organize workshops and review lessons learned from experiences of "Networking the ESCR CBOs and CSOs" including link the related implementation to the existing mechanisms such as the 2008 Civil Society Council Act.
3. To upgrade the quality of local activities and find the appropriate methods to peacefully solving conflicts by balancing the concepts of economic growth and human rights including encourage the Government and other related sectors to apply human rights standard into their regular work.
4. To improve related skills and attitude of NHRCT's staff members including those of NIs from 3 countries.

### **Target Groups (Appendix I)**

1. Cooperative Networks focusing on ESC Rights from public and private sectors including local CBOs and CSOs.
2. Pilot provinces involving people living in urban/ethnic and indigenous communities within provinces along the Andaman coast (approximately 6 provinces i.e. Phuket, Pang Ngha, Ranong, etc)

These cover both urban and rural communities of which problems include struggling for natural resources, inability to maintain ancestral customs and beliefs, disadvantage caused by business-oriented practices, as well as natural and man-made disasters.

### **Budget (Appendix II)**

Total budget is approximately 131,333.48 EURO covering the 7 category activities as:

**Category 1 People's Forum/** Engagement/ Empowerment and Capacity Building with ESCR WS including self-determined activities and operational plan designation  
3,978.52 EURO

**Category 2 ESCR-PEER activities/** Implementing the self-determined activities and operational plan (in Category 1) including periodical the category focuses only on activities arranged in Thailand where implement activities in several pilot provinces.  
14,919.44 EURO

**Category 3 Professional Visit activities among CBOs/ 4 ASEAN NIs/** In-house learning activities/ Regional WS on ESCR-PEER& International Professional Visit Program  
32,783.33 EURO

**Category 4 Monitoring and Evaluation/ Documentation and Learning Kits/** In-house monitoring and evaluation/ Reports (Semi/ Annual/ Completion/ Financial Reports)  
26,059.21 EURO

**Category 5 Human Resources** (Full time/part time personnel)  
19,578.12 EURO

**Category 6 Contingency Reserve** (5% of allocation from Category 1 -5/ for emergency, exchange rate, inflation, unexpected, etc)  
4,865.93 EURO

**Category 7 Administrative Costs** (7% of allocation from Category 1-6/ for administration/project management/telephone/fax/internet/water/electricity/stationery/maintenance/etc)  
7,152.92 EURO

### **Timing, Action Plan and Evaluation (Appendix II)**

The implementation period is 12 months (October 2008 - September 2009) divided into 4 main periods as the following:

**Period 1** Coordinate with pilot provinces, design work processes aligning with project objectives (October- November 2008)

**Period 2** Implement/ drive activities as mentioned in project's objectivities. (November 2008 - September 2009)

**Period 3** Organize the processes of learning and exchanging experiences both internal and international levels (December 2008 - September 2009)

**Period 4** Monitor, evaluate and revive lessons learned from the above activities and write the proposals for driving in policy level (October 2008 - September 2009)

## **Administration and Operational Structure**

### 1. Project's Advisors/Consultants

(1)	Human Rights Commission of Thailand			
(2)	Khunying (Lady) Ambhorn	Meesook	Commissioner/ Chairman of Sub-commissions on ESCR and International Human Rights	Tel.+66 89 825 0206 <a href="mailto:ambhorn@nhrc.or.th">ambhorn@nhrc.or.th</a>
(3)	Mr.Pranoon	Suwanpakdee	Deputy Secretary General	Tel.+66 89 232 5685 <a href="mailto:pranoon@nhrc.or.th">pranoon@nhrc.or.th</a>

### 2. NHCT' focal team

(1)	Ms.Supattra	Limpabandhu	Director of Administrative Bureau/Secretary to Sub-commission on ESCR	Tel.+ 66 89 210 1479 <a href="mailto:supattra65@hotmail.com">supattra65@hotmail.com</a>
(2)	Ms.Rataya	Kobsirikarn	Director of Human Rights Promotion Section/ Secretary to Sub-commission on HRE	Tel.+66 84 763 4806 <a href="mailto:rkobsirikarn@hotmail.com">rkobsirikarn@hotmail.com</a>
(3)	Mr.Ekachai	Pinkaew	Human Rights Official/ Human Rights Promotion Section	Tel.+66 89 232 0318 <a href="mailto:ekachai@nhrc.or.th">ekachai@nhrc.or.th</a>

**Extracted feasibility profile of CBOs/CSOs within target areas along the Andaman coast concerning people living in urban/ethnic and indigenous communities (i.e. Phang-nga, Phuket, Krabi and Ranong, etc)<sup>7</sup>**

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No.	Provinces/Communities	Briefing Profile	Ongoing Activities
<b>1</b>	<b>Phang-nga province</b>	The Phang-nga community network, 10 member communities, was formed after the tsunami disaster through linkages among communities with similar problems of re-housing, land ownership disputes, and tourism or mining industry development projects. The Network works to have local people participation in the decision-making process of these projects to protect against the affected areas' existing lifestyles.	Phang-nga community network, 10 communities
	Ban Nai Rai Community, Taimuang District		Supplementary budgets for the construction of 35 houses
	Ban Thup Pla Community, Taimuang District		Provision of fishing equipment, revolving funds, coordination center, house repair and youth groups
	Ban Thung Darb, Phra Thong Island, Kuraburi District		Construction of 5 houses
	Ban Park Triem, Kuraburi District		Construction of new houses for 23 families, and supplementary budgets for revolving funds
	Ban Nam Khem, Bang Muaong Sub-District, Takua Pa District		Renovation of Ban Nam Khem Coordination Center
	Laem Pom Community, Bang Muaong Sub-district, Phang-nga Province		Landscape improvement
<b>2</b>	<b>Phuket province</b>	The Phuket Rights of the Poor Development Network was established through linkages among 30 communities of tsunami victims with the same problems of re-housing effort and land dispute settlement in Phuket. Member communities of the Network have participated in four categories of the community development activities: 1) Coastal natural resources conservation which includes, for example, mangrove rehabilitation and reforestation and waste water treatment; 2) Savings and social welfare groups; 3) Land dispute and re-housing problems; 4) the Chao Lay (Moken) ethnic groups. The Network was successful in establishing	Phuket's Rights of the Poor Development network, 30 communities
	Rim Khlong Parkbang Community, Krato District		Construction of sewage treatment ponds, and environmental management
	Pla Katak Pattana Community		Improvement of community roads
	Laem Lar Community		Construction of toilet facilities
	Rawai Community		Construction of water supply and toilet facilities
	Community network		Mangrove reforestation

<sup>7</sup> With the courtesy of Urban Community Environmental Activities Project- Rehabilitation for Environment Effects of the Tsunami (UCEA-REET), a cooperative project between ChumchonThai Foundation and Royal Danish Embassy, 2005 – 2007. NHRCT officially works closely with these peer to peer networks on its own capacity while its staff member, Ekachai Pinkaew, facilitates these networks as secretary and coordinator.

		relevant mechanism for the settlement of community problems at the district and provincial levels.	
3	<b>Krabi province</b>	The Lanta Island community rehabilitation network, 15 member communities, organizes many activities, for example, solutions to land and housing problems, mangrove forest conservation, ecotourism, Lanta Island museum, and restoration of Chao Lay culture.	Lanta Island Rehabilitation Network, 15 villages
	Ban Hua Laem, Lanta Island District		Supplementary budgets for housing construction
	The community at the opening of the Krabi River		Formulated natural resources and community development action plan for pilot communities
4	<b>Ranong province</b>	The Thai Nationality Reinstatement Network (or the Displaced Thai Network) was formed in 2002, prior to the tsunami disaster, with 22 member communities. Without an official recognition of their Thai nationality, these peoples have long suffered hardship and abuses. The Thai nationality problem was originated with the formal demarcation of Thai-Burmese national boundaries. After the tsunami, the displaced Thais were denied the Thai government's assistance because they could not produce any Thai identification cards or household registrations. Many projects and activities have been initiated by the Network, for example, saving groups, solutions to land dispute and housing problems, reinstatement of the Thai nationality, youth groups, as well as art and culture restoration programs.	Network for reinstatement of the Thai nationality and the resettlement of the displaced Thais, 23 communities
	Ban Laem Nao, Sooksamran Sub-district		Contribution to fishery funds
	Ban Bang Kluay		Supplementary budgets for housing construction
	Tha Klang		Supplementary budgets for housing construction
	Had-sai-dum Island		Canal dredging for small fishing boat mooring
Lao Island (a Moken Village)	Provision of consumable supplies		
5	<b>6 provinces on the Andaman coast</b>		Support for the revival of the Andaman artists

**Profile of village members of CBOs/CSOs within  
target areas along the Andaman coast concerning people living in urban/ethnic  
and indigenous communities (i.e. Phang-nga, Phuket, Krabi and Ranong, etc)<sup>8</sup>**

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### **1. Ban Nai Rai community, Moo 7 (Village No.7) of Na Teoy Sub-district in Tha Muaong District, Phang-nga Province**

Founded before the Second World War period, this Muslim community was originally a village of mine workers. With termination of the mining concession these people remained in the area making their living from coastal fishing and fishing pen farming. The community's 72 houses were demolished by the tsunami while another 38 were partially destroyed. 84 fishing boats and 76 fish pen raisers suffered serious damages. A re-housing project was carried out with support from various agencies and organizations. Land ownership dispute over an area of 6 rai which housed 35 houses developed when an outsider claimed legal ownership with official documents obtained from the purchase of this piece of land from an asset management company.

Community residents joined forces in building their own houses with donations from outsiders. They sent petitions regarding the dispute to relevant organizations such as the National Human Rights Commission of Thailand. Joint community activities includes mangrove conservation and reforestation, the setting up of occupation groups specializing in Batik cloth and bead jewellery production, and fish farming in deserted mine shafts.

Initially, there were 144 land ownership contest cases (187 households) filed against community members which was later reduced to 142 after some cases were withdrawn. Compromises were reached in all 141 cases with the community members accepting compensation offers from the outsiders.

### **2. Ban Thup Pla community of Tai Muang District in Phang-nga Province**

This is a Moken community that remains steadfast to the traditional lifestyles which keep them in poverty. There are presently 23 Moken (Chao Lay) families living in the community's private lands, mangrove areas, and the lands under the custody of the Agricultural Land Reform Office. Although none of the houses in this community were damaged by the Tsunami, there were loss of lives and damages to the fishing boats and equipment.

Implemented community activities included the setting up of a local fishermen group which, with support from the Phuket Group, built a coordination centre for fishing equipment storage and fishing boat repairing facilities. The centre is also used for communal and educational functions. Living in poverty the villagers could not afford to have their children educated beyond the compulsory sixth grade.

### **3. Ban Thung Darb on Phra Thong Island in Kuraburi District, Phang-nga Province**

Situated on Phra Thong Island this small Moken fishing village consists of 68 households of 74 families and a total population of 210.23 people died from the Tsunami while 18 houses and 19 fishing boats were demolished.

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<sup>8</sup> With the courtesy of Urban Community Environmental Activities Project- Rehabilitation for Environment Effects of the Tsunami (UCEA-REET), a cooperative project between Chumchon Thai Foundation and Royal Danish Embassy, 2005 - 2007. NHRCT works closely with these peer to peer networks on its own capacity while its staff member, Ekachai Pinkaew, facilitates these networks as secretary and coordinator.

Phra Thong is an island with high level of biodiversity which includes a variety of shoreline forests, swamps, Savannah grasslands, and cajeput tree (Samet in Thai) forests. A number of local and foreign organizations collaborated in the Island's rehabilitation projects that aimed to implement a long-term development program of housing rehabilitation, restoration of damaged public utilities, occupational rehabilitation, eco-system rehabilitation, formulation of community social organizations and promotion of local education.

#### **4. Ban Park Triam in Kuraburi District, Phang-nga Province**

This small Muslim fishing village, 28 households and 117 villagers, was located on a cape at the opening of a canal. During the Tsunami 2 people were killed while 5 fishing boats were demolished and 9 others were partially damaged. The original residential area was wiped out and became inhabitable. The survivors temporary took refuge at Saudin Mosque in Village No. 9 in Kuraburi Sub-district of Kuraburi District.

Initially, the survivors planned to move to the Chalerm Prakiat Forest but when this did not work out they decided to purchase a 2-rai piece of land that had no official ownership documents. When a dispute developed over this piece of land the villagers submitted their case for the consideration of the NHRCT who subsequently ordered the Provincial Land Office to investigate the case. It was found that the land in dispute was not located in the mangrove forest areas, thus, land title deeds could be issued to the community.

Community members took part in the planning and building of 23 houses and public utilities and established certain regulations to govern their communal living. For example, members were required to contribute to communal activities and to participate in the environment maintenance and improvement activities (replanting of trees after their felling).

Community organization was promoted through the establishment of various working groups to coordinate and manage their own finance, donation management, sanitation, environment, food, and information. The community's social organization and social relations are based on close kinship ties. There were establishment of a saving group, a rice fund, a fishing boat fuel fund, a fishing equipment fund, an eco-tourism group, youth activities, and a women Batik production group.

#### **5. Ban Nam Khem community in Bang Muaong Sub-district of Takua Pa District, Phang-nga Province**

Ban Nam Khem community coordination centre is a local organization established by the villagers to coordinate assistance to the local Tsunami victims. Also introduced were many ongoing community restoration activities to promote long-term self reliance: the Ban Nam Khem bank, the Ban Nam Khem housing cooperative, and the occupation revolving funds. The community had obtained a permit from the Takua Pa District Office to renovate Ban Nam Khem Democracy Pavilion into a center for the coordination of outside assistances and to be a venue for community meetings.

#### **6. Laem Pom community in Bang Muaong Sub-district of Phang-nga Province**

Ban Laem Pom, Moo 2 (Village No.2), of Bang Muaong Sub-district is part of Ban Nam Khem community. It was originally populated by people who moved into the area during the sea mining venture of 1971. Between 1976 and 1977 these people were followed by others who worked in the areas during the mining concession. After the expiration of the concession these workers settled permanently in the areas where no one claimed ownership. Local administrative agency started issuing house numbers for residents in 1990 and 17 out of 35 houses now have house numbers. In

1998, Ban Laem Pom has become a tourist attraction and some villagers began to earn income from providing beach mats and food for tourists.

Land ownership disputes between residents of Ban Laem Pom and private individuals had existed even before the Tsunami disaster. The disputes were quite serious with threats being issued and back-hoe trucks sent to bury the villagers' houses. The tsunami wiped out all houses in Ban Laem Pom. Right after the disaster those who claim ownership over the lands put up fences to prevent the original residents from returning to their lands and even rescue parties were denied access to help survivors. The community members had to rebuild the houses by themselves without any support from the government units and could not apply for the use of electricity because the legal landowners contested their application.

### **7. Park Bang waterside community in Pa Tong Sub-district of Kratoo District, Phuket Province**

This small fishing community is situated in an area of 2 rai on Pa Tong Beach which is one of the most beautiful tourist attractions in Phuket. The villagers are mostly small boat fishermen who live on the lands that are under the custody of the Water Transport Department. All 16 houses in the community were wiped out by the Tsunami. 7 fishing boats were lost, 8 were damaged while most fishing equipment were also lost.

The re-housing project was completed with financial support from the ITV news channel. After the disaster disputes over the public land status of their former residential areas have developed since the villagers had never been granted any ownership documents in spite of the long period of their settlement in the areas. The Land Dispute Settlement Sub-committee in the 6 Affected Provinces, in collaboration with the governor of Phuket, passed a resolution to allow the community members to reside on the lands for an initial period of 5 years (under Article 9 of the Land Code).

After all of the 16 houses were built and a house-warming party was held on 12 August 2005, the community participated in various environment conservation and improvement projects, for example, the construction of household wastewater treatment tanks and mangrove reforestation. Various organizations also provided support for other community development projects, for example, the Sirindhorn Special Task Force came to build community roads.

Other activities included the establishment of a daily savings group and a dried, salted fish production group. Community members met on a monthly basis to discuss community activities and livelihood.

However, more land disputes arose when villagers purchased lands in neighboring areas. There were legal claims over the fishing boat mooring sites at the opening of a canal that the villagers had used for a long time. The claimants tried to have the areas on both banks of the canal filled up. The community members joined forces with owners of tourist boats and small fishing boats in opposing this encroachment. They requested that the provincial administration investigate the matter.

### **8. Pla Katak Pattana community in Ratsada Sub-district of Muang District, Phuket Province**

There are 46 households in Pla Katak Pattana community which make their living from the processing of dried fish for sale. Initially, the villagers had rented lands from private landowners but their contracts were abruptly terminated, forcing them to defend their residential rights. Other community development groups, such as the savings group and the occupation revolving funds, were also established. The villagers had been involved in the construction of a public road leading into the community as well as landscape and environmental improvement projects.

To defend their residential rights the community members have successfully verified that the 12-rai lands they are now living on are indeed public lands. They then cooperated with the Ratsada Sub-

district Administrative Organization, the Phuket Provincial Administrative Organization, and the Ban Mankong Project to renovate their residential areas under the supervision of the Phuket Provincial Administrative Organization.

#### **9. Laem Lar community in Tha Chat Chai district, Phuket Province**

Ban Laem Lar is a Moken community of 114 households who lived on state lands. The Habitat for Humanity Foundation had provided support to the community's housing rehabilitation project. However, no support had been provided the construction of communal toilet facilities which was the traditional way of life in this community. With recent population increase in the community, there are needs and efforts to improve the existing communal toilet facilities.

#### **10. Ban Rawai community, Phuket Province**

Ban Rawai community of Phuket Province is an impoverished Moken and Uraklawoi (Chao Lay) community of 250 households whose members reside on a 12 rai piece of land whose ownership is claimed by private individuals. However, the community members have insisted that they have been living in the areas for a long time as is evident from the existence of the old wells and an ancient burial ground in the community. Community members want to have the areas' land ownership verified. The community is overcrowded with ramshackle houses.

The community members do not have direct access to the electricity and water supply systems but can use these public utilities through the houses of other eligible community members. There are plans to develop their own water system as well as to improve the communal toilets and communal wells. However, the proposed toilet construction/renovation projects cannot be implemented without approval from the individuals who claim ownership of the lands.

The community has proposed to the NHRCT to collaborate with the provincial administration to verify the claimed land ownership documents. The NHRCT had liaised with the provincial administration to rectify the problems of inadequate public utilities for water and electricity supplies, toilet facilities, and the issuing of the national identification cards for those who do not have any.

#### **11. Natural resources and environment development and conservation project in Phuket Province, the Phuket Community network**

The Phuket Rights of the Poor Network initially started with 20 communities and the members had increased to 30 in 2007. The initial group was formed with the objectives of finding solutions to the land and housing problems and establishing long-term housing security through savings groups and occupation funds. The group subsequently developed into a network of communities with similar problems and conditions to share experiences, find solutions, and generate joint development projects, especially in the conservation and restoration of natural resources and environment. The network focuses on mangrove forest conservation and rehabilitation for two reasons. First, the areas with relatively abundant mangrove forests – such as the Moken community of Ban Hin Loog Diew, Tha Rua Mai and Pla Katak communities – escaped serious Tsunami damages. Second, mangrove forests are a valuable means for the communities to achieve sustainable livelihood through coastal fishing activities.

Members of the community network have regularly participated in mangrove reforestation programs on important occasions. At present, a total of 57,900 mangrove shoots were planted in 277.5 rais.

Nine communities have develop natural resources and environment conservation and rehabilitation plans as well as a committee to implement them in collaboration with 19 groups of government and

private organizations, educational institutes and communities. The signing ceremony for this collaboration was organized on 6 September 2007.

#### **12. Ban Hua Laem, Moo 1 (Village No. 1) of Lanta Yai Island Sub-district in Lanta Island District, Krabi Province**

This area has a long history of being a haven for fishing boats and cargo ships to seek refuge from the monsoon storms. It was settled by the Ulak Lawoi ethnic group more than 200 years ago. At present, Ban Hua Laem community has three house groups locating at each of its major harbours: Ban Hua Laem 1, Ban Hua Laem Klang, and Ban Muta. It has a total population of 853 people in 207 households, the majority of which belong to the Muslim faith, 93% of which makes their living as coastal fishermen and the rest are engaged in manual laborer works and trading.

In Lanta Island District Ban Hua Laem community suffered the worst damages from the tsunami. Although no life was lost, 70 fishing boats were damaged. Of these boats 66 had damaged engines that were subsequently repaired. 87 houses were damaged while 72 were partially destroyed and 15 others were demolished.

#### **13. Natural resources operation planning and pilot community projects (Krabi River estuary community)**

The 4 communities in the Krabi River estuary area, namely, Ban Lang Da, Ban Klong Yuan, Ban Tha Bang and Tao Canal, had jointly devised plans for mangrove forest resources management. Lang Da, a community of 80 households, was selected as the Project's pilot community and leader in the conservation and reforestation of the areas' mangrove forests. This project and the crab farming promotion project were implemented under the supervision and technical support from the Mangrove Development Station No. 27.

#### **14. Fishmen fund project in Ban Laem Now community in Sooksamran District, Ranong Province**

Laem Now is a community of 24 households whose residents subsist on small-scale coastal fishing of shrimps, horse crabs and groupers as well as shrimp paste production. Financial support was provided for the establishment of the community's fishermen revolving funds: 200,000 baht for a shellfish farming and 100,000 baht a fish farming.

#### **15. Re-housing project for Ban Bang Kluay community of Naka Sub-district in Sooksamran District, Ranong Province**

Bang Kluay is a community on the banks of the Bang Kluay Nai Canal in Moo 3 (Village No.3) of Naka Sub-district in Sooksamran District, Ranong Province. It is a community of 25 households, three of which are the displaced Thais, who make their living from traditional fishing activities. A total of 8 houses damaged by the Tsunami were re-built or repaired with partial funding from the Sosa Foundation (Thailand).

#### **16. Re-housing project for Tha Klang community in Kam Puan Sub-district of Sooksamran District, Ranong Province**

This is a Muslim community of 54 households, 6 of which are the displaced Thais who were denied any post-Tsunami assistance because their names did not appear any official household registration. The villagers make their living from local fishing activities. There are mangrove forests on the community's northern and southern vicinities.

For community rehabilitation efforts, a savings group and a fishing equipment revolving fund as well as a connection with other Tsunami-affected communities in other 6 provinces have been established. Two houses, destroyed by a devastating post-tsunami storm were rebuilt.

#### **17. The canal dredging project for Ban Nar Nok on Sai Dum Island of Ngow Sub-district in Muang District, Ranong Province**

This is a Muslim community with a population of 127 and 35 households. The tsunami destroyed 24 beachfront houses and 14 fishing boats. Community rehabilitation projects implemented here included: the housing construction, establishment of a savings group, occupation groups, a local museum and cultural rehabilitation projects.

The fishermen of Sai Dum Island moored their small fishing boats in a canal that had recently become shallow. Since the fishing boats need to be sheltered in the canal during the monsoon season, there was an urgent need to have the canal dredged to accommodate the increasing number of local fishing boats. The community committee discussed with local residents and agreed to have the entire canal dredged and certain sections widened. The committee worked with the Sub-district Administrative Organization in the survey, planning and cost estimation of the project.

#### **18. The Moken village on Lao Island of Ranong Province**

This Moken settlement of 300 people in 80 households was found on a beach of Lao Island. After the tsunami, the Christian church of Ranong relocated 30 households and 108 people from this group to the new community on Chang Island. At present, 43 households and 212 Moken people still remain in their original village. However, they are not entitled to and do not have the Thai national identity cards. These people are extremely poor and live in derelict and insecure housing without proper electricity and water supply, relying on engine-generated electricity and well water. A number of people died each year from diarrhea.

On 19 July 2007, 19 Mokens from Lao Island who were hired as divers on a commercial fishing boat were arrested at the Nicobar Islands for illegal fishing and lack of nationality identification. Non-government development organizations and NHRCT liaised with the Thai government and worked for the release of the 19 Mokens. They made a safe return to Thailand in October of 2007.

**Budgetary Allocation Plan of The Development and Study Project  
4 ASEAN NIs and ESCR Enhancement via People's Engagement and Empowerment  
through Rights-baseds Activities (ESCR-PEER), October 2008- September 2009 (in EURO)**

Activities	Description	Proposed Budget	Implementing period	Role Players and Remark
<b>(1) People's Forum&amp;ESCR WS</b>		<b>3978.52</b>		
*Introduction to ESCR, Mechanisms & Principles (i.e. IDPs)	*2.5-day Workshop on ESCR/Strategy/Operational Plan		Dec-08	*NHRC and local networks
*Self-designed activities	*allocation for expenses of transporation, accomodation, food and beverage,role-players, matterial,etc.			*Affected/target CBOs
*Finding for Operational Plan	*70-80 active members of target group in selected areas			*Selected CBOs are expected to jointly contribute 10% of proposed budgetary (in any kinds)
	*3978.52 EURO			*25% contributed by NHRC
<b>(2) ESCR-PEER activities</b>		<b>14919.44</b>		
*Implementing the Activity (1)	*allocation for expenses of all kinds of activities implemenation		Oct 08 - Sept 09	*NHRC and local networks
*Including periodical review, evaluation/monitoring processes	*can be allocated foe personnel expenses (if necessary), but not over than 10% of allocated budget (liaison and adminitration)			*Affected/target CBOs
*Possible reappropriated to fit with CBOs' goal and consensus	*organizing the people's learning processes			*Selected CBOs are expected to jointly contribute 10% of proposed budgetary (in any kinds)
	*mobilizing the public dialogues			*Mostly contributed by a number of local NGOs/GOs.
	*in-house administration and networking			
	*14919.44 EURO (total in 1 year)			
<b>(3) Professional Visit activities among CBOs/ 4 ASEAN NIs</b>		<b>32783.33</b>		
				*20847.77 subsidized by EU.
				*23871.12 subsidized by NHRCT/ CBOs/CSOs and NGOs.
<b>*In-house Learning Activities</b>	*allocated for in-house learning activities	<u>11935.56</u>	Dec 08 - Sep 09	*NHRC and local networks
	*allocation for expenses of transporation, accomodation, food and beverage,role-players, matterial,etc.			*Affected/target CBOs
	*50 persons/timesX6 times (600 persons)			
	*1989.26 EURO/timeX6 times			

Activities	Description	Proposed Budget	Implementing period	Role Players and Remark
<b>*Regional WS on ESCR-PEER&amp;</b>	Total expenses(Regional WS&Int'l Professional Visit) *allocation for expenses of transporation, accomodation, food and beverage,role-players, matterial,simulaneous translation, etc. *5967.77 EURO/timeX 1 time	<u>20847.77</u>  5967.77	Dec 08 - May 09	<b>*Proposed to allocated by EU</b>
<b>*International Professional Visit Program</b>	*Per diem2personsX110EURX8daysX3NIsX1timesX1(round-trip) *Per diem2personsX110EURX5daysX3NIsX1timesX1(round-trip) *Int'l Flight 2 personsX400EURX3NIsX2timesX2(round-trip) *80 persons/timesX2timesX2(round-trip) (360 persons) (Among CBOs and 4 NIs)	5280 3300 9600		

<b>(4) Monitoring &amp; Evaluation Documentation &amp; Learning Kits</b>		<b>26059.21</b>		
*In-house monitoring and evaluation	*allocation for expenses of transporation, accomodation, food and beverage,role-players, matterial,etc. 1 group of target provinces X 6 time X 1 year X 994.63 EURO	5967.78	Oct 08 - Sept 09	*NHRC and local networks *Affected/target CBOs
*Documentation & Learning Kits	*Production Cost(Creation/Master Production) 3978.52 EURO *Reproduction/Duplication 9946.29 EURO	13924.81	Oct 08 - Sept 09	*NHRC and local networks *Affected/target CBOs
*Reports (Semi/ Annual/ Completion/Financial Reports)	*Information Gathering/ Fomulation/ Writing/ Revising/ Analysis and Producing 497.31 EURO X 2 reports(times)	994.62	Feb 09/Sep 09	*NHRC and local networks *Affected/target CBOs
*Translation/Revision (Thai-English)	*Translation/Editing Costs *approx. 200 pages X 2 reports X 12.93 EURO/ page	5172	Feb 09/Sep 09	*NHRC

Activities	Description	Proposed Budget	Implementing period	Role Players and Remark
<b>(5) Human Resources</b>		<b>19578.12</b>		
Full time/Part time personnel	*2 ConsultantsX 19.89 EURO/hourX 10 hours/monthX12 months	4773.6		*NHRC and local networks
	*1 Project DirectorX 9.95 EURO/hour X 20 hours/monthX12 months	2388		*Selected CBOs are expected to
	*1 Director Assistant X 9.95 EURO/hour X 30 hours/monthX12 months	3582		jointly contribute 10% of proposed
	*1 Project Manager X 9.95 EURO/hourX 30 hours/monthX12 months	3582		budgetary (in any kinds)
	*1 Treasurer/AccountantX9.95THB/hourX10 hours/monthX12 months	1194		*Mostly contributed by a number of
	*1 Administrative Staff X 9.95 EURO/hour X 10 hour/month X12 months	1194		local NGOs/GOs.
	*1 Field Coordinator X 238.71 EURO/monthX 12 months	2864.52		
<b>(6) Contingency Reserve</b>		<b>4865.93</b>		
	*5% of all above-mentioned allocations (1) to (5)		Oct 08 - Sept 09	
	*Allocation for emergency, exchange rate,inflation,unexpected etc.			
<b>(7)Administrative Costs</b>		<b>7152.92</b>		
	*7% of all above-mentioned allocations (1) to (6)		Oct 08 - Sept 09	*NHRC and local networks
	*Expenses for Office management, telephone,fax,internet, water,electricity,office stationery,maintenance (if any),etc.			*Selected CBOs are expected to
	* 2 years			jointly contribute 10% of proposed
				budgetary (in any kinds)
				*Mostly contributed by a number of
				local NGOs/GOs.
	Grand budget	109337.46		
	* Total contributed budget (from NHRCT/CBOs/CSOs/GOs)	88489.69		
	<b>Net proposed budget (EUR)</b>	<b>20847.77</b>		
	(Twenty thousand eight hundred and forty seven EURO and seventy seven EURO Cent)			

Percentage of Budgetary Allocation for 7 main expenditures, ESCR-PEER, October 2008 - September 2009

Proportion of allcation, 2 years	Amount(EURO)	Explanation
Act.1 People's Forum	3978.52	Act.1: consultative/capacity-buidling WS,mostly subsidised by NHRCT
Act.2 ESCR-PEER Activities	14919.44	Act.2: Self-determined Activities, subsidised by EU
Act.3 Professional Visit Activities/Regional ESCR	32783.33	Act.3:Capacity-building for Staff members of 4 ASEAN NIs
Act.4 Monitoring and Evalutaion/ Doc./Kits	26059.21	Act.4: Follow-up Activities (mostly implemented within 2nd year)
Act.5 Human Resources	19578.12	Act.5: Full time/part time personnel
Act.6 Contingency Reserve	4865.93	Act 6: 5% of allocation from Act 1 -5
Act.7 Administrative Costs	7152.92	Act 7: 7% of allocation form Act 1 - 6
<b>Total</b>	<b>109337.46</b>	Remark: 20847.77 subsidised by EU/ 88489.69 subsidised by NHRCT and local partners.



