



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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24 November 2020

Excellency,

I would like to refer to your communication received on 22 November 2019 containing information in response to the Committee's letter of 29 August 2019 adopted under its early warning and urgent action procedure regarding the situation of indigenous peoples in the Kaeng Krachan National Park ("KKNP") in Thailand.

The Committee's letter follows previous letters of 17 May 2017, 3 October 2016 and of 9 March 2012, and the State party replies of 24 April 2019 and 9 January 2017. In 2012, the Committee expressed concerns about allegations of forced evictions and harassment and reported continuous and escalating violence against indigenous peoples in the KKNP.

In 2016, the Committee requested the State party to urgently halt the eviction of the Karen indigenous peoples from the KKNP and to take steps to prevent any irreparable harm to the livelihood of Karen as well as to ensure that they enjoy their rights, including by effectively implementing the relevant provisions of the Constitution.

In 2017, the Committee reiterated its previous concerns regarding forced evictions of Karen indigenous peoples, continuing harassment against them and the failure to ensure adequate consultation with the aim to obtain free, prior and informed consent and to implement the Cabinet Resolution of 3 August 2010 on the restoration of the livelihoods of the Karen.

His Excellency Mr. Sek Wannamethee
Permanent Representative of Thailand
at the United Nations Office in
Geneva
Email: thaimission.GVA@mfa.mail.go.th

In 2019, the Committee reiterated its concerns about allegations of attacks and continuing harassment against Karen indigenous peoples, the failure to ensure accountability for these violations, and the reactivation of the nomination of the KKNP to be designated as UNESCO World Heritage site in 2019, without adequate consultation with the affected indigenous peoples and the lack of measures to seek their free, prior and informed consent.

The Committee would like to thank your Government for its reply of 22 November 2019 to the Committee's letter of 29 August 2019. It takes note of the additional information provided by your Government in relation to the situation of indigenous peoples in the KKNP, in particular regarding a) the establishment of the Sub-Committee on the Nomination of the KKNP as a World Heritage Site; b) the survey to be conducted by the Sub-Committee; c) on the opinions of local communities regarding the nomination of the KKNP as a world heritage site; c) the report of the survey on land tenure in the conserved forest areas and agreements on land use in accordance with the National Parks Act B.E. 2562 (2019) and the Wildlife Conservation and Protection (2019) Act B.E. 2562; d) the measures and guidelines identified to resolve the encroachment of protected forest areas and land tenure through a participatory process; e) the investigations on the enforced disappearance of Mr. Pholachi Rakchongcharoen; and f) the Supreme Administrative Court's decision of 12 June 2019 allowing monetary penalties in favour of six Karen plaintiffs.

However, the Committee notes that the State party's replies do not address all the issues outlined in its previous letters of 29 August 2019 and 17 May 2017.

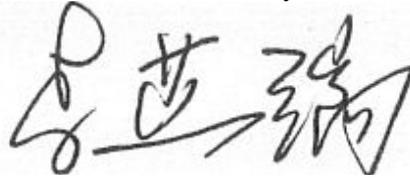
In spite of the information received, the Committee reiterates its previous concerns and, accordingly, requests the State party to provide further and detailed information on the following issues:

1. The implementation of the Community Forest Act adopted on 15 February 2019, as referred to in the State party's letter of 24 April 2019;
2. The measures taken to investigate the attacks suffered by the Karen indigenous peoples in the KKNP; the ongoing and/or completed investigations; the results of such investigative procedures; the sanctions against those found responsible; and the reparation provided to the victims;
3. The measures taken to protect indigenous people's human rights defenders, including information on the witness protection programmes and their implementation;
4. The results of the survey on the opinion of the local communities with regard to the nomination of the KKNP as World Heritage site; the conclusions and recommendations following the survey on land tenure in the conserved forest areas and the concrete measures taken to enter into agreements on land use as well as examples of the agreements concluded and how local communities have been involved in the process;
5. The concrete measures adopted and results obtained to promote the traditional way of life of the Karen communities and results;
6. The specific measures and guidelines identified to resolve the encroachment of protected forest lands and land tenure and the results of the participatory process designed to this end.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedures, the Committee would be grateful to receive information on all issues and concerns as outlined above. The Committee will consider such replies during the dialogue with the State party in the context of its periodic review.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Thailand, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination