



Protect the Indigenous Karen to return home safely!
The Thai government must immediately step up to uphold the human rights of
the Karen Indigenous People in Bang Kloi

The Karen Indigenous Peoples of Bang Kloi used to live inside the Kaeng Krachan National Park in their original village (Bangkloi Bon- Jai Paen Din) – a place they had lived in sustainably for hundreds of years. However, due to alleged national security reasons, they were evicted in 1996. 70 village members have recently returned to their ancestral home in January 2021. The undersigned organisations are deeply concerned for their safety and call on the Government of Thailand to protect the Karen and respect the rights of the Karen to live on their ancestral land.

The area where the Karen used to live is on the Thailand-Myanmar Border, thus allegedly an area of national security concerns. In 2010-2011 the Indigenous Karen who returned home to their ancestral lands, was met with a deadly operation (Tenasserim Operation) which led to a second evacuation in 2011¹. The relocation and rehabilitation was brutal for the Karen Indigenous People, whose human rights, Indigenous ways of life, and dignity was totally ignored in the process - despite a cabinet resolution from 3 August 2010 on the Recovery of Karen Livelihoods. The Karen are dependent on rotational farming and other traditional farming and livelihood practices, but in their new location, they were unable to practice these, and thus to survive independently. Instead, many of them had to seek employment as daily laborers outside their community, and most submerged into deep poverty.

The forced evictions violate the Thai Constitution of 2007 (particularly section 66, 67 of part 12), as well as international human rights law, the UN Convention on Biological Diversity and the UN Declaration on the Rights of Indigenous Peoples, which Thailand voted in favor of.

Knowing the history of previous treatment of the Karen Indigenous Peoples residing in Kaeng Krachan, and their previous attempts to return home, the threat to their security is real. AIPP, IWGIA, Network of Indigenous Peoples in Thailand and their allies are deeply concerned about the safety of 70 Indigenous Karen who have returned home to their original village of Bangkloi Bon – Jai Paen Din² in January 2021.

The Karen ethnic community members who have returned, fear a similar response from the government and are living in constant anxiety. We the undersigned organisations call on the state to urgently respond to the situation in protecting the community rights of the Karen Indigenous group, who have chosen to return to their original home.

During the first reallocation in 1996, some villagers received land allocation which enabled them to adjust themselves to new livelihood options, while many of them did not receive any allocation of land; 3 families received land for farming and settlement (approximately 20 rai or 3 ha); 27 families neither received land

¹ https://www.iwgia.org/images/publications/0573_THE_INDIGENOUS_ORLD-2012_eb.pdf page 301 see also <https://aippnet.org/thailand-when-can-we-go-back/>

² <https://www.bangkokpost.com/opinion/opinion/2058511/karen-return-home-but-future-unsure>



for farming nor for settlement. The latter group tried to adjust themselves by working as wage laborers both in and outside their community. The income however was not sufficient to sustain their families³, thus making some of them depending on government support schemes.

Access to justice for affected communities?

Following the violent eviction in 2011, six village representatives presented their case in the Administrative Court for compensation from the Department of National Parks. The court ruled in favor of the villagers as there is proof of community establishment since 1912 as evidenced by the Royal Thai army Map and additionally on the identity card of Mr. Koei Mimi, the spiritual leader of the Karen at Jai Phaen Din community, who was born in 1911 and 30 years before the enactment of the first forestry law and 50 years before passage of the first national park law.

The action of the Department of national parks clearly violated the provisions in the constitution in 2 ways; a) the community has the right to be consulted and needs to consent to any relocation measures, and b) the community has the right to protection. As many of the community members were born in remote villages, they do not have a Thai national identity cards, and therefore they are ineligible to claim any compensation or support from the State, who consider them illegal immigrants.

The apathetic response of the government and institutions responsible for resettlement and rehabilitation leaves a second homecoming of the community members in Jai Paen Din the only option for a dignified, sustainable life.

There are several reasons why the return of the community members to their original home is the only solution;

1. As many of the community members were neither allocated land for farming nor housing for more than 20 years, they were left to live in poverty and depending on daily wage labor, which is not sufficient to support their families. The COVID-19 situation forced them out of their jobs, and most of them returned to Ban Kloï, where no livelihood options were available for them.
2. According to the spiritual and cultural practices of the Karen, the community members need to perform rituals to bury the bones of grand-father Koei, who died before he was able to return home,⁴ and send his soul back in Jai Paen Din. According to the belief system of the Pga Keuyaw or Karen people the rituals and feasting has to be done using the crops (especially rice) grown by their children, and only then the ritual will be complete, and the soul of the grandfather can go in peace.

They therefore decided to go back to Bang Kloï Bon-Jai Phaen Din to do rotational farming and other traditional livelihood practices. The ones who have returned are the ones who have no access to any

³ Initial findings from a joint fact-finding committee comprising the Department of National Park, the Strategic Working Group on Natural Resource and Environment, P-Move and KNCE on 26-28 January 2021, based on interviews with 30 families.

⁴ <https://iphndefenders.net/thailand-elder-karen-ko-i-mimi-dies-aged-107/>



support from any agency, and have been depending on daily wage labor, earning an income of approximately 20,000-30,000 Baht per year (app. 700 Euro).

To return home is thus the only sustainable option, as no promises were kept by the government and institutions responsible for resettlement and rehabilitation respecting the traditional ways of life and livelihood practices of the Karen Indigenous Peoples.

The battle between sustainable indigenous practices and forest conservation

On top of the alleged ‘security reasons’ for forcefully removing the Indigenous communities from their ancestral lands is another layer of conflict. In 1981 Kaeng Kachan was declared a national park, and the Thai authorities wrongfully accuse the Indigenous communities of forest destruction and degradation, and therefore deny them access to their land and natural resources. It has been scientifically proven, that the indigenous management of natural resources is sustainable, and thus not causing any form of destruction of forests in which they reside and farm.⁵

On 26 November 2014, the Thai Government submitted their application to register the Kaeng Krachan Forest Complex (KKFC) as a UNESCO World Heritage Site. Due to the documented human rights violations, the referral of the nomination has been sent back to the Thai government altogether 3 times. In the last resubmitted nomination, IUCN requested advice on the situation of the Karen from the Office of the United Nations High Commissioner for Human Rights (OHCHR). The OHCHR responded with a joint communication from four UN human rights mandates⁶ expressing serious concerns over alleged attacks against and renewed harassment of the Karen by the conservation authorities and Thailand’s continued lack of consultation with the Karen and failure to seek their FPIC. The communication also warns about “the negative impact that World Heritage status may have on the traditional livelihoods of the Karen, their exercise of land rights, and potential exposure to forced evictions”. It stresses that “adequate measures have not been taken to address these concerns between 2015 and... 2019”. IUCN therefore recommended that the nomination be deferred (rather than referred), as only a deferral would provide the necessary time to address the concerns and suggested that Thailand be asked to engage directly with the OHCHR to resolve the human rights concerns⁷.

The Karen Ethnic group in the area have proven themselves to be the stewards of biodiversity conservation and in maintaining the ecosystem of their area. Nevertheless, the constant battle with the park authorities has even led to the murder of one of the Karen leaders - Porla-jee “Billy” Rakchongcharoen from Kaeng Krachan National Park (KKNP). In 2019 a fragment of his burnt skull was found in an oil drum submerged in a reservoir inside KKNP. Billy was last seen in April 2014 in the custody of KKNP officials, who had detained him for allegedly collecting wild honey illegally. At the time of his

⁵ Cairn, Malcolm: *Shifting Cultivation and Environmental Change, Indigenous Peoples, Agriculture and Forest conservation*. Routledge

⁶ Reference: OTH 7/2019, 28 Feb 2019. A similar communication was sent to the WHC

⁷Doc. WHC/19/43.COM/INF.8B2.ADD.



disappearance, he was involved in a lawsuit against park officials concerning the burning of Karen houses during a series of forced evictions in 2011⁸.

We the undersigned organisations urged the state of Thailand to

- Uphold the rights of the Indigenous Karen communities as enshrined in the constitution, cabinet resolution of the 3rd August 2010 and also respect the International instruments signed, adopted or ratified by the state such as UNDRIP, Convention on Biological Diversity and other Conventions.
- To allow the community members who chose to return to Bang Kloi Bon- Jai Paen Din to live and farm on their ancestral lands, according to their inherent right to their land, and not initiate any forceable relocation, intimidation and taking legal action against them.
- To delay the nomination of the Kaeng Krachan Forest Complex (KKFC) as a UNESCO World Natural Heritage Site until all existing problems have been completely resolved and with satisfaction of the Karen people living in the KKFC.
- To expedite the process of granting Thai citizenship to villagers at Bang Kloi who still have no ID cards.
- To recognize the Karen Indigenous Peoples as important part of the ecosystem and recognize their contribution as stewards in maintaining the ecosystem. In respect of our ancestor spirits and indigenous peoples' ways of life

⁸ https://iwgia.org/images/yearbook/2020/IWGIA_The_Indigenous_World_2020.pdf page 736

Signatories

Organisations:

1. Asia Indigenous Peoples Pact (AIPP), Thailand
2. International Work Group for Indigenous Affairs (IWGIA), Denmark
3. Indigenous Peoples Foundation for Education and Environment (IPF)
4. The Network of Indigenous Peoples in Thailand (NIPT)
5. Thailand Indigenous Peoples Network (TIPN), Thailand
6. Protection International
7. Project Heard, Netherlands
8. Bangladesh Indigenous Peoples Forum, Bangladesh
9. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), Nepal
10. Environmental Defender Law Center
11. Manushya Foundation
12. Centre for Sustainable Development in mountainous areas (CSDM)
13. Karen Environmental and Social Action Network (KESAN)
14. International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL)
15. The National Indigenous Women Forum
16. Thakali Women Association
17. National Indigenous Women's Federation (NIWF)
18. Katribu National Alliance of Indigenous Peoples Organization in the Philippines (KATRIBU)
19. National Indigenous Disabled Women Association Nepal (NIDWAN)
20. India Indigenous Peoples
21. Adivasi Mahila Maha Sangh
22. Cordillera Peoples Alliance (CPA)
23. The Chittagong Hill Tracts Citizens Committee Bangladesh
24. Chhattisgarh Tribal peoples Forum
25. Nilgiri particularly vulnerable tribal group federation
26. Adivasi Women's Network
27. Indigenous Peoples Rights International.
28. Community Empowerment and Social Justice Network (CEMSOJ), Nepal
29. International Rivers
30. Bangladesh Indigenous Peoples' Network on Climate Change & Biodiversity (BIPNet)
31. Kapaeeng Foundation, Bangladesh
32. The Social Rights Advocacy Centre
33. National Federation of Indigenous Nationalities (NAFIN) from Nepal
34. CHT Indigenous Jumma Association Australia (CHTIJAA)
35. Bulgarian Gender Research Foundation
36. TARA-Ping Pu, Taiwan
37. Papora Indigenous Development Association
38. Taiwan Ping-pu Indigenous Youth Alliance
39. Samata, India

40. Mines, Minerals and Peoples, India
41. International Women's Rights Action Watch Asia Pacific (IWRAW AP)
42. Jharkhand Indigenous and Tribal Peoples for Action
43. Federation of Community Forestry Users' Nepal (FECOFUN)
44. RIDH - International network of human rights
45. NGO INPADE /FOCO, Argentina
46. Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)
47. CENTER FOR DEVELOPMENT PROGRAMS
48. Federación por la Autodeterminación de los Pueblos Indígenas (FAPI)
49. Center for Protection and Revival of Local Community Rights (CPCR)
50. Inter Mountain Peoples Education and Cultural in Thailand Association - IMPECT
51. Karen Network for Cultural and Environment - KNCE
52. Network of Indigenous Human Rights Defenders in Thailand – IPHRDs-Thailand
53. Cross Cultural Foundation- CrCF
54. Wisdom of Ethnic Foundation - WISE
55. Spirit in Education Movement (SEM)
56. Project SEVANA South-East Asia
57. Sangsan Anakot Yawachon Development Project
58. V-Day Thailand
59. Community Resource Centre Foundation
60. Center for Ecological Awareness Building
61. ENLAW THAI FOUNDATION

Individuals:

1. Michel Forst, former UN special rapporteur on human rights defenders (2014-2020)
2. Devasish Roy, Advocate, Supreme Court of Bangladesh.
3. Brendan Tobin
4. Prafulla Samantara
5. Ramón Cadena, Lawyer from Guatemala
6. Binota Dhamai, Expert Member, UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) of the Human Rights Council
7. Sor Rattanamanee Polkla
8. Nopphol Maipluang
9. Phnom Thano
10. Areewan Somboonwattanakul
11. Orrawan Sukrareok
12. Wora Suk
13. Paphawarin Suddaenphai
14. Tanakrit Thongfa
15. Chalefun Ditphudee
16. Patcharaporn Sateinchaiyapak
17. Namfon Kuekkonglonka
18. Wassana Chokcheewa
19. Wilaiwan Suddeanprai
20. Kanokporn Janploy
21. Kritsanakan Phaetchaidaen
22. Kanokan Suwankarn
23. Thornthan Mangmee
24. Thip-aksorn Manpati

25. Meena Namchuen
26. Matcha Prom-in
27. Weerawan Wanna
28. Monhkol Duangkeow
29. Kornkanok Wattanaphoom
30. Ong-ard Decha
31. Sinphirasit Rakkarnliang
32. Jirapha Saewan
33. Phairin Sorsaikha
34. Jintana Pralongphol
35. Jarunee Raksongplue
36. Nattakarn Chayakorn
37. Sudarat Sakulsab-anan
38. Sudarat Thadrabieb
39. Theerachai Jorwaloo
40. Phuangchomphu Rammuang
41. Sroikaew Khammala
42. Arree Arphorn
43. Patchayani Srinuan
44. Amphika Ananta
45. Prachak Sriksampha
46. Tawee Monjongtrakul
47. Sitthipol Boonchucherd
48. Amima Saejoo
49. Chainarong Setthachua
50. Loafang Bandittherdsakul
51. Palita Faiweladee
52. Chanon Boonchaleoi
53. Thabadol Satienchaiyapak
54. Lamuthor Daenwiman
55. Somnuk Wanakhoewkhajee
56. Somchart Amornfaisidaeng
57. Darin Sudchailaichampa
58. Darika Duangdech
59. Jitti Chollathikarnkit
60. Warinthorn Ampornpannak
61. Thanawat Danarat
62. Nonglak Thanrote
63. Sorrasit Petcholathi
64. Ayuwat Rareun
65. Theerachai Trasakphanadon
66. Wiphawadi Ruansaksit
67. Sudarat Chalaobudsaba
68. Chaokchana Bamrunghanas
69. Waraaut Phatipornphichit
70. Wiwat Wanadorn
71. Saringkharn Phaophudee
72. Sowakorn Odochao
73. Norkeda Wanathamchareon
74. Mongkol Phanaprai

75. Waranchit Pimwattana
76. Pattana Wichitkhetdaenkai
77. Wanida Wanasakulsuk
78. Kue-yo Raksawari
79. Nong-air Sairungyamyen
80. Sudarat Wanamanchai
81. Mamiasang Siriwilai
82. Somruedee Sanga-dachpreechakit
83. Thanawin Kawiniphon
84. Arree Pongphatiphorn
85. Rinda Moonkaew
86. Pattarawadee Saeli
87. Kanokkarn Kaotwong
88. Chawalit Satiyanyong
89. Somchai Saeyang
90. Khemika Lertduangphorn
91. Kraiwit Nakhamuanhang
92. Thanawat Phongpraiphum
93. Nitchanan Suksomwang
94. Rep. Manop Keereepuwadol
95. Boonsri Chalakkanok
96. Theeraphab Phadan
97. Pattana Koma
98. Thittaya Faikusolaphichon
99. Supachai Sunamchareonkul
100. Chonnaphat Ngernsuje
101. Khanittha Pholpaiboon
102. Jaruwan U-thapa
103. Seksan Sumontri
104. Mali Piamwana
105. Sophita Saraprom
106. Chumpol Srimanta
107. Somyos Manakhongkha
108. Orrathai Maikaew
109. Natthakarn Samornsophittawong
110. Suk Maikaew
111. Monruedee Phongwaree
112. Pinnapha Prueksaphan
113. Saiporn Assanichantra
114. Sesawinyang Meekaew
115. Wittaya Phutthiweerachon
116. Yoawalak Srikhampa
117. Samrit Chinnawong
118. Phakaratharin Jarungsakorn
119. Opor Srisuwan
120. Phuwanet Lertchusap
121. Sumit Worphapor
122. Chakrit Worphapor
123. Patcharaphorn Worpapor
124. Chalernsri Prasertsri

125. Saknarin Yuthakit
126. Naruemon Kuathawatchai
127. Supachai Semakirikul
128. Arthit Wongprueksa-sakul
129. Pramote Wiangchomthong
130. Aphichai Udomrakphanpong
131. Montri Jantawong
132. Pirawan Wongnithisataphorn
133. Srikaew Kanteng
134. Chai Pongpipat
135. Orachorn Ruansaksit
136. Wichthawach Thanatweerarote