Category: Obligation to Provide Access to Legal Remedies

Sub-Category: **National Human Rights Institutions**

Name of Good Practice: National Human Rights Commission of Thailand: Koh Kong Sugar Plantation Case

Key Words: Constitutional Right to Environment, Accountability, National Human Rights Commission, Monitoring, Transboundary, Environmental Human Rights Defenders

Implementing Actors: National Human Rights Commission: National Human Rights Commission of Thailand (NHRCT); Civil Society Organisation: Community Legal Education Center (CLEC)

Location: Thailand; Cambodia

Description: The National Human Rights Commission of Thailand (NHRCT) received a complaint in January 2010 from Community Legal Education Center (CLEC), a Cambodia-based organisation, regarding alleged human rights violations in the Koh Kong sugar cane plantation in Cambodia. The allegations included that a Thai company, through its Cambodian subsidiaries, acted unlawfully. Alleged human rights violations included the use of forced evictions, killing of livestock, threats and serious intimidation to community members, and the loss of food security.

The NHRCT designated its Subcommittee on Civil and Political Rights to investigate and the Subcommittee published its findings on 25 July 2012. The Subcommittee found that the NHRCT had jurisdiction to examine the alleged violations and to facilitate a resolution of the matter. The Subcommittee interpreted its mandate to address the human rights implications of actions by Thai State and private companies. The report stated “[t]hat as long as the relevant stakeholder is bound by Thailand’s laws and human rights obligations, the NHRC is committed to serving the interest of justice through human rights promotion and protection.” The Subcommittee also found that the Thai company was involved in the activities in Koh Kong and that evidence “allows for a reasonable belief that human rights principles and instruments were breached in this case.” The Subcommittee identified breaches of the rights to life and to self-determination in particular. The Subcommittee also identified “a failure to uphold the people’s right to development, which includes their right to participate in, contribute to, and enjoy economic, social, cultural and political development, and through which most other human rights and fundamental freedoms can be fully realized.”

According to the NHRCT, it has used the Koh Kong case as a precedent to investigate other alleged transboundary human rights violations involving Thai actors, including the Hatgyi Dam project in Myanmar, the Hongsa lignite mine and coal-fired power plant in Laos PDR, and the Xayaburi Dam project also in Laos.

Further Information: For the decision, *see* <http://www.earthrights.org/sites/default/files/NHRC-Findings-on-Koh-Kong-25-July.pdf>; for more information about the NHRCT, *see* <http://www.nhrc.or.th/>.