

Article A1

The Chanthaburi Province Savings Group (CPSG)¹

Two decade ago, economic and social problems were two underlying problems of Thailand, and the government agencies had low potential to deal with these problems promptly and efficiently. In 1990, one Buddhist monk in Trat province, who is the founder of the Trat Province Savings Group, believed that villagers have the potential, which is called “social capital”, to deal with these problems by themselves, not totally relying on the government. He also thought that the profit-maximizing objective, which is the ultimate goal of capitalism, is not harmful per se (it is a reasonable objective for doing the business), but the profit should be partly allocated back to the customer or the community. This is consistent with the double bottom line concept which gives emphasis on two main aspects of doing business: economic and social. Additionally, in contrast to the government officer who acquires the welfare before and after retirement, the rural villagers who mostly are the small farmer have no security. Lack of welfare affects the villager to be vulnerable to negatively unexpected shocks. The solution is to group the community members together in the form of a savings group. The group will operate like the financial institution that the member can deposit money and borrow money with low interest rates. The group’s profit will be transferred to “a welfare fund”. The major responsibility of this fund is to provide welfare services coving health, occupation, education, elderly, and death, to the group members. Reaching low-cost loans and obtaining the welfare can help the members improve their quality of life.

On 7th May 1990, the villagers in Koh-kwang village, Huay-rang sub-district, Mueang district, Trat province, grouped together and named “the Trat Province Savings Group”. This was the beginning of the monk-initiated savings group in Thailand. Six years later, PhraManus Khanthithammo the founder of the CPSG had an opportunity to visit the Trat saving group. He foresaw that this model will be beneficial to Chanthaburi people, but its regulations should be adjusted to be consistent with the social context of Chanthaburi. On 10th March 1996, the first CPSG was founded at Phluyang village, Seephaya sub-district, Thamai district with the members of 108 and the initial savings of 6810 Baht. Currently, the CPSG comprises of 125 sub-groups scattering around 300 villages in 10 districts, with the members of 60000. The group’s working capital account for 700 million Baht, 400 million Baht of which comes from the members’ savings deposit while another 300 million is from the accrued returns. The members’ savings deposit will be sent to the group’s savings account for the purpose of lending to the group member. For the accrued returns, its main purpose is used for providing the welfare service on behalf of the welfare fund. In addition, if the welfare payment is less than the welfare fund’ capital, the excess capital will also be used for lending to the group members

The operation of the CPSG has been divided into three levels in accordance with the level of the organizational structure described above: micro, meso, and macro. The operation of all three levels will occur only in the monthly meeting since all committees have their routine works. Excessive meetings will negatively affect their works.

At the macro level, the monthly meeting will comprise of the meso-level committees from seven sections and the macro-level committees, leading by Phramanus as a chairman. The meso committees will report the overall performances and problems of each section. Particularly in case of significant problems, the macro committees and Phramanus will help each area solve the problems. The macro committees will inform the meso committee about the group’s policies and information from external organizations. At the meso-level monthly meeting, the micro committees of each section will report its financial performance and problems. Problems that cannot be solved at the micro and meso levels will be brought to the macro level for further discussion. The meso committees have a responsibility to inform the micro committees about the information received from the macro-level meeting.

¹ Adapted from Warut Woradithee (2011). “Financial Sustainability of Microfinance: A Zero Default Case Study of the Chanthaburi Province Savings Group”.

At the micro level, each sub-group's members have the authority to elect the committees at least 5 people with 1-year tenure, and the micro committees will be subsequently elected to be the committees in the higher level. Their responsibilities are to conduct the savings and lending processes, to make an accounting report, to publicize the information from the meso and macro levels to the members, and to manage the sub-group's welfare fund. At this level, it is worth noting that in the absence of financial support from the government or other organizations like the CPSG, the members' savings is the most essential source of capital.

This leads to one of the CPSG's important rules stating that every member must deposit money with 100 Baht to his/her savings account every month. The money from the members' savings accounts will be transferred to the sub-group's savings account, and then will be lent out to those members who want to borrow with the loan interest rate of 12 percent per year. The borrowing members must amortize their loans and interest monthly. Thereby, at the monthly group meeting, the sub-group will obtain the revolving capital from three sources: savings deposit, amortization payments, and interest payments.

At the end of every year, the sum of interest profit gained from lending through the savings account will be divided into two portions: 25 percent and 75 percent. Twenty five percent of the interest profit will be paid back to the members in terms of dividend, and another seventy five percent will be sent to the welfare fund as the capital for welfare provision. Normally, the welfare fund's capital will exceed the welfare payment, or there will be the excess capital. This excess capital will be lent out to the member with the loan interest rate of 12 percent per year, this rate is equal to the lending from the sub-group's savings account. But interest profit gained from lending through the welfare fund will not be paid back to the member; rather, it will be sent to the welfare fund all. For this reason, the welfare fund of the CPSG has been prospering rapidly.

There are two critical factors underlying high payment rate achievement of the CPSG: employing jointly liable group-lending contracts and generating strong incentives. Noticeably, the jointly liable group-lending contract has been employed in mitigating only the strategic default problem. The adverse selection and moral hazard have not been solved for two reasons.

First, in the Chanthaburi province's social context which a relationship between the villagers is very close, there is a high possibility that the borrowing member will exploit the close relationship between the group members for neglecting screening and monitoring process. Second, although the committees have screening and monitoring competence, they are not allow to do so. Neglect of adverse selection and moral hazard will pose the risk of delinquency/default not only to the surety but also to the lender. Consequently, to ensure that the group will be paid money back in case of a delinquent or default borrower, the CPSG needs to adopt the group-lending contract with a very high social pressure through imposing joint responsibility on both the surety and those group members who want to borrow money. In other words, both the borrowing member and the surety will be subsequently enforced by those members who want to borrow money.

In addition, the CPSG has generated two significant incentives for borrowers to repay the loan voluntarily. First, depriving the delinquent borrower of the borrowing right for one year has encouraged the borrowing member to repay the loan punctually since being excluding from the group's lending service means he/she has to borrow money from local moneylenders with high interest rate. Second, the default borrower will be dismissed from the membership, and he/she will be unable to obtain the group's welfare services anymore. According to an interview with the group members, receiving the welfare services, particularly the funeral compensation, is the underlying incentive for the members to repay the loan on time.

However, employing jointly liable group-lending contracts seems that the CPAG has been transferring default risk to the borrowing members who are in a worse position to bear default risk than the lender. Moreover, the borrowing member whose investment fails may be deteriorated by this lending scheme since he/she has to face the business failure problem and enforcement of loan repayment simultaneously.

Article A2

The biggest microlender of them all

by T.F.J. | BANGKOK Jan 1st 2013, www.economist.com

THERE are an estimated 120,000 microfinance initiatives worldwide but Thailand's "Village and Urban Revolving Fund" lends more money to more people than any other. The scheme's outstanding loan portfolio totalled \$4.9 billion in 2011; the number of active borrowers that year stood at 8.5m. Those numbers are swelling. Yingluck Shinawatra, the Thai prime minister, announced plans late last year to inject \$2.6 billion in additional capital into a network of nearly 80,000 village banks, which her brother, Thaksin Shinawatra, who was prime minister between 2001 and 2006, created with a stroke of a pen ten years ago.

The idea of the village fund is to create self-sustaining microfinance banks in each of Thailand's villages. Although the scheme is funded by government grants and funds are handled by intermediaries such as the Bank for Agriculture and Agricultural Cooperatives (BAAC), a state-run bank, each village pot is run by an elected local committee that has some discretion in setting loan amounts and interest rates. Villagers are eligible by residency to take out a loan, typically limited to 20,000 baht (\$656) without collateral.

The scheme has undoubtedly helped financial inclusion and boosted rural credit. According to the Bank of Thailand, 96.5% of households have access to financial products. A 2011 paper by Joseph Kaboski of the University of Notre Dame and Robert Townsend of the Massachusetts Institute of Technology found that Thai households increased both their borrowing and their consumption roughly one for one with each dollar put into the fund.

But the scheme has its drawbacks. Private providers are unable to compete with the Village Fund on cost: Mix Market, a data provider, lists only one private microfinance lender in Thailand. Regulations and licensing requirements are so strict that non-governmental organisations have stopped setting up shop. Critics say it is a tool of political patronage. And Messrs Kaboski and Townsend find that the programme costs 30% more than a direct transfer program that does not leave households saddled with interest payments.

Natee Klibthong, the head of the National Village and Urban Community Fund Office (the fund's official name), says he has not heard of the Kaboski/Townsend research. He notes that the benefits of the Village Fund "cannot be measured in monetary terms" and puts more emphasis on its role in the development of villages. Indeed, that role is only set to grow.

By the end of Ms Yingluck's term in 2016, he says, the government aims to have raised the number of Village Fund customers to 20m. It also wants to make the village funds a "one-stop service centre to help solve problems at the village level". There are also plans to create a "people's bank", a sort of central bank for the Village Fund, and a "nation fund", a state-backed financial vehicle that funds the funds. Whatever the misgivings of others, the course of Thailand's microfinance supertanker has already been charted.

Article B1

Rights activist 'disappears' in Kaeng Krachan

Writer: Bangkok Post and AP, 21 Apr 2014

An international human rights group urged authorities on Monday to investigate the disappearance of a prominent environmental activist arrested in Kaeng Krachan, in Phetchaburi.

Por Cha Lee Rakcharoen, known as "Billy," was detained in Phetchaburi's Kaeng Krachan National Park on Thursday for carrying illegally harvested wild honey, and has not been seen since shortly after he was released.

He was on his way to a meeting with Karen villagers and activists about a lawsuit that accuses park officials of burning and destroying the homes and property of more than 20 families in the area.

"National parks should be a place to enjoy natural beauty and serene vistas, not a place for officials to abuse people," said Brad Adams, Asia director at Human Rights Watch.

"So long as Billy's whereabouts are unknown, a sense of fear will stalk the park communities demanding their rights."

Park chief Chaiwat Limlikitsorn said Por Cha Lee was released because the illegally harvested honey he was carrying was deemed a petty offence.

A witness contacted by The Associated Press, Issara Seuksahet, confirmed Mr Billy was freed and was last seen Thursday riding a yellow motorcycle in the rain.

Pol Col Woradet Suanklaai, chief of the Kaeng Krachan police station, said that a missing person complaint has been filed but Billy's whereabouts remained unknown.

Human Rights Watch said that park chief Chaiwat himself was under investigation for allegedly masterminding the killing in 2011 of an activist from Mr Billy's network who had helped ethnic Karen villagers report abuses, violence, illegal logging and poaching allegedly committed by park officials.

Mr Chaiwat has not been suspended from duty as required under disciplinary regulations regarding officials under criminal investigation, Human Rights Watch said. "Chaiwat's presence at the national park has been a cause of fear among local activists and villagers, particularly those involved in lawsuits against him," it added.

The New York-based right group also referred to the case of Tassanakamol Aobeaom, an activist of Mr Billy's network who was shot dead while he was driving a pickup truck in Phetchaburi town.

National Human Rights Commissioner Niran Pitakwachara called on the authorities to find the missing activist.

"Billy is not an ordinary villager who simply went missing. He is a key Karen activist who is fighting a case in the Administrative Court, and it's the responsibility of the government and administrative officials to find out where he might be, whether he is being tortured or even killed," Dr Niran said.

Mr Bill is a resident of Ban Bangkloy Bon. The only access to the village is through the park.

With legal aid from the Lawyers Council of Thailand, the Bangkloy Bon villagers led by Mr Billy sued authorities in 2011 for the destruction and burning of houses and property of more than 20 Karen families who were living in Kaeng Krachan National Park.

Mr Billy has taken a major role in collecting evidence and finding witnesses to confront the authorities in their lawsuit, said Surapong Kongchantuk, chairman of the council's subcommittee on human rights of ethnic minorities, the stateless, migrant workers and the displaced.

He is also preparing a petition about this case for submission to His Majesty the King.

"He is a witness, and also an interpreter for other witnesses because of his good Thai," said Mr Surapong, who is also a friend of Billy.

"He is due to appear in front of the Administration Court next month. His absence would significantly affect the court case. I don't see any other cause of his absence but his activism."

In Phetchaburi about 50 Karen villagers led by Billy's wife Pinnapa Prueksaphan rallied at the provincial hall and forwarded a letter to governor Monthien Thongnit and Pol Maj Gen Peerachai Ruenrueng, the provincial police chief, requesting they urgently find the activist.

His wife said she was confident that her husband's disappearance was linked to the park chief, because Billy had no conflict with any other person.

On Saturday his family also filed a complaint with Kaeng Krachan police, reporting his disappearance.

Article B2

Karen Tribe and Kaeng Krachan National Park²

Generally, Karen people that reside in central Thailand in the provinces of Karnchanaburi, Ratchaburi, Phetchaburi and part of Prachaupkirikhun have previously lived in southern Myanmar near the Thai border. After migrating to Thailand, due to a preference for solitude, the tribe had to move to the hills and valleys, which currently are the location of the Kaengkrachan National Park, in order to be away from the intrusion of Thai lowlanders. This causes most tribal members to retain their traditional ways of life and to depend on the forest resources in the area. Most villagers still maintain their rural ways of life. The community accumulates its knowledge and passes it on to the members within the villages. Since there is no electricity in the village, villagers use the cheaper and more basic sources such as kerosene lamps, flashlights, or candles, for providing light at night. A solar cell of twelve volts at the learning center is the only electrical power source in the village.

Some Karen tribe of Phetchaburi and Prachaupkirikhun provinces often call themselves "Karang." The total number of tribal population in the park is 290 families, scattered along the riverbank. Usually three to four houses in an area are grouped according to kinship. Around each house, a small garden with vegetables and a variety of fruit trees, such as banana, papaya, jackfruit and mango is grown. The Karang still mainly depend on agricultural production, especially in

² Adapted from Asia Indigenous People Pact (2013). "Indigenous Women In Southeast Asia: Challenges In Their Access to Justice". and Nonglak Rojanasaeng (2001). "An Analysis of Local Karang Culture, Knowledge, and Natural Resource Use Patterns in the Kaengkrachan National Park, Phetchaburi, Thailand."

the form of traditional rotation rice farms with mixed cropping. This traditional cultivation relies heavily on natural processes.

The land is used as communal family property and it is divided to the new generations by their ancestors. The tribes prefer to choose small patches of land, 2 to 5 rai, scattering in the valley for rice and vegetable cultivation. This cultivating land is located some distance from the main river and its tributaries. It is a rain-fed agriculture, which establishes on the bamboo grove forest. This typical forest is preferred because it is easy to clear. Historically, the Karang do not prefer to cultivate in dense or old forest because of the difficulty in clearing the land and in preparing it well before the production season. Rice and vegetable are cultivated in the form of rotational mixed cropping farm. The fallow land is cleared and burnt during the beginning of the season. Then the vegetables are planted following the rice and then harvested.

This rotating process is the significant production technique that sustains the survival of the Karang highlanders. This approach is also considered by locals to be the wisdom of production that creates an economizing practice of land utilization. Stability occurs when a small amount of new forest is used, if any is used at all. A summarization of comments of tribal members was "Our rice farms are located only around our villages and they are fallow lands, we prefer to select the secondary forest for rice cultivation because they are easy to slash." Furthermore, the rotational manner in the highland agriculture benefits soil fertility and conservation.

Due to their embedded perceptions of traditional rights, the tribe believes that nobody owns the land. This communal right concept is important to the natural ecosystem because it allows flexibility in selecting the land which reduces intensive use on any particular piece of land. Everybody has an equal right and is guaranteed to equally utilize the land. In addition, the number of rice farms depends on the number of the households in the community and the size of land depends on the number of the household's members. With no individual rights of the land it maintains its subsistence utilization. In addition, no land is over used because it wastes labors.

The local village administration consists of the Huay-Mae-Prieng Tumbon Administration Organization (TAO). Its formal leaders is a 'phu-yao-ban' (village headman), along with a village committee. This local formal leader and the committee connect the villagers to the larger government and help continue the government's promoted activities in the village. The current formally-appointed village leader lives and spends most of his time in the larger Kaengkrachan District town and goes back to the village from time to time. In Phong-Luk, however, it is the informal village leader (also the principal of the learning center) who has the most respect of, and functional control over the community. The introduction of a formal local administration in the form of village headman and TAO causes this formal leadership to separate from the other villagers. Typically the headman acts as the middleman between villagers and outsiders. Because of new opportunities this formal headman is often viewed as out for personal gain and therefore violates the law. In the case of the headman of Phong-Luk, he was caught smuggling the wild products and fragrant woods from the park. This situation makes some villagers disrespect him, while there are also some villagers who support his illegal activities because he provides them with cash.

The village has a learning center located in Ban Phong-Luk. It was established by the border police patrol unit in 1985. The center offers education for children ranging from kindergarten to the fourth grade level. The purpose of the center is to teach Thai language to the tribal children. The educational standards of the center do not equal those of Thai schools.

The government encourages the development of the Karang and Karen tribes to ensure their stable settlement. In so doing, the government has the ability to control some of their behaviors, ways of life and livelihood. This 'encouragement' by the government can so far be identified as the following:

- 1) The allocation of land to ensure the permanent settlement of the granted land so that the government can more easily control the tribe.
- 2) The issuance of individual or private land grants in order to encourage the tribe to make lasting and intensive use of land. This intention seems to go against the traditional agricultural practices of the tribes.
- 3) The provision of basic utilities by the government, such as roads, schools, primary health services and occupational promotion has changed the tribes' attitudes and practices. They have started to convert their subsistence rice farming to a cash production system of monocropping, such as pineapple and lemon farms. This change has forced them to be more dependent on outside resource to support monocropping.

For those tribes residing in the national park, the trespassing on the new forest has happened with the relocated landless tribe, due in part to the insufficient production yields of rice for year-round food consumption. Overall scarcities of land, as well as many restrictions on these granted parcels of land have shortened the periods of time the land can lay fallow and has made rotating farms difficult. Formerly, the tribe uses the farmland only one year and leaves it lay fallow for 6-7 years. Due to the restrictions of the land by the government, they cannot practice in their traditional manner. So if the tribe finds their cultivation land is disturbed by weeds, they have to move to the new land and leave the local plant to grow up to cover and to control the weeds. They will return back to that land if it is suitable to cultivate. The tribe still utilizes the rotational technique by borrowing land from neighbors who at certain times have much land and do not make use of their parcels. Some tribal members have started to plant other commercial crops, such as lemon and castor bean, while others seek employment in the nearby lemon farms, especially during the agricultural off-season. Due to insufficient rice crops, some of the tribe people need to purchase food and other goods, while some people are beginning to spend money for some extra items.

This being the case, it is has become more and more necessary for them to have some cash, especially to buy rice. Finally, some of the better-off tribal families prefer to grow some cash crops, such as castor bean and lemons, on their available land. The poor, especially the landless families, then seek employment in these nearby lemon farms.

For more than 10 years now, the Thai government and National Parks, Wildlife and Plants Conservation Department have been trying to forcibly evict Karen indigenous peoples from Kaeng Krachan National Park (KKNP) located along the Thai-Burma border in Petchburi, Thailand. They had been accused as forest destroyers, opium producers, drug traffickers, aliens from Burma, rebels from Burma, etc. There was no consultation at all in the creation of the National Park in 1981 with the Karen who had been living there as their ancestral land. But even before the KKNP, the Karen were displaced by the construction of the Kaeng Krachan dam in 1966 which inundated the Karen's traditional territory forcing some of them to resettle somewhere. Meanwhile, anti-insurgency operations in the same area had been on-going from 1965 to 1971 further pushing the Karen deeper into the jungles and watershed areas of within that mountain range.

Evictions of the Karen forest owners within KKNP started in 1986 to force scattered ethnic Karen peasants to resettle in the Pong Luek-Bang Kloy community with the promise of land to till. Another major eviction in 1966 forced more to leave their forest homes under the government's relocation program with some income-generating projects. However, all government projects in this relocation site were suspended between 1998 and 2009. However, the land they received was very poor, full of rocks and gravel, and not all were given as promised. They could not take on jobs in town as many then did not have citizenship papers and would be arrested. This forced some of them to take migrant worker status despite their being indigenous because the process of getting this personal legal status is easier than getting citizenship. Hunger drove many to trickle back to their old homes in the forests. Within the last decade, numerous Karen families were expelled from their homes and forced to move to adjacent villages. The villagers were

accused by Park Authorities and the Thai Military of illegally occupy land and destroying the forest reserve with their slash-and-burn farming methods.

In July [2011], officials at Kaeng Krachan National Park, Phetchaburi province, stormed and burned a total of 90 homes and rice barns in a Karen village. Officials justified this as a means to prevent forest destruction, even though it is the constitutional right of these Karen to reside in the forests, as they have been on the land for generations. Many of the families remain displaced, some reportedly hiding in the forest without sufficient food or shelter.

On 3 September, Tatkamol Ob-om, a Karen community activist brought the case to the National Human Rights Commission. He was shot and killed on 10 September. A warrant was issued for the arrest of the park director Chaiwat Limlikitaüksorn, who later turned himself into police, denying the charges. He has since been released on bail and has retained his role as park head, still justifying his violent evictions of the Karen village.

Forest officials have blamed Karen traditional swidden agriculture – pejoratively known as ‘slash and burn’ – for contributing to forest degradation and global warming. From 2005 to 2011, 38 cases of ‘global warming’ were brought against Thailand’s indigenous forest-dwelling peoples, nine of which have been settled resulting in fines of over 18 million baht.

Kaeng Krachan National Park official admitted that from 2009 to 2011, the national park had operated a "pushing strategy". In line with this, in the years 2010 and 2011, Karen houses, barns, and rice storages were repeatedly destroyed and burned by the Park wardens and Thai military forces. In the process, aside from losses due to the arson, various assets - such as money, jewelry, or farming equipment- were also stolen. Officials cut down fruit plantations, confiscated domestic animals and arrested villagers and charged them of forest encroachment. Some of the arrested families were sent to Nong Yhaplaong Petchburi, 60 kilometers away from their original homes.

Others had no choice but to seek refuge with their relatives at Bang Kloy Lang village, where many Karen-Thai have been relocated to during the last decades. Between April to June 2011, the series of forced evictions, dispossession and destructions culminated in the arson which gutted a total of 90 houses and rice storage sheds. It was argued that the evictions were justified by the Forestry Law which prohibits people to occupy land within a national park.

The forcible evictions may even be linked to the murder of Karen human rights defender Tatkamol Ob-om who was shot on 10 September 2011 after helping one of the victims petition the Thai National Human Rights Commission. These evictions continue despite a clear legal framework which protects the rights of the Karen people to remain on their ancestral lands and continue their traditional cultivation system.

Karens believe that they neither create nor own natural resources, and therefore these must be conserved. Karen women own the swiddens, men own the rice paddies. Ownership here means the one who are responsible for the management and private individual owner. The swidden or rotational farm is far more biologically diverse and ecologically complex than rice fields. Thus, those who are responsible are considered experts in natural resource management and ethnobotany. It is for this reason that Karen women have a high position in community resource management even if the production tasks are shared with men. The high degree of expertise of Karen women is gained through their responsibility for the whole production cycle in the swidden, i.e., from the selection of suitable land for production, the selection of seeds, planting, maintenance, weeding, harvesting, and seed selection for the following season. This knowledge is a valuable resource in the community because it ensures the food security of the family and the community as a whole. Seed exchanges are common among families, relatives, villages and communities. For the Karen, the best present to bring for a visit is a bag of seeds.

In the Thai kingdom, numerous national laws, resolutions and policies are directly and indirectly related to indigenous peoples'. Most notably, the 2007 Constitution includes several provisions that are closely linked to indigenous peoples' livelihood. Article 66 provides for local communities to have the right to maintain their cultural traditions, as well as to protect and manage environment and natural resources. In Article 67, people have the right to participate with the State and communities in the conservation of natural resources under certain conditions. After 1997, a policy was formulated that requires public consultation, prior consent, a survey to determine habitation sites as well as an impact assessment on environment and culture before protected areas are approved. A Cabinet Resolution was approved in August 3, 2010 which defines policies regarding the "Restoration of the Traditional Practices and Livelihoods of Karen people". It explicitly grants Karen people the right to remain on their land and to practice their traditional farming system.

However, numerous forestry laws, policies and resolutions contradict the provisions of the 2007 Constitution and the 2010 Cabinet Resolution. The Cabinet Resolution has not been used to protect the Karen of Kaeng Krachan, nor are there clear laws which operationalise Articles 66 and 67 of the Constitution. Laws on natural resource management (such as the National Park Act 1961, or the National Reserved Forest Act, 1964, described above) suppress the rights of many indigenous communities to reside and cultivate within their territories.

In the case of the planned expansion of the Kaeng Krachan National Park (KKNP), there was no adequate consultation process and nor free prior and informed consent of the Kaeng Krachan Karen community regarding this. Instead, the park authorities insisted on fully implementing draconian forestry laws to evict the people without considering the constitutional provisions and other fiats that guarantee the rights of local communities who have lived in the area even before the demarcation of forest zones, protection areas and the like. The Kaeng Krachan Karen centenarian patriarch was given a silver coin by district authorities in 1962 to show he is a native of Thailand. A member of the royal family confirmed the Karen patriarch as an old friend of his royal grandfather.

He further remarked "How could you do this to the Karen who have long protected the forests for us" and criticised the national park chief for using the royally initiated project to justify the park's relocation programme. The weak enforcement of existing laws and the absence of an oversight body, in turn, lead to abuse of authority and power. In the case of Kaeng Krachan, the KKNP park chief was arrested under the suspicion of being behind the killing of a Karen advocate who was shot in September 2011 because the latter threatened to expose the human rights violations against the Karen in Kaeng Krachan. The chief was released on bail and still retained his position as park chief. In 2011 he filed a *lèse majesté* complaint against National Human Rights Commission (NHRC) subcommittee members, on charges of obstructing the royal project in Kaeng Krachan. In the meantime, for the Karen evictees, life after forced relocation is full of hardship. "At the new place, no land to till. No rice to eat".

Also amongst the indigenous groups in Thailand, fewer opportunities to access education result in a lack of the ability to speak Thai. Language difficulties and the inability to communicate in Thai, in turn, build an obstacle for many when seeking access to the formal justice system, and limits the indigenous' confidence to participate in decision making processes. As a consequence, many tribes have difficulties attaining the Thai citizenship. Restrictive and tedious bureaucratic mechanisms further complicate the process of obtaining an identity card. The lack of citizenship is one major obstacle to obtain their full rights as a State citizen. Indigenous people without legal documents have limited possibility of seeking justice, and cannot even refer to provisions of the existing legal framework regarding their land use rights. As they are disproportionately poorer than other segments of the society, indigenous people in Thailand often lack of means to afford legal assistance. However, in Thailand, indigenous people still belong to the most disadvantaged segment of the society, as the national legislation fails to protect their rights and address their specific needs, like theirs right to nationality, to practice their traditional occupation, political participation, among others. Thus, their access to political life and to basic social services remains limited.

State actions and attitude towards disregard indigenous peoples' right to define their own path to development and their right to participate in decision-making in matters that affect them. The use of forcible eviction (as prohibited in UNDRIP Art. 10) undermines indigenous peoples, like the Karen, their right to land, territory and resources (UNDRIP Art. 2664). The denial of citizenship to indigenous peoples is a violation of their human rights, depriving them of access to fundamental rights, basic social services, and freedom of movement and leaving them especially vulnerable for exploitation. Without citizenship, proper resource management is impossible as people do not have the right to remain in their settlement areas. Finally, Thailand has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which states that "discrimination against people due to differences in birth, race, language, age and gender is strictly prohibited" (Art.30). However, discrimination against indigenous peoples is still prevalent, even within the legal justice system, as it becomes evident in the case of Kaeng Krachan.