

Kittisak Rattanakrajangri

Évènements en 2021

The role and situation of Indigenous women

Indigenous women have different roles and responsibilities in Indigenous communities. They are recognized as family caregivers, traditional seed keepers, and transmitters of traditional knowledge to young people. They nonetheless do not have equal rights with men in some respects, including in decision-making according to customary law. Traditional governance systems are typically for men. The traditional patriarchal system and mentality still prevail in the relationship between Indigenous men and women.

Over the years, perceptions as to who holds power have been changing significantly. Many Indigenous women are becoming community leaders, for example Naw-er-ri Thung Muangthong and Mue-naw Preuksaphan. Naw-er-ri Thung Muangthong is Karen. She is from Huay E-kang, Mae Win sub-district, Mae Wang district, Chiang Mai province. In 1996, she was the leader of her village women's group, which trained women on family savings, teamwork building, and group management. Her work was recognized and accepted in the community. She then moved out and joined the Assembly of the Poor demanding land and community forest rights to the national park. She later decided to participate in local politics and became a representative of the Local Administrative Organization (LAO). She is now a village headman, a prominent leader and actively engaged member of the Indigenous Women's Network in Thailand (IWNT).⁴

Mue-naw or Pinnapha Preuksaphan is also Karen. She was born in a small village in Kaeng Krachan, Phetchaburi province. Her family later moved to Padeng, Phetchaburi province. She then married Phorachee Rakchongcharoen, or "Billy" who has been missing since 17 April 2014 after being detained by a national park of cer. The officer claims he released Billy later that same day but no one has seen him since.⁵ With support from the Lawyer Association, Mue-naw took a legal case against the national park of cers, demanding justice for her husband and advocating for a law to prevent further cases of forced disappearance and torture by State of cers. Billy was declared dead after the police found a piece of his bone in an oil drum dumped in the reservoir under the suspension bridge in Kaeng Krachan. The case has not yet been resolved as there is not enough evidence to bring the perpetrators to justice.

The Indigenous Women's Network in Thailand

IWNT was founded in 1996 to provide a gender perspective to development activities affecting Indigenous Peoples in Thailand. In 2011, it became established as an independent organization working towards improving the lives of Indigenous women in the country. It has worked with groups or members from the Karen, Lisu, Hmong, Lahu, Akha, Dara'ang, Taiyai, Lua, Kachin, and Mien Indigenous groups. Its main aims are to:

- Advance Indigenous women's rights as women and Indigenous Peoples;
- Promote national and international instruments for women's protection;
- Strengthen Indigenous women's participation in local government, the natural resource management sector and other decision-making bodies; and
- Acknowledge and support Indigenous women's traditional knowledge.

IWNT and its partner organization, Manushya Foundation, released a report entitled "Raising Our Voices to Save Our Future" on the human rights situation of Indigenous women in Thailand. The report presents some key challenges facing the human rights of Indigenous women in Thailand in the form of case studies.⁶ The challenges still remain in 2021, and they include:

1. Indigenous women's difficulties in accessing citizenship, a basic human right everyone deserves. Without citizenship, they cannot access government welfare programmes and are restricted from freely moving or travelling outside a designated area. Although the Thai government has made a few improvements aimed at changing this in the form of relevant policy and legal changes, it is not enough. There are around 756,907 people who have not yet received their citizenship.⁷ Of these, around 2-300,000 people are Indigenous people.
2. Discrimination faced by Indigenous women in accessing healthcare services: Indigenous women face challenges in relation to the right to health in terms of its availability, accessibility, acceptability, and quality. There is a lack of medical facilities in Indigenous communities and travel costs to reach healthcare facilities are excessive, plus there is a lack of information on healthcare services, and they suffer discrimination due to their language and ethnicity at the hands of medical staff. There is also a failure to acknowledge Indigenous Peoples' customary medicines and health systems. Lastly, the quality of services and resources is poor for the particular health challenges Indigenous women face.

Indigenous women have always been on the frontline defending their ancestral lands. The study highlights a case from the south of Thailand. Indigenous women face challenges to their rights to consultation and Free, Prior and Informed Consent in decisions affecting them. Chao Lay Indigenous communities are facing troubling concerns at the hands of land buyers, specifically due to real estate and tourism. Indigenous communities are denied the right to inhabit and use their own lands, take care of their resources, or participate in decision-making on matters that directly affect them. Due to the lack of any of cial title to their lands, which come from the belief that land cannot be possessed or controlled by individuals, Indigenous commu- nities have been exploited and have not only lost their lands and resources but also face prohibitive access to constructive solutions that might resolve the suffering they have had to endure.⁸

Kaeng Krachan Forest Complex (KKFC) listed as a new Natural World Heritage site

KKFC was listed as a new Natural World Heritage site by the World Heritage Committee (WHC) on 26 July 2021⁹ after six years of efforts to ob- tain this recognition.

The government tried to convince the WHC members that significant progress has been made to preserve the human rights of a Karen community that calls the forest complex its home.

The majority of WHC members voted to support the Kaeng Krachan Forest Complex nomination for world heritage listing,¹⁰ despite strong opposition from Indigenous Peoples and human rights organizations.

The International Union for Conservation of Nature (IUCN), as the WHC's advisory body, also concluded in its evaluation of the KKFC nomination for 2020-2021 that there was some overall progress. However, concerns raised by local communities regarding human rights issues within the site had still not been resolved. IUCN therefore recommended that inscription of the site be deferred until, among other issues, the Indigenous Karen communities had provided their consent and had their concerns resolved.¹¹

Prior to its adoption, the Special Rapporteur on the rights of indigenous peoples, Francisco Calí Tzay, expressed concern that:

"We have raised concerns repeatedly with the Government of Thailand and the UNESCO World Heritage Committee since 2019 and now it is really time to ensure that they step up to their obligations to protect Indigenous Peoples."

"We are particularly concerned that the UNESCO World Heritage Committee has adopted commitments towards Indigenous Peoples on paper but, in practice, does not have working methods that allow Indig- enous Peoples to participate effectively and have their voices heard in the nomination process."

"We call on all 21 States that form part of the World Heritage Committee to assume their responsibility to respect and protect the rights of Indigenous Peoples in nominations for heritage status. The decision on Kaeng Krachan must be deferred until the concerns have been fully addressed by the Thai government and independent monitors have been given access to the park."

He also reiterated his willingness to undertake an official country visit to Thailand and visit the national park to assess the situation.¹²

This issue is of concern for Indigenous people in Thailand, and the Network of Indigenous Peoples of Thailand (NIPT) noted in a statement (on 27 July 2021)¹³ that:

The registration of the Kaeng Krachan Forest Complex of Thailand as a World Heritage site is a source of pride by all residents of the Thai nation. However, the Network of Indigenous Peoples of Thailand is unable to join in celebration for several reasons: rst, the process of consideration failed to follow the UNESCO Operational Guidelines for such consideration in their entirety, especially paragraph 123, which specifies that if there are Indigenous or other communities resident there, those inhabitants must be consulted through means of "Free, Prior and Informed Consent" prior to registration. Second, this neglect of the recommendation of the International Union for Conservation of Nature [IUCN] and the UN Special Rapporteur on the Rights of Indigenous Peoples who raised the problem of abuse of human rights and the fate of the Karen communities living in the Kaeng Krachan Forest area.

The Network of Indigenous Peoples of Thailand requested the following:

1. Proceed with sincerity to enact solutions to the problems faced by our Karen brothers and sisters in the Kaeng Krachan Forest area, particularly the issue of farmlands, using a genuine participatory process in line with the lifestyle and customs of the Karen, and existing mechanisms of sub-committees or new mechanisms in an efficient and timely manner. These methods should respond to the needs of the local residents currently impacted in accordance with the resolution of the World Heritage Committee.
2. Dismiss the court cases against the Bang Kloi villagers citing encroachment and forest destruction, because the Karen only farmed the land to provide for their livelihood according to their traditional lifestyle and customs on the lands of their ancestors.
3. Stop all forms of intimidation of the human rights defenders assisting the villagers in the Kaeng Krachan Forest area.
4. Heed the voices of the villagers and create space for their joint participation in the management of the World Heritage site located on the lands and spirits of their Karen ancestors at both policy and practice levels.

Progress in draft laws promoting and protecting the rights of Indigenous Peoples

Five draft laws promoting and protecting the rights of ethnic groups and Indigenous Peoples were finalized in 2021. Their status is as follows:

- The draft law on the Council of Indigenous Peoples in Thailand B.E.¹⁴ was submitted to the House of Representatives for consideration. This was carried out under Section 133 (3) of the 2017 Thai Constitution which states that “persons having the right to vote of not less than ten thousand in number [can] submit a petition to introduce a bill under Chapter III Rights and Liberties of the Thai People or Chapter V Duties of the State and in accordance with the law on the public submission of a bill.” This marks the first time that Indigenous Peoples have had the opportunity to draft and present a law by themselves. The draft law was officially tabled on the agenda of the first meeting of the House of Representatives in 2022.
- The draft law on the Promotion and Protection of Ethnic Groups prepared by the Kaokrai party and the Parliamentary Standing Committee was analyzed and submitted to Parliament for consideration. This draft is considered to be a law that requires a government budget for implementation. It therefore requires the Prime Minister’s endorsement before it can be included on the official agenda for consideration by the House of Representatives.
- The draft law on the Promotion and Preservation of Ethnic Groups’ Livelihoods prepared by the Sirindhorn Anthropology Centre (SAC) was analyzed and submitted to the Ministry of Culture for review before sending to the cabinet for consideration. This draft is considered a government draft and is scheduled for implementation by 2023.
- Finally, a draft law on the promotion and preservation of ethnic groups and Indigenous Peoples’ livelihoods. This was submitted to Parliament for consideration. It is also a draft law that requires a government budget for implementation, as well as prior endorsement from the Prime Minister before being tabled to the cabinet for consideration.

Notes and references

1. Ten groups are sometimes mentioned, with the Palaung also included in some of official documents. The Department of Social Development and Welfare’s 2002 Directory of Ethnic Communities in 20 northern and western provinces also includes the Mlabri and Padong.
2. Master Plan for Ethnic Groups Development in Thailand 2015-2017, Ministry of Social Development and Human Security. <https://readgur.com/doc/2075846/%>
3. Composed of Moken, Moklen and Urak-rawoy.
4. AIPP in partnership with IVAN. “HerStory Retold: A collection of personal essays by indigenous women.” Chiang Mai: AIPP, 2019, 47-51. <https://aippnet.org/wp-content/uploads/2020/02/HerStoryRetold.pdf>
5. See more information in The Indigenous World 2015. Copenhagen: IWGIA, 2015, 279-285. https://www.iwgia.org/images/publications/0716_THE_INDIGENOUS_WORLD_2015_eb.pdf
6. Indigenous Women’s Network of Thailand (IWNT) and Manushya Foundation (MF). “Raising Our Voices to Save Our Future.” Bangkok: IWNT and MF, 2019. <https://www.manushyafoundation.org/iwnt-report>
7. Official Statistics Registration System. <https://stat.bora.dopa.go.th/stat/statnew/statyear/#/TableAge>
8. Abidi, Hani. “New Report Highlights Human Rights of Indigenous Women in Thailand.” Cultural Survival, October 07, 2019. <https://www.culturalsurvival.org/news/new-report-highlights-human-rights-indigenous-women-thailand>
9. UNESCO. “Kaeng Krachan Forest Complex.” <https://whc.unesco.org/en/list/1461/>
10. Wipatayotin, Apinya. “Kaeng Krachan Forest Complex named world heritage site.” Bangkok Post, July 27, 2021. <https://www.bangkokpost.com/thailand/general/2155123/kaeng-krachan-forest-complex-named-world-heritage-site>
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13. “Joint Statement. The case of registration of Kaeng Krachan Forest Complex as a UNESCO Natural World Heritage site. Network of Indigenous People of Thailand [NIPT]. “A New Social Contract: Safeguard lifestyles and rights of indigenous people. July 27, 2021. <https://drive.google.com/le/d/1L0YFDcSu5plyWJZ4XPY4sd8q9XDkUFA/view>
14. Brache-a, Rfoo. “ ำง พ. .บ. สภำชน ำ พ๑ัน ำ ำง ำง ป๑ ๑เท๑ไทย พ.๑.” IMN Voices, December 23, 2020. https://drive.google.com/le/d/1QfwMVhfG_ypg-L8-aPN7mEnD3IJ9ArM-/view

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