

Experience from Thailand



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Khuha Mining case: National Case

- ▶ Lime Stone mining
- ▶ Private company
- ▶ Using Explosive for mining
- ▶ Violation
 - ▶ House crack
 - ▶ Dust
 - ▶ Noise pollution
 - ▶ Flying stone

Struggle

- ▶ Khuha community tried to stop the licence for mining
 - ▶ Complained to
 - ▶ NHRC
 - ▶ Ombudsman
 - ▶ DSI
 - ▶ Provincial Governor
 - ▶ Filing case to Civil court
 - ▶ Compensation of the violation

During Struggle

- ▶ Advocacy
 - ▶ Legal consultation
 - ▶ With clients
 - ▶ With community
 - ▶ Radio interview
- ▶ Campaigning
 - ▶ Annual Bicycle rally
 - ▶ Community consultation

The ruling

- ▶ Ensure Right to live in Peaceful area and Good environment
- ▶ Ensure Right to complain

How we won on Court case

- ▶ Strong community
- ▶ Strong Law
- ▶ Understanding of
 - ▶ Community
 - ▶ Lawyer
 - ▶ Judge
- ▶ Ready to challenge

Xayaburi Dam: Trans boundary case

- ▶ Xayaburi Dam is Hydro power dam which is built in Mekong River inside Laos
- ▶ All processes are from Thailand
 - ▶ Construction by Chor.Karnchang
 - ▶ Producing by Chor.Karnchang and others
 - ▶ Buying electricity by Energy Generating Authority of Thailand

Law suit in Thailand

- ▶ Filing a case to Administrative court against EGAT for Power Purchase Agreement
 - ▶ Using International Law
 - ▶ PNPCA (Mekong agreement)
 - ▶ Rio Treaty
 - ▶ Stockholm Treaty
 - ▶ ICESCR
 - ▶ Using Domestic Law
 - ▶ Constitution Law
 - ▶ Environmental Law

Result

- ▶ Lost the case
 - ▶ No any implementation for International Law to Domestic Law
 - ▶ The PPA is not impact to community
 - ▶ Community has not right to file case
 - ▶ Impact is not happen yet

Other activity to Stop Xayaburi Dam

- ▶ Networking
 - ▶ Mekong Coalition
 - ▶ Save the Mekong Network
 - ▶ International organisation and National organisation
- ▶ Campaigning
 - ▶ Annual campaign on Anti Dam Day on 14th March
 - ▶ Statement
 - ▶ Open letter, Urgent Appeal
- ▶ Advocacy
 - ▶ Consultation
 - ▶ Community meeting
 - ▶ Researching