

TIMELINE OF EVENTS IN THE THAI BHR NAP PROCESS

2017 MANUSHYA FOUNDATION WAS ESTABLISHED

- 1 29-30 January, Chiang Mai
Northern NBA Dialogue



- 2 23-24 February, Khon Kaen
Northeastern NBA Dialogue



- 3 20-21 March, Hat Yai
Southern NBA Dialogue



- 4 30-31 March, Rayong
Eastern & Central NBA Dialogue



- 5 2-3 September, Bangkok
First Experts' Meeting to Inform the
CSO NBA on BHR in Thailand



2018

- 6 28 February to 1 March, Bangkok
2nd Experts' Meeting on Findings &
Recommendations for CSO BHR NBA



NOV 2017 | LACK OF POLICY COHERENCE: THEPA COMMUNITY MEMBERS ARRESTED WHILE THAILAND IS PORTRAYED AS ASEAN NAP LEADER AT THE UNITED NATIONS

- **18-19 November** The Thai Business and Human Rights Network was established during Manushya's *Coalition Building Workshop on Business & Human Rights: "Building Solidarity Among Local Communities, Academics & Experts."*
- **27 November** 17 Thepa community members were arrested during a peaceful march to submit a petition against the coal-fired power plant to the Prime Minister.
- **28 November** MoJ RLPD attended the UN Forum on BHR held in Geneva.
- During the Forum, RLPD through a promotional video claimed Manushya Foundation's strategy as theirs including the conduct of regional dialogues and development of NBA.
- RLPD renamed our *First Experts Meeting* as their "ASEAN experts meeting to inform the NAP."
- Manushya requested a correction of the video but there has been no progress until now.

JUNE - JULY 2018 | NAP CONS: POOR CSO REPRESENTATION WEAK ZERO DRAFT NAP

- **22 June** Several CSOs received informal invitations to attend regional NAP Consultations, held from 27 June to 6 July 2018.
- **26 June** Zero Draft NAP (with an empty call of actions) was made available on RLPD's website, only one day prior to the 1st NAP consultation, and without informing CSOs. Only those who checked RLPD's website everyday found out.
- **27 June to 6 July** Thai government-led NAP consultations: CSO attendance was low. No financial support was provided to rural communities to enable them to attend, limiting their participation.
- **31 July** Deadline to submit comments to the Zero Draft NAP, via a Google form, without other alternatives for rural communities and those not familiar with the internet. No dissemination of information was done, only those checking RLPD's website were informed about the deadline to submit comments.

AUG 2018 | THAILAND TRYING A QUICK FIX

- **21 August, Late at Night** RLPD released its revised draft NAP giving only 1 day for review prior to the CSO consultation.*
 - **23 August, 7 AM** A few hours before CSO consultation, RLPD sent a copy of the latest draft NAP to OHCHR but not to communities.
- * Such a short timeframe is not in compliance with international standards on meaningful stakeholder engagement. CSOs are not given adequate time to review and formulate comments on the revised draft.

HOW WERE THE KEY PRIORITY AREAS IDENTIFIED?

DESK REVIEW

Manushya Foundation conducted a desk review of the issues surrounding business and human rights in Thailand. Our aim was to identify well-documented credible evidence of adverse business conducts.

REGIONAL NATIONAL BASELINE ASSESSMENT (NBA) DIALOGUES

Knowing that the most credible sources of information of the realities on the ground are the people and communities affected by ill business practices, Manushya Foundation initiated and conducted the Regional National Baseline Assessment (NBA) Dialogues in Northern, Northeastern, Southern and Eastern Thailand. The goal was to discuss the issues related to business and human rights in the country and to identify challenges, gaps and ways to implement the UNGPs at the domestic level.

The regional dialogues, developed as an independent CSO NBA, brought together communities working on various human rights issues. Together with our partners, we identified 3 main areas of priority into the Thai NAP:

1. Labour Standards
2. Community rights, Indigenous Peoples, Land-related rights, Natural Resources and Environmental Impacts
3. The Protection of Human Rights Defenders.

FIRST EXPERTS MEETING

To guarantee that the lessons learned and data that were documented during the regional dialogues were accurate and were shared to shape and influence the evidence-based CSO NBA and the government NAP, Manushya Foundation gathered national, regional, and international experts in the field of Business & Human Rights, including community leaders, civil society representatives, academics, the National Human Rights Commission of Thailand, OHCHR, the Representative of Thailand to AICHR and the Thai government in the *First Experts Meeting on BHR in Thailand*.

During this meeting, Manushya Foundation presented its methodology in developing an independent CSO BHR NBA including findings of its desk review, NBA dialogues and community led-research involving local communities and members of the Thai CSOs Coalition for the UPR.

Manushya Foundation and members of the *Thai CSOs Coalition for the UPR* have identified the following four main areas as the foundation for the CSO NBA:

1. Violations to labour standards
2. Impacts on community rights, indigenous peoples, livelihoods, land-related rights, natural resources and the environment
3. The protection of human rights defenders
4. Trade agreements and outbound investments

SECOND EXPERTS MEETING

Following up on the outcomes of the *First Experts Meeting*, Manushya Foundation and members of the Thai CSOs Coalition for the UPR, brought back relevant stakeholders for the *Second Experts Meeting* to discuss the findings and recommendations of the CSO NBA. Thai government representatives were invited to cooperate so they could gather information for the government's NAP.

During the meeting, Manushya Foundation and members of the Thai CSOs Coalition re-affirmed the content of our Independent CSO BHR NBA. Manushya decided to focus on four dimensions:

1. Business activities impacting labour rights and standards;
2. Business activities impacting indigenous rights, community rights, livelihoods, land-related rights and the environment;
3. Business activities undermining the protection of human rights defenders;
4. Impacts of trade agreement on access to affordable medicines, food security and workers' rights.

Realising that the issues related to Thai outbound investments and extraterritorial obligations have been documented by the ETOs Watch Working Group, Manushya Foundation and members of the Thai CSOs Coalition for the UPR decided to refer to the work undertaken by the ETOs Watch Working Group.

Professor Surya Deva of the UN Working Group on Business and Human Rights, who participated and substantially contributed to the discussions, commended the strategy and processes Manushya and Thai CSO Coalition endeavoured to comprehensively identify gaps and solutions to improve the business and human rights response in Thailand. Some of the recommendations to be used by the RLPD for the government NAP are based on the findings of our CSO NBA, however our efforts are not given due credit.



MANUSHYA
Empowering Communities | Advancing Social Justice

OUR ROLE: WORKING 'WITH' NOT WORKING 'FOR'

As part of our strategy, we initiated the development of National Baseline Assessment (NBA) on Business and Human Rights through sub-regional dialogues, where we put the local communities, their needs and challenges at the centre of the Thai BHR discourse.

We invited the Thai Government, via the Ministry of Justice, Rights and Liberties Protection Department (RLPD), as co-organiser to ensure that members of the local communities are heard by the government and to guarantee their safety under the military regime.

With the claims that the development and implementation of the NBA was an initiative of the RLPD, some people and institutions believe that Manushya is working "for" the Thai Government and that our role is to collect data on behalf of the RLPD. This misinformation undermines our independence and the trust of our local community partners, who we serve and who we work for.

While Manushya Foundation believes in collaborative efforts to champion human rights, we do not condone misleading information about our work and our partnership. Manushya Foundation 'works with' not 'works for' the RLPD.

We have invited the RLPD in 6 opportunities, where they could listen and value the 'real critical voices' of business and human rights in Thailand. These affected communities have provided overview of the situations on the ground - but yet they remain unheard. The recent draft NAP has NOT taken into consideration the analyses and recommendations that would address real-life challenges and needs.

Furthermore, RLPD has claimed credit for the work of Manushya, the Thai CSO Coalition, and our partner local communities. This lack of recognition disrespects the time and effort and disregards the concerns raised by affected communities, that would ensure an effective actionable NAP on business and human rights in Thailand.