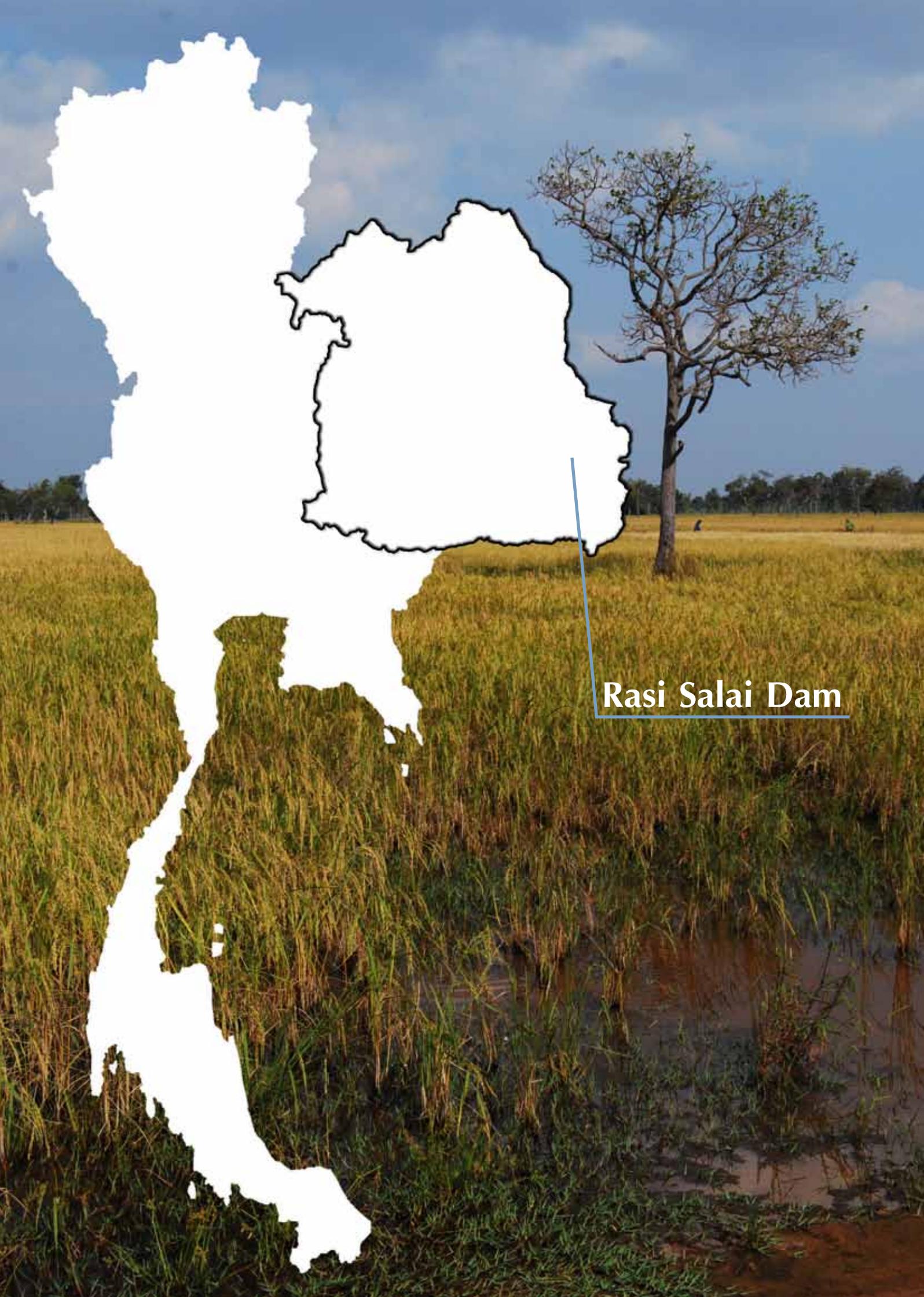




Voices from the Margin

Economic, Social and Cultural Rights in Northeast Thailand
Rasi Salai Dam

ESCR Mobilization Project



Rasi Salai Dam

Overview

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The culture of rural communities in northeastern Thailand, also known as Isaan, emerges from the ecosystems upon which they depend. For generations, villagers living along the Mekong River and its tributaries were part of a relationship with the river and its surrounding ecosystems. Though the culture of these communities has evolved over the years, the relationship the villagers have had with the river and the wetlands has remained constant. When villagers are hungry, they can catch fish from the river, and when they are sick, they can find herbal medicines in the wetlands. The natural flooding of the river provides community farmers with water for crops, and the areas along the river serve as grazing land for villagers' livestock. Villagers respect natural resources, and as part of their rich social relationship with the environment, take what they need without straining the resources that support their way of life. The relationship communities have with the river is born of a deep understanding, a cultural knowledge of how to live with the land.

This understanding has been lost with the current push towards using natural resources as a tool for economic development in Isaan. Villagers in the Rasi Salai area were devastated when the Thai government began construction of the Rasi Salai Dam in a misconceived effort to provide irrigation to the surrounding arid region in 1992. Poor recognition of the villagers' relationship to the natural resources led to construction of the dam without assessing environmental or social impacts. The government hastily disregarded the affluent biodiversity that played an essential role in the life of the people on the Mun River. When the gates close, wetlands flood and the river becomes stagnant, ultimately devastating families dependant on these resources. The reported purpose of the dam was to provide irrigation; however, most of the water from the reservoir was too salty to use in agriculture.

The government's disregard for the relationship between the villagers and the land is shown through their initiative to commodify water from the river for irrigation purposes, placing an economic value upon the river without considering the social and cultural consequences. The government in no way facilitates the rebuilding of villagers' relationship with resources, for the dam gates remain closed. Instead of opening dam gates to restore the lost resources and take responsibility for their wrongs, the government only acts to compensate losses monetarily. Monetary compensation does not enable them to catch fish from the river when they are hungry, seek herbal medicines from the wetlands when they are sick, benefit from natural flooding patterns, or take their animals to graze in the wetlands: this broken relationship cannot be mended through any amount of money. This signifies the government's detachment and its inability to recognize or acknowledge the close relationship between cultures and specific ecosystems, and between the people and the land.

ESC Rights Examined:

Article 6: Right to Work

Article 11.1: Right to Food

Article 11.2: Right to Proper Development of Agrarian Systems

Article 15: Right to Culture

Potential Number of People Affected:

The Mun River and its tributaries flow through 11 provinces of Isaan, supplying 10 million people with water, food, and work. Since the construction of the Rasi Salai Dam, resources normally sustained by the natural flow of the Mun River have been substantially threatened. An estimated 17,000 Rasi Salai villagers have been negatively impacted by the dam.

Findings:

Due to the severe damages to many regional natural resources caused by the construction of the dam, and the impeding effects of such destruction on peoples' lives, the state is in violation of the rights to work, food, culture, and proper development of agrarian systems.



A COMMON LANGUAGE

Humanity speaks many languages, but there is one that unites us all – the language of human dignity.

Voices from the Margin is an examination of issues concerning the compromise of human dignity through the exploration of an Economic, Social, and Cultural Rights (ESCR) framework. As an international covenant whose language illustrates each human's inherent needs, the framework bridges perceived divides between nations, ethnic groups, classes, genders, ages, and cultures. The rights included in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are unique in their universality and capacity to embrace all diversity, allowing for the shared language of human dignity.

Regardless of signatory status, no State has fully realized the rights detailed in the ICESCR. In every existing political, economic, and social structure, there are people who, despite being equally deserving of human dignity, have their rights exploited and overlooked by the State.

Thailand is no exception. Against the backdrop of rapid development and industrialization that has improved the lives of some, lies a myriad of individuals whose ability to live with dignity has been severely compromised. As a signatory to the ICESCR since 1999, Thailand pledges to actively fulfill the Economic,

Social, and Cultural Rights guaranteed for its citizens. These rights, however, are merely words on paper, often remaining unrecognized by the State in practice.

Non-compliance by the State with ICESCR is evident in the Northeastern region of Thailand, more commonly known as Isaan. Predominantly rural, with the lowest regional per-capita GDP in Thailand and an ethnic makeup that is generally Lao rather than Central Thai, Isaan is geographically, economically, and culturally marginalized. Due to both the region's potential for industrial growth and its untapped natural resources, the people of Isaan have experienced the impacts of numerous development schemes and initiatives formulated by the central government.

Voices from the Margin is a pilot project intended to grow and replicate. The project is meant to illustrate that the ESCR framework can be used as a powerful tool for social and political mobilization. Currently, the project consists of six reports focusing on the rights of Isaan communities to self-determination, specifically regarding struggles surrounding chemical agriculture, HIV/AIDS, the damming and dredging of rivers, and urban slums.

The human voice behind these issues brings them to life: A mother and her child suffer from severe health problems after herbicides are sprayed on a nearby field

The Right to Water

The Right to Security of Tenure

The Right to Food

The Right to Health

The Right to Self Determination

The Right to Work

The Right to Culture



and drift into her small convenience store. A woman loses her husband and father after being displaced by a dam and still finds the strength to fight for her lost livelihood. A mother goes to Bangkok to work, because she can no longer support her family through farming due to the dredging of a river. A man finds out he is HIV positive, and after overcoming depression and discrimination, works with other HIV positive people inspiring them to live again. A grandmother comes to the city for a better life and ends up in a slum, with the continual threat of eviction. A father can no longer catch enough fish to provide for his family because of a dam and so must watch his children leave the community to find work.

Although these voices tell the stories of individuals' struggles, they speak for thousands of others whose voices are not heard. Despite different backgrounds and obstacles, these individuals share the common experience of marginalization inflicted by State policies. These marginalized people find solidarity in the common language of human dignity, a language harnessed by the ICESCR in order to foster an understanding and respect of universal human rights.

An ESCR framework not only fosters understanding of human rights amongst individuals, but also works to hold State actors accountable for their actions and inactions. Individuals, groups, and movements across the

world have taken matters into their own hands and presented ESCR cases against their governments. As global trends indicate, people from all over the world are connecting and building solidarity in a struggle to defend their ESC rights. Therefore, the ESCR framework has tremendous potential as a mechanism to ensure the effective provision of human rights. Due to the universality of ESCR, a diversity of people affected by distinct issues can take ownership of the framework in a common pursuit for self-determination. The framework is a means to facilitate communication between the State and the people by amplifying the people's voices.

The ICESCR is powerful because it gives form to dignity and provides a language by which marginalized people can build understanding and solidarity. ESCR does not create dignity, but rather affirms that dignity is inherent to all people. Differences in nationality, ethnicity, class, gender, age, and culture are perceived barriers that can be overcome through this common language. The versatility of the ICESCR encompasses all such differences, allowing us the opportunity to work together in solidarity for the economic, social, and cultural rights all human beings deserve – thus we mobilize for a social movement that is unhindered by borders.

The Right to Food

The Right to Affordable Amenities

The Right to Adequate Standard of Living

The Right to Water

The Right to Sustainability

The Right to Housing

The Right to Health

VOICES

Chuab Veerasing

The loving father of two married daughters, 72 year old Srisaket native Chuab Veerasing never imagined he would grow old without getting to spend time with his children. Once able to provide for his family by harvesting rice and gathering food from wetlands along the Mun River, he now struggles to provide enough food for his family's survival. He has endured years of frustration and worry, and according to Mr. Veerasing, "it is all because of a dam."

The Rasi Salai Weir, or "dam," as villagers of Rasi Salai refer to it, was first approved in 1989. The government originally proposed a rubber weir, but the current dam, completed in 1993, stands nine meters high and is made out of concrete.

"The first time I found out about the dam was when I noticed some people slashing and burning a section of wetland forest. I went over and asked them 'what are you doing?' and they told me, 'We are building a weir. It will bring you water and help your fields,' Chuab remembers. He had been taken aback by the statement. "I never remembered anyone asking us villagers if we needed water or if we wanted a weir," he says.

Confused, villagers met with a government official. "He told us not to worry, that it would only be a small rubber weir, but I didn't believe him," Chuab says. 15 years of struggle later, Chuab's face is laden with frustration and age. "I had never studied that kind of science they spoke of, but I knew from the beginning that the dam was going to affect our wetlands," he says.

When the gates of the Rasi Salai Dam were closed, nearby rice fields, the Mun River, and the wetland forests began to show signs of demise. Chuab remembers the first day the floods came. "My land was gone, and I knew it had affected the wetland forests, too," he says.

What was once referred to as the "supermarket" by villagers, the wetlands supported hundreds of villages and families living along the Mun River. The wetland forests now spend a sizeable part of the year underwater, or when the gates are open, being consumed by invasive plant species. Roughly a decade ago Chuab and his children were able to remain in their village and live together off of his rice yields and vegetation from the wetlands. His daughters could help him gather food, and they lived sustainably. There was never a need for them to sell their labor for more money.

Yet, with the decrease in rice yields and vegetation in the wetlands, Chuab had to watch his daughters leave their home in search of jobs. His daughters call home and visit when they can, but between demanding work schedules and transportation costs, the visits are few.

Chuab, as a protective father and a man who values perseverance, straightens his posture. "If there wasn't a dam, no one would have to leave the village to go find work. No one ever wants to leave home, especially not Isaan people," he insists.

Chuab wants things to be the way they were before the dam. While more than a decade has passed, he still longs to be able to provide for his family once again. Not a day goes by that he does not wish his daughters were living with him in his old age. "My family's tie to the land is lost. Our family is broken, and it was all because of that dam," he says.

Chuab stares straight ahead and speaks with conviction: "I want my life back."⁵⁴

RASI SALAI DAM

Economic, Social and Cultural Rights Report



Synopsis

The Rasi Salai Dam¹ is a concrete dam located on the Mun River, a tributary of the Mekong River, in Srisaket province in southern Isaan. The project was approved in 1989 as an irrigation weir to solve problems of water scarcity in the arid Isaan. In 1992, construction commenced on the anticipated 4.5-meter-tall, Bt140 million (baht) dam under management of the Department of Energy Development and Promotion (DEDP)(see Appendix for conversions).² An Environmental Impact Assessment (EIA) was not completed prior to construction, and villagers were not involved in the planning or management of the dam. Furthermore, the region was never surveyed for the irrigation and water management needs of the project's neighboring communities.³

Despite lacking an EIA, the Thai government pushed forward with construction. What resulted in 1993 was a nine meter-tall concrete dam with seven sluice gates capable of opening and closing to accommodate varying levels of water. At Bt870 million baht, construction of the Rasi Salai Dam cost nearly six times as much as projected. The reservoir's total surface area is nearly double the projected estimate, yet very few villages have actually received irrigation benefits from the dam.⁴

Not only has the dam failed to meet its intended purpose, it has also negatively impacted the ecology of the Mun River. When the gates of the Rasi Salai Dam are closed, fish resources in the river are depleted, and wetland areas are flooded and destroyed. Villagers in this area rely almost entirely on the wetlands for natural resources and for their livelihood and are thus impacted by the closed gates.

The negative effects of the Rasi Salai Dam have motivated several villages to protest for both the removal of the dam and for compensation. In 1997, after years of fruitless protests, villagers attempted to remove stones from the base of the dam in a desperate attempt to return the river to its original channel.

The protests finally succeeded when the DEDP agreed to open the sluice gates in May 2000 for a minimum of two years so that the government could carry out a Social Impact Assessment (SIA). The dam's jurisdiction was then transferred to the Royal Irrigation Department (RID). Accordingly, the obligation to continue with the SIA also transferred. However, even though the SIA had not been completed by 2004, that year RID decided to close the gates for eight months of the year. To date, the SIA remains incomplete, and the gates are still closed for a majority of every year.

Some villagers have only been compensated for their loss of land. To this day, many villagers are still fighting to receive compensation for other damages incurred, such as loss of food, water, work, and culture, all as a result of closing the dam gates.

Community Profile

Except for the four or five months of the rainy season, the land around the Mun and Mekong Rivers are very dry for most of the year. The land surrounding the wetlands is generally flat with some rolling hills along the river and not very fertile in comparison to other regions of the country. More than 25,000 households from 126 villages are located on the central stretch

of the Mun River.⁵ Due to poor soil conditions, they cannot solely rely on farming and for generations have depended heavily on resources from the wetlands and river.

With the construction of the Rasi Salai Dam and its reservoir, an estimated 17,000 people from districts in the provinces of Srisaket, Surin, and Roi Et have been negatively affected.⁶ Livelihoods of the communities are fishing, seasonal and wetland rice farming, and gathering food and other resources from the wetlands. Before the construction of the dam, these livelihoods were a primary source of food for family consumption. Excess food was shared with neighbors or sold for extra income.

Since construction of the dam, villagers have been unable to depend on the dry or wetland rice fields, wetland resources, or the river to provide them with sufficient food and economic security. Many have pursued jobs as wage laborers, due to the inability to receive proper sustenance and income from within their communities. Those who did not migrate to cities continue to farm the rice fields to the best of their ability. Since most people have gained a significant portion of their food from the wetlands, however, the villagers are now forced to purchase low quality food from the market, thereby incurring further debts.

Before the dam, the wetlands were one of the most fundamental resources for villagers. Local communities used resources from the wetlands year round. They depended on the wetlands for growing rice and vegetables. Originally, the maximum yield of rice products from the wetland each year was 684.6 kilograms per rai, which may be compared to an average of 300 to 400 kilograms per rai in the Northeastern region of Thailand (see Appendix for conversions).⁷ Medicinal plants and raw materials necessary for the village way of life were also available. The wetlands were also the primary location for cows and buffalo to graze. Furthermore, this area served as a location to form social ties between villagers living in communities along and near the river. Communities felt solidarity through the sharing of this common resource.

Villagers report that before the dam was built, the river communities were unified and had very tight-knit families. This was because they worked together in the rice fields, on the river, and in the wetlands. The strong relationship villagers had to the land, and to each other, was a defining characteristic of the region.

The construction of the Rasi Salai Dam has led to the destruction of local, natural resources, uprooting traditional livelihood practices. Presently, parents leave their children with grandparents in the village when they are forced to migrate to cities to find work. This has created a generation gap in communities, resulting in the breakup of traditional Isaan homes.

Regional and National Context

Starting in the 1960s, the Thai government pursued a development strategy that focused on the construction of infrastructure, such as power stations and roads. The government promoted cash-crop production and the construction of large, electricity-generating dams. This strategy shifted toward state control over natural resources in the mid to late 1980s, resulting in the construction of a series of dams on the Mun River and its tributaries.

The government's rationale for damming of the Mun and its tributaries is to meet the increasing demand for water in Isaan. Currently, 14.1 percent of Isaan is irrigated. However, according to the National Economic and Social Development Board (NESDB), the government hopes to expand irrigation to cover 25 percent of Isaan, illustrating the strong trend in state policy to rapidly increase irrigation in Isaan.⁸

A large irrigation project currently underway is the Kong-Chi-Mun Project (KCM). The KCM Project is a water diversion and management scheme, which is part of an extensive series of large-scale irrigation projects, including Rasi Salai Dam. The KCM plan, first discussed in the 1960s, is designed to provide water to 4.98 million rai in 13 provinces of Isaan by diverting water from the Mekong River.⁹ Upon completion, the KCM Project will include 13 large-scale dams in Isaan along with numerous small-scale weirs and water management systems.

The KCM scheme and the Rasi Salai Dam illustrate how the Thai government invests in large-scale irrigation projects, rather than small projects. Large irrigation projects require dams to produce large reservoirs, which are intended to serve as a source of water for impoverished populations and disadvantaged farmers.

In the case of the Rasi Salai Dam, the project has had significant consequences for people subsisting on the river and its surrounding ecosystems. The dam has disproportionately affected the poor and marginalized populations, specifically farmers and wetland gatherers. For most villagers, the dam either provides water too salinated for agricultural purposes or provides no water at all. Meanwhile, their natural resource base has been destroyed and their way of life threatened.

The push for large-scale development projects like the KCM Project has emerged from increased demands for natural resources at the national level. The promotion of water management systems, like KCM, will likely continue as demand for natural resources remains high.

Legal Reference

As a component of the KCM Project, the Rasi Salai Dam was originally proposed as a small, rubber weir with an expected reservoir capacity of 55 square kilometers. The reservoir water was intended to provide irrigation for dry season agriculture. After construction, the concrete dam created a 100-square-kilometer reservoir.

In 1992, construction and management of Rasi Salai Dam began under DEDP. In 2002, the supervision of the dam changed to RID. As of November 2008, the Lower Mun River Basin Irrigation and Management Project took charge of opening and closing the sluice gates. The gates of Rasi Salai Dam are open from October to January and closed the remainder of the year. When the gates are closed, the water level is managed by releasing water from the reservoir when it rises beyond the maximum permissible level of 117.5 meters above sea-level (prior to 2008, maximum level was 119 meters).

Developers of the Rasi Salai Dam did not conduct a proper EIA. The National Environmental Act of 1992 had just been enacted, which demands an EIA for large-scale projects. The project was first conceived as a small-scale weir, therefore not requiring environmental assessment.¹⁰ Under this act, any dam construction project producing a reservoir larger than 15 square kilometers must submit an EIA to the Office of Environmental Policy and Planning and the National Environmental Board.¹¹ When it became clear that the scope of the project was larger than projected, construction should have been delayed until an EIA could be conducted. As one was not, the rationale of an EIA—to provide baseline data of pre-dam conditions—was lost. As much of the impact of the dam was felt on a human level, villagers insisted that the more community-focused Social Impact Assessment (SIA) be carried out over the two years that the gates were open.

In 2000, DEDP opened the gates in order to conduct SIA, but closed them in 2004 despite the SIA being incomplete.¹² At this time, a committee was formed to manage the opening and closing of the gates.

When the dam gates are closed, flooding upstream submerges the wetlands. Villagers in the Mun River area are dependent on the resources in the wetlands, and when the gates are closed, the people are unable to manage their natural resources. Thailand's 2007 Constitution gives local people the rights to participate and make decisions in the management of local natural resources. Although this Constitution was ratified after the construction of the dam, every time the sluice gates are closed, the right to participate in the management of natural resources is violated.¹³

Due to villager protests and the negative effects stemming from the closing of the sluice gates, DEDP and RID have compensated villagers in many rounds. Very few projects in Thailand have resulted in such an unclear sequence of land surveys and compensation schemes as in the case of Rasi Salai Dam. The situation has remained unclear due to the government's

Chronology

1989: Chatichai Choonhavan government approves construction plan of the Rasi Salai Dam as part of the KCM Project. The project is financed by the Ministry of Science, Technology, and Environment.

1992: Construction of the Rasi Salai Dam commences under DEDP.

1992: The Natural Environmental Quality Act (NEQA) of 1992 is passed. This requires an EIA to be carried out on reservoirs and irrigation projects prior to construction.

1993: The Rasi Salai Dam is completed and the gates are closed.

December 1997: Government freezes the bank accounts of villagers who received compensation after the 99-Day Protest by the Assembly of the Poor. Military officials are sent to the villages to physically take money back.

April 1999: Over 1,000 villagers affected by the dam occupy the dam site; five villagers are arrested.

January 2000: 2,000 villagers establish Ban Mae Mun Man Yuen (Long Lasting Mun River Village) Two at the base of the dam.

May 2000: 500 Srisaket protesters begin chipping away at the base of the dam to restore the natural flow of the Mun River. Due to continued protests, authorities open two spillways to reduce downstream salinity problems, but do not open all gates.

July 2000: Minister Arthit Urirat, Minister of Science, Technology and Environment, orders the Rasi Salai Dam gates to be temporarily opened in order to conduct two years of research.

October 2002: RID takes over control of the dam.

November 2004: According to a Cabinet resolution, the gates begin to close regularly, instituting a system of closing the gates for eight months of the year.

November 2008: The Lower Mun River Basin Irrigation and Management Project takes charge of opening and closing the sluice gates.

failure to perform an EIA in the first place and its unwillingness or inability to commit the necessary funds and personnel to secure clearer data on land holdings, use of the wetlands, and other relevant issues. Compensation was clearly paid three times, and a number of confusing incidents occurred when some compensation may or may not have been paid.

Based on the available information, the first round of compensation began in 1996 under then Prime Minister Chavalit Yongchaiyudh. In the first round, 1,154 families were compensated at a rate of Bt32,000 per rai, totaling Bt363 million in compensation.¹⁴ The next government, under Chuan Leekpai, considered the compensation plan under Chavalit to be corrupt and ordered all compensation money to be returned.¹⁵ The Chuan government then initiated a second round, whereby 775 families were compensated a total of Bt57 million.¹⁶ The third round of compensation of Bt223 million was paid to 2,229 families. During a fourth round, 2,295 families were compensated a total of Bt225 million. Although total compensation throughout the many rounds is about Bt500 million, approximately half of the affected villagers have received insufficient or no compensation.¹⁷

Environmental Impact

Rivers, formed over thousands of years, are one of earth's complex natural systems. They support many different life forms, including aquatic vegetation, insects, fish, and other animals, all of which depend on the river's stable, diverse conditions for survival.

The flow of a river carries sediments downstream, cleaning the riverbed and restoring the conditions and natural habitats. The flow also affects the wetlands and riverbanks. Natural flood cycles create fertile conditions, allowing vegetation to thrive. The presence of riverbank vegetation, including herbs and vegetables, depends on these natural flooding cycles. The wetlands are important habitats for a variety of fauna.

The land along the riverbanks of the Mun River is composed of soils that cannot retain water; the land floods during the rainy season but is arid through the dry season. During naturally occurring floods, nutrients are annually replenished due to the decomposition of plants in the wetland areas. Crucial sediment from upstream waters is left along the riverbanks, creating a highly fertile system. Before the dam, the deciduous wetland forest had been one of the most productive of its kind in Thailand. The wetlands were home to 224 species of flora, including 98 herbs and 64 species for other purposes.¹⁸

When its gates are closed, the dam obstructs the migration patterns of fish swimming upstream to spawn. Of 115 fish species that rely on the wetland habitat for food and spawning, 15 were lost after the construction of the dam. Even with the extended opening of the gates from 2000 to 2004, eight of these species have completely disappeared.¹⁹

Before the dam, seasonal flooding would ebb and flow over a number of months. The short duration of flooding had minimal impact on the land and rice crops. A number of environmental impacts ensued after the construction of Rasi Salai Dam. The most visible impact is that it divides the river into three regions: upstream, reservoir, and downstream. This division created a host of problems, such as flooding, loss of river and wetland diversity, and salinization of water and soil.²⁰ In Srisaket province, an estimated 30,000 rai of wetlands have been lost due to flooding from the construction alone.²¹ Though the government has built dikes in order to prevent flooding, they have caused even greater floods, trapping water on rice fields and destroying seasonal harvests.²² Rice fields and wetlands subjected to extended periods of flooding cause waterlogging, where water-saturated soils can no longer sustain rice fields and other flora.²³ As such, the original 13 varieties of rice traditionally grown have dwindled down to three.²⁴

The reservoir conditions at the dam site have created mounting problems. Not only has it inundated 50,000 rai of wetlands, it has killed off native vegetation and allowed invasive species such as giant mimosa, *Mimosa pigra*, to proliferate. The giant mimosa took over the riverbanks and has decimated the habitats of indigenous plant and animal species.²⁵

The Rasi Salai Reservoir sits atop a large underground rock salt deposit.²⁶ The weight of the reservoir allows water to seep down to underground salt domes. The salt is dissolved in the water and drawn up into the reservoir, increasing salinity and decreasing the productivity of the rice crop which is exposed to this salted water.²⁷

The continued closing and opening of the Rasi Salai sluice gates perpetuates the degradation of natural ecosystems. The present unsustainable ecology of the river and surrounding areas has created chronic problems for dependent villagers.

ICESCR Analysis

The State's control over the opening and closing of the Rasi Salai Dam violates the ESC rights of villagers who are dependant upon the Mun River and its resources. The State's decision to keep the gates closed for eight months of the year denies villagers' lawful rights under the ICESCR as signed by Thailand in 1999. When the gates are closed, the dam alters the natural ecology of the river and the surrounding land, destroying resources essential for food, work, agrarian development, and the maintenance of culture.

Right to Food

Article 11.1: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food... The States Parties will take appropriate steps to ensure the realization of this right"

Communities living near the Mun River depend on the river, the wetlands, and surrounding farmlands to provide them with food. Prior to dam construction, villagers got the majority of their protein intake from the fish consumed from the river. They also eat wetland vegetables and harvest rice from surrounding farmlands. Closing the gates blocks migratory waterways and prevents fish from swimming upstream. It also causes flooding in the wetlands and farmlands, disturbing natural vegetation growth. The closed gates therefore negatively affect the natural, sustainable supply of sustenance and prevent villagers' access to food.

Prior to the construction of the Rasi Salai Dam, the Mun River provided food resources for villagers in its watershed. The abundance of fish in the river provided villagers with an 'adequate' and 'secure' supply of fish. After construction, however, indigenous fish species found in the Mun River decreased in number and quality.²⁸ Between 2000 and 2004, the government opened the sluice gates in order to study the dam's effects on fish populations. Despite the opening of the gates, eight fish species never returned.²⁹ Since certain fish species are no longer available "for both present and future generations," the sustainability of food is severely impacted.³⁰ Thus, when the gates are closed, there is a violation of

the right to access a sustainable source of food, as guaranteed by the ICESCR.

The wetlands surrounding the Mun River are one of the most productive food resources of its kind in Thailand. They are home to over 100 species of plants and numerous species of fish. Furthermore, there are mushrooms, red ant eggs, wild chickens, other various birds, small mammals, rabbits, squirrels, hares, tree frogs, shellfish, and numerous types of vegetables, including bamboo, sweet potato, and tapioca.³¹ The abundant food resources provided families with an adequate supply of food to share or sell with other villagers. Before the dam, villagers were able to rely exclusively on the food resources in this area.³²

Closed sluice gates create a reservoir and cause upstream flooding, which leads to the destruction of valuable food resources. When the gates are closed, as much as 50,000 rai of wetland area are flooded several months longer than under natural circumstances.³³ These changes in flooding have compromised villagers' access to adequate wetland food sources. By keeping the gates closed eight months of the year, the State has not taken adequate steps to ensure the realization of the right to food.

VOICES Wichai Pahnthong

Wichai Pahnthong, age 43, remembers the days when the wetlands served as a "supermarket" for villagers. With his family, he would go and collect vegetables, catch small animals, and bring his livestock to graze. The wetland forests brought his community together, as they would collectively gather food and celebrate their common heritage. Wichai expresses how the wetlands were the villagers' home. When the flooding came, everything changed. Wichai describes the present amount of food left in the wetlands as simply "incomparable" to what it once was.

Today, villagers compete and fight over the scarce resources. Wichai no longer goes to the wetlands with his family or neighbors because only the luckiest find enough food. Wichai must now use what little income he earns to purchase food for his family from a local market, instead of gathering food with family members from their backyard. The financial burden is great, but he does what he must to provide for his family.⁵⁵

Another major effect of closing the gates is salinization of the soil and water. Salinity from the reservoir damages a number of wetland habitats. For example, salinity destroys the wetland trees that provide a habitat for ants, which are considered a delicacy in the Rasi Salai area.³⁴ The salinization of irrigation water also decreases the productivity of rice fields. Many rice plants grown within a three-kilometer radius of the reservoir turned brown and withered from salt exposure. Currently, 52 percent of irrigated land suffers from the negative impacts of salinity.³⁵ Thus, the water provided by the irrigation dam is not of adequate quality for rice farming, hindering the villagers' ability to produce sufficient food.

Right to Work

Article 6.1: "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."

Communities living on and near the Mun riverbanks not only depend on the river, wetlands, and rice fields for food, but they also depend on them as a means of work and income. The annual closing of the Rasi Salai Dam gates destroys the ecology of these resources, forcing many villagers to seek alternative employment. Thus, the closing of the gates causes villagers to be "unfairly deprived of work," denying villagers the right to access work that he or she "freely chooses or accepts."³⁶

Many villagers in dam-affected communities have grown up knowing little more than the traditional trades dependent upon the river, wetlands, and rice fields. Before the construction of the dam, almost every family was able to depend on these resources as a means of sustenance and income. Villagers caught fish, gathered food from the wetlands, and farmed rice. Due to plentiful resources, they then sold the surplus to supplement their income. With the gates of the Rasi Salai Dam closed eight months out of the year, there are fewer fish to catch and only a small area of wetlands remains for farming and gathering resources. Moreover, the rice fields are either flooded or too salty to produce quality crops. Currently, villagers struggle to generate enough income to cover living expenses. It is the State's obligation to protect individuals' right to choose his or her work freely, in the case of Rasi Salai Dam, the State has failed to do so, violating the villagers' right to work.

The depth of the new reservoir and the depletion of fish stocks prevent villagers from earning a sufficient income from fishing. The deep water of the reservoir makes traditional fishing tools such as traps and small nets less effective. Fishermen are required to invest in new equipment such as boats and deep-water nets in order to catch fish. This new equipment cannot be made out of wetland materials, un-

like traditional equipment. These investments are costly, and many fishermen cannot afford them. Even equipped with a boat or large net, fishermen struggle to catch an adequate amount since fish populations have greatly dropped. The depletion of fish has directly affected the number of households engaged in fishing, which declined by 24 percent after the dam was built.³⁷ Only when the dam gates are open can the water return to a normal depth, replenishing fish stocks to benefit the work of fisherman.

Fish and wetlands alike provide a steady source of income for villagers. Thus, the destruction of the wetlands affects a wide range of livelihoods. Before the dam, villagers gathered food and other raw materials from the wetlands. Wetlands were used for rice farming, fishing, harvesting rock salt, raising livestock, and collecting materials for consumption and household use. Villagers who harvested rock salts, for example, could depend entirely on revenue generated from the sale of salt, demonstrating the importance of the wetlands.³⁸ Without wetlands, there is no place for animals to graze, causing the number of buffalo to decrease by 78 percent and cattle by 15 percent. The collection of non-timber forest products and food decreased by 51 to 97 percent, depending on the resource collected. Wetland rice farming dropped 77 percent. This loss in rice production represents an annual loss of Bt56,888,000.³⁹ When the gates of the dam are closed, diverse groups of wetland workers are unable to return to their choice of work.

Rice farming outside of the wetland area has decreased by 41 percent due to flooding, waterlogging, and salinity in the fields. Commissioned by DEDP in 2002, the Department of Livestock Development (DLD) and Khon Kaen University conducted a report on the salinization of the area. The study reported that 52 percent of irrigated farmland is affected by

VOICES Paa Gongtham

Paa Gongtham is a 57 year old woman who always provides for her family regardless of the personal sacrifice. All her life she has worked tirelessly to do so, despite facing numerous hardships and losses.

A resident of Don Som Ron village, Paa remembers having different means of earning income, including collecting wood and fish from the wetlands, herding buffalo, weaving, and farming. While the number of tasks was great, she had learned from her parents how to balance this way of life. For example, after the initial herding of buffalo in the morning, Paa could easily let them graze alone in the wetlands during the day and return home to either weave or farm.

The flooding of the wetlands and salinization of her rice fields make it impossible for Paa to live and work as before. She must tend to the buffalo constantly now that the grazing land is flooded, allowing far less time to weave and farm. Food from the wetlands is scarce, so she must allot a large portion of her income to buying food from the market. Paa and her family are now forced to work for over 13 hours a day in order to maintain a steady income. Her son-in-law works in Bangkok to help support the family, while her daughter helps on what is left of the farm. On a daily basis, Paa travels over 50 kilometers across the countryside doing various tasks to support her income.

Despite hours of labor, Paa still does not feel financially secure. She worries about having enough money for her grandchildren to finish school. She also misses her old way of life, and it saddens her to know her grandchildren will never know how it feels to live off the land.⁵⁶

salt to varying extents, negatively affecting rice production.⁴⁰

Despite all these documented problems, the dam gates close year after year, depriving villagers from their work and income. While DEDP promotes dry season rice farming in the absence of traditional means of income, this type of farming requires twice the amount of fertilizer and large amounts of irrigation water.⁴¹ Those who cannot afford to dry-season rice farm must leave the community to find work. There has

thus been a substantial migration to other cities in search of work since the construction of the dam.

The decision by the State to close the gates for eight months of the year alters the ecology of the Mun River's natural resources, which prevents villagers from fully and efficiently utilizing traditional working practices. Villagers are unable to choose their work freely, violating their right to work under the ICESCR.

Right to Proper Development of Agrarian Systems

Article 11.2(a): The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take...measures:

(a) "Developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources"

The State's construction of the Rasi Salai Dam, and continual closing of the sluice gates, fails to fulfill and protect the right to the development of agrarian systems that achieve the most efficient development and utilization of natural resources. By building a dam, the State is not respecting pre-existing, effective agrarian systems. The result is the damage of the river, rice fields, and wetlands.

The Rasi Salai Dam is designed to irrigate dry land, providing water to the surrounding area. Two water-pumping stations attached to canals access the reservoir to provide water for villagers upon request. Irrigation reaches regions from Bung Boon district in Srisaket province to Rattanaaburi dis-

trict in Surin province. In total, the irrigation system serves 6,200 rai.⁴² However, use of water for irrigation must be purchased with a fee determined by the duration of pump operation and the number of irrigated rai.

Before the construction of the Rasi Salai Dam, farmers collected water for domestic and agricultural consumption primarily from natural flooding of the Mun River and rainwater. Yearly flooding replenished the nutrients in the soil, fertilizing the fields and wetlands, and filling natural ponds. When natural flooding and rainwater did not supply adequate water, farmers used pre-existing, traditional irrigation practices. Developed through years of use, these

VOICES Brasat Jumbapan

A lifelong rice farmer, Brasat Jumbapan has lived in the Rasi Salai area all his life. In following with community tradition, his mother brought him to the rice fields immediately after birth. At the age of five or six, he started accompanying his parents to the rice fields and wetlands to work, beginning a way of life he would follow the rest of his life.

Throughout his 74 years, Brasat has witnessed his community change significantly. For most of his life, the changes occurred gradually over time. However, the dam caused a rapid transformation, destroying resources and his traditional way of life. His rice fields have been flooded, his traditional irrigation system ruined, and his ability to collect vegetables and materials from the wetlands taken away. He is unable to pass on wetland rice farming to his grandchildren and fears he is the last generation of rice farmers in his family. Brasat learned much of what he knows about wetland rice farming from his parents, but his children cannot learn as he did, since they were forced to migrate to Bangkok for work when the family farmland flooded. Brasat's story echoes that of many broken families in the region, who are separated due to migration, and many grandparents who wish to take their newborn grandchildren to the rice fields, but never will.⁵⁷

irrigation practices met the specific needs of communities without putting undue strain on local resources. To irrigate villagers' farmland, communities managed water by creating small weirs, man-made irrigation canals, community ponds, and water pumps.⁴³ Digging community ponds or small reservoirs to draw water into fields can help irrigate areas from 1,000 to 2,000 rai.⁴⁴ These systems were exceptionally successful in irrigating farmland.

In contrast, the irrigation system provided by the dam is far less effective and more expensive in providing proper irrigation to communities when compared with the pre-existing irrigation systems. The Rasi Salai Dam cost Bt870 million and flooded 80 square kilometers of fertile land while irrigating only 6,200 rai. Reforming and developing traditional methods would have been far less expensive, less damaging, and more productive.⁴⁵

Rather than productively using the essential natural resources of the region, the dam damages resources such as

the river, wetlands, and rice fields. As a stagnant reservoir, the river is transformed into a significantly less productive source of food and livelihood. By destroying the wetlands, a key element of the dietary needs and livelihoods of people in the Rasi Salai region were lost. The farmlands surrounding the river have decreased in worth and productivity due to extensive flooding and salinization of rice fields. Closing the gates destroys important resources of the region, significantly hindering traditional ways of life.

The Rasi Salai Dam destroys natural resources and fails to effectively provide irrigation to the region. The inefficient and destructive methods by which the State operates the dam violates Article 11.2(a) which stipulates that States must develop and reform "agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources."⁴⁶ Further, the destruction of natural resources has negatively impacted villagers' ability to enjoy and practice cultural customs and traditions tied to the Rasi Salai region.

Right to Culture

Article 15.1(a): "The States Parties to the present Covenant recognize the right of everyone: to take part in cultural life;"

Article 15.2: "The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture."

Isaan culture exists in the daily activities, historical traditions, and community relations of the people. Culture is closely tied to the natural surroundings; therefore, when the dam directly devastates the natural resources, there is a violation of villagers' right to practice and conserve culture.

By closing the gates of the dam for eight months each year, the State denies villagers the right to "take part in cultural life" through failing to take necessary steps "for the conservation...of culture." The culture of Rasi Sali villagers is closely tied to the land; by destroying natural resources, the State fails to protect cultural characteristics that have

been present within the Rasi Salai region for hundreds of years. Through the decline of resources within the rice fields, Mun River, and wetlands, the dam has stripped people of their connections to the land, compromising religious, community, and family practices. As a result of closing the sluice gates, the State degrades the existing culture of the region.

For hundreds of years, the people of Isaan have depended on their surrounding environment to not only provide goods and a means of income, but also to play an integral part in traditional religious practices. Isaan people, known for their religious devotion, typically observe 12 monthly ceremonies. Wetland rice is a key component in many of these ceremonies. Prior to construction of the dam, villagers brought food or rice grown in the wetlands to each ceremony. Currently, the wetlands no longer supply adequate amounts of food to families, let alone provide for religious ceremonies. Instead villagers must spend money from their meager incomes to purchase food for ceremonies from outside markets.⁴⁷

Flooding and salinization caused by the dam have led to an extinction of some natural resources crucial for religious celebrations. One example is the loss of sticky rice varieties necessary for *Hae Khao Pan Koon*, one of 12 monthly ceremonies.⁴⁸ In *Hae Khao Pan Koon*, villagers each place 1,000 sticky rice balls on long stalks and arrange the offerings within temples. In the past, villagers used five varieties of wetland sticky rice, namely *Eboad*, *Lieybuop*, *Kaw Khao*, *Phua Mia (Nam Pheung)*, and *Dogtiew*, but these five varieties have disappeared due to flooding.⁴⁹ The destruction of foods such as sticky rice varieties necessary for religious celebrations, exemplifies the State's failure to secure the "conservation...of culture" for Isaan people.⁵⁰

Religious beliefs and practices in Isaan culture influence community relations in villages. Previously, the river and

wetlands provided a venue for social interaction and networking. Longboat racing is a practice that has been severely altered since the construction of Rasi Salai Dam. This tradition once drew communities closer together and served as a symbol of their solidarity. In the past, villagers from neighboring areas congregated in one village for the two to three days of festivities. Families fostered strong relations by housing and feeding others while teaching traditional recipes using wetland vegetables.⁵¹

Culture has been built through the interactions of Isaan people. Now that the river and wetlands provide insufficient food, villagers are less inclined to invite outsiders into their homes for the races.⁵² By removing the ability of villagers to provide for each other, the cultural characteristic of community unity has been compromised, thus demonstrating the State's failure to take the necessary steps for the "conservation...of culture."⁵³ Culture has been built through the interactions of Isaan people. With the Rasi Salai Dam's depletion of the river's natural environment, the State has disrespected and failed to protect Isaan culture.

The cohesion of the family unit is another essential characteristic within Isaan culture compromised by the Rasi Salai Dam. Throughout history, families have lived and worked together while collecting from the wetlands, creating trust, respect, and unity. While working together, parents and grandparents were able to conserve traditional wisdom related to the wetlands by passing it down to younger generations. Since many people now search for jobs in cities in order to make adequate incomes, broken families and generational and cultural gaps have become apparent. When villagers leave their communities, they are unable to "take part in cultural life." The Thai State has not taken any measures to curb the need for migration caused by the dam and is therefore, not taking the steps necessary for the "conservation...of culture."

General Recommendations

To take clear, effective action in alleviating the consequences of the Rasi Salai Dam and subsequent human rights violations, the extent of the damage must be considered comprehensively as to appropriately address those who have suffered the negative effects of the dam. As there is irreparable damage to many natural resources in the region, and therefore many people already regularly migrate from their homes to urban centers for income generation, the Thai government will be unable to resolve situations entirely. However, this does not give reason to view the situation as a lost cause or a helpless issue. The Thai government must not ignore the consequences born out of its poor planning, execution, and follow up of the Rasi Salai Dam. The first and foremost priority of the state, as a signatory of the ICESCR, must be to restore the human dignity of its citizens. Therefore, immediate mobilization is imperative. The following steps are actions the Thai government must take in order to create a process through which the restoration of communities can occur:

- If the voices of the people are not heard by the State, the State cannot act upon the people's behalf. Therefore, the action of the State must be dictated by peoples' voices, not the motives of large-scale development projects. If the government is

unable to empower individuals to participate in the management and disposal of their own resources, the rights set out in the ICESCR cannot be realized. Responding to communities' preferred management schemes will be the first step to restoring the dignity of dam-affected people.

- Closing the gates has prevented the gradual realization of the goals set forth in the covenant, such as right to food, work, and culture. Therefore, the State has a responsibility to immediately open the seven sluice gates of the dam. The resulting process of restoring the health of the river, wetlands, and rice fields will lead to villagers' ability to slowly reclaim their way of life.
- A further duty of the State is to fully compensate the 17,000 dam-affected people in the Rasi Salai region for their losses. The State's inability or unwillingness to conduct an EIA or other baseline data gathering prior to construction of the dam places the State at fault for the unclear nature of the dam's effects. The State is thus at fault for the unclear extent of compensation that is due. As the body at fault, the State must compensate the 17,000 dam-affected people in a timely manner and to the greatest extent demanded by affected communities.
- The compensatory funds must be paid collectively to communities, rather than to the individual, as to increase the probability of compensation aiding cultural and resource rehabilitation.
- The State is responsible for providing qualified guidance to facilitate the rehabilitation process and effective allocation of money. The affected communities must participate in the appointment of a committee for this purpose.
- Other community-based initiatives to restore river communities' way of life must be encouraged by the State and supported monetarily so as to create a venue for communities to rebuild what has been destroyed.
- The State is obligated to take immediate steps in completing the SIA. It must supply sufficient funding and guarantee its comprehensiveness. Outside advocacy groups must be invited to observe the SIA process, ensuring compliance to standards. Finally, the SIA process must extensively include the participation of local people, as they are experts on their own community. Whereas qualified academics may observe the present state of the region, they are lacking baseline data on which they can build. Villagers have lived day-by-day for fifteen years, watching the deterioration of their resources, communities, and families. They are experts, and must be valued as such.
- The State must reevaluate dam mega projects, as they are government initiated, planned, and executed without the people's participation. They also fail to adequately meet the irrigation needs of the region. The amount of money poured into dams is not proportional to the benefits realized from their construction.
- The State should invest in improving pre-existing irrigation schemes such as canals, water pumps, small weirs, and methods of rainwater collection. These small-scale irrigation methods reach many people, with minimal economic and environmental cost.

Urgent mobilization of the State is necessary to resolve existing human rights violations resulting from the construction of the Rasi Salai Dam. The above timeline provides actions for the Thai government to execute in order to create a process through which the restoration of communities can be accomplished. Following these steps will allow for the realization of the goals outlined in the ICESCR.

Appendix:

Thai Measurement and Currency Conversions:

35.7 Thai baht = 1 US dollar (December 2008)

40 Thai baht = 1 US dollar (December 2005)

36 Thai baht = 1 US dollar (December 1998)

53 Thai baht = 1 US dollar (January 1998)

25 Thai baht = 1 US dollar (December 1995)

45.3 Thai baht = 1 euro (December 2008)

45 Thai baht = 1 euro (Average for December 2001 - 2005)

39 Thai baht = 1 euro (Average for December 1998 - 2001)

1 rai = 1600 square meters

1 acre = 2.147 rai

1 wah = 4 square meters or .0025 rai

1 hectare = 6.25 rai or 10,000 sq. m

Relevant ICESCR Articles and General Comments:

To access the International Covenant on Economic, Social and Cultural Rights:

United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights, Resolution 2200A (XXI), December 16, 1966, http://www.unhchr.ch/htm/menu3/b/a_ceschr.htm.

To access all General Comments of the International Covenant on Economic, Social and Cultural Rights:

Committee on Economic, Social and Cultural Rights, General Comments, 1996-2007, <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

Relevant Articles and General Comments to the Right to Food:

Article 11:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

General Comment 12.7:

The concept of adequacy is particularly significant in relation to the right to food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances for the purposes of article 11 of the Covenant. The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise meaning of "adequacy" is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while "sustainability" incorporates the notion of long-term availability and accessibility.

Relevant Articles and General Comments to the Right to Work:

Article 6:

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

General Comment 18.4:

The right to work, as guaranteed in the ICESCR, affirms the obligation of States parties to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly. This definition underlines the fact that respect for the individual and his dignity is expressed through the freedom of the individual regarding the choice to work, while emphasizing the importance of work for personal development as well as for social and economic inclusion. International Labour Organization Convention No. 122 concerning Employment Policy (1964) speaks of "full, productive and freely chosen employment", linking the obligation of States parties to create the conditions for full employment with the obligation to ensure the absence of forced labour. Nevertheless, for millions of human beings throughout the world, full enjoyment of the right to freely chosen or accepted work remains a remote prospect. The Committee recognizes the existence of structural and other obstacles arising from international factors beyond the control of States which hinder the full enjoyment of article 6 in many States parties.

Relevant Articles and General Comments to the Right to Proper Development of Agrarian Systems:

Article 11.2(a):

To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.

Relevant Articles and General Comments to the Right to Culture:

Article 15.1(a):

The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life.

Article 15.2:

The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

General Comment 12.11:

Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

Relevant Provisions of the Thai Constitution of 2007:

Section 66:

Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion.

Notes:

1. Actually, the Royal Irrigation Department continues to identify the subject of this report as the Rasi Salai Weir. However, it is unclear what the differences are between a weir and dam. This report will refer to it as the Rasi Salai Dam, as it is a 9-meter-tall concrete structure with seven sluice gates.
2. Witoon Permpongsacharoen, ed., "Ordinary people can think better than the government," *Watershed* 6:3 (2001), 42-47.
3. Witoon, 10-23.
4. Chainarong Sretthachau and Shyama Shepard, "Village of the Dammed," *Bangkok Post*, January 11, 2000.
5. Anna Olsson, Kittima Nungern, and Chainarong Sretthachau, "Social Impacts of the Rasi Salai Dam, Thailand: Loss of Livelihood Security and Social Conflict," Southeast Asia Rivers Network (SEARIN), February 2000.
6. Aviva Imhof "DAM-BUSTING - anti-dam protests in Thailand" *The Ecologist*, http://findarticles.com/p/articles/mi_m2465/is_6_30/ai_65653627 (November 29, 2008).
7. Apinya Wipatayotin, "Govt project puts wetlands at risk," *Bangkok Post*, July 23, 2008.
8. National Economic and Social Development Board of Thailand. Powerpoint, "National Economic and Social Development Board," NESDB Khon Kaen Office, 2008.
9. Witoon, 10-23.
10. The Rasi Salai Dam received approval in 1989, three years prior to enactment of the Natural Environmental Quality Act (NEQA) of 1992.
11. Aviva Imhof, "Affected Villagers Occupy Rasi Salai Dam," email campaign from International Rivers Network, 1999.
12. Cabinet members currently include: Governors of Srisaket, Roi Et, and Surin Provinces, Director of Irrigation Projects (RID), District Chief Officer of affected districts (Rattanakaburi, Tatum, Ponsai, Suwannaphoom, Rasi Salai, Bungboon, Kantararom, Yangchoomnoi, and Maung), Water Resource Officer and Chief of Security Officer from Srisaket, and Representatives from affected districts and villages.
13. Kingdom of Thailand, Constitution (Chapter III, Part 12 Section 66) 1997.
14. Chainarong Sretthachau and Shyama Shepard, "Villagers to be Paid for Flooded Land," *Bangkok Post*, March 6, 1997.
15. Chainarong and Shepard, "Village of the Dammed."
16. Chris Sneddon, "Reconfiguring scale and power: the Khong-Chi-Mun project in Northeast Thailand," *Environment and Planning A* 35.12, 2229-2250.
17. Paa Gongtham, discussion with author, November 11, 2008.
18. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research; Rasi Salai: Wisdom Rights and the Way of the Mun River Wetland (Srisaket, Thailand: Mun River Wetland Conservation Network)," 2005.
Sections of this research were translated from the Thai language for the purposes of this book. Translated by Ardcha Premrudeelert.
19. Ibid.
20. Ibid.
21. Apinya, "Govt puts wetlands at risk."
22. Paa discussion, Nov. 11, 2008.
23. Witoon Permpongsacharoen, ed. "Risking Salinity in Thailand and Lao PDR," *Watershed* 9:1 (2003) 16-19.
24. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research."
25. James Maxwell, "Invasion of Mimosa Pigra," *Watershed* 8:2 (2002-2003), 49-50.
26. Witoon, *Watershed* 9, 12-25.
27. Chainarong and Shepard, "Village of the Dammed."
28. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research."
29. Thai Baan Research, *Watershed* 6:3 March-June 2001.
30. General Comment 12.7, ICESCR. For the full text see Appendix.
31. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research."
32. Wichai Phanphong and Chuab Veerasing, Thai Baan Research Center, discussion with author, November 11-12, 2008.
33. Witoon, *Watershed* 9, 12-25.
34. Yoem Singkowpu, discussion with author, November 12, 2008.
35. Witoon, *Watershed* 9, 12-25.
36. Article 6.1, General Comment 18.4, ICESCR, see Appendix.
37. Witoon, ed., "Phairin Sosai," *Watershed*, 12:3 (2008), 112-113.
38. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research."
39. Witoon, *Watershed* 12, 112-113.
40. Witoon, *Watershed* 9, 12-25.
41. Ibid.
42. The original plans were that the dam would irrigate 35,000 rai, but that goal has not been met. Jetsoda Omsamlee, discussion with author, November 23, 2008.
43. Around the Rasi Salai freshwater swamp forests, traditional irrigation has been practiced with man-made waterways to harness water into the rice fields, using water pumps to suck water from the ponds rather than damming. Another common water source was *Nam Chan*, shallow ponds 50-60 cm deep that hosts many freshwater plants and animals. Water from the *Nam Chan* flows through water channels between small hills. The water channels then pour into water sources in lowland, which store rainwater and water from *Nam Chan* all year round. Rasi Salai Thai Baan Research Team, "Executive Summary of Rasi Salai Thai Baan Research."
44. Witoon, *Watershed* 6, 10-23.
45. Ibid.
- To meet the country's irrigation needs with dams, the budget needs to be at least US \$10 to 12 billion baht. However, if small-scale irrigation systems that build off traditional methods are implemented instead, the budget could be less than US\$2 billion.
46. Article 11.2a, ICESCR.
47. Boon Nahnewan, discussion with author, November 11, 2008.
48. *Hae Khao Pan Koon* (One Thousand Rice Ball Procession) takes place during the fourth month of the Thai calendar—March.
49. Sanan Choosakul, Isaan Community Rights Research: Mun River Community Rights Research (Srisaket, Thailand: Saneh Jamrik NHRC, 2005).

Also noted in, Paa discussion, Nov. 11, 2008.

50. General Comment 12.11, ICESCR.

This also violates Article 11.1, General Comment 11.

51. Chuab Veerasing, discussion with author, November 12, 2008.

52. Paa discussion, Nov. 11, 2008; “We are not close, as we were. We cannot ask for food from each other anymore and everyone has to struggle to earn more, enough for their family.”

53. Article 15.2, ICESCR.

54. Chuab discussion, Nov. 12, 2008.

55. Wichai Pahnthong, discussion with author, November 11-12, 2008.

56. Paa discussion, Nov. 11, 2008.

57. Brasat Jambapan, discussion with author, November 12, 2008.

ESCR Mobilization Project

The ESCR Mobilization Project was originally conceived on December 10, 2006 at a gathering of grassroots organizations in the Northeast of Thailand. This group formed the basis of the Peace and Human Rights Center of Northeast Thailand (PHRC). A disparate group of community organizations and networks determined that what unified them was the International Covenant on Economic, Social, and Cultural Rights.

With help from the Surin Farmers Support and Surin Rice Fund, a week-long research project produced two pilot reports in May 2007. For the month of November 2008, students from the CIEE Khon Kaen program at Khon Kaen University revisited participating communities in the Northeast to spend time with villagers, share in their lives, conduct interviews, and compile information needed for this report. As a result of a conference following the drafting of the reports, village leaders from five of the six target areas declared themselves as the Human Rights Network of the Northeast (Thailand) on December 2, 2008. The entire project has been carried out under the auspices of the Law Center for Society at Khon Kaen University, and cooperation with of the National Human Rights Commission of Thailand.

The goal of the ESCR Mobilization Project is not merely to produce reports. The reports are intended to be but one component of a larger strategy, the core of which is to explore the possibility of using an ESCR framework to organize and mobilize grassroots organizations, to create greater awareness of ESCR, to develop a local, regional, national, and international strategy, and to pressure the Thai government to comply fully with its ESCR obligations and commitments.

For further details about the methodology employed in the project, materials for carrying out an ESCR report, news of the campaign's progress, or more information please visit the Peace and Human Rights Center at: <http://www.geocities.com/phr.center/index.htm>.

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Participating Organizations and Networks include:

- Lampaniang Conservation and Restoration Group
- Khon Kaen Slum Revitalization Network and United Communities Network
- Network of People Living with HIV/AIDS (TNP+ Isaan)
- Committee of the Mun River Wetlands Conservation Network (CMRCN-Rasi)
- The Mun River Basic Community Preservation Project (Pak Mun)
- Surin Farmers Support and the Surin Rice Fund

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“A Common Language” by Eimon Htun

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