

**The Complaint No. 193/2555: Community Rights, Case of People affected from the Construction Project of Solar Power Plant of the Energy Absolute Public Company, Limited, in Ma Tong Sub-district, Bhrom Piram District, Pitsanulok Province;**

Complainants (Concealed Names and Identities) lodged a Complaint to the National Human Rights Commission of Thailand (NHRCT) that they had suffered from the Construction Project of Solar Power Plant of the Energy Absolute Public Company, Limited, in Ma Tong Sub-district, Bhrom Piram District, Pitsanulok Province, because most of people grow rice in this area. The project implementation did not provide a process for hearing to the public and stakeholders. The non-transparent trading on land made Complainants concern about the affecting to the rice-paddy field, water resources and accessibility to arable and farm areas. They claim that the construction of such projects against the law and violate rights of people. They had asked the NHRCT to investigate the violations of human rights and they strongly oppose the construction of the project.

The NHRCT had considered facts from investigation based on the words of law, including the opinion of the Sub-Committee on Community Rights, indicated that the construction of solar power plants project may affect natural resources and the environment. The initiation of solar power projects of Solar Power Plant of the Energy Absolute Public Company Limited (Thailand) does not comply with the Principles of Public Participation and Community Rights. According to the Constitution, people in Ma Tong Sub-district have the rights to participate in management, maintenance and utilization of natural resources, environment and biological diversity with balanced and sustainability, especially the lifestyle of farming had been existed for a long time.

People are entitled to rights to receive information on the details of the project, as well as the impact from the project correctly and without the worry before deciding to purchase land. The property owner shall have the ownership ban in the arable land of their own and have the freedom to land contracts without coercion, persuasion and concealment of facts in order to put pressure on selling the land. So when a project may affect life and rights of the people, a government agency has the duty to disclose information, arrange public hearings as well as examining the facts occurred in order to solve problems of the people, regarding the Principle of Protection of the Rights and Freedoms mentioned in

Constitution of the Kingdom of Thailand, B.E. 2557 (2007), Article 57, Article 66, Article 67 and Article 287.

Therefore, NHRCT proposes the undertaking of measures to solve the problem and policy suggestions are as follows:

- 1) Measures to solve the problem, the Authorities of Phitsanulok Province have to cooperate with the Sub-District Administrative Organization to do the following;
  - 1.1 To arrange a public hearings on various concerns and actual impact on local residents in Ma Tong Sub-district, Bhrom Piram District, Pitsanulok Province, to find solutions with an emphasis on people's participation;
  - 1.2 To provide clarification on the Project Description, the impact on the environment, water resources and farming in the area, including measures to prevent and reduce the impact to them;
  - 1.3 To solve the problem of transparency and unfair land trading in the area. A Working Group of Neutral Monitor and communicate with the public should be set up to prevent the operation of broker and the violation of the rights of people. All actions should be based on the Principles of Community Rights, the right to participation and rights of individuals and property as stated in the Constitution;
  - 1.4 To consider and comment on the project to be consistent and appropriate to the agricultural area and people's lifestyle as well as to comply with the requirements of the Comprehensive Town Plan to prevent the impact and the damage that may occur to the community;
- 2) For Policy recommendations, It was agreed to recommend to the Energy Regulatory Commission as follows;
  - 1.1 To consider the conditions and criteria to select the area of the projects to be consistent and not be an obstacle on the way of life of the people. To take into account and give priority to the participation of people in the area and not allow to operate solar power in agricultural areas;
  - 1.2 To issue the measures for preventing and monitoring of environmental impacts for the production of electricity from solar energy;

The Phitsanulok Provincial Office, the Matong Sub-district Administrative Organization and the Energy Regulatory Commission shall immediately implement and report to the National Human Rights Commission within 30 days from the date of receipt of this Report. If the given time elapsed, the NHRCT shall exercise its authorities under the National Human Rights Commission Act, B.E. 2542 (1999), Section 30 and Section 31.