

## **Investigation Report No. 11-12/2019**

**Subject: Rights of individuals and communities; a case of a complaint against a Potash prospecting project allegedly lacking community's participation and not providing information to people**

### **Complaint Issues**

The National Human Rights Commission of Thailand (NHRCT) has received a complaint in which the complainant alleges that Potash prospecting by a company in Sakon Nakhon province lacks people participation and does not provide information to people

### **Actions Taken**

NHRCT has considered that information about the special license for Potash exploration and the memorandum of understanding on trade, economic and technical cooperation between Thailand and the People's Republic of China for joint investment in the development of Potash mining and Potash fertilizer production is pertinent to the rights to receive and access to people information held by government agencies regarding the environment and health which government agencies must make available for people. These are the rights recognized by the Constitution and the announcement of the Official Information Commission regarding the provision of information about the environment and health which must be made available for people access under Section 9 (8) of the Official Information Act B.E. 1997. Therefore, the Commission has come up with following recommendations to the Ministry of Industry, the Department of Primary Industries and Mines, the Sakon Nakhon Provincial Industry Office, and Sakon Nakhon Province on measures or guidelines for the promotion and protection of human rights regarding the provision of complete information on the environment and health to ensure people access according to the Official Information Act B.E. 1997 and on explaining to local people in the Potash prospecting project area with information about the issuance of a special license for Potash exploration between Thailand and the People's Republic of China in order to create awareness and correct understanding among people in Sakon Nakhon province and enable them to exercise the right to participate and express their views in accordance with relevant laws, as provided for in Section 247 (3) of the Constitution of the Kingdom of Thailand B.E. 2017, and Section 26 (3) of the Organic Act on the National Human Rights Commission B.E. 2017.

**Recommended Measures or Guidelines for the Promotion and Protection of Human Rights**

(1) The Ministry of Industry should consider instructing its agencies to make available complete information about the environment and health according to Section 9 (8) of the Official Information Act B.E. 1997 and make it accessible for the people as required by law; and

(2) The Department of Primary Industries and Mines should, together with the Sakon Nakhon Provincial Industry Office and Sakon Nakhon Province, explain to local people in the Potash prospecting project area, and produce materials containing information about the special licenses for Potash exploration and the memorandum of understanding on trade, economic and technical cooperation in joint investment in the development of Potash mining and Potash fertilizer production between Thailand and the People's Republic of China related to the environment and health and the use or exploitation of natural resources. This is to create awareness and correct understanding among individuals and communities in Sakon Nakhon province and enable them to exercise the right to participate in and express opinions in accordance with the procedures of relevant laws.

**Achievement/Progress in Human Rights Protection**

The Ministry of Industry, the Department of Primary Industries and Mines and Sakon Nakhon Province have informed that there is an information center available to provide information under Section 9 of the Official Information Act B.E. 1997. People can access the information in accordance with the law. So far, the Sakon Nakhon Provincial Industry Office together with the Department of Primary Industries and Mines and Sakon Nakhon Province have continuously communicated to local people in the Potash exploration project area in Sakon Nakhon province for clarification, and distributed publicity materials about Potash exploration to various agencies in Sakon Nakhon province to disseminate the information to the people.

Sakon Nakhon Province together with the Sakon Nakhon Provincial Industry Office have carried out people relations for the project, and instructed the district offices to create understanding and provide security for the project developers and local people, either opponents or supporters.