

## Human Rights Assembly Resolutions, sub-room 2

### Promotion and protection of the community and environmental rights

We as participants of the Human Rights Assembly, Sub-Room 2, Community and Environment Rights which consist of government agency representative, civil society, and academic department together reflected on the current problems and challenges of community and environmental rights seeing that although many constitutions and laws have guaranteed some degree of community and environmental rights. Nevertheless, there are still several laws that have not clearly recognized such rights or are not covered, and there are still difficulties in implementing them in practice. The existing EIA system is still flawed and causing controversy.

Such a situation shows that Community rights and environmental rights are not truly established in Thai society. The participation of the community and the people is still only a rite of passage to complete the process of the law.

State policies on natural resource and environmental management, such as forest management policy, Marine and Coastal Management policy, climate change policy, and the pm 2.5 dust control policy still lack comprehensive impact assessment. As a result, the utilization of natural resources is unsustainable and causes unfairness, and affects people and communities, especially communities that rely on the resource base for their livelihood. It also lacks effective remedial mechanisms when impact occurs.

Therefore, we have proposals that are seen as a common drive for the improvement and development of community rights and environmental rights as follows:

#### **1. Government agencies involved in cooperation with various sectors, including the people and community sectors should take the following actions:**

1.1 Accelerate the improvement of laws on natural resources and the environment as a whole to ensure, protect and promote community and environmental rights, as well as create a new policy mechanism that truly engages people at all levels to replace the traditional centralized policy mechanism. Such improvements should also be linked to the problem situation and knowledge from the community.

1.2 Review and improve the impact assessment system especially the Environmental Impact Assessment (EIA/EHIA) to comply with the principles of good governance. It is more transparent and accountable and ensures the real participation of

communities and people. The overall assessment system should be integrated and the principles and guidelines of Human Rights Impact Assessment (HRIA/HRDD) should be considered as part of those impact assessment systems.

1.3 Accelerate the implementation of the Strategic Environmental Assessment (SEA) in the design and implementation of natural resource policies and plans, environment, and development by considering both the ecological system such as watersheds, protected forest areas, etc. and the local level, such as provinces or regions. However, the SEA should take into account the key principles of the Sustainable Development Goals (SDGs) and assess all options for development, sustainability and fair Create an inclusive and equitable participatory process at every step and have a comprehensive assessment, including environment, economy, society, culture, health, and human rights issues.

1.4 Ensure in law and practice that people and communities have the right to manage natural resources and the environment and to develop at every stage for the policy acknowledgment Contribute, to Comments, plan, decide, take action, monitor, evaluate, and benefit the access to justice and remedies when violations or damages occur through effective grievance investigation mechanisms for effective remediation and remediation.

1.5 Decentralize people, communities, and local governments to make decisions on the management and utilization of natural resources and the environment at a truly local level, with the needs and concerns of residents and communities are seriously taken into account in decision-making at both the policy level and project implementation in the area.

## **2. NHRC, in cooperation with various sectors, should proceed as follows:**

2.1 Promote and protect environmental rights in a cross-border dimension by pushing for the adoption of human rights impact assessment to assess the impact of human rights impacts across borders in collaboration with the ASEAN Intergovernmental Commission on Human Rights (AICHR) and cooperation among national human rights institutions in Southeast Asia (SEANF).

2.2 Develop and promote knowledge and understanding of community rights to spread more widely. It also aims to create a shared learning space between various sectors, including the people, community, private sector, and government agencies involved. The goal is to empower people and communities as rights holders and promote knowledge and

understanding to government agencies as a person responsible for respecting and protecting human rights, community rights, and environmental rights.