

THAILAND: CALL ON THE GOVERNMENT TO BE SINCERE AND TRANSPARENT IN THE DRAFTING PROCESS OF THE NATIONAL ACTION PLAN ON BUSINESS & HUMAN RIGHTS

WITH RESPECT TO THE PROCESS AND CONTENT

23 August 2018, Bangkok

We, the Thai Business and Human Rights Network, express our serious concern about the lack of sincerity and transparency displayed by the Thai authorities in the drafting process of the National Action Plan (NAP) on Business and Human Rights. Although we welcome today's initiative taken by the Thai government, together with the National Human Rights Commission of Thailand (NHRCT), UNDP and OHCHR, to host a CSO Consultation on the Draft NAP, we strongly urge the Thai government to ensure transparency in the process of drafting the NAP and sincerity towards the adoption of community input on priority issues, challenges, recommendations and action towards implementation.

The Royal Thai Government, in response to a recommendation during its second Universal Periodic Review (UPR) in 2016, committed to developing a National Action Plan (NAP) on Business and Human Rights by September 2018. In this context, we organised various consultations for the development of an independent shadow national baseline assessment (NBA) between January 2017 and March 2018. At these meetings, we shared concrete recommendations from our organisations and the concerned communities for consideration in the NAP and formed the Thai BHR Network, to collectively engage in the NAP process in line with [Manushya Foundation's strategy](#) to guarantee that voices of local community members and others directly affected by the action of businesses, are at the centre of the NAP.

However, despite issues repeatedly raised with the Government during the consultations, two successive NAP drafts from the government ignored affected communities, disregarded their key areas of concern, and simply reproduced recommendations claiming they were actions that would aid in the realization of human rights in the business context in Thailand and thus do not reflect our participation in the process or any interest from the government to make an actionable document. More importantly, the Government authorities lately have blocked any efforts for meaningful participation in the process due to communication of information on consultations through unofficial channels or not at all, particularly with respect to the content



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of draft NAPs, with little to no advance notice to review the draft NAP completely disregarding the contribution of affected communities. Attempts to revise a draft NAP, with omission of challenges faced, absent of clear action steps to implement recommendations, and carried out through a single day consultation fail to remember the importance of a National Action Plan to the Business and Human Rights processes in the country.

We thus call on the Thai government particularly the Ministry of Justice, which is leading the NAP drafting process, to take the following steps in order to guarantee full and effective participation in the process and the drafting of a credible NAP:

- Ensure information of consultations, particularly the drafts of the NAP, are circulated widely and well in advance so that the concerned communities and civil society groups can provide comments and meaningfully participate in the drafting process.
- Include representation of the concerned communities and civil society groups in the NAP drafting committee, so as to secure sincere participation and transparency in the process.
- Undertake additional regional consultations with meaningful engagement of all relevant stakeholders on successive draft NAPs developed, to ensure the formulation of a NAP that addresses all relevant concerns and adopts concrete actions with respect to the actual situation on the ground.

To ensure the participation of concerned communities and civil society groups, we, the Network have released thematic summaries of the independent CSO national baseline assessment on business and human rights developed through consultations with concerned communities and experts that identify priority issues, outline detailed challenges and providing clear actionable steps, to help inform the process.

The Network strongly demands that Government authorities live up to their claims of having engaged with civil society groups in the NAP drafting process, by creating a space for meaningful engagement with affected communities at the regional level on all successive draft NAPs, by means of a process that accepts feedback through constructive dialogue with sufficient time provided to review each draft NAP.

We thus urge the government not to approach community engagement just as an exercise to 'tick a box' but to empower those who need to be heard by actually engaging them constructively, in order to produce a NAP that responds to the concerns of communities and civil society with concrete actions. While we understand that the National Action Plan on Business and Human Rights has to be released by September 2018, it is more important that the process of finalisation of the NAP is not rushed; and that communities, as well as involved government authorities and individuals are educated about the rights and processes of business and human rights to contribute to the development and future implementation of the NAP.



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For more information on the community contributions to the independent national baseline assessment of the Manushya Foundation, see the thematic briefs outlining clear challenges, recommendations and actionable steps available at:

<https://www.manushyafoundation.org/new-publications>

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About the Thai BHR Network

The Thai Business and Human Rights Network (TBHRN) is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organisations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights. More information on the TBHRN and its role can be accessed at <https://www.manushyafoundation.org/coalition-building-workshop-report>

About Manushya Foundation

Manushya Foundation is an Asia regional foundation promoting community empowerment to advance human rights, social justice and peace through a process of engagement, mobilisation and empowerment. With concern emerging on Business and Human Rights in Thailand, the bottom-up strategy of Manushya Foundation guarantees the empowerment of communities through a process of community led evidence-based research; the development of a national baseline assessment on BHR; and building capacity on BHR knowledge through the TBHRN, a unified national network comprising communities, academics and experts. For further information on the work of Manushya Foundation, visit <https://www.manushyafoundation.org>

