

# The Struggle of Villagers in Chana District, Southern Thailand in Defence of Community, Land and Religion against the Trans Thai-Malaysia Pipeline and Industrial Project (TTM), 2002-2008

*Second Edition*



*Editorial note: Most of the contents of this book have been compiled and translated from Thai-language documentation produced by local activists in Chana district, Songkhla province, Thailand.*

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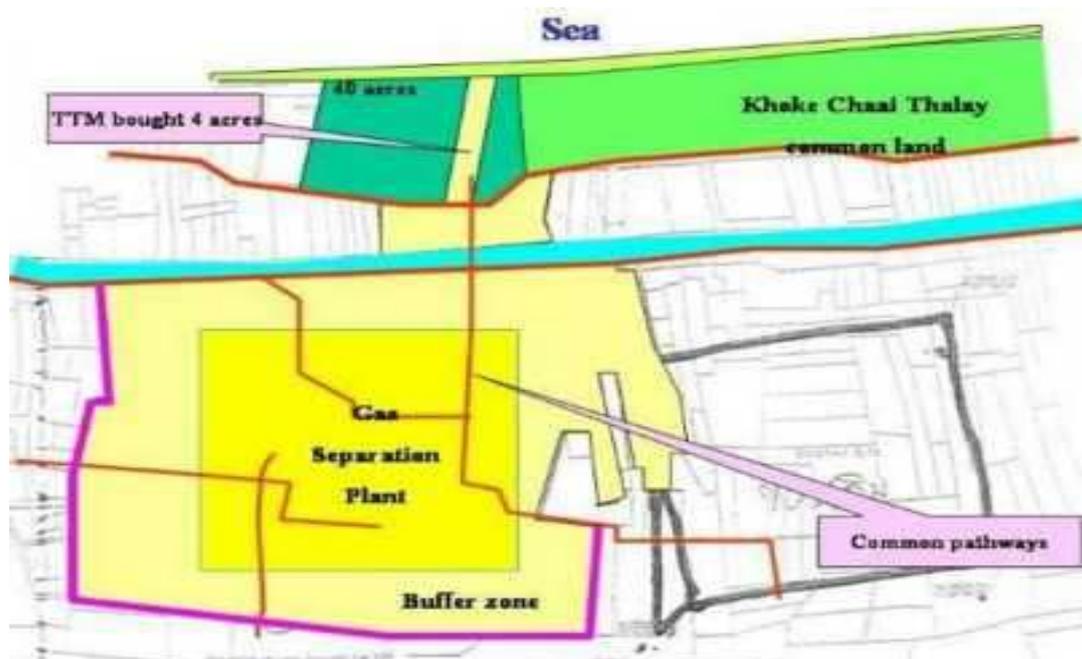
## *Introduction*

# **Gas, *Waqf* and Barclays Capital: A Decade of Resistance in Southern Thailand**

Larry Lohmann

On Google Earth, the image shows up clearly: a giant fenced-in industrial square a kilometre on a side carved out of the green coastal environment of Chana district in southern Thailand and connected by an underground pipeline to the sea.<sup>1</sup>

This is the Trans Thai-Malaysia project (TTM), an internationally-financed natural gas development scheme. Built to bring gas from offshore fields in the Gulf of Thailand to a separation plant from which it can be distributed to the region, the project is set to form the nucleus of further huge industrial installations, including electricity generating plants and petrochemical factories. In the view of the local rural villagers who have been battling the project for a decade, however, the project has brought only problems: destruction of local livelihoods, despoliation of local land, water and forests, and threats to community and religion. Their struggle illuminates some of the ways in which, in Thailand as elsewhere, questions of ethnic, religious and class conflict are densely entangled with issues of international infrastructure development, global finance and environment.



*Map showing TTM's illegal purchase of public land (top) and encroachment on waqf rights of way (bottom). The project has destroyed or damaged many commons used for livelihood.*

<sup>1</sup> Thanks to Ida Aroonwong Na Ayutthaya and readers for *Race & Class*, where this article was first published, for helpful comments.

## Appropriation and insult

In 1999, a US\$2.42 billion contract was signed by the Petroleum Authority of Thailand (PTT) and Petronas of Malaysia to build a 255-km pipeline to transport gas from offshore fields in the Gulf of Thailand to the coastal district of Chana in southern Thailand, to be converted into sales gas and other fractions at a specially-built separation plant a few hundred metres from the pipeline's landfall.<sup>2</sup> The gas would then be pumped through an 86-km onshore pipeline to the Thai-Malaysian border and a further nine-km connection to northern Malaysia, and would be used in Thailand and Malaysia as well as exported further afield. The Trans Thai-Malaysia project (TTM), as it was called, was supported by US\$524.3 million in project financing from a consortium of foreign banks including Dresdner Kleinwort Wassertein, HSBC, ING, Standard Chartered and Fortis. Leading the consortium was the UK-based Barclays Capital, which in 2004 agreed to provide a loan of US\$257.1 million, nearly half of the total, giving it significant leverage over the project and helping to attract finance from other foreign investors.

Since 1997, the TTM project has been steadfastly resisted by the majority of Chana villagers, who fish, using 3,000 small boats; farm, largely for household use; and follow a number of other livelihoods such as raising singing doves, which are sold for good prices as far away as Indonesia. The villagers argued that the project would pollute the sea and air and damage local fisheries, land (including wetland and sand dune forest) and human and animal health. They also warned that it would provide a foothold for other destructive industrial developments such as those clustered around gas-related industries in Maap Ta Phut in Eastern Thailand, and rejected government claims that the scheme would benefit local communities and reduce poverty and socio-economic disparities in the region. Villagers noted that Thailand did not need more gas to meet its energy needs, pointing out that most of it would go to Malaysia.

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<sup>2</sup> English translations of much of the documentation for the following account can be found below; see also Suleiman Matyuso et al., *Wakap: Muea thuuk klaay pen phit pharakit khue kaan taw suu* (Waqf: When right becomes wrong, it is time to struggle) (Songkhla, Association of Southern Fishing Communities, 2007).



*Villagers and police face off during a vigil at the gas plant site at Chana. The banner in the background reads: "Return the public's land".*

One of the most crucial points of resistance was land. To bring the pipeline ashore, TTM, with the connivance of local officials, acquired public land along the community's beachfront using private land titles that were later determined by the National Human Rights Commission to be bogus. Despite villagers' petitions to civil servants, police and parliamentarians, and the findings of a Senate committee, the land was enclosed and villagers driven out. In July 2005 the Sakorn subdistrict administrative organization resolved to sue TTM for breaking the law forbidding encroachment on public land. Villagers had earlier filed encroachment charges against Samsung, the TTM's subcontractor that had taken over the beachfront area, only to find that Samsung had managed to get the police to issue arrest warrants for villagers, also on trespass charges. Throughout, local villagers have maintained a peaceful resistance camp on a nearby beach, Lan Hoy Siap, and in 2006 launched a tree-planting scheme on disputed public forest land.

Moreover, in order to be able to build its gas separation plant on the sprawling kilometre-square site it had designated several hundred metres inland, TTM blocked off and destroyed rights of way which were not only public land according to state law, but also inalienable *waqf* common lands which, under Islamic law, had been given to God over 50 years previously for the use of the community in perpetuity. The local land struggle thus became inextricable from the battle for religious rights in this Muslim-majority area – a battle that was intensified as TTM attempted to make donations to local mosques and to buy off local political and religious leaders. Amid concern that the project would divide affected local Muslim communities, villagers occupied the site of the proposed gas separation plant in March 2002 and began constructing a mosque. In August, 2003, TTM belatedly put in an official request for the *waqf* and public land it had earlier seized, offering other land in exchange (although according to local interpretation *waqf* land is, of course, not only non-saleable

but also non-exchangeable). Local villagers then petitioned subdistrict, district, provincial and national administrators and officials in Thailand's formal Islamic hierarchy, objecting to any exchange of *waqf* for other land and demanding that fences be taken down and police be withdrawn from *waqf* rights of way leading to the gas separation plant construction site. In October 2004, the National Human Rights Commission called on TTM to restore public lands to their former condition and remove all fencing within a month, and in December recommended that the project be suspended until the issue was resolved. The following July, over 1,500 local villagers protested the Songkhla government land office's decision to support TTM's seizure of the *waqf* land, saying that the state 'had no right to force Muslims to commit a sin.' TTM found an ally, however, in the Chularajamontri, the head of the official Muslim hierarchy in Thailand. Without his staff having interviewed the *waqf* land's hereditary guardians (*warais*), who are descendents of the community member who originally gave the land over to Allah for the perpetual use of the community, the Chularajamontri issued a judgement in March 2004 claiming that there was no evidence that the land in question was *waqf*. This resulted in local villagers issuing respectful yet pointed invitations to the Chularajamontri to investigate for himself, and the judgement is now being reconsidered. Meanwhile, the government officially withdrew the land's public status in August 2006, using the typically colonialist justification that the land was 'not being used' by the public. (In fact, it had been in constant use, for example as a livestock drove and right of way to rice and watermelon fields.) In August 2007, in addition, local villagers joined academics and religious leaders at a major seminar held in Songkhla designed to raise public awareness of the importance of *waqf*, which – although it is a concept known throughout the Muslim world in various forms and has parallels with commons regimes of more secular types in many countries including Thailand and the UK – is less well understood outside the Islamic community.<sup>3</sup>

As TTM pressed ahead with the project, a pattern of violent official suppression of local opposition also became an important issue. As early as 2000, shots were fired at protesters' processions, and since then corporate agents and the state alike have resorted to intimidation, harassment, arrests, legal fraud, threats of force, illegal detentions and beatings in their battle to build the project. In December 2002, about 1,000 police in riot gear attacked 1,500 peaceful and unarmed petitioners (including Muslims at prayer) 300 metres from a Haad Yai hotel where a cabinet meeting was to be held to discuss the pipeline deal with Malaysian leaders. Over 100 were injured and 12 local activists arrested and

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<sup>3</sup> English trust law may have developed under the influence of *waqf*, the idea of which is likely to have been brought back to England from the Middle East at the time of the Crusades. See M. M. Gaudiosi, 'The influence of the Islamic law of *waqf* on the development of the trust in England: the case of Merton College', *University of Pennsylvania Law Review* (Vol. 136, no. 4, 1988), pp. 1231-1261.

taken secretly to a Border Patrol Police compound about 40 kilometres away. Although videotape showed police armed with batons and shields breaching a barricade and pushing back protesters, Prime Minister Thaksin Shinawatra, eager to defend his status as a regional dealmaker, claimed villagers armed with sticks, fish sauce and a knife were about to assault police.<sup>4</sup> Subsequently, both the Thai Senate and the National Human Rights Commission released reports identifying the police as responsible for the violence. Charges were filed against police, but the case was not resolved in the villagers' favour until 2006-7, when a Songkhla court ordered police to pay damages to the protesters for violating their constitutional rights and a judge threw out charges that the state had filed against the protesters.

During 2003, pipeline opponents were frequently arrested and kept in jail without charge and without access to lawyers, while armed Border Patrol police units conspicuously set up bases in local villages, claiming to be interested in 'drug problems'. Police shadowed villagers and searched their houses, and in November beat into unconsciousness a 17-year old boy who had been taking photos of company surveyors in a coastal forest area before throwing him in jail; the boy was convicted in 2005 on assault and weapons charges. In May 2003, after the Bangkok government had given permission to the government of Songkhla province to deploy troops at the pipeline construction site (the operation to be paid for partly by PTT), United Nations Special Envoy on Human Rights Hina Jilani charged the Thai government with creating a 'climate of fear' for human rights advocates, basing her conclusions partly on the TTM case. In June, 600 policemen, some armed with pistols and rifles, were deployed at the site proposed for the gas separation plant. In November, leaked correspondence revealed that TTM, Songkhla's governor, Bangkok government advisers and the local police chief had conspired in a plan to neutralize the Lan Hoy Siap protest encampment, with the Songkhla police commander writing to the governor that it was 'necessary to get rid of the problem of opposition to the pipeline'.<sup>5</sup> In October 2004, more than 200 armed police took over a beach area to allow Samsung Engineering build a temporary dock for the transfer of heavy equipment for the separation plant construction site. Government documents also showed that TTM had paid for the police's encampment, in breach of Thai law.

Since the gas separation plant was finished, yet more land has been seized illegally, this time along the route of a new pipeline connecting the installation to a new, 700-megawatt electricity generation plant being constructed a short

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<sup>4</sup> Supara Chanjitfah, 'Enemies of the state?', *Bangkok Post*, 5 January 2003, Perspectives, p. 1.

<sup>5</sup> Maj Gen Santhan Chayanan, Songkhla police commander, Document SP 0020/3673 dated 13 November 2003, addressed to the governor of Songkhla, reporting a meeting on 8 November involving the Chana district head and representatives of TTM and PTT.

distance away to create more demand for TTM's gas.<sup>6</sup> New construction has also damaged local freshwater fisheries and caused flooding. PTT and the Electricity Generating Authority of Thailand have ignored repeated requests from the local subdistrict administrative organization, the National Human Rights Commission, and even the regional army command to suspend construction while conflicts are cleared up and a possible rerouting of the connecting pipeline is considered. Air pollution has meanwhile increased, damaging crops and forcing some villagers to move away and threatening the local songbird industry. Villagers' early warnings that the TTM project would lead to further destructive industrial development were meanwhile borne out in early 2007 when the government announced it was dusting off plans for a gigantic 1,700-hectare industrial estate in rural Chana.

Battles over the law have continued in other spheres as well. In June 2003 the National Human Rights Commission found that the government had violated the 1997 Constitution by denying people the opportunity to participate in the process of decision-making related to the project. The project's environmental impact assessment, which was initially rejected by the Thai government's own expert panel, had omitted many environmental and social impacts and is the subject of an ongoing administrative lawsuit. Ignoring early local efforts to seek a mediated solution to the conflict between the project and local people, the government waited until 2000 to hold 'public consultations' on TTM, after a cabinet-level decision to go ahead with the project had already been made. The consultations were chaired by one of TTM's vocal supporters, and Chana villagers' petition to reconsider the environmental impact and to suspend the project were simply left off the discussion table. The first consultation, in July, failed; the second was intended to take two days, but because officials had excluded any pipeline critics from participating and were permitting comments only from employees of TTM, hundreds of people attempted to storm the meeting and clashed with police, leaving more than 30 people injured. The meeting was cut short after only 25 minutes and consisted of a 'vote' in favour of the project by project proponents while police kept the opponents outside at bay. Critics' calls for project contracts to be released to the public meanwhile resulted in a Senate committee receiving only partial texts, with the most important passages blacked out.

## **Background to enclosure**

In one sense, the fight against TTM is merely one example of dozens of struggles in contemporary Thailand against corporate or state enclosure of local land, water and air, whether through commercial tree plantations, mining

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<sup>6</sup>According to a study by the Thai government itself, the southern provinces will not need new power supply for 15 years.

schemes, power plants, dams and forest conservation programmes. Such battles have proliferated throughout the country since the 1980s. In the 1990s, they coalesced in the nationwide Assembly for the Poor, which at one point surrounded Government House for 99 days with a long slate of demands for social and environmental justice.<sup>7</sup> Such movements and alliances have often accommodated themselves to, but often also powerfully challenged, Thai society's entrenched social hierarchies and patron-client arrangements – which tend to subordinate villagers/ordinary people (*chao baan*) to bureaucrats (*khaarachakaan*), businesspeople/capitalists (*naai toon*) and what Kasian Tejapira aptly terms 'electocrats' (*nak lueak tang*) – provincial entrepreneurs-cum-mafia bosses-cum-vote buyers who have used Thailand's 35-year-old parliamentary democracy to parlay their local influence into lucrative political power at the national level.<sup>8</sup> Yet while the TTM struggle exemplifies this more general social current, it also has special characteristics connected both with regional politics and with patterns of cultural or racial discrimination that set it apart from other conflicts.

For one thing, the project was undertaken in the context of a long history of oppression and neglect of Thailand's Muslim minority, particularly so-called 'Malay Muslims', who speak Malay languages and constitute a majority of the population only in the country's far south. Having been incorporated into the Thai state as a buffer zone against the British following several centuries of tributary status, the provinces in question have long been the subject of colonialist and chauvinistic policies on the part of the mainly Buddhist ruling class. Although violent battles between government authorities and separatist groups had dwindled by the 1980s, they never completely died away.<sup>9</sup> In response to a spate of grisly killings of Buddhists in the region in early 2004, then Prime Minister Thaksin Shinawatra (whose willingness to deploy state violence was exemplified by the hundreds of extrajudicial murders that took place under his anti-drugs drive)<sup>10</sup> declared martial law. In April, after receiving a tip about possible raids on military installations and police stations, troops and police burned a historic mosque in Pattani, killing 32 young Muslim militants

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<sup>7</sup> B. Missingham, *The Assembly of the Poor: from local struggles to national protest movement* (Chiang Mai, Silkworm Books, 2003).

<sup>8</sup> Kasian Tejapira, 'Toppling Thaksin', *New Left Review* (Vol. 39, no. 3, 2006), pp. 5-37.

<sup>9</sup> Interpretation of violence in Thailand's south is chronically complicated by the fact that the provinces in question are also often battlegrounds for various gangs involved in smuggling and arms and drug dealings, and between such groups and the police, all of whom have an interest in characterizing criminal activities as political separatism.

<sup>10</sup> Human Rights Watch and the International Harm Reduction Association estimate that the 'extrajudicial killings' that Thaksin presided over during his war on drugs included the assassination of 2,800 people during a single three-month period at the start of 2003 ('Thailand's war on drugs', Backgrounder, 12 March 2008). A committee set up by the military government in 2007 found that 'more than 1,000 of the victims had little or no connection to the drugs trade. Despite these findings, as well as evidence of written instructions by senior government officials to use heavy-handed tactics during the campaign, not a single government or police official has been brought to account for the killings in 2003' (Amnesty International, 'New fear of illegal killings in Thailand coincides with Thaksin's return', 27 February 2008).

who had taken shelter inside. In the ensuing escalation of violence, more than 100 other young Muslims were killed throughout the region. In its defence, the government lost no time in claiming it was only taking necessary steps against drug bandits and militants with supposed Al-Qaeda links. On 26 October, a further atrocity occurred after some 2,000 Muslim protesters assembled at a police station at Tak Bai, about 160 kilometres from the TTM site, demanding the release of six men accused of supplying weapons to insurgents. The Thai military arrested 1,300 and fired bullets, water cannons and tear gas into the crowd, killing six. Some 85 of the arrested Muslims, who had been tied up and stacked into army lorries for transport to jail, suffocated on the way. In response to an international outcry, PM Thaksin claimed that the villagers had perished only because they were weak from Ramadan fasting.<sup>11</sup> Videotape of the incident, while it has been circulated clandestinely within Thailand and in neighbouring Malaysia and Indonesia, has never been aired on Thai television.

Racism has been both a weapon of the state and a provocation to resistance throughout the TTM struggle. In Thailand, the form of racism in question, typically propagated among officials and the middle class, has deep connections with colonial border-drawing and classification. As historian Thongchai Winichakul has argued, the project of creating a bounded ‘geo-body’ of a Thai nation was part of elites’ attempts to fend off, exploit and accommodate themselves to, British and French colonialism<sup>12</sup> – as was the related project of what David Streckfuss refers to as ‘homogeniz[ing] the kingdom racially’. These projects encouraged a binary us/them, inside/outside schema: first, certain ethnic groups were imaginatively absorbed into the ‘Thai race’ (albeit sometimes as junior partners) and ‘with a racialist rationale in hand, governmental policies were fashioned to make the categories real’; second, many groups were kept figuratively or literally ‘over the border’ as ‘non-Thais’. According to what Streckfuss calls the international ‘principles of the logic of race’, the ‘national space’ of Siam created during colonial times had to be notionally filled to the borders with an essential ‘we Thai’; a “‘mixed” race or ethnicity’ would have ‘no rights within the politics of race’.<sup>13</sup> At the same time, each *figurative* territory bordering that of ‘Thainess’, like ‘Thainess’ itself, became associated with a homogeneous set of stereotyped, frozen cultural traits. Thongchai cites the Border Patrol Police – who have been active in suppressing TTM opponents but also boast a history involving, for example, opening fire on radical students in Bangkok in 1976, setting up rural counterinsurgency operations in the 1980s, and shaving ethnic Karen villagers’ heads and forcing

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<sup>11</sup> ‘PM: deaths due to religious fasting,’ *The Nation* (Bangkok), 27 October 2004.

<sup>12</sup> Thongchai Winichakul, *Siam Mapped: The History of the Geo-Body of a Nation* (Honolulu, University of Hawaii Press, 1994).

<sup>13</sup> D. Streckfuss, ‘The Mixed Colonial Legacy in Siam: Origins of Thai Racialist Thought, 1890-1910’, in L. Sears (ed.), *Autonomous Histories, Particular Truths: Essays in Honor of John R. W. Smail* (Madison, Center for Southeast Asian Studies, 1993), pp. 123-53.

their children to wear school uniforms in 1997 – as one example of an official organization that sees the term ‘border’ as signifying the ‘demarcation of otherness from Thainess as much as a geographical boundary’.<sup>14</sup> The whole structure is indirectly reinforced by an elite nationalist exceptionalism, popular even among progressive central Thai intellectuals, that denies that ethnic or religious discrimination, as a foreign or ‘non-Thai’ invention, could be a feature of Thai society at all.

Thus Muslims in Thailand’s southern borderlands tend to be seen as either (unappreciative) targets of the benevolently assimilating efforts of the ruling centre, or, as is more often the case in times of widespread violence, obdurately and aggressively Other – ‘second-class citizens’ at best, fit for ruthless suppression. With the nationalist slogan ‘nation-religion-monarchy’ helping to reinforce an either/or opposition between ‘Thai’ and ‘Muslim’ peoples and cultures, platoons of middle-class Bangkok bloggers regularly issue virulent proposals for violent suppression of Muslim dissidents and outlaws, while the elderly Queen Sirikit has vowed to take firearms instruction in case she is called upon to defend the country against the brutality inflicted on Buddhists in the South. Even supposedly more ‘liberal’ journalists and ministers tend implicitly to endorse a Thai/Muslim binarism, if less consciously, as when they expatiate on the need to ensure justice for all, ‘whether Thai or Muslim’. This background of discrimination has inevitably coloured relations between Chana pipeline opponents and police and other civil servants, who tend to be both Buddhist and from outside the region.

### **A battle of narratives**

Like most such struggles, the struggle of the Chana villagers has been shaped by a set of diverse, mutually-influencing narratives that each play a part in organizing the different groups and classes involved.

According to PTT and the successive governments whose support it has enjoyed, TTM is a story of economic progress for a majority as well as of development benefits for the local area and prestige for the nation. Concerns over damage to local livelihoods can be met by the project’s environmental impact assessment. Land disputes can be referred to local land offices or the Chularajamontri, while local consent can be said to have been secured by the two public hearings of 2000. Protests are the work of troublemaking non-governmental organizations, Muslim agitators or a few local leaders with vested interests, without whom, it is implied, the deference properly owed by ordinary people to their betters would re-establish itself. As with many such official narratives, the power of this narrative is not so much that anyone believes it as

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<sup>14</sup> Thongchai, *op. cit.*, p. 170.

that it validates certain hierarchies and prejudices among its (in this case central Thai, predominantly urban) audience, keeping them at a conceptual distance from local project opponents, while providing a source of ‘noise’ facilitating delays in responding to local protest until such time as a project becomes a *fait accompli*.

International investors in TTM have exploited a parallel story, that of ‘corporate social responsibility’, that allows them to temporise indefinitely in their relations with local people while isolating them from, and organizing the consent of, middle-class audiences outside the country. For example, Barclays, the key foreign backer of TTM, has been a leader in formulating the voluntary Equator Principles for the international banking sector. These ‘require’, among other things, that an Environmental Impact Assessment (EIA) involving mandatory public consultation is carried out on all projects to be financed. ‘We will take the necessary steps to understand the impacts that our business may have on the communities with which we interact, including human rights impacts,’ Barclays states. ‘Where there is potential for our operations to cause human rights violations we will take whatever action is necessary to avoid them’.<sup>15</sup>



*Chana villagers at prayer during a mass protest at Barclays' Bangkok office, June 2004.*

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<sup>15</sup> Barclays Group, Statement on Human Rights, London, June 2004.



*“Stop lending money to the Thai-Malaysia gas pipeline. Barclays, don’t lose your way.”*

Merely to question the truth of such claims is to miss their deeper political function. Whether Barclays is or is not in *actual* compliance with the Equator Principles is no more relevant to its task of seducing the imagination of business, governmental and middle-class audiences in the West than the question of whether or not there actually were weapons of mass destruction in Iraq had a bearing on whether the story could be effectively retailed to the US public to justify the current war. This is why, despite repeated invitations and a major protest at its Bangkok office in June 2004, Barclays has seen no need to bother sending any of its 13,000 international staff, some of whom are based in Thailand and Malaysia, to Chana to gather data about the effects of TTM from local people, nor to reply to a letter Chana residents sent it prior to its signing of the loan agreement detailing legal and human rights problems, nor to respond to an invitation from local people to help arrange a roundtable meeting of all interested parties to discuss TTM’s compliance with loan conditions or Barclays’ compliance with the Equator Principles or its own human rights policy. Indeed, Barclays admits with disarming candour that it confines its fact-finding largely to ‘representations by the borrower’ and does not investigate land rights violations unless it is the actual landowner.<sup>16</sup> In 2007, *Fortune* magazine awarded Barclays the No. 2 spot in its annual ratings of the 100

<sup>16</sup> Letter from Philippa Birtwell, Head of Public Issues, Barclays, to Ponglert Pongwanan, 21 September 2005.

largest global corporations on their social and environmental responsibility largely on the ground that the bank had said it was committed to the Equator Principles, ‘which discourage lending to infrastructure projects which displace communities or disrupt ecosystems.’<sup>17</sup> Again, verification was irrelevant.

Chana villagers’ narrative of their own struggle is, of necessity, more complex. On the one hand, the villagers portray themselves as staunch defenders of the national interest, community and local natural environments against foreign capitalists and local mafias. At the same time, they ironically cast the local district chief, the Songkhla governor and police as weak, submissive ‘water buffalo’ being mercilessly ridden by business interests, and have sued police for assembling for unlawful purposes, armed assault and fomenting public disorder. This satirical focus on the inability of officials to obey the law, much less live up to their claims to defend the public interest, has been more effective in giving confidence to the local opposition than in countering the superior organizing abilities of the state and transnational business at the regional, national and global levels. This is not to say that the villagers’ cause has failed to attract support from outside. In 2002, 1,384 academics throughout the country petitioned Prime Minister Thaksin to reconsider his backing for TTM, pointing out that some 80 percent of local residents were opposed to it, and, as mentioned above, liberal senators, subdistrict administrators and even the southern army command have requested that the project be put on hold until outstanding land issues are resolved. Equally importantly, other communities fighting fossil fuel development projects have lent their support, in particular a movement at Bo Nok several hundred kilometres to the north that defeated a coal-fired power plant slated for its own coastal community. That points up another important aspect of the local counter-story: Buddhist-Muslim alliances undertaken in defiance of governmental attempts to pit adherents of the two religions against each other. On a 2004 visit by predominantly Buddhist Bo Nok activists to Chana, the green flags adopted by the former flew together with the red flags of the Chana pipeline opponents; other Buddhist activists have likened the theft of *waqf* land to the annexation of Buddhist monastery land; and Bo Nok spokeswomen have enthusiastically joined in nationally-publicized sarcastic attacks on the government’s militarization of the TTM area. (‘Who are you going to war against?’ mocks one caption to a press conference photo display of heavily armed police guarding pipeline operations.) Foreign environmentalists have also shown an interest, albeit characteristically fitful, in pursuing the case with international banks.<sup>18</sup> Nevertheless, TTM proponents’ wide reach, ability to temporise, influence with foreign investors and

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<sup>17</sup> T. Demos, ‘Accounting for accountability’, *Fortune*, 12 November 2007, p. 52.

<sup>18</sup> Friends of the Earth, ‘Barclays, human rights and the Trans Thai-Malaysia gas pipeline’ (London, Friends of the Earth, September 2005), available at [http://www.foe.co.uk/resource/briefings/barclays\\_thai\\_malaysia.pdf](http://www.foe.co.uk/resource/briefings/barclays_thai_malaysia.pdf).

willingness to deploy violence have enabled them simply to outlast the alliance-fashioning efforts of opponents.

Perhaps partly as a result, as the gas separation plant has been completed and gone into operation and construction of industrial add-ons such as the electricity generation plant have got underway, TTM opponents have concentrated more and more on organizing resistance around the defence of the religious community, and particularly of the traditions of *waqf*, against those who would ‘trample on the principles of Islam’. ‘Muslims cannot sit idly by when *waqf* land is taken,’ read one protest placard hoisted by marchers in 2005, and many protests have been organized around themes such calling for Allah’s blessing for efforts to regain *waqf* land. Villagers are even looking for alliances, though without unrealistic expectations, with the Muslim community in Britain.

## **Conclusion**

The TTM struggle exemplifies the interpenetration of a number of contemporary themes of global politics: international investment in enterprises involving military force in carrying out what Marx called primitive accumulation; growing sectarian tensions; low-intensity conflict; the War on Terror; conflicts over fossil fuel developments; corporate social responsibility; and intensely locally-specific, yet internationally-reinforced, forms of class conflict and racism. An understanding of such complex political terrains is increasingly crucial not only for groups such as the Muslim villagers of Chana but also for progressive political communities beyond. The Chana story raises, but cannot yet answer, the question of how a more tenacious solidarity for the defence of community and commons might be built among diverse and all-too-often isolated movements in different geographical and cultural locations.

***British and Other Banks  
behind the TTM Project***

Some 15 banks have provided loans to the TTM pipeline. Chief among them is Barclays Capital, the financial arranger, which has loaned \$257m.<sup>19</sup> Barclays can be contacted at:

Matthew Barrett  
Group Chief Executive  
Barclays Bank Plc  
54 Lombard Street,  
London EC3P 3AH  
United Kingdom

Christopher Bray  
Head of Environmental Risk Management Unit  
(Same address)  
[chris.bray@barclays.co.uk](mailto:chris.bray@barclays.co.uk)

Tim Ritchie  
Global Head of Syndications & Global Loans  
Barclays Capital  
5 The North Colonnade  
Canary Wharf  
London E14 4BB  
United Kingdom

Barclays Capital Securities (Thailand) Ltd.  
87/2, 21 Fl. CRC Tower,  
All Season Places,  
Wireless Rd.,  
Lumpini,  
Patumwan, BKK 10330  
Tel. +66 2 686-1900

The other banks providing loans are as follows:

Bank	Loan amount to TTM	Contact details - CEO	Contact details – project finance team
<b>Dresdner Bank</b>	\$19.6 million	Dr. Herbert Walter Chairman of the Board of Managing Directors Dresdner Bank AG Jürgen-Ponto-Platz 1 D-60301 Frankfurt/Main, Germany Tel.: +49-(0) 69/2 63-0	Kathleen Ruggiero Oil & Gas Project Finance Team Dresdner Bank AG 20 Fenchurch Street London EC3P 3DB UK
<b>ING Bank</b>	\$19.6 million	Michel Tilmant Chairman of Executive Board ING House Amstelveenseweg 500 1081 KL Amsterdam P.O. Box 810 1000 AV Amsterdam	Michael Klemme Oil & Gas Project Finance Team ING Bank De Amsterdamse Poort, Amsterdam-Zuidoost, Netherlands HE 0003

<sup>19</sup> 'TTMC Excites Banks', *Project Finance International* 285, 17 March 2004, p.29.

		Netherlands	Also: Postbus 1800 Amsterdam 1000BV Netherlands
<b>HSBC</b>	\$19.6 million	SK Green Group Chief Executive HSBC plc 8 Canada Square London E14 5HQ	Jon Williams Head of Environmental Credit Risk HSBC plc 8 Canada Square London E14 5HQ jonwilliams@hsbc.com
<b>OCBC</b>	\$19.6 million	Dr Cheong Choong Kong Chairman Oversea-Chinese Banking Corporation Limited 65 Chulia Street OCBC Centre Singapore 049513 Tel: (65) 535 7222	
<b>Mizuho Corporate Bank</b>	\$19.6 million	Terunobu Maeda President & CEO 1-5-5 Otemachi, Chiyoda-ku, Tokyo Japan TEL:+81-3-5224-1111	Peter Ackroyd Natural Resources Project Finance Team Mizuho Bank River Plate House 7-11 Finsbury Circus London EC2M 7DH UK Tel +44 20 7012 4000
<b>Standard Chartered Bank</b>	\$19.6 million	Mervyn Davies Group Chief Executive Standard Chartered Bank 1 Aldermanbury Square London EC2V 7SB UK	
<b>Sumitomo Mitsui Banking Corp<sup>20</sup></b>	\$19.6 million	Yoshifumi Nishikawa President & CEO Sumitomo Mitsui Banking Corp 1-2, Yurakucho 1-chome, Chiyoda-ku, Tokyo 100-0006, Japan	Tom Waterhouse Oil & Gas Project Finance Team Sumitomo Bank Ltd Temple Court 11 Queen Victoria Street London EC4N 4TA UK Tel +44 20 7786 1000
<b>KBC Bank</b>	\$19.6 million	Willy Duron President Executive Committee KBC Bank and Insurance Holding Company NV Havenlaan 2 BE-1080 Brussels Belgium	
<b>Calyon<sup>21</sup></b>	\$19.6 million	<a href="#">Edouard ESPARBES</a> Chief Executive Officer Calyon Corporate & Investment Bank 9 quai du Président Paul Doumer 92920 Paris La Défense Cedex Tel +33 1 41 89 00 00	David Weeks Head of Oil & Gas Project Finance Calyon 122 Leadenhall Street London EC3V 4QH UK Tel +44 20 7971 4236
<b>Industrial and Commercial</b>	\$19.6 million	Jiang Jianqing Chairman and President	

<sup>20</sup> Project Finance International, #287, 15/4/04, p.29, 'TTMC attracts'

<sup>21</sup> Thailand - Loans, Euroweek, London, 30 April 2004.

<b>Bank of China (ICBC)</b>		Industrial and Commercial Bank of China 55 Fuxingmennei Dajie Beijing 100032 China	
<b>United Overseas Bank</b>	\$19.6 million	Wee Cho Yaw Chairman and CEO United Overseas Bank 80 Raffles Place, UOB Plaza 1 048624 Singapore	
<b>Bank of Tokyo Mitsubishi</b>	\$19.6 million	Nobuo Kuroyanagi President and CEO Mitsubishi Tokyo Financial Group 4-1 Marunouchi 2-chome Chiyoda-ku Tokyo, 100-6326 Japan	Alan Wallace Oil & Gas Project Finance Team 12-15 Finsbury Circus London EC2M 7BT UK Tel +44 20 7588 1111
<b>BNP Paribas</b>	\$19.6 million	Baudouin Prot President & CEO BNP Paribas 16, boulevard des Italiens 75009 Paris France	Alain Rob Energy and Commodities, Export and Project BNP Paribas 21 Place du Marché Saint-Honoré PARIS 75001 France
<b>Fortis Bank</b>	\$13 million	Anton van Rossum CEO Fortis Bank Rue Royale 20 1000 Brussels Belgium	

The following financial analysts research PTT, one of the project partners, although they are not directly affiliated with TTM.

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	Ada Yu	<a href="mailto:ada.yu@lehman.com">ada.yu@lehman.com</a>	85-2-8723-1615
<b>Credit Suisse First Boston</b>	Sai Sarinee Sernsukskul	<a href="mailto:sarinee.sernsukskul@csfb.com">sarinee.sernsukskul@csfb.com</a>	66-2-614-6214
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<b>Smith Barney Citigroup</b>	Peggy Creveling	<a href="mailto:peggy.creveling@citigroup.com">peggy.creveling@citigroup.com</a>	66-2-263-3768

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# *Sequence of Events*

# 2002

## Thai-Malaysia Gas Pipeline Faces Community Resistance

1 May 2002 – The Thai government and Malaysian oil company Petronas are facing serious opposition from community members, activists and student groups in Southern Thailand to the proposed Thai-Malaysia gas pipeline. According to opponents, the pipeline, if constructed, would severely impact small-scale fisherfolk who are predominantly Muslim, a minority group in largely Buddhist Thailand.

Among the most recent but unsuccessful attempts to thwart opposition, Prime Minister Thaksin Shinawatra has proposed an alternative route to the pipeline, which would avoid Chana district in Songkhla province, where community resistance is strongest. He has also removed the head of the National Energy Policy Office, Piyasvasti Amranand. The proposed bypass would go through Muang district, which is less populated. Prime Minister Thaksin is expected to make a decision about the pipeline on April 30th. If a new route is pursued, a new environmental impact assessment will have to be conducted.

Opponents of the pipeline say that they will continue to fight the project, even if the route is changed.

Communities resisting the pipeline are opposed to it for three reasons:

- The pipeline project will have severe negative socio-cultural and environmental effects on the fishing community.
- Creation of the pipeline will inherently bring industrial development such as has been seen in Eastern Thailand from gas-related industries. These industries will pollute the sea and marine resources and fundamentally change the character of these small fishing villages.
- Thailand does not need more gas to meet its energy needs. The contract with Malaysia is based on a “take or pay” plan, which means that Thailand will have to buy gas even if it doesn't need it.

In addition, activists have already documented serious human rights violations associated with the project, including threats and intimidation by the military and the oil company, physical harassment, shootings, and arrest of activists. In a move that raised tensions, the Thai government cleared land for the pipeline route while the people were observing Ramadan, the Muslim holy month of fasting.

In a dramatic show of resistance, community members occupied the site of the proposed gas separation plant in a coastal village in the south and began constructing a Mosque. On March 9, villagers and activists took over the site in order to declare their collective ownership of the land and disapproval of the pipeline. Petronas and the Thai government are now in the difficult position of having to destroy the Mosque in order to complete the project as planned.

Community activists are gaining support from some members of the Thai senate who have traveled to the region to meet with them. Fearing a repeat of the Thai-Burma pipeline project, which resulted in high costs for gas not needed by the country, senators are calling for a careful review of national energy needs.

*SOURCES:* [http://www.moles.org/ProjectUnderground/drillbits/7\\_04/4.html](http://www.moles.org/ProjectUnderground/drillbits/7_04/4.html); *Drillbits & Tailings*, Volume 7, Number 4, April/May 2002; "Report to Allies" from Seppawan Chanasongkram of Small Fishing Community Integrated Development Project of Songkhla, April 26, 2002; "Thaksin proposes pipeline diversion", *The Nation*, April 12, 2002; "New Route Likely for Gas Pipeline", *Bangkok Post*, April 24, 2002.

### *5 September 2002*

Thai-Malaysian pipeline opponents cap a three-day mass rally yesterday with a blunt warning to Prime Minister Thaksin Shinawatra: "If you build it, we'll burn it".

### *30 November 2002*

Prime Minister Thaksin Shinawatra's stonewalls a call by 1,384 scholars for the government to review the controversial Thai-Malaysian gas pipeline project (see Appendix II for the text of the academics' statement).

### *20 December 2002*

Police attack 1500 peaceful demonstrators against the pipeline project (including Muslims at prayer) outside a Hat Yai hotel where a cabinet meeting was to be held. Over 100 people are injured, 12 NGO staff are arrested, and much property is damaged or confiscated. Videotape shows police, armed with batons and shields, breaching a barricade and pushing back gas-pipeline protesters. The police violence provokes an uproar from human rights groups, social workers, lawyers, students and others. Local residents nevertheless

submit a raft of petitions, including a demand for the cancellation of the Thai-Malaysian gas-pipeline project, during the cabinet meeting.

## *Pipeline Controversy Causing Costly Delays*

HAT YAI, Thailand, Dec 22 (AFP) – Violent protests over a proposed gas pipeline linking Thailand and Malaysia with an offshore field have caused long and costly delays despite both governments' determination to proceed.

Two thousand villagers clashed with Thai police ahead of an historic joint meeting here Sunday of the Thai and Malaysian cabinets, leaving dozens injured in the latest of a series of angry demonstration over the project.

Thailand's government has repeatedly vowed to override the concerns of residents and environmentalists who say the project will destroy fishing grounds and cause other ecological damage.

But the first stage of the pipeline, originally due to begin operation this year after being constructed at a cost of 1.0 billion dollars, has still not come on line.

Under the scheme managed by Thai oil and gas giant PTT Plc. and Malaysia's national energy firm Petronas, the gas would come ashore at Songkhla province in southern Thailand and be distributed by pipeline to both countries.

The offshore rig is in place and pipes have been laid from the gas field towards the coast, but the new infrastructure still awaits a link to the mainland.

“Petronas is losing a million ringgit (about 260,000 dollars) a day due to the delays,” a Malaysian government official told AFP on the sidelines of the cabinet meeting, at which the pipeline issue was a main topic of discussion.

“The gas is basically to serve the needs of Thailand. Any shift in the original plan will incur a loss of money,” he said. “It won't be feasible to locate the on-land project on the Malaysian side.”

During a break in the talks Malaysian Minister of Works Samy Vellu said Thai ministers had reassured their Malaysian counterparts that the pipeline construction would proceed.

“They are very keen about the project and Thai Deputy Prime Minister Suwit Khunkitti said the project must go on as promised,” he said.

Friday's violence, where demonstrators claimed they were baton-charged by 1,000 police in riot gear, followed a series of stormy public meetings in Songkhla over the pipeline.

At one gathering in October 2000, hundreds of people stormed the meeting and clashed with police, leaving more than 30 people injured.

Nevertheless, the Thai government gave the green light to build the much-delayed gas pipeline in May, after asking PTT to change the landing site.

In November it faced renewed opposition with a highly publicised petition signed by some 1,300 academics asking Prime Minister Thaksin Shinawatra to reconsider his backing of the pipeline.

Their petition pointed out that the project was approved before the completion of an environmental impact study, and over the objections of some 80 percent of local residents.

However, the Prime Minister dismissed the academics' protests as "nothing new" and vowed to push ahead.

The offshore gas pipeline will be 277 kilometres (172 miles) long and pump gas from the joint development area to Thailand and later to Malaysia.

The onshore pipeline is 87 kilometres (54 miles) long, stretching from the gas separation plant to Kedah state in northern Malaysia.

Officials from a joint development organisation for the project say there could be 25 years of gas in the reserve that straddles the coast off Thailand and Malaysia.

# 2003

## *Early 2003*

The government decides to build a 700MW gas-fired power plant in Chana district to create demand for TTM's gas. The Power Development Plan by the Electricity Generating Authority of Thailand then is adjusted accordingly, despite the fact that, according to a study by the government's own agency, the southern provinces will not need new power supply for 15 years.

## *6-8 January 2003*

Reporters tell the National Human Rights Commission that officers were to blame for the outbreak of violence at the 20 December 2002 demonstration. Police announce they are seeking warrants for 17 more people in connection with the recent clash.

## *17-19 January 2003*

The Senate and the National Human Rights Commission release separate reports blaming police for the violent melee in Hat Yai on 20 December over the Thai-Malaysian gas pipeline. Prime Minister Thaksin Shinawatra amplifies his attack on activists who plan to petition the United Nations Human Rights Commission to intervene in the conflict over the pipeline project.

## *29 January 2003*

Mr. Sakgariya Mawang-iet, 42, of Moo 4, Bann Pak-bang, Sakorn Subdistrict, Chana District, is arrested without a warrant being presented while going to work at a construction site. He is kept one night in prison without his relatives being informed.

## *13 February 2003*

Mr. Salee Maprasith, 42, headman of Baan Koksak, Moo 6, Sakorn Subdistrict, is arrested while going to work at a construction site. He asks for a lawyer and for relatives to be allowed to attend his interrogation, but his demands are rejected.

## *13 March 2003*

Mrs. Maliya Himmuden, 60, of Baan Sakorn, Sakorn Subdistrict, is arrested.

## *15 March 2003*

A Border Patrol Policeman armed with a pistol drives behind marching pipeline protesters for a distance of three kilometers.

*20 March 2003*

Mr. Muhammad-kotare Mahaji, 25, of Baan Sakorm, is arrested and kept overnight in prison without bail.

*28 March 2003*

Mr. Tor-hed Senaramean, 47, of Baan Bor-chon, Moo 7, Sakorm Subdistrict, is arrested in his prayer clothes while returning home after praying at his local mosque. Tor-hed is kept overnight in jail without bail, to await, police claim, the arrival of an investigating officer.

*Late March 2003*

Border Patrol Police Units arrive in two villages near the construction site. Some 12 - 15 officers established themselves at Baan Sawan, Moo 2, Sakon Subdistrict, The-pa District, Songkhla, and about 12 policemen led by Lert Kwan-aiet, set up shop at Baan Laem-samed School, Klong-pier Subdistrict, Cha-na District. Lert says his team has been sent by Kriengsak Suriyo, Commander of the 4<sup>th</sup> Region of the Border Patrol Police Office. Border Patrol Police Units go villages such as Pak-bang, Kok-sak and Sakorm in Sakorm Subdistrict, Chana District, and ask about villagers whose names appear on the list of protesters against the project, such as Mr. Je-den Anandtabaripong. They ask after many villagers whose residences they already know. During this period, two men dressed in black and armed with M-16 machine guns walk around Baan Taling Chan School, Taling Chan Subdistrict, Chana District once every few days, sometimes during the day, sometimes at night.

*2 April 2003*

Mr. Samaair Phrom-in, 52, of Baan Pak-bang, Moo 4, Sakorm Subdistrict, is arrested while driving a bus. He is allowed out on bail that evening.

*8 April 2003*

The following letter, later leaked, is sent by a Chana District official to the Governor of Songkhla:

[TRANSLATION]

Request for Mass Psychology Operation Task Force from the Head Officer of Chana District.

...

AT SK. 0318/1235

Chana District Office  
Rachbumrungsuk Road  
Songkhla 90130

8 April 2003

Re: Request for support from Taksin Pattana Unit to operate in Chana  
To: Governor, Songkhla Province

This is in reference to the necessity that Chana District take action on mass psychology in our area to solve a problem of drug distribution and especially a problem of demonstrations against the Thai-Malaysian Pipeline Project and the Thai-Malaysian Gas Separation Plant, which are important projects of the government. Demonstrators consist of a group of villagers led by NGOs both inside and outside the area of the project. They have joined together to protest against the construction of the project in the districts of Sachem, Taling Chan, Klong Pia and Chanong.

In order that officials may operate on mass psychology and set up a plan for the construction of the Pipeline and Gas Separation Plant, I would like to request the support of the Taksin Patana Unit beginning May 2003.

For your consideration.

Yours respectfully,

( Mr. Sommai Kongkaeng )

District Administration Office  
Security Section  
Tel.: 074 - 378615

Border Patrol units are subsequently sent into relevant villages. They claim that they want to solve drug problems. In fact, village headmen and religious leaders have already addressed such problems by sending drug addicts to the district office.

*9 April 2003*

About 30 armed Border Patrol Policemen in uniform arrive at the gas separation plant construction site between Moo 8, Taling Chan Subdistrict and Moo 6, Sakom Subdistrict. At 2 pm, a stranger is seen nosing around the house of Mrs. Rorki-yor Made without informing her of his presence. An hour later, Mrs. Rorphi-ar Mharn-la is threatened, two nights later, a bright light is shone at her house. On 13 April, at about 11.30 am, a stranger appears at Mrs. Rorphi-ar's house, taking pictures.

*18 April 2003*

Plainclothes Chana police arrive at the residence of Mr. Haron Sena-aramean at Baan Pak-bang, Moo 4, Sakorm Subdistrict, and demand to know why he has "asked the police to come". Haron denies that he has been to the police station, but the officers hang around in the village for three hours.

*20 April 2003*

Around midnight, four M-16 rounds are fired in Baan Sawan, Moo 2, Sakorm Subdistrict.

*21 April 2003*

Between 7 and 8 am, around 15 uniformed policemen arrive in Baan Kwan-hoichang, Moo 6, Klong Pia Subdistrict, Chana District, to arrest Mrs. Suraida To-lee, 51, who has protested against the pipeline. Not finding her at home, they threaten her relatives, search her house and force her son and her mother to sign a statement to confirm that the police have already searched the house. Later, three uniformed policemen go to Baan Pa Ngam, Moo 3, Taling-chan Subdistrict, Chana District, to arrest Mr. Dolla Sowang. They search a car at a rubber market area, claiming that the car's driver had run away after a collision, but were unsuccessful.

*22 April 2003*

At around 10 am, a vehicle with 12 uniformed Border Patrol Policemen drives around the village of Sakorm, Moo 2, Sakorm Subdistrict. An hour later, three police cars make three or four passes by Sakorm Subdistrict's celebrated bivalve mollusk grounds.

*25 April 2003*

At around 6 am, about 10 armed and uniformed policemen show up at the house of Mr. Abdul-lor Wang-ni, 40, of 52/4, Baan Pa Ngam, Moo 3, Taling Chan Subdistrict, with a warrant to search for an illegal gun. Not finding anything, they return to their station at around 7 am. An hour later, uniformed policemen arrive in Kwan-hoichang Village, Moo 6, Klong Pia Subdistrict, to nose around the house of Mrs. Surai-da and Mr. Hem Manmat, although they do not arrest anyone. At about 11 am, 4-5 plainclothes police led by Pol. Lt. Col. Noppadol Petchsuth attempt to arrest Mr. Mamu To-yom, 45, at 18/11, Moo 1, Sakorm Subdistrict, but do not find him at home.

*27 April 2003*

Mr. Pao-she Sa-ou, a representative of villagers affected by the pipeline project, is searched and asked for his ID card by police at Bangkok's Southern Bus Terminal at 5:10 am after he arrives there on an overnight bus from Haad Yai. Pao-she had been invited by the National Human Rights Commission to participate in a seminar about the rights and equal communication for disadvantaged groups.

*29 April 2003*

At around 3:30 pm, three cars, two of them without license plates, drive along the road in front of Sakorm Subdistrict's bivalve mollusk grounds, stopping and

taking photos. The occupants say that they are members of the Provincial Administration Council of The-pa District but do not answer villagers' questions about why they are taking pictures. The incident caps a longer period in which vehicles bearing license plates from Bangkok, including a four-door van and a white Isuzu van, as well as a blue Ford without license plates, are seen surveying the shoreline near the mollusk grounds and elsewhere, especially on Friday, an important day of the Islamic week.

*30 April 2003*

At 10 pm, a helicopter with its lights turned off flies over the mollusk grounds and over Baan Pa Ngam, Moo 3, Taling Chan Subdistrict.

*1 May 2003*

The Office of the Committee for Implementing the Orders of the Prime Minister issues an urgent letter to the Governor of Songkhla, over the signature of Gen. Kasemchat Naretsenee, supporting the deployment of Taksin Pattana troops from Military Region 4 at the pipeline construction site. The letter stipulates that the Petroleum Authority of Thailand will provide financial support for the cost of the operation. The Governor of Songkhla, the letter states, can request the operation to be implemented through the Internal Security Operation Command. ISOC, originally set up as an anti-Communist body in the 1970s, has since 2001 reported to the Office of the Prime Minister. One of its deputy directors is the armed forces commander-in-chief, another the Permanent Secretary of the Interior Ministry. A third is appointed by the cabinet. The ISOC committee consists of deputy commanders of the Army, Navy and Air Force, the Director of the Royal Thai Police and the Permanent Secretary of the Office of Administration.

*29 May 2003*

Two employees of a construction company expected to bid for work on the Thai-Malaysia gas pipeline project were injured yesterday while trying to gather on-site information. Sakol Thainon and Sailom Taiwane, who were with eight other company workers, told police they were surrounded by a larger group of 20 men at the site and told to leave the area. Sakol and Sailom were injured in the ensuing melee.

*30 May 2003*

Protest groups release a press statement about cooperation between the construction company and the local government in planned suppression at the protest headquarters on Lan Hoy Siap beach. The groups also release the text of a 13 May letter from the police commander of Songkhla province, Gen. Santan Chainon, and the Governor of Songkhla. The letter outlined a plan to "eliminate protest groups, especially at Lan Hoy Siap" through "good cooperation from all

factions such as administrators, military forces, police and . . . popular media”. The letter called for “at least 300 personnel” to occupy the area prior to its being fenced off and associated the Chana protest groups with the murder of two Border Patrol officers in Narathiwat province to the south and proposed protection for project survey teams. In reply, the protest groups called for balanced reporting of the 29 May incident.

*27 May 2003*

United Nations Special Envoy on Human Rights Hina Jilani, after an investigation of the pipeline and other cases, announces to the press that despite mechanisms created by the Constitution, human rights are not guaranteed and the government has created a “climate of fear” for human rights advocates (see Appendix 1). Prime Minister Thaksin Shinawatra suggests that Jilani shut up and “go back to improve her own country”, Pakistan.

*11 June 2003*

The National Human Rights Commission of Thailand concludes that the government has violated the Constitution by denying people the opportunity to participate in the process of decision-making related to the gas pipeline project, using force to disperse a peaceful and unarmed assembly, failing to notify arrested persons of the charges against them, denying them their right to meet and consult legal counsel, failing to inform relatives of the arrested persons, and denying their lawyers their right to attend interrogations. The NHRC recommends that the government compensate the victims for physical and mental injuries and damaged property within 30 days, and cease any legal proceedings against them. It also proposes that an independent committee be appointed to investigate the 20 December incident. Shortly afterwards the Senate Committee on Public Participation releases its own report, which reaches similar conclusions. The government responds that these are matters for the courts.

*20 June 2003*

After leaked correspondence reveals that TTM, Songkhla’s governor, Bangkok government advisers and the local police chief have conspired to suppress hundreds of protesters at the Lan Hoy Siap protest encampment, 600 policemen, some of them armed with pistols and rifles, are deployed at the site proposed for the gas separation plant to protect construction workers. The Prime Minister insists there is no need for negotiation. With journalists present, the government refrains from violence. Protesters call on TTM and the government to release the four contracts already signed by Malaysia and Thailand and answer questions about the projects raised by academics at Prince of Songkhla University. TTM and the government respond that the contracts have already been delivered to the NHRC and the Senate Committee. A senator is quoted as

saying that the contract copies sent to his Committee are incomplete, with the most important text blacked out.

*21 June 2003*

Fences are thrown up to block *waqf* rights of way at the construction site.

*8 July 2003*

The government approves a Ministry of Industry regulation that no petrochemical industry be allowed in Chana district. A local university lecturer points out that there are already seven non-petrochemical factories polluting the district and that the gas pipeline project extends to three other districts in Songkhla province. Local people express the fear that large-scale industrial development is on the way, especially petrochemicals, and point to the example of the similar industries that have wrecked the livelihoods of people in the Maap Ta Phut industrial estate in the East of Thailand.

*4 August 2003*

TTM belatedly puts in a request to the Songkhla Land Office offering other land in exchange for the *waqf* and public land it has taken over for construction.

*7 August 2003*

Chana District Chief Sommai Khongkhaeng writes to the Sakorn Subdistrict Administrative Office (TAO) requesting its views on the land exchange proposal.

*9 September 2003*

Villagers from Taling Chan and Sakorn Subdistricts submit a petition with over 1000 signatures to the Taling Chan TAO objecting to the exchange of *waqf* land for other parcels of land.

*26 September 2003*

Villagers submit a petition to the Chana District Chief affirming the importance of their *waqf* or public land and emphasizing that it is in current use. They object to the withdrawal of public status from the land and to the proposal to exchange it for other land. They demand that *waqf* rights of way no longer be blocked, noting that barbed wire fences have been erected and that armed police are stationed along each *waqf* right of way leading to the TTM construction site.

*1 October 2003*

Kasem Laehiim, the head of the Taling Chan TAO, sends a letter to the Chana District Chief referring to a document of 7 August stating that the TAO does not object to TTM's proposed land swap. At the same time, Sape Senalim, head of the Sakorn Subdistrict TAO, sends a similar communication. Sommai

Khongkhaeng, the District Chief, sends the two letters on to the Songkhla Land Office, adding that he also agrees with the exchange. A former assistant headman of Taling Chan, Mr Miit Masaray, sends a letter to the District Chief affirming that the land in question is *waqf*, and noting that the Taling Chan TAO has no record of having considered the land exchange issue during the period 16-25 September. Nor, he adds, do the minutes of meetings of the Sakorm TAO reveal any discussion of the issue between 21-29 August. Miit also calls attention to the curious fact that the submissions from both TAOs are alike in every particular. Finally, he points out, the Sakorm TAO refers to the wrong document – the one sent to Taling Chan.

*2 October 2003*

The Imam of Sakorm writes to the District Chief affirming that the land TTM wants is *waqf*, and cannot be exchanged for other land. Mr Rawhiim Sa-u, former Imam of Taling Chan, and Mr Sen Matmaw, former head of Sakorm Subdistrict, submit a document to the District Chief requesting news of progress on the proposed land swap.

*6 October 2003*

Twelve villagers travel to Bangkok to submit a grievance to the Minister of the Interior, the Office of the Chularajamontri (the head of the state-sanctioned Muslim hierarchy in Thailand) and the National Human Rights Commission concerning the closure of *waqf* rights of way in Chana, the proposed land swap and the withdrawal of public status from the land taken over by TTM.

*8 October 2003*

Mr Rawhiim Sa-u and Mr Sahet Poosamaw petition Mr Aziz Phitakkhumphol, the president of the Songkhla Muslim Committee, to investigate the *waqf* issue.

*12 and 24 October 2003*

The National Human Rights Commission pays fact-finding visits to the area to ask the views of the public.

*13 November 2003*

Maj Gen Santhan Chayanan, Songkhla police commander, sends Document SP 0020/3673 to the governor of Songkhla reporting that on 8 November, the district head met with a representative of PTT and TTM staff to consult on soil surveys to be carried out on the site of the proposed gas separation plant in Taling Chan subdistrict. It was decided the project staff would enter the area between. Maj Gen Santhan writes that he has informed the Chana police and adds that it is “necessary to get rid of the problem of opposition to the pipeline, especially in the Lan Hoy Siap area, which is a nest or headquarters for protesters”. He advocates surgical, thorough and firm actions by law

enforcement officials and cooperation from “all sides, including administrators, soldiers, police, and mass media”. Maj Gen Santhan proposes a “special force” of 300 officers on site to “control the crowd and suppress revolt” until the situation quietens. He adds that the plant site needs to be fenced off that villagers cannot enter, in order to help give crowd control efforts a positive image. A TTM document affirms that protest headquarters has to be “eliminated”, that a fence around the project area has to be erected to keep people out, and that continuous “public relations” efforts are necessary.

*13-14 November 2003*

Newspapers report an 11 November incident at Lan Hoy Siap beach: “Police Beat Demonstrator Unconscious”; “Lan Hoy Siap Boiling Over”; “Clash over Pipeline; 3 Police Hurt”; “Both Sides Blame Each Other”; “Police Provoked into Using Force”. Three youth are arrested.

*11 December 2003*

The Songkhla Muslim Committee takes testimony from three members of the public on the *waqf* issue.

# 2004

*10 February 2004*

Chana villagers submit a petition to the Governor of Songkhla province at his office objecting to the exchange of *waqf* or public land and asking that the *waqf* rights of way be unblocked. Through the Governor, they submit a similar petition to the Prime Minister.

*22 March 2004*

The Office of the Chularajamontri (the senior official in Thailand's official Muslim religious hierarchy) issues a proclamation claiming that there is no evidence that the land at issue in Chana is indeed *waqf*. It suggests that exchanging the land in a way that benefits the majority is accordingly justified. The Office writes to this effect to Mr Permsak Chiwawattananon, the manager of TTM.

*24 May 2004*

Taling Chan and Sakorm villagers rally to demand that TTM unblock the public rights of way that it has taken over, so that villagers can use them as before. TTM agrees to open one gate out of four. When villagers enter to survey the damage to the public rights of way, they find that various obstacles have been left across the pathways. In addition, pathways have been covered over with soil so that they cannot be used as before.

*25 May 2004*

Mr Somchai Rittidet, the District Chief of Chana, together with officials of the Songkhla Land Office, survey the condition of the rights of way mentioned above. They agree to set up a committee to investigate the issue. Chana villagers meanwhile submit a grievance to the District Chief in the matter of TTM's alleged encroachment on public rights of way.

*31 May 2004*

About 200 Chana villagers submit a list of 60 representatives of the public that they would like to see appointed to the committee investigating the public lands issue to the District Chief. The petition is signed for at the District Office. At the same time, villagers submit a grievance to the Chana police about TTM's encroachment and blocking of and damage to public rights of way.

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[DOCUMENTS]

Alliance Against Thai-Malaysia Gas Pipeline, Gas Separation Plant and Gas-Based Industries  
Chana district, Songkhla province, Thailand

11 June 2004

**Re: Urge Barclays to withdraw from the Thai-Malaysian Gas Pipeline (TMGP) Project**

To  
President  
Barclays Capital  
United Kingdom

Local communities have been informed that 15 financing agencies including Barclays Capital would be involved in lending money to the Trans Thai-Malaysia (Thailand) Co. and Trans Thai-Malaysia (Malaysia) Bhd., developers of the Thai-Malaysian Gas Pipeline Project and gas separation plant in Chana district in Songkhla province.

Since 1997, local communities have been opposing the controversial project that is associated with major human rights abuses and environmental impacts as detailed below. We therefore urge Barclays and the other finance agencies to withdraw their financial involvement in the TGMP project

1. Impacts on the ecology and local community livelihoods

The Thai and Malaysian governments made the senseless decision to bring gas from the offshore fields in the Gulf of Thailand to coastal Songkhla province and build a gas separation plant, even though most of the gas is to be sent to Malaysia (Thailand's share of the gas would be sent to the Map Ta Phut industrial estate).

As a result, local communities in Songkhla province would have to suffer the toxic waste and chemical pollution from the gas separation plant. The entire project including the laying of the offshore pipeline threatens the natural ecology and local livelihoods of the area and would cause severe impacts on the abundant marine fisheries.

The government has not provided any public reason for building the gas separation plant in the coast of Songkhla. The only possible reason is that the Thai government has already laid out plans to develop industrial zones in the coastal areas that would use gas from the TGMP project. If these plans go ahead, local communities would have to suffer chemical pollution from the numerous industries that would emerge along the coastal region.

A similar situation has already occurred in the Map Ta Phut industrial area in east Thailand where local communities have been affected by industrial pollution for the last ten years. Many villagers have developed serious illnesses and some have even died in Map Ta Phut area. The traditional fisheries livelihood has collapsed and schools have been moved away from the industrial areas to protect the children from the toxic gases. So far no government agency has taken responsibility nor proposed remedial measures, and these problems remain unsolved. This is further evidence that the Petroleum Authority of Thailand (PTT), co-developer of the Thai-Malaysia Gas Pipeline project – and one of the proponents of the Ma Ta Phut industrial zone –

does not have any concern for the environment and the livelihoods of local communities but is only interested in making profits.

## 2. Flawed Environmental Impact Assessment (EIA)

The project has prepared an Environmental Impact Assessment (EIA) study merely to satisfy the regulatory steps required for project approval. The EIA does not give any importance to the actual environmental impacts and ignored several crucial issues such as the social and ecological importance of the wetland forest ecosystem. The wetland forest ecosystem is spread across three subdistricts along the coastal area and provides numerous benefits to the livelihoods of local communities. Another important ecological feature is the coastal “sand dune forest” that is more than 10,000 years old and of which very few remain in Thailand at present. The EIA completely ignored the impacts of the project on these rare ecosystems and failed to specify any measures to protect them.

On the crucial issue of the area’s traditional fisheries, the EIA reported a far smaller number of traditional fishers than in reality. The EIA is considered so flawed that the government experts committee scrutinizing the EIA studies asked on numerous occasions that the TMGP proponents make additional studies of the impacts. However, rather than fully examining the environment impacts, the project proponents persuaded some members of the experts committee to approve the existing flawed EIA leading to internal conflicts within the experts committee. The dubious process of study and approval of the EIA for the TGMP has now become a major scandal among environmental academics in Thailand. Until the present, the relevant government agencies have not yet fully approved the EIA study. The EIA thus remains incomplete not only due to its failure to review crucial environmental impacts but also for its total neglect of the social impacts of the project on local communities.

Presently, local communities have filed a case (that is ongoing) in Thailand’s Administrative Court about the non-transparency and administrative irregularities concerning the EIA.

## 3. Failure of the government to listen to opponents of the project

The controversial TMGP project has resulted in wide debate and discussion in academic circles in Thailand. The local movement opposing the project resulted in Thailand’s Senate scrutinizing the project and issuing a resolution asking the government to review the project. Moreover, 1,384 academics from all over Thailand issued a joint letter asking the government to review the project. The National Human Rights Commission of Thailand also asked the government to urgently review the project since the project has resulted in widespread abuses of human rights. However, the government has simply ignored all these requests.

## 4. Mock “Public Hearings”

After the Council of Ministers approved the signing of the project in 1999, the government held public hearings in 2000. The public hearings did not follow the guidelines established by Thailand’s Constitution and was not fair to the opponents of the project since the decision was already made and the contract signed to proceed with the project. Moreover, the public hearings were not neutral: for example, the president of the public hearings panel was a well-known and vocal supporter of the project; and, representatives of the PTT sat in the public hearings panel. The first public hearing had to be stopped midway in the afternoon since opponents of the project were even prevented from entering the public hearing venue resulting in conflict. Subsequently, another public hearing was held: this lasted for about 25 minutes and consisted of

a “vote” in favour of the project by the project proponents while police kept the opponents of the project from entering the venue.

The “public hearings” of the TMGP thus made a mockery of Thailand’s laws with its unfair process and in no way could be described as providing a neutral forum for discussion and debate on the project with the genuine participation of the people.

#### 5. Violence against local communities

Other than violating the country’s law and not allowing for people’s participation in the project, the government and the PTT have used violence, both openly and in secret, to silence critics of the project including threats and intimidation of local opposition leaders. This has also included breaking the windows or hanging threatening banners on the houses of academics supporting the local communities. In 2000, PTT people openly fired guns at a convoy of vehicles of protesters leading to a police complaint being filed on the incident.

On 20 December 2002, hundreds of local communities peacefully gathered to present a petition to the Prime Minister of Thailand who was attending a meeting at Hat Yai district in Songkhla province. But the government ordered the police to forcibly break up the assembly of villagers at a time when the villagers were resting and doing their evening prayers. The police arrested 12 persons - all representatives of nongovernmental organizations (NGOs) - and issued arrest warrants for 22 villagers.

The National Human Rights Commission of Thailand and the Senate Committee on Public Participation examined the actual events and the government’s use of force against unarmed protesters and stated in their reports that the government use of force against the protesters violated the Constitution. The reports recommended that the government withdraw the arrest warrants and compensate the villagers for the injuries suffered. However, the government has ignored the recommendations; presently, many villagers are forced to attend court hearings every week at great cost to their time and personal expense.

In June 2003, the government sent 600 fully-armed police to set up camp near the planned construction site of the gas separation plant. Located about 200 meters from the village, the police camp is meant to intimidate the villagers opposing the project. Official government documents show that the police camp is in fact paid for by the project developers, the Trans Thai-Malaysia Company (TTM).

On 11 November 2003, the police attacked a group of youths near the village mosque resulting in serious injuries including head wounds; some of them are still in police custody under false charges that the youth attacked some police officers.

#### 6. Take-over of religiously significant public lands

One part of the land that was taken over by the TTM to build the gas separation plant is common lands used by the local communities. These lands are of huge importance to the local communities not only for their livelihoods but as a religious and cultural heritage called “waqf” according to the Islamic religion. The waqf lands are used in common and cannot be bought, sold, exchanged or taken over by anyone. But the TTM Company has suggested to the government the exchange of private lands elsewhere for the use of these waqf common lands.

According to Thailand's laws, common lands used by local communities cannot be exchanged for privately owned lands. Although local communities have petitioned the relevant government agencies, the TTM Company has fenced off these common lands to prevent the villagers from entering the area; these lands are presently being dug up to prepare the area for construction. Thus other than violating religious rules, the TTM is also in violation of Thailand's land laws.

At present, the National Human Rights Commission of Thailand is inspecting the case and local communities are preparing to sue the TTM Company for illegal occupation of common lands.

The construction of the gas separation plant cannot proceed without taking over the common lands or Waqf. Therefore, local communities wish to reemphasize that TTM Company is violating the law in seizing these common lands that hold an immensely high religious and cultural significance for the local communities.

These are the issues and concerns that are involved in the TMGP project whose proponents wish to borrow capital from Barclays and other financial agencies. If Barclays decides to lend the money, it would be equivalent to supporting the human rights violations of the project in Thailand and causing untold grief and suffering to future generations of people.

Finally, we also wish to emphasize the grave situation in the local areas at present. The actions of the Thai government and the TTM Company over the last six years have forced a feeling of hopelessness on the majority of local communities in Chana district. The local communities have reached a point where they state that: "If you build, I will burn", signifying their desire to oppose the project by any means..

If the project proceeds with construction, the local communities are prepared to do anything to destroy it. Once that critical point is reached, no one including any of us would be able to stop the local communities from expressing opposition to the project.

We wish that Barclays can realise that there are only high moral, cultural and financial risks in this project, and no real benefits. We therefore wish Barclays Capital to urgently consider these concerns and withdraw all financial involvement in the project.

With best wishes

Ms. Suraidah Tohlee Ms. Juraiwan Jaeni Ms. Maimunoh Chaibutree Mr.Sulaimaan Madyusoh

On behalf of Alliance Against Thai-Malaysia Gas Pipeline,  
Gas Separation Plant and Gas-Based Industries

**For more information, contact:**

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Matthew Barrett  
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Barclays Bank Plc  
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11 June 2004

cc.

Christopher Bray, Head of Environmental Risk Management Unit, Barclays Bank Plc  
Tim Ritchie, Global Head of Syndications & Global Loans, Barclays Capital  
The President, Barclays Capital Securities (Thailand) Ltd.

Dear Mr Barrett,

**THAI-MALAYSIA GAS PIPELINE PROJECT**

We have been informed that the Trans Thai-Malaysia (Thailand) Co. and Trans Thai-Malaysia (Malaysia) Bhd., developers of the Thai-Malaysia Gas Pipeline project proposed to be constructed in Chana district, Songhkla province, Thailand, have requested loans for this project from Barclays Capital as well as 15 other financial agencies.

This controversial project is associated with major human rights abuses and environmental impacts. We, the undersigned non-governmental organisations, urge Barclays Capital to immediately withdraw its financial involvement in the project.

The project is in violation of the Constitution of the Kingdom of Thailand as well several international human rights treaties including the Universal Declaration of Human Rights to which Thailand is a party.

Thailand's Constitution stipulates that government development projects must involve the participation and decision-making of the local communities to be affected by the project. However, the government of Thailand's decision in 1999 to initiate the project did not involve the participation of the local communities. Ever since the inception of the project, the government has denied the people's right to access full information about the project and its social and environmental impacts.

Thousands of local communities including fishers, farmers, teachers, traders, and other residents in Chana and surrounding districts in Songkhla province and other provinces of South Thailand have been opposing the project.

In December 2002, local communities gathered in Hat Yai district in Songkhla province to protest against the project – but they were met with hundreds of police who forcibly dispersed the peaceful assembly. The police also arrested and detained 12 representatives of nongovernmental organisations (NGOs) who were not permitted to meet, consult or have their lawyers attend interrogations according to the law.

After the events, Thailand's National Human Rights Commission criticised the state violence against the unarmed gathering stating that “the government's use of force to disperse the peaceful and unarmed assembly causing injuries and property damages ... is considered disproportionate ... Such act contradicts Section 31, 44 and 48 of the Constitution.”

The Petroleum Authority of Thailand (PTT), one of the project proponents, has a dubious record of involvement in controversial projects involving widespread human rights abuses such as the Yadana natural gas project with the military dictatorship government in Burma. True to its record, in the Thai-Malaysia Gas Pipeline Project, the PTT has consistently used violence, threats and harassment to intimidate local opposition leaders.

When local communities demanded public hearings to debate the project, the PTT and the government held mock public hearings that were merely used as a public relations exercise to justify the project.

The Environmental Impact Assessment (EIA) of the project is flawed: the EIA was completed and approved without public participation and violated the requirements of Thailand's Environmental Act. Local communities have presently filed a case in Thailand's Administrative Court suing the government agencies involved in the EIA for non-transparency and administrative irregularities.

The EIA itself is riddled with factual omissions. For instance, one of the crucial features of the proposed project site is a wetland forest ecosystem that covers three subdistricts in the area. The EIA ignored the importance of the wetland forest ecosystem although hundreds of local communities depend on the forest ecosystem for their livelihoods: grazing of livestock, seasonal fisheries, and the collection of various forest products including palm sugar, bulrush plants, and dozens of non-timber products for use and consumption. At present, the local communities have laid charges of corruption against the PTT's take-over of these common lands including the wetland forests for the project.

The financial involvement of Barclays Capital in the Thai-Malaysia Gas Pipeline project poses the risk that Barclays Capital would violate its own “Equator Principles” that seek to ensure that project finance is developed in a manner “that is socially responsible and reflects sound environmental principles.” In this project, Barclays Capital would become publicly associated with a project that has consistently involved human rights abuses and flouted environmental guidelines.

We therefore urge Barclays to immediately withdraw its financial involvement in the Thai-Malaysia Gas Pipeline project.

Signed,

Nicholas Hildyard, The Corner House, UK  
Johann Frijns, Banktrack, The Netherlands  
Simon McCrae, Friends of the Earth (England, Wales and Northern Ireland)  
Greg Muttitt, Platform, United Kingdom  
Susan George, the Transnational Institute, The Netherlands  
Olle Nordberg, the Dag Hammarskjold Foundation, Sweden.  
Phyllis Bennis, the Institute for Policy Studies, USA  
Adetoun Ilumoka, EMPARC, Nigeria

*From Thailand:*

1. Alternative Energy Project for Sustainability
2. Assembly of the Poor
3. Ban Krut Environmental Conservation Group
4. Bor Nok Environmental Conservation Group
5. Campaign for Alternative Industry Network
6. Campaign for Popular Democracy
7. Campaign for Media Reform
8. Consumers Club, Trang province Creative Consumers Project, Surat Thani province
9. Consumers Right Protection Network, Satun province
10. Consumers Right Protection Project, Songkhla province
11. Ecological Awareness Building
12. Environmental Litigation And Advocacy for the Wants
13. Environmental Training Center
14. Federation of Small-scale Fisherfolk
15. Forest and Sea for Life Project
16. Friends of the People
17. NGO Coordinating Committee on Rural Development in the South
18. Project for Ecological Recovery
19. Project for Supporting Community Organisations in Ban Thad Mountain Range
20. River Basin Management Through Community Organisation and Networks in Southern Thailand
21. Small Fishing Community Integrated Development Project of Songkhla
22. Southern Community Forest Network
23. Southern Consumers Network
24. Southern Alternative Agriculture Network
25. Thai NGO-COD and Danced Partnership Towards Sustainable Management of Resources: Coastal Zone Management through Community Organisation and Networks in Southern Thailand
26. Towards Ecological Recovery and Regional Alliance

Reply address:  
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Cc:

Matthew Barrett, Group Chief Executive  
Christopher Bray, Head of Environmental Risk Management Unit

Robert E Diamond Jr, CEO, Barclays Capital  
Kunnigar Triyangkulsri, Managing Director, Barclays Capital Securities (Thailand)  
Robert Morrice, chief executive (Asia Pacific), Barclays Capital

Dear Ms Birtwell,

**Re: Trans-Thai Malaysia Gas Pipeline Project**

Thank you for your letter of 5 July, regarding Barclays Capital's loan to the Trans-Thai Malaysia (TTM) pipeline project.

We are writing to draw to your urgent attention disturbing recent reports of human rights problems with the implementation of the project, and to ask for some clarification on Barclays' involvement in the project.

In your letter you stated that Barclays' environmental and social due diligence has helped to lower the risk to local communities. The latest evidence throws into question the adequacy of that due diligence.

TTM contractors recently illegally started work in the Khoke Chaai Thalay common lands in Sakom subdistrict, Chana district. The land is under the jurisdiction of Sakom Subdistrict local authority, which has resolved not to give the company permission to carry out construction activities on the land.

Villagers affected by the loss of the common land have protested since the incursion, and produced documentary and photographic evidence of the legal status of the land. However, Chana district and Songkhla province officials have ignored this evidence.

The contractors have also closed access to at least four public rights of way, passing through the construction site for the gas separation plant. On 7 October 2004, the National Human Rights Commission released a report recommending that TTM restore the pathways, and bring down the fence blocking the ways; and that provincial authorities verify the size of the pathways, consult the local organisations and villagers on exchanging the pathways with TTM.

The common land has now been fenced off by the contractors, and at least 100 armed police have moved in. According to local reports, both police and TTM workers are attempting to provoke violence among protesting villagers.

This is of particular concern, given the background of violence and human rights violations we reported in our letter to you of 11 June, and given the deteriorating political climate in the Muslim south of Thailand – evidenced by the killing by police of 85 protesters in Tak Bai (about 100 miles from the TTM site) in late October.

In your letter of 5 July, you mention a number of measures implemented by Barclays. We should be very grateful if you would kindly send us the following:

- a) the professional review of the EIAs, commissioned by Barclays;
- b) details of changes to community consultation, engagement and development plans, as required by Barclays;
- c) details of the compensation plan, including mechanisms for assessing replacement cost of assets, and list of types of assets included;
- d) details of the covenants included in the lending documents.

Please also inform us as to what mechanisms have been or are being implemented by Barclays to monitor project compliance with its required mitigation measures.

We should further be grateful if you would kindly clarify your company's position in relation to the following questions:

- 1) Is Barclays committed to withdrawing from projects which violate local laws?
- 2) What measures does Barclays plan to take to ensure that the project does not proceed illegally, in relation to the Khoke Chaai Thalay common land?
- 3) What assessments has Barclays made of the legality of the project, in relation to the points raised in our letter of 11 June?
- 4) Has Barclays taken any steps to review the factual omissions in the EIA brought to your attention in our letter?
- 5) Will Barclays intervene to ensure that human rights violations and violent repercussions are not committed against villagers protesting against the project?
- 6) Does Barclays' requirement that third parties' assets lost or damaged due to the project receive replacement cost compensation apply to common and public lands?

We look forward to your response.

Yours sincerely,

Greg Muttitt  
PLATFORM

Nicholas Hildyard and Larry Lohmann  
The Corner House

Alternative Energy Project for Sustainability, Thailand

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*15 July 2004*

Pipeline opposition representatives submit a list of 20 individuals for the committee to investigate the land issue – including members of the public, lawyers, academics and experts – to the District Chief.

*16 July 2004*

Police Lt. Gen. Natrawi Upawong confirms through photographic evidence that changes have indeed been made to the public rights of way taken over by TTM. Officials say that they no authority to call a halt to construction, and that this lies with the courts, but suggest further evidence-gathering.

*7 October 2004*

The National Human Rights Commission says that TTM must restore public lands to their former condition and remove all fencing within one month. It further calls on the Songkhla Governor and the Chief of Chana District to institute, within three months, an open investigation in which the public can participate at every step, to determine how much public land is involved. The Commission also directs the provincial government again to survey, within three months, the Sakorn and Taling Chan TAOs, as well as all members of the public who had used the public lands for their views on the land question. In the meantime, the Commission orders, the Land Department must suspend the withdrawal of the public status of the lands in question.

## **Heavily-Armed Police Move in to Clear Construction Area at Chana**

23 October 2004 – More than 200 armed police led by Maj. Gen. Anurut Im-aap took over and cleared a coastal construction site of the Trans Thai-Malaysia gas project at Chana District of Songkhla Province starting at 7:30 am today.

The police, armed with guns, shields and clubs, were clearing the way for Samsung Engineering (Thailand) to prepare the ground for construction of a temporary dock for the transfer of heavy equipment for the separation plant.

More than 100 young company employees pulled up the firm's barbed wire fence to allow it to move in. The site is common land for which, however, a fake NS-3 land document has been issued to facilitate the claim that the portion controlled by the Trans Thai-Malaysia company (TTM) is exchangeable. The situation is under investigation by the National Human Rights Commission and MPs. Meanwhile the company does not have the right to move in and alter the land. Anticipating an invasion, villager opponents of the TTM project had gathered on the common land.

About 9 am, the Samsung company used a backhoe to enter and begin to work on the land between the company's fence and the place where the villager opponents of the project had established themselves, took down the fence and entered the villagers' common land. When the villagers saw what was happening, they joined together to block the path in order to stop the backhoe from entering. Police were then ordered by Athichai Somboon to advance on the villagers. At the same time, the 100-plus young workers hired by the company joined in also, heightening tensions.

During this time a 10-wheel transport truck was unloading dirt in the area mentioned. At about 11 am a reporter entered the area, as a result of which most of the police present, afraid she would see them confronting villagers with weapons, shields and clubs, fled into stands of trees nearby, leaving only a few officers behind guarding the scene. The villagers remained established between the fences all day, despite its being Ramadan and a time of fasting.

Mr. Sulaiman Matyuoso said that on 13 October he and other villagers had submitted information to parliamentarians on the common land at the coastal area that TTM had "bought", maintaining that the deal was illegitimate due to the fact that the NS-3 land document that had been issued for the land was bogus. Villagers, he said, had submitted a petition to the National Human Rights Commission and to parliamentarians. These submissions were still under consideration. On the same day, the Governor of Songkhla province had been present and had promised that the company would not be allowed to go forward in any way until investigations of the petitions were complete. But, Mr Sulaiman went on, in the past state officials had never kept their promises. When villagers had returned from submitting their information to MPs, the sheriff of Chana District, Mr Somchaai Rittidet, had led a force of police, together with reporters in order to set up a sign (see photo) proclaiming that the land in question was privately owned and that the villagers were encroaching and could face legal proceedings. Yet the events of Saturday, Sulaiman went on, showed that the villagers had always struggled peacefully. It was state officials who had used the law to exploit villagers.

Mr Sakkariya Mawang-iat, a member of the Sakorm Subdistrict Administrative Organization, said that in the past the Samsung company and TTM had submitted requests to use the land in question with the Organization, but that the Parliamentary resolution was unanimous that the company was not to be allowed to enter the area to do anything, because it was still under common use by villagers. The company had created lots of problems for villagers in the past. The fact that the company had led a force of police into the area today, he went

on, showed that state bodies were joining hands with a private firm, without paying attention to the villagers' distress.

A reporter noted that during today's confrontation, certain village protesters called out to their children and grandchildren who had gone to work for the company that they had wanted them to have an income only, not to be a bone of contention between project opponents and police. There was no need to fight, they said, since they were all villagers together. They were sorry that the police had dragged their children and grandchildren into the battle.

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*Bangkok Post*, 25 October 2004

## **Armed Police Descend on Protest Site**

Songkhla -- Tensions flared on Saturday when armed police entered a construction site being occupied by opponents of the Thai-Malaysian gas pipeline project in tambon Sakom, Chana district.

About 100 police, armed with batons and rifles, were on hand to prevent any damage at the site where around 200 villagers had gathered to protest against construction work.

A temporary pier was being built to allow the transport of machinery and equipment necessary for making a gas separation plant.

The villagers said the site was on an area the Interior Ministry had declared as public land in 1938.

Sulaiman Mudyusoh, a protesters' leader, said Trans Thai-Malaysia Co, the project developer, claimed it received Nor Sor 3 Khor land right documents last year.

He said the opponents would not back down until the land status was proven.

He also expressed concern about the safety of the protesters when night fell, citing an earlier violent clash at the site that resulted in injuries to both police and protesters.

Construction of the pier had been scheduled for completion by Oct 24.

"But the work seems to be behind schedule because of our protest. We're also concerned about a possible ambush on the protesters," he said.

Salee Hamaprasit, a village head, insisted the site was on public land.

He had asked the senate committee on social development and human security to investigate the alleged encroachment.

"The panel will come down to inspect the land next week and that's why they have to hurry," he said.

Chana district chief Somchai Ritthidej called on the villagers to file a complaint with concerned parties.

In the meantime, he said the protesters should let the project developer carry on with its work.

He said if it was proven to be public land the state would ask the land authorities to revoke ownership.

"For the time being they should be allowed to work because they have documentation. I want the villagers to understand the situation," he said.

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[DOCUMENT]

98/1 Moo 8, Tambon Taling Chan  
Chana District, Songkhla

26 October 2004

To: The Governor of Songkhla

Re: To ask civil servants and police to stop supporting the encroachment of public land at Khoke Chaai Thalay

Attached: Resolution of the Subdistrict Administrative Organization, 22 September 2004

Cc: Members of the Senate Committee for Social Development and Human Security  
Members of the Senate Committee on Corruption

The Trans Thai-Malaysia (TTM) Company has encroached on and seized the public land at Khoke Chaai Thalay at Khoke Sak village, Sakorn Subdistrict. Villagers of Taling Chan and Sakorn Subdistricts have had no choice but to go in to guard this area to prevent further encroachment.

We must take exception to the actions of civil servants both at provincial level and at the level of the Sheriff and land office of Chana District, as well as the provincial administration, police and the special police task force at Taling Chan Subdistrict. All of these officials have turned a blind eye to the illegal actions of TTM. We would like to point out that all these concerned officials are joining together to help each other violate the law. We ask the Governor to show responsibility according to the following principles:

1. The Governor, the Sheriff and all concerned official bodies are well aware that the TTM and Samsung companies have asked for permission from the Governor in the matter of getting permission to use the public land at Sakorn Subdistrict to build a road and a pier for transfer of equipment. The province has been duly informed that the construction site is public land at Sakorn, yet has given permission. But when the Tambon Administrative Organization of Sakorn set out a resolution in opposition (see attached), Mrs Prateep Sirisakun was brought forward to claim that she possessed an NS-3 [a low-grade partial title, a precursor to full title] land document, number 119/81, to this land, and that villagers were encroaching on private property.

2. The reserved land of Khoke Chaai Thalay amounts in total to 720 rai [around 115 hectares]. All concerned officials are aware that no such land documents as NS-3 can be issued for this land. Yet the Governor, the Sheriff and the land office of the province have not made any attempt to withdraw this NS-3 land document of TTM and Mrs. Prateep which has been issued for this public land.

3. The Governor once gave an interview to a newspaper to the effect that he would order the villagers' huts on this public land to be pulled down. But at the same time he has neglected his duty to order the pulling down of TTM's constructions on the same land, even though the structures the villagers had built were in order to guard the area to prevent the company from encroaching on public land, not in order to take it over as individual private property.

4. Since 21 June 2003, TTM has enclosed more than 900 rai [144 hectares] of land with a barbed wire fence for construction of a gas separation plant. This area includes four public rights of way used by local villagers. The company has blocked these rights of way and erected earthworks and built on them. This is a clear criminal offence. Yet not only has it not been prosecuted; in addition, more than 600 police and Border Patrol Police armed with war weapons have set up a camp to threaten and guard villagers and prevent them from entering and opposing the illegal proceedings of TTM. After the police invasion, villagers invited the Sheriff of Chana, Mr Somchai Rittidet to inspect the site

and witness the illegality for himself. So far he has neglected this opportunity to catch the encroachers.

5. At the present time, the force of several battalions of police and Border Patrol Police who have set up camp at Taling Chan have not carried out any duties other than to carry M-16s and clubs to defend TTM's encroachment on the site.

These facts constitute evidence that civil servants are not carrying out their duties to the public. Instead they are serving capitalists who disobey the law. In particular, some officers of the Border Patrol Police, in front of reporters, have posed as police, but behind their backs have posed as company bosses.

Accordingly, we would like to call on the Governor of Songkhla to:

- Order the concerned officials to investigate TTM and Samsung's violation of the law in encroaching on the Khoke Chaai Thalay public land.
- Order the Special Ad Hoc Police Task Force out of Taling Chan Subdistrict and back to their normal duties. They have sat around in Taling Chan for nearly two years now, using up the public's tax money for nothing, without benefiting the country at all.
- If there is encroachment and road and temporary pier construction, or if there is force directed against villagers who are protecting their public land, the Governor must take responsibility.

Finally, we repeat that we will be steadfast in defending our common land at Khoke Chaai Thalay against any kind of encroachment.

We offer this in hopes that you will consider action.

Respectfully,

Mrs Juraiwan Jayni

Mrs Suraita To-lee

Representing the network of opponents of the Trans Thai-Malaysia pipeline, gas separation project, and associated industries

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## **Buddhist Anti-Power Plant Victors, Muslim Pipeline Opponents Join Hands**

28 October 2004 – More than 50 villagers from the Love Bo Nok Group and the Baan Krut Nature Conservation Group visited villager opponents of the Trans Thai-Malaysia gas pipeline and gas separation plant projects today at Chana District of Songkhla province.



*Visitors from the site of the successful struggle against a coal-fired power plant at Bo Nok and Baan Krut (wearing green T-shirts) are welcomed by local residents of Chana district, several hundred kilometres to the south.*

After receiving a warm welcome from the locals, they were taken to see the marker at the site of the public land being taken over by the company's projects, which shows that the land is currently in fact public land, not the company's.



*Green flags from the movement at Bo Nok and Baan Krut (a predominantly Buddhist area) fly together with red flags symbolizing the anti-pipeline struggle at Chana (a predominantly Muslim area).*

After that, the visitors went to the police encampment in order to tell the police there that they should return to their own quarters in a different locality, that the Chana villagers were not bad people who needed to be guarded in this way, nor treated as second-class citizens of no importance, worthy of abuse. These villagers were Thai citizens like everyone else, the visitors said.



*Visitors from Bo Nok and Baan Krut confer with police at Chana.*

At 13:00, villager opponents of the TTM project paraded an effigy in the shape of a water buffalo labelled “Governor of Songkhla, Sheriff of Chana, Police”, ridden by a figure labelled “TTM”, around the public land fenced off by TTM.



*The TTM corporation pictured “riding” local government officials and police.*

Representatives of the Bo Nok and Baan Krut villagers then condemned the behaviour of TTM and Samsung, noting that the companies had not listened to the voice of the villagers and had violated community rights. They then burned effigies of TVs, refrigerators and speakers labelled “Samsung”, announcing that henceforth villagers from all three areas would not use Samsung products, due to Samsung’s not ever having respected the rights of the community.



*Samsung comes under attack by Chana villagers.*

The visitors then returned home.

Mrs Jintana Kaewkhao, representing Baan Krut villagers, said, “The reason we travelled here today is that we had heard news that state officials were using police force to disperse project opponents rallying here peacefully on public land.”

“After having seen the situation, and spoken with villagers here, we are even more confident than before that the place where villagers are rallying is in fact public land, and that this is documented.”



*Jintana Kaewkhao, leader of Baan Krut power plant opponents.*

“Yet in the past state officials have never been interested in this fact. In this situation, the Governor should come and visit and find out the facts for himself. The fact that villagers are calling for this shows that their demand has substance. It should not happen that when a situation like this arises, orders merely go out to disperse the villagers.”

“Don’t treat villagers here as second-class citizens. I worry that a violent incident could happen here as at Taak Bai [where 85 villagers died last week after being arrested near a protest outside a police station and packed into overcrowded trucks]. State officials have a bad attitude toward villagers, unlike their attitude toward businesspeople, to whom they always give importance.”

*Suggest Police Withdraw*

## **Land Status Should Have Been Cleared before Construction, Say Senators**



*Chana villagers welcome members of the Senate Commission on Social Development and Human Security. Senators Tuenjai Deetes, winner of the Goldman Prize for her environmental work, and Jon Ungphakorn are seated in the inner circle to the left of the man with the megaphone.*

29 October 2004 – Today at 7:30 am the Social Development and Human Security Commission of the Senate arrived at the construction site of the Trans Thai-Malaysia (TTM) gas pipeline and gas separation project, in order to gather information and inspect the area in accordance with villagers' request concerning their complaint of encroachment by the TTM company on their public land. The Commission went to the public land where villagers were rallying in Sakorn subdistrict, known as the Khoke Chaai Thalay reserve, where more 300 locals were waiting to welcome them.

Villager representatives including Mr Sulaiman Matyooso, former Subdistrict Head Sen Matmoh, representatives of the Subdistrict Administrative Organization, and village heads from the area briefed the visitors on the

problems connected with the public land. The area in dispute amounts to 720 *rai* [about 115 hectares], but in 1972 a NS-3 private land document was issued for more than 100 *rai* [16 ha] of the public land. TTM then bought this land in order to use about 10 *rai* [1.6 ha] of it to lay the pipeline at the point it rises from the sea. Local villagers have submitted a petition to the Commission in opposition.

After briefing the Commission members, the villagers accompanied them to view the public rights of way seized by TTM for the construction site for the gas separation plant. These rights of way have been altered greatly as a result of TTM's invasion and the initial stages of construction.



*Chana villagers conduct senators on a tour of common areas seized and destroyed by TTM.*

Also at issue was a public woodland encroached on by TTM to build a road the Commission had earlier come to inspect. At that time, TTM had promised to build a bridge over the woodland, in order to minimize the environmental effects. Today's inspection revealed that TTM had not in fact built any bridge as they had promised, indeed permanently removing the vegetation in three additional places, some of which were without drainage.



*Villagers brief senators on the pipeline situation. The slogan on the T-shirt of the villager in the foreground reads: "Fight for our country! Stop the Thai-Malaysia pipeline!"*

At 10:00 am, the Commission travelled to the Chana district office in order to attend a meeting with the Deputy Governor of Songkhla province, the Sheriff of Chana, representatives of the Chana land office, and Police General Anurut Im-aap, Commander of the Special Ad Hoc Police Task Force maintaining safety at the construction site. The villagers asked to send a representative to observe the proceedings as well. When they went into the meeting room, they discovered that TTM company officials were already sitting there, waiting to observe.

Saraphee Janmee, an official of the Songkhla land office, Chana branch, testified that the more than 16 hectares of coastal land which villagers claimed to be public land were, according to current documents, land which had earlier been claimed by an individual and duly had an ownership document issued according to the law. As for the claim that the issuance of this document conflicted with the public status of the land parcel in question, it was the duty of the Sheriff and the Subdistrict Administrative Organization to judge. The land office was unable to draw any conclusions about the correctness of the issuance of the document.

Mr Somchai Rittidet, district chief of Chana, said that he felt frustrated about this problem because he didn't know what standard to use. A land document that was valid at one time might not be valid at another. Yet TTM had already invested a lot of money. Suppose, he said, he ordered the company to halt construction for the time being in order to wait for the results of an investigation, as the Commission has requested. Then, if the company ran into delays and losses owing to having to suspend a project of tens of billions, and as a result went to law to recover the losses, who would take responsibility?

Dr Nirun Phnitakwatchara, chair of the Commission, said that the point about public land – whether at Bo Nok, Baan Krut, Lamphun or Krabi – was whether to investigate its status before using it, or use it before investigating its status. This was particularly important, he said, when the land in question was going to be used by a large-scale project which would destroy villagers' local sources of livelihood. In the case of Khoke Chaay Thalay, coastal forest had been destroyed which had taken a thousand years to grow. It was not possible to rehabilitate this forest. Who would be capable of taking responsibility for this?

Senator Jon Ungphakorn said that today he and his fellow Committee members had seen with their own eyes the destruction of the public forest, which had been a source of livelihood of the local villagers. It was necessary to raise the question of whether the state saw the usefulness of this public forest or not. Whose benefit were government officials protecting?

Goldman Prize winner Senator Tuenjai Deetes proposed, in addition, that police stop using high-volume public address equipment in psychological proceedings, which annoyed villagers, especially at Muslim prayer times. She also suggested that unless it were really necessary to keep them there, to withdraw the police from the local area, or to have them not carry war weapons, in order to lighten the confrontational atmosphere. Police General Anurut retorted that the police had to use weapons in order to protect their own safety in the current problematic situation in southern Thailand, especially after former police officers had been shot at in front of the Chana District office the day before. As for withdrawing the police force from the area, this was for the government to decide.



*Villagers maintain their vigil on the public land at the construction site.*

Mr Sulaiman Matyooso, the villager representative, said that in the past state officials had been biased. Villagers had submitted requests about the public land to various government bodies, but officials had not accepted them. The latest was at the Chana police station. Officials had contrived to evade the issue. Villagers had had to return and resubmit their request, and it took two days before officials would even receive their submission. This showed officials' complete lack of enthusiasm to act for villagers. This contrasted with the reception granted to TTM. Only one day after TTM claimed villager encroachment, officials posted a notice that villagers had to leave or face having their rally dispersed. This at the same time villagers were requesting proof of the extent of the public land in question. If villagers were at fault, they would admit it. But the point was that the matter was still under investigation.

“We do not want state officials to view us as second-class citizens and ignore our voice and refuse to carry out their duties to act in our behalf. We are Thais, too. Do not treat us like our Muslim brothers and sisters at Taak Bai [where 85 people were killed by police last week]. We have suffered enough.”

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*Bangkok Post*, 11 November 2004

## **VIOLENCE IN THE SOUTH: ANOTHER GRISLY DAY**

### **Six murdered, four wounded in wave of attacks**

Six people have been killed and four others wounded, including a monk, in attacks in the deep South as violence mounts in the wake of last week's mass deaths of Muslim protesters in Narathiwat.

Among the victims, a railway worker's body was torn to pieces after it was left on a railway track.

Nikorn Sompang, 40, a rubber tapper, was shot dead about 9pm on Wednesday. He was found near a ditch, about 300 metres from his home in Rangae district, Narathiwat. His son Sansoen Sompang, 19, was admitted to hospital with multiple gunshot wounds.

The attack took place while Nikorn and his son, riding pillion on a motorcycle, were on their way home. At least two men opened fire on them, police said.

In the same province, two railway employees were shot dead yesterday and their bodies left on train tracks in Sungai Padi district.

Yaya Panpakdi, 48, was killed and his body dragged to the tracks in tambon Paluroo, one kilometre from Todeng railway station in Sungai Padi district.

The body of Amporn Payungyad, 55, was found on the tracks about 20 metres from his colleague's torn remains.

The men were making routine checks when they were attacked by two men, said witnesses. They dared not help the men for fear of being killed themselves.

Pol Lt Suwit Pusathit, of Sungai Padi, believed separatist gangs were responsible.

In Yala, a police officer was shot dead at his grocery store in Muang district by two young men pretending to be customers. Pol Maj Kao Kosaikanon, 53, attached to Yala police station, was attacked about 7.20am while serving two teenagers who arrived on a motorcycle. One teenager killed him with a shot from a .38 pistol.

Thaweesak Monthong, 42, an oil salesman, was shot in the chest, and died instantly in Raman district, Yala, when two men fired shots from the

roadside into his pick-up truck.

His friend, Banlue Payontrat, 42, was wounded.

Also in Yala, Somnuek Thongkham, 35, received bullet wounds when attacked by two men on a motorcycle wearing dawa cloth in Bannang Sata district. He was returning from work at a nearby village. In Pattani, a former local leader was shot dead near his plantation in Yarang district, Pattani.

Jae-asae Jaema, 61, a former kamnan and serving member of a police committee in tambon Ratapanyang of Yaring district, was shot dead in an attack by three armed men near his farm.

In Songkhla, a monk was seriously wounded when two gunmen on a motorcycle sprayed bullets at him as he sat in the rear of a pick-up truck in Chana district.

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## **Villagers Ask Governor to Withdraw Ownership Document for Common Land**

3 November 2004 – Villager opponents of the Trans Thai-Malaysia gas pipeline today called on the Governor of Songkhla to withdraw the private land ownership document claiming to apply to a section of local land used in common, while artisanal fisherfolk called for peace at Tak Bai [where 85 people were killed by police last week].

Today at 10:00 am, more than 20 representatives of villager opponents of the Trans Thai-Malaysia gas pipeline and separation plant handed in a petition to Mr Somporn Chaibangyang, Governor of Songkhla province, requesting that there be an investigation and withdrawal of the land deed illegitimately claiming to apply to much of the common land at Baan Khoke Sak, Moo 6, Sakorn subdistrict, Chana district, Songkhla. They also asked the Governor to direct that various heads of government departments not encourage the encroachment on this public area. Mr Suthep Kamolphamorn, Deputy Governor, received the villagers' petition.



*Chana villager representatives at Songkhla Provincial Hall.*

Mr Suthep said he would act according to the villagers' request, but that the documentary evidence would have to be examined first. If the villagers' case was found to have substance, the province would act to withdraw the land title in question.

Villager representatives then proceeded to submit testimony to the Songkhla police department regarding encroachment on their common land by Samsung Corporation. The company had distributed leaflets on 23 October describing accusations against a group of villager opponents of the pipeline project, filed with the Chana police, of encroachment on 10 *rai* [1.6 ha] of land in Moo 8, Taling Chan subdistrict. The land, it was claimed, was covered by a NS-3 land title. The company claimed that it had legitimately rented this land from Mrs Prateep Sirisakun in order to use it as a construction site for a pier for unloading heavy equipment to use in building the gas pipeline project.



*Villagers question police.*

The villagers submitted a request to the police that they reveal whether the company was actually pursuing legal action against them. They also presented documentary evidence to the police that the area in question was in fact public, not private land as claimed by the company. General Sakorn Thongmanee, Deputy Commander of the police at Songkhla, received the villager's submission, and gave his word that there would be an investigation.

At 1 pm, a group of more than 100 villagers representing the union of southern Thai artisanal fisherfolk assembled in front of the Songkhla provincial hall in order to demand peace, following the dispersal of the rally of villagers at Tak Bai in Narathiwat province [which had resulted in the deaths of 85 villagers arrested and jammed into police trucks]. Villager opponents of the gas pipeline also joined in this request for peace. Leaflets were handed out demanding peace and banners raised reading "Peace must be built through peace". Everyone then lit candles and the peace banners were presented to Mr Ekachai Kaewnopparat of the Songkhla provincial government. All the villagers from the artisanal fisherfolks union then travelled to visit and exchange with the opponents of the gas pipeline project on the site of the Khoke Chai Thalay common land in Chana district, where villagers had been rallying in opposition to Samsung's encroachment, before returning home.

Mrs Apinya Phakaphet of Sakorn subdistrict in Chana said that the Khoke Chaai Thalay land had been illegitimately claimed to be private land, enabling TTM and Samsung to encroach on it. They had altered it so much that villagers had had to object, citing clear documentation showing it to be public land. But no sooner had the villagers made their claim than the company wheeled out Mrs Prateep Sirisakun to demarcate the area and accuse the villagers of encroachment. “So we had to ask for an investigation and request that state officials not support the encroachment on Khoke Chai Thalay,” Mrs Apinya said.

The conflict between villagers and Samsung had resulted from villagers maintaining that the sections of land used by TTM for construction of the land segment of the pipeline and by Samsung, its contractor, for building a pier for transfer of heavy equipment were common land, as shown by official documents. In addition, last September, when Samsung had asked permission of the subdistrict administrative organization of Sakorn subdistrict to use this public area, it had been refused. Subsequently, around mid-October, Samsung had wheeled out Mrs Prateep and her NS-3k land deed to confront village opponents of the pipeline.



## Indian and Thai Activists Pressure Barclays

**Dec 9 2004**

Community representatives from Thailand and India will protest outside a human rights conference in London on Thursday (9<sup>th</sup> December), over Barclays' record on human rights [1]. The campaigners have come to London to pressure the bank over their involvement in the controversial Omkareshwar Dam in India, and the Trans-Thai-Malaysia Gas Pipeline [2].

The visitors will join campaigners from Friends of the Earth, the Corner House and Platform in leafleting delegates at the event which will discuss Business and Human Rights. They requested an invitation but have been told that there is no room, and have therefore resorted to leafleting delegates, to request a space.

The UK bank has been criticised for its involvement in both projects because of its failure to implement the Equator Principles, designed to ensure bank funding does not cause damage on human rights and environmental grounds.

Barclays Bank has provided advice on financing the Omkareshwar Dam and also provided a corporate loan to the National Hydropower Power Corporation (NHPC) which is building the Omkareshwar dam [4].

Sulaiman Matyusoh, a villager from one of the communities affected by the Trans-Thai-Malaysia Gas Pipeline, and Thai community worker, Ponglert Pongwanan, are also in London to raise concerns about human rights abuses along the route of the pipeline, which crosses an area where tensions are currently running high and there are reports of intimidation and violence. The pipeline also poses an environmental threat, running through a coastal fishing area.

Sulaiman Matyusoh said:

“I am disappointed that Barclays support this pipeline project. We learned that Barclays was committed to principles that would mean that they would only support environmentally and socially responsible projects. We have presented evidence of violence and human rights abuses associated with this project to Barclays Capital in Bangkok. Yet they still continue with this project despite the facts.”

Friends of the Earth has accused the UK bank of ignoring its environmental and social principles. The Bank is a signatory to the Equator Principles [5] which voluntarily binds the bank to the social and environmental policies set by the World Bank. The Omkareshwar Dam project fails because no environmental impact assessment has been carried out, no development plan is in place for the indigenous people who will be displaced by the dam, and no resettlement plan exists. The Thai project also raises concerns as local people were not consulted, local fisheries are threatened by pollution and a full environmental impact assessment was not properly carried out.

Friends of the Earth's Corporate Accountability Campaigner Simon McRae said:

“Barclays is happy to talk about the importance of human rights for business, but is reluctant to put their principles into practice when it comes to work on the ground. Their continuing involvement in controversial dam and pipeline projects will not convince the public or investors that Barclays is serious about human rights and the Equator Principles.”

## Notes

[1] Chris Lendrum, vice chair and group executive director from Barclays Bank will be speaking a seminar on business and human rights at the Vineapolis in London on Thursday 9 December.

[2] See *Principles, Profits and PR* report available from [www.banktrack.org](http://www.banktrack.org).

[3] Alok Agarwal will be in the UK from 6-14 December.

[4] Pers. Comm., Barclays 30 September 2004.

## ***Subdistrict Officials Oppose Land Exchange***

17 December 2004 – The Sakorn Subdistrict Administrative Office today filed a petition with the Songkhla Land Office registering disagreement with the Office's resolve to allow TTM to take over public land for construction purposes in exchange for parcels of land elsewhere.

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[DOCUMENT]

Ms. Philippa Birtwell and Mr. Chris Bray  
Barclays Capital  
54 Lombard St  
London EC3P 3AH

23 December 2004

Dear Ms Birtwell and Mr Bray,

Thai-Malaysia Gas Pipeline

I would like to thank you for agreeing to meet with Mr Matyusoh and myself on 13<sup>th</sup> December to discuss our concerns over the Thai-Malaysia Gas Pipeline Project, in which Barclays is a leading financial backer. We found the meeting very useful.

During the meeting we raised a number of specific questions which I promised to send you in writing. They are as follows:

### **A. Consultation – Questions for Barclays**

- Does Barclays agree with the Human Rights Commission that there has been no meaningful participation in the consultation process?
- How does Barclays justify its claim that consultation meets World Bank standards?
- Is Barclays aware of the court case challenging the EIA process?

## **B. Project Risks – Questions for Barclays**

- Did Barclays verify that villagers had been informed of the public health risks from the project?
- Has Barclays been informed about the accident at the Gas Separation plant? Has it made its own investigation into the causes? What happened?
- Would Barclays now inform us what dangers the pipeline poses? Can it explode? Will there be emissions of toxic gases?

## **C. Use of Border Patrol Police – Questions for Barclays**

- Was Barclays aware that PTT is paying for the deployment of the Thai Border Police?
- Given its financial involvement in the project, does Barclays accept liability for any human rights abuses arising from the Border Police's activities?
- Has Barclays investigated the excessive use of force by the Thai authorities against villagers peacefully seeking to express their concerns?
- What assessments has Barclays made of potential human rights impacts of the project? What mechanisms does the project have to ensure that human rights are not violated?

## **D. Use of Public Rights of way - Questions for Barclays:**

- All the maps of the area showed that public rights of way existed prior to the project. Did Barclays verify that the rights of way through the Gas Separation Plant site had been legally acquired?
- IFC guidelines and the Equator Principles require the legal acquisition of land. Given the illegal encroachment on public rights of way, how does Barclays justify its statement that the project conforms with the Equator Principles?
- Is Barclays aware that the public rights of way are religious donations, according to local Islamic traditions, and they cannot be sold?

## **E. Illegal Use of Common Land – Questions for Barclays**

- Given that the title deeds had such obvious flaws, why were these not picked up in Barclays' due diligence?
- The villagers informed Barclays before Barclays became involved financially that the land had been illegally enclosed, what did Barclays do to check out their allegations?
- Since the National Human Rights Commission has acknowledged that TTM has a case to answer, will Barclays now support its recommendation that the project be put on hold for two months while this issue is investigated?

## F. Looking Forward – Questions for Barclays

- Will Barclays agree to arrange a roundtable meeting between TTM, the financiers, parliamentarians, the National Human Rights Commission and villagers to review the evidence presented by villagers?
- Will Barclays independently investigate the concerns raised by villagers to ensure compliance with the Equator Principles?
- Where there are breaches of the loan conditions set by Barclays, how will it enforce them?

Mr Matyusoh and I would particularly like to stress the appeal to Barclays to use its good offices to arrange a roundtable meeting of all the stakeholders at which the concerns of affected villagers can be fully and openly discussed. We would also like to extend our invitation for Barclay's officials to visit the affected villages and discuss these concerns first hand with villagers.

Yours Sincerely,

Ponglert Pongwanan  
Alternative Energy Project for Sustainability  
Thailand

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# 2005

*Signs erected along highway protesting land grab*

## **Stop destroying Islam, pipeline opponents demand**



*Pipeline opponents In Pa Ngam village in Taling Chan subdistrict: "The gas separation plant company has grabbed Muslim waqf land. Our wayip duty as Muslims means we must all take responsibility."*

7 April 2005 – Clad in their trademark red shirts and flying red flags, 200 opponents of the Trans-Thai Malaysia gas pipeline and its associated gas separation and other industrial projects gathered at Hoy Siap beach in Chana, Songkhla on 6 April before conducting a procession of more than 50 motorcycles and many other vehicles to raise roadside protest signs.

The protesters then conducted a ceremony asking Allah's support in getting TTM's gas cracking plant to abandon the *waqf* land it is built on. The plant, they said, was adversely affecting the community and violating Islamic principles.

The villagers explained that the *waqf* land had been entrusted to God as a common right of way for the community to use when going between Taling Chan and Sakorn communities. The government and the state bureaucracy had joined with the company in seizing this public land in violation of Islamic principles. Government officials, villagers said, were acting for the benefit of investors and foreign companies, while ignoring and violating the Thai Constitution, community rights and national law.

They added that if the project were slowed down, the government would immediately use violence.

Traveling down the Asia Highway, the procession then set up signs at a second location at Sakorn, reading: "TTM is encroaching on *waqf* land to set up its gas cracking plant. Take your pipeline back and return our *waqf* land to us!" and "We will not be slaves. Capitalists, we know all about you."

The villagers announced that they would resist the project to the end, even if construction were completed, because it damaged community ways of life, the environment and the principles of Islam. They said practices conflicting with religious teachings had arrived together with the project.

Earlier, on 1 April, a sound similar to that of an explosion had reverberated over a radius of two to three kilometres in Hat Yai district, frightening local residents out of their houses and causing some to have to be hospitalized. Pipeline opponents blamed the pipeline and said the incident justified their fears that the project would have damaging effects even outside Chana district, where the gas cracking plant is located.

- Meanwhile, police have given no sign of acting on formal charges of encroachment and destruction of land filed against TTM at Chana district police station on 4 March.

# Released Protesters Sue Police for Damages

18 April 2005 – Opponents of the Trans-Thai Malaysia pipeline project (TTM) traveled to Songkhla provincial court today to follow progress in a lawsuit against the national police, the Ministry of Interior and the province for damages filed by protesters caught up in the violent police dispersal of a rally in Hat Yai on 20 December 2002. The court has accepted the case.

Mrs Khau Lemnui and 17 others, who reside in Taling Chan and Sakorm subdistrict of Chana and were injured and in some cases saw their vehicles damaged by the police, have joined with NGOs and lawyers from the Songkhla Lawyers Association to sue the three agencies for damages totalling over 1.4 million baht.

Some 80 red-shirted villagers from Chana showed up at the court to offer moral support.



*The scene at Songkhla provincial court today.*

The court had planned to begin examining witnesses for the prosecution, but was unable to proceed owing to the fact that Mr Chaiwat Suwannayaut of the Songkhla public prosecutors office, who is representing the accused, told the court that he was unable to list the witnesses for the accused.

Mr Chaiwat asked that the case be suspended temporarily, arguing that the court should wait until an earlier criminal case in which the plaintiffs were involved was decided.

The attorney for the plaintiffs objected, saying that the litigants in the two cases were not exactly the same. There had never been a call for compensation for damage to vehicles and other property before, and the vehicles damaged by the police had not been involved in wrongdoing.

The damage to and police seizure of the vehicles was wrong, she added, and their exposure to the elements while in the care of officials had caused damage to them, requiring expensive repairs. They had also been unavailable for use by the plaintiffs, resulting in further losses. In addition, criminal cases, unlike civil ones revolving around negligence, required proof of criminal intent.

The court decided to proceed with examination, of witnesses pending a conclusion to the earlier criminal case, after which the results could be used in the present civil case. The first round of examinations is set for 17 May.

Rattanamanee Phonkla from the Lawyers Association said that the 18 plaintiffs had no other way of investigating the wrongful actions of the three agencies involved and seeking relief for them according to the 1997 Constitution. She added that the case would set a precedent for protection of rights in such cases.

## **Pipeline Opponents Call on Government to Halt Land Grab**

*Wayip principles compel Muslims  
to preserve local common land, they declare*

27 April 2005 – Local opponents of the Trans-Thai Malaysia gas pipeline mobilized a new procession in the southern Thai province of Songkhla today to protest what they said were violations of Islamic principles by the company involved.

The protesters donned red shirts and carried 200 red flags in a car-and-motorcycle procession from their protest headquarters at Hoy Siap beach in Sakorn Subdistrict of Chana District, Songkhla, in order to raise new protest signs in communities in Taling Chan and Sakorn Subdistricts.

They said the Trans-Thai Malaysia Pipeline company (TTM) was trampling on the Muslim faith by seizing *waqf*, or Islamic commons held in perpetual trust for community use, as a site for its gas cracking plant in Chana district of Songkhla.



*“The gas separation plant has grabbed waqf land! Once Muslims realize this, they have to rise up to protect it.”*

The protesters pointed out that, on religious principles, *waqf* land cannot be sold, transferred or altered, but is held as common inheritance for common use rather than for that of any individual.

The pipeline opponents erected seven signs in villages in Chana as well as in front of the gas separation plant itself. The signs stressed the duty Muslims feel under *wayip* principles of morality not to stand idly by while wrongdoing is being committed.

Some of the signs read: “Is the plant really going to be able to survive? It has taken *waqf* land”, “The Thai-Malaysia gas separation plant is destroying the principles of Islam”, “Civil servants, capitalists and TTM have cheated us out of over 19 hectares of public land. Thai gas goes to Malaysia – pollution, waste and danger stay with us”.

The protesters then proceed to the site of the gas cracking plant itself, which TTM had altered and fenced off so that the public could not use it for a right of way or subsistence anymore.

Mrs Suraida To-lee said that when she and fellow villagers had learned that a private company had seized *waqf* land, “it was necessary to tell our Muslim brothers and sisters about it, or get those who had done wrong to mend their ways.”

“We cannot sit idly by as if we know nothing and tell no one about it. If we act, we will not have to answer the questions of Allah and will not be punished when we have to leave this earth.”

“We also have to tell people about how fake land documents have been given out for what is really public land at Khoke Chaai Thalay,” Mrs Suraida said.

“We have called on the government to resolve the situation. But no explanations have been made and nothing has been done. Civil servants and state agents are not sincerely trying to investigate.”

Mrs Suraida added that TTM now plans to use even more public land in Taling Chan and Sakorn subdistricts “at a time when the original problem has not yet been resolved”.

“If officials neglect their duties like this, the same old problems will just go on multiplying.”

Protesters said that state agencies had joined hands with TTM and other companies in violating community rights and the principles of Islam merely for the benefit of themselves and their followers.

The result, they said, would ultimately be damage to the nation.

*Call for TTM to Stop Violating Tenets of Islam*

## **Pipeline Opponents Ask for God's Blessing in Their Quest for the Return of their Land**



4 May 2005 – More than 200 villagers opposing the controversial Trans-Thai Malaysia natural gas project (TTM) gathered at its gas cracking plant today to pray collectively for God's blessing in their struggle to regain Islamic common land they said had been illicitly seized by the plant.

The land, known as *waqf*, was formerly used by the villagers collectively as a right of way and for collecting subsistence goods. It has been altered and sealed off with a fence with a securely-locked gate, preventing entry.

On arriving at the site, demonstrators were prevented from entering the area by police armed with M-16s, who have taken on the task of protecting the plant.

But they explained to officials present that the land seized by the company to build the cracking plant was both public land according to Thai law and a *waqf* right of way and commons according to the tenets of Islam. Eventually the police gave way.

The pipeline opponents then walked in a long line in their prayer garb to the area in front of the gas plant, where they performed a ceremony asking for Allah's blessing in an atmosphere of peace and quiet.



Prakob Lamso, from Pa Ngam village in Taling Chan, Chana district, read out a statement of the day's prayer.

Mr Prakob said that since TTM, a private firm with foreign partners, had illicitly gained control of *waqf* land put in trust for the community under Islam, with the connivance of officials and government agencies.

Mr Prakob explained that *waqf* land cannot be owned, exchanged, bought, sold or inherited by individuals, even those in the community it has been passed down to.

He said that TTM opponents have long been in contact with government officials, and have set up signs in many communities testifying to the *waqf*

status of the land. But, he said, TTM has stood pat, and continues to violate the principles of Islam.

“As Muslims, we now have to rise up to protect this *waqf* land,” he said. “We call on those involved in giving TTM this land to stop this destruction of the principles of Islam. Those who do not act according to the commandments will be punished by God in the next world.”

Pipeline opponents have requested that the Human Rights Commission, the Senate Subcommittee on Human Security and the Senate Environment Committee investigate and join in protecting the nation’s land from private and foreign firms.

Mr Prakob said that similar requests have been made of the Chularajamontri, or official nationally responsible for Muslim affairs, as well as the Islam Committee of Songkhla, but that neither had met with pipeline opponents or the stewards of the *waqf* land.



Villagers prayed that the wrongdoers would mend their ways and join them in protecting the land and the principles of Islam, and enjoined Allah to punish those who did not.

Mr Sulaiman Matyusoh said that today his brothers and sisters in opposition had come to pray because TTM had broken the law and many principles of Islam.

He confirmed that project opponents had called on the government and civil servants to put a halt to the connivance between TTM and the state, but the cheating and injustice had continued uncorrected.

Those involved should not allow themselves to become tools of this private company, Mr Sulaiman said. Cheating and engaging in corruption, he said, would damage the well-being of the country.

“To submit to injustice is equivalent to destroying God’s principles,” he insisted.

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[DOCUMENTS]

[Translation]

People’s Network against the Thai-Malaysia Gas Pipeline,  
Gas Separation Plant, and Associated Industries  
63 Moo 2 Taling chan, Chana district,  
Songkhla, Thailand

20 June 2005

Re Equator Principles in the case of Thai-Malaysia Gas Pipeline Project  
To Sir Peter Middleton, Chair of Barclays Bank

The Thai-Malaysia Gas Pipeline and Gas Separation Plant Project, developed by the Trans Thai-Malaysia (Thailand) Ltd (TTM) at Chana district of Songkhla province in Southern Thailand, is financially supported by Barclays Capital (UK).

On 11 June 2004, two weeks before Barclays approved the loan to the project, we, local stakeholders, traveled to Bangkok to present our petition to Barclays country representatives, raising points of ethics and explaining Barclays’ responsibility for the impacts from this large-scale development project to which Barclays was about to provide a loan.

We informed you that the project was in breach of the Constitution and Thai environmental laws, and was violating human rights and violently suppressing local people. The Thai government’s decision to proceed with the project was made without public participation, ignoring dissenting voices from the public, hundreds of academics, and Constitutionally-established independent bodies, as well as a Senate resolution that the project be reconsidered.

The human rights violations resulting from the push for this project are widely known, in particular the incident of 20 December 2002, when police brutally dispersed local people gathering to present a petition to the Cabinet in Hat Yai district of Songkhla province. On that occasion, according to the report of the fact-finding mission of the National Human Rights

Commission — an independent body established under the Constitution — the government violated the Constitution and used unjustified violence against its citizens.

Furthermore, the project has illegally claimed parcels both of common land and of *waqf* land which local Muslims have donated to God for public use, for the construction of its gas-separation facility. These are violations of both Thai statutes and Islamic principles.

Despite your knowledge of these facts, you still made a decision to support the project. Your statement that 'Barclays seriously adheres to social and environmental responsibility, and make sure that projects under support proceed according to requirements and conditions stipulated in the Equator Principles' hence appears just for show, and not to be followed in actual practice. For your actions in Thailand show a willingness to support not only human rights violations, but also violations of the Islamic tradition.

You will also be aware that in December 2004, I, Sulaiman Matyusoh, representing the villagers of Chana, traveled to London to raise questions about Barclays' adherence to the stated Principles. Six months have now elapsed without the promised reply from Barclays. If you think you still have insufficient information to reply – in spite of the fact that the decision has already been made to support the project – we would like to invite you to meet with us here to get first-hand information on the violence and the other issues mentioned above.

We expect your reply, so we can explain to our people the views and the standpoint of Barclays.

Respectfully,

Sulaiman Matyusoh

Representing the People's Network against the Thai-Malaysia Gas Pipeline,  
Gas Separation Plant, and Associated Industries

Cc: Matthew Barrett, Group Chief Executive  
Bob Diamond, Chief Executive, Barclays Capital  
David Weymouth, Chief Information Officer  
Brian Harte, Group Compliance Director  
Paul Hartwell, Head of Group Risk Analysis and Policy  
Malcolm Himsworth, Director, Group Fraud and Money Laundering Prevention  
Robert Nimmo, Group Risk Director  
Howard Trust, Group General Counsel and Group Secretary  
James Loh, Vice Chairman, Barclays Capital,  
Christopher Bray, Head of Environmental Risk Management Unit  
Philippa Birtwell, Head of Public Issues  
Tim Ritchie, Global Head of Syndications & Global Loans  
Barclays Capital Securities (Thailand) Ltd.

*The Guardian*

*The Times*

*The Independent*

*The Observer*

BBC

*Bangkok Post*

*The Nation*

*Krungtep Turakit*  
*Manager*  
*Prachachart Turakit*

Alternative Energy Project for Sustainability  
97/90 Kredkaew 3, Prachachuen Rd,  
Muang, Nontaburi 11000  
Thailand

Sir Peter Middleton, GCB Chairman  
Barclays Bank  
54 Lombard St  
London EC3P 3AH

21 June 2005

Dear Sir Peter,

Re: Trans-Thai Malaysia Gas Pipeline Project

It has been over six months since our letter of November 2004 and our meeting with Philipa Birtwell, Head of Public Issues, and Chris Bray, Head of Environmental Risk Management Unit, at Barclays headquarters in London on 13 December 2004.

The 13 December meeting was followed by another letter summarizing the questions and points we raised in the meeting. Ms Birtwell subsequently told Simon McRae of Friends of the Earth (UK) via email in early February that Barclays were preparing a response and until now we have heard nothing.

Therefore, we are writing to ask for replies to both letters (see enclosed) as soon as possible. And we would like you urgently to clarify how improvements have been made to the project since Barclays initiated its involvement in June 2004, as your representatives claimed to be the case. So far, local residents report no improvements whatsoever.

On 6 December 2004, the National Human Rights Commission, an independent body set up under Thailand's Constitution, recommended that construction works be suspended for two months in order that the illegal encroachment of the common land which has been usurped by the project be investigated and the culprits found. The Commission also requested an investigation into the illegal inclusion of public rights of way -- which are also Islamic trust lands donated by villagers -- in the project's gas separation site. These recommendations have been ignored.

We would like to know in detail what Barclays has done in response to this negligence, given the fact that a portion of the gas pipeline is still embedded in the beachfront common land and the public rights of way have been destroyed. You will be aware that the Equator Principles, to which Barclay subscribes, require respect for the law in the countries in which the bank operates.

Our previous two letters, as well as the meeting in December, raised numerous questions, concerns and requests which have yet to be addressed by Barclays. Among other matters, Mr Sulaiman Matyusoh, a representative from the affected villagers, asked Barclays to visit the site and meet with all parties involved. Barclays has yet to act on this request.

We also need you to inform us as soon as possible whether Barclays has ever investigated the use of its loan for the project, and if so, what its findings are. In particular, has Barclays drawn any conclusions about who paid for the deployment of hundreds of policemen who have been guarding the site and intimidating, and at times clashing with, the dissenting villagers for over a year?

In the December meeting, Ms Birtwell said Barclays was well aware of the violent clashes between the opposing villagers and the police during the token public hearings in 2000, and the police's violent dispersal of villagers' peaceful protest on 20 December 2002, which included many arrests. We would like to know if you are aware that on 30 December 2004, the Provincial Court of Songkhla ruled that the villagers were rightfully exercising their constitutional rights in the 20 December 2002 clash, and that the villagers have now brought a lawsuit for damages against the authorities.

These are just a few examples of the human rights abuses related to the project on which we are awaiting your response in light of Barclays' claim to adhere to the Equator Principles.

In our December meeting at Barclays, Mr Bray reminded us that history cannot be rewritten. We agree, and would like to know how Barclays squares Mr Bray's observation with Barclays' signature on the Equator Principles, which is also a piece of history that cannot be rewritten.

While we were in London, we had a chance to witness the exorbitant expense that went into the Business and Human Rights conference in December 2004 in which Barclays played such a prominent part. We would be interested in your views on whether this expense was undertaken merely for public relations, or whether it signals any interest in realities on the ground involving projects in which Barclays has investment. As mentioned above, local people in Chana district in Southern Thailand are still waiting for Barclays representatives to appear in their villages.

We eagerly await your replies.

Sincerely,

(Ponglert Pongwanan)

Alternative Energy Project for Sustainability (AEPS), Thailand  
The Corner House, UK  
Friends of the Earth, UK  
PLATFORM, UK

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## *Land Office Makes Gift to TTM*

30 June 2005 – The Songkhla Land Office today gave official permission to TTM to use public land to build its gas cracking plant under Section 9 of the Land Law.

The land in question is located in Moo 2, 6 and 8 of Taling Chan Subdistrict. Objectors were given 30 days to respond by Surangrat Leeday, the land officer.

## *Pipeline Opponents to Government:* **“Don’t Hand the Country to Foreigners”**



2 July 2005 – Some 200 opponents of the Thai-Malaysia gas pipeline and associated industrial projects rallied at Hoy Siap beach today before moving to Musafirin mosque in Chana District of Songkhla today to pray and remember the respected leader Satsada Nabee Muhammad.

Lining the road to the protest headquarters on the beach were red flags and placards reading “Barclay’s money destroys the life of our children and grandchildren” and “Thaksin’s government has cheated the country out of its land and given it to foreigners”.

The pipeline opponents said that they had risen up against the project to protect the principles of Islam, their way of life, and natural resources, according to the Thai Constitution.

They added that foreign corporations had been allowed to rise above the law by the corrupt and dictatorial government of Prime Minister Thaksin Shinawatra and had taken over and destroyed village lands.



*Prime Minister Thaksin Shinawatra and military officers are depicted riding a lizard representing the TTM gas pipeline project, drinking alcohol and exulting “I’m so rich!”. Doglike soldiers guarding them contemptuously threaten protesting villagers: “Arrest the animals!” Villagers respond by showing the soles of their feet to the project: “Get out!”*

## ***Court Delays Judgement***

14 July 2005 – Judgement on Phoowis To-Lee, a youth beaten unconscious by police in an incident near Laan Hoy Siap beach on 11 November 2003, was postponed today in spite of the presence of many villagers who traveled to Songkhla's Youth and Family Court to hear the result.

Phoowis is charged with a salad of offenses against public order arising from the incident, when villagers questioning surveyors from the Trans Thai-Malaysia pipeline and industrial project were confronted by more than 100 police.

## **Evidence Taken in Lawsuit against Police**

18 July 2005 – Evidence was taken today in Songkhla Civil Court in the lawsuit brought by anti-pipeline protesters against the police and the province for damages suffered in the police attack on demonstrators.

The pipeline opponents are suing for over 1.4 million baht in damages for injuries and property damage, including to automobiles, suffered in the police attack.

In court today they were supported by 50 local supporters wearing red shirts.

The case continues.

# **Thai Pipeline Protesters To Pay No Attention to Emergency Decree**

## ***Plan Rally on 27 July***

19 July 2005 – Banjong Na-Sae, Director of the Southern Coastal Resources Management Project and a leader of the group protesting the Thai-Malaysia gas pipeline and associated industrial projects, revealed today that 500 local people would march to the Songkhla provincial office on 27 July to submit a list of signatures of villagers from Taling Chan subdistrict of Chana district who oppose the Chana Land Office's granting of permission to the pipeline company to use public land for a gas cracking plant.

Mr Banjong revealed that the Trans Thai-Malaysia (TTM) firm had begun construction on the plant in 2003 during the tenure of Mr. Apisit Rujikiatkamjorn, Deputy Managing Director of Thai Petroleum and an officer of TTM. Construction had continued into the tenure of Mr. Permsak Chiwawattananon and Mr. Galanta of Petronas, the Malaysian oil company. TTM had continuously broken the law against encroachment on public land during this entire period, finally requesting permission of the land office only on 30 June 2005. Anyone opposed to the granting of permission to TTM would have to lodge objections within 30 days.

Mr. Banjong said that the local opposition movement was in defence of the country's interests, since it was preserving the country's environment and natural resources under Thailand's 1997 constitution. The protest was not ill-intended nor was it intended to damage the state. Thus, he said, it did not fall under the emergency decree issued last weekend for much Thailand's southernmost provinces, including Chana district.

Mr. Banjong said that he would introduce the matter of the emergency decree, which covers Narathiwat, Yala and Pattani provinces, as well as four districts of Songkhla province, to the meeting of the coordinating committee of Thai NGOs to be held at the end of July. He said the decree made movement work in the areas covered harder.



“I don’t agree with this decree, especially Clause 17, which says that government officials will not be held liable for civil, criminal or disciplinary violations,” Mr. Banjong said. He claimed that the decree opened the way for official excesses and overreaction.

Mr. Sulaiman Matyooso, another leader of the pipeline opponents, said the recent emergency decree did not apply to their activities, since they were not a security matter.

“We are using our Constitutional right to protest the government’s mistakes,” Mr Sulaiman said, “not to stir up trouble”.

“Most people know what we are protesting. We are rallying peacefully. Using this decree against us would be incorrect, and society wouldn’t accept it, and would come out in protest.”

*Subdistrict Head Submits Protest to Land Office*

## **Thai Pipeline Company's Attempt to Take Control of Public Land Challenged Again**



20 July 2005 – At 1 pm today, Mr. Kasem Laheem, Head of the Taling Chan Tambon (Subdistrict) Administrative Authority (TAO), together with Mr. Date Makae, his deputy, and a group of villagers protesting the Trans Thai-Malaysia pipeline, submitted a petition to the Chana district Land Office of Songkhla province opposing TTM's 30 June request for permission to use public land on which it has already constructed a gas cracking plant.

The land, under the authority of the Taling Chan TAO, is public land as well as *waqf* common land under Islamic rules, considered as given over to God for community use.

*Waqf* land cannot be distributed, transferred, exchanged, or bought or sold even to heirs of the original owners.

Local villagers had already lodged their protest at TTM's seizure of the land with the Taling Chan TAO, which said that it concurred with them that the "land is public and *waqf* land long in use by locals". The TAO officials called on the government land office to hold up approval for TTM to use the land.

Surangrat Leeday, a land official, signed for the petition sullenly and at once got into a car to leave the land office.

Mr. Kasem said in an interview that the land in question “was still used by local people” and that the law required any request by others to use it to be investigated.

He stressed that TTM had violated the law because it had almost completed its construction of the gas separation plant before asking permission to use the land.

## **Sakorm TAO Resolves to Sue TTM for Breaking the Law Forbidding Encroachment on Public Land**

24 July 2005 – A subdistrict government body in Southern Thailand this morning unanimously passed a resolution to press for the prosecution of Trans-Thai Malaysia Ltd (TTM) for illegal encroachment on public land.

The 17-member Subdistrict (Tambon) Administrative Organization (TAO) of Sakorm subdistrict, Chana district, Songkhla province, said that they would do what they could to recover land illegally taken for construction of a gas separation plant.

The decision pits the local officials against both police and the central state land agency, who have both taken TTM’s side during the land takeover.

It also poses a challenge to an international consortium of private banks that has financed the plant and the gas pipeline that feeds it. The consortium is headed by Barclays.



*The scene at the Sakorm TAO meeting today.*

During the Sakorm TAO meeting this morning, Mr Munin Walam read out a statement from villager representatives from Sakorm and other local opponents of the TTM pipeline and industrial complex.

TAO member Mr Sakariya Mawang-iat noted that TTM had been “continually violating the law.” The land TTM had used to build its gas cracking plant, he said, was for public use, and just as importantly, was *waqf* land given to Allah according to Islamic principles for communal use.

“The community has used it for a long time. For the company to come in and use it is not right. Worse, the company has built on it and only afterwards requested permission.”

“It’s the duty of the TAO to look after nature and the environment, not give it over for others to use without protecting it,” Mr. Sakariya added.

Mr Alawee Masaw, another TAO member, said that the TAO had a “duty to protect the environment in accordance with the law as laid down in the Constitution. It’s our legitimate right to express our view about whether we agree or not with state bodies who act in breach of the law. In the past no notice was given to the TAO to post the public land so that the community would be informed. This violates the principle of keeping the public informed.”

The general secretary of the Sakorm TAO, Mrs Jantima Chaiyabutdee, said that rights of way “wide enough for two buffalo carts to pass each other” had been covered over and blocked off so that villagers could not use the area.

Mrs Jantima noted that the national Commission on Human Rights had done an on-site investigation and found that there has been encroachment on public land. She added that senate committee members had also inspected the area and proposed that a bridge be built over the coastal forest and the stream so that the forest would not be destroyed.

But TTM has done nothing, Mrs Jantima said, and has not dismantled its construction or rehabilitated illegally altered land.

In the past, she said, the Sakorm TAO has been indifferent while local villagers battled on against the project themselves with dignity.

“They’ve struggled and gone into the gas separation plant many times in the face of police, in order to take this public and *waqf* land back for the community,” she declared.

“Let us not be indifferent and quiet. We have to protect this good thing. And let me repeat that we have the right to protect natural resources according to the law and the Constitution,” Mrs Jantima said.

“The state has never asked us whether we want these big projects or not, or whether villagers need the things the state pushes on them or not.”

After discussion, the assembled TAO members resolved:

- To act to recover the *waqf* and public land for the community.
- To oppose TTM’s belated request, submitted to the Songkhla province land office, Chana district branch, to use public land for its gas cracking plant.
- To present a resolution to this effect to the Chana land office prior to 30 July 2005.
- To investigate TTM’s encroachment of public land to find out what official agencies or individuals permitted or encouraged it.

- To present the results of this investigation to concerned agencies so that they can order the dismantling of any illegal construction and prosecute TTM for encroachment on public land.
- To sue, as well as TTM, government agencies who have supported or collaborated in the encroachment by TTM on public land and ignored their duty.

## **Pipeline Opponents: State Has No Right to Force Muslims to Commit a Sin**

*Rally at Chana Land Office to Demand Return of Common Land*



27 July 2005 – About 300 opponents of the Barclays-backed Trans Thai-Malaysia (TTM) gas pipeline, wearing their trademark red T-shirts and flying red flags, rallied this morning at the Chana district government land office in

Songkhla, Southern Thailand to present a petition signed by 1,563 people opposing permission being given to TTM to use public land for a gas separation plant.

The protesters demanded that local land official Mrs Surangrat Leeday change her recommendation that TTM's request for the land be granted. They said that, despite the ongoing construction of the plant, the land is in use by the community and has been clearly attested to be *waqf*, or Islamic common land.

They also called on the local land office, as well as all 17 members of the Songkhla Provincial Assembly and its chair, the provincial governor, to stop assisting TTM in what they said was its breach of the law against encroachment on public land.

Mrs Raukiyau Maday, one of the protesters, said her grandfather had been one of those who had donated it for the common use of all succeeding generations in the community in the name of Allah. After becoming *waqf* land, she explained, it cannot be bought, sold, exchanged or transferred to anyone.

She added that the actions of the state undermining this principle were tantamount to forcing Muslims to sin against their religion.

Mrs Raukiyau chided Mrs Surangrat for recommending to the governor that he approve TTM's land request on the ground that the public land in question was "only a dike". In fact, she said, the right of way in question was wide enough for two buffalo wagons to pass side by side.

Several witnesses of the original *waqf* donation of over 50 years ago then submitted a signed statement, including Mr Meet Masaray, 73, a former assistant headman; Mr Taha Samaw, 71; and Mr Ngoi Maday, 63.

Mr Sen Matmaw claimed that when he had been head of Sakorm subdistrict, Mrs Surangrat had cheated the community out of a sports field covering more than two and a half hectares which had been in use by the public since 1938, by issuing a fraudulent land title. He said he didn't know what she had got in return.

At noon Mrs Surangrat emerged to receive the villagers' petition from Mr Sen. She insisted that she had acted correctly and would not change the view that she had forwarded to the provincial authorities. She had an individual right to that view and it was wrong to ask her to change it, she said. She added that not enough justification had been given for a change.

Mrs Surangrat challenged anyone who thought she had done wrong to sue her. Before leaving, she pointed out that the land office itself did not have the authority to give permission to TTM to use the land for the gas cracking plant, but was only an intermediary, providing considerations to the provincial authorities.

Villagers opposing the pipeline continued to take turns attacking the land office until 3 pm, when Mrs Suraida To-lee read out a statement and the demonstrators dispersed. They announced that they would return to pray in front of the office for Mrs Surangrat to return to the right path instead of destroying the principles of Islam.

Mr Sulaiman Matyooso said the villagers would also be sure to take up Mrs Surangrat's challenge to sue her, and would continue to do their duty to protect the principles of Islam to the end.

“This land office is not the people's land office but TTM's,” he said.

## **Chana Villagers Continue to Press Officials over Land Used for Thai-Malaysia Pipeline Project**

3 August 2005 – Southern Thai opponents of the Trans Thai-Malaysia (TTM) pipeline today appeared for a scheduled meeting of a local subdistrict authority to urge it to issue resolutions calling for an investigation of TTM's takeover of public land for its gas cracking plant, as well to sue TTM for illegal encroachment. But the meeting was unexpectedly postponed.

“We're here to help the Taling Chan Subdistrict Organization (TAO) avoid falling into the trap of wrongdoing,” explained Raufate Hadyumsa, a villager spokesman. “If the Organization doesn't dare issue a resolution to sue TTM, we'll do it ourselves, and will sue the Organization into the bargain for neglecting its duty.”

The pipeline opponents said that, as fellow Muslims, TAO members had a public duty to look after the public land taken by TTM if they were not to be punished by Allah.

After villagers and members of the TAO had waited for more than an hour, however, Mr Suradet Donsawii , TAO chair, telephoned to say the meeting had been postponed without giving a reason. TAO president Mr Kasem Laemii said he would be sure to inform villagers about any future meetings.



*Chana villagers gather at the Songkhla Land Office.*

Some 200 TTM opponents, both adults and children, then went to the government land office in Chana district to pray that land official Surang Leeday reconsider her recommendation that TTM be granted the land now occupied by its gas separation plant. They disputed the claim of Asin Phitakkhumphon, president of the Central Islamic Council of Songkhla, that the land in question was only a narrow dike and not *waqf* land, or common land granted to Allah for the use of the community.

If officials failed to defend the *waqf* land, villagers said, God would have to decide how to deal with them on judgement day.

Mr Raufate speculated that the reason for the cancellation of the TAO meeting was that the chair and vice-chair lacked the courage to allow the TAO to act on TTM's illegal actions. He said Mr Suradet had an interest in the pipeline project.

## *Closed-Door Session*

# **Taling Chan TAO Supports Land Deal**

*5 August 2005* – The Taling Chan Subdistrict TAO today resolved in secret session to support TTM’s takeover of the public and *waqf* land to use in construction of its gas plant.

The TAO did not allow villagers into the meeting, nor did they call witnesses or ask for testimony from the guardian of the *waqf* land.

## *Judgement Handed Down on 10 August*

# **Youth Recalls Police Beating**



*Scars on Phoowis To-Lee’s head after he was beaten by police on 11 November 2003.*

12 August 2005 – The incident at the end of Ramadan in 2003 still lives in the memory of Phoowis To-Lee (Russadee, or Roos), a local 19-year old who was on duty on 11 November 2003 on Hoy Siap beach in Songkhla province of Thailand, the headquarters of local Trans Thai-Malaysia pipeline (TTM) opponents.

On that day, Roos was beaten by police acting to protect the interests of TTM and PTT, the Thai oil company against local people trying to preserve their “rice bowl” (the land) and their “curry bowl” (the sea).

The TTM project is supported by a US\$257.1 million loan from Barclays, a British-based bank which has committed itself to “take the necessary steps to understand the impacts that our business may have on the communities with which we interact, including human rights impacts”.

The story emerges from the mouth of Roos himself:

“It was about 2 pm. My friends and I were sitting and lying near the grounds of the mosque just off the beach. Someone came running up to tell us a police vehicle and some people from TTM were in the coastal forest area near the local people’s common land, even though the land had not been given over or sold to the company. Five or six of my friends went to take a look, and I ran over to the beach to grab a camera.

“When we got there, we saw a police vehicle parked behind one of TTM’s vehicles. Some of the company people had got out to start surveying and taking pictures of the whole forest area. We decided to ask them what they were doing. They refused to answer. At that point, I myself started taking pictures, both of the vehicles and what was going on outside them.

“The police vehicle was full of guns. Standing around there were five police officers, one villager and six company people. When they got back into their vehicles, we asked them again what was going on, knocking on their windows to get them to come out and talk with us to explain what they were doing. It was, after all, public land and there had been no agreement whatsoever for it to be used in any other way. They refused to get out or say anything.

“When we saw we weren’t getting anywhere, I figured that perhaps taking pictures would be enough. My friends and I went back toward the beach, thinking to download the photos we had taken. But before we knew it, nine police vehicles full of police officers had driven up, blocking our path. Without warning, some of the police jumped out and started beating us with batons, while others stood guard.

“One officer said through a megaphone, ‘Everybody please don’t cause any trouble and give us your cooperation’, even though we hadn’t done anything and had no weapons.

“I saw how things were going and looked for a way to escape. But before I knew it, one policeman had me in a headlock and was beating my chest with his baton. I tried to get away and run, but there were police everywhere, in front of us and behind us, near the beach and around the mosque, too. I held tightly onto the camera.

“The policeman went on beating and kicking me, trying to wrench the camera away from me. Even when I let go, he still didn’t stop. The last thing I was aware of was something hitting my head.

“It’s unbelievable that something like this could happen to us. All we wanted to know is what they were doing on our common land. We had no weapons. Nobody was looking for trouble. The only thing that gave us confidence was that these people were supposed to be protectors of law and order, friends of humanity, people just like us. But it seemed that something else had been prepared for us. I caught the smell of alcohol on the policemen’s breath. They were behaving like people who had lost their reason. I still don’t know who sent me to the hospital.

“My parents told me afterwards that they had seen police dragging me and two friends into a vehicle to take us to their camp about 300 metres from the beach. The police took pictures of all three of us. After that we were taken to the local police station to be jailed. I still hadn’t regained consciousness. The police on duty there refused to process us. They said it was a criminal case.

“So then the police from the camp took me to a different police station, even though I had wounds all over my upper body and head and was bleeding profusely. They didn’t take me to the hospital.

“My two friends, conscious and not badly injured, although bleeding, pleaded with the officers to send us, and especially me, to the hospital before doing anything else with us. The police refused. By now blood was all over the cell we were in, but the police kept saying ‘It’s not our responsibility, but there are people who are sympathetic’. They got somebody to take us to Haad Yai hospital finally.

“When the matter got to court, it was alleged that we had had weapons, knives, even though in reality we had only had a camera. We were treated as vicious

criminals. It's unjust. I remember when I regained consciousness at Haad Yai hospital, the doctor stitching the wounds in my head. Then three police officers arrived to charge me while my head was hurting terribly, pressing me to sign the charge sheet.

"I refused. I wasn't being difficult, it was just that my head and all the rest of me was hurting.

"The three officers tried to get me to read and sign the paper to show I had received the charges. They even spoke to a nurse to try to get her help. But I didn't even have the strength to move. In the end they left one of the officers with me.

"Before I had left the hospital, the original group of police came back and threatened me, trying to force me to get up. I said I couldn't. Two of them tried to lift me. They said they were taking me to jail.

"I don't know what happened to my two less-injured friends. I wound up at the Songkhla youth detention centre. A lecturer from Prince of Songkhla University in Haad Hai came to bail me out. I was able to go to recover at the Chana district hospital.

"In court I was charged with assaulting and interfering with the work of officials and carrying a weapon. I was seen as armed and dangerous.

"As for the camera, the police said they didn't anything about it. 'We don't know who took it. We didn't see anything at all.' Nor would they accept my report of having been robbed. The police didn't think anything of behaving this way and having used weapons bought for them with the public's money, even though we were all observing Ramadan.

"After I recovered, my friends and I went back to work as "Hoy Siap Youth" out of love for the sea of our home villages. We did campaign work disseminating information and educating people, setting up camps, recovering Muslim ways. We are prepared to protect and restore peace to our homes.

"This society provides no guarantees for poor people like us. The law is not the people's. The law helps and protects others – as for us, we have to take care of ourselves. When the law cannot be used, in the end what can you do? People like us have to take on the job of protecting ourselves, making our own way, and explaining what we are about.

“The things that were done to us were inhuman. The people who did them to us don’t have that thing that is called justice. I don’t know where truth and justice lie now. They don’t even have any humanity. I don’t know what will happen next. But I will keep fighting together with my sisters and brothers at Hoy Siap beach.”

*Source:* Interview with Thai NGO working team, 18 October 2004

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*Postscript:*

### **Excerpts from judgement of the Juvenile and Family Court, Songkhla province, 10 August 2005**

“ . . . although no direct prosecution witnesses testified that the defendant assaulted or obstructed police officers in their removal of obstacles, since it is established that he was a member of the group of offenders that used sticks to hit police officers, he is regarded as also having engaged in the armed assault and obstruction of police in the performance of their duties . . .

“ . . . although the defendant appears not to have been carrying a knife, the fact that those in his group had knives in their hands and had the intention of doing wrong, the defendant is also held guilty of publicly carrying a weapon in the village and public areas without good reason . . .

“ . . . although the facts are not clear whether the defendant violently assaulted or abetted the assault of police officers, he was in the group that did so, and therefore appears guilty of having helped to bring about a public disturbance as charged . . .

“ . . . Due to the defendant’s lack of a prior record, the lightness of his offense, the concern of his guardians, and the fact that the defendant sustained injuries as a result of the incident, he is held as having suitably suffered due to his own actions already and is given the opportunity to reform himself . . . [he is given] a two-year suspended sentence on condition he report to the court every three months and refrain from such behaviour and from drugs and intoxicating substances, etc. . . . if he does not pay the fine he will be sent to a youth detention centre for 30 days . . .”

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*Villagers No Longer Using Land, Says Decree*

## **Community Lands' Public Status Withdrawn**

13 August 2005 – An official proclamation (*prarachakitsadikaa*) was issued today withdrawing the public status of two tracts of land in Taling Chan and Sakorn Subdistricts that the Trans Thai-Malaysia company requires for construction of its gas cracking plant.

The decree claimed that the lands were no longer being used by villagers to drive their livestock to and from pasture or to reach their rice or watermelon fields, and that their public status could therefore be withdrawn.

*“When Right Becomes ‘Wrong’, It’s Time to Fight”*

## **Pipeline Opponents Hold Fundraiser**

4 September 2005 – Opponents of the Trans Thai-Malaysia pipeline and industrial project (TTM) held a fundraising tea party at Laan Hoy Siap beach today, attracting students, teachers and other friends from all over Southern Thailand.

The theme of the festivities was the way that Thai police had lost their dignity by becoming the paid employees of a private company that had stolen public land, beaten innocent villagers and trampled on Islam. Red signs and posters everywhere proclaimed that the country was going to the dogs if people really believed that the police could do no wrong. Murals set up along the way to Laan Hoy Siap proclaimed “When right becomes wrong, it’s time to fight”

Prakob Lamso, a local anti-pipeline activist, read out a statement accusing police of ignoring their duties to the public. He said police had allowed the Trans Thai-Malaysia project (TTM), a private company, to trespass on public land and had ignored charges of trespass filed against the firm.

Prakob recounted how a local 17-year-old boy, Phoowis To-Lee, had been beaten unconscious by police after he had taken photographs of police jumping down from their vehicles and beating people during an attempt by TTM to survey land in preparation for construction. The police, he said, had wrested his camera away from him to destroy evidence of their own brutality. Phoowis later

received a suspended sentence of two years and six months and was forced to pay a 16,100 baht fine for alleged offences against public order.

Even though the Governor of Songkhla, Somporn Chaibangyang, had promised to return the camera when he visited Phoowis in the hospital where he had lain unconscious for two days, it was still in the possession of the police.

“The fact that people still believe that police can do no wrong, that they do not cheat or harm or kill members of the public betrays a great lack of intelligence and maturity,” Prakob said. “This encourages the police to be even more violent and to continue to take the law into their own hands.”

“Public servants supported by public tax monies should do their duty and prosecute those who steal the country’s land,” Prakob said. “Our own duty is to struggle to defend the land and community ways of life based on Islam. Nothing will shake us in this. Allah will be our judge.”

Some 30 university economics students from Haad Yai, after conversing with local villagers and visiting the construction site, offered encouragement to anti-pipeline activists. They said that what they had seen and heard was different from the picture given in the mass media.

The students thanked local villagers for helping to protect resources for posterity.

## **TAO to Land Office: Don’t “Survey” Just to Cover up the Truth**

5 September 2005 – In a new development in the ongoing battle over the Trans Thai-Malaysia pipeline project, members of the Sakorm subdistrict administrative authority (TAO) today confronted a local Land Office surveyor who they said was starting a long-delayed survey of disputed land in the wrong place.

Moonin Waalam, president of the TAO, together with other TAO members and 150 villagers from Sakorm and Taling Chan subdistricts, pointed out to Wanyasa Matman, a surveyor with the Songkhla Land Office, that the public

land on which the pipeline was being laid (known as Khoke Chaai Thalay) began at the Rabang Ngu stream dividing the two subdistricts. They told Wanyasa that, acting on the Chana District Chief's orders, he had been about to start his survey of the boundary of Khoke Chaai Thalay in the wrong place – behind the Lan Hoy Siap mosque. The TAO members and villagers then conducted Wanyasa to the correct location.

Local pipeline opponent Sen Matmaw said that pipeline opponents had long since appealed to the local land office branch and to the District Chief to get the boundary of the public land correctly delineated, but had met only indifference, hesitation, claimed ignorance and a desire to smooth the way for TTM's illegal construction project. TAO member Jay-mat Sangkaew added that the TAO had earlier paid the Land Office 7000 baht to survey the boundary between Taling Chan and Sakorm but that nothing had been done. Villagers expressed frustration that now that a survey was finally being carried out, it had been ordered for the wrong place.

The villagers noted that the National Human Rights Commission had concluded on 7 December 2004 that the private title documents that TTM was using to justify its occupation of the Khoke Chaai Thalay land on which the pipeline was laid were bogus. The Commission had ordered the Land Department to notify TTM and all other concerned parties to withdraw and restore the land to its original condition immediately, at TTM's own cost, "yet no action has ever been taken," said Mr Sen.

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[DOCUMENT]

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21<sup>st</sup> September 2005

Dear Mr Pongwanan

## **RE: TRANS THAI MALAYSIA GAS PIPELINE PROJECT**

Further to previous correspondence, our meeting in December last year, and our subsequent research into issues raised by you concerning the pipeline project, the following response clarifies Barclays' position. I appreciate that we have taken some time to revert to you, and apologise that you have been kept waiting for so long.

### **Background**

The TTM project dates back to 1979 and the Environmental Impact Assessments (EIAs) are dated January 2002, before the launch of the Equator Principles ("Principles") in June 2003. This project is therefore unusual in that it "straddles" our implementation of the Principles.

By the time our involvement with the project was confirmed, the regulatory authorities in both Thailand and Malaysia had approved the EIAs and construction of the project was already underway. It was not possible to apply each Principle retroactively – for example, analysis of the "no build" option – as the project had already progressed beyond this stage.

Accordingly, we adopted the following approach when commissioning a second opinion on the EIAs, from the leading environmental consultant, ERM.

- If any material area of non-compliance with the Principles was identified, we would require additional work, clarification or covenants from the project company to address these.
- Areas of non-compliance identified where no substantive social or environmental benefit would be derived from taking retrospective action would be logged but no further action taken.

We outlined some of the changes/improvements made to the project specification in our earlier response to you (attached). These improvements contributed to our view that our association with the project is in keeping with our policies, and has resulted in substantive improvements to its social and environmental profile, improvements which may not have been implemented had the funding been arranged by a non-Equator Principle adopting bank.

### **General observations**

- The Barclays PLC Group is a firm supporter of responsible development in accordance with the Principles and our own criteria.
- The Principles (and Barclays' own requirements) recognise the interests of various stakeholders in the environmental review process.
- Through our relationship with the two project sponsors, Petronas and PTT, (the vehicles charged with exploitation of the gas field), and because of governmental approval of the project and the EIAs, we take comfort that the authorities within both countries support the project and are comfortable with its environmental and social profile.
- Barclays has to work through the medium of the financing documents in reviewing and monitoring the performance of TTM. We do not seek to dictate to governmental authorities how they should implement their own laws, nor could we do so.

## **ERM**

Barclays retained ERM to conduct a review of the EIAs as noted above. ERM was also closely involved in the drafting of the clauses in the financing documents relating to environmental compliance.

ERM has since been retained by the facility agent on behalf of the financing banks to monitor ongoing implementation of the environmental and social requirements contained in the financing documents.

## **Project Legality**

In keeping with market practice for syndicated loan transactions, the comfort of the banks as to the compliance with laws, and the operation, of the project is to a large extent based on representations by the borrower as to certain facts and undertakings by the borrower as to future behaviour, and events of default arise if representations or undertakings are breached.

In the TTM project, the lenders do not have security over the physical assets and there was therefore no requirement by the lenders to investigate title.

With reference to certain questions as to the legality of acquisition and occupation of certain areas of land, the issues raised have been put to the project company which either disagrees with the assertions, or has provided what we believe to be satisfactory explanations. We are not in a position to challenge the project company's assertions. If claims that any transactions have been conducted illegally arise, they should be pursued through the Thai legal system.

## **Community Consultation, Engagement and Development**

As a requirement of Barclays' participation in financing the project, an additional requirement was included in the financing documents that required TTM to implement community consultation, engagement and development plans in accordance with the approved EIAs

Information provided by TTM stated that the required community consultation and engagement measures had been or are being implemented. With regard to development plans, we understand that the Social Development Fund was established in January 2004, to be managed by each affected village's Committee for Administering the Social Development Fund. Every year, throughout the project's life, TTM will contribute Baht 10 million to eligible villages. According to the project Environmental Oversight Committee meeting minutes (February 2005), about Baht 9 million has already been allocated to directly affected and nearby villages for specified projects.

TTM has also published a social contract, effective from January 2004, which is attached for your reference.

## **Environmental, Health and Safety Management**

As a condition of lending, TTM is required to implement a systematic management system specific to the project's hazardous materials and in accordance with the International Finance

Corporation's (IFC) Hazardous Materials Management Guidelines prior to operation of the facilities.

A further condition applies to Environmental, Health and Safety management systems which should be compatible with recognised standards e.g.: ISO 14001 and OHSAS 18001 and certificated within two years of start of operations. The management systems should also be compliant with relevant IFC guidelines.

In terms of risk of explosion, the EIAs included a risk assessment of the design of the GSP and pipelines. The EIAs also recommended a number of measures to manage the risk to local communities, including preparation of emergency response plans and training on emergency response for communities living near the pipeline.

You have queried whether we are aware of an accident at the GSP. The only accident we are aware of, and as confirmed by the project company, was a fatality which occurred in a road accident on the south access road to the GSP but not actually within the GSP itself. We understand that subsequent to this accident, speed bumps and improved signage were installed by the project company.

### **Site Security**

The behaviour of state-provided security personnel is outside lenders' area of responsibility. That said, Barclays understands concerns about how site security is enforced, and the project company is aware of our and other lenders' concerns should the behaviour of security personnel be the cause of friction with the local community.

### **Conclusion**

Ongoing compliance with the environmental and social requirements covenanted into the loan agreement for the project will continue to be monitored and documented by the retained consultancy ERM. The community engagement mechanisms should provide local people with avenues through which to raise issues of concern, and their effective implementation will be reviewed as part of this monitoring process.

Yours Sincerely

Philippa Birtwell  
Head of Public Issues

cc Sulaiman Matyusoh; Greg Muttit, Platform; Larry Lohmann, The Corner House

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## ***Pipeline Opponents Question Police***

# **“State Officials Ignore TTM Case, Threaten Public Instead”**

23 November 2005 – Opponents of the Trans Thai-Malaysia pipeline (TTM) invaded the Chana district police station this morning to ask why officials were not pursuing a longstanding legal case against TTM, having instead filled out arrest warrants for project opponents.

Prakob Lamso, a local villager, told reporters that the protesters wanted to see whether public servants were following up a charge filed by members of the public last year against TTM for encroachment on and destruction of public property

Instead of doing so, however, Mr Prakob said, police had issued arrest warrants for him and two other members of the public for trespass. Mr Prakob had only heard of the existence of the warrant when his application for a passport at the Songkhla provincial office was refused.

Colonel Somkiat Ritluean, the local police commander, was disgruntled at the pipeline protesters filling his room at the Chana police station. He demanded that the protesters send one or two representatives only to meet him. But the protesters insisted on all hearing the news together, arguing that the matter related to everyone in the community.

Col Somkiat heard from the pipeline opponents that their only offense had been to assemble to protect public land at Khoke Chaay Thalay, which they said Samsung would destroy, changing the coastal ecosystem, in order to lay the pipeline and build the cracking plant. They were protecting a national resource, they insisted.

The pipeline opponents said that the company was using false documents to claim the land was not public. They noted that the Sakorn Subdistrict Administrative Authority, the local authority with jurisdiction, had resolved that the land was public, which was also the conclusion of the National Human Rights Commission (NHRC) after an investigation. The NHRC had ordered that construction be taken down and further construction suspended.

Mr Prakob said that he was stunned to find instead that he was on the receiving end of a criminal charge himself. It only added to his surprise to discover that the arrest warrant had been filled out at the behest of a Mr Kim, a Korean employee of Samsung Engineering, a company contracted to help build TTM's gas separation plant in Chana. Lt Colonel Satrawee Upawong, the station's deputy commander, had processed the charge.

Mr Prakob said that it seemed that TTM and Samsung had joined hands with state officials in harassing local people merely for having earlier brought charges against the company for trespassing on public land at Khoke Chaay Thalay..

Several villagers wanted to know why warrants were made out for only three people. The entire community had participated in the events cited in Mr Kim's charge. If wrong had been committed, everybody should be arrested.

It was an irony that police acted on Mr Kim's charge and not their own earlier charge, the villagers said, even though according to the law of trespass on public land, charges need not be pressed for the police to pursue a case.

Col Somkiat was unable to explain the contradiction to the villagers, saying that he had only just arrived in his post.

When Mr Prakob asked to see his arrest warrant, Col Somkiat refused, saying it was not his responsibility, and referred Mr Prakob to Lt Col Athip Saengwanloi, a deputy.

After first saying that he knew nothing about the arrest warrant, Lt Col Athip finally produced a warrant dated 23 October 2004.

The protesters then asked why, if the warrant had been outstanding two years, Mr Prakob had not been informed. Keeping him in ignorance was a violation of his rights, they said.

Jaymat Sangkaew, another representative of the pipeline project opponents, told reporters that after he and his colleagues learned of Mr Prakob's arrest warrant, they felt the need to check whether anyone else among the hundreds of people who had come out to protect public land in 2004 had also had a warrant issued for them.

He said that the villagers would consider how to proceed with Mr Kim, Samsung, and the mischievous charge that had been brought against them. In

addition, they would monitor the prosecution of the case they themselves had lodged in 2004.

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## ***FRIENDS OF THE EARTH BRIEFING***

### **Summary**

**In June 2004, Barclays Bank agreed to lead the financing of a controversial multi-million dollar gas pipeline development between Thailand and Malaysia which is beset by human rights abuses. Currently under construction, the pipeline threatens delicate ecosystems that support the livelihood of the local fishermen as well as their way of life. Despite substantial protest from villagers and opposition from the Thai Senate, the National Human Rights Commission (NHRC) and over 1300 academics, work on the pipeline and gas separation plant has gone ahead.**

## **The Pipeline Project**

The pipeline development is a collaborative enterprise between the state-owned oil companies Petronas of Malaysia and the Petroleum Authority of Thailand (PTT). The pipeline will pump gas from offshore fields in the Gulf of Thailand to a separation plant in Chana district, southern Thailand, and then on to the Thai-Malaysian border where it will join the Malaysian gas grid.<sup>22,23</sup> However, it is a 255km section in the Gulf and the gas separation plant it is linked to in Taling chan subdistrict on the Thai coast that has stirred the most controversy and allegations of human rights abuses.

### **Mixed benefits**

The key function of the pipeline is to fuel industrial development in southern Thailand. The separation plant will extract commercial gas that can then be sold in Thailand while the rest will be transported to the Malaysian gas grid via an 86km onshore pipeline.

The Trans Thai-Malaysia pipeline company (TTM) developing the project, together with the Thai government, claim that industrialisation of the area will improve the local economy, reducing poverty and socio-economic disparities in the region. Nevertheless, huge doubt remains as to the real need for the gas, although both government and big business stand to make massive profits from the development. Many local people doubt that local communities will benefit.

### **Environmental Impacts**

Local communities are concerned about the effects of effluents and emissions that will be caused by the project. Villagers in the project area in Songkhla province, who are predominantly Muslim, earn their living mainly through fishing, farming and rearing cooing doves, and are directly dependent on clean air and natural resources.<sup>24</sup>

Construction of the pipeline and the gas separation plant also threatens important areas of wetland forest and some of the few remaining stretches of rare sand dune forest along the coast. It is feared that this destruction will threaten food security in the surrounding areas.<sup>25</sup>

## **Financing the project**

Barclays agreed in June 2004 to be the lead arranger for the financing of the US\$524.3 million pipeline project. It has provided a US\$257.1 million loan,

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<sup>23</sup> Yeoh Jit Kooi, "Villagers Fume over Thai-Malaysia Gas Pipeline", *Aliran Monthly*, Issue 2002-2, March 2002.

<sup>24</sup> Supara Janchitfah, "A season of discontent", *Bangkok Post*, Bangkok, 6 July 2003.

<sup>25</sup> Bank Track, *Principles, Profits or just PR?* – EP Anniversary report, June 2004.

nearly half the total loan, giving it significant leverage over the project. Its participation is crucial to the success of the development since its influence and credibility have played a huge role in attracting foreign investors.

A key aspect of Barclays' role as lead arranger is to carry out satisfactory risk assessment. This should consider all problems associated with the project, including the potential for environmental and social harm. This is important as it can affect the ability of a company to repay the loan.

### **Equator Principles**

Barclays is one of four banks that led the way in creating a set of environmental and social guidelines (known as The Equator Principles) for private banks involved in project finance. Barclays must therefore be expected to ensure that the Thai-Malaysia gas project complies with these guidelines, which are based on policies developed by the World Bank and its private finance arm, the International Finance Corporation (IFC).

Under the Equator Principles, an Environmental Impact Assessment (EIA) is required. The process involves an analysis of the likely effects on the environment and mandatory public consultation. The results of both must be taken into consideration when making the final decision.

## **Environmental Impact Assessment**

### **Inadequate Consultation**

Although pressure from the government has resulted in approval of the TTM EIA, it was initially rejected by the government's own expert panel appointed by the Office of Environmental Policy and Planning (OEPP), and remained so for over a year.<sup>26</sup> The EIA has been heavily criticised for omitting many environmental and social impacts and is the subject of an administrative lawsuit.<sup>27</sup>

With regard to public consultation, two hearings took place in 2000, the second held because of the failure of the first. The second lasted only 25 minutes, although it was intended to take place over two days, and was prejudiced against those members of the public in opposition to the pipeline as they were forcibly excluded from participating. Those who were permitted

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<sup>26</sup> Wayne Arnold, "Thailand Development Faces Rare Challenge", *New York Times*, New York, 5 January 2002

<sup>27</sup> "Statement of 1,371 Thai Academics Urging the Government to Review the Thai-Malaysia Gas Pipeline Project", Chiang Mai, 24 November 2002, available at <http://www.geocities.com/miduniv888/newpage19.html>; Platform, Corner House and Alternative Energy Project for Sustainability, Letter to banks involved in the Trans Thai-Malaysia Gas Pipeline, 23 December 2004.

to comment at the consultation were employed by TTM.<sup>28</sup>

## **Barclays & Human Rights**

### **Human rights policy**

The Barclays Group Statement on Human Rights, adopted in June 2004, defines the bank's approach to human rights. The Statement covers Barclays' responsibilities as an employer, as a provider of financial services, as a purchaser of goods and services and to communities.

Regarding its commitment to local communities, Barclays states:

*'We will take the necessary steps to understand the impacts that our business may have on the communities with which we interact, including human rights impacts. Where there is potential for our operations to cause human rights violations we will take whatever action is necessary to avoid them'.<sup>29</sup>*

### **UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (UN Norms)**

As a leading participant in the Business Leaders Group in trialling the UN Norms, Barclays has committed itself to further responsibilities regarding human rights when involved in international project finance. Among these, businesses must avoid corruption, maintain transparency, respect economic, social and cultural rights and safeguard environmental protection in their activities.<sup>30</sup>

Barclays' actions in support of the TTM project are in breach of these pledges.

## **Human Rights Abuses**

### **Peaceful protestors attacked**

Over two years of peaceful and lawful protest by local people in southern Thailand has been met with increasing threats of police violence, mounting harassment and intimidation from security patrols in the area, creating what

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<sup>28</sup> Friends of the Earth/Corner House, "Barclays and Human Rights - India's Narmada Project and Thailand's Thai-Malaysia Gas Pipeline", Seminar, UK House of Commons, December 2004.

<sup>29</sup> Barclays Group Statement on Human Rights, June 2004.

<sup>30</sup> U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003) at <http://www1.umn.edu/humanrts/links/norms-Aug2003.html#approval>.

the UN Special Envoy on Human Rights, Hina Jilani, described as “a climate of fear”.<sup>31</sup>

A violent incident occurred in December 2002, when villagers attempted to give a letter to the Prime Minister. They were brutally dispersed by police, beaten violently, and large numbers of protestors, including 12 NGO staff members, were illegally detained. Since then, the Provincial Court of Songkhla has ruled that villagers were exercising their constitutional rights in the 2002 clash.<sup>32</sup>

In November 2003, an adolescent taking photos near the construction site was brutally beaten by police and was left unconscious for two days with a cracked skull.<sup>33</sup>

Despite these and numerous other incidents, Barclays continues its association with a development that has been demonstrated to have involved serious human rights abuses. This clearly flouts its own policy, putting its reputation is at stake by undermining its own assurances to invest its customers’ money responsibly.

### **Illegal takeover of land**

A further concern for Barclays is the means by which TTM acquired a parcel of land where part of the gas separation unit has been built. The land includes four public rights of way which are *waqf* common lands passed down as part of Islamic custom. Islamic principles deem these rights of way as given over to God for community use. They cannot be bought, sold or exchanged.<sup>34</sup> TTM’s fencing off and blocking of these rights of way is also in breach of Thai law. According to the law, before such public rights of way are interfered with, project developers must ask for consent from local residents and offer other paths in exchange, and a specific act must be passed by Parliament revoking the existing rights of way. None of this was done.

TTM has now almost completed construction of the gas plant on this land and the public rights of way have already disappeared.

In addition, villagers have proved that TTM forged documents to secure a strip

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<sup>31</sup> Marisa Chimprabha, “UN envoy cites climate of fear”, *The Nation*, Bangkok, 28 May 2003.

<sup>32</sup> Case 195/2546 (black), 2321/2547 (red), Songkhla Provincial Court, Songkhla, 30 December 2004.

<sup>33</sup> NGO Working Group, Songkhla, Interview with Phoowis To-Lee, 18 October 2004.

<sup>34</sup> Network Against the Trans Thai-Malaysia Pipeline and Associated Industrial Projects, “Subdistrict Head Submits Protest to Land Office: Thai Pipeline Company’s Attempt to Take Control of Public Land Challenged Again”, Press Release, Songkhla, 10 August 2005; letter to the Governor of Songkhla from Mrs Juraiwan Jayni and Mrs. Suraida Tolii, Songkhla, 26 October 2004; Network Against the Trans Thai-Malaysia Pipeline and Associated Industrial Projects, “Stop Destroying Islam, Pipeline Opponents Demand”, Press Release, Songkhla, 7 April 2005.

of common beachfront land identified clearly in official land documents of 1990 as public land, which cannot legally be sold. In violation of Thai law, TTM arranged to “purchase” this land, partly covered with sand dune forest, from a bogus “private owner” in order to lay its gas pipeline onshore.<sup>35</sup>

The National Human Rights Commission, an independent Thai body that assesses human rights concerns and abuses, has since issued a report stating that the land in question is common land and that the local people are entitled to access to it. The Commission recommended in December 2004 that the project be suspended until the issue is resolved.<sup>36</sup>

Nonetheless, construction continues and villagers’ rights of way remain blocked while Barclays maintains both its silence and its inaction.

## **Demands to be Addressed to Barclays**

Write to Peter Varley

Chief Executive Officer

Barclays Bank

1 Churchill Place

London E14 5HP

Demand that Barclays demonstrate its commitment to upholding human rights with regards to the Trans Thai – Malaysia pipeline by agreeing:

- To meet with the NHRC, TTM and local people to discuss local objections to the pipeline and associated industrial projects.
- To suspend construction in order that the illegal encroachment of common lands be investigated and the culprits found.
- To investigate the illegal blocking of public rights of way.

Demand that Barclays demonstrate its commitment to upholding human rights everywhere by agreeing to:

- Publish its human rights policy and report annually in compliance with UN

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<sup>35</sup> Friends of the Earth/Corner House, “Barclays and Human Rights - India's Narmada Project and Thailand's Thai-Malaysia Gas Pipeline”, Seminar, UK House of Commons, December 2004.

<sup>36</sup> *Sarup Phonkaantruatsawp Kaanlamoetsitthimanutsiyachon Koranee Kaanchaiprayote nai Thiidin Saathaanaprayote Khoke Chai Thalay khong Borisat Trans Thai-Malaysia (Prathet Thai) Jamkat nai Phuenthee Tambon Taling chan Amphur Chana Changwat Songkhla* [Summary of Investigation of Violations of Human Rights in the Case of the Use of Public Land at Khoke Chai Thalay by Trans Thai-Malaysia (Thailand), Taling chan Subdistrict, Chana District, Songkhla Province], Bangkok, 2 December 2004, p. 12.

norms.

- Publish compliance with the Equator Principles and state any deviation from the Principles.
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# 2006

## **Pipeline Opponents Press Legal Claim to Disputed Land by Planting Trees**

*Claim Anti-Corruption Policy Betrayed by “Wink and a Nod” Given to Foreign Investors Who Seized Public Land*



*Chana district children hold tree seedlings aloft that they plan to plant on disputed land taken over by the Trans Thai-Malaysia company and its subcontractors. Banner in foreground accuses officials of colluding with the firm to annex the land illegally.*

7 January 2006 – Chana district in Southern Thailand saw renewed protests today as 200 opponents of the Trans Thai-Malaysia (TTM) gas pipeline project marched to a tract of disputed land to plant native trees and denounce what they called illegal “wink and a nod” collusion of company executives and government officials.

With a water buffalo effigy representing Prime Minister Thaksin Shinawatra in tow, the villagers listened to members of the local Sakorn subdistrict administrative office as they alleged a history of illicit land dealings culminating in TTM's and Samsung's illegal seizure of public land to lay the pipeline.

Subdistrict administration officials including Sakariya Mawang-iat, Jantima Chaiyabutdee, Jae-mat Langkaew and Sali Maprasit read out allegations involving more than 100 hectares of public land in Sakorn and Taling Chan subdistricts.

Some 16 hectares of public land, they said, were wrongly registered to a private owner in 1955 and then divided up into ten parcels in 1972, one of which went to local resident Yiam Luepiyaphanit with a NS-3k land document, a low-grade private ownership certificate.

Yiam sued a local villager in 1989 for trespass, but the Songkhla provincial court dismissed the suit in 1990 after the alleged trespasser pointed out that the land in question was public.



*Villagers marching toward the contested seaside land.*



*The “Thaksin” buffalo gets a roasting.*

Yiam appealed to the Third Regional Court of Appeals, which handed down a decision upholding the Songkhla court’s decision and affirming that the land in question at Khoke Chaai Thalay was indeed public land. Yiam himself eventually conceded that all ten tracts of land were actually public reserve forest land, as was confirmed by official documents.

In May 2003, TTM bought a land parcel registered as No. 118/81 to use to lay its gas pipeline from the sea, and in October of the next year rented another parcel, No. 119/18, registered with a NS-3k land document, both at Moo 4, Baan Naa subdistrict of Chana district, Songkhla. The land, registered to a Prathiip Sirisakul, was to be used for building a jetty to unload construction equipment for the gas cracking plant associated with the pipeline project. When villagers from Sakorm and Taling Chan subdistricts then rallied on the site, which they identified as part of the Khoke Chaai Thalay tract of public land, they were sued for trespass by Chana police.

On 7 December 2004, Thailand’s National Human Rights Commission found after an investigation that TTM had been wrongfully issued with land documents for the Khoke Chaai Thalay land. It called on TTM and its subcontractors to suspend all operations on the 118/81 land and restore it to its former state.

However, the company continued its activities there, even, on 23 October 2004, charging two locals, Kittiphop Sutthisawang and Sulaimaan Matyuso, with conspiracy to trespass on private land.

“Yet Prathiip Sirisakul and the Korean contracting company occupying the land were never charged by officials with annexing public land,” complained the Sakorm administrative officials.

TTM, the officials claimed, has also failed to get the permission it needs to use the land from Sakorm subdistrict, prompting the subdistrict administrative organization to issue a resolution last 22 September objecting to the construction of the jetty. Local villagers, too, have lodged complaints with police against TTM charging the company with trespass, but no action has been taken. On 24 July the Sakorm administration unanimously resolved to take action to return the public land to the community.

After reading their statement, Sakariya and other Sakorm officials then announced that they were launching a community tree planting project to affirm the land’s public status and improve the local environment. They called on the government of PM Thaksin Shinawatra, the Chana police, the *ad hoc* police force stationed at the gas plant, and all concerned bodies to cease their support for the pipeline project’s illicit occupation of public land.

The officials requested the police immediately to arrest individuals and agencies responsible for issuing the illegitimate NS-3k land documents. They also demanded that police officers at Chana be brought to justice for neglecting their duty to press the case against TTM in accordance with the charge laid by villagers of conspiracy to annex and build on public land used by local people without permission.

The Sakorm administrators went on to denounce Thaweesak Khampoot, an investigating officer of the Chana police. Thaweesak, the officials said, had falsely claimed that he had sent the villagers’ request for an investigation to the provincial prosecutor in Songkhla and that the case had been logged as case No. 13/2548 of 31 May 2004, on 19 October 2004, with file No. SK. 0329 (KD)/313 of 19 October 2004. But when pipeline opponents turned up at the Songkhla prosecutor’s office to follow up news on the case on 7 December 2005, they found that no such case existed. The public had been tricked.



*Local children hold up seedlings to be planted on the disputed land, including betel palms, coconuts, acacia, payawm and various medicinal species.*

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## ***Gas Blowout on Trans Thai-Malaysia Pipeline Jars Jittery Residents***

7 February 2006 – Traffic was halted near a valve station on the Trans Thai-Malaysia pipeline in Chana District, Southern Thailand on 6 February 2006 as fire trucks responded to a gas leak, attracting a large crowd of onlookers.

Security guard Sompong Techaphan reported that a transformer on an electricity pole at the station had shorted out with a bang at about 9 am, resulting in a cloud of escaped gas.



*The scene at the valve station on the morning of 6 February.*

A TTM engineer called to the scene said the short circuit had been caused by a snake getting into the transformer but refused to comment further.

Local villager Suraida To-Lee said the incident had frightened nearby residents, who had no faith in TTM's safety procedures.

Suraida questioned how a mere short-circuit could cause gas to spurt up out of the pipeline.

If this is the way things start out, he asked, how were villagers supposed to live with the project for the next 30 years?

Suraida noted that other gas leaks had already occurred further along the pipeline in Haad Yai district.



*An unusual suspect? Engineers fingered this green snake as the cause of the gas leak.*

He claimed that hasty construction of the project under pressure from community opposition had led to substandard safety features.

Mom Luang Walwipa Burutrattanaphan, an expert considering the project's social environmental impact assessment, said that the government's Office of Environmental Policy and Planning had pushed the project into operation before it was ready and before the EIA had been approved in its revised form, as required.

“This has led to all sorts of problems,” M. L. Walwipa commented. “The bentonite they used to dig the pipeline trench killed nearby rubber trees.

Roads have been damaged, swamp forest encroached on, public land taken over. And there have often been gas leaks.”

## *Courtroom Packed in Pipeline and Tak Bai Massacre Cases*



*The scene in Room 209 of Songkhla Provincial Court.*

16 February 2006 – Songkhla Provincial Court was abuzz with spectators today as examination of witnesses got under way in two cases in which police are accused of violence against the public.

Prosecutors told Judge Sudawan Phrueksathien that they would call 225 witnesses to give evidence in the case of the deaths, mostly by suffocation, of 78 people in police custody at Tak Bai, Narathiwat on 25 October 2004.

The Tak Bai case had been moved from Pattani to Songkhla out of fears for the safety of witnesses who were state officials. A move to have the case heard at the Bangkok Criminal Court instead had been rejected due to the distance local people would have to travel to get there.

The court then opened the examination of prosecution witnesses in the case of the violent dispersal of demonstrators against the Trans Thai-Malaysia pipeline project (TTM) on 20 December 2003.

Police Colonel Surachai Suebsuk, Deputy Commander in Songkhla at the time, testified until 15:30, when the examination was suspended until the next day.

The court was packed with spectators, including red-shirted opponents of the TTM pipeline.

Pipeline protesters said they were paying particular attention to the testimony of Pol Col Surachai since senior police officers had been present when orders were given to use violence against protesters gathered near the JB Hotel.

The TTM opponents added that they were also there to support fellow victims of state violence who had travelled long distances from their homes in Narathiwat.

Both they and the Tak Bai villagers, they said, had suffered as a result of the policies of the government of Prime Minister Thaksin Shinawatra.

The Thaksin regime, they said, existed mainly to enrich its members and their cronies, often by using force against ordinary people.

# *Pipeline Opponents Take Their Case to Songkhla Prosecutor*



*Justice for the nation – or just for business?*

27 February 2006 – Amid growing nationwide demands that Thai Prime Minister Thaksin Shinawatra step down over charges of having sold out the country, opponents of the Trans Thai-Malaysia (TTM) pipeline and industrial project took their own case to the Ninth Regional Prosecutor's Office in Songkhla on Monday.

Following a tour of the city to explain to the public how the Thaksin government had colluded with the TTM company to defraud the nation of public land, the protesters, some 200 strong, met with Deputy Director-General Surasak Daankittikul of the regional prosecutor's office.

The villagers been invited to submit evidence on the case following an earlier mass demonstration on 9 February. Prosecutor's Office officials noted that in the past they had received evidence only from the police.

During Monday's meeting, the pipeline opponents presented documentary evidence that TTM had trespassed illegally on public land at Khoke Chaai Thalay.

In their submission, pipeline opponents noted the finding of the National Human Rights Commission that the deed TTM had used to seize the public land was fraudulent, and documented how TTM had encroached, fenced off and destroyed rights of way protected under both public land law and Muslim law.

They also explained how they themselves were harassed because they were trying to protect 20 hectares of the land. They highlighted the irony that three of their number – Suleiman Matyuso, Prakop Lamso and Kittiphop Suttisawang – had had warrants issued for their arrest on trespassing charges, while TTM officials went free.

Surasak said the prosecutor would take the evidence into consideration when deciding on how to proceed with TTM and whether to refer the charge against the villagers to the Songkhla court. He said the decision would be announced on 6 March.

### *Pipeline Opponents Keep Date*

## **Villagers Still Waiting for Prosecutor to Act on TTM**



*A pipeline protester holds the microphone for a Prosecutor's Office official.*

6 March 2006 – Villagers from Chana district in Songkhla, Southern Thailand this morning marched to the office of the Ninth Regional Prosecutor to hear its decision on whether to prosecute the Trans Thai-Malaysia pipeline project. Calling for the ouster of Prime Minister Thaksin Shinawatra, they demanded the “return of Thai territory” taken by TTM.

The Prosecutor had said a decision would be announced today on trespass charges against the controversial company. But Niphon Phinyo, special Deputy Director General, notified the crowd that no action had yet been taken and asked them to return on 8 May.

The villagers responded by giving notice that if justice was not done, the Muslim community would rise up to protect what was right without fear for personal harm.

The pipeline opponents, dressed in red shirts and carrying red flags symbolic of their battle, arrived in a procession including loudspeaker lorries. They demanded that the Director-General of the Prosecutor’s Office come out to speak to them on the progress of the case. As the protesters denounced Prime Minister Thaksin to the crowd for having connived with foreign business to swindle the country out of its public and common land, an official emerged to request that a single protest representative be sent in to negotiate. He was rebuffed. Mr Niphon then came out to speak to the crowd, explaining that his chief was away on business.



*Opponents of the TTM pipeline and associated industrial projects on the march to the Songkhla Prosecutor’s Office.*



*Protesters occupy the Songkhla Prosecutor's Office grounds.*

Mr Nippon said that the matter might have to be referred to the central prosecutor's office because it was of general interest to society, and therefore might not be brought to the provincial Songkhla court. He insisted that the prosecutor's office would act in the interests of the nation.

Mr Nippon also requested the protesters to produce more documentary evidence against TTM than they had already submitted on 27 February. The protesters questioned this demand, noting that they had already submitted a resolution from the Sakorn subdistrict Tambon Administrative Authority (TAO), a report from the National Human Rights Commission, aerial photographs, and judgements from the Songkhla and appeals courts on the status of the land that had been illegally seized by TTM.

Taken together, one protester said, the documents would "fill a pickup truck. If you need anything else, please give us the details."

The pipeline protesters were also following the progress of a trespassing charge against three local villagers brought by South Korean subcontractor Kim Yang of Samsung Engineering. The protesters insisted that the three, Sulaiman Matyuso, Prakob Lamso and Kittipong Suttisawang, had done no wrong but had been harassed by the Thaksin

government merely because they opposed the pipeline and were blocking profiteering by Thaksin's cronies, especially in the Thai Rak Thai party.

The protesters recounted that they had been harassed through arrest warrants ever since the violent police actions in dispersing the rally of 20 December 2002, which had taken place near a Haad Yai hotel where Thaksin was holding a meeting.

Before returning to their homes, representatives of the pipeline opponents read out a statement demanding the ouster of PM Thaksin and the return of the country to the people. They said that Mr Thaksin had abused state power to try to build the project, even though it was clearly to Thailand's disadvantage, with most benefits falling to foreign countries. The project, they said, had stirred opposition from all levels of society. They charged that Mr Thaksin had pushed TTM merely in the interests of businesspeople associated with his political party, Thai Rak Thai.

It was a disgrace, they said, that Thai villagers who rose up to protect the country had been issued with arrest warrants at the behest of a Korean firm at a time when the local Chana district police knew well that the land that TTM had invaded was public land. Officials, they added, had also falsified land documents in the company's interest.



*An official addresses the crowd.*

The pipeline opponents said that the future would test whether the judicial system was acting in the interests of the nation or those of business, and whether it was worthy of public confidence.

“The government, the bureaucracy, the police have let foreigners take our heritage away,” said Mr Jamat Sangkaew, a member of the Sakorm TAO.

“In the future we may have no land to live on. So we have to rise up and protect our land and the principles of Islam to the end, even if it means losing our lives and our blood.”

## Trespassing Charges against Pipeline Opponents Thrown Out



*“They build without asking permission. They abuse power to seize common land.”*

8 May 2006 – The Songkhla province prosecutor today dismissed trespassing charges filed by Samsung Corporation against three leaders of the movement opposing the Trans-Thai-Malaysia pipeline.

Kittiphop Sutthisawang, Suleiman Matyuso and Kop Lamso had been accused by Samsung, a contractor for the gas cracking plant associated with the project.

Local villagers, 100 of whom were in attendance, say that the plant has encroached on over 100 hectares of public land.

Mrs. Suraida To-Lee, a local pipeline project opponent, said that the judgement confirmed that the land did indeed belong to the public. Villagers have filed a case with the Songkhla investigator concerning the takeover of their land by the project.



*Chana children show their support.*

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## **Court Orders Police to Compensate Villagers for Haad Yai Attack**

1 June 2006 – A Songkhla court today ordered police to pay damages to villagers for having unconstitutionally broken up their peaceful assembly on 20 December 2002 during a cabinet meeting in Haad Yai.

The Songkhla Administrative Court said police would have to pay 10,000 baht to each of 24 claimants, including 18 villagers, five non-government organization staff, and a student.

The decision vindicates opponents of the Trans Thai-Malaysia pipeline and industrial project (TTM), who have argued for over three years that Prime Minister Thaksin Shinawatra and Police commander Gen San Sarutanon have unjustly accused them of violent behaviour during the Haad Yai incident.

“The judgement shows clearly that police violated our constitutional right to peaceful assembly,” said Kittiphop Sutthisawant, one of the plaintiffs. “This should help counter the misunderstanding fostered by PM Thaksin and Gen San that demonstrators used violence against the police.”

Defendants included 18 villagers, 5 NGOs and a student leader. The plaintiffs were represented by attorney S. Ratanamanii Phonklaa from the Law Society and supported by 100 red-shirted TTM opponents in the gallery. The attorney for the defendants, which included the police, the provincial government of Songkhla and the Interior Ministry, did not appear.

The decision, which was read out by Amphon Charoenchiwint, deputy director of the court, cited video and photographic evidence, as well as an inquiry conducted by the National Human Rights Commission, that police charged through the steel barriers they themselves had erected to try to break up the villagers’ peaceful assembly. At the time, many in the rally were at Muslim prayer. Others were sitting or standing peacefully, unarmed, conversing among themselves and not showing any signs of preparations for violence. Yet police formed a line and advanced forcibly into the crowd, beating with their nightsticks on their shields, which they used to push people back.

The court noted that the defendants were unable to present any evidence that the assembled had defied the orders of the police to stay out of the exclusion zone that had been established around the JB Hotel, where the cabinet meeting was to be held, or were carrying weapons.

The court judged that the police had no powers under the law to interfere with a peaceful rally seeking merely to petition the cabinet. According to the constitution, interfering with peaceful assemblies can be undertaken only if the public is being inconvenienced or in times of war or martial law. The police were therefore guilty of deliberate or negligent damage

according to the highest law of the land. However, the court absolved the Interior Ministry and the province of responsibility.

“Personally, I think that the monetary compensation we are to receive from the police is not enough,” said Kittiphop. “This kind of damage can’t be calculated in cash terms.”

“We’ve always claimed that it is the pipeline project itself that has been carried out illegally, whether you’re talking about the fraudulent public hearings or the trespass on public land by the gas separation plant. The government has never listened, instead using the police to push the project. Even today, the police are still acting illegally by supporting TTM’s trespass on public land. We ask them to stop breaking the law.”

## **Ex-Senator, Writer Back Pipeline Opponents**

3 June 2006 – A well-known writer and a former Senator arrived in Chana today to offer support to Trans Thai-Malaysia pipeline project opponents after a Songkhla court forced police to compensate protesters for having violated their constitutional rights.

Ex-Senator Tuenjai Deetes, together with W. Wachiramithi, a famous Buddhist monk-writer, visited a threatened local dune forest to express regret that the country’s leaders did not see the importance of preserving its biodiversity and respecting its spiritual importance. If the area were developed into an industrial park as planned by the government, Senator Tuenjai said, the dune forest would likely disappear.

Later, at Laan Hoy Siap beach, W. Wachiramithii told local protesters he had followed their case continuously and urged them to keep fighting. He said that their struggle was in the national interest.



*Former Senator Tuenjai Deetes (r.) and monk-writer W. Wachiramithii (second from r.) meet with Trans Thai-Malaysia pipeline opponents at Laan Hoy Siap beach.*

Senator Tuenjai characterized the administrative court decision as a major victory that reaffirmed Thais' constitutional right to peaceful assembly. She said she had visited Chana many times and could see that the villagers had a good understanding of the advantages and disadvantages of the project. Tuenjai added that local villagers' actions to defend local communal Muslim *waqf* land from the project were in accordance not only with the principles of Islam but also with the bedrock principles of Buddhism.

Local spokesperson Mr Wakop Lamso said that the recent court decision showed that misdeeds by government officials or police against ordinary people had to be investigated. The case demonstrated that the government of Prime Minister Thaksin and Pol. Gen. Sant Sarutant were incorrect in trying to make the Thai public believe that peaceful rallies were illicit or violent, he said.

Mr Wakop added that police had used the law and their own power in a threatening and abusive way by bullying villagers. The police had to be subject to the constitution like everybody else.

He complained that police in the area still were acting in the service of the TTM company, protecting it and encouraging it in the illegal act of seizing public land for construction and the laying of the pipeline.

## ***Pipeline Opposition Leader Finds Windshield Battered***

13 July 2006 – Vandals attacked a pick-up truck belonging to a leader of the movement opposing the Trans Thai-Malaysia Pipeline where it was parked this morning in front of the Songkhla courthouse.

Supawan Chanasonkhram, together with about 30 other pipeline opponents and their lawyers, were in attendance as defendants in the case of the dispersal of the 20 December 2002 anti-pipeline rally in Haad Yai.

Supawan emerged from the courthouse at midday to find that her Nissan pick-up's windshield had been battered and cracked from end to end.

The attack was unlikely to have been a robbery attempt, Suphawan said, since the side windows of the vehicle would have been easier to break. She speculated that the attack had been a threat aimed at intimidating pipeline opponents instead.

Pipeline protesters had recently celebrated the decision of the Songkhla prosecutor to dismiss trespassing charges filed by project contractor Samsung Corporation against three leaders of the movement. Protesters had also just received the Charoen Wat-aksorn medal from the Midnight University for their efforts to protect the public interest.

## **Songkhla Court Dismisses Charges against Pipeline Opponents**

19 July 2006 – In another victory for opponents of the embattled Trans Thai-Malaysia (TTM) pipeline project, the Songkhla provincial court today dismissed charges of assault and violation of freedom that had been brought against local villagers Ah-lee Sansuwan and Phaosee Sa-u.

Judges Wanan Boonrat and Wanchai Kaewphrom found that prosecution evidence was insufficient to pursue the case against the two pipeline opponents, who had been accused of illegally driving away surveyors who were checking disputed land that the project planned to use as fill for construction of TTM's gas cracking plant.

Ah-lee and Phaosee, it was alleged, were among about 15 men armed with knives, sticks and guns who threatened project employees on 27 November 2003 and prevented them from carrying out their work.

However, the plaintiffs could not identify the two defendants as having been among the group. Another witness, So Hatmoh, had arrived at the site after the incident and testified that he noticed the defendants among six or seven people leaving the area and heading for Hoy Siap beach on motorcycles. However, So had only had a side view of the motorcyclists at a distance of 30 metres and had not witnessed the incident itself. Witnesses agreed that the motorcyclists were wearing hats or cloths covering their faces.

Mrs Suraida To-Lee, a local pipeline opponent, said she saw the dismissal of the charges against the two as a vindication of villagers' defence of local natural resources, livelihood and religious principles.

At the same time that the charges against Ah-lee and Phaosee were being thrown out, a different pipeline-related case – brought by protesters against the national police, the interior ministry and the province over police violence against pipeline opponents on the night of 20 December 2002 – continued at the Songkhla district court. Local villagers filled the courtroom to overflowing to hear the testimony of Pol Maj Gen Santhan Chaiyanon.

# *Day at the Beach for Young Pipeline Opponents*

For 500 people affected by the Trans Thai-Malaysia pipeline, this year's National Children's Day celebrations in Chana district in Southern Thailand was a chance for a day's fun at protest headquarters at Laan Hoy Siap beach.

There were free presents and food for every child, brought by villagers from Sakorn and Taling Chan subdistricts. The festivities began with a traditional comedy performance. Ekachai Sangkaew, 11, said that the cast comprised 13 kids from Baw Chone who had rehearsed hard in order to carry on a Muslim tradition.



*Chana children perform a traditional likay gooroo drama at Laan Hoy Siap during Children's Day festivities.*

Ekachai said that he had accompanied his parents ever since childhood in protests against the TTM project. He felt very attached to Laan Hoy Siap and attended Children's Day activities here every year. Ekachai said the gift he would like to receive from PM Surayut Chulanon was the removal

of the gas separation plant and the restoration of the communal Muslim *waqf* land that the factory had taken over.

What with various blindfold games, three-legged races and other amusements, the beach was full of fun and laughter for the adults too.



*Tug of war on the beach at Laan Hoy Siap.*

At 12:30 there was a pause for prayer by both adults and children at the mosque set up nearby to ask the blessing of God. At 1:30, the afternoon's games began with quiz contests, speeches on the responsibility of Muslims in the face of the gas plant takeover of waqf land and song performances. The celebrations wound up at 4 pm.

Local leader Suleiman Matyooso said the day's success was due to the kind people who had donated so many presents for the children. The donors, he said, were people who wanted to show their appreciation of the struggle of local parents to protect their home communities from the gas plant.

Mr Suleiman hoped the day's activities would help kids learn to love and see the value of their own birthplaces, and learn about the things that their parents struggled for. Children who had no opportunity to take a special

trip elsewhere to celebrate Children's Day could come and enjoy it here, he said.

But, he added, many parents chose freely to bring their kids here, where there was a home atmosphere and traditional Thai games, rather than take them elsewhere. Most important, Laan Hoy Siap was a place close to nature with clean air, unlike many villages already affected by the gas plant.

## Trashing of Sign Riles Villagers

6 September 2006 – Villagers trying to stop construction of a new electricity generating station in Southern Thailand today expressed anger that a protest sign bearing the name of Allah in Arabic had been torn down.

Residents of Pa Ngam and Klong Pia in Chana district of Songkhla said that the sign, which bore the messages, "Don't trespass on Allah's stream" and "Allah provided it for all our use and we will defend it", had not been erected on the land of the Electricity Generating Authority of Thailand (EGAT), the manager of the plant.



*The trashed protest sign.*

“Erecting the sign was an act of faith,” said Uthai To-Lee from Khwan Hua Chang village in Klong Pia subdistrict. “Yet now it has been battered and discarded. This is to trample on the Muslim religion.”

The sign was allegedly torn down by two EGAT employees. It had been erected on 26 August.

EGAT’s power plant would be fed with gas from the controversial Trans Thai-Malaysia pipeline and industrial project (TTM), which is part-funded by Britain’s Barclays Capital. Many local villagers oppose it, saying that construction is damaging local ecosystems and communities.

“We believe that it is being put in to pave the way for an industrial estate, which we don’t want,” said Mr Uthai.

Prakob Lamso of Pa Ngam was worried that EGAT was dividing local Muslims from each other, and complained that the authority was failing to listen to locals or respect their religion.

## **Villagers Petition Taling Chan Authority over Pipeline from TTM to Power Plant**

26 October 2006 – We don’t want any more pipelines.

That was the message that 100 residents of Pa Ngam village, together with other opponents of the Trans Thai-Malaysia pipeline project (TTM), delivered to the Taling Chan Subdistrict Administrative Authority (TAO) today.

The villagers were objecting to a proposed new gas pipeline linking the TTM gas separation plant to the Songkhla power generating plant in Pa Ching subdistrict of Chana. They noted that the pipeline would cut through their village. In all, some 300 villagers put their name to the petition delivered to Kasem Laehim, head of the Taling Chan TAO.

Raufate Hatyoomsa, one local villager, said residents were concerned that a full-fledged industrial park and deepwater port was in the offing. He said that the TTM and Songkhla electric power projects were already destroying local customs, aquatic life, and the community.

Worst of all, he added, they were destroying both the principles of Islam and the land, water and air that belonged to Allah. Pa Ngam village, Mr Raufate said, was suffering foul smells from gas released from the cracking plant.



*Villagers survey stream damage they say was caused by construction.*

Suraida To-lee said that almost all Taling Chan TAO members are Muslim, and should be bound by Islamic principles and have strong faith in Allah as He who bestows earth, water, air and trees as the basis of all life. She expected them not to join TTM in destroying the principles of Islam.

Mrs Suraida accused TTM and the Electricity Generating Authority of Thailand of pouring money into local communities to try to buy legitimacy and acceptance. Other pipeline opponents vowed that they would not let “Satan” destroy their communities and religion.

After the petition was handed in, pipeline opponents addressed the behavior of some TAO members who they said were serving TTM by

helping TTM staff enter the area to survey the pipeline route, accompanied by gun-toting district officials.

## ***Villagers Vow to Fight on after Verdict on Young Pipeline Opponents***

31 October 2006 – More than 100 Chana district villagers expressed their disappointment today when a Songkhla court found five youthful pipeline opponents of the Trans Thai-Malaysia pipeline project (TTM) guilty of an array of public disturbance charges.

The youths had been involved in an incident on 11 November 2003, when villagers asked TTM staff and six police officers why they were surveying the forest behind the mosque at Laan Hoy Siap in Chana district.

As the villagers, TTM staff and police were talking, approximately 100 more policemen arrived from their temporary base about 800 metres away and arrested six young people. One, Phoowis To-Lee, was beat on the head and remained unconscious for two days.

In 2005, Phoowis was given a suspended prison sentence and fined 16,100 baht.

Today, the five other defendants were sentenced to three years and fined 16,100 baht each.

Noting, however, that the five pipeline opponents had acted without thought of personal benefit and had not previously offended, Judge Phakshairit Nuanmiichue suspended the sentences for two years on condition that the defendants report to a court officer every three months for a year, and perform public service. The defendants were bailed and released in the afternoon.

Pipeline project critic Suraida To-lee said that she was “not surprised” at the verdict, since it was similar to the one made earlier. “Although one of the kids had his skull cracked by the police and the court judged that there

was no evidence that the kids had hit the police or even planned to, they didn't disperse when the police ordered them to."

"But we have no choice but to appeal," Mrs Suraida said. "These kids did what they did to protect their homes. They can still smile and say, never mind, we will keep on fighting."

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*Villagers demonstrate at Chana district police station, Southern Thailand.*

### *Pipeline Opponents Protest at Police Station*

## **“Stop Land Swindle!”**

8 December 2006 – More than 200 opponents of the Trans-Thai Malaysia pipeline and gas separation project (TTM) invaded the Chana district police station, Songkhla, on Wednesday morning, 7 December, to call on the government of PM Thaksin Shinawatra and the police to stop

cheating them out of their common land to give it to foreigners, and to support three colleagues for whom arrest warrants had been issued.

Carrying red flags and banners criticizing local state officials, the police and TTM for swindling them out of their traditional communal land – regarded as public land under Thai law – and destroying the way of life and environment of the community.

The protesters complained over loudspeakers that the government was harassing them by issuing illegitimate arrest warrants for Sulaiman Matyusoh, Kop Lamso and Kittiphop Sutthisawang for trespass.

None of the three – whom the crowd had accompanied to the police station – acknowledge having previously received summonses to appear before the Chana police. They said that the first they heard of the warrant for their arrest was when Kop Lamso applied for a passport at the Songkhla provincial office so that he could to on the *hajj* to Mecca.

On 23 November, Kop went to the police station to investigate further and learned that charges against him had been made by Khimyong Chaokaolee, a representative of Samsung Engineering, a construction contractor for the gas cracking plant.

Speaking at the police station on Wednesday, Jay-mat Sangkaew, a member of the governmental Subdistrict Administrative Authority for Sakorn, said that “we are confident that none of the three has done anything wrong.”

“On the contrary, all three have acted to protect the nation’s land from the state’s, officials’, and foreign business’s conspiracies to steal land at Khoke Chaai Thalay. Protecting this national asset is the duty of the whole community. If this is wrong, then all of us should be arrested.”

Sakariya Mawangiat, a member of the Sakorn Subdistrict Administrative Authority and a native of the area, said that the Authority had unanimously proclaimed that the land in question had been rightfully preserved by local villagers for the raising of cattle and other livelihood and agricultural uses before being seized by TTM.

The protesting villagers said that they felt wounded by the injustice done to the three men. They claimed that illicit land documents for 10 parcels of land covering more than 15 hectares had been used in the land swindle

TTM had illicitly “rented” one parcel of land from Mrs Prateep Sirisakul, they said, in order to lay the gas pipeline and move heavy equipment onshore to set up at the gas cracking plant.

Villagers said that they had been trying to protect public land and resources in the area since October 2004.

It was ironic, they said, that while they have been charged by the state with trespassing on their own land, when they themselves filed a complaint against TTM for its encroachment and constructions, no action was taken or arrest warrants issued for TTM. This was in spite of state documentation backing up their claims that the land in question is public.

The villagers called on officials to cease oppressing Muslim people. “Don’t threaten or suppress us,” said Mr Jay-Mart. “The more we are unjustly treated, the more we will fight.”

Inside the police station, Sulaiman, Kop and Kittiphop denied the charges and asked to be released without bail. But Songkhla provincial officials later set bail at 100,000 baht each.

Five members of the Sakorn Subdistrict Administrative Authority immediately stepped forward to act as guarantors for the men, together with a local village head.

After being bailed, the three defendants and other pipeline opponents inquired about developments in their own case against TTM. They were told that their charge had not been submitted and that the number it had been assigned (13/2548) was not in order.

The protesters charged that police actions were not transparent but vowed that they would continue to follow the case vigilantly to the end.

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*Anti-pipeline protesters in Chana district express outrage at what they perceive as insults to their religion.*

## **See for Yourself who Our Land Belongs to, Say Songkhla Villagers**

20 December 2006 – Five hundred villagers of Chana district of Songkhla today challenged Prime Minister Surayut Chulanont to invite Thailand's top Muslim hierarchy to verify the status of land taken over by the Trans Thai-Malaysian pipeline and industrial project (TTM).

Villagers insisted that the land was common land (*waqf*) under Muslim law and that the decision of the government to transfer it to TTM, which built a gas separation plant on the site, flouts Islamic religious principles.

They proposed that the Chularajamontri, the official head of the Thai Muslim hierarchy, put the local *warai*, or hereditary guardian of the *waqf* land in question, under oath to determine the truth.

The *warai* is a descendent of the person who originally gave the land to God for the perpetual use of the community, making its sale forbidden.

The pipeline opponents were speaking at a forum in Chana district held on the fourth anniversary of a police attack on anti-pipeline demonstrators in Haad Yai city, Songkhla.

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# 2007

*“No Industrial Estate in Chana!”*

## **Villagers Vow to Fight “Son of Maap Ta Phut”**

February 2007 – Southern Thai villagers are vowing to oppose a government scheme to revive plans for a gigantic 1700-hectare industrial estate in rural Chana district of Songkhla.

The villagers were responding to a statement by Deputy Prime Minister Kost Panpiamrat on 23 January that the government was considering tackling unsolved pollution problems around the Maap Ta Phut industrial estate in eastern Thailand by moving investment to a so-called “Southern Seaboard” industrial zone across the Gulf of Thailand.

Local people fear that Chana is a target since it already has a gas pipeline and gas separation plant, and a new electric power plant is being built. Road and port facilities have also been improved far beyond the needs of local people.

Chana hospital director Dr Suphat Hasuwannakit, speaking at a local forum on 10 January, said Songkhla town planners were contemplating road expansion and a second deep water port for Songkhla. He said a coal-fired power plant might also be in the offing because after villagers in Prachuab Khiri Khan further north had defeated a similar project in their area.



*Dr Suphat Hasuwannakit, director of Chana district hospital.*

Dr Suphat added that he believed that Chana was a more likely location for a “Map Ta Phut 2” industrial zone than Nakorn Sri Thammarat further north because a firmer industrial foundation had been laid in Chana. Just as at Map Ta Phut, there was a gas cracking plant, an electricity generating station, a port and road improvement – none of which, tellingly, much benefited local villagers.

People from Pa Ngam village recalled that nine years earlier, a public relations team from the Petroleum Authority of Thailand (PTT) had said that an industrial park would be set up in the area because its population was thin, dispersed and easy to move, and the land was largely forest and scrub unsuitable for agriculture.

Sure enough, today Pa Ngam is under heavy assault from the Electricity Generating Authority of Thailand, which is building a power plant in the area. PTT, in which Barclays Capital maintains a share, is meanwhile laying a pipeline through Pa Ngam to supply the power plant with gas from the newly-completed gas cracking plant. The power plant was approved by the cabinet on 7 June 2005 just as the gas plant was nearing completion.

Kop Lamso, a Pa Ngam village leader, noted that the regime of deposed Prime Minister Thaksin Shinawatra had earlier been careful to assure Chana villagers that the gas separation plant would be a one-off, and that no petrochemical or other industries would follow.

“Thaksin was clever,” Mr Kob said. “He knew that Chana people were against an industrial estate. But now it looks like the industry ministry in the new government is dusting off the original plan.”

Septuagenarian Nau Matyutsa, also of Pa Ngam, fears the state is planning to threaten her to gain use of her land for the pipeline being laid to the new power plant. The district head has sent officials with invitations for her to meet him several times, she said.

“If PTT does this they’ll do it over my dead body,” Mrs Nau declared. “If the district head wants to see me, he can come to my house. I’m not going anywhere to see him.”

The gas cracking plant alone is causing severe problems for local residents. Some villagers nearby have said they are selling their homes and rubber plantations and moving elsewhere, because they cannot tolerate the smells and the noise.

Mr Heem Sanlem, 58, is one of those affected. Mr Heem said that he grew vegetables for a living. Formerly he could make 100,000 baht a year off less than a hectare of land.

But in one year, his earnings dropped to 20,000 baht. Flowers on his eggplants fell off, and a plaque or rust appeared on the leaves. Mr Heem attributes the problem to the gas plant, which lies only 500 metres away. The rotten egg smell also affected his breathing. He and his wife moved to Pa Ngam, several kilometres away, only to find that the bad smells had followed them there.

“It was out of the frying pan and into the fire,” Mr Heem says, noting that if an industrial estate was built, he would lose his livelihood for sure.



*Work underway on a new electricity generating station in Chana. Local villagers are worried about accidents and explosions connected with a pipeline being laid from the Trans Thai-Malaysia gas separation plant to the power plant. They are also concerned about possible sabotage. Chana district, like Thailand's three southernmost provinces, is under martial law and is one target of bombings connected with the South's long-standing political unrest. "We absolutely won't allow the pipeline," said one local resident. "It's not only a pipeline. It will bring pollution with it and destroy Chana people's way of life. Look at what happened in Rayong [site of the Map Ta Phut industrial estate]."*

Dr Suphat conjectured that the rotten egg smell surrounding the gas plant results from incomplete combustion. "Instead of laying a new pipeline, why don't they fix this problem?" he asked.

"If repairs are not made, we'll have to live with this smell forever."

He related that the TTM plant's environmental inspectors had claimed that noise from the factory was not yet in excess of standards, but that villagers were just not used to it. The inspectors claimed that residents would get used to the smells, too.

Dr Suphat feared that the power plant might use unrefined natural gas to save money, making pollution problems even worse.



*The site of EGAT's new power plant in Chana district.*

“Chana is a land of two cultures, Muslim and Buddhist,” Mr Kop said, “that have lived together and helped each other for a long time. It’s also a borderland between the rest of Songkhla and the three provinces most affected by unrest to the south. The government should think very carefully before putting an industrial estate here.”

“Don’t just look at the monetary benefits or economic growth figures. Think it through thoroughly – what are these numbers to be exchanged for? The natural treasures of Chana – the land, the air, the sea, streams, forests, dune forest, rich biodiversity.”

One of Chana’s economic mainstays today is the breeding of singing doves, which provide huge income for locals and are sold as far away as Indonesia. A single bird can sell for several million baht. Support industries for the turtle dove business include food suppliers, birdcage makers, cage-cover makers, makers of sharpened bamboo implements. Such occupations leave a very light footprint on the local environment, Mr Kop said.

“But the birds are very sensitive to pollution. Even cigarette smoke can stop them singing,” he said.

Mr Kop noted that Chana residents who had to abandon rice farming and go to work in the seven local rubber and seafood factories found that they lost self-sufficiency. “Think of how much worse an effect petrochemical or other large industries would have on small farmers, who have always been neglected by the government. The simple life that Islam teaches us to believe in would be lost. This is unacceptable to local Muslims.”

Dr Suphat said that defenders of the projects had told him that they “live by their ATM cards” and thus can go elsewhere if confronted by pollution.

“But where else can most people go?” he asked. “Most of us have relatives and ancestors here. Our struggle is to save the community, and in fact the country, from the devastation of an industrial estate.”

Villagers agreed that government officials and business should not look at Muslims as a “minority” that have to sacrifice for the rest.

“Don’t think that we oppose development because we lack the high education that would enable us to appreciate it,” one resident said.

“On the contrary, Muslims here have faith in God who gives us all the wherewithal to live, to use together. Muslim law says we have a duty to protect our heritage. Development is something that is in this world (*don yaa nii*) – rising up to protect the basis of religion and the treasures of Allah is something we must do for the next (*wan aakhiiraw*).”

“The Muslim brothers and sisters here do not refuse development, but development must be based on the right principles, must not be in conflict with Islamic laws and must not destroy community resources.”

“We have no need for a gas cracking plant or an electric power generating station. We can live on what we have. But this is not the ‘development’ that the state and industry offer, but rather making us into low-paid labourers unable to support ourselves on what is around us.”

“The gas cracking plant is sufficient evidence that this path of development will not work. Rather than supporting farmers, who are dependent on nature, it has wrecked some resources forever.”

“If the government and business have good intentions, they must not let the painful history of Maap Ta Phut be repeated here. We hope they hear

us. If they don't, they will have to accept the consequences. They have been warned.”

## ***Locals Jeer Award of Medals to Electricity Plant's "Local Helpers"***

When the Electricity Generating Authority of Thailand (EGAT) awarded medals to Songkhla officials on 25 January 2007 for their help in getting a new electricity generating plant in Chana district off the ground, local villagers reacted with scorn.

“This is a badge for hurting the community and destroying our religion,” said Suraida To-Lee of Klong Pia, where the plant is being built. “It's worthless. These people have exchanged their loyalty to the community for a little piece of metal.”

The awards were made after the foundation stone of the factory was laid, and went to former and current district heads in Chana and other local- and national-level dignitaries.

Other villagers said that they felt ashamed on behalf of the award recipients. They singled out Aziz Phitakkhumphol, a local religious leader, who they said had refused to intervene years earlier when the Trans Thai-Malaysia pipeline and industrial project (TTM), which is providing gas to the new electricity plant, stole communal Muslim *waqf* land to build a gas separation plant.

“I want to ask: is he not fearful for having sinned? Or for having received this medal for sowing division among Muslims?” Mrs Suraida said.

Kop Lamso, another villager, said he was devastated to see such awards being given out. He said it reminded him why public servants had earlier refused their duty to protect the public from the TTM project.

## *Southern Thais Put PM on Notice*

# “Surayut, Listen!”



*Speakers at the 5 February forum call for a halt to laws that “trample on religion” and demand the return of public land used for the pipeline and gas separation plant in Chana district of Songkhla.*

5 February 2007 – Prime Minister Surayut Chulanont was put on notice today by angry Southern Thai villagers who said that he has not kept his promise to tackle the pattern of corruption and mistreatment of Muslim communities left over from the former Thaksin Shinawatra regime.

The villagers were speaking at a forum to demand the return of public land they said had been fraudulently made over for the private use of the Trans Thai-Malaysia pipeline and industrial project (TTM). The forum, held in Pak Bang village of Chana district in Songkhla, featured religious leaders, doctors, lawyers, teachers and a former senator.

The speakers lambasted the government for not reviewing and suspending the Thaksin-era proclamation that withdrew public status from land now occupied by TTM's pipeline and gas separation plant.

Thaksin's government's claim that local communities no longer used the land was false, villagers said. Public rights of way had been crucial for villagers to get from place to place, gain access to local forest and plant vegetables and melons. Moreover, the land in question was *waqf* under Muslim law, meaning that it could not be transformed into private property.



*Local children help open the forum.*

“To make this land into private land would be like putting the sacred grounds of a Buddhist temple on the real estate market,” said one participant. She criticized the top official in the official national Muslim hierarchy, the Chularajamontri, for not backing local villagers.

Dr Suphat Hasuwankit, the director of Chana hospital, joined Dr Kriangsak Liewchanphattana in raising concerns about a possible future industrial park in Chana. They pointed to the damage the Maap Ta Phut industrial zone had done to the health of people in Rayong province.

Villagers said that on 30 January they had submitted a petition to the National Human Rights Commissions (NHRC) urging it to order the Surayut government to suspend the proclamation. They also called on the Land Office in Chana, the district head, the governor, the Chularajamontri, the central Muslim committee of Songkhla, and the subdistrict administrative authorities of Sakorn and Taling Chan subdistricts.

## Surayut, Listen! We will Judge you before Allah does!

*A statement read out by Mrs Janthima Chaiyabutdee*

A month after we informed the government of Prime Minister Surayut Chulanont that the principles of Islam as well as our community rights are being violated by the Trans Thai-Malaysia Pipeline (TTM) Project's takeover of *waqf* public land, we have still had no response. This is in spite of the fact that PM Surayut vowed on taking office four months ago that he was doing so because of Thaksin's corruption, untransparency, and the southern problem along the border. PM Surayut apologized to Muslims on Thaksin's behalf and withdrew the charges laid against innocent people after the Tak Bai massacre of 2004.

We say again to Surayut that no matter how you analyse the Muslim problems in the South, the first step for anybody seeking to solve these problems is to understand the principles of the Muslim religion. Among these is the duty of Muslims to protect resources and the environment. The earth and the life that Allah provides is intended to provide enough for everyone to make use of so that they can live their lives fully. If anybody grasps at the resources of others for their own benefit, that is the same as to destroy the land or to betray Allah. Muslims must regard it as a law laid down by the Koran that they must do as God wishes and not do what God forbids.

This principle does not fit well with a free capitalist development path that puts money and power first, that exploits the weak, the seeks private benefit and that undermines community ways. For over nine years, we have had to struggle with business in the form of TTM, which has trampled on us and trampled on the principles of Islam, as well as violated the laws, whether they are laws governing public hearings, environmental laws governing environmental impact assessments, land laws or the Constitution.

We have struggled and made our views known about the problems that have resulted, but it seems that the more we struggle for justice, the more the state uses the law against us, deploying all the skills of the powerful. We are compelled to prove our innocence of charges of all kinds which are rammed down our throats.

The latest outrage is the Thaksin government's issuance of a proclamation on 13 August 2006 withdrawing the public status of land in the area of the TTM gas separation plant. This shameful proclamation was issued in spite of our submitting an affidavit signed by many people showing that the public is still using the land. The powerful were not interested. No inquiry was made. Instead a law annulling the public status of the land was stealthily promulgated before we knew it. The intention of this law cannot be other than simply to justify retrospectively TTM's seizure of public land.

Even more hurtful for Muslims, this was *waqf* land given to the community by God for public use under Islamic custom. Neither the original owner nor anyone else has no right to own it, sell or buy it, exchange it, give it away or change it in any way until the end of time. This sacred principle cannot be compromised or twisted for the use of capital, as human laws often are by legal professionals.

In making its decision, the Thaksin government hid behind the judgement of the Chularajamontri, who has turned into a tool of the state. According to the Chularajamontri's office, there was "no clear evidence that the public rights of way indicated were acquired as *waqf* land of Muslim people" since "a representative was sent to see those who claim that the land is public but didn't find anybody". Can this really be the reason for the decision of the Chularajamontri? Is this the way decisions are made that should be based on the principles of religion? How can we accept this? These rights of way are protected by the *waray* or guardian heir of the original owner, who is among us and bears witness that this is real *waqf*. The holy principles of truth and goodness that must not be violated or twisted to fit deceptive or evil intentions. Those who hold state power have no right to be so arrogant as to try to destroy these principles. Such religious principles do not bind people through their fear of punishment, but through their faith in the power of the highest good that humans revere. It is shameful to violate these principles just to gain a bit of silver or the mask of temporary material power.

The Thaksin government that took away our public land is now out of power. The new government, claiming to be the righter of wrongs, cannot evade its responsibility to review this decision. For more than nine years we have shouted to the government of the wrongs that have been done to us. Today we have reached the end of our endurance. When he gained the Prime Ministership, Surayut Chulanont sprinkled a few nice words on us Muslims, saying that he would solve the problems created by the previous government. But instead he has turned his back. His sweet words were poisoned. Today we Muslims, throughout the world, beg to announce that we will not retreat even one step. We will follow Allah's way, and will examine Surayut's deeds even before Allah judges him. We wish him to know that he has little time to prove himself and that this is his opportunity to help solve the problems of the Muslim community. He must suspend the proclamation that annulled the public status of the land on which the pipeline and gas plant is built, so that the *waqf* land can be given back to the world's Muslims.

## *Chana to Surayut: Time to Punish Police, Thaksin Government*

14 February 2007 – Demonstrators in Southern Thailand today demanded that the government of Prime Minister Surayut Chulanont ensure a day of reckoning for police and officials of the government of former Prime Minister Thaksin Shinawatra for their role in violating the constitutional rights of opponents of the Trans Thai-Malaysia pipeline project (TTM).

After marching in Songkhla city, 300 residents of Chana District, where the pipeline is laid, jammed a courtroom in the provincial headquarters to hear judge Sudawan Riksathien throw out charges that officials had filed against 12 pipeline opponents who had participated in a 20 December 2002 rally that had been violently dispersed by police. The defendants had been charged with conspiring to cause bodily harm to officials, possession of weapons, and many other offences in connection with the rally, which had been staged on the occasion of a cabinet meeting in the Songkhla city of Haad Yai.

Ms. Sudawan noted that the Thai constitution guarantees that local people be informed of developments in their area and be allowed to give their views and participate in planning. She ruled that Chana district residents who were dissatisfied with the public hearings on the pipeline scheme held in 1996 had the right to demonstrate their opposition to the project and to demand a government review.

The trademark red shirts worn by demonstrators, Sudawan said, were legitimate symbols of their movement, and their use of amplifiers justified. The protesters had shown no sign of driving their vehicles in an aggressive way, as claimed by police. Police intelligence that the protesters were going to try to seize the JB Hotel and stop the cabinet meeting being held there, Sudawan said, was based on nothing more than rumour. She branded as false the claim by Police Colonel Surachai Suebsuk that the defendants were preparing to use knives and sticks to assault the police.

The judgement was the third courtroom victory for pipeline opponents. On 30 December 2004, the Songkhla court had ordered a variety of charges dropped against 20 defendants, including 12 local NGO staff members. Then, on 1 June 2006, the Songkhla administrative court had

ruled that the police, the Interior Ministry and the province of Songkhla had prevented pipeline opponents' freedom of assembly by dispersing them in violation of their constitutional rights. The police were ordered to pay damages of 10,000 baht to each of 24 persons.

Saengchai Rattanseriwong of the Lawyers Association said that the case raised the issue of how the government had to deal with the problem of fabrication of evidence by the police and the former government. Saengchai proposed setting up a committee of inquiry into such cases.

Boonchuay Thongsri, president of the Assembly of Educators, said he had not been afraid of posting bail for the defendants because he was confident they had acted correctly to defend their home communities and their environment. Listening to the judgement today, he felt there was still room for faith in the justice system.

It was the responsibility of the current government, he said, to correct the behaviour of some police officers who still use their power to harass the public and disregard people's rights. The three judgements handed down today were a victory for villagers.

Dr Jermsak Pinthong, former president of the Commission for Peoples Participation of the Senate, one of the witnesses for the defence, said he was glad for the pipeline opponents who had been harassed and injured and had had their constitutional freedom to assemble blocked. The Commission, he said, had also found the police's behaviour unjust, and their practice of making false reports to their commanders incorrect.

Dr Jermsak said that the government should set up a committee to investigate the false reports made by Police Major General Santhan Chayanont to General San Srutanon, his commander, and also to look into General San's order that the gathering in Haad Yai be dispersed. Wan Muhammad Nor Matha, the Interior Minister at the time, had to take responsibility. One first step would be to apologize to pipeline opponents, but ultimately the government would have to investigate and punish responsible officials.

Mr San Panich of the National Human Rights Commission, who has investigated the use of state power in the dispersal of the assembly on 20 December 2002, said that the NHRC had long insisted that the Thaksin government drop the charges from and pay damages to the public for damages to persons and property. But the Thaksin government and the prosecutor's office had stonewalled.

# Chana Villagers Fed up with Government Rubber Stamps

16 February 2007 – Representatives of the network opposing the Trans Thai-Malaysian pipeline project today submitted a letter to the director of the Office of Policy and Planning for Natural Resources and Environment (OPP) protesting approval of an Environmental Impact Assessment (EIA) for a pipeline route between the project's gas cracking plant and a new electricity generating plant at Chana.

The protesters said that even though the project had only begun to operate, its effects were already being felt by local people, whether noise pollution, air pollution from the burning gas that was causing local people to have to move house, or the filling in of a waterway that threatened to interfere with natural runoff.

The villagers pointed out that the environmental and social effects fell not only on owners of the land used for the project, the Tambon Administrative Authority or state agencies that had “never shown their faces even once in local areas”, but were felt throughout the community, affecting many people. If the OPP director was going to consider only the owners of the land that the project was to use, they said, he should return his university diploma.

Suleiman Matsuyoh insisted that OPP should consider the effects of projects on the way of life of villagers rather than just blindly accepting information provided by project owners. The OPP shouldn't “just sit around in air conditioned rooms by themselves to do their evaluations,” Mr Suleiman said. “They should invite local villagers to testify, too.”

Suraida To-lee added that in the past no project had ever told villagers what was about to happen to the areas where they lived.

“Information is secretly gathered and permissions are secretly signed and then construction begins,” Mrs Suraida said.

“The gas pipeline project was built through the middle of the village. When we objected, the district chief just sent people to threaten villagers. We weren't afraid of them, but we were afraid of the proposed industrial

zone. We didn't even know where it was going to be and there was going to be a meeting to approve the project!"

The villagers asked whether the director of the OPP would be able to take responsibility afterwards for the way the project divided the community, and what standards he had used. They noted that similar industrial developments at Map Ta Phut in eastern Thailand had destroyed community ways of life, but no official had taken responsibility.

"If you can't take responsibility for your actions," said Mr Suleiman, "then don't approve anything."

- In another development, the new Songkhla electricity generating plant is preparing to install a pipeline to raise cooling water from the Naa Tap waterway, in defiance of local villagers who have complained to the National Human Rights Commission (NHRC) about the plant partially filling in the waterway. The waterway modifications have affected local ecosystems but have not been approved by the Ports Authority. The NHRC is currently investigating.

Local villager Prakob Lamso, citing a researcher at the Prince of Songkhla University, said that the waterway's ecosystem would be destroyed because most of the smaller organisms in the water would be sucked in and the system for releasing the heated water would kill many fish.

The company had spent only one day collecting data, Mr Prakob said. "How could the OPP then let this EIA stand?" he asked.

*PTT Employees “Threaten Local Children”*

## **Chana Villagers Appeal to Army Commander**



*Chana villagers arrive at Sirindhorn base in Pattani, Army headquarters for Thailand’s southernmost provinces. The banner reads, “Stop the use of influence. Stop destroying the Muslim community. Take the pipeline out of our village.”*

8 May 2007 – Some 50 opponents of the Trans Thai-Malaysia pipeline today petitioned Lt Gen Wirot Buajaroon, Army Region 4 commander, to have the route of a gas pipeline changed so that it would not pass through Pa Ngam community in Chana district, Songkhla and to stop the illegitimate use of power against villagers by the Petroleum Authority of Thailand (PTT).

The pipeline would take gas from PTT’s new gas separation plant to a 700-megawatt electricity generating plant being built by the Electricity Generating Authority of Thailand (EGAT) on a 120-hectare site nearby.

Villagers fear for the safety of the Pa Ngam community and its mosque should there be an explosion or sabotage due to the politically tense situation in Thailand’s southernmost provinces.

At the Pattani army base to which the villagers had travelled, their petition was received by Maj. Gen Jamlong Khunsong, Lt Gen Wirot's deputy, who said he would personally investigate the situation at Pa Ngam.

Kob Lamso, a villager spokesperson, explained that local Muslims could not tolerate the behaviour of PTT, local influential people and some civil servants who helped the company. He claimed that it was possible to reroute the pipeline away from Pa Ngam but that the company refused to do so.

Mr Kob said that PTT employees had threatened local children that they would be "shot in the head" if they made trouble along the pipeline route and had warned local villagers of police and army action.

He added that influential figures and some local people who were profiting from PTT's actions were trying to trespass on his own land, taking no interest in the hardships of local people. He said that PTT was using chemicals in its drilling operations near public roads and waterways.

These were not PTT's first offences, Mr Kob noted, referring to the company's previous seizure of public and Muslim *waqf* common land for the construction of its gas separation plant. Yet no arrests or prosecutions had been carried out, leaving company officials at large, free to commit further offences against the Muslim community of Chana. On the contrary, it was villagers who had attempted to defend their community against such depredations who were abused, threatened and arrested by state officials, buying PTT time with which to complete the plant.

Mr Kob added that PTT had paid no heed to an order issued on 19 March by Taling Chan subdistrict administrative head Kasem Laeheem directing that work be halted on the pipeline to the electricity plant and citing the damage it was causing to the way of life of the community and its environment, as well as to the unity of the Muslim community. PTT apparently considered itself above the law, Mr Kob said.



*Maj Gen Jamlong speaks with Chana villagers.*

Khau Hatyumsa, who was unwilling to sell her land to PTT, said that the company refused to let up, sending various individuals to urge her in a menacing way to sell up. Mrs Khau said that she had thought that the overthrow of former Prime Minister Thaksin Shinawatra in September 2006 would end such practices. But the new government, she said, was just the same – bent on protecting the profits of PTT. Government officials were still free to harass villagers.

“Today we’re just here to inform the army commander about what’s happening to our Muslim brothers and sisters in Chana district,” said Mrs Khau. “We’re not going to allow PTT, EGAT and other businesses destroy our way of life and the principles of our religion.”

# Maj Gen Jamlong Inspects Pipeline Route, Warns Company, Officials about Abuses of Power



*Maj Gen Jamlong Khunasong speaks with residents of Pa Kham village, Songkhla.*

12 May 2007 – A senior Army officer this morning inspected a pipeline construction site where conflict has flared in Songkhla province.

Work on the pipeline, which would run from the Trans Thai-Malaysia project's gas separation plant in Chana district to a new electricity generating plant nearby, is implicated in disputes over land and abuses of power.

Major General Jamlong Khunasong of the Internal Peacekeeping Department of the Fourth Army Region command was following up a petition local villagers presented to his superior Lt Gen Wirot Buacharoen on 8 May.

The Petroleum Authority of Thailand (PTT) pipeline would pass through the heart of Pa Ngam village, near the local mosque, raising concerns among local villagers about the possibility of explosions. Villagers also

pointed to a record of abuse of local people by the state agencies concerned, including even subdistrict administrative organizations, together with a lack of response to earlier petitions.

Maj Gen Jamlong said that he was carrying out his duty to monitor the welfare of the local populace. He said it was evident that what the villagers had reported was true – the PTT pipeline went through Pa Ngam village and was a cause of concern – and noted that PTT could reroute the pipeline. He said he would write to PTT asking them to delay further construction and consider a new route.

Maj Gen Jamlong said that on the basis of his long experience working with the public, he could see that while abuses of power by PTT might get the results the company wanted in the short term, it could easily generate opposition that had damaging long-term effects.

He cited the case of Thailand's three southern border provinces, where problems resulting from small matters in which the voice of the people was not heeded had ultimately resulted in larger-scale opposition. Similarly, the pipeline conflict might not turn violent at first, but could certainly lead to bad results in the future.

If PTT took the national interest to heart, Maj Gen Jamlong said, it should agree to consider a route for the pipeline that did not have such impacts on local villagers. He added that for army, police and TAO officers to threaten villagers with armed force to get the pipeline through was unacceptable and an abuse of power.



*A local resident voices her grievances to Maj Gen Jamlong.*

Mr Sawlae Dooman of the Taling Chan subdistrict administrative organization told Maj Gen Jamlong that he had spoken to PTT and the Chana district chief about rerouting the pipeline away from the centre of Pa Ngam village because villagers were suffering, but PTT was unwilling. Lately, he and Muslim leaders had met the district chief and company representatives to urge the rerouting.

Mr Yeefate Hadumsaa, a local villager, related that several days earlier one of his sons had been driving cows near where PTT employees were at work. The employees had threatened his son, saying that if he created any disorder on the pipeline route they would shoot him in the head. On hearing this, Mr Yeefate had gone to ask the employees if they had indeed said this, and they confirmed that they had.

In addition, on the morning after the petition was handed in to the Army on 8 May, PTT employees threatened Mrs Nau Hatyumsaa to sign a paper agreeing to take money for her land, telling her that otherwise she would lose it for nothing.

Maj Gen Jamlong reiterated before returning to base that he would give his full assistance in this matter because he didn't want to see the use of force escalating and becoming entrenched so that the descendents of the current villagers would say that their lives had been affected.

Villager opponents of the pipeline then met where PTT was digging a trench disturbing a public road, declaring that they would not allow PTT to continue.

At 12:30 pm, Mr Sorawit Boonphatraporn, head of security of Chana district, together with six or seven officers, came to collect information and take pictures of villagers, carrying Heckler & Koch guns under newspapers in the bed of their pickup truck, Bangkok license plate 4W - 2698. Mr Sorawit entered the tent where the villagers were sitting only to encounter complaints about an incident in which officials had tried to force the owner of the land to sell up to PTT, and about district staff carrying weapons in their vehicle.

# *Suspend Pipeline Construction, Says Southern Security Chief*

16 May 2007 – Maj Gen Jamlong Khunasong, Secretary General for Peacekeeping for the Fourth Army Region, today called on the Petroleum Authority of Thailand (PTT) to suspend its construction of a pipeline transporting natural gas from its gas separation plant in Chana district to a electricity generating plant nearby.

In a letter to the director of PTT delivered by his staff, Maj Gen Jamlong asked for the company's cooperation in halting the digging, which has roused heavy opposition from residents of Pa Ngam village in Chana district.

Meanwhile villagers themselves gathered at Pa Ngam in an attempt to prevent PTT employees from continuing to lay the pipeline, citing the damage done to the community, its environment, and the unity of its Muslim community.

They noted that the company was in breach of an earlier order to suspend pipeline construction from the head of the Taling Chan subdistrict administrative organization (TAO).

Company employees paid no heed to the village protesters, and called Chana police. A police van carrying 10 uniformed and plainclothes officers arrived shortly thereafter. When villagers showed the PTT employees the letter from the TAO chief, the employees professed ignorance. Villagers then showed the police the letter, asking them not to intervene to protect a company that was guilty of wrongdoing. The police then left.

Today PTT attempted to provoke villagers by planting local supporters of the project along the pipeline opponents' travel route. The objective, villagers claimed, was to sow enough disorder to give the company an excuse to call in the police.

Maj Gen Jamlong commented that PTT and the police could not use force against villagers who were merely trying to protect their community. It was as if a householder was reacting to the fact his or her house was on fire, he said.

Villagers noted that the problem went back to the seizing of public and Muslim *waqf* common land by the company, together with the violation of community rights through the use of police power to break up rallies. The situation had remained unresolved from the time of former Prime Minister Thaksin Shinawatra to that of the present regime of Gen Surayut Chulanont. Provincial- and district-level officials continued to treat protecting the interests of PTT as more important than relieving the hardships of villagers, just as during the Thaksin era. Villagers had had no say in the pipeline project nor its routing, nor had impact studies been carried out.

## ***Officials Accused of Neglecting Security***

19 May 2007 – Trans Thai-Malaysia pipeline opponents today issued a stinging condemnation of the governor of Songkhla province, accusing him of lack of interest in security issues.

In a press statement, the villagers said that the governor, together with the chief of Chana district, the Petroleum Authority of Thailand (PTT) and the Electricity Generating Authority of Thailand (EGAT), seemed indifferent to peacekeeping at Pa Ngam village in Chana, through which a new pipeline linking a gas separation plant with an electricity generating facility is being built.

Villagers also accused the governor, PTT and EGAT of conspiring to stack a committee set up to monitor the compliance of the project with the mitigation measures in the Environmental Impact Assessment. They said that the committee will be peopled mainly by individuals benefiting from the pipeline scheme.



*Construction underway on the pipeline to the electricity plant.*

Mr Raufate Hatyumsa, a representative of the pipeline opponents, said that PTT had continued work on the pipeline at Pa Ngam even after Army general Jamlong Khunasong, responsible for security in the region, had sent a letter to PTT asking for its cooperation in suspending operations on the pipeline until local conflicts over land and other matters could be settled.

Some 300 residents of Pa Ngam had petitioned the Fourth Region Army at Yala, resulting in a 12 May visit by Maj Gen Jamlong Khunasong, who sent the letter a few days later.

PTT employees shown the letter had said that they “didn’t care” about it, according to Mr Raufate. In addition, the Chana district chief had sent Border Patrol Police to help further the company’s plans.

Mr Raufate noted that villagers had consistently exercised their constitutional right to oppose the Trans Thai-Malaysia project, which consists of an offshore pipeline, a gas cracking plant, an electricity generating plant and a jetty, together with a larger projected gas-fed industrial estate that would occupy some three and a half square kilometres.

But so far, he claimed, local critics had been met only with threats, detention and legal action by the state. It was widely acknowledged that

the overall scheme was similar to the Maap Ta Phut industrial estate in Rayong, which had damaged jobs and the local economy and community so severely that the government was unable to solve the problems.

Mr Raufate said that the Chana gas plant continues to disrupt local people's lives with noise and water and air pollution so badly that many villagers in the locality want to sell up and flee.

The head of the Taling Chan subdistrict administrative authority, he said, had also issued a request to the PTT to halt its operations, but to no avail. Another subdistrict authority, that of Luang Loke, had given the company the green light, but included members who, Mr Raufate alleged, had received money from PTT.



*The EGAT electricity generating station at the end of the pipeline.*

Meanwhile, Dr. Jitrapong Kwangsuksathit of PTT was quoted in a local newspaper as saying that PTT had received the letter from Maj Gen Jamlong and was “in the process of clearing up the issue. We expect it will not take long.”

“There’s no real problem here,” Dr Jitrapong stated. “It’s just that the opponents want to keep their movement going, that’s all.”

Mr Raufate said that despite having been privatised, PTT continues to put itself above the law and above the state, and continues to order around

both the Songkhla provincial governor and the Chana district chief. He said that pipeline opponents condemn this behaviour and the way the interest of the country had been sacrificed to profit. He added that local people would continue to defend their rights, environment and religion.

## **Villagers Hold Fundraiser to Help Relieve Burden of Legal Cases**

26 May 2007 – Trans Thai-Malaysia pipeline opponents welcomed friends and academics from the Prince of Songkhla University to a fundraising tea in Chana district today for their struggle “to protect resources, the environment and the way of life of the Muslim community”.

Speaking at the event were academics Dr Sunthorn Pornphinatephong, Jaruay Phetcharat, and Phanu Phithakphao, who described various development projects on the cards for Chana district.

Sulaiman Matyooso, representing local villagers, explained that in addition to battling large companies and state agencies, pipeline opponents also had to wage legal battles. Even with free legal aid from the Law Society, that was very expensive for villagers, he said, making it necessary to raise money.

“Some of us can’t do our jobs properly, because we have to be in court all the time,” Mr Sulaiman said.

“Government officials and company staff have the luxury of being able to come to court in cars, and don’t get their salaries docked because it’s considered part of their job,” he added. “But for us villagers who have to stop work and come to listen to officials lie, it’s different. We have to find money to pay for transport and food.”

Following the Ramadan incident of 11 November 2003, for instance, when 100 police attacked and beat teenagers who had been questioning staff of the Petroleum Authority of Thailand who were surveying the area behind the Musafirin mosque, it took nearly three years for the courts to

find the teenagers guilty of various offences against public order, and an appeal process will use up yet more time, Mr Sulaiman noted.

Similarly, it took several years for the courts finally to rule in villagers' favour in the case of the 20 December 2002 police action against pipeline protesters in Haad Yai.

“But don't think this inconvenience will stop us from defending our homes,” Mr Sulaiman declared.

*Foreigners Reap Dividends from Company*

## **“Lawless” PTT Threatens Villagers with Goon Squads**

5 June 2007 – The Petroleum Authority of Thailand (PTT) is continuing to escalate its provocations of villagers along the route of a gas pipeline in Chana district of southern Thailand despite a plea from the Fourth Army Region for a temporary suspension of the project.

Local villagers say that PTT employees from Khuan Hua Chang in Khlong Pia subdistrict have telephoned pipeline opponents to say that if they do not stop agitating against the project, PTT will hire 40 thugs from outside the area to confront them. The thugs would reportedly be paid 100,000 baht if successful.

The contested pipeline runs from the Trans Thai-Malaysia project's gas separation plant near the coast to an electricity generating plant under construction nearby, passing through the centre of Pa Ngam village. In a letter number NR51114.02 dated 16 May, Maj Gen Jamlong Khunasong of the Fourth Army Region had called for work on the pipeline to be halted until conflicts with local villagers could be resolved.

The head of the Taling Chan subdistrict administrative association (TAO) has also requested a suspension of work at Pa Ngam on the grounds that

the pipeline scheme is interfering with local people's lives and livelihood, destroying the environment, and sowing division within the Muslim community.

Although Maj Gen Jamlong's letter was delivered two weeks ago, PTT has yet to respond. PTT contractors continue working on the site every day amid continuing shows of protest.

Villagers have asked for PTT's cooperation in stopping various kinds of work, including excavation, grading, and operations to cover the pipeline with dirt and gravel. Villagers have distributed the two letters requesting a temporary halt to the work, but PTT employees are continuing their work under the direction of Mr So Hathau, former head of the Taling Chan TAO and current security chief responsible for the project from Chana district to Sadao district, as well as Mr Charem Yoomhat of the Taling Chan TAO.

PTT has used similarly provocative tactics during construction of a Thai-Burma pipeline in Kanchanaburi, where police were used to clear opponents away from the pipeline route, even arresting well-known social critic Sulak Sivaraksa. In Chana district, police from Songkhla set up a special base at Taling Chan in order to look after the safety of the gas separation plant and workers while it was being constructed. Police have beat and arrested villagers near the mosque at Lan Hoy Siap, the protesters' base, on one occasion beating a teenager unconscious.

PTT has been privatised, but continues to enjoy the status of a state agency with few limits on its powers. Several days ago, PTT employees tried to seize a camera from a young pipeline opponent, putting him into a headlock. They have also threatened to use a digger on the land of villagers who refuse to sell up to PTT.

With villagers feeling that their backs are against the wall, official agencies are once again being called upon to pitch in to solve the problem before things get out of hand.

- It meanwhile emerged that much of PTT's profits go into foreign hands. A survey of shares five PTT companies showed that they paid dividends of 7.5 billion baht (US\$225 million) to foreigners in 2005, or 21 per cent of all dividends. One branch of PTT paid out almost 225 million baht of its 2 billion baht tranche of dividends to Custodian Singapore.

*PTT Officials Called to Account for Illegal Acts*

## **Suspend Laying of Pipeline to Power Plant, Locals Demand**



*Chana villager attempts to reason with PTT public relations officer.*

12 June 2007 – Some 50 opponents of the Trans Thai-Malaysia pipeline today took their fight directly to the Petroleum Authority of Thailand at the company's gas separation plant in Chana when they presented senior staff with a petition demanding a halt to construction work on a new pipeline to an electricity generating station.

Included in the petition was a copy of the directive from the chief of the Taling Chan subdistrict administrative authority (TAO) calling on the company to halt the laying of the pipeline, as well as a copy of the letter from the Fourth Army Region command also requesting a suspension of the work.

Mr Kob Lamso, a resident of Pa Ngam village, which is in the path of the pipeline, explained that because PTT employees had said they knew nothing about the documents' contents when shown them, villagers had come to present them to responsible staff themselves. Any further refusal to act on the part of the company would have to be put down to intransigence and refusal to accept the solution offered by the two officials.

Mr Kob pointed to damaging effects the pipeline project was having on local ways of life, environment and religious unity. He said PTT was evidently more interested in its own profits than the national interest. With privatisation, many stockholders were now foreign, but it was Thais who had to suffer the noise, air and water pollution and endure community divisions. Instead of solving the problem, PTT seemed bent on provoking violence. For example, company employees had threatened to dig up landowners' property, saying they had no need of permission from land officials. Other employees had told a child herding cattle he might be shot in the head, and had roughed up another child merely for taking pictures of the work that the TAO had already ordered halted.

Mr Suwat, deputy manager of public relations for PTT, who received the petition, was confronted with further accusations that his firm had threatened to hire 40 thugs to intimidate local smallholders unwilling to give their land over to the pipeline. The pipeline passes through the heart of Pa Ngam village near houses and the local mosque, although villagers had warned the company that this plan was unsustainable long before construction began.

The company, he was told, had also insulted the Muslim religion by seizing inalienable *waqf* common land to build its gas separation factory on.

In conclusion, the villagers demanded a halt to construction on the pipeline to the new electricity generating plant until it can be rerouted. They also called on PTT to stop using illegal force and threats against villagers unwilling to sell up to PTT; sowing division among the Muslim community; abusing state power and acting as if the firm were above the law; and abusing Islam by, for example, seizing *waqf* land or building near mosques.

# A Fighter of Pa Ngam

By Surat Sae-Jung



10 July 2007 - Mrs Nau Hatyumsaa, or Wau Nau, 60, will explain to anyone who asks why she has no choice but to oppose the gas pipeline that would pass over her land.

“I’m going to preserve this land for my children and grandchildren,” says the resident of Pa Ngam village in Chana district of Southern Thailand.

“Money you can use only a few days and it’s gone, but this thing that’s happening would destroy our home and way of life. The pipeline would

pass close to my house and the mosque both. How could we pray in peace with this thing so close to our mosque?”

That hasn't stopped the Petroleum Authority of Thailand (PTT) from trying to buy off Wau Nau and three of her daughters in order to use their land to lay the pipeline, which would run from PTT's nearby gas separation plant to a new electricity generating plant being built by the Electricity Generating Authority of Thailand.

When Wau Nau and her daughters protested against the company's claim that her farmland was public, pointing out that she had title to it and that it had been used by her family for three generations, PTT sent agents offering to buy it for 100,000 baht (US\$3,000). Wau Nau chased them off. They then told her that if her family didn't take the money, PTT would seize it anyway.

“No way,” was Wau Nau's fearless response. Chana district chief Prasit Wisutjindaporn then sent an emissary inviting Wau Nau to meet with him at his office to negotiate her signature on a document giving the company the power to buy the land. Her response: if the district chief wants to see me, he can see me at my house. PTT's offer then rose to 500,000 baht (\$15,000). Wau Nau again refused.

“We've learned that we have to help ourselves. We can't rely on the government,” Wau Nau says. “Look at the problem of the Muslim *waqf* land that PTT took over to build their gas separation plant. That still hasn't been resolved. The PTT employees said that the district chief or the governor of Songkhla would come today but they didn't come.”



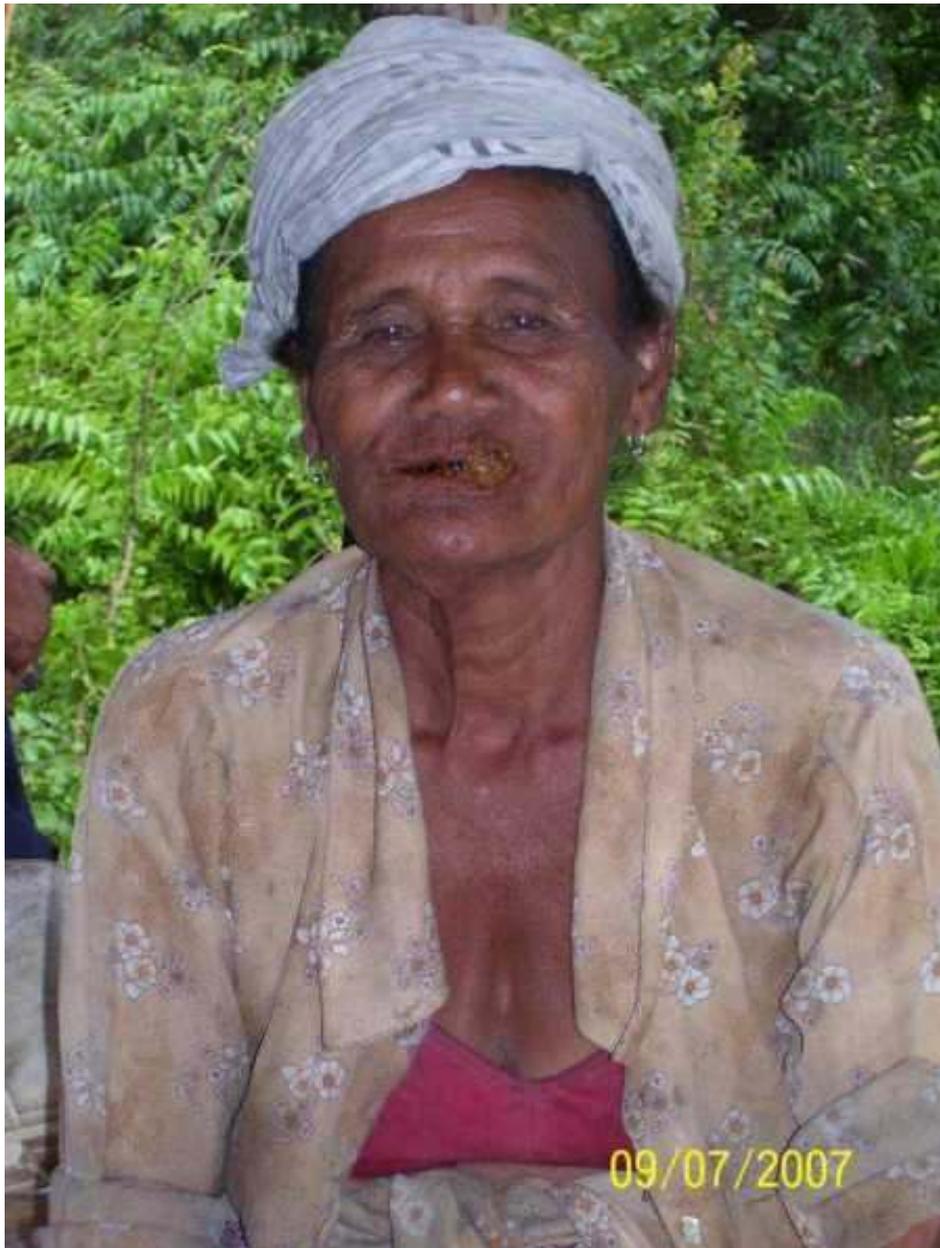
Wau Nau and her daughters and granddaughters have to guard their land day and night because they don't know when PTT may come to try to seize their land. Friends who come by to relieve them are sometimes rewarded with threats of bodily harm from PTT employees.

"We have guarded the place for a month," Wau Nau says. "Lately we've have had to stay here day and night. It's difficult now because the rains have begun, which makes me feel unwell."

"Ever since PTT came in to lay the pipeline we and other opponents haven't been able to do our regular work because we have to guard the area. If we could stay at home we would be able to do all sorts of things to make ends meet. Yet we can't neglect this crisis, either. It's our duty to our home."



Wau Nau related that two days previously PTT had brought in equipment, machines, and bentonite to fix up a drilling rig, using roofing material to fence it off so that Wau Nau would not see what they were doing. Wau Nau approached the PTT employees and pointed out that she was the owner and had not given permission for drilling. The workers produced a land deed that they claimed showed the land was public, but which turned out on examination to be for the plot of land next door. Wau Nau then showed the PTT employees her own title deed, and told them that if they were going to dig up her land they had better go get the governor of the district chief of Chana.



What's happening to Thailand? Does the rule of law exist any more?  
Are rural people of little education to be left on the margins?

A family of women is being discarded by the state, apparently too unimportant for it to take an interest in. An elderly Muslim woman is left to the mercies of PTT, which bullies, oppresses and mistreats her in any way it likes. Perhaps neither the state nor the company realize that people of flesh and blood, when pushed too far, may find even greater strength to resist.

## *Drive out Human Rights Commissioners*

# **PTT Staff out of Control**

13 July 2007 – Unruly staff of the Petroleum Authority of Thailand (PTT) today prevented members of the National Human Rights Commission (NHRC) from inspecting construction work on a gas pipeline slated to feed a Songkhla electricity generating plant.

The NHRC team, headed by Wasan Panich, was in Songkhla to look into reported violence and community rights violations in the laying of the pipeline. As it attempted to inspect a drilling rig in Pa Ngam village, it was driven off by a shouting mob of PTT employees. The NHRC inspectors also had to face a PTT mob when they visited a site where the pipeline was being laid alongside a mosque.

Before making their site visits, Mr Wasan, together with S. Rattanamanee Phonklaa and Mr Banjong Nasae of the Subcommittee for Coastal Water and Mineral Resources of the Commission, had heard testimony from local villagers about their conflicts with PTT. The NHRC's visit had been requested on 19 June by opponents of the Trans Thai-Malaysia pipeline project, the industrial scheme that has been stirring controversy for nearly 10 years in Songkhla's Chana district.



*Chana villagers confer with National Human Rights Commissioners.*

After taking evidence from villagers, members of the NHRC promised to write immediately to the Interior Ministry requesting it to order Songkhla's governor and the chief of Chana district to see that work was halted on the project until a more thorough investigation by NHRC could be completed. The NHRC members also said they would consult with the Chair of the NHRC about writing to the Prime Minister.

The NHRC had written to Chana's district chief and police chief on 11 July requesting a halt to the pipeline laying until the inspection could be completed.

Suraida To-Lee, a representative of local pipeline opponents, told Mr Wasan that villagers had had no say in the laying of the pipeline, even though it goes straight through the village of Pa Ngam on its way from the gas separation plant near the coast to the new Electricity Generating Authority of Thailand power station a short distance away. Mr Suraida said that police had used force to help push the pipeline through, and that PTT had violated Islamic principles by seizing waqf common land to build the separation plant.

The pipeline's proximity to houses and fields had roused local fears of a breach or explosion, he said, and its presence near the Pa Ngam mosque, a centre of religious life and prayer, was also deeply disturbing.

"How can we carry out Muslim ceremonies with a peaceful heart?" Mr Suraida asked.

Raufate Hatyusa, related that PTT had violated the rights of local people with threats and arrests. His own son, not yet ten, had been told he could be shot just for herding the family cows in the area. The employees had also roughed up another local and wrested away his camera simply for taking pictures. Threats of death and beatings were common. Mr Rawfate asked what it meant for a private company whose advertisements boasted that the company acted in accordance with the principles of good governance, to behave like this.

Saulae Dooman, another villager, said that PTT had trampled on religious principles and sowed conflict in the Muslim community. Mr Saulae pointed out that the Islamic tenets of *hookom* held that if a landowner did not give permission, not even a leaf or a handful of dirt could be taken from the land. Yet PTT was digging on the land of Nau Hatoomsa, who had refused permission and would not sell up.

## *Songkhla Pipeline Dispute Heats Up*

# **Police Abet Land Grab**

16 July 2008 – More than 20 police and Border Patrol Police officers armed with rifles today formed a human wall to protect Petroleum Authority of Thailand employees illegally digging up village land in Pa Ngam village, Songkhla to lay a gas pipeline to a new electricity generating plant.

The police intervention followed an incident on 11 July that saw local villagers blocking drilling operations with their bodies.

Local pipeline opponents had previously shown the PTT workers official documents from the regional Army command, a local subdistrict administrative organization and the National Human Rights Commission requesting a halt to their operations until local disputes could be resolved. But neither the PTT employees nor the police paid any heed to the documents.

The PTT employees under police protection began by taking radar soundings and mixing bentonite, a substance used to stabilize earth, at a drilling rig set up along the pipeline route. By 11 am, several hours into the operation, the employees began excavations on the land of local homeowner Nau Hatyoomsa, who had not given permission. By midafternoon, the bentonite mud used by the workers had gushed out of the excavation onto Mrs Nau's land.

Mrs Nau, who has lived on her land for more than 50 years, said she was outraged.

“They are doing wrong in the sight of everyone, but I can't do anything because the police are helping the company in its wrongdoing, rather than helping us who are being wronged,” Mrs Nau said.

“Now I know how Muslim brothers and sisters in the three southernmost provinces feel when they get trampled on.”

- **Pa Ngam Villagers Condemn PTT, EGAT**

Transnational corporations behind the Songkhla gas pipeline being laid between a gas separation plant and an electric power station have “put

themselves above the law and above our sovereignty”, protesters in Pa Ngam village said today.

The protesters cited the defiance the Petroleum Authority of Thailand (PTT) and the Electricity Generating Authority of Thailand (EGAT) had shown in the face of requests from the regional Army command, a subdistrict administrative authority and the National Human Rights Commission to suspend work on the controversial gas pipeline running through the village, the villagers said in a statement.

Having recruited the support of local influential people, Border Patrol Police and local politicians, PTT is using police to bar local people from access to construction areas, the pipeline opponents said. Yet at the national level, they noted, both PTT and EGAT continue to advertise themselves as “community-friendly” and their projects as participatory and open to review by the public.

The villagers reiterated that the project was causing environmental damage and sowing division among the local community. They pointed out that the Fourth Region Army command had specified that other routes were available for the pipeline.

Kob Lam-so, a Pa Ngam villager, said that Prime Minister Surayut Chulanon neglected the problems that PTT had created in the area. Because the government was just spinning its wheels, PTT was free to harass villagers, make illegitimate use of police force and trample on local sensibilities in furthering its plans.

## ***PTT in New Environmental Controversy***

18 July 2007 – Hazardous materials are leaking out of excavations for the new pipeline linking a gas separation plant and an electricity generating station in Songkhla.

That was the accusation coming out of Pa Ngam village today as local tensions surrounding the dispute-plagued project in Chana district remained high.

Kob Lam-so, a leader of local residents, said that the bentonite material used to shore up the soil in drilling operations was causing a skin rash among local residents. He said the bentonite had overflowed from holes dug by the Petroleum Authority of Thailand (PTT), responsible for the excavations.

Neither PTT nor government environmental officials were taking measures to clear the accumulated flood of bentonite mud off local land or protect the community's health, Mr Kob said.

He asked how the Office of Resource and Environmental Policy and Planning (OPP) could allow PTT to pollute local land, given that no mitigation measures had been put in place. PTT lacked environmental standards, he said.

Mr Kob added that, under police protection, PTT employees were now working day and night to lay the pipeline, disturbing the community.

“Police are paid out of the public's tax money,” Mr Kob said. “They have a duty to protect the public, not to go into the service of private companies and foment injustice.”

“Instead of standing around looking after PTT employees, they could put themselves to better use keeping the peace in the country's three southernmost provinces,” Mr Kob said, referring to the continuing violence and unrest along Thailand's southern border.

“I don't understand why [Chana district chief] Prawit Wisuttijindaporn has to order the police to do this.”

### *Villagers Blame Electricity Plant*

## **Big Fish Kill at Klong Naa Thap**

30 July 2007 – Huge numbers of dead fish were floating on the surface of a one-kilometre stretch of Klong Naa Thap in Songkhla province yesterday following heavy rains.

Local residents blamed the new Electricity Generating Authority of Thailand power plant, which uses water from the stream.

Raufate Hatumsa of Pa Ngam village near the stream said that although there had previously been cases of pollution from an agricultural processing factory in the vicinity, there had never been such a fish kill before.



*Some of the dead fish found floating in Klong Naa Thap yesterday.*

Villagers noted that the water was unusually turbid, with a red scum floating on the surface.

Some villagers collected the dead fish, which included many small fry, to eat. But neighbours who had followed the progress of the electricity station's construction cautioned them not to eat them, and took samples for testing at Prince of Songkhla University.

## Villagers Hail Coming Conference on Development Projects and *Waqf* Land



*“Stop the law from trampling on religious rules!”*

13 August 2007 – Opponents of the Trans Thai-Malaysia pipeline project (TTM) in Songkhla took to the streets today to advertise a coming public conference about the problems posed for Muslim *waqf* land by large-scale state development projects.

About 30 local villagers attached banners to bridges and railings along the Songkhla-Pattani highway to draw public attention to the seminar, to be held at Prince of Songkhla University on 27 August.

TTM’s seizure by force of *waqf* land to build a gas separation plant on a sprawling kilometre-square site in Chana district has long been a sore point for local residents.

According to Muslim law, such land cannot be transferred, bought or sold. Instead, it is given over to Allah for the use of the community in perpetuity.

TTM took over the *waqf* land in spite of not being granted permission by the local Sakorn subdistrict administrative organization. The public status of the land was withdrawn officially by the government of ex-Prime Minister Thaksin Shinawatra in August 2006 – long after the land had actually been seized.

Thaksin is locally regarded as having followed a policy sanctioning widespread murder with regard to Thailand's troubled southernmost provinces. The insult to Islam suggested by official dismissal of the *waqf* status of the land in question – together with the breach of state law implied by the seizure of the land before its public status was revoked – has only fueled resentment.



*Villagers at prayer on the site of the seized waqf land.*

The government claims that the *waqf* land was not being used by the community, a claim local people hotly contest. They say it was used as a right of way by local people passing back and forth among their homes, watermelon fields, gathering grounds, rice fields and local markets, and also for driving cattle to pasture or to local *melaleuca* woodlands.

The government and private companies must learn to respect such realities of life when undertaking large-scale development projects, local residents argue, whether the communities in question are Muslim,

Buddhist, or of other faiths. Thailand, they say, is a country of diverse peoples and religions, and all must be respected.

## Seminar Questions Official Treatment of *Waqf* Land



*Participants listen to a panel of scholars discussing waqf land and Islamic law.*

27 August 2007 – Muslim intellectuals and religious rights scholars today voiced questions about the way officials have treated what locals claim is Muslim *waqf* common land in the disputed Trans Thai-Malaysia pipeline and industrial project (TTM).

*Waqf* land is dedicated to God for community use in perpetuity and cannot be privately owned, bought, sold, or exchanged. Local opponents of the TTM project in Chana district of Songkhla claim that the project illegally acquired *waqf* land for the construction of a gas separation plant.

The land was used largely for rights of way giving access to fields, markets and pastures and as droves for livestock.

Playing an important part in TTM's land acquisition efforts was a 2004 adjudication by the Office of the Chularajamontri – Thailand's highest official Muslim authority – that there was “no clear evidence” that the land was *waqf*. The Thai government under former Prime Minister Thaksin Shinawatra then officially withdrew the land from public status in 2006, retrospectively justifying its takeover by TTM.

At today's seminar, entitled “The Problem of Waqf Land and Large-Scale State Development Projects”, those judgements were implicitly called into doubt even by a representative of the Office of the Chularajamontri itself.

Prasarn Sricharoen quietly pointed a finger at the central Muslim Committee of Songkhla for not having consulted with local people before reporting to the Chularajamontri on the land. If state agencies become involved in such issues, Mr Prasarn said, they must consult with the community and religious scholars.

Prasarn added that he was “uneasy” that responsible people from official Muslim organizations in Songkhla had not sent representatives to today's seminar, and promised to look into the matter.

The conference, held at the Prince of Songkhla University, was sponsored by the National Human Rights Commission (NHRC) and the Foundation for Sustainable Development. In attendance were many teachers and students from religious schools as well as members of the public and villagers from Chana district opposing TTM.



*Participants gather at Prince of Songkhla University for the seminar.*

Wasan Panich of the NHRC opened the event by saying that his commission had found that the land was still in public use at the time of being fenced off by TTM. To withdraw it from public status under these circumstances, he said, was to capitulate to private interests in breach of Thai law, regardless of its *waqf* status. If the land was in use, only a cabinet proclamation could have legally allowed it to be converted to private property.

Wasan said that the NHRC had proposed that there be an investigation of the origin of the claim that the public was not using the land.

Babornu Yeekapjee, an Islamic scholar, said that the word *waqf* meant to stop or suspend, or not to own – that is, to give to Allah. All Muslims, with the exception of children and the insane, had the duty of looking after *waqf* land. Whatever is *waqf* must be protected to the end of life.

Islamic writings, Babornu claimed, showed no evidence that *waqf* land could be compensated for or exchanged. Muslim scholars meeting in Pattani over the years had concluded that permission could be given to exchange *waqf* land only in cases in which a school was to be built, a well dug, or a sala, mosque or something else of religious use constructed.

Babornu added that the word “public” was a legal term signifying belonging to the Crown, but Islamic doctrine did not discuss the concept in that sense.

Usatassukree Mawlaw, a religious teacher in Khok Khet village, said that there was no evidence in religious writings that *waqf* could be exchanged or sold. On the contrary, words such as *walayoorawsoo* and *walayooahaaboo* indicated that *waqf* land cannot be handed over or marketed to anybody.

It was odd for the Chularajamontri's office to have claimed that there was no clear evidence that the land had been *waqf*, Mr Usatassukree suggested, since it was its job to try to seek such evidence out, if it existed.

Mr Usatassukree also raised questions about the Chularajamontri's claim that it is possible to exchange *waqf*, and that this had happened, for example, in the time of Caliph Umar during the seventh century. He pointed out that the decisionmaker in that case had a status equal to that of a king of a Muslim country.

Chame Sa-u, a religious teacher and representative of the Group for the Protection and Return of *Waqf* Land, which includes descendants of the original dedicator of the *waqf* land, noted that the Office of the Chularajamontri did not appear to have written to local TTM opponents who actually used the land in order to explain the principles of Islamic jurisprudence on which they were basing their judgement.

In addition, the Chularajamontri and the central Muslim Committee in Songkhla had never invited groups who were pressing lawsuits in the TTM case to participate in the evidence-gathering process. The *warais*, or hereditary guardians of the *waqf* land, were never invited to testify. If such investigations had been undertaken, there would have been a different result.

Mr Prasarn the Office of the Chularajamontri said that he had not been on the committee that had made the decision. He could only say that, in principle, *waqf* has many forms, both those that do not lay down conditions on who it applies to and how, and those that do lay down conditions. Guardians of *waqf* are obligated to carry out the conditions laid down by the dedicator of the land, even though they may have already died.

Mr Prasarn noted that *waqf* land is less institutionalised than temple grounds under Buddhism, which have to be registered with the Department of Religion. *Waqf* depends instead on individuals' vigilance,

unless it is *waqf* associated with a mosque, in which the mosque has to look after it.



*Fenced out: TTM has blocked access to land that local villagers say is waqf.*

In any case, Mr Prasarn said, the adjudication of the Chularajamontri was not a *fatwa* or formal legal edict, but rather a consideration of the evidence in light of Islamic doctrine.

“Problems like this have come up before,” Mr Prasarn related, citing a case in which the Office of the Chularajamontri had ruled that motorway could not be built through a graveyard, resulting in a bridge being built over the area.

“Whatever law violates the principles of religion also violates the Constitution,” Mr Prasarn said.

“On these matters, religious experts must be consulted. In some Muslim countries, it has been permitted to exchange *waqf* if the result is better use of the land than before. But it must be communities, not private companies, who consider what counts as ‘better use’”.

Mr Prasarn said that this was a case of both community and religious rights, because the *waqf* was useful to the community.

Sulaiman Matyooso, a representative of TTM opponents, said that his network had submitted a petition to the Songkhla central Muslim Committee about the matter, but that when he went to inquire after the results, the Committee refused to answer, saying that it had given its answer to the Chularajamontri.

Mr Sulaiman insisted that the Office of the Chularajamontri should issue adjudications based on investigations, not just listen to the Songkhla Muslim Committee.

## **Charges in Pipeline Case Dismissed**

31 August 2007 – Charges filed against villagers and non-government organization staff opposing the Trans Thai-Malaysia project (TTM) for having used violence in an incident at a “mobile cabinet meeting” on 20 December 2002 in Haad Yai were today thrown out by the Ninth Region Court of Appeals.

The court, upholding a 2004 judgement by the Songkhla court in favour of the 20 defendants, dismissed the charges as “unreasonable”.

Government prosecutors had charged the activists with causing bodily harm to officials in the course of carrying out their duties, carrying weapons without sufficient reason, interference with officials carrying out their duties, armed assault, assembling to destroy public property, assembly for unlawful purposes, fomenting public disorder or causing it to be fomented, and failure to heed lawful orders from officers.

Affirming that all of these charges were without foundation, judges Mrs Piangporn Wissetsin and Mr Rachote Ongwibun found that the defendants were not carrying weapons and had assembled peacefully in accord with their right under Article 44 of the 1997 Constitution to protect their ways of life, economy, society and culture and participate in decisions affecting their local environment.

The judges added that the spirit as well as the letter of the law had to be respected, and that specific statutes were only there to spell out the law

more clearly. If the spirit of the Constitution was not to be respected, they asked, why have one?

“This judgement shows that the police and the prosecutors must change their ways of thinking,” said Pipop Sutthisawang, one of the defendants.

“The right of communities to their own natural resources is a human right even if there is no law certifying it as such. This should be a lesson to the government and the police to remember the rights of communities and the public, not just to promote the interests of private companies.”



*Chana villagers celebrate the court's decision. The banner reads: "Police, prosecutors and the courts are not tools of business – they have the duty to protect the nation's wealth."*

“A development plan that pushes Chana district toward being another Maap Ta Phut should be reconsidered,” Mr Pipop added, referring to an industrial project in Rayong well known for its pollution and disregard for local rights.

The judges noted that the behaviour of the defendants had been peaceful in attempting to exchange information and views with the Prime Minister. The defendants had been open, sincere and lawful in attempting to get local views heard. Earlier on, they had tried to prevent conflict by warning the government that projected public consultations on the project

were not viable because of strong community sentiment against the project.

Radio, television and newspapers, both Thai and foreign, had taken an interest in the case and were on hand during the incident of 20 December 2002 to record what took place. Video and witness evidence proved that the claims of the prosecution about the sequence of events were false. For example:

- No pictures existed corroborating prosecution claims that a police colonel had ordered the defendants and their colleagues to turn into the lane next to the Krung Thai bank on Phetkasem road.
- No pictures existed of protesters' vehicles trying to ram police lines.
- No pictures existed of protesters' vehicles breaking through police barriers, as prosecutors had claimed.
- No pictures existed of negotiations between protesters, police and a government representative supposedly held as protesters were halted behind a steel barrier.
- No pictures existed of the moment when the order went out to police to form a line that led to pushing and shoving.
- No pictures existed of rally participants provoking anybody, throwing anything, using knives, slingshots or placard sticks to hurt police before the violent police charge, as prosecutors had claimed they did.

The court affirmed that pipeline opponents had used peaceful means to put their case before the government, the public and the media, right up until the police charged. All witnesses confirmed that the defendants had asked for permission to rally in order to present a petition to the Prime Minister or his representative. The fact that they did not have a chance to show this document was hardly suspicious, nor were they obligated to send a representative to hand it in. They had a constitutional right to rally in large numbers if experience had taught them that that was a more effective way of getting their views heard.

The protesters had no intention secretly or underhandedly to foment disorder. The police had given no order to disperse and had allowed the protesters to stay in a place where officials had set up loudspeakers. The police did communicate with representatives of the protesters, but by then the crisis point had already been reached.

It could not be established that the defendants and others at the rally had any intention to disobey police. The fact that police were able to disperse the rally quickly showed that the defendants and their colleagues had not planned to carry or use weapons to struggle.

Dr Jermsak Pinthong, of the Senate Committee on Public Participation, had testified and reported on the use of violence in suppressing TTM opponents, and his team had examined witnesses, inspected the location, and compared it with pictures and audio recordings made by police, the protesters and the news media. The Committee's conclusion was that the rally was the legitimate exercise of constitutional rights.

This was also the conclusion of the National Human Rights Commission, which set up a special subcommittee to investigate firsthand testimony from the incident and inspect the location.

The reading of the judgement in Songkhla's provincial hall was attended by all 20 defendants as well as a crowd of supporters. The prosecutors who had brought the charges were absent.

## *Forum Cites Lessons of TTM for Southern Development Plans*

13 November 2007 – The continuing controversy over the Trans Thai-Malaysia pipeline and industrial project (TTM) was a key reference point in an activists' conference ending today on "mistaken" development plans the Thai government is making in the south of the country.

Participants at the at the Southern Health Training and Development Centre, Nakorn Sri Thammarat, lambasted government schemes for an expanded industrial, tourism and export economy in Thailand's southernmost provinces, saying they would damage quality of life and the environment.

"No matter how beautiful government development plans may sound, in practice they mean turning the South into an industrial, tourism, and

agrobusiness hub,” said Banjong Nasae, Secretary of the Coordinating Committee of Southern non-government organizations.

Mr Banjong cited state-supported plans by local and international capital to expand the region’s industrial production of rubber and shrimp and even to bring nuclear power to the region.

Examples,he said, included iron smelters in Prachuab Khiri Khan, an industrial park in Trang, a industrial halal food producing complex near the border with Malaysia, and new ports, dams and transport systems to serve big business.

“It’s time to review the lessons of past projects of this kind,” he said, citing the pollution at the Maap Ta Phut industrial estate in eastern Thailand and the giant soft coal mining and burning operation in Mae Moh in the country’s north.

The south had its own example in the TTM project which, he said, was widely opposed by local communities. TTM was launched before hearings on the project were held, the environmental impact assessment was rejected by experts, no opportunity was given for local people to participate, local community and religious rights were violated, and the local environment was threatened.

Instead of forcing such destructive large-scale industrial schemes on the region, Mr Banjong said, the government should encourage local people to decide how they wanted to use the rich local natural resources for a better life.

Another activist, Mana Chuaychoo, said the meeting had helped people connect government development plans and specific projects.

The forum was arranged by the NGO Coordinating Committee of the South in conjunction with the Southern Community Development Project and the Fund for Health Promotion.

*Admits Waqf Land Problem Must be Solved “Urgently”*

## **Songkhla Muslim Committee to Reconsider 2003 Verdict**

13 December 2007 – An official Muslim body in South Thailand is set to reconsider a judgement it made four years ago that helped the government go ahead with the controversial Trans Thai-Malaysia pipeline and industrial project (TTM).

Masae Mana, acting chair of the Muslim Committee of Songkhla, said today that the Committee would entertain as soon as possible a petition from local villagers to review its 2003 finding that land taken over by TTM was not Muslim common land or *waqf* and therefore could be acquired by the company.



*Chana villagers today presented a petition to the Muslim Committee of Songkhla to review the status of contested land acquired by the Trans Thai-Malaysia project.*

Ussatasanaasawri Walam, a representative of the Group for the Protection and Return of *Waqf* Land, said that villagers in Chana district had suffered when *waqf* rights of way between Taling Chan and Sakorm subdistricts were fenced off and used for construction of TTM’s gas separation plant.

TTM's trespass on the land, he added, violated Islamic principles because the land had been given over to Allah decades earlier for the common use of the community.

Mr Ussatasanaasawri added that the assertion of the Chularajamontri, the country's supreme Muslim authority, that there was "no clear evidence that the public rights of way referred to are Muslim *waqf*" had been based partly on the 2003 finding of the Songkhla committee, and had been instrumental in legitimising the decision of the government of former Prime Minister Thaksin Shinawatra to withdraw public status from the land, retrospectively justifying TTM's takeover.

Mr Ussatasanaasawri said that local witnesses to the *waqf* status of the land, including descendants of the original donor, were always happy to give public testimony, having done so again at a recent seminar at Prince of Songkhla University. It is generally agreed by scholars that written evidence is not necessary to establish the *waqf* status of land.

"Please give a correct judgement," Mr Ussatasanaasawri said. He emphasized that the matter was "urgent".

Adopting a conciliatory tone, he said that local people, Islamic scholars and local officials would be happy to meet, confer and work together with the Songkhla committee to help correct the abuses of the Thaksin era.

# 2008

## ***TTM Opponents Cheer Court Decision to Dismiss Charges against Youth***

23 January 2008 – The Ninth Region Court of Appeals today overturned the conviction of Phoowis To-Lee, a young opponent of the Trans Thai-Malaysia pipeline project (TTM) who was beaten unconscious by police more than four years ago only to be charged with a range of public disorder charges.

The Songkhla Youth and Family Court had earlier fined Phoowis 16,100 baht and given him a deferred sentence of two years and six months on public disorder charges stemming from a 11 November 2003 confrontation among local villagers, TTM employees and police.

Villagers had gathered to question TTM employees who were surveying water sources near the Laan Hoy Siap mosque for a controversial gas separation plant then under construction.

Prosecution eyewitnesses reported seeing five or six youths, who were then joined by 30-40 other people, behaving aggressively toward the TTM employees. Some of the youths allegedly had cloths over their faces or were carrying knives or sticks. As tensions mounted, the special 100-man police unit that had been stationed nearby to protect the construction teams was called out. Villagers were requested to remove tree branches blocking the employees' pickup trucks but allegedly got no cooperation. Police then began beating villagers with nightsticks to drive them off, also attacking Phoowis as he was videoing the incident and clubbing him unconscious.

Following the violence, three youths were arrested, including Phoowis.

The appeals court said that the testimony of witnesses at the scene was contradictory. Witnesses gave varying accounts about whether Phoowis

had been carrying a stick, whether his face was covered, whether he had approached the TTM employees' vehicles threateningly, and whether he had blocked police or prevented them from removing the obstruction on the road.

The court concluded that there was insufficient evidence against Phoowis and that he could not be convicted merely by virtue of being present among a group which may have included some lawbreakers. It also noted his lack of prior offences and his injuries.

Phoowis's lawyer Saengchai Rattanaseriwong of the Lawyers Association, together with 50 villager supporters who had traveled to Songkhla to hear the verdict, were jubilant at the news.

"Courts have tended to believe that civil servants must be unbiased witnesses, yet clearly this is not always true," Saengchai said. "The police in this case were paid to protect the construction workers and had a history with some of the local people."

"In such circumstances it is difficult to expect objectivity. In this case we saw people who were all present at the same event saying completely different things."

*Claim Shoreline Wrecked by Pipeline Project*

# **Villagers Sue Harbour Department for \$6 million**



*Rock has been dumped along the Sakorm shoreline as part of the TTM project.*

29 January 2008 – Villagers from Sakorm subdistrict in Songkhla administrative court today filed a lawsuit against the Harbour Department, asking for 200 million baht (\$6 million) in damages for damage to local beaches resulting from the Trans Thai-Malaysia pipeline project (TTM).

Filing suit were Salee Maprasit, head of Khoke Sak village, Dol Rahman Tokawee, assistant head of Bor Chone village, and Jaymat Sangkaew of the Sakorm Subdistrict Administrative Organization, representing some 20 local residents.

Mr Salee said that the beach damage was due to groins designed to protect the pipeline project by controlling sand and wave movement. He said the project had rendered the local beach unusable for normal purposes since 1998. Fishing livelihoods had been damaged, losing residents millions of baht in income.

Most of the damages were being requested in order to reimburse the state for restoration work over a projected period of nine years, Mr Salee said. Mr Salee said that the destruction of the beach had affected him and other villagers deeply.

“Our and their ancestors’ lives were tied up with it and we want to leave it in a good state to our children and grandchildren and Thai people generally.”

“It isn’t only that the beach was of economic value to us,” Mr Salee added. “There used to be fine sand, nice views and a peaceful atmosphere. It was a place for relaxation and recreation right in the community, of inestimable value.”

## ***Chularajamontri’s Office Loses Documents*** **Chana Villagers Take Fight** **for *Waqf* Land to Bangkok**

5 February 2008 – Villagers from Chana district in southern Thailand today secured a promise from Kheterat Theparat, deputy secretary of Thailand’s Central Muslim Committee, that the Committee would discuss at its next meeting their plea for the return of Islamic common land taken over by the Trans Thai-Malaysia gas project (TTM).

Imran Maloolim, head of the scholars’ group advising the Chularajamontri, Thailand’s highest Muslim authority, told villagers that his group too would take their views into consideration.

The Group for the Protection and Return of *Waqf* Land was in Bangkok to petition the Office of the Chularajamontri to help resolve the land dispute between local villagers and TTM. In 2004, the Chularajamontri had ruled that “no clear evidence” existed that the land was *waqf*, or an inalienable commons given to God.

The ruling had been instrumental in the government’s 2006 decision to withdraw the public status of the land in Sakorn and Taling Chan

subdistricts, which opened it up for exploitation by TTM. A gas separation factory now stands on the site.

### **Documents “Lost”**

Villagers got a shock, however, when a representative of the Office of the Chularajamontri said that the Office could not supply them with copies of the documents that had been used in the earlier ruling because they had been “lost”.

Sornram Abdullakasim told the villagers that the report of the meeting of an advisory group, together with documentation from the Songkhla Muslim Committee and TTM, were missing from the office. Mr Sornram said the loss had been reported to police.

The Chana villagers had earlier been disappointed on a visit to the Chularajamontri’s office on 18 January, when they said that official ears had been closed to their pleas.

Janthima Chayabutdee, representative of the villagers’ group, said that after TTM had seized the *waqf* land, the public had appealed to numerous relevant official bodies and had even attempted to institute legal proceedings. However, the Songkhla prosecutor did not pursue them even though TTM had illegally trespassed on the land long before the government officially opened it for exploitation by withdrawing its public status.

Mrs Janthima explained that, as *waqf*, the land had been donated to God for all believers to use in common without any individual being allowed to hold a monopoly on it. According to Islamic law, the land could not be bought, sold, exchanged, transferred, or altered.

The withdrawal of its public status, she said, was in violation of the 1997 Constitution in that it was damaging to the Muslim community.

Mrs Janthima complained that officials had failed to listen to the public and to the Sakorn subdistrict administrative organization, which had resolved in 2005 that the land was *waqf*, public and in constant use by the local people.

Mrs Janthima’s Group for the Protection and Return of *Waqf* Land, composed of local leaders, scholars of Islam and ordinary villagers, was in Bangkok for the second time in as many months.

In January, in addition to visiting the Office of the Chularajamontri, it had met with Muslim communities in the Bangkok area to explain the case.

The villagers are also continuing to press their case with the government. Yesterday, they visited Government House to petition the government to review the 2006 decision to withdraw public status from the disputed land.

## **Appeals Court Delays Ruling on Police Violence**

4 March 2008 – Police and villagers alike will have to wait for the verdict on a public disorder case filed against high-ranking police officers for a 2002 attack against demonstrators against the Trans Thai-Malaysia pipeline project (TTM).

Judges Rachot Onwiboon and Piangporn Wisetsin of the Ninth Region Court of Appeals put off the reading of their verdict until 6 May because several of the plaintiffs and their attorneys had not been informed.

National police chief Pol Gen San Sarutanon and 39 colleagues had been sued by activists and villagers on a battery of public disorder charges for their actions on 20 December 2002, when police charged and beat peaceful demonstrators against TTM while a cabinet meeting was being held in Haad Yai.

The officers are charged with neglect of duty; unlawful assembly; illegitimate use of force; bringing about, ordering or being responsible for the armed fomenting of public disorder; and fomenting disorder in a religious gathering at a time of legally-sanctioned worship.

Bringing suit are local TTM opponent Sakkariya Mawang-iat and 25 colleagues. Half are local villagers suffering from the effects of TTM, half are staff of local non-government organizations devoted to environmental protection, strengthening community self-sufficiency, natural resource management.

All the plaintiffs were present at the 20 December 2002 rally in Haad Yai, which had been organized on the basis of evidence that the project, if built, would have severe environmental, social and cultural effects.

Protesters were proceeding to Phet Kasem road near the car park of Haad Yai's JB Hotel to await the presentation of their petition to review TTM to the Prime Minister and cabinet. At the Nam Phu roundabout they found their progress toward the agreed meeting place blocked by steel barriers and a phalanx of police. The plaintiffs thus waited on the road for a representative of the government to come out and negotiate.

The plaintiffs contend that the police commander at the scene, who is one of the defendants, gave false statements to two of the other defendants, claiming that those gathered had broken through the barricade and were preparing to drive through with six-wheel lorries. The scene commander evidently wanted the other two officers to believe and to issue an order to use force to disperse the rally.

Neither superior officer, however, bothered to check the information provided by the scene commander. Thus the order went out to the remaining defendants, as well as other police officers who have not been charged, to disperse the rally using nightsticks and shields to beat and push the plaintiffs and other members of the public.

The case falls under the heading of unlawful armed and injurious assault by an unlawful assembly of 10 or more people. The police commander and his superiors are said to have committed a public disorder offence against the people who were praying, forcing them to disperse without finishing their prayers. Ten of the plaintiffs were physically and psychologically injured, and many sustained damage to their property from the rioting policemen. The defendants are being sued for violations of seven Thai statutes. The case was accepted for hearing with respect to six of the statutes.

The Songkhla court had decided on 30 July 2004 to hear the charges only against Pol Maj Gen Santhaan Chaiyanon, the Songkhla police chief. Mr Sakkariya and the other 25 plaintiffs had appealed to ensure that other officers were also judged, including Pol Gen San Sarutanon, national police commander, and Maj Gen Thawatchai Phailee, as his deputy, as well as Pol Col Surachai Suebsuk, the deputy police commander at Songkhla, and 37 other officers who were present on the scene.

Mr Sakkarariya said that the plaintiffs were appealing to have the full list of officers included in the charges because all had played a role in the bringing about the violent attack of 20 December.

He noted that when the Songkhla court dismissed charges filed by prosecutors against the TTM demonstrators themselves, it found that the police had used excessive force and ruled that the police department would have to pay compensation to the protesters for the damage done. In reality, Mr Sakkariya added, Gen Santhan should have been suspended from duty for his role in the violence.

## ***Villagers Thank Central Muslim Committee***

7 March 2008 – Speaking at the Thai Islam Centre on Ramkhamhaeng 2 Road in Bangkok, Songkhla's Group for the Protection and Return of Waqf Land today thanked the Central Muslim Committee of Thailand for promising to take up the issue of disputed land at the natural gas separation plant in Songkhla's Chana district.

Conflict has raged for more than five years between local villagers and the Trans Thai-Malaysia Pipeline project (TTM) over TTM's seizure of land that locals claim to be *waqf*, land given to God for community use in perpetuity.

The Committee is to review the matter at its meeting on 11 March.

## **Chularajamontri's Office Urged to Reconsider *Waqf* Land Case**

11 March 2008 (Prachathai News Service) – Songkhla villagers opposing the Trans Thai-Malaysia pipeline and industrial project (TTM) today sent an open letter to the Chularajamontri, head of the official Muslim hierarchy in Thailand, urging him to reconsider his 2004 finding that land annexed by TTM for one part of a gas separation plant was not Muslim common land, or *waqf*.

If the land were to be determined to be *waqf*, or given over to Allah for the use of the community in perpetuity, TTM would have no right to hold it. *Waqf* land cannot be bought, sold or transferred.

Villagers said that the Chularajamontri's office had not checked the status of the land with its local hereditary guardians or *warais*, but had relied only on documents. They said that the land had in fact become *waqf* several decades ago, when it was dedicated for community use by an ancestor of Koriyau Maday, a local resident and one of four current *warais* of the land.

The letter was delivered to the Chularajamontri's central office in Bangkok by five representatives of the Group for Protection and Return of *Waqf* Land, who had travelled 1000 kilometres for the purpose. It was received by Karim Abdullah, the Chularajamontri's assistant, together with other dignitaries on the central Muslim Committee.

In a finding issued on 22 March 2004, the Chularajamontri's office had said that there was no clear evidence that the land in question was *waqf*. TTM was therefore within its rights when it offered villagers land in exchange for the parcel annexed for the gas separation plant.

Local villagers protested that the land in question, which measured over a hectare and a half, was *waqf* and had been in constant use by the community as pathways and a route for herding cows and goats.

Lawyers for the villagers added that TTM had fenced off the land, and then offered villagers other land in exchange for it, long before the Chularajamontri's ruling.

"The decision by the Chularajamontri was not correct," said Mrs Koriyau. "We are very sorry that Muslim leaders would take this view."

"The Central Muslim Committee of Songkhla, which was responsible for the case, did not meet with the *warais*," she said.

"*Waqf* is a pillar of the Muslim religion. Everyone has the responsibility to know about it. How could they say that there was no clear evidence? There are *warais* here, yet they made no effort to meet them. The decision must be reviewed."

Mrs Koriyau explained that after land has been made *waqf*, it does not belong to anyone. To sell or exchange it is a sin.

“It’s the same with Buddhism – if you give land for temple grounds, it can’t be exchanged,” she said.

The seizure of the *waqf* land has spelled hardship for local people, Mrs Koriyau added. The land could not longer be used as before, since it was fenced off by TTM.

“Even though there are now new pathways around the fence, it’s a very long way around, and the new paths are not really usable because they cross other people’s land and they haven’t given permission,” she said.

“We asked TTM to let us use the old paths as before. But the company wasn’t interested.”

The gas cracking plant that usurped the *waqf* land also pollutes the local air, Mrs Koriyau complained, affecting villagers’ crops. Eggplant does not fruit properly, and bad smells are a nuisance, producing sore throats and colds. Water in the Sakorm canal is polluted, causing fish to die. About 40-50 cattle and goats that drank the water from the canal have also died, and people are suffering eye and skin irritations.

“We’re struggling with all our heart,” Mrs Koriyau said. “But it’s hard fighting people with influence and money power in the region. We have to put our trust in God and hope He takes pity on us. We can only do so much.”

Nasauri Walam, a teacher of religion at Pak Bang village, stressed that interpreting whether land is *waqf* or not requires examining witnesses as well as looking at documentation.

Mr Nasauri said that the Chularajamontri’s office conceded that the decision had been mistaken, and was ready to tackle the problem together with the affected villagers. The office has also warned the Songkhla Muslim Committee to redo their original submission, according to Mr Nasauri.

Mr Nasauri concluded by saying that on 17 March there would be a public seminar on *waqf* that could help in reaching a common understanding. He urged the Chularajamontri’s office to enter into dialogue with local residents to help find a mutually satisfactory solution.

# *Former Police Chief Broke the Law, Appeals Court Says*

6 May 2008 – A case against former national police chief Gen San Sarutanon for unlawful actions during the 20 December 2002 police riot in Haad Yai can finally be decided, an appeals court ruled today.

A lower court had earlier excluded Gen San from a lawsuit being brought against police by some two dozen victims of the Haad Yai violence, who had been protesting the Trans Thai-Malaysia pipeline and industrial project (TTM).

The victims had appealed, arguing that Gen San must bear partial responsibility, since he was on duty and giving orders during the incident, during which a rally of local people opposing TTM had been violently dispersed and beaten by police.

Today the Ninth Region Court of Appeals concurred, ordering that Gen San and four other officers must be judged. They are Pol Col Surachai Suebsuk, Pol Capt Lek Meeyang, Pol Lt Bantoon Boonkhrua and Pol Lt Atichai Somboon.

A sixth officer, Pol Maj Gen Santhaan Chayanon, the then chief of police in Songkhla, remains on the list of the accused, as the lower court had accepted the case against him.

All six have to present themselves on 5 August before the court in Songkhla to post bail.

In its judgement, the court recognized that the plaintiffs had had the constitutional right to proper information about the TTM project before it was undertaken, as it had the potential to affect the local environment, health, welfare and quality of life of the public. Yet the government of former Prime Minister Thaksin Shinawatra had waved the project through in May 2002 without explanation, and had not responded to petitions and appeals from the local populace, who had the right to participate in the planning for projects affecting them in accordance with articles 44, 46, 56 and 59 of the 1997 Constitution.

The 20 December rally by TTM opponents, the court said, was a proper exercise of the plaintiff's constitutional rights. The protesters had no intention of provoking violence or blocking the cabinet meeting being held that day. The police had the duty of protecting them, facilitating the rally, and preserving public safety. Pol Gen San in particular had a duty to be sensitive to the toll that TTM had already taken on the lives of the protesters, and take care about the use of force.



*Villagers celebrate the court's decision on former police chief San Sarutanon.*

Yet Pol Gen San, according to testimony given to the Senate Committee on Public Participation, had believed that the protesters were in conflict with the decisions of the government and state agencies and “would not listen to reason”, unlike protesters rallying at the Cambodian embassy in Bangkok. Pol Gen San had also cited evidence from the abortive “public hearings” held on TTM, which were widely seen to be a sham, to claim that participants in the 20 December rally were planning violent action.

In the circumstances, the court observed, Pol Gen San should have taken the three minutes required to travel to the scene to inspect it for himself before issuing any orders, particularly in view of the proximity of the rally to the JB Hotel, where the cabinet meeting was being held.

Instead, on the basis of false reports about the protesters given him by subordinates, he ordered police to use force to advance into the rally to break it up. This order was unlawful, the court said.

Present at today's judgement were the plaintiffs, their lawyers Saengchai Rattanaseriwong and Rasada Manooratsada of the Lawyers Society, and Pol Gen San and his legal team.

Speaking for the plaintiffs, Sakkariya Mawang said that justice had been delayed in the case partly because former Prime Minister Thaksin Shinawatra had not accepted that his police force had broken the law and violated its duties. Instead, PM Thaksin had rewarded the lawbreakers, sending a signal that violence against opponents of the TTM project was acceptable.

## **It's *Waqf* Land after All, Admits Songkhla Muslim Committee Chair**



*Chana district residents meet with the Songkhla Muslim Committee chair Aziz Phitakkhumphon today after having traveled to Haad Yai today to seek help in resolving their longstanding land dispute with the Trans Thai-Malaysia project.*

21 June 2008 – We were wrong.

That was today's message from Mr Aziz Phitakkhumphon, chair of the Songkhla Muslim Committee, about a judgement made more than four years ago about disputed land in Chana district now now occupied by the Trans Thai-Malaysia Pipeline and Industrial Project (TTM).

The Committee's finding that there was no clear evidence that the coastal land in question was *waqf* under Muslim tradition, and thus closed to commercial development, had helped legitimise TTM's construction of a gas separation factory on the site.

But Mr Aziz admitted today that the land in question was *waqf* after all.

Mr Aziz reversed his judgement after listening to the testimony of the heirs of the original owner of the disputed land, who had dedicated the land to God for community use in perpetuity under the Muslim law of *waqf*, and other local witnesses.

The Group for the Protection and Return of *Waqf* Land, together with 200 other residents of Chana district, had traveled to the Khuan Santi mosque in Haad Yai to seek a meeting with Mr Aziz Phitakkhumphon over the issue.

Mr Aziz promised to coordinate with a panel of experts at the Office of the Chularajamontri, the head of Thailand's official Muslim hierarchy, to try to arrange a meeting by 10 July on the matter. Haad Yai district chief Somchote Suwannamat was on hand to witness the agreement.

In March 2004, the Chularajamontri had followed the finding of the Songkhla committee in concluding that there was no clear evidence that the contested land was *waqf*. That had paved the way for the government of former PM Thaksin Shinawatra to withdraw official public status from the land in August 2006, retrospectively legitimising TTM's construction project.

Today's news was a delayed reaction to a sustained campaign by local villagers to get the Chularajamontri to reconsider the 2004 ruling.

On 11 March, Pichet Sathirachawal, secretary of the Thailand's Central Muslim Committee, had promised to help expedite a review of the ruling by an expert panel of the Chularajamontri's office within 60 days. He was

speaking at a meeting of the Committee attended by members of Chana's Group for the Protection and Return of *Waqf* Land and of the Thai Muslim Students' Network, and which Mr Aziz chaired.

After that deadline passed, Chana villagers resolved to press Mr Aziz for news of progress on the matter, and to ask him to help investigate why the original ruling from the Chularajamontri's office was not based on local testimony, but only on statements from TTM.

Raukiyau Maday, 43, an heir of the original donor of the *waqf* land, together with Taha Samau, 75, personally conveyed their evidence to Mr Aziz.

## **NHRC Calls for Pipeline Suspension as Villagers Try to Halt Digging**

11 July 2008 – The National Human Rights Commission (NHRC) today called on the district chief and police commander in Chana district, Songkhla, immediately to suspend the laying of a gas pipeline by the Petroleum Authority of Thailand (PTT).

The NHRC action came as local villagers put themselves at risk in order to bring excavating machinery to a halt in Pa Ngam village. The machinery was being used in an illegal operation digging up land belonging to a local family.

Wasan Panich, chair of the NHRC's subcommittee on coastal and mineral resources, said that the NHRC had received an appeal from the public about the pipeline's effects on Pa Ngam and needed to investigate the facts on the ground in a way that was fair to all sides.

Mr Wasan noted that a balanced investigation was necessary before the pipeline-laying operations went any further, in order to forestall an

escalation of the conflict, which could ultimately lead to violence in an especially sensitive region of the country.

Joined by other opponents of the Trans Thai-Malaysia Pipeline and Industrial Project (TTM), Pa Ngam residents have long opposed the routing of pipeline through their village. The pipeline, which would take gas from TTM's gas separation plant to a new electricity generating station in Pa Ching subdistrict, is currently slated to pass through the centre of Pa Ngam, near homes and the local mosque.

Local villagers insist that it would destroy their way of life, trample on the principles of Islam, and break up Muslim communities.

Previously, both the head of the Taling Chan subdistrict administrative organization and the Fourth Army regional command have ordered PTT to halt the pipeline-laying operations to provide time for a review of the effects, but to no avail.

Guarded by a detachment of Chana district police, PTT employees this morning set up excavating machinery to lay the pipeline underneath land containing the residence of Nau Hatyumsaa, 60. But the machinery had to be shut off when pipeline opponents maintaining a vigil moved in.

Khau Hatyumsaa, owner of the land, stated that she and her friends opposed the operation because of the project was having on Chana district as a whole, not only because the pipeline happened to pass through their land.

“We don't need these industrial projects,” said Mrs Khau. “Before, it was the gas separation factory. Today it's an electricity plant, and tomorrow it will be a deep-water jetty in Na Tap, even though the government used to promise that no such industries would be built. If Pa Ngam is surrounded by such things, how can we live our lives?”

“PTT says that we're only worried about our own land, but they don't understand that we don't want to follow in the footsteps of Maap Ta Phut,” Mrs Khau added, referring to the destructive industrial complex in Rayong province across the Gulf of Thailand.

# *Appendices*

# APPENDIX 1

[DOCUMENT]

## FACT SHEET

### **Thai-Malaysia Gas Pipeline Project And Human Rights Violations**

**Prepared by  
Working Group for Human Rights Defenders, Thailand, 2003**

#### **Background of Gas Pipeline Project**

Petronas and the Petroleum Authority of Thailand (PTT) have agreed to incorporate two companies, one in Malaysia and the other in Thailand, on a 50:50 basis in 1999.

Thailand and Malaysia have committed to a US\$2.42 billion contract to share the costs of constructing a 255 kilometre offshore pipeline to transport the gas to Thailand, where it will be purified into sales gas and other fractions at the new gas separation plant at Jana in Songkhla province.

The pipeline project will consist of two parts, estimated to cost US\$565 million in total investment. The first section involves an offshore pipeline, 50 kilometres long and 20 inches in diameter, from A-18 to B-17 of the Joint Development Area (JDA) in the Gulf of Thailand. The second line calls for:

- a 255 kilometre, 30-inch diameter offshore line running eastward from A-18 to Songkhla shore;
- an 86 kilometre, 30-inch diameter onshore line from Songkhla to the Thai-Malaysian border; and
- another nine kilometre inland connection to the northern Malaysian state of Perlis.

The proposed two-unit gas separation plant near the pipe landing area in the village of Taling Chan in the Chana district, Songkhla is expected to cost US\$260 million. It will comprise two units each with a natural gas processing capacity of 375-425 million cubic feet per day (Mcf). Construction of the first

unit is scheduled to come on line in 2001 and the second in 2004-2005. Its main output will be LPG which would be distributed in the five southernmost provinces of Thailand and the northern part of the Peninsular Malaysia.

Finally, a share of the gas would be piped a further 93 kilometres to the border to link into the Malaysian Peninsular Gas Utilization pipeline at Changlun in Kedah

The offshore gas pipeline will pass 6 villages in Jana District, 5 villages in Namom District, 4 villages in Haad Yai and another 8 villages in Sadao District of Songkhla Province. The protester believes that industrial development as such which has been seen in Eastern Thailand from gas-related industries will pollute the sea and marine resources and fundamentally change the character of these small fishing villages. According to opponents, the pipeline, if constructed, would have a severe impact on small-scale fisherfolk who are predominantly Muslim, a minority group in largely Buddhist Thailand.

The Trans-Thai Malaysia project to build a natural gas pipeline and a separation plant has been postponed again and again in view of huge demonstrations from the residents of southern Thailand. The local villagers have appealed and fought against the construction of the massive project since 1999. With the intervention of the Thai military, the struggle of the local people gained support. More intense confrontation between the government and military against the local people is inevitable if the proponents of the project continue to push the project through.

The villagers and environmental activists started the protest against the gas pipeline project since 1998-1999. They insisted that the government has signed the business contract of this mega-development project before conducting public referendums, environmental impact assessment and distributing adequate information about the impacts of the project to villagers whom their livelihood and their national resources will be threatened and destroyed. The right to participate in public referendum and the right to access to adequate information about development project are guaranteed under the Thai constitution.

The two public referendums were held by the government on 29-30 July 2000 and 21-22 October 2000 both after the agreement with Petronas Company was signed. The opponents criticised these referendums as were set up merely aimed to support government decision and reaffirmed the government contract with Malaysian Petronas company. The villager's petition to reconsider the environmental impact and to suspend the project were left out of the discussion table. The second public forum held in October 2000 ended with violence and injury in both villagers and police officers.

#### **Crackdown on Demonstrators on 20 December 2002**

On 20 December 2002 in Haad Yai District, the police force carried out a violent crackdown on the peaceful demonstrators who had gathered outside the JB hotel, Haad Yai District, Songkhla Province, wanted to present a petition letter requesting P.M Thaksin to review the project. The petition letter stated that Thai Government should reconsider and suspend the Thai-Malaysia Gas Pipeline Project. The Thai cabinet was scheduled to meet with the Malaysian cabinet and Malaysian Prime Minister between 21-22 December 2002 at the JB Hotel.

At 15.30 on 20 Dec. 2002, Mr. Banjong Nasae, a representative of the demonstration and Mr. Watcharaphan Jantarakajon, a Assistant Secretary to the Prime Minister have agreed on the route of the rally. The demonstrators started their rally by cars from Ban Koksak, Jana District (40 Km to Haad Yai) and planned to gather nearby JB Hotel, Haad Yai Mr. Watcharaphan agreed upon the agreement.

However, the police force in charge of the security on 20 December instructed the demonstrators differently and leaded them to a different route by a police car. Up to 5,000 policemen were put along the route from Jana District to Haad Yai District. There were two checkpoints and at the second checkpoint, the police force stopped the demonstrators and searched for weapons. Then they let the rally move to the meeting point, a car park behind JB hotel.

At 20.00 hrs about 300 metres away from the JB Hotel, the demonstrators were told to leave their vehicles. The people planned to walk to the meeting point (car park) near JB hotel but Mr. Watcharaphan told the demonstrators not to move and wait. The demonstrators decided to sit down, eat dinner or perform evening pray.

At 20.30 hrs, about 1000 fully equipped anti-riot police officers started to push the fences and beat demonstrators to prevent them from approaching the hotel. Police attacked demonstrators as they were sitting down to eat and pray. Some of the women had their clothes torn off and their hand tied behind their backs.

During the riot, 12 members of the NGOs were arrested and charged with violating the national security. Three days later they were released on bail

### **Alleged Violation**

The right to assemble peaceably through demonstrations was denied by the state authority. Songkhla Police Force committed the act of violence against villagers and NGO activists during their peaceful demonstration. Songkhla Police forces beaten villagers and smashed car windows. The permission to demonstrate was given upon the agreement/consensus between Mr. Banjong Nasae, a representative of the demonstration and Mr. Watcharaphan Jantarakajon, an assistant secretary to the Prime Minister.

On Friday, 20 December 2002, twelve NGOs activists were arrested and taken secretly to a Border Patrol Police compound about 40 km away from the incident for an investigation, which had continued from 9.00 p.m. (20 Dec) until 5.00 a.m. the next day (21 Dec). They were alleged and asked to testify by police investigators all night. On Sat.21 Dec, a lawyer from the Law Society of Thailand was refused to meet with the detainees.

The twelve non-governmental activists working on issues promoting environmentalism and capacity building of grassroots communities in Songkhla Province now are facing a law suit by the Attorney General of Chiang Mai Provincial Office. They were charged under the criminal act for:-

- Carrying arms in a public place without permission
- Opposing an official order in order to commit an act of violence or do any thing to cause a breach of the peace (under article 215 and article 216 of the criminal act)
- Resisting or obstructing an official or a person required by law to assist such official by doing an act of violence.
- Assembling for an act of violence or being the manager or person having the duty to give orders for the commission of the offence.

**Perpetrator (s) of the alleged violation:**

Unit: Songkhla Police Force  
Regional: Provincial Police Region 9  
National: Office of the Commissioner-General, Royal Thai Police,

<b>Notes and Concerns</b>
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***About the incident:***

- All 12 accused were Non-Governmental Organisation social workers working in Songkhla Province and they were participated in the demonstration. (Pls see appendix I – Profile of 12 accused). The videotape taken by independent cameramen and TV cameramen shows, none of the 12 activists was involved in any act of violence against official order or in any act of violence during the demonstration.
- There was no report of weapons or arms in the demonstration. The demonstrators were using pole of the protest flag to defend against police force.
- The government gave the police force free power to use brutality against the demonstrators. The police aimed at arrested 12 NGOs activist and planned to take legal action to weaken their activism that disagree openly with the gas pipeline project.
- A sub-committee investigation team of National Human Rights Commission of Thailand (NHRC) was set up to conduct the investigation of the 20 December incident. On 26 December 2002, NHRC released a statement calling for an independent investigation team over the incident on 20 December

2002. It maintains that there might be a violation related to the act of police force against the peaceful demonstrator. NHRC said they would continue to investigate the incident under the office authority. On Sun 26 Jan, NHRC of Thailand investigation team including 3 commissioners went to Jana District and Haad Yai District, Songkhla province to conduct an investigation.

- Committee on Human Rights of Senate office received a complaint from the representatives of Gas Pipeline Project's opponent over the act of violence by police authority on 20 December 2002.

### **Legal developments:**

- Monday 23 December: all twelve detainees were released on bail. The investigation by Songkhla police force of the 20 December incident may not be objective and unjust to the 12 accused.
- Monday 20 January 2003: the defence lawyer submitted a motion to the attorney general office. It requests to consider information from the investigation from the lawyer, as the investigation only conducted by police force of Songkhla province might be subjective. Due to the police force of Songkhla province is the police force that was responsible for the attack against demonstrators on 20 Dec themselves.
- Friday 24 January 2003: The Songkhla police submitted the investigation report on the 20 Dec incident to the attorney general office. The attorney general agreed to prosecute 12 NGOs with 6 charges. The case now is under the court procedure and therefore the Songkhla police force does not need to cooperate with National Human Rights Commission. In a letter to NHRC, Songkhla police denied to give information as the case is now under the court procedure and not under NHRC investigation power.
- The Songkhla police rushed to submit and complete the investigation on Friday 24 January 2003 before the field investigation by NHRC on 26 January 2003. The Songkhla police were called to give information to NHRC on 29 January 2003. The police refused to testify in front of the NHRC and provided any further information as the case is under the court procedure.
- Legal action against activists may weaken the civil society movement on the protest against the Gas pipeline project as the activist /villagers seemed to be dis-empowered and lack of legal knowledge over all the judicially procedures.
- There is a lack of legal advice and assistance. Now only the Human Rights commission of Law Society of Thailand can provide the emergency legal assistance. There is a shortage of human rights lawyers and volunteer lawyers.
- In 2001, there were more than 700 on-going court cases against social workers, activists and villagers throughout Thailand.

### **About Thai government policies:**

- Recently, PM Thaksin Shinawatra has increased his criticisms of the civil society movement especially NGO. Human rights defenders and/or NGO

activists now have to face constant allegations of receiving foreign money, disturbance nation stability economically and politically.

- The state authorities such as police, attorney general and other official are cooperating to take legal action against activists and villagers whom disagree and protest openly against government project. The main protest groups are such as Forum of the Poor of Pak Moon Dam, Bo Nok – Hin Krut power plants, conflict over land ownership and Thai Malaysian Gas Pipeline are now facing over 700 law suits.
  - When there's a conflict over development projects, the government decision tends to favour the business interests of the influential groups, which are directly or indirectly related to national policy makers, over the demands of villagers.
  - Submission of the allegation of the 20 Dec incident to the Special Representative to Secretary General on Human Rights Defenders and the petition to United Nations in Geneva was raised up. PM Thaksin gave a weird opinion saying that this was an internal matter of our nation, and does need to bring it up to foreigner in order to confuse the public.
  - In addition, activists have already documented serious human rights violations associated with the project, including threats and intimidation by influenced groups , military officers and companies, physical harassment, shootings, and arrest of activists. Eleven killings of HR defenders and community leaders and local leaders were documented during two years of Thaksin administration.
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Profile of 12 Accused Persons  
 Thai-Malaysia Gas Pipeline Project Demonstration  
**20 December 2002 Incident, Haad Yai District, Songkhla Province**

Name	<b>Organisation</b>	Job Description
1. Banjong Nasae (M)	Director of The Southern coastline natural resources management Project, Songkhla province	<ul style="list-style-type: none"> <li>◆ Strengthening communities based organization and fisherfolk network in managing their natural coastline resources.</li> <li>◆ Conducting research on impacts and alternative solutions of the sustainable coastline natural resources management.</li> <li>◆ Campaigning and advocacy on policies supporting the sustainable</li> </ul>

		coastline natural resources management.
2. Alisa Jiemvitayanukun (F)	Secretary-general of NGO- Coordinating committee (Southern network) , Songkhla province	<ul style="list-style-type: none"> <li>◆ Coordinating with NGOs in Southern provinces and between national-wide network.</li> <li>◆ Campaigning on impacts and policy changes on the development of Southern provinces.</li> </ul>
3. Taradon Madlied (M)	Project officer, The Southern coastline natural resources management Project, Songkhla province	<ul style="list-style-type: none"> <li>◆ Act as a field officer and as a field officer coordinator</li> <li>◆ Collecting primary data supporting research work and campaigning work in order to solve the community problem and change policies on natural resources management.</li> </ul>
4. Supawan Chanasonkram (F)	Project officer, The Southern coastline natural resources management Project, Songkhla province	<ul style="list-style-type: none"> <li>◆ Act as a field officer and as a coordinator of communities based organization.</li> <li>◆ Strengthening communities based organizations and small fisherfolk networks.</li> <li>◆ Promoting small fisherfolk activities such as alternative job and other development activities.</li> </ul>
5. Kitipop Sitiswang (M)	Project Officer, The Small fisherfolk Development project, Songkhla province	<ul style="list-style-type: none"> <li>◆ Act as a field officer and as a coordinator of communities based organizations.</li> <li>◆ Strengthening communities based organizations and small fisherfolk networks.</li> </ul>
6. Santi Sangpud (M)	Project officer, Alternative Agricultural management, Southern Network , Songkhla province	<ul style="list-style-type: none"> <li>◆ Promoting Alternative Agricultural management under Sustainable Agricultural Experimental Project</li> <li>◆ Study on Local wisdom and their agricultural management</li> </ul>

		<ul style="list-style-type: none"> <li>◆ Campaign on sustainable agricultural policy</li> </ul>
7. Sintu Kaewsin (M)	Director of Watershed management in Southern provinces, Songkhla province	<ul style="list-style-type: none"> <li>◆ Strengthening communities based organisations and promoting watershed areas in Southern provinces of their land, water and forest management</li> <li>◆ Conducting participatory research on Local wisdom and their agricultural management</li> <li>◆ Campaigning for community forest act and land reform</li> </ul>
8. Tassanee Rungreng (F)	Project officer, The Southern coastline natural resources management Project , Songkhla province	<ul style="list-style-type: none"> <li>◆ Field officer of the Southern coastline natural resources management Project</li> <li>◆ Conducting participatory research on Local wisdom and their agricultural management</li> </ul>
9. Juta Sangkachat (F)	Consume for Live Project, Songkhla province	<ul style="list-style-type: none"> <li>◆ Campaigning for Popular Consumer rights</li> <li>◆ Campaigning to raise public awareness on sustainable agricultural development and Chemical free goods.</li> <li>◆ Alternative Market promoting goods and products from sustainable agricultural project.</li> </ul>
10. Surat Sae Jung (F)	Peace Rally for Reservation Songkhla Lake, Songkhla province	<ul style="list-style-type: none"> <li>◆ Campaign for reservation and protection of Songkhla Lake to urban communities in Songkhla province.</li> <li>◆ Promoting and conducting activities to support the cooperation in order to reserve and protect Songkhla Lake</li> </ul>
11. Nattawan Itsarata (F)	Secretary of Urban community Project	<ul style="list-style-type: none"> <li>◆ Implementing a project under Community based</li> </ul>

	(Southern provinces), Songkhla province	Organization Development Institution. ◆ Creating cooperation among civil society network for better living condition of urban communities.
12. Ratcha-ta Watansak (M)	Master Degree student at Songkhla University and a researcher	◆ Volunteer researcher

**Note:** *This report was originally prepared for UN Special Representative to Secretary General on Human Rights Defenders, Ms. Hina Jilani, who scheduled to pay her official visit to Thailand during 10-14 Feb 2003. Her trip was cancelled two weeks before the schedule by the government of Thailand. The first draft was prepared by Noi Pompen of Forum Asia and the Thai Working Groups for Human Rights Defenders.*

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# APPENDIX 2

24 November 2002

Statement

Thai academics appeal to Thai society  
to urge the government to review  
the Thai-Malaysia Gas Pipeline project

The government's decision-making process of the current controversial Thai-Malaysia Gas Pipeline project was made without democratic transparency. None of the people living in the project area and the general public took any part in the decision because most of the information about the project was not open to the public. And the information made available to the public has raised numerous questions that have never been answered. Men in uniforms were sent, disguised as a psychological warfare unit, to the project site where local villagers considered this move as a threat. There was no equal opportunity for both proponents and opponents of the project to make their opinions and arguments heard. Overall, the government's manner in this case is of a form of violence that will, in no way, lead to peace at all.

We, the undersigned, would like the government and concerned agencies to clarify the following six questionable issues. Only reasonable facts will provide the general Thai society with a rightful opportunity to take part in the decision making of such a massive project effectively.

1. The illegitimacy and malpractice of official decision-making process leading to this project.

According to the 1996 agreement initially made between Thailand and Malaysia, the pipelining of the gas would be done directly to each destination country without any trans-border pipeline transport. Thailand would, however, have to further construct its pipeline 50 km north of the Gulf of Thailand to link up the new pipeline with existing system. Until now, even with changes in the gas pipeline project plan, the northbound pipelining scheme still exists. Therefore, Thailand is definitely entitled to use the gas produced from the fields co-owned with Malaysia regardless of whether the new pipeline construction project in Songkhla province is materialized or not.

In 1997, Malaysia with very active cooperation from Thailand decided to change its pipeline direction. All the gas would be transported to Thailand via offshore pipeline before being purified into gas and further piped to link to the pipeline in Malaysia. According to this re-routing, a fraction of the total gas produced-12% at the most-would be left for Thailand to use while the majority share would be piped to a gas utilization unit in Western Malaysia. But the Thai government still agreed to invest in this project on a 50:50 basis!

Notably, the redirection of the gas pipeline scheme emerged with the announcement of the National Economic and Social Development Board to promote gas as an energy supply for complimentary industries (including petrochemicals) in local areas and two big power plants. But the widespread opposition of local villagers-- whose main fear has been the project's potential negative impacts on their quality of life similar to those already taking place in Thailand's Eastern Seaboard industrial area--prompted Prime Minister Thaksin Shinawatra to sidestep the issue. He said the project would involve only a gas separation plant; no complimentary industries would be allowed there. Provided that the prime minister's statement was true, Thailand's share of use of the gas from this project would plunge down to merely 1%.

This project had been approved while its environmental impact assessment was not completed then and is still not finished now. Apparently, the EIA report was abruptly approved by the Office of Environmental Policy and Planning (OEPP) and not by the authorized expert panel appointed by the OEPP. Such approval violated the 1992 Environment Act and was also an administrative misconduct. The authorities argued that any government's delay would result in Thailand's paying damage compensation, included in the contract's take-or-pay provision. On the contrary, a document (numbered 520/11/464) from the Petroleum Authority of Thailand (PTT) to the Stock Exchange of Thailand (SET) clearly indicated that there was no need for Thailand to pay such compensation owing to the delayed EIA approval.

A large number of people are against this project, but their voices have not been democratically heard. The public hearing procedures were obviously biased and ended in only 25 minutes. After scrutinizing the project, the Senate and the National Human Rights Commission suggested the government review it. Similar appeals came from the study reports of Chulalongkorn and Burapa Universities researchers, both commissioned by the government.

To counteract critical questions and opposition from various sources, the project resorted to heavy propaganda campaign by buying up media space for its PR and advertisement operation. Thus, Thai society has been kept in the dark. Both opponents and proponents to the project have carried on their campaigns without adequate information and facts required to support their arguments.

## 2. Energy needs.

Put into perspective, Thailand's energy supply is in surplus. Gas and electricity is more than enough. Yet we have to pay for the sales gas from the Burmese Yadana pipeline that so far has never been delivered. The expense has finally been incorporated as a fuel cost--added to the FT cost (the current fuel adjustment cost that is a variable cost component in the power tariff pricing)-and further imposed on the public and business operators, hence higher-priced products from Thailand leading to their lower competitiveness. With existing surplus energy reserve, the project is not necessary as far as Thailand's current energy is concerned. The government should use this

project's investment capital to explore for alternative energy sources that could become Thailand's most potential energy for the future.

### 3. Economic cost-effectiveness.

The exploration deal Thailand made with Malaysia brings on many disadvantages to the PTT Exploration and Production Co, Ltd. Comparatively, Malaysia's Petronas firm will get 10% of the profit while Thailand's PTT Exploration and Production will get only 3.9%. In terms of money, Malaysia will reap more than 80 billion baht or US\$1,860 million (approximately US\$1 = 43 baht) whereas only 30 billion baht or US\$697 million will come to Thailand. This is because the PTT Exploration and Production will not involve in the production of the biggest gas field (Block A-18, which will account for 72% of the Joint Development Area (JDA) of the gas reserves located offshore in the Gulf of Thailand. Malaysia, as the gas producer of the block, will reap a 10-percent profit from it.

The NESDB made three interesting remarks on the project's cost-effectiveness, as follows:

- a) Between 2001 when the project first implemented and the next decade, Thailand's economy compared with that of Malaysia will not be in the position to make maximum use of the gas produced in the first phase.
- b) Comparing with the benefits received from an import of fuel oil, the project's return--throughout its 27-year period--will be 1.4%, which is not a cost-effective investment.
- c) Compared with platform prices of most of the gas from the Gulf of Thailand, the project's price is higher. And the price will be much higher for the buyers to pay at the destination areas in Songkhla in the South and the eastern location in Maab Ta Phut.

### 4. Environmental impacts.

The short-term concerns of the locals are environmental impacts caused by the gas separation plants, power plants and complimentary industries-which have not been made clear if they will follow. Wastewater from the gas separation plant released into the sea and the heat would destroy marine fingerling and harm the locals' rich fishing grounds.

Fresh water supply from the Ou Taphao River Basin could be taken away by the development of complimentary industries. The construction of new dams to store fresh water from Songkhla Lake could spread water shortages as far as Hat Yai, Songkhla's city center. Not to mention the higher salinity of the water in the lake.

The project's approved EIA study report is seriously insufficient. There is not mention of the quantity of mercury that the drilling could emanate. A research on mercury contamination in the Gulf of Thailand showed that the amount of

the substance found on marine animals living around the gas rigs in the middle of the gulf went up significantly. In addition, the pipelining also brings about sediment that will negatively affect life cycle of both animals and plants living in the sea and on land. Safety is also of significance. There is no clear indication in the questionable EIA report of what safety measures will be employed to keep the pipeline route safe. And no study has been done to see what social impacts will there be on local communities, at the areas where the gas pipeline will land and along the pipeline route.

Undeniably, the gas separation will, more or less, adversely affect the area's air quality. Neither has there been any adequate study of the matter. And that has also worried the local villagers in Chana district, whose main occupation is raising the famed cooing doves.

#### 5. Southern Thailand's development direction.

An opinion poll of the people of Songkhla, included in the social and environmental impact study (of the project) revealed that 80% of the people believed the project would negatively affect their livelihood; 59% wanted the project scrapped; and 89% was already satisfied with their current way of living. This clearly indicates that the gas pipeline project-to be followed by complimentary industries or not-is not the development approach chosen by the people.

Many of the local villagers live a self-sufficient life. Surrounded by ecologically rich environment, these locals (with more than 3,000 small-scale fishing boats) can rely on coastal fishing. A number of them are involved in self-reliant farming, principally for household consumption.

Furthermore, the two coasts of the South have so high potential for promising tourism that their resources should be nurtured for sustainable development, rather than being exploited as a pipelining route of the gas-which will not only be virtually useless to Thailand but also bring on many adverse effects to the country.

#### 6. Non-violence.

A non-violent solution to a conflict is often welcome by civilized society. But we should look beyond a violent action done to material only. Violence can be done to people's feelings and dignity too. A breach of non-violence principle also includes a distortion of truth; a concealment of facts; an unequal opportunity for concerned parties to have their facts and arguments discussed; and a threatening use of authoritarian signs (such as men in uniforms). In other words, these actions can be described as a form of violence. Therefore, we would like to appeal to all parties to adhere to non-violence in its real sense to solve this dispute. That is to stop intimidating and forcefully imposing on the villagers' lives. Instead, their liberty and human dignity should be recognized and respected.

Prime Minister Thaksin's simple statement that "I've thought it out properly" does not sufficiently justify the project, which will bring on massive impacts on the villagers' way of life and their environment. Only a proper study, based on transparency and maximum benefits for the majority people, will produce an appropriate solution to the conflict.

We, the undersigned, therefore appeal to the Thai society to urge the government to stop any of its operation and reconsider this project. Its first step should begin with the presentation of project's facts and rationale so that a deliberation, discussion and proposals from all concerned parties can be done. The project's information must be unmistakably revealed while active expression and reasoning must not be barred directly or indirectly. Any decision on the project must be based on the most accurate information available, and not on a premeditated decision, as done in the past. Such means will ensure that the Thai nation will be able to make use of our precious resources-natural gas, coastal fisheries and the ecosystem-in a sustainable, utmost and most beneficial way while national peace and unity, as well as human dignity and community cohesion can also be maintained.

With this nationwide press release of the academic group, village communities in 76 areas throughout Thailand will take today to announce a Green Area of the People's Sector in each of their communities. The announcement aims at showing the villagers' will to link their solidarity and community business networks together so that they can choose a sustainable, balanced and just development direction for their areas. The list of the Green Areas of the People's Sector appears at the end of this press release.

[Names of individual academics and academic organizations urging a review of the Thai-Malaysia Gas Pipeline Project.]

*Please see <http://www.geocities.com/miduniv888/newpage19.html>.*