

Villagers' Consciences

This book, or this lecture, is the first one in which I have had a chance to express my conscience as an ordinary villager, towards a matter in the community that has long been questioned by society. Some people have dubiously questioned various aspects of the dangerous actions that the villagers of Ban Krut and I carried out, which were subject to law enforcement. The whole matter of why I opposed them is difficult to respond to, as is the constant question about where the funds came from.

I need to struggle with my feelings and suffer from time to time, and sometimes, we need to find answers for ourselves during those times of suffering, such as in my times of great hardship, or times when I had no money for electricity, water or my children's tuition. But in the course and way of the fight for this community, I have made it through every question I have faced. Although some people do not believe that the fight of the folks at Ban Krut was the fight of villagers who innocently and sincerely opposed a change in their way of life, all we wanted was a chance to participate in the fair management of our resources.

If we are going to talk about the way of life of people who have lost their maritime careers, such as these fishermen, it must be said that I am not such a person. Nor have I lost a resort business, as I never had the business savvy to venture into a hospitality business with them, nor have I been impacted by the loss of any kind of agricultural produce, as I was not fortunate enough to have parents rich enough to portion land out for me. For me personally, regarding the fight and the exploitation, I have never said anything that would imply my ownership over any of the natural resources in question, such that my livelihood would be affected, other than terms "friends" and "community". However, the term which I believe best refers to my movement, after scrutinizing all of my recollections, is the term "equality in decisions", which I feel is my chosen approach for my movement to protect the birthplace of my three children in the present and that of their children after them in the future. It was my rightful entitlement, derived from a struggle in civil society. I believe that it was constituted by purity and fairness, out of determined concern and value for our habitat, and resulted in a fight that was meant to seize resources of which we felt had ownership and which were at our physical disposal.

I have usually spoken whenever anyone has given me the chance to speak or talk in any venue about the matter of the environment in my hometown, or to address the right to manage natural resources, which is given by the grace of God. Decades ago, I did not expect that I would have a chance to write a book, and over the years I have read many books with a feeling of appreciation for the authors who were experts in their fields and provided knowledge and entertainment.

The content of this lecture is this first book, which is based on the feelings and actions of wretches who have been oppressed, whose belongings have been taken and, last but not least, who have always been hated by society. I have attempted to tell these stories, which I have experienced and remembered over the last 16 years, in a chronological order. Even though some situations could not be recorded in a written form, the recollection of my memories throughout this book reflects the attitudes of the Ban Krut villagers and the Prachuap Khiri Khan people towards the fight to defend their natural resources, their true story, and I never expected that one day I would have a chance to compile them into this book to communicate the story to society.

I do not want the readers to expect too much from my writing or to compare it with other scholars' writing. I am well aware that this book cannot serve as an academic work like other books, because my intent for this book was to tell the stories of villagers who were accidentally picked up by flow of development and fell into a submissive status. Therefore, the contents of these stories tell about the movement of the people within as well.

All of them, however, are factual, and occurred in the field. The state's development direction, which has never paid attention to the local people, was the reason behind the movement of these wretched people throughout the country to claim their rights. We believe that few people in Thai society have learned the truth behind these stories, whereas many have been informed by the government simply that these local villagers oppose development. Additionally, I hope these stories will reflect the corrupt processes of government authorities at almost every level, who have conspired together to alienate the local people and to blame the people who fight back, in an effort to make them out to be the bad guys in the view of general public.

I also hope that this book will reflect that the justice system in Thailand, which has long accumulated antiquated beliefs and perspectives of law enforcement, needs more thorough and fair justice procedures to adjudicate cases concerning local communities. This is especially true in cases that impact people who fought against public projects environmentally harmful to their localities, as many had to bear the consequences, being accused or convicted of various crimes related to the fight for their rights. Those people were ignored by the justice system, which did not pay attention to their particulars and recognize that the cases arose from people trying to claim their rights; they were not hardened criminals. At the same time, government authorities have never turned illegal activities committed by capitalists into environmental cases, and the government authorities have never been convicted for corruption. I

experienced these stories first-hand during my fight in civil society, which has gained me nothing other than living a simple life in the community as well as a vision of a more perfect society in the future.

I hope that this book will help society better understand these ordinary villagers and how hard these people have fought, with their sweat and physical efforts, and we would like the purity of the villagers' movement to exhort all parties involved at every level of the justice system to see the more complete picture.

With confidence and faith in the power of the masses,

Chintana Kaew-Khaw

October 2012

Greetings to all honored guests in this assembly at the 14 October 1973 Memorial, and let us honor those souls who have sacrificed their lives in the past.

This day is another anniversary commemorating the fight in which students, farmers and laborers sacrificed their lives and well-being. In the past, your people traded their lives and well-being to initiate change in society, whether in aspects of government, equity or freedom. I might not be old enough to have witnessed your fight in those days, which paved the way to demand that our democratic rights be recognized by society. Although we all have not yet achieved our goals, we cannot deny that your sacrifice and efforts have paved the way of democracy for us. Even though our democracy is not complete, what you did in the past has inspired me and many of our people. I am well aware that the fight for your demands in the past brought many allegations and incriminations from the state, subjecting you and your families to insults from others in the society. But at last, you achieved your victory in the fight for democracy, initiating change and beginning to bring forth justice in our society, with an aim to empower the poor, who are the majority of this country's population, to have opportunities to duly exercise their rights to ownership of natural resources, via the Constitution guaranteeing "Community Rights" to the people to make amends.

Even though we have not yet fully achieved that goal, Thai society has greatly benefited from the demand up till this point. We can see the integration of poor people country-wide at present demanding their community rights, which have been violated by the government, by unfairly allocating natural resources in certain localities for outside capitalists to the detriment of the villagers, the owners of those resources, without the participation of the villagers in the local communities. who depend on nature for

their livelihoods. The government has likewise defined the country's development plans without actually conducting field surveys or paying attention to the local people, the owners of those resources. As a result, disputes concerning resources in rural areas are getting worse. In many localities, villagers' lives are lost in the fight against capitalists or the government, while in other localities, villagers might lose their freedom in exchange for using the resources of their own communities. Until this day, I have followed the democratic process to make requests, which has provided opportunities to exercise our rights in different respects to reveal this. And from your sacrifices back then, today's movement of villagers throughout the country has been strengthened in perhaps different manners, including in Prachuap Khiri Khan Province as well.

Originally, I might not have fully or deeply known the meaning of the term “**democracy**”, but I have realized my duties as a member of the society who must contribute to take care of and nurture my family, as well as watch out for our natural resources, on which our living is based. I have likewise fulfilled my duties of a member of the community that must such protect such natural resources. Moreover, I must be responsible for the society in which I live. I might not quite understand democracy as well as people in your time did, but I would still bring up my rights and liberties, and my community, which has been affected by the state's development projects and the country's development plans- plans defined by outside public officials focused on economic development who ignore how the local people, the owners of the resources, are affected. Nor do they consider whether or allocation of resources is equitable, or whether or not the government has granted an opportunity for the local people to discuss their ideas in areas where the government is going to launch its projects or plans. So far, the government has often used the results of studies conducted by foreign scholars to determine the sites of mega-projects. The Government has often failed to realize the importance of the local people, the owners of the areas that would lose their local natural resources. Essentially, nature itself has provided knowledge and expertise for people in these different localities to be specialized in utilizing the local natural resources to sustain their lives.

The legal framework of what is commonly known as public hearings is clearly prescribed by the current Constitution, and states that prior to the government implementing any project, public hearings must be held. These days, protests are constantly heard, such as the one at the Maeramphueng Sub-district Administration Organization, which gave its opinions in a case where the private sector requested the use of an area to establish a steel industrial estate zone in Amphoe Bang Saphan without allowing people to participate in the decision to permit the use of the area. They did this by exercising their authority under the law regarding local administration organizations, while ignoring the rights of the local people, who

would have to live with such industries, even though the Constitution had expressly prescribed the rights of the people in the Chapter of Rights and Liberties of Thai People. The establishment of the steel industrial estate zone at Bang Saphan under the watch of all relevant governmental officials without openly receiving opinions from the local people shows that the government does not want to change its approach to one which requires mutual consensus among the people in the community and the society. The initiation of these state or private development projects, which have failed to hear public opinion, do not comply with the Constitution and fail to abide by the due process of law. These projects are akin to robbery, as they seize property from the local people, and this robbery has been happening continually in Thai society.

Democracy

In children's senses, democracy may mean that the parent share equal amounts of candies to their children, or share equal loads of house chores. When the children get older, they shall gain more social experience, perceiving depth and complication of politics and country development. And right now, from my perspective, democracy has been transformed into benefits of all levels of political affiliates and almost all professions, which I have found. Whether they are the group of construction contractor in my neighborhood, which has connection with a local political affiliate, whose affiliation have accidentally been elected to govern the country and represent our interest, the political affiliates do not remember the day on which people have elected them to represent the people only in some matters, the people have not consented those politicians to abuse the political authority.

One day, I have learned more through my olde age as well as reading and studying. Even though I have not directly learned about democracy in a course of formal education, learning more through an educational level, older age and experiencing world longer make me aware of political ideals of the previous generation, when democracy was blossoming, leading me to have a comparison between the past and the present, resulting in enabling me to have a good conclusion of the past. Demand of members of the society for the Government to prescribe for hearings of different opinions, even though some opposing opinions belong to some part of the population or minority. Until I and people in my community have been affected by unfair development from a mega project, which the state have been unilaterally stipulated, then I have begun to understand the popular movement, which requires learning, empowering to bargain with the decision maker and, importantly, networking with people, who have been affected by development projects for public interest. My neighbors and I begin to see that, in old-fashioned development, the Government often claims as decision of the majority and the country's economic growth

based on export and claims the country's income in order to apply peer pressure upon the opposing opinions. A the Government usually claims that its legal authority has been bestowed upon it by the honorable house of parliament elected by the people, who voted for it to be their representatives. However, right now, this thinking mechanism of the people's representatives is obsolete, as the constitution prescribes for the people's direct participation or even expressly prescribes for an approach to study an impact upon the environment, society and people's health, whereby the Government and the investors must adjust their old-fashioned development to conform with the concept of natural resource management and use of the land, which the community has the right to know prior to the decision to choose its land. As a result, truth shall be revealed in the purchase of land instead of deceiving the villagers to believe that the land shall be integrated to development according to its geographical conditions, such as, in a case of a tourist attraction, the commission brokers would falsely inform the villagers that parcels of land would be integrated in tourism development, because if all parties know the truth, subsequent problems and conflicts in the locality can be reduced.

Prachuap Khiri Khan is a small sea-board province with a more than 225 kilometer-long coast paralleling an seemingly endless beach. One of its side is adjacent to a ridge and the other faces the sea. If we talked about mountain and sea, we would close our eyes and imagine caves, waterfalls, islands, reefs beaches and glass, and envy the luck of having the abundant sources of natural resources. Due to its seaside and mountainside location, there arise the fertility, which enables the people of Prachuap Khiri Khan to be self-reliant without dependence on the Government's budget.

Image 1 Prachuap Khiri Khan Sea Coast



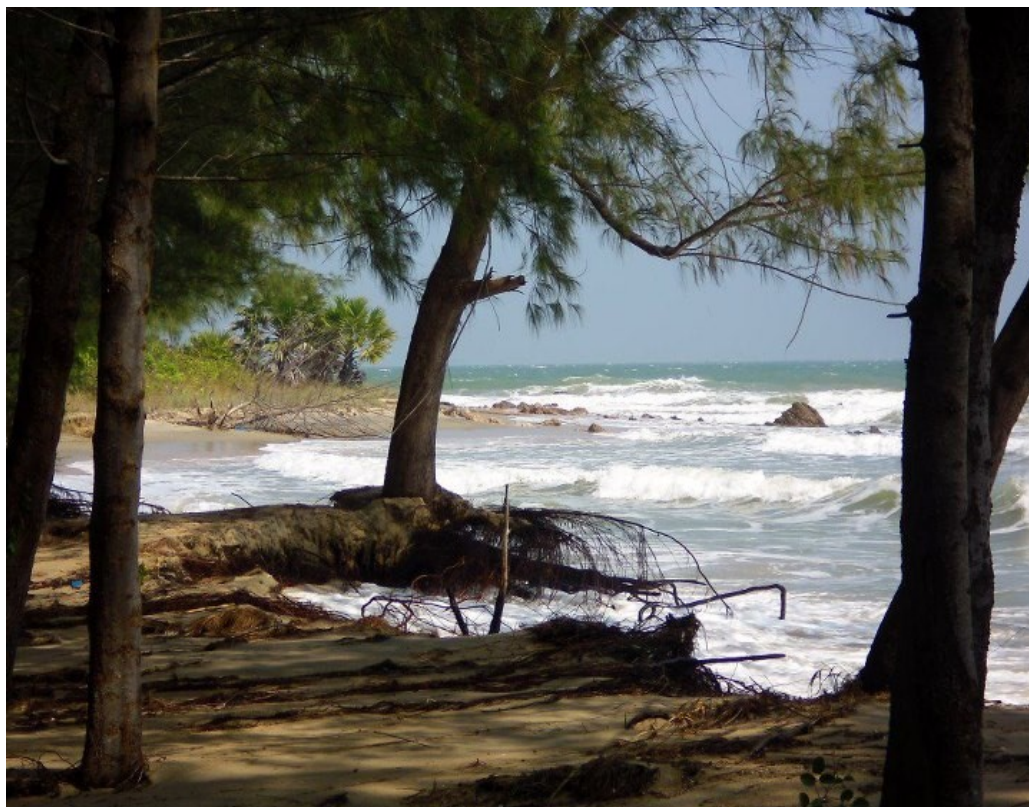
Every Amphoe of Prachuap Khiri Khan Province is coastal. Being a city with abundant resources, which can be used by the population for sustaining their daily lives, makes the people of Prachuap Khiri

Khan highly proud. Professions of our people of Prachuap Khiri Khan depend on the nature to make our living, sustain our lives and support our families. Some of us have been engaging in traditionally proficient fisheries since their ancestors, others work on coconut plantation, fish farming, herding and tourism. Happiness and closeness, which our ancestors based on the resources of the land, makes the people of Prachuap Khiri Khan live self-reliant life styles, thereby depending on their own resources as solid foundation of their lives. Occupational variety of the villagers here is simple life styles, which are mutually related through families and sharing their accommodation, consumption and exploitation of the local resources under the traditional way, whereby the community consensually settles conflicts over the resource allocation without referring to any national law or regulation as solution to the conflicts within the community. The traditional culture and society, which follow the norm that the young must obey the old, are rural and simple ways. When a problem arises in the community and needs to be solved by a rural way, whereby socially respected elderly can call for all parties to negotiate and settle the arising conflict. Recently, these old and rural ways are no longer in use as some areas are developed by outsiders, who are not bound by these traditional norms because of changes in their societies.

Until one day, the shadow of the problem and conflict crept into the quiet area of Prachuap Khiri Khan Province as the villagers were informed about the land being furiously purchased by outsiders, who were influential people in the country, such as senior military officers, senior police officers, children of national politicians, associates of both local and outside politicians, for offers, which were considered to be credible that it was a tourist attraction, which would be added with more capacity in respect of tourism. The real estate brokers' replies to queries of the villagers, who were doubtful about how the rush in purchase of very land in Ban Krut would transform the area into an international tourist attraction, made the villagers in the area excited and happy to think that they might sell their land or own private businesses in connection with the natural environment, which would give them some advantages as the original owners over investors from the outside or foreign countries. The dream that Ban Krut and Bo Nok would be income sources for local people, who were owners of the natural resources as they proudly felt so, hindered the villagers in seeking for the truth and made them forget to mind details in verifying the wherefores of the land being gathered by the real estate brokers. These facts were ignored. Finally, ownership of the land quietly fell from the original owners to outside strangers, whose names suddenly appeared in the land title deeds. Strangers, both foreigners and Bangkokians began to roam into the area. Temptations and amusement establishments began to be founded. Contract of a restaurant to cater for political affiliates in the area became present. Until one day, the villagers learned from a local politician, who informed the villagers about the fact known to him that a large coal power plant had been signed for

approval to be constructed in the area of Ban Krut, Tambol Thong Chai, Amphoe Bang Saphan, Prachuap Khiri Khan Province, the area of Bo Nok, Tambol Bo Nok, Amphoe Mueang, Prachuap Khiri Khan Province, and the area of Ban Na Hu Kwang, Tambol Thap Sakae, Amphoe Thap Sakae, Prachuap Khiri Khan Province. Especially in the area of Ban Krut, Tambol Thong Chai, Amphoe Bang Saphan, Prachuap Khiri Khan Province, the power plant would be situated at the location where had been a tourist attraction. Once the fact revealed that Tambol Thong Chai Administration Organization had approved a 1,400 Mega-Watts coal power plant for being located in the area of Ban Krut, thereby telling that the situation, which the villagers had been falsely impressed as previous rush in purchase of the land, was not for a tourism purpose, but for industrial development of the possible largest coal power plant at that time. The politician's revelation brought extreme panic to the local people. Concerns and anxiety over things yet to come lead to criticism. Even though the people learned information from the local politician at that time, it did not mean that such politician had come to tell the people because he cared the people, or he had come to tell so because he regarded the natural resource with high value or opposed destruction of the common natural resources, as understood by the villagers, or because he was performing duties of suffering relief for the people. On the contrary, the politician revealed so because there were conflicts among political affiliations over interest proposed by them in return of signing for approval of the coal power plant, whose consideration required approval of the Sub-district Administration Organization. As a result, the information then came into knowledge of the people.

Image 2 The public plot of land, which was combined with the private plot of land, for constructing the power plant.



Assembly of people

To oppose the coal power plant in the area resulted from consciousness of the people's instinct, once they were aware of construction of the coal power plant near their hopes. At the time when the people learned about coal power plants construction in the area of Ban Krut and other areas in Prachuap Khiri Khan Province, at the first decision, which people having no interest in the project immediately thought of, was “**No!**”, because the very phrase “coal power plant” reminded them of “Mae Moh Mine”, Lampang Province, which brought about lots of excitement through the mass media. It sound terrible and dreadful to the people having acknowledged the fight of villagers, who had been affected by Mae Moh power plant. They demanded only for the Government turning to pay attention to and take care of their health problems, because the incident at “**Mae Moh**” was like a legend, which deeply touched the people's feelings. Health conditions of the villagers at Mae Moh varied from sickness to death by lack of care from the Government, lack of sincerity in attention, resulting in minor illness becoming major ones. Finally, some protestants began to die and the villagers at Mae Moh were abandoned and left with no care, leading to a question, whether because development the state was allowed in return of the country's advancement, the villagers at Mae Moh, who were owners of the natural resources was left with no bargaining power and means to fight for their rights and lives, although they should determine their rights

as donors of the resources. Consequently, the villagers at Mae Moh became long-time beggars for justice, and this is where villagers of Mae Moh became a model of, people who sacrificed themselves for bringing about development. But after they sacrificed all their properties and some of their lives, in return, their suffering was ignored by the state, they began to grow more illness and die, request for relocation to evade their death became more often, as well as claim for compensation for their illness and death by development of the coal mine and power plant. As a result, the story of villagers at Mae Moh deeply shocked and touched people's feelings, and urged them to be aware of sacrifice as "lab rats". Finally, demand for the state to be responsible for medical attention was merely answered by relocation from the hellish pit. Consequently, the society learned many things from Mae Moh case as a model of sacrifice for the country's development. The environment at Mae Moh area has been affected, as the mass media have conveyed to the society to acknowledge the development, which is not responsible for the society and the community, ever since.

And absolutely, life lessons of the people there have been huge, because fight of the villagers at Ban Krut used the incident at Mae Moh to exemplify drawback, which the villagers might suffer, from the state agency, who is not responsible for relieving the people's suffering from the state development. Similar to people at Pak Mun Dam and in other cases, who gathered themselves as an assembly known to us as "**Assembly of the Poor**", this is another legend of fight for justice after the state's development project, which constructed a dam to generate electricity for the capitalists' economic areas, with an excuse of prosperity, which chose the area in the North East to sacrifice. After the development, the poor people, who admitted the state's development, have been marginalized and deprived of their land and professions, clearly opposite from the situation prior to the state's development project being assimilated into the Pak Mun area and other areas, where the Government's developed them to construct dams. Most of the villagers earned their living by fresh water fishery in the fertile areas with varieties of fresh water fishes. The resources could also be harvested by neighbor villagers. After the state reasoned with the villagers and succeed in making them believe that projects of dam construction would create more jobs for the villagers, the rural people believed, as they were told by the state, that they had to sacrifice for development, by relocating their original habitats with new ones. But nobody knew that new habitats would not be as habitable as the original ones, because the new land allocated by the state could not grow enough crops or be harvested with enough fishes as the original one. Compensation for original habitats were paid in installments, which have not been complete even until the villagers were relocated. After the dam construction finished, the villagers' livelihood has not been restored. Thus, demand of Assembly of the Poor was for compensation for their loss, and it would be no different from the villagers being

plundered by the state officials, robbed of their abundant resources. This is another clear example indicating that Thai Government has not been caring its people's well-being. Suffering or loss of jobs, livelihood and cultures, and this is the main reason that the fight for resources between capitalist and the people significant. Villagers at Prachuap Khiri Khan hold these lessons as models for their fight against construction of the power plant.

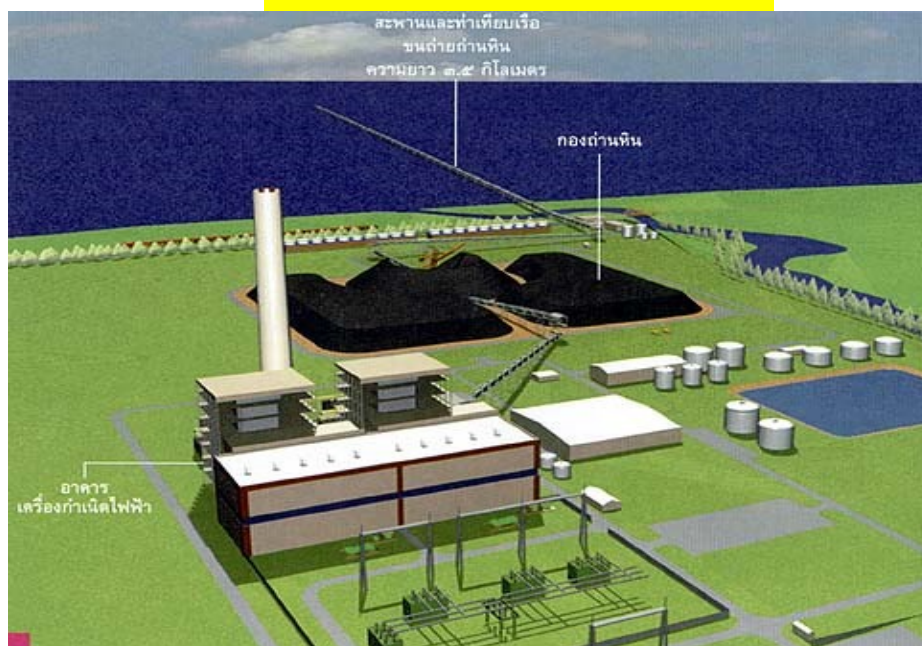
Image 3 Example of Popular Environmental Movement



A.D. 1994, it was not easy for anyone to be awarded with a project of Independent Power Producer (IPP) and contracted to sell electricity to Electricity Generating Authority of Thailand (EGAT.) for a period of 25 years, but Gulf Power Generation Co., Ltd. and Union Power Development Co., Ltd. were two of seven independent power producers, who succeeded in doing so, whereby Electricity Generating Authority of Thailand (EGAT.) concluded contracts to buy electricity from the seven IPPs since December 1997, even though power plants of both companies were not situated in Bangkok as specified by EGAT. and Energy Policy and Planning Office (EPPO.) to be the most ideal location for construction of power plants at that time, but it was situated at the secondary ideal location, which was the area of **"western sea board , from Prachuap Khiri Khan up to Samut Sakhon"**, where EGAT estimated that electricity supply in that area would be stabilized. However, in the fact, the ideal location was only an excuse and not the true factors for hosting the construction project, because after villagers in Prachuap Khiri Khan gathered to protest both power plants, as the Cabinet resolved to review the coal

power plant construction projects in Prachuap Khiri Khan Province, at the present, both power plants cannot be constructed in Prachuap Khiri Khan Province. As a result, domestic and foreign investors as well as Electricity Generating Authority of Thailand (EGAT.), who dreamed of profiting from energy business, could not achieve their goals, equivalent to that the movement of villagers in Prachuap Khiri Khan essentially killed the dreams of those investors and public authorities.

Image 4 Simulated Model of the Power Plant



Since 1994, Electricity Generating Authority of Thailand (EGAT.) agreed on the principle to conclude a contract to purchase of electricity from Independent Power Producers in 7 Projects of IPPX, equivalent to a power supply of 5,943.5 Megawatts, and 1 of those 7 projects were the coal power plant at Ban Krut, Tambol Thong Chai, Amphoe Bang Saphan, Prachuap Khiri Khan Province until the 1997 economic crisis. This could have been starting from an event many years before 1997, when there was the coal power plant project of 734 Megawatts supply at Bo Nok, Tambol Bo Nok, Amphoe Mueang, Prachuap Khiri Khan Province, and 1,400 Megawatts supply in the original amount of 60 Billion Baht. The duty to administer the country's power has been the primary duty of EGAT., who has been the authority responsible for supply electricity to satisfy the domestic demand and EGAT. Has monopolized administration of the country's electricity generation with itself, whereas, since its establishment, investment of EGAT. Had been creating debt to both Thai and foreign creditors, and the duty to perform such deb was born by the state as the guarantor of the loan debt. In 1992, Thai people were submitted to political crisis and there was civil unrest to overthrow the Government, who had not been elected by the

people. Fortunately, the crisis was solved in a quite peaceful manner. Afterward, there was a trend to restructure state enterprises. Thus, Electricity Generating Authority of Thailand (EGAT.) began to restructure after the NPKC incident. The Prime-Minister during 1992 and the Government issued a decree authorizing the private sector to implement the public project, which is called Act on Private Participation in State Undertaking B.E. 2535, entitling the private sector to invest in electricity generation, and the state enterprises since then has begun to purchase electricity from small power producers (SPPs), who were private parties. Subsequently, in 1994, the Cabinet under the premiership of Mr. Chuan Leekpai resolved to approve EGAT. To purchase electricity from large private electricity producers or Independent Power Producer (IPP) with an excuse of promoting roles of the private sectors in electricity generation to achieve 2 goals, namely:

1. Reduce the state investment, which creates public debt; and
2. To bring about competition in the electricity generation industry, as to reduce the people cost of electricity.

People, who fight to protest coal power plant at Prachuap Khiri Khan, were well aware that these were not the true reason, because public debts were easy to manage, if the public servants just were not corrupt and did not create the public debts. As for the issue of competition in the electricity generation industry in order to supply low-fee electricity to the people, the way that the Government conceded to purchase electricity was unnecessary commitment, given the situation that the country had abundant electricity reserve. The excuse that the people would enjoy cheaper electricity had to be questioned about, when the electricity reserve was surplus to demand but we had to purchase the electricity under the concession, whether it would be that we pay more for unused resources expended on producing such electricity, and who should be responsible for the surplus.

Independent Power Producer Project was launched upon advices of the World Bank that providing with opportunities for private power producers to invest in electricity generation and supply to Electricity Generating Authority of Thailand (EGAT.) instead of relying on EGAT's monopoly of production as always would reduce burden of investment and solve the problem of EGAT's accumulated debt.

Rumors that large-scale coal power plants were about to be situated at Ban Krut beaches, Tambol Thong Chai, Amphoe Bang Saphan, Prachuap Khiri Khan Province, which were beautiful and peaceful coastal areas where the villagers had long been practicing the fishery profession, where their beauty was worthy of development into tourism and leisure areas, and where some of shrinking lungs Thailand were hosted, resulted in resistance from people in both areas, which were targets of these large-

scale coal power plants construction. Gathering of the villagers from both areas to protest against coal power plants, which the villagers believed to cause environmental impact and effect upon their practice of professions, widely legitimated the fight for the right to manage their own resources, and expanded the fight to assemble the largest crowd in the first age of the civil movement to demand the Government for reconsider the coal power plant projects in Prachuap Khiri Khan Province. At that moment, the villagers of Ban Krut were aware of investment in large-scale industries in areas of Ban Krut, Prachuap Khiri Khan Province after movement of Bo Nok villagers, who blocked the road to demand the governor of Prachuap Khiri Khan Province for signing a letter as confirmation for the villagers that there would absolutely not be construction of Bo Nok coal power plant. Shortly afterward, Ban Krut villagers learned about request for use of areas in Tambol Thong Chai Administration Organization, Amphoe Bang Saphan, Prachuap Khiri Khan Province for basing a power plant under the name “**Hin Krut Power Plant**” to be a power plant, which would consume coal fuel as raw material for power production in the area. Moreover, the villagers at Ban Krut were informed by some members of the local administration organization in Ban Krut areas that the fuel, which would be used in power production at Ban Krut power plant, would be high quality fuel imported from foreign countries, which was originated in Australia and Indonesia. There were public forums opened to relate to people as well as conferences with local leaders to explain approaches of the Government with expectations that these organizations would advocate leading the villagers to understand that coal to be used in power production would be high quality fuel imported from foreign countries, which were famous for coal mines and used by the investors throughout Thailand, in order words, to disguise intention of the capitalists and the Government as well-wish for development without seeking any return, in order to reduce number of local protestors against the coal power plant. Groups of coal traders, who had coal mining concessions in foreign countries, were often related to national politicians, who had connection with investors in this kind of industry, ie. **Energy Industry**, whereby everyone knew that this kind of investment was risk-free, because return was guaranteed by the Government, unlike little people in Thailand, whose survival had never been cared by the Government. It was clear that a case where a noodle shop owner, who earned few hundred Baht a day, med to pay taxes to the state in an amount of more than 800 hundred Baht, when comparing with her earnings from sale of noodle, would generate quite a small amount of profit. Whereas comparing with earnings of investment in energy industry, which I had found as risk-free investment, it was not surprising that the Prime-Minister appointed by NPKC altered some laws for allowing the private sector to participate in investment in the state's electricity generation, whereby the state was able to participate in a form of joint concessionaire. It was equal to allow the private sector to exploit the natural resources, while the state was a preceptor,

standing by to solve problem as a co-investor. And from investment in energy industry under a Parliamentary Act allowing the private sector to invest in a form of electricity concession, whereby groups of investors affiliating with politicians planned to rob the country of its resources for their own gain, Thailand should think about how public servants has been continuously driving themselves to become boards of state enterprises, especially in the energy sector, enjoying handsome attendance allowance and official remunerations and benefits. It was said that some boards earned attendance allowance in an amount of several hundred thousand Baht a month, resulting in hindrance to their official duties, because they were worrying for interest of the organizations, which they were appointed as members of boards. As a result, these public servants abused their time for official duties, which earned them regular salaries.

Assimilation of the capitalists into the area, it was normal that they would approach local public servants and politicians with expectations that the public servants and politicians would relate their understanding to communities in the area. Once the villagers learned about entry of strangers into the area and propagation of information contradictory to reality of the area, the villagers naturally needed to find some peers in order to exchange their information, and the area of Bo Nok is a target of Ban Krut folks, with a common goal to be jointly driven, because both projects of coal power plants derived from the same policy, imported coal from the same sources, were to be constructed in the same structural pattern, and had been approved by the Cabinet's resolution at the same time.

Human Embargo Checkpoint

Ban Krut folks held several forums for exchanging information and lessons with other groups in order that people should be aware of other forms of fight in other areas, thereby using fresh markets and flea markets for as venues for reaching the mass, as well as inviting scholars and lawyers, who worked on civil rights, to share their opinions in both outdoor forums and community forums, which were held in temples or schools. Normally, inspections of police officers and administrative officials were for public order and anticipating incidents as to prevent them from escalating, but, in a society with dispute over development, exercises of official authority were abused in many ways. Even though people of Prachuap Khiri Khan were aware of Rights of Thai People under the Constitution, which was in force in the Kingdom of Thailand, we found that exercises of authority of all competent officials were merely to prevent the villagers from gathering into assembly by command of administrative officials, who refrained from empowering the people. Exchange of learning among villagers was actually a normal practice, whereby victimized folks mutually held forums for exchanging information.

Folks in the area and I began to hold forums in our own rights on the public common grounds, but we found that governmental officials were preventing use from exercising rights of the peoples by setting up police checkpoints, citing an order of Department of Provincial Administration disallowing forums of the villagers to be held. The villagers believed that it was justifiable to exercise their rights protest against the projects, but the state mechanism exploited all means to suppress the villagers' movement, in turn, depriving them of rights to communicate others. And finally, the villagers needed to adapt their tactics in order to enable the forums to be held for insisting on exercises of their rights. Even though they had not set checkpoints along with police checkpoints for ensuring justifiable exercises of the police authority and preventing the police officers from harassing or persecuting the protestors. A fight against state authority is a fight, which must be ready for submitting to the situation, because, so far, we found that the villagers, who claimed for their rights to manage their own resources, were usually prosecuted to the court of law.

If the villagers understand the reasons, they will find that the capitalists are only following the pattern having been used by the state and them in almost every area throughout the country against people, who fight for their communities, livelihood and habitats. The state use a method of evaluating the situation in the field in combination with situation evaluated from demonstrations of the groups of people in Thailand. The mechanism to settle the dispute for people, who have been affected with respect to resources and begin to demonstrate, also called “**resource-based demonstrators**”, demonstrators over management of habitats and productive land, or called “**land-based demonstrators**”, and demonstrators , who affiliate to several colors, also called “**political demonstrators**”. Evaluating the demonstrators basing on the state's paradigm, it can be seen that the demonstrations of the first two groups have been prosecuted into many cases, because the state believes that, if the demonstrators are defeated by legal authority, they will dread and fear the state. As manners of villagers, who prefer solitude and focus on earning their living, when they are being pressured by the state authorities, most of them will withdraw from the movement, because of no confidence in the popular movement, as the civic sector is not familiar with such movement. And more importantly, the state often accuses villagers, who demonstrate, of committing offenses against development, as well as misinform the society about the resource-based demonstrators, in order that the society shall hold them as convicts or even turn the community leaders against the community members, who suffer from the demonstration.

Image 5 Apprehension of Jintana Kaewkhao



As I experienced these lessons and became a victim of the state's authority as I believed that I must have been hated the most by the state (**as seen from my imprisonment**), I manage to accurately evaluate the authorities' hatred against people of Prachuap Khiri Khan. And for these reasons, exercises of the people's rights under the Constitution became "unanswered prayers". The people are well aware that the villagers' stand to protect their resources has never been recognized by the state. On contrary, the Government are credulous to believe that the villagers are fighting for some hidden agendas or their personal gains, or being hired to undermine the Government. As a result, the Government subconsciously looks down the villagers with disdain. In turn, a dialog or submission of a letter is useless. No matter how hard we tried to negotiate and reason with the Government, the situations have never been moderated. The demand without attention still leads to movement for some goal, even though it finally lead to civil disobedience against the law. The outcome makes exercises of rights of Prachuap Khiri Khan people are often questioned by the society about use of violence in the movement, such as the road blockade of the protestors against the Prachuap Khiri Khan power plants. So far in Thailand, decisive movement against the state's policy has been rare, thus it is hard for the state to succumb to villagers' demand. At the same time, Thai society has never paid attention to see the situation from a holistic perspective. We usually see a solution to a problem from a separate perspective, and draw a stereotypical conclusion that the blame is of a particular person or group. It is not surprising that, after the protest ends, we usually see many

villagers being prosecuted under the law into several cases, such as the road blockade, trespassing, slander, vandalizing, assemble with more than 10 persons for unlawful purpose, provocation of disorder or other charges, in order to merely undermine movement against the project. As most of folks, who stand up and protect their resources, are quite better off and well aware of the problem with and impact on their practices of professions, which they directly experience, charging them with serious crimes in several cases cause them to suffer problems of bailout after being charged, problems of attorney fees and problems of travel expenses. In this way, the capitalists and the state opt for the same method without realizing the truth that the people's movement could not be solved by using a solution deriving from a security agency. The state might find its success in dispersing the crowd and quelling the protest, but far from solving the problem. On contrary, the problem become hardened and escalating its gravity in the society, because the state chooses to deprive villagers of their rights and liberties to openly express their opinions and seek for peaceful solutions to situations, which their did instigate.

Image 6 Exercise of Rights under the Constitution



Rights

Recognition of Rights under the Constitution – It has to be admitted that, in Thailand, disputes are the most common, are disputes over the state's development projects, because the country's industrial development is based on belief of the few, who control how the country should develop, thereby being supported by law. Development is determined by a group of people, who are recognized by the state authority based on belief that only highly educated people could lead the country as to be prosperous as other civilized countries. Subsequently, the villagers are required to suffer the development, which is designed to respond the need of these few. The folks at Prachuap Khiri Khan use all means to protest the development project. For a person, who has not perceived the fact in the field, might find that the means are quite strange in comparison with other villagers, because the state always mistakes the civil protest movement for not seeking to settle the dispute. Thus, the Government is automatically required to recognize the other disputing party. Merely claiming a particular contract could be a gateway to drive the state mechanism to settle the dispute in the way that suits those few, as I have seen from by direct experience in cases of Ban Krut Power Plants and Bang Saphan Iron Smelter.

In the case of Ban Krut and Bo Nok coal power plants, the villagers demanded the competent agencies and the Government for so many times to hold public hearing, but the villagers were replied that it could not be held as the projects had been approved. Whereas the Government had alleged that it would hear public opinions before it making any decision, specifically, the case of Prachuap Khiri Khan power plants, which had been approved by the Cabinet, violated such principles. Consequently, the villagers mobilized their movement to raise awareness in the society. Finally, the project continually progressed. Leaders of Ban Krut and Bo Nok villagers were daily ambushed. As a result, to conclude the agreement with the Government in December 1998, the people from Prachuap Khiri Khan traveled to Bangkok with a mere hope for the Government to reconsider for cancellation of the power plants projects in Prachuap Khiri Khan Province. At that time, the Government deferred giving a definite conclusion by asking the people to wait for its answer on the 9th of December 1998 at the City Hall of Prachuap Khiri Khan Province. The wait for the Government's answer turned into crowd dispersal in a violent manner, causing Prachuap Khiri Khan people to be questioned about and responsible for the incident. Until the present, the incident has been imprinted on the villagers' feelings as a deep wound in their hearts and the society. The incident was caused by the Government, who exploited the unsuspecting villagers, deceiving them to wait for the answer from the Government to solve the situation of Prachuap Khiri Khan power plants, but the solution has not come. Moreover, police forces were prepared for dispersing the crowd. Afterward, the Government held public hearing in order to reduce the dispute. Or even about the villagers' demonstration

to express their opinions at Energy Policy and Planning Office (EPPO.) concerning the case where the Environmental Impact Assessment (EIA) reports on Ban Krut and Bo Nok were falsified and contradicted to reality in the area, which was found that there was no correction, although the reports were challenged, we could see that the villagers were continuously holding social referendum, in order that the villagers' situations would be recognized. In turn, the society was kept informed of their movement. Traveling to inform the competent agencies, I believe that all groups of demonstrators sincerely act with hope for the governmental agency to hear them and find solution to the problem, but what I have first-hand experienced have been that the state fails to value reasons of groups, who absolutely disagree with the capitalists. In this manner, the unsolved problem escalated and became exercise of rights to protect the habitat and productive land by blocking the road, as they believed it is the only way to compel the state to negotiate for solving the problem (9 – 10 December 1998). At that time, it managed to draw attention of the society to the problem, and the state announced to hold public hearing, whereas the villagers insisted on not participating the forum, because they had previously tried to persuade the state to hear their opinions, but had not been addressed by the Government

Image 7 Protest against Public Hearing on Power Plant in Prachuap Khiri Khan



Image 8 the Hin Krut Coral Reefs, which were concealed as rock reefs



Fake EIA

Approval after the villagers returned to their homes from protest against the EIA in Bangkok showed that the state's scholars had always been denying the people's participation in preparation of the EIA under provisions the Constitution for construction of a large-scale project. Consequently, the civil sector proved that their consideration for environmental impact was not different from that of the experts.

Finally, the secret was uncovered that there was offshore coral reefs, as well as linked to the process after the crisis of faith in preparation of the false EIA in Ban Krut – Bo Nok areas, which the academics intentionally distorted the fact, as they were impressed that the villagers could not challenge their scientific information. The state's unilateral perception of information resulted in not being aware of the fact in the community, about livelihood and, importantly, not being responsible for complying with the process emphasize by the state that implementation of any project with potential effect, prescribed in the law, required of the public opinion or even participation. In this situation, there were extremely different sets of understanding between one side of local people and the other side of capitalists and the Government. Failure to find mutual agreement on the large-scale development projects in the disputing areas and debunking of falsified Environmental Impact Assessment reports, which were prepared by capitalists' hired consultants on payment in installments subverted confidence of villagers, who learned the contents of the reports and facts in the areas to challenge the reports, such as claim that there were no Hin Krut Coral Reefs, because they were not covered by academic reports of Department of Fisheries, and no Bryde's whale was found at Bo Nok coast, or no habitats of dolphin diversities were found in Prachuap Khiri Khan areas. If the academics and capitalists had kept up with situations of the country and in the areas by actually entering into the project sites, the outcome might have been better. But for the whole 16 years, during which I was journeying in the path to protect the resources and uphold justice for the people,

I found only fortresses being built as to be strong enough to launch their own campaigns and achieve their prizes. These vicious cycles tore the hole and widened the gap among the people. Presently, we find that conducting an EIA report to approve a large-scale project for being implemented is very dubious.

In some areas, which can be host construction projects, acceptance of people, who are owners of the land, is hard to acquire, but we can see that, after all mechanisms are propitious for the state to pursue the projects, the ensuing question is whether those academics perform the best of their knowledge and capability in a sincere manner or not. Even though there are many occasions where the academics' findings are challenged by villagers, who have no scientific proof and university degrees to base their claim, it does not mean that findings based on scientific models or academic models are useless for solving the problems in the actual sites. The problem of errors found in scientific studies on the local environment, which are not conducted by dialogs with villagers about some sensitive issues for solving the situation but conducted for seeking personal gains of the project owners, who are determined to base their projects in those particular areas and need to pay for conduct of the report alleged to be conducted for solving the problems and reducing the environmental impacts, and the consultants, who are paid by the former to be responsible for conducting the reports on the environmental impact, naturally lead to biases in the reports toward feasibility of projects. Finally, the setbacks from these biases would be suffered by the communities, societies and the project owners, as if they emphasize their faults and selfishness in the investment.

Image 9 Movement during Opposition to the Power Plant



Interest of Fight over the Local Resource

Many times when people demonstrate their demand to the related agency for protection measures and issuance of new rules governing conduct of EIA report by basing on participation in order to be an approach to solve the currently escalating problems of conflicts over the fight for resource between the poor and the rich, of which the gap is enormously expanding, the thing worthy of deep consideration is exploitation of resources by the capitalists, which undermine the indigenous sources used by the villagers. For example, in construction of harbors for loading coal, the capitalists often claim that results from the study found that the prospective area of harbor construction possesses a depth of the seabed required for the construction and enabling reduce in cost of the construction, whereas the depth of the trench is an area suitable for fishes to lay and incubate their eggs, or that the harbor needs to constructed by the private sector for loading raw materials and fuels in order to access