



CLIMATE JUSTICE AND ENVIRONMENTAL RIGHTS IN THAILAND

Brief Assessment of the Implementation of the 3rd Cycle UPR Recommendations

Thailand's climate, forest and environmental governance continues to disproportionately affect Indigenous Peoples, forest-dependent communities, rural communities, women and other marginalised groups. Forest and conservation policies continue to restrict customary land use and expose long-established communities to criminalisation, eviction and loss of livelihoods. At the same time, climate mitigation increasingly relies on carbon markets, carbon credits and reforestation without adequate safeguards for customary tenure and free, prior and informed consent (FPIC), while Indigenous knowledge and traditional land-management practices remain insufficiently recognised in climate and environmental policymaking.

During its 3rd UPR cycle, Thailand received nine recommendations concerning Indigenous Peoples' rights, land and forest governance, and community participation in climate policies, all of which it supported. These included recommendations to ensure the meaningful participation of women, children, persons with disabilities and local communities in climate change and disaster risk reduction frameworks; enhance community participation in land conservation and forest management; ensure women's and civil society's effective participation in climate policymaking; and integrate a rights-based approach into climate mitigation and disaster risk reduction. However, these commitments have not translated into adequate protection in practice, with key recommendations assessed as either not implemented or only partially implemented. Notably, Thailand did not receive any recommendation specifically addressing environmental pollution or access to remedy for communities affected by climate change and harmful environmental policies, despite continuing impacts on communities.

WHO IS MOST AFFECTED?



Indigenous Peoples



Forest-dependent communities



Rural communities



Women and other marginalised groups

WHEN 'CONSERVATION' BECOMES DISPOSSESSION



1 Customary land use restricted



2 Criminalisation and eviction



3 Loss of livelihoods



REALITIES ON THE GROUND

Challenges

Case, Facts, and Comments

Challenge 1: False climate solutions threaten customary land rights and forest-dependent communities

Thailand's climate strategy increasingly relies on carbon markets, carbon credits, reforestation and other market-based mechanisms. While safeguards have been strengthened under mechanisms such as the Premium Thailand Voluntary Emission Reduction Program (Premium T-VER), existing frameworks do not adequately address underlying human rights concerns, particularly the recognition of customary tenure and free, prior and informed consent (FPIC).

The Ethnic Way of Life Protection and Promotion Act 2025 provides some recognition of ethnic communities' rights relating to land, natural resources and the environment, but major gaps remain. The final Act removed the term "Indigenous Peoples", does not recognise a collective right to FPIC, does not clearly guarantee land and natural-resource rights irrespective of formal ownership, and does not resolve conflicts with existing forest and conservation laws. These gaps leave customary land rights insufficiently protected as forest-based climate and conservation measures expand.



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Carbon-offset projects may permit continued emissions elsewhere while imposing new forms of control over land traditionally used by Indigenous Peoples and forest-dependent communities, creating risks of dispossession, forced eviction and exclusion from decision-making.

These risks are particularly serious because climate and conservation measures operate within a land-governance framework that does not adequately recognise customary tenure or FPIC. Reforestation and forest-expansion policies can therefore reproduce longstanding conflicts between State conservation claims and communities whose ancestral lands are formally classified as State forest.



SOURCE: Jack Taylor / AFP (15 February 2021)

In November 2024, the Cabinet approved and enacted two Royal Decrees under the National Parks Act B.E. 2562 (2019) and the Wildlife Conservation and Protection Act B.E. 2562 (2019), as Thailand pursues its national target of increasing green cover to 55% of the country by 2037. The decrees establish 20-year conservation programmes and generally restrict eligible households' land use to 20 rai, subject to specified conditions. However, they do not resolve Indigenous Peoples' customary land claims or guarantee FPIC. The decrees also empower officials to evict and fine persons considered in violation of the rules without judicial oversight. For Indigenous Peoples and forest-dependent communities whose customary tenure remains unrecognised, expanding forest-based climate and conservation measures can therefore deepen existing land insecurity.

The Bang Kloi Karen community has lived in the Kaeng Krachan forest for more than a century, predating its designation as a forest reserve in 1965 and a national park in 1981. Since 1996, community members have faced repeated evictions and accusations of forest encroachment, including the burning of homes and rice barns in 2011. In 2021, more than 100 Indigenous Peoples were forcibly removed from their ancestral lands and 22 villagers were arrested and imprisoned after attempting to return home. In June 2026, new criminal charges were brought against two Karen villagers for returning to upper Bang Kloi/Jai Phaen Din, underscoring that the land dispute remains unresolved and that community members continue to face criminalisation for attempting to return to their ancestral lands.



Challenge 2: Forest and conservation policies continue to criminalise and dispossess Indigenous Peoples and forest-dependent communities

Thailand's forest governance framework continues to allow land to be designated as forest or conservation areas without adequate recognition of customary land rights.

The Forest Reclamation Policy introduced in 2014 and subsequent forest and conservation legislation have perpetuated a system in which Indigenous Peoples and forest-dependent communities whose occupation predates State conservation designations can nevertheless be treated as illegal encroachers. Since 2014, Thai authorities have launched more than 48,000 forest-encroachment cases nationwide amid the forest-reclamation policy. Indigenous Peoples and forest-dependent communities whose ancestral lands overlap State forest areas remain at risk of prosecution.

Although the Government has expanded mechanisms allowing communities to use State land and has taken steps to increase community benefits from community forests, these arrangements do not recognise customary ownership and remain subject to State conditions. The Community Forest Act 2019 likewise does not clearly recognise customary management rights and retains significant State control over community forest management.



Fourteen Sab Wai villagers, including nine Isaan ethnic women, were prosecuted for alleged forest encroachment despite longstanding use of the land.

Loss of access to farmland has severely affected livelihoods, food security and household economies, with disproportionate impacts on women responsible for food production and caregiving.

In May 2025, the National Human Rights Commission of Thailand (NHRCT) found that the villagers' rights had been violated and called on authorities to delay evictions, provide farmland and revise discriminatory forest regulations. More than a year later, no meaningful action has been taken to implement these recommendations, leaving the villagers exposed to continued risks of eviction, debt and loss of livelihood.



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Si Pho Waterfall National Park

SOURCE: Narathiwat Tourism website

The proposed Si Pho Waterfall National Park in Narathiwat exposes a key rights gap in conservation governance: protected-area designations can advance before community land claims are resolved and affected communities are meaningfully consulted.

In June 2026, the NHRCT documented that the proposed boundary of more than 38,000 rai overlapped farmland and residential areas across 32 villages. In July, amid concerns over inadequate information and harassment of community members who had raised concerns about the proposed boundary, stakeholders agreed to postpone the planned public consultation, jointly review the boundaries and maps, and improve information-sharing with affected communities. This raises serious concerns about whether consultation can be genuinely meaningful while land boundaries remain contested and community members challenging the designation face harassment.

Legislative efforts to remedy past criminalisation remain unresolved.

An earlier land and forest amnesty bill lapsed following the dissolution of Parliament and was not revived by the new Government. Although three new amnesty bills had been submitted to Parliament by July 2026, affected communities remain without effective relief as land and forest prosecutions continue.



Challenge 3: Climate and environmental policies marginalise Indigenous knowledge and traditional land-management practices

Traditional rotational farming practised by Indigenous communities supports food security and can contribute to sustainable forest and climate management. Yet authorities continue to restrict the practice and frame it as responsible for air pollution and natural disasters such as landslides. Although agricultural burning is only one source of pollution, measures addressing PM2.5 and forest protection have disproportionately targeted small-scale farmers and traditional practices, while broader industrial, energy and transport sources remain insufficiently addressed.

These concerns remain particularly relevant as Thailand intensifies efforts to reduce agricultural burning. In June 2026, the Ministry of Agriculture and Cooperatives identified more than 2.59 million rai across 56 provinces as target areas for agricultural burn-reduction measures. Crucially, the plan does not explain how traditional rotational farming and Indigenous fire-management practices will be distinguished from other forms of agricultural burning. Without that distinction, implementation risks deepening restrictions on Indigenous livelihoods and knowledge systems already disproportionately affected by PM2.5 and forest-protection policies.



A rotational farm plot recently planted by Karen farmers with rice and vegetables

SOURCE: Carolyn Cowan/Mongabay (2025)

Recent evidence challenges the framing of Indigenous land-management practices as drivers of uncontrolled forest fires and haze. A study of Karen Indigenous fire governance found that traditional firebreak practices are embedded in Indigenous knowledge systems and can contribute to preventing uncontrolled forest fires. Comparing Karen practices with prescribed burning in Mae On District, Chiang Mai, the study calls for Indigenous fire-management knowledge to be recognised as part of the solution to forest-fire governance rather than treating Indigenous fire practices primarily as a source of the problem.

Rotational farming also sustains biodiversity and food security.

Recent documentation of Pga K'nyau rotational farming in Thailand recorded more than 50-60 plant species in some rotational fields, while fallow periods enable vegetation and ecosystems to regenerate. These practices demonstrate the environmental value of Indigenous land-management systems that remain insufficiently recognised in climate and conservation policy.

Restrictions on traditional farming are compounded by limited access to viable alternatives.

Highland communities blamed for air pollution often face rising production costs, limited access to machinery and cycles of debt, making transitions to alternative agricultural practices difficult to achieve.



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Challenge 4: Climate governance and disaster responses exclude marginalised groups and reproduce inequality

Thailand's climate governance remains top-down and insufficiently inclusive. On 2 December 2025, the Cabinet approved in principle the **Draft Climate Change Act**, which remains a legislative proposal. Its development creates an opportunity to establish meaningful participation and rights-based safeguards for communities affected by climate policies.

However, the **Draft Climate Change Act** does not adequately guarantee the meaningful participation of women, Indigenous Peoples and LGBTQIA+ persons or establish sufficiently clear rights-based safeguards for communities affected by climate policies. More broadly, climate policies continue to lack adequate gender-responsive strategies, disaggregated data, practical gender and social-inclusion tools and meaningful participation by affected communities.

Climate and disaster responses also remain inadequately adapted to the needs of affected communities. During recent transboundary haze events, rural and Indigenous communities received no official warnings or guidance, while disaster responses lacked community consultation and adequate early-warning mechanisms. Although Thailand is developing new climate-risk forecasting tools, their effectiveness will depend on whether risk information reaches affected communities in accessible and timely ways and whether marginalised groups are meaningfully included in disaster planning and response. Rural and Indigenous women, who frequently undertake frontline caregiving responsibilities, face particular burdens during these crises.



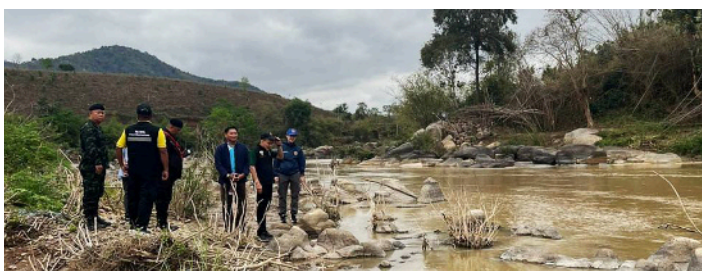
Indigenous women face compounded exclusion from climate and natural-resource governance. Around **90% of Indigenous women live in protected forest areas where land ownership is not legally recognised**, while the remaining 10% often lack direct land rights because titles are commonly registered under male family members due to cultural inheritance norms. This places Indigenous women at a structural disadvantage in decisions affecting land, natural resources and climate action, despite their central roles in sustainable resource management, food systems and the preservation of traditional knowledge.

LGBTQIA+ persons remain insufficiently included in climate adaptation and disaster response. Those living in rural and remote areas may face limited access to government services, while their specific needs are often absent from disaster-response, climate-adaptation and relief plans. Economic barriers can further limit access to protective measures during severe pollution, while the absence of disaggregated data leaves LGBTQIA+ communities poorly represented in climate policymaking.

Challenge 5: Weak pollution control and fragmented environmental governance expose communities and ecosystems to harm

Thailand's environmental governance remains fragmented, with weak and uneven enforcement and inadequate mechanisms to prevent, control and remedy serious pollution. Existing systems have not consistently prevented contamination of air, water and land or ensured effective accountability and remediation, leaving affected communities exposed to risks to health, safe water, food security, livelihoods and ecosystems.

Thailand's proposed integrated clean-air framework also remains unresolved. In September 2026, the House of Representatives rejected amendments made by the Senate to the **Draft Clean Air Management Act**, resulting in the establishment of a 20-member joint parliamentary committee to reconsider the text. The continuing legislative process leaves key questions concerning pollution prevention, monitoring, public participation and enforcement yet to be finally settled.



Authorities from the Chiang Mai Public Health Office and Chiang Mai Environmental and Pollution Control Office collect Kok River water samples for testing. Tests reveal excessive levels of arsenic and lead.

SOURCE: Panumet Tanraksa/Bangkok Post (May 2025)

The Phru Lan Khwai peatland illustrates fragmented and inconsistent ecosystem governance. Covering more than 15,000 rai and supporting at least 330 recorded species, the wetland is recognised for its ecological significance. Yet in 2023, the Department of Water Resources proceeded with large-scale excavation despite sustained opposition from affected communities, academics, civil society and parliamentary oversight bodies. The works disrupted wetlands, biodiversity and natural water flows and affected livelihoods dependent on buffalo grazing, agriculture and small-scale fisheries. Communities also reported inadequate access to information and exclusion from decision-making. In March 2026, the Southern Border Provinces Administrative Centre announced plans to pursue Ramsar designation for Phru Lan Khwai and promote nature-based tourism in the surrounding area. The contrast between this later recognition of the wetland's ecological importance and the earlier excavation underscores failures of preventive environmental governance.

The Kok River pollution crisis exposes continuing gaps in transboundary pollution control. In April 2026, UN Special Procedures raised concerns over allegations of serious and ongoing transboundary environmental and human-rights impacts linked to mining-related contamination in the Mekong subregion, including threats to water, food, health, livelihoods and ecosystems. Pollution Control Department monitoring in May 2026 found arsenic above the sediment-quality standard protective of benthic organisms at three points in the Kok River, while one additional monitoring point exceeded the level associated with severe adverse effects on benthic organisms. By August 2026, Thai authorities and international partners had introduced pilot and community-level arsenic-removal systems to improve access to safer water. These measures address immediate exposure risks, but preventing recurring harm also requires effective control at source, cross-border coordination and access to remedy for affected communities.



RECOMMENDATIONS



1. Challenge 1: False climate solutions threaten customary land rights and forest-dependent communities

1.1

In line with the CEDAW Concluding Observations (2025), protect Indigenous women's access to and collective ownership of their traditional lands; protect them from eviction and adopt policies that provide for adequate resource-sharing, compensation and reparations to Indigenous women in regions negatively affected by investment and nature conservation projects.

1.2

In line with the CEDAW Concluding Observations (2025), ensure the meaningful participation of Indigenous women in decision-making processes regarding the use of traditional Indigenous lands and establish effective consultation mechanisms to secure the free, prior and informed consent of Indigenous women.

1.3

Require carbon-credit and reforestation projects, including projects registered under Thailand's Voluntary Emission Reduction Program (T-VER), to recognise Indigenous Peoples' customary land rights and obtain their free, prior and informed consent before approval. Ensure public disclosure of project terms, equitable benefit-sharing, and accessible remedies where projects restrict access to land or resources.



2. Challenge 2: Forest and conservation policies continue to criminalise and dispossess Indigenous Peoples and forest-dependent communities

2.1

In line with the CEDAW Concluding Observations (2025), protect Indigenous women's access to and collective ownership of their traditional lands; protect them from eviction and adopt policies that provide for adequate resource-sharing, compensation and reparations to Indigenous women in regions negatively affected by investment and nature conservation projects.

2.2

In line with the CERD Concluding Observations (2022), ensure Indigenous Peoples and their rights are legally recognised in accordance with UNDRIP and ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organisation.

2.3

In line with the 3rd cycle UPR recommendation made by Indonesia (2021), enhance the participation of local communities in land conservation and forest management, including by recognising the local community's role in the global climate action agenda.

2.4

Suspend forest-encroachment prosecutions and evictions arising from Indigenous Peoples' and forest-dependent communities' customary use of ancestral lands. Review affected cases with community participation and withdraw charges where customary occupation or use predates protected-area designation.

2.5

Advance a rights-protective land and forest amnesty law addressing unjust prosecutions associated with the 2014 Forest Reclamation Policy. Establish transparent eligibility criteria, restore affected communities' rights, and exclude corporate land grabbing from its protections.



RECOMMENDATIONS



3. Challenge 3: Climate and environmental policies marginalise Indigenous knowledge and traditional land-management practices

- 3.1 | In line with the CERD Concluding Observations (2022), ensure the elimination of prejudices and negative stereotypes against ethnic and ethno-religious groups and Indigenous Peoples.
- 3.2 | Environmental and conservation policies must acknowledge and legally protect the traditional roles of Indigenous and ethnic women as land stewards, caregivers and holders of traditional knowledge in environmental and conservation policies. Secure their customary land rights and support conservation initiatives led by their communities. Their deep-rooted connection to land and natural resources should be affirmed through rights-based land tenure frameworks and community-led conservation models.
- 3.3 | Legally recognise and protect traditional rotational farming and Indigenous land use practices as sustainable environmental management systems and prohibit policies that criminalise or restrict such practices without scientific justification and meaningful consultation.



4. Challenge 4: Climate governance and disaster responses exclude marginalised groups and reproduce inequality

- 4.1 | In line with the 3rd cycle UPR recommendation made by Cyprus (2021), integrate a rights-based approach into climate mitigation and disaster risk reduction policies by ensuring meaningful participation of Indigenous Peoples and affected communities, adopting gender-responsive measures, and providing accessible early warning systems and health information for at-risk populations.
- 4.2 | In line with the 3rd cycle UPR recommendation made by Indonesia (2021), ensure that all national policies related to climate change, forestry, land and natural resources are fully aligned with international standards, are grounded in the principles of non-discrimination and participation and adopt a gender lens with specific safeguards for Indigenous, ethnic and rural women.
- 4.3 | Building on the UPR recommendations made by Fiji, Maldives and Costa Rica (2021), ensure the effective participation of rural women, including Indigenous and ethnic women, and LGBTQIA+ people in the formulation and implementation of policies on climate change and disaster response and risk reduction and ensure that such policies and plans explicitly include a gender perspective and take into account their particular needs.
- 4.4 | In line with the CEDAW Concluding Observations (2025), ensure the integration of a gender perspective into national legislation, policies and programmes on climate change and disaster risk reduction.



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Climate Justice**



RECOMMENDATIONS



5.

Challenge 5: Weak pollution control and fragmented environmental governance expose communities and ecosystems to harm

5.1

All development projects must require gender-responsive and, when relevant, Indigenous-sensitive impact assessments. These assessments should be legally binding and address risks such as displacement, loss of livelihoods, gender-based violence, and exclusion from decision-making.

5.2

Strengthen and effectively enforce environmental laws and regulatory measures to prevent, monitor and control air, water and soil pollution at source, ensure transparent monitoring and public access to environmental information, and provide timely remediation for affected communities and ecosystems.

5.3

Strengthen transboundary environmental cooperation to identify and control pollution at source, ensure timely sharing of monitoring data and risk information, and guarantee affected communities access to effective remedies and adequate compensation.

5.4

Complete consideration of the draft Clean Air Management Bill and enact a law with enforceable measures to control pollution at its source, public access to emissions data, meaningful participation by affected communities, and effective remedies.

5.5

Halt further excavation at Phru Lan Khwai pending an independent assessment of its environmental and livelihood impacts, undertaken with affected communities. Remedy damage from the 2023 works and ensure that any proposed Ramsar designation protects the wetland and communities' customary livelihoods through their meaningful participation.



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