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# **The Role of National Human Rights Commission, Thailand**

Saneh Chamarik

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## Preliminary remarks

On behalf of the Thai NHRC, let me first join in expressing our gratitude for the FNS' continuing efforts in promoting human rights dialogues, and for giving us the opportunity to take part in this particular inter-regional forum. As a new comer with somewhat different background and incidence of human rights problems, one indeed expects in this process of consultation not only to learn, but also to be heard. Out of this process of mutual learning, a concrete programme of cooperation and coordination could then be arrived at for the common purpose of human rights protection and promotion.

In discussing the role of national human rights commissions, it is extremely important to bear in mind three basic points of common understanding. These are inter-related. First is the question of the nature and reality of human rights itself. Notwithstanding universality as a matter of principle, human rights are concerned with the moral claims or ideas and practices *created by people* to legitimate *particular interests in particular historical, social, and economic circumstances*. To put it strictly on empirical ground, human rights constitute the straightforward result of people's aspirations and struggles, and hardly characteristic of any specific culture or tradition.<sup>1</sup> As a matter of fact, this is precisely what did actually happen in the great liberal revolutions over two centuries ago in the course of modernization in the West, and which in turn inspire the ideal of freedom and democracy around the world.

Secondly, this simple truth about human rights further means that, along with universality, there is bound to be proliferation and inter-relatedness of rights and liberties, as well as obligations, in a great variety of forms and substances under specific historical, social, and economic circumstances. This is well reflected in the increasing number of international human rights instruments created by the democratically-inspired part of the UN. It is an ongoing and never-ending process.<sup>2</sup> And lately, the UN General Assembly comes up with the Millennium Declaration 2000, summing up various aspects of human predicaments into the global and common purview, thus broadening the scope and perspective of human rights promotion and protection even further along with the issues of development, poverty, and environment.

And finally, there need not be discrepancies and contradictions between universality or generality and specificity or diversity inherent in human rights discourse. Indeed, in order for the dialogue to be meaningful, it must needs be in the spirit of mutual learning based on the shared principle of human dignity and fundamental freedom. To start with, all the ambivalence and controversy should by now be put to rest concerning both cultural

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essentialism and relativism. The former claiming monopoly of the definition on human rights, while the latter denying the universality of human aspirations for freedom. The two, thus far, can only indulge in self-styled futile polemics, and actually get us nowhere. Worse still, it all brings about retrogressive and destructive politics of human rights the world over, East and West, North and South. We are witnessing today, in particular, the abuse and distortion of the cherished ideal of individual liberties and property rights on the one hand, and on the other hand, the authoritarian claim of development priorities over freedom and democracy. Both turn against humanity and nature.<sup>3</sup> As we are all well aware, human society has gone through the process of economic development and globalization for so long under such adverse conditions and at great human and social costs. And then abruptly came along the self-proclaimed war on terrorism and, along with it, the threat and potential loss to the cause of human rights.<sup>4</sup> It is indeed high time to earnestly and collectively put things right, conceptually and practically.

One only hopes that these considerations would get a reasonable hearing in international forum such as this. It is certainly relevant and should serve as a background to our mutual interest and purposeful dialogue with the firm conviction that people's rights and liberties indeed hold the key to the future. This is what we should have in mind in coping with the status and role of national human rights commissions as well as the prospect for regional mechanism in Southeast Asia and elsewhere. The case of Thailand to be presented here is no exception. For, after all, human rights commissions or any other mechanisms simply do not exist and perform in a vacuum, void of economic, political, social, and cultural contexts.

## **Background**

The NHRC is the first of its kind in Thailand and only just a little over one year old, being established as of July 2001. It is created under the 1997 Constitution, popularly dubbed People's Constitution, something equivalent to the "People's Power" slogan during the anti-Marcos regime uprising in the 1980s Philippines. It is still in its formative stage. On top of the assigned tasks and function set by law,<sup>5</sup> a strategic plan and programme of action needs to be worked out. This is to take into account historical and circumstantial background, the state of knowledge and situation of human rights, the question of how to get organized both within and in relation to society at large, etc. A brief account of background leading up to the People's Constitution and NHRC may well be in order here, to begin with.

Upon reflection, it is largely the end result and consequences of ongoing socio-economic transformation ever since Thailand under military dictatorship in early 1960s stepped into development and industrialization predicaments, just like many other developing countries. The initiative significantly came from the World Bank and the IMF, the twin global politico-economic Leviathan of the post-war. That brought about structural changes and the rise of urban middle classes, along with widespread poverty and rural marginalization, as well as natural degradation. All this is well known global phenomenon, there is no need for further elaboration here. Suffice it to say that the growth-oriented development and related public policy itself is the root cause of human sufferings and thus

flagrant encroachment on the basic right to livelihood and self-development. It is a great pity that these simple economic, social and cultural rights are still not counted as human rights, and therefore shunned entire responsibility by the global power that be, especially within the historically freedom fighters' "liberal" circle itself.<sup>6</sup> Anyhow, within a short span of time in early 1970s, there occurred mass uprisings under the combined forces of new middle classes and student movements. The fall of the junta and military disunity led to coup after coup, which was somehow followed by gradual transition to civilian rule around late 1980s. Then, again, another hangover and short-lived military coup in 1991 provoked another massive revolt among the urban middle classes, popularly known as Black May, the following year. This time around, the whole country came under enormous and nationwide pressure and demand for political reform. "Reform" now becomes the catchword reflecting the rising and restless expectations among Thai people at all levels of society. It turned explosive to the critical point that the old-time politicians were obliged, however reluctantly and half-heartedly, to bend to the popular will to have created a new and reform-spirited Constitution.

However, the gap between the newly-acquired rights and liberties as written into the Constitution, and the reality of power of enforcement still very much remains. Such a political predicament vividly reminds one of the late Sir Josiah Crosby, British Ambassador at the time of the 1932 Revolution, who articulated the grave concern for democracy without the force of public opinion.<sup>7</sup> More often than not, they are nonchalantly ignored under popularly-elected parliamentary rule. The state of affairs seems not much different from the previous authoritarian one. The big difference is that the people now are so articulate and much better aware and inquisitive of what has been going on in the country and the world outside. Besides, there arise increasing number of non-governmental and civil society groups, as well as all sorts of mass media, to pose collectively and often aggressively as watchdog against any wrong doings on the part of the power that be.

This is roughly what the Thai NHRC finds itself in. It took a fairly long and complicated process to get the whole 11-member Commission elected through a selection committee and the Senate, and then royally appointed. The selection committee's composition is interesting. Its 27 members include 4 from state agencies, 5 from academic institutions, 10 from private organizations, 5 political from political parties, and 3 from public media. Each nomination must be passed by votes of not less than  $\frac{3}{4}$  of all the members. As for the Senate, each nominated individual must also be passed by secret ballot with more than one half of the total number of Senators (200), also with a proviso that account must be taken as to the participation of women and men.<sup>8</sup> This is how the Thai NHRC came into being. The whole idea is to have a kind of Commission that is representative of the society's viewpoints as broadly as possible. On the whole, it can fairly be said that non-governmental organizations and civil society groups have been carrying quite a considerable weight in the selection stage and thereafter. And this is well reflected in the composition of the current NHRC itself.

## **The task ahead**

Mention has already been made with regard to the reform spirit of the “People’s Constitution”, even though somewhat against the will of political-cum-business careerists. At stake is the enormous vested interests which are rapidly expanding as the whole country has been undergoing top-down economic development and globalization. In such political predicaments, it is of no surprise that this particular Constitution is generally understood as being created out of distrust of the good old-time style of corrupt money politics, and that the solution is to be found in promoting “people’s politics” as a balancing force. Hence the specific attention attached to the common people’s rights and active participation at this critical juncture of Thai political and economic transformation. At least on paper, this appears to be the case, as clearly stated in its preamble thus:

*...the essential substance (of the Constitution) lying in promoting and protecting rights and liberties of the people, providing for public participation in the governance and inspecting the exercise of State power ...*

It is also the first time in Thai constitutional history that “The human dignity, right and liberty of the people” is being exerted under the first chapter on General Provisions. And this is followed by Section 5: “The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution”. So from the NHRC’s perspective, it can obviously be inferred of human rights as *the guiding principle* and criterion for appraising and examining the legitimate exercise of power of all the three sovereign branches of governance and other State agencies. The question of principle is well clarified by the provisions under both Chapter 3 “Rights and Liberties of the Thai People”, Section 27, and Chapter 5 “Directive Principles of Fundamental State Policies”, Section 75. According to Section 27,

*Rights and liberties recognized by this Constitution expressly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, Courts and other State organs in enacting, applying and interpreting laws.*

And Section 75 reads:

*The State shall ensure the compliance with the law, protect the rights and liberties of a person, provide efficient administration of justice and serve justice to the people expediently and equally and organize an efficient system of public administration and other State affairs to meet people’s demand.*

*The State shall allocate adequate budgets for the independent administration of the Election Commission, the Ombudsmen, the National Human Rights Commission, the Constitutional Court, the*

*Courts of Justice, the Administrative Courts, the National Counter Corruption Commission, and the State Audit Commission.*

The last paragraph is being cited in full here in order to present an overview of expected “public participation in the governance and inspecting the exercise of State power” from the various angles of State’s activities, as provided by law. The NHRC serves as one among the newly-created independent institutions. Unlike all the others, though, it does not have the authority to pass judgment or impose penalty on anybody. This is correct, however. Its real task is basically to see to it that the State authorities concerned do their proper jobs, and along with that to assume an enabling role in promoting social learning and awareness. For the purpose, the NHRC attaches great value and importance to education, research and the dissemination of knowledge on human rights. These are of course prescribed by the Constitution as part of the NHRC’s functions. But the point is to make it a proactive approach to the whole task of human rights promotion and protection. For, despite its official status as State agency, it is strongly believed that its effectiveness rests in the last analysis with the society as a whole. All this means that the NHRC is to organize itself in such a way as to serve not only as rights defenders, but also as social-learning promoter. That is why we take it upon ourselves the task and working principle to serve as part and parcel of society, not apart from it. That is to say, to be open, transparent, and accessible to the public at large.

Before going further to the question of how to go about fulfilling our job as intended, one most significant point needs to be brought to attention here for the benefit of mutual learning and understanding. Earlier on, mention has already been made concerning the nature and reality of human rights in a great variety of specific contexts and circumstances that bring about human aspirations for freedom. The universality of human rights is indeed dynamically created out of this plurality. In other words, what we are really looking for is unity in diversity, and certainly not authoritarian or totalitarian brand of universality where only might makes right. Thailand is one such case, like any others that have been going through decades of globally imposed economic development, as we all know. One can of course keep arguing without end as to the merits and demerits of development and globalization. The real and ultimate question, nevertheless, is how the real peoples fare in their varying social and cultural contexts. That is to say, in terms of human life and blood, not GDP as an end in itself. And that gives rise to an entirely new dimension of human rights problems.

At this point of human history, then, it is indeed high time to seriously raise the question of the impact of development and globalization. Indeed, as Helle Degn succinctly remarks in this very forum, it is not just the question of economic crime and corruption that is being involved. Of even more significantly, the whole thing brings in its wake adverse repercussions on the natural resources and environment and thus the integrity of human rights.<sup>9</sup> The whole world now comes to keep talking about it more often - somewhat on high moral grounds, however. Few, including even among “human rights defenders” themselves, actually realize how intimately the life and blood of common people is involved in the issues of natural resources and environment. This is most obviously the case with those rural peoples and communities in tropical resource-based regions. Southeast Asia is

one such prime example. Unfortunately, it is something overlooked within the ranks of ASEAN leaders. Or if ever appreciated, it is merely in terms of immediate trade and commercial gains, in the fashion of top-down globalization, and as always at great human and social costs. Such a state of affairs is obviously and directly concerned with the question of the right to livelihood and self-reliant development. One wonders if and to what extent that could be worked out to serve as the common basis for cooperation and coordination under whatever regional mechanism we have been talking about.

The 1997 Thai Constitution, somehow, is more or less a reflection of attempt to rectify such an untoward state of affairs. It is for this very reason that the idea and practice of community rights is being put forward and stipulated into law, again under both Chapters 3 and 5 on “Rights and Liberties of the Thai People” and on “Directive Principles of Fundamental State Policies respectively, as follow.

*Section 46: Persons so assembling as to be a traditional community shall have the right to conserve or restore their customs, local knowledge, arts or good culture of their community and of the nation and participate in the management, maintenance, preservation and utilization of natural resources and the environment in a balanced and sustainable fashion, as provided by law.*

*Section 56: The right of a person to participate with the State and communities in the preservation and utilization of natural resources and biological diversity and in the protection, promotion and preservation of the quality of the environment for normal and consistent livelihood in the environment which is not hazardous to his or her health or sanitary condition, welfare or quality of life, shall be protected, as provided by law.*

*Any project or activity which may seriously affect the quality of environment shall not be permitted, unless its impacts on the quality of the environment have been studied and evaluated and opinions of an independent organization, consisting of representatives from private environmental organizations and from higher education institutions providing studies in the environment field, have been obtained prior to the operation of such project or activity, as provided by law.*

*Section 59: A person shall have the right to receive information, explanation and reason from a State agency, State enterprise or local government organization before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or her or a local community and shall have the right to express his or her opinion on such matters in accordance with the public hearing procedure, as provided by law.*

*And Section 79: The State shall promote and encourage public participation in the preservation, maintenance and balanced utilization of natural resources and biological diversity and in the promotion, maintenance and protection of the quality of the environment in accordance with the sustainable development principle as well as the control and elimination of pollution affecting public health, sanitary conditions, welfare, and quality of life.*

The idea of community rights would sound inconceivable and illegitimate to the mind-set of cultural essentialism, as referred to right at the beginning of this presentation. Never mind about that. Community rights, like all others in human history, arise out of the struggles against oppressions under a great variety of specific circumstances. It is as simple as human nature itself. What we have been facing now is the fundamental question of development and globalization that needs to be urgently and thoroughly reexamined and set in its proper perspective. The same is true with community rights presented here. They are by no means a ready-made formula. Even though being built-in everyday life in traditional communities and recognized by the Constitution, they are still in the process of evolving in the face of changing world around. Neither do they necessarily mean communities or collectivities taking precedence over individuals. That would amount to turning the clock back, and bound to fail. Traditional communities too, for all their highly valuable knowledge and wisdom, are in a dire need to learn to keep up with the time and change while sustaining their integrity. Individual rights and liberties obviously constitute a most vital part of this learning process. Only that it ought to be rights and liberties of individual or person-in-community,<sup>10</sup> and certainly not the one in a vacuum and on its absolute self as is the case today.

### **Institution building and networking**

What has been said points to a real need for a certain rethinking about the changing state and dimension of human rights in the globalizing world. So along with the day-to-day functions set out by law, supposedly the same everywhere under the Paris principles, the Thai NHRC finds itself obliged to take into account the changing circumstances and common people's rising aspirations for freedom. A point has already been made of the intended pro-active and enabling role to serve as social-learning promoter and as part and parcel of society, not apart from it. In this very sense, the NHRC conceives of itself as integral part of the process of *social institution* building. It is not for its own sake as State agency, but for the ultimate purpose of strengthening the Thai society and people as a whole to develop along the common path of freedom and progress. If what is called "human rights culture" building is to mean anything at all, this is it. It is the question of how mutual sense of belonging is to be created between itself and the public at large. That is why, at this formative stage, a great deal of attention is being attached to the way the whole NHRC is to organize itself and interrelated with society. One best conceivable way is to have the whole operating system organized through the multi-tiered networking.

The main idea is to set up a sort of built-in process as part of the system in which people from various walks of life could join in. As far as the task of human rights promotion and protection is concerned, it is not to be left to the bureaucratic mechanism alone. That in itself would most likely defeat the whole purpose of having the NHRC *as open institution for social learning*. The first tier of networking has now been settled, at least for the beginning stage. It could be called tripartite coordinating mechanism, consisting of Commissioners, secretariat officers, and citizens. The last but not least could be selected from academic communities, NGOs, civil society groups, workers, farmers, or other professional and vocational groups, who are deemed qualified as human rights defenders. The whole thing is organized and divided into a number of sub-Commissions according to the subject matters involved and each being equipped with a degree of legal authority in performing their duties. What is particularly significant about this first tier of networking is that all the three parties concerned are to make joint preliminary decisions as to how to proceed with the cases or policy studies assigned them. The final decision and responsibility rests of course with the NHRC, according to the Constitution. All this is roughly how the working process is being worked out. The following groupings and lists of sub-Commissions could help demonstrate the scope and scale of problems and issues being taken up by the current Thai NHRC.

Group 1: Coordinating sub-Commission on Human Rights Protection:

- Human Rights Protection sub-Commission 1,
- Human Rights Protection sub-Commission 2,
- Human Rights Protection sub-Commission 3.

Group 2: Coordinating sub-Commission on Law and Judicial Process:

- Law sub-Commission,
- Judicial Process sub-Commission.

Group 3: Coordinating sub-Commission on Social Affairs:

- Sub-Commission on Media and Social Relations,
- Sub-Commission on Education and Development,
- Sub-Commission on Human Rights Education,
- Sub-Commission on Health and Environment,
- Sub-Commission on Children, Youth, and Family.

Group 4: Coordinating sub-Commission on Natural Resource Base:

- Sub-Commission on Technology and Intellectual Property,
- Sub-Commission on Energy, Industry, and Environment,
- Sub-Commission on Tropical Forests and Bio-Diversity,
- Sub-Commission on Marine Resources,
- Sub-Commission on Land and Water.

On top of all these, there are also other sub-Commissions dealing with specific cases on wide-ranging issues such as refugees, ethnic groups, HIV patients, delinquents, labour, land disputes, including disputes arising from the public projects like express ways, electric plants, gas pipelines, etc. Needless to say, all the sub-Commissions and subject matters

involved are closely inter-related. That is why there needs to be grouping of the sub-Commissions concerned for coordination, and of course the whole thing comes under the NHRC's ultimate decision and responsibility.

The first tier of networking as described contains within itself the second tier, as most sub-Commission members, if not all, have their own professional or civil society networks to begin with, such as Universities, Law Society of Thailand, the NGO Coordinating Committee on Rural Development (NGO-CORD), Civil Liberty Union Association, Human Rights Coordination Committee, Women's Rights Groups, Youth and Children Rights Groups, Forum Asia, etc. So while the first-tier tripartite networking directly takes part in the process of decision making, the second one could be called upon for consultation and advice on the matters at issue, or even help in investigation of specific cases with a certain degree of authority.

As for the rest of networking, it is still in progress. As a matter of fact, this is intended to serve as the open-end and built-in process of the NHRC's performance. The idea is to keep in touch with various civic and vocational groups at all levels of society, both urban and rural. This is to be two-way traffic and mutual-leaning and continuing process. And here, the task of research, education and dissemination is to play a major role: i.e., to keep the public informed and taking part in the social sanction and enforcement of human rights promotion and protection.

One thing to be particularly stressed is that, in spelling out the Thai NHRC's considerable interest in the matters of public policy and long-term development of human rights culture, it does not mean at all that less attention would be given to the day-to-day human rights violations which abound. On the contrary, it is well understood and agreed upon within the current NHRC that every complaint or case known will be taken up, and proceeded even further beyond remedial measures of specific cases. That is to say, all the cases that have gone through the sub-Commissions concerned will be registered and taken up for study or research with a view to legal reform, or rectification of public policy if necessary. In dealing with the matters of public policy, it is also understood that the NHRC takes it as a rule not to interfere with the Government's decision making in carrying out its executive authority. It is to be concerned strictly with the question of human rights violations as prescribed by the Constitution, such as the rights of expression, to be informed, to participate in public hearing, etc. If the law and policy execution turns out to be unjust or inappropriate, then a change or correction is to be recommended accordingly.

### **Summing up: regional perspective**

Thai society, like many other fellow Southeast Asian neighbours has been going through structural changes under the adverse impact of economic development and globalization during the past four decades. Notwithstanding attempts at democratic reforms under the forces of popular uprisings in the 70s and 90s leading up to the current People's Constitution of 1997, the legacy of authoritarianism traditionally built into the "bureaucratic polity", in political scientist Fred Riggs' jargon, still very much remains. So also the

widespread problems of human rights violations. The state of affairs then is worsening and complicated around the 70s when the Thai economy has been further integrated into the global economic and financial orbit of neo-liberalism, with the World Bank, IMF, and WTO as the tools of expansionism and domination. At the behest of the so-called Washington Consensus, Thailand has been forced to come under the politico-economic formula for further economic globalization: liberalization, deregulation, and privatization. Indeed, the whole Southeast Asia has been made to fall under the same predicaments. All this makes all the human rights problems a great deal more complex in terms of causes and effects. What is common to all the countries in this region, in fact the whole world, is that the issues of economic, social, and cultural rights assume a most prominent place for all human rights defenders and advocates to work on. As a matter of fact, they are closely inter-related to the civil and political rights. The ones more often than not lead to the others, as amply demonstrated in numerous cases of human rights violations in Thailand. These concrete experiences indeed make a lot of sense the indivisibility, inter-relatedness, and interdependence of all human rights. Any NHRC or regional mechanism anywhere has to keep this reality in mind in carrying out the task of human rights promotion and protection, if it is not intended to fail in its task.

Furthermore, even the economic, social, and cultural rights themselves assume quite a different meaning in a rural and resource-based society like Thailand, and for that matter Southeast Asia as a whole. While in industrial societies where economic and social rights would rely on welfare state measures as solution, in rural and resource-based contexts, people aspire mainly to the rights of self-reliance and self-determination. And that is indeed true to the spirit of liberal tenet, by the way. This is what is being meant by “community rights” as stipulated under the current “reform” Constitution of Thailand. Surely, it also has a certain relevance elsewhere. If so, the regional human rights mechanism might just as well has something concrete and in common to start with. What is particularly important in this line of proposition is that it all starts with the people, having little if any to do with the question of State sovereignty which more often than not stands in the way to work towards human rights and fundamental freedom.

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<sup>1</sup> Tony Evans, "Introduction: power, hegemony and universality of human rights", in Tony Evans, ed., *Human Rights Fifty Years On*, Manchester University Press, 1998, p.4

Heiner Bielefeld, "Western Versus Islamic Human Rights Conception"? A Critique of Cultural Essentialism in the Discussion of Human Rights." *Political Theory*, vol. 28, No. 1, February 2000, pp. 96-97.

<sup>2</sup> As Jacques Maritain observes:

*No declaration of human rights will ever be exhaustive and final. It will ever go hand-in-hand with the state of moral consciousness and civilization at a given moment in history.*

Cited in Joseph A. Camilleri, "Human Rights, Cultural Diversity and Conflict Resolution: The Asia Pacific Context," *Pacific Review*, Vol. 6, No. 2, 1994, p. 20.

<sup>3</sup> For example, Edward Herman, "Immiseration & Human Rights", *Third World Resurgence*, Issue No. 58, June 1995, p. 41; Vandana Shiva, "The Enclosure of the Commons", *Third World Resurgence*, Issue No. 84, 1997, p. 6; Lee Kuan Yew's address to an annual conference organized by the Philippines Business Council in Manila, and President Fidel Ramos' response, *The Nation*, Bangkok, 21 November, 1992.

<sup>4</sup> In Mary Robinson's view, "If human rights are respected ... conflict, terrorism and war can be prevented." *Boston Globe*, September 3, 2002.

<sup>5</sup> Constitution of the Kingdom of Thailand B.E. 2440 (1997), Section 200:

"The National Human Rights Commission has the powers and duties as follow:

- (1) to examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;
- (2) to propose to the National Assembly and the Council of Ministers policies and recommendations with regard to the revision of laws, rules or regulations for the purpose of promoting human rights;
- (3) to promote education, researches and the dissemination of knowledge on human rights;
- (4) to promote co-operation and co-ordination among Government agencies, private organizations, and other organizations in the field of human rights;
- (5) to prepare an annual report for the appraisal of situation in the sphere of human rights in the country and submit it to the National Assembly;
- (6) other powers and duties as provided by law.

"In the performance of duties, the National Human Rights Commission shall also have regard to the interests of the country and the public.

"The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of fact including other powers for the purpose of performing its duties as provided by law"

<sup>6</sup> Professor Edward Herman of Wharton School, interestingly and succinctly, has this to say:

*Doesn't a growth process in which large numbers are immiserated while a small elite prospers necessarily entail serious human rights violations? In liberal theory, and in the definitions used by the major human rights organizations of the West: No. Human rights are political and personal rights ...; they do not include economic rights to subsistence, education, health care, housing and employment. Thus if immiseration follows from the normal workings of the market system, based on the economic power of private organizations and banks and with the help of the IMF, World Bank, US government, and nominally democratic regime like Mexico or Chile, no human rights are involved. Op. cit.*

<sup>7</sup> Josiah Crosby, *Siam: The Crossroads*, London, Hollis and Carter Ltd., 1945, pp. 89-90 and 152-153.

<sup>8</sup> National Human Rights Commission Act, B.E. 2542 (1999), Section 8.

<sup>9</sup> Helle Degn, Commissioner of the Council of the Baltic Sea States on Democratic Development, in presentation on National Human Rights Institutions: Europe, Strasbourg Conference 8 October, 2002.

<sup>10</sup> Herman E. Daly and John B. Cobb, Jr., ed., *For the Common Good: Redirecting the Economy toward Community, the Environment, and a Sustainable Future*, Green Print, 1990, pp. 161-165.