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No. 52101/430

PERMANENT MISSION OF THAILAND
5, Rue Gustave-Moynier
1202 GENEVA

15 July B.E. 2556 (2013)

Dear Ms. Rolnik,

I write to refer to the Office of the High Commissioner for Human Rights' Note Reference: HOUSING(2013-3), dated 18 June 2013 extending the submission deadline for the Questionnaire on Security of Tenure and requesting cooperation and assistance from governments to provide information on the issue, with particular focus on security of tenure for urban poor and the most vulnerable, including questions related to informal settlements.

I wish to forward herewith the response prepared in consultation with the responsible agencies in Thailand on the promotion of the right to adequate housing, as provided in the Constitution of Thailand B.E. 2550 (2007), and in compliance with the International Covenant on Economic, Social and Cultural Rights.

I look forward to work closely with you in order to promote and protect the right to adequate housing, particularly for the most vulnerable groups.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thani Thongphakdi'.

(Thani Thongphakdi)

Ambassador and Permanent Representative

Ms. Raquel Rolnik,

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination on this context,

Office of the United Nations High Commissioner for Human Rights,
Palais des Nations,
GENEVA.

Fax 022 917 90 08

Reply from the Royal Thai Government to the Questionnaire on Security of Tenure from the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

The Royal Thai Government wishes to submit the following information which addresses most of the questions on the questionnaire. It focuses on the Government's attempt to ensure tenure security for urban poor living in informal arrangements through the Baan Mankong (Secure Housing) initiative.

Introduction: Policy, legislation and measures to ensure security of tenure of the urban poor, including protection from forced eviction (Questions 1, 2 and 4)

As State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Thailand promotes the right of everyone to an adequate standard of living, including adequate housing, as enshrined in the ICESCR.

Urbanization in Thailand has intensified since 1961 when the first National Economic and Social Development Plan went into effect, coupled with globalization, economic growth and industrialization subsequently. A survey in 2008 indicated that Thailand had around 6,300 urban poor communities with 1.6 million low-income families, over 720,000 of which need permanent housing. Thirty per cent of these families are in Bangkok, the capital of Thailand.

To solve this problem, the Royal Thai Government has implemented a number of measures to ensure adequate housing at an affordable price for the urban poor, especially people living in informal settlements. The *National Committee on Housing Policy*, chaired by the Prime Minister, was established in 2008 to develop policies, strategies and plans on national housing management. The Committee is also tasked with finding solutions to housing and urban development issues, including supporting the people, the communities and relevant stakeholders on housing development.

With regard to legislation, Section 42 of the *Constitution of the Kingdom of Thailand of 2007* states that expropriation of immovable properties may only be done by the virtue of the law, and that a fair compensation must be made in due time. A policy framework on ensuring tenure security and adequate housing of the poor is also in place. The *Eleventh National Economic and Social Development Plan (2012 – 2016)* has a number of important elements. It states that the Government must provide social services for all as a matter of basic rights by placing an emphasis on self-reliance and participation of everyone in the country's development process. The quality of and access to public services should be improved, especially on housing and public utilities for low-income people. Moreover, the fairness of property rights management is mentioned. Land ownership rights should be distributed to landless and poor farmers. Laws and regulations should be amended to make resources available for and accessible to local communities.

To put policy into practice, the Government has implemented measures to ensure adequate housing for the poor at an affordable price. Such initiatives include the *Home of Compassion/Caring Project* and the *Baan Mankong (Secure Housing) National Collective Housing Program*. The Home for Compassion/Caring Project aims to provide adequate and affordable housing for low-income people across the country. During 2003 – 2007, around 600,000 units of low-priced flats and houses

were built. The Collective Housing Program offers accommodation to the slum communities in urban areas without being forced them out of town.

Baan Mankong (Secure Housing) National Collective Housing Program: Initiative to ensure tenure security for urban poor living in informal arrangements (in particular informal settlements) (Questions 4 – 7)

The Government attaches great importance to tenure security for all groups of people in the society on a non-discriminatory basis. For the urban poor, especially people living in informal settlements, special measures and programs have been initiated to ensure their adequate housing.

Most conventional housing strategies for low-income people treat housing as an individual need: single houses to be provided for poor families individually. This approach may work for better-off people but not for the poor, whose position at the bottom of the economic ladder leaves them especially vulnerable when they live alone. While they are poor in financial terms, they are particularly rich in social terms because they can help each other in their daily survival. Moreover, globalization and economic development result in an increasing number of poor people living and working in the cities. Thus, a new approach was developed to respond to the current situation of urbanization. It allows the poor people to bring their collective social force to deliver secure and affordable housing to everyone.

In this connection, Thailand would like to highlight the *Baan Mankong (Secure Housing) National Collective Housing Program*, which was an initiative by the Government under the new approach to secure adequate housing for slum communities. It also corresponds with the focus of the questionnaire on urban informal settlements. The program was launched in January 2003, as part of the Government's efforts to address housing problems of the country's poorest urban citizens. The program channels government funds in the form of infrastructure subsidies and soft housing and land loans directly to poor communities. The communities then plan and carry out improvements to their housing, physical environment, basic services and tenure security and manage the budget themselves.

Basic facts: Baan Mankong Collective Housing Program (As of July 2012)

Starting year	2003 (with 10 projects covering 1,525 families)
Number of projects	874
Number of households	91,805
Number of participating communities	1,637
Grant approved	147 million USD (185,392 USD per project)
Loan approved	181 million USD for 30,848 households <ul style="list-style-type: none"> - Average loan per household is 5,888 USD - Return of payment within 180 months (15 years) - Amount of payment per month approximately 16 – 66 USD
Types of upgrading	<ul style="list-style-type: none"> - Upgrading/reconstruction 61% - Nearby relocation 10 % - Relocation 28 %
Status of land tenure security improvement	<ul style="list-style-type: none"> - Long-term lease (public land) 42% - Cooperative ownership 36% - Short-term rent 7 % - Permission to use land 12 %

Instead of delivering housing units to individual poor families, the Baan Mankong Program puts Thailand's slum communities (and their community networks) at the center by engaging them in the housing development process. The program is being implemented by the Community Organizations Development Institute (CODI), a public organization under the Ministry of Social Development and Human Security. Poor communities work in close collaboration with their local government, professionals, academic institutions and non-governmental organizations to survey all the communities in their cities and then plan an upgrading process which attempts to improve all the communities in that city. Once these city-wide plans are finalized and types of upgrading projects are selected, the CODI channels the infrastructure subsidies and housing loans directly to the communities.

By creating a space for poor communities, municipalities, professionals and NGOs to work together to address housing problems in their own cities, the program brings about a significant change with regard to how the issue of housing for low-income communities should be addressed. It was no longer considered an ad-hoc welfare project but a power structural change to give the poor an opportunity to decide for themselves. Furthermore, the housing upgrade program helps to create local partnership which integrates housing needs of the poor communities into the larger city's development.

Types of slum upgrading (Question 6)

Government policies include “slum upgrading” programs, which have five different types and are community-driven. The community will decide with the government and relevant stakeholders on which type of upgrade is most applicable to their community.

1. On-site upgrading: This type of upgrading involves improvement of the physical environment and basic services in the communities, while preserving their location, character and social structure. Usually upgrading means that houses, roads and open spaces are improved without changing or with only slight adjustment of the layout or plot size of the community. These physical improvements can also be a basis for other developments such as income generation, welfare and community enterprises.

2. On-site reblocking: Reblocking is a more systematic way of improving the infrastructure and physical condition of the community by making some adjustments to the layout of houses and roads. These adjustments include, for example, installing sewers and drains; building walkways and roads; and replanning the plotsite. When a community opts for reblocking as a type of upgrading, some houses usually have to be moved and partially or entirely reconstructed. Some lanes may also have to be re-aligned to enable construction of drainage lines, water supply systems or sewers. Reblocking is often undertaken in cases where a community decides to buy or obtain a long-term lease for the land they already occupy.

3. On-site reconstruction: For this type of upgrading, the community will be totally demolished and rebuilt on the same land, either under a long-term lease or after the people in the community agree to purchase the land. The new tenure security on the already-occupied land usually provides the people an incentive to invest in their housing, either by rebuilding or new construction. Although reconstruction involves making considerable physical changes within the community and requires some adaptations to a new environment, this type of upgrading allows people to continue to live on the same land and to remain close to their workplace.

4. Land sharing: Land sharing is a type of upgrading which allows both the land owner and people in the community to share the land and the benefit. After an agreement between the two sides, the land will be divided into two pieces. The community will be given, sold or leased one piece of the land (usually the less commercially attractive part) for reconstructing their housing, while the other piece of land will be returned to the land owner for either sale or further development. There is no strict rule on how the land should be divided. The amount of land the community and the land owner get will be settled by a negotiation.

5. Relocation: The advantage of relocation is that people in the community usually get a land use right, ownership of the land or a long-term land lease. Relocation sites can be close to or sometimes far from the community people used to live in.

Progress on the implementation of the Baan Mankong Collective Housing Program (Question 6)

From the year 2003 – 2013, the program covers 76 out of 77 provinces and 277 municipalities across the country. A CODI survey indicates that the area in which people are in need of adequate housing most is Bangkok and its peripheral areas, consisting of 296,251 households. This area is also the area where the program has been mostly implemented (29,095 projects). As of today, 12.08 per cent of these people have already been provided with adequate housing under the program, the details of which can be summarized in the table below. The Government will continue to implement the program to ensure the promotion and protection of the right to adequate housing and tenure security of people living in slum communities in the country.

Further information on the program can be found at <http://www.codi.or.th/housing/frontpage.html>

Progress on the implementation of the Baan Mankong Collective Housing Program (As of 30 June 2013)

Region	Number of those in need of adequate housing			Program coverage			
	municipalities	communities	households	municipalities	communities	households	percentage
Bangkok	143	1,948	296,251	67	326	29,095	9.82
Central	116	991	100,448	31	180	6,507	6.48
Western	69	367	24,129	21	85	4,2016	17.47
Eastern	82	401	90,595	36	92	5,645	6.23
Northeastern	175	1,225	87,651	48	388	19,289	22.01
Southern	138	725	81,115	44	176	11,688	14.41
Northern	117	677	48,450	39	410	11,612	23.97
Total	840	6,334	728,639	286	1,657	88,052	12.08

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