

Isaan Lives: A ‘penniless lawyer’ fighting for change

written by กองบรรณาธิการ | December 6, 2018

The first time he stood before a judge, Thanomsak Rawadchai was tired, nervous, and most of all, sweaty. He'd been preparing for this day for years, passing test after test and completing mock trial after mock trial, but there was nothing like the real thing. Having someone's life depend on all of your years of training came with more pressure than any exam.

It was a pretty simple case compared to the ones he works on now. A man had not been making his payments on a car he'd bought, so the car company sued him. Mr. Thanomsak represented the company, so according to him he had the easier side to advocate for. Still, his hands shook and the sweat just wouldn't seem to stop dripping.

All eyes were on him, and they were pretty skeptical eyes, Mr. Thanomsak remembers.

“I think the judge and the defendant's lawyer kind of put me down because they knew I was a beginner, so they looked at me as a newbie and questioned how much understanding I had of the law,” he recalls.

Guest contribution by Bria Kalpen



Fifteen years later, Mr. Thanomsak, 39, is far from a newbie to the courtroom. He now owns his own firm in Kalasin province that employs three other lawyers and to say business is booming would be an understatement. In the past two years, his firm has taken on around 1,200 local cases, but these cases are not what keep Mr. Thanomsak in the office long after dark.

Since 2005, Mr. Thanomsak has been working for the Center for Development and Education of Lawyers for Human Rights, a group of lawyers who defend and advocate for human rights cases across Isaan, mostly taking on the cases of those who cannot afford to hire someone from a large private firm. He currently spends most of his time in and out of the courtroom defending Isaan villagers who are facing eviction from the land many of them have been living on for generations following the implementation of the government's [Forest Master Plan \(FMP\)](#). This policy was passed in 2014 following the military coup, and it seeks to increase Thailand's national forest area by 26 million *rai* over a 10-year period to preserve the land and combat deforestation. At first glance, it seems like a solid idea and a plausible way to improve Thailand's environmental health, but if you read between the lines you will find that there is one not-so-small problem—the government's expansion method.

Most of Thailand's forest area has already been claimed by either small-scale farmers or investors, and since many of the investors have already been uprooted by the FMP, small farmers are now facing the heat. Since the plan's implementation, the government has forced small farmers across the Isaan region to vacate some or all of the land they have been living and farming on because the areas are now considered to be national park property.

"They have to rely on their land for everything. Without land, they would not be able to survive," he

says. Villagers continue to farm on the land even after the government affirms its ownership because their livelihoods depend on it, but oftentimes they are caught and charged with trespassing, a charge that threatens them with hundreds of thousands of baht in fines and, in some cases, time behind bars.

That's where Mr. Thanomsak's benevolent services come into play.

Currently, he is working on 14 cases and defending 19 villagers who were charged with trespassing on Sai Thong National Park property in Sub Wai village, Chaiyaphum, after continuing to farm on the land they were previously demanded to vacate.

"It's a lot of work and no money," he laughs.

In fact, Mr. Thanomsak loses money defending these cases. In 2006, the Center lost its government funding, and although it receives a portion of funding from NGOs and other outside organizations, Mr. Thanomsak oftentimes uses the money he makes from his own firm to help villagers cover court fees and transportation costs.

So why would someone spend so much time, money, and effort on law school all for a demanding career with barely any monetary benefits? Mr. Thanomsak says other lawyers are also puzzled by this decision.

"If you talk to other lawyers who do not do this kind of work, they generally think of us as stupid," he says.

For him, it's not about the money. It's about connecting his knowledge of the law with his life experiences to help those in need. Mr. Thanomsak grew up in a family of farmers in Kalasin Province, and though his family jokingly calls him the "penniless lawyer," he says they take pride in the work he is doing because they are the reason he has a deeper understanding of the people and the cases he defends for the Center.

"Because I grew up in a farming family, my life has always connected with the land, so I can explain to the judge that the villagers did not trespass on the land and try to bring up the case that they have been living there since the time of their ancestors, before the area was declared [a national park]," he explains. "Seeing people have these kinds of problems really pushed me to have to go in and help."

In the courtroom, Mr. Thanomsak pleads what he believes to be a strong, logical case for his clients. But his logic contradicts the law, making it difficult for his cases to be dropped and for his clients to be acquitted, regardless of the judges' personal opinions on the cases.

"I think the judges understand where the villagers are coming from, but if the law says it's wrong they believe they have to follow the law and they have to say that the villagers are guilty," he explains.

According to Mr. Thanomsak, it was not always this difficult to get these kinds of cases dropped. He says in the past, judges would quickly and easily understand that the villagers did not have the intent to trespass and drop the case.

Now, however, a generational divide in the judicial system has likened his clients' court cases to a game of chance.

"There are two groups of judges," he explains. "Some of the older judges have more understanding

because they have gone through more things in the world, but somehow they aren't brave enough to make decisions that are totally against the government or the orders. But some of the younger generations of judges are brave enough to make decisions that go against the policy."

Knowing that there are still some judges who are willing to give villagers the benefit of the doubt may be encouraging, but it is going to take more than hope to get the villagers the justice they demand.

"Major changes need to be made," he says. "First, changes within the trespassing law itself because it is very old-fashioned. Second, the laws concerning forest and natural resources need to acknowledge community's rights to manage their own resources."

Until these changes are made, Mr. Thanomsak's job is going to continue to be a struggle and villagers will continue to suffer at the hands of the government. Despite the circumstances, his clients are appreciative of his generosity and perseverance. Nittiya Muangklang from Sub Wai village is one of those clients who praises Mr. Thanomsak's work highly and understands his struggle.

"I know he is doing the best he can," she says. "He puts a great deal of effort into making sure we have the best cases against the government, so if we lose we know it is because of the law, not the lawyer."

Mr. Thanomsak begs to differ. He believes there is still much room for improvement and that there is one incomplete task that is hindering him from reaching fulfillment.

"If I were to give a score to my own work, I wouldn't give myself a high score," he says. "I'm not really satisfied with it yet because I've been working on this issue for almost 16 years but it still hasn't been fixed."

When he's not defending in the courtroom, he's lecturing in the classroom in the hopes of inspiring students to work towards a solution for the land rights issue. Mr. Thanomsak occasionally serves as a guest speaker at local universities, and holds forums on basic legal studies at the Isaan Land Reform Network, an organization that provides legal and financial support to villagers throughout northeast Thailand who are being negatively affected by the Forest Master Plan and other land rights issues.

After years of wins, losses, and extremely hard work, those same eyes that looked upon Mr. Thanomsak with skepticism in the courtroom years ago now look to him with respect, a characteristic that he believes could be the simple solution to much of the world's struggle.

"The lawyers or people who study law have to understand the principle of respect for human beings," he explains. "It's not just lawyers, but every career and every person. If all people respected one another then no one would be taken advantage of."

Whether the judges or other lawyers have respect for the Sub Wai villagers and Mr. Thanomsak's other clients or not, he is determined to help them gain that respect by fighting for their rights and spreading his message of hope and perseverance until positive change is made.

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