

LAW AND POLICY ON COMMUNITY FOREST MANAGEMENT IN THAILAND

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Impact of forest management in Thailand

Laws and Regulations

⇒ **Protected areas should not be allowed for communities settlement and/or agricultural practice.**

Fact

⇒ **Some communities have been settled and practiced agricultural within protected areas.**

Policy and Legal Framework on Community Forest Management in Thailand

I. Thai Constitution 1997

**II. National Policy : National Economic and
Social Development Policy (The 9th NESDP)**

**III. The Policy and Prospective Plan for Enhancement
and Conservation of National Environment
Quality (1997-2016)**

**IV. Tambon Council and Tambon Administration
Organization Act 1994 (TAO)**

Policy and Legal Framework on Community Forest Management in Thailand (continue)

V. Government Policy

VI. Ministry of Natural Resource and Environment Policy

VII. Cabinet Resolution on 30 Jun 1998

(Resolution on Land Use Problem in Forest Land)

VIII. Community Forest Bill

I. THAI CONSTITUTION 1997

Article 46 :

Person so assembling as to be a **traditional community** shall have the right to conserve or restore and **participate** in the management, maintenance, preservation and exploitation of natural resources and the environment in a balanced fashion and persistently as provided by law.

Article 56 :

The right of a person to participation in the preservation and exploitation of natural resources ...

I. THAI CONSTITUTION 1997 (continue..)

Article 79 :

The State shall promote an encourage public participation in the preservation, maintenance and balanced exploitation of natural resources

Article 290 :

For the purpose of promoting and maintaining the quality of the environment, a local government organization has powers and duties as provided by law.

- the management, preservation and exploitation of the natural resources and environment in the area of the locality**

II. National Policy : National Economic and

Social Development Policy

The current 9th NESDP (2002-2006)

- = Philosophy of sufficiency Economy**
- = Emphasized on "human development"**
 - Strengthening communities**
 - Administration and management natural resources**

The strategic plan related to community forest management and natural resources are :

- **decentralize the responsibility to local administrative organization.**
- **restructuring mechanism and process of administration and management of natural resources and environment effectively by **participation of local communities** and the whole stakeholder in the society for sustainable used.**

III. The Policy and Prospective Plan for Enhancement and Conservation of National Environment Quality (1997-2016)

- **Enhance administration and management of natural resources by systematic decentralization of power and authority** from central offices to regional offices.
- **Amend the legal and regulatory framework enabling support for more effective administration and management of natural resources, and recognition of rights and responsibilities of local people to demonstrate ownership of resources.**

IV. Tambon Council and Tambon Administration Organization Act 1994 (TAO)

- management, maintenance and utilization of forests, lands, natural resources and environment**
- promotion of public participation in development of local areas**

V. Government Policy (H.E. Prime Minister Thaksin Shinawatra)

Manage the environment, natural resources and bio-diversity in an integrated manner by upholding the principles of good governance and popular participation by the people and the local community.

VI. Ministry of Natural Resources and Environment Policy

- 1. Formulation law and order of natural resources utilization by the people and Local organization in appropriate and equitable ways.**
- 2. Management on natural resources and environment by integrated method based on good governance, area approach, participation and decentralization models.**

VII. Cabinet Resolution on 30 Jun 1998

(Resolution on Land Use Problem in Forest Land)

- Communities settled before the date of establishment as a protected area shall be allowed to remain. Exceptions are these communities settled in ecologically sensitive zones or critical area shall be moved to suitable area.**
- Communities settled after the date of establishment as a protected area shall be moved to suitable area.**
- To ensure that the implementation will be fair and ecologically appropriate the designation of sensitive areas in each site will be done with the full involvement of all local communities concerned, in conjunction with academics and forestry officials.**
- However, while the communities could not move to the suitable areas, they should stay in the existing areas without expanded in harmony with natural resources.**

VIII. Community Forest Bill

The aim of the Bill was to enhance sustainable forest management and resolve areas of conflict between locals and forestry official. The bill drew on provisions for the right of locals under article 46, 56, 79 of Thai Constitution 1997

Now, the Bill is still in the Parliamentary Consideration. The main issue is the question of whether community forest should be situated in protected forests such as national parks, wildlife sanctuaries and watershed areas. Some agree, while others think it's a bad idea. Both sides are trying their best to convince the senators to agree with them

**“ The earth provides enough for
every man’s **needs** but not for every man’s **greed**”**

GANDHIJI

Thank you

Community Forestry Bill of Thailand



“CF Bill in Thailand” Looks Like a Man Rowing a Small Boat in The Ocean

A History of Community Forestry Bill (Drafted)

Year	Events	Who takes action	Conflict Issue
1995	Drafting of CF Bill By RFD	RFD, NGOs, Academics and People	Good start
1996	Public Hearings by a Committee, during Feb 5-6,1996, Chiangmai	Government, RFD: Proposed NGO Groups: Opposed	CF bill drafted by RFD, Ministry of Agriculture&Cooperatives
1996	Drafting of CF Bill by NGOs during a Workshop April7-9,1996	NGOs	
1996	Cabinet Approval of CF Bill by NGOs on April 30,1996	Government, NGOs Dark Green NGOs: Opposed	No Community Forest in Protected forest and Watershed Aeras
1996	Public Hearing on CF Bill on July 2, 1996	Government Gray and White NGOs:Opposed	Three conflicts •CF area and location •Activities •Method of control and management
1997	Cabinet Approval of CF Bill by the Ministry of Agriculture&Cooperatives	Government NGO: Opposed	
1998	CF Bill drafted by Joint Committee dated May 7, 1998	Government , NGOs	
1999	CF Network collected 50000 signatures to submit CF Bill (People version)	NGOs	

A History of Community Forestry Bill (Drafted)

Year	Events	Who takes action	Conflict Issue
2000	CF Bill was approved by the Lower House	Parliament members	
2002	CF Bill was revised and passed by the Senate	Sanetors Dark Green Sanetor :Opposed	No CF area in Protected Forest
2002	CF Bill was sent back to lower house	Parliament members	
2004	CF Bill is in the Parliamentary Consideration and can not be passed in this government	Government	Location and condition of CF area