

# **LAW AND POLICY ON CFM IN THAILAND**

*BY*

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# Forestry Laws in Thailand

Forestry Laws	Years of Issued	Purpose
Forestry Act	1941	Economic utilization
National Park Act	1961	Flora and fauna protection
National Forest Reserve Act	1964	Flora and fauna protection
Wildlife Conservation and Protection Act	1992	Flora and fauna protection
Forest Plantation Act	1992	Economic utilization

# Community Forestry Bill of Thailand



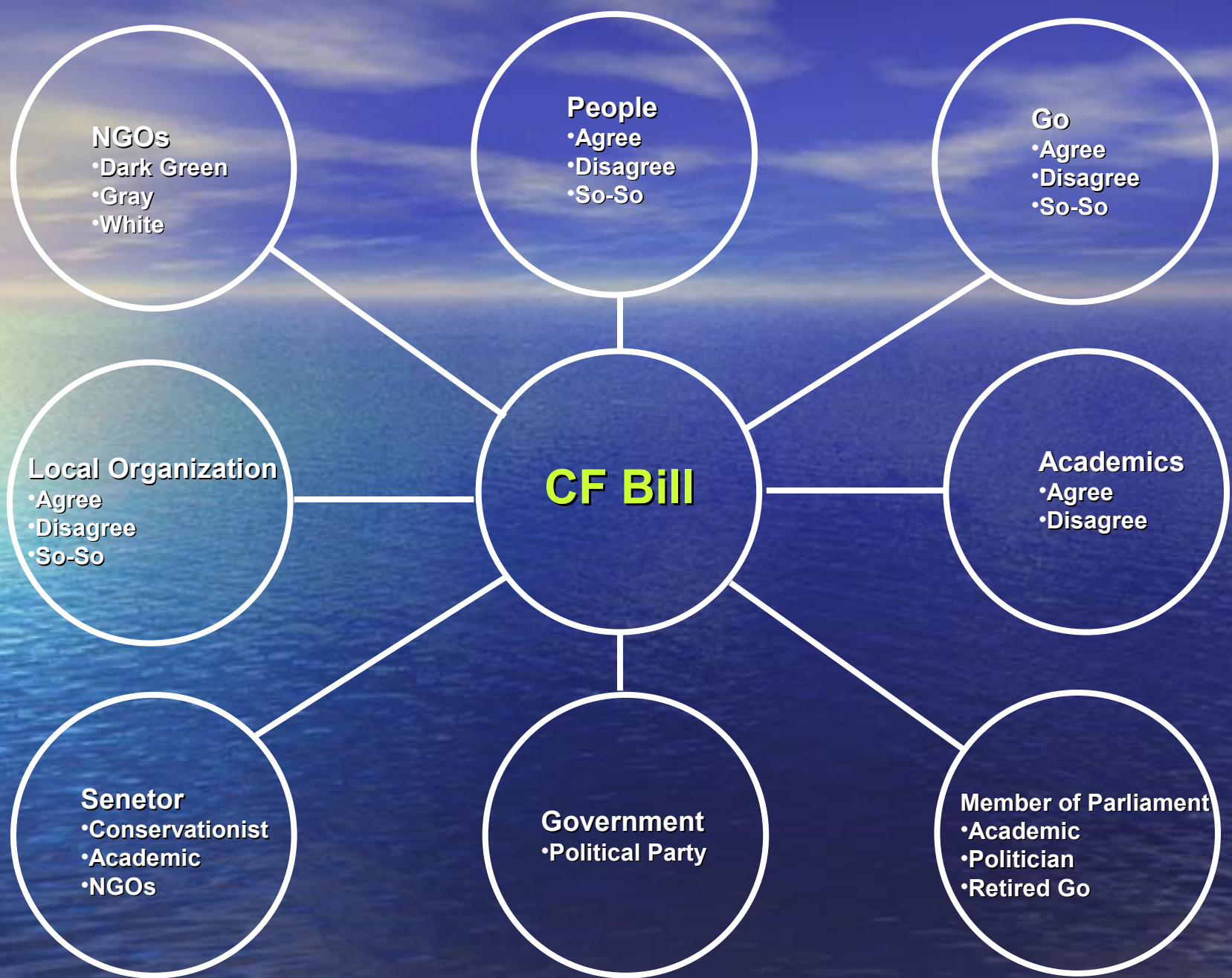
**“CF Bill in Thailand” Looks Like a Man Rowing a Small Boat in The Ocean**

# 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 <ul style="list-style-type: none"> <li>●CF area and location</li> <li>●Activities</li> <li>●Method of control and management</li> </ul>
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



**WHO ARE STAKEHOLDERS in CF Bill?**

**PRO**



**Mr.Pisit Chansanoh**

Yard Fon Foundation

"We are talking about CF bill in term of survival, not greedy on forest timber, or land title. The people manage their own forest with soul and spirit because they have to rely on the forest. Therefore, CF management is a relationship between the forest and livelihood, socio-economic and public dedication"

**CON**



**Mr.Prapat kearnkumfu**

"I agree with the concept of CF Bill but disagree with establishing CF in the watershed. It will be a big problem if we declare a large area of forest as community forest. We have to limit the CF area. I disagree with the implementation CF for a small group. The forest belongs to the public"

# Policy on CFM

## Thai Constitution 1998

**Article 46** : Local communities should have a right to conserve and sustainably utilize its natural resources as determined by laws and participate in resources development as well.

# Government Policy

## Thai Rak Thai Party



- ❖ The heart of "Thai Rak Thai" is the people
- ❖ Solving illegal land occupation by equity according to laws and social condition
- ❖ Agriculture development based on the impacts of biodiversity and environment
- ❖ Promotion on natural resources conservation by people participation

# Ministry of Natural Resources and Environment

## Ministry Policy

### Vision :

Return the nature to Thai society. As a national agenda, natural resources and environment shall be progressively integrated management for developing livelihood and socio-economic of the people and quality of environment

### Mission :

Preservation, conservation and restoration natural resources and environment for sustainable utilization.

# Policy on Natural Resources

1. Assessment of status and capacity of natural resources and bio-diversity.
2. Maintenance on natural resources fertility by preservation, conservation and restoration to serve public use in sustainable way.
3. Creation value-added natural resources to socio-economic and environmental development.
6. Formulation law and order of natural resources utilization by the people and Local organization in appropriate and equitable ways.
8. Management on natural resources and environment by integrated method based on good governance, area approach, participation and decentralization models.

# Policy of Natural Park, Wildlife and Plant Conservation Department

## Department Policy

All forestry activities at the early stage such as plantation establishment, silvicultural research, national park, wildlife, watershed management as well as forest protection were under the Royal Forest Department, Ministry of Agriculture and Cooperatives. But on 20th September B.E. 2545 (AD 2002) members of the Senate voted at score 127:23 supported the separation of activities on commercial forests from conservation and protection forests. It was directed that activities on commercial forests be under the Royal Forest Department of the Ministry of Agriculture and Cooperatives while conservation and protection activities be put under the new Department to be established within the Ministry of Natural Resources and Environment (MONRE). However, the House of Representatives was later agreed with the Senate which different from the 3th hearing on 29th June B.E.2545 (AD 2002) where division of the Royal Forest Department into two departments had not been mentioned.

The Government Reorganization Act B.E. 2545 (AD 2002) which was declared in a government gazette volume 119, section 99 Koh ( น ) dated 2 October B.E.2545 (AD 2002) specified that the National Park, Wildlife and Plant Conservation Department (DNP) be established under the Ministry of Natural Resources and Environment. H.E. Pol. Lt. Col. Thaksin Shinawatra, the Prime Minister, issued an order appointed Dr. Plodprasop Suraswadi, Permanent Secretary of the MONRE, as acting Director-General of the DNP. Therefore, he was the first Director - General of the DNP. His tenure ended on 14 November B.E. 2545 (AD 2002) . The present Director - General of the DNP is Mr.Somchai Pienstaporn.

# Constrains of Community Forestry Policies

- ❖ Lack of political commitment, inconsistent policies, lack of trust, and inadequate budgetary resources.
- ❖ Top-down approaches and inflexibility.
- ❖ Uncertain land and resource tenure.
- ❖ Inadequate knowledge and capacity of local people related to forest management.
- ❖ Inadequate skill of forest department staff in facilitating participatory community forest management and local decision-making processes.
- ❖ Lack of legal frameworks to support community forestry.
- ❖ Lack of awareness of existing community forestry policies and implementing regulations.
- ❖ Inequitable distribution of forest benefits.

**Note : International Conference "Advancing Community Forestry : Innovations and Experiences" September 25-28, 2001, Chiangmai, Thailand.**

# Questions to be asked, not be answered

1. Who makes the law and policy ?
2. Law and policy for whom ?
3. Do the people really need CF Bill ?
4. Can the CF Bill solve the forest problems ?
5. Do you dedicate to working for yourself or the people ?

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

**GANDHIJI**

**Thank you**