

Problem of Law Related to Forest Management in Thailand

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Abstract

Thailand's forest area decreased from 53.30% of total country area in 1961 to 33.56% in 2009. Some key factors contributed to this huge reduction include social and economic factors, policy factor and law factor. This study aims to investigate the current problem and status of law aspect related to forest management, as it should be one of the prominent factors which affects the success of forest conservation. This study reviews literature and do content analysis. Results show that causes and problems concerning forest laws in Thailand are lack of people participation, too many laws regarding forest issues, too many governmental offices handle forest management where overlapping of their roles are inevitable, and local governmental offices do not understand their roles according to forest laws and hence often neglect to practice them. Besides, the forest zoning area is not clear and the issuing of national forest conservation area was in conflict with the area that people have been traditionally owned since forefathers. These are the main causes of unsuccessful forest management in Thailand in term of laws.

Keywords: Laws, Forest, Management, Thailand

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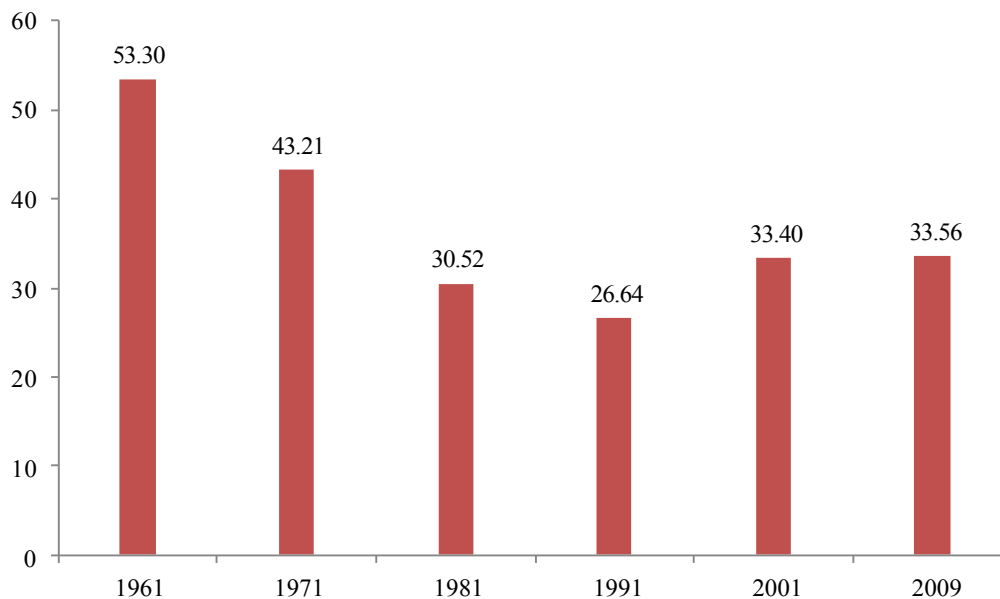
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1. Introduction

Thailand's forest area decreased from 53.30% of total country area in 1961 to 30.90% in 2010 or 19.74 % decreased. The figure in 2009 – 2011 particularly reported that Thailand's deforestation increased 26.9 % (Planning and Information Bureau, 2010).

Forest reduction results in many environmental impacts. For example, extinction of plant and animal species, change of local climate weather, (Coskun and Gencay, 2011), land and soil degradation, soil erosion, and other impacts (Natural and Environment Plan and Policy Office, 2010).

There are many factors contributing to forest reduction such as economic and social pressures on the natural resources. Since Thailand has to develop country and promote economic growth, as well as the policy to support industry and tourism, this has caused the reduction of the forest area. Apart from those reasons, there is also a problem with laws concerning the forest management, which should be the main factor for successful forest management (Struhsaker *et al*, 2005). Thailand has many laws regarding forest issues, for example, Forest Act of 1941, National Park Act of 1961, National Forest Act of 1964, etc. However, although there are many laws concerned with forest management but forest area is declining, as shown in picture 1.



Picture 1 Situation of forest area in Thailand.

2. Objective

The paper is therefore aimed to investigate the current problem and status of law aspect related to forest management.

3. Methodology

This study is conducted using a document research. Literatures were collected and reviewed particularly those related to laws, regulations, and measures for forest

management. The laws particularly included were Thailand Constitution of 2007, Forest Act of 1941, National Park Act of 1961, National Forest Act of 1964, Preservation and Protection of Wildlife Act of 1992, Forest Plantation Act of 1992, National Environmental Quality Act of 1992, Decentralization to Local Government Organization Plan and Procedures Act of 1999. In this paper we analyzed the gaps or weaknesses of laws that can become obstacles to forest management.

4. Result

From studying the relation of laws concerned with forest management in Thailand, we found causes and problems concerning forest laws in Thailand. They are lack of people participation, too many laws regarding forest issues, too many governmental offices handle forest management where overlapping of their roles are inevitable, and local governmental offices do not understand their roles according to forest laws and hence often neglect to practice them. Besides, the forest zoning area is not clear and the issuing of national forest conservation area was in conflict with the area that people have been traditionally owned since forefathers.

4.1 Forest laws in Thailand lack people participation.

Thailand Constitution of 2007 requires local participation in management, maintenance, utilization of natural resource and environment, and biodiversity. However, the study of other secondary legislations relating to forest management such Forest Act of 1941, National Park Act of 1961, National Forest Act of 1964, Preservation and Protection of Wildlife Act of 1992 and Forest Garden Act of 1992, showed that these laws do not incorporate local participation right (Punchamart, 2003; Yodprom, 2005; Salam et al, 2006; Chouibumroong, 2006; Khonkaen, 2007; Rattanakrangsri, 2009). Local people participation is essential factor for managing forest successfully and reducing conflict between local people and government officer (Chouibumroong, 2006; Pimladda, 2008).

Main laws which are used for forest management in Thailand formulated solely by government and lack local people participation such as defining boundary of forest area that is publicly or privately owned. Establishment of protected area such as national parks, national reserved forests, and wildlife sanctuaries are carried out with authority of Member House of Representatives, without any representative of local people or land owners.

At present, Thailand has a law that supports people participation in managing their environment, namely National Environmental Quality Act of 1992. The law requires local people to participate in giving opinions into environmental issues concerning them, for example, opinions on the newly proposed development project, or opinions on how to make the project appropriate for local people. In practical, however, participation is still only at the low level of just being informed of the project and those who are involved are not the true stakeholders.

Therefore, to practice what is written in the laws for forest management, it should really involves local people to participate in all processes of forest management such clarification of forest boundary, formulate forest management measures in order to

gain acceptance and understanding of local people, and also to lessen conflict between local people and government officers.

4.2 Too many laws regarding forest issues.

From literatures about law enforcement such as Torugsa (2009), Plukcharoen (2010), Noomnuan (2011), we found that there are several laws, and perhaps too many, for forest management in Thailand such Forest Act of 1941, National Park Act of 1961, National Forest Act of 1964, National Environmental Quality Act of 1992, Preservation and Protection of Wildlife Act of 1992.

However, how to select which laws to be used for forest management with appropriateness to the situation is quite problematic because each law has different sets of definition of forest, boundary of forest, laws enforcement and punishment for on illegal cases.

4.3 Too many governmental offices responsible for forest management

There are also too many governmental offices responsible for forest management as we studied from different literatures such as Varaporn (2004), Khonkaen, (2007), Torugsa (2009). From these studies we found that there are four main governmental offices which are responsible for forest management including Royal Forest Department, Department of National Parks, Rehabilitation and Conservation Areas Bureau and Local authorities. Within each main government office, there are still many sub-offices for forest management as follows.

4.3.1 Royal Forest Department

The authority and roles of the Royal Forest Department (RFD) are to protect and control forest, to make strategic plan for deforestation prevention, to conserve and to manage land use, and to support community to participate in reforestation and forest management.

There are 15 sub-offices under the RFD, such as Forest Land Management Bureau, Community Forest Management Bureau, Forest Resource Management Bureau, etc.

4.3.2 Department of National Parks, Wildlife and Conservation (DNPWC)

The authority and roles of the Department of National Parks *Wildlife and Conservation (DNPWC)* are to conserve, protect and restore forest and wildlife resource, to conduct research and academic service, to manage forest and wildlife with people participation, and to support sustainable use of natural resources.

There are 12 sub-offices under such as Rehabilitation and Conservation Areas Bureau, Watershed Conservation and Management Office, etc.

4.3.3 Office of Natural Resource and Environmental Policy and Planning

The authority and roles of Office of Natural Resource and Environmental Policy and Planning (ONEP) are to protect and restore environment for health and quality of life

of Thai people, to conserve natural resources in order to be foundation for sustainable development. That is to be done by restoration of renewable resources to its full potential as basic factors for development in the future. Also, it needs to preserve and utilize non-renewable resource with care and efficiency. In addition, there should be an enhancement in administration and environmental management efficiency, together with decentralization of authority to local and province offices.

There are 10 sub-offices under this organization, such as Natural Resource and Environment Management Division, Urban Environment and Area Planning Division, Land Administration Division, etc.

4.3.4 Local authority

This office is responsible for protection of and maintaining forest land, natural resource and environment, to manage, maintain and look after forest, land, natural resource and environment. Local authority includes Province Administration Organization, Municipalities, Tambon (or sub-district) Administrative Organization.

Result from this study finds that the functions and authority of these above mentioned government offices are similar in responsibility on forest management. These functions and authority include: 1) protecting, controlling and planning a strategy to prevent deforestation and illegal practice in forest area, 2) supporting community to participate in reforestation, community forest management and community forest restoration, 3) conserving, protecting and managing forest area in such a way that is efficiently used.

The result shows that there are many offices responsible for forest management in Thailand. Due to this reason, it is difficult for each office to define their roles properly because their responsibilities are overlapped and unclear, particularly if each office is not coordinated with each other. This results in lack of principal office to take responsibility in forest management. This results in unsuccessful forest management in Thailand.

4.4 Local governmental offices do not understand their roles as defined in forest laws and hence often neglect to practice them.

Local governmental offices are Province Administration Organization, Municipalities, Tambon Administrative Organization. Local government offices have responsibilities in manage and conserve forest for community. Their roles as a local government is to protect and manage forest for community since these offices are local, they can address, understand and solve problems immediately. Unfortunately in many cases, these offices themselves do not quite understand their roles as to protect and manage forest land (Varaporn, 2004; Khonkaen, 2007). This is also one of the causes why forest management is not so successful.

Functions and authority of local government offices, which were given upon Decentralization to local government organization plan and procedures Act of 1999, include protecting and maintaining forest land, natural resource and environment, managing, maintaining and looking after forest, land, natural resource and environment.

Since Municipalities and Tambon Administrative Organization are close to community, they are supposed to understand and solve problems that may arise rapidly. However, as what we have seen in the past, these offices may not perceive that it is their responsibility to manage forest land because they have other and more obvious tasks to handle at hand, together with they themselves are not clear of their roles and functions in forest management. They also lack knowledge and understanding of how to conserve or protect forest because they are not certain that forest land is under their authority.

4.5 The forest zoning area is not clear and national forest conservation area was in conflict with the area that people have been traditionally owned since forefathers.

The whole process of establishing national forest conservation areas such as national parks, national reserved forests, and wildlife sanctuaries was done by the government. No input or participation of local people and community was involved. Therefore, local people did not have a say in the process. This has caused conflicts between the government and local people living in the areas where the establishment of protected areas were established (Punchamart, 2003; Chouibumroong, 2006; Rattanakrangsri, 2009).

The declaration of national forest conservation areas boundary are unclear. Maps and boundary of the areas are overlapped between publicly and privately owned. Solutions to that problem are to create local participation in clarification of forest boundary, cooperation between different groups of stakeholders, and modification of governmental offices' roles and functions in dealing with the problem.

Guidelines for solving such conflicts are to create strategic plans for managing forest, and zoning forest area should involve participation from community and local people.

5. Conclusion

The hindering factors from laws concerned with forest management that makes it unsuccessful are lack of people participation, too many laws regarding forest issues, too many governmental offices handle forest management where overlapping of their roles are inevitable, local governmental offices do not understand their roles according to forest laws and hence often neglect to practice them, forest zoning area is not clear and national forest conservation area was in conflict with the area that people have been traditionally owned.

Therefore, to use laws as a means in solving forest area reduction in Thailand includes firstly, there should involve participation from local people and community, particularly true stakeholders of land owner. Secondly, reforming laws for forest management including integrating laws concerned with forest management from several laws. Thirdly, local authority should be the main office that is responsible of forest management. Lastly, the governmental offices should provide or allocate budget, personnel and knowledge for forest management.

6. References

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