

Water Law Reforms in Thailand

The views expressed in this paper are the views of the authors and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Directors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this paper and accepts no responsibility for any consequences of their use. Terminology used may not necessarily be consistent with ADB official terms.

Dr. Amnat Wongbandit
Head of Natural Resources and
Environmental Law Department,
Faculty of Law, Thammasat University

Why does Thailand need water law reforms?

- Ambiguity of water right in non-irrigated areas
- No public participation in irrigated areas
- Lack of organizational unity
 - Too many organizations
 - No legally-recognized apex body
 - Each ministry manages in its own way!

Ambiguity of Water Right

- Open access to water; water is free for all!
- Favor upstream users
- No regulation of inter-basin diversion
- Do not accommodate efficient water use

The public have been aware of the problems but it rejected the first draft water law 10 years ago because of the misunderstanding of the draft;

- Just want to set up Water Resources Ministry
- Just want to collect water use fee, forced by ADB
- No public participation as required by the constitution

In 2003 the Department of Water Resources asked a team of experts from Thammasat University to prepare the new draft.

Emphasize on public participation

Drafting Process

Before Drafting

- Met water users on the field in 12 provinces
- Held 9 conferences in different locations
- Submitted the draft to the steering committee

After Drafting

- Organized 14 conferences across the country

Major Challenges

1. How to make water right accommodate to the needs of the poor and efficient water use?
2. How to increase public participation?
3. How to convince the government to decentralize power?
4. How to keep all water agencies in line?

To Overcome the First Challenge

Divide water use into three scales;
Small, medium and large

To accommodate the poor, no permit and water charge for a small-scale water use

To yield efficient water use, permits and water charge may be required for medium and large-scale water use

To Overcome Other Challenges

- Set up an apex body for the water sector
- Increase the number of people and the civil society in the apex body
- Delegate power to river basin committees in case of small and medium-scales of water use

How Is the Future of the Draft?

Still uncertain although it is acceptable to the public at large!