

The Community Land Title and the Conservation of Natural Resources and Environment

In accordance with the Regulation of the Office of the Prime Minister on the Issuance of Community Land Title Deeds B.E. 2553 (2010) and the Amendments, “The Community Land Title” means the permit authorizing the community to manage the acquisition and utilization of public land themselves to create the security in residence and utilization of community’s land. The community is responsible for the conservation of natural resources and environment including to act accordingly with conditions prescribed by laws and this regulation. The application of the Community Land Title’s operation must follow the proclamation of Coordinating Committee of the Community Land Title concerning the rules and procedures of the Community Land Title as the community requesting of the utilization of public land such as public sites, waste lands, royal lands, national reserved forest areas, national park areas, mangrove forest areas, and so on.

With regard to the conservation of natural resources and environment, the community needs to learn how to live sustainably with nature and environment by presenting concepts of conserving the national reserved forest areas as follows:

“Forest” means land including mountain, rivulet, marsh, canal, swamp, waterway, lagoon, island, and seashore in which nobody has acquired by law;

“National Reserved Forest” means forest determined to be national reserved forest under the provisions of the National Reserved Forest Act B.E. 2507 (1964). Another meaning of the National Reserved Forest is the forest which Minister of Agriculture and Cooperatives may, if it is appropriate to reserve any forest to be national reserved forest so as to be conserve forest condition, timber, forest product or other natural resources, issue a Ministerial Regulation determining such forest to be a national reserved forest. Map identifying boundary of each national reserved forest shall be made and annexed to such Ministerial Regulation. A copy of Ministerial Regulation and its annexed map shall be notified at related district office or sub-district office, Kamnan (Tambon headman) office, and other public places in related locality.

By declaring the area of National Reserved Forest, such area shall not be a private area occupied by any individual before the declaration. Such area generally is a wasteland or a possession of State or Government Departments.

The concept of conserving National Reserved Forest is to preserve and conserve forest resources for the benefit of the sustainable economic development. In other words, such forest is reserved for its economic benefits as an economic forest and bringing the benefits of such forest to the effective development along with their long-lasting utilization for the next generation. In consequence, there are laws of prohibiting to trespass, collect forest product or make a construction in the reserved forest. Nevertheless, if such forest is considered as the deteriorated forest, the Department of Forestry may allow people without any land to make a living without taking any ownership or possessory right on such forest, or may allow private sectors to reforest for the restoration of a better forest condition. In addition, the competent forestry officer has the right to allow people into such forest for their academic purposes that will lead to the ecological development or the development of plant varieties.

– UNOFFICIAL TRANSLATION –

In the case where there is an encroachment or deforestation a national reserved forest as defined in the National Reserved Forest Act B.E. 2507 (1964) Section 14-20; the principles are as follows:

1) Doing any action to the trees, soil, rock, gravel, sand, mineral and oil, plants, animals or carcasses which is in that area of national reserved forest.

2) Doing Logging: involving of cutting, digging or hauling wood in the forest, or bringing some pieces of wood out of the National Forest whether such wood is a restricted timber under the law on forest or not; except for the permission of the competent authority.

3) Collecting forest products such as firewood, bark, stone, carcass, honey, bat droppings, etc. which found in such national reserved forest; except for the permission of the competent authority.

4) Holding or possessing land, utilizing, living in land, destructing or burning forest, or doing any action caused degradation of the forest without any permission of the competent authority.

5) In the case where there is a person granted a permission to utilize or live in land within any national reserved forest, this may involves the rights of utilization from the forest, permission for forest or tree plantation in the deteriorate forest area, or permission for such utilization related to mineral mine under the law on mineral resources, etc.

Due to the improvement a condition of any deteriorate forest, people have to realize and build an awareness of forest resources conservation and efficiency in the utilization of natural resources, and maintaining an abundance in the forest in order to preserve resources for sustainable utilization in the future.

Besides, to make more valuable of the forest by means of planting an economically valuable timber between the space area of the forest in preventing the changeable of nature and environment and maintaining an ecological balance. Forest preservation should be better than reforestation after deforestation.

Remarks:

1. Reference to Thai article in any jurisdiction shall be made to the Thai version only. This translation has been made so as to establish basic understanding about the Community Land Title to foreigners.
2. This article is excerpted from the Journal of the Office of Community Land Title, Volume 4, October 2013 by adjusting the content to be updated.