

Policy Brief on Governance and Integrated Coastal Management

THAILAND



Kuraburi Estuary, Thailand © M. Epps, MFF Secretariat

The Kingdom of Thailand has a population of about 61.5 million people, 39 % or 24 million of whom live along its 2,614 km of coastline. 23 of its 76 provinces are coastal. It claims an Exclusive Economic Zone (EEZ) of approximately 300,000 km² — about 60 percent of its land area¹. Its coastal areas include 2,130 km² of coral reefs and 2,080km² of mangroves. Marine fisheries and aquaculture, as well as coastal tourism and marine transportation, are the main economic activities along the coast. Over the past 30 years about 15 percent of its mangroves have been lost due to human pressures on coastal areas².

¹ Fisheries Centre, University of British Columbia, Sea Around Us Project at www.seaaroundus.org/eez/eez.aspx

² Food & Agriculture Organization of the United Nations (FAO), 2007. *The World's Mangroves, 1980-2005*. FAO Forestry Paper No. 153, Rome, Italy. 78 p.

What Is Governance in the Context of Integrated Coastal Management?

Governance, in the context of integrated coastal management (ICM), includes the laws and other norms, institutions, and processes through which power and responsibility are exercised to make and implement decisions affecting the available social, cultural, natural, technical, and financial and other economic resources available for development.

What Is the “Coastal Zone” in Thailand?

The current definition of “coastal zone”, found in Ministerial Regulations for the implementation of the Enhancement and Conservation of National Environmental Quality Act of 1992, is “the strip of land marked by the highest level of natural tides.”

The most recent version of the pending Promotion of Marine and Coastal Resources Management bill defines the coastal zone as including coasts, brackish water and the sea – which includes the sea bed extending to the continental shelf – and islands surrounded by brackish water and/or the sea.



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What Authorities Exist for Coastal Management in Thailand?

The National Environment Board (NEB) and the Sub-committee on Marine and Coastal Resources (SMCR) are the national bodies with primary responsibility for coastal management policy. The primary mission of the SMCR is to develop the strategic policy framework and management plan that will improve and maintain the sustainability of Thailand's coastal and marine resources.

The Department of Marine and Coastal Resources (DMCR), the agency responsible for coordination of marine and coastal management affairs, is a member of the SMCR and serves as its secretary.

While the DMCR has primary responsibility for promoting sustainable coastal management, at least 13 other ministries and departments are also involved in policy-making, planning, and management of coastal areas under their respective jurisdictions.

With no existing legislation that specifically provides for integrated coastal management, the management of Thailand's coastal resources has been governed by more than 30 laws and regulations and guided by several policies that have been established on a sectoral and/or functional basis. The principal laws that govern the coastal zone are the National Economic and Social Development Act of 1978, the Enhancement and Conservation of National Environmental Quality Act of 1992, the National Park Act of 1961, the National Reserved Forest Act of 1964, the Fisheries Act of 1947, amended in 1985, and the Navigation in Thai Waters Act

of 1913, amended in 1997. Given the multiple laws and authorities that govern and administer the coastal zone, Thailand has adopted a multi-stakeholder, committee-based coastal management approach. The SMCR is responsible for ensuring that the process of decision-making is fair and enforced impartially.

Activities relating to coastal development and management are either financed from the national budget or co-financed with other sources including technical assistance and joint management by private sector. Increasingly, funding for implementation of coastal management and development has been allocated from local government resources, as a result of the government's decentralization policy.

Immediately following the tsunami, the DMCR initiated a process to develop and adopt a comprehensive law governing the country's marine and coastal resources. The objective was to provide specific rules – with related prohibitions and sanctions – that can be clearly understood by implementing and enforcing agencies and the courts.

The proposed law on Promotion of Marine and Coastal Resources Management has been under consideration since 2006. The bill supports an integrated, participatory management approach at the national, provincial, and local levels. The proposed law establishes a Provincial Marine and Coastal Resources Fund to provide financial support for awareness and capacity building among coastal communities and stakeholders.

Is There a Monitoring and Evaluation Framework for Integrated Coastal Management?

The Regional Environment Offices and the Provincial Natural Resources and Environment Offices are required to collect and report environmental monitoring and compliance data in the areas under their jurisdictions. This information is published in their annual reports and is accessible to the general public on request. These requirements to provide annual feedback on the performance of governmental agencies responsible for coastal management have been implemented regularly. Since 2006, Thai law provides general and transparent rules and procedures to be followed in the decision-making processes of all government agencies.

Does the Public Participate in Coastal Management Decision-Making?

Public participation in coastal management has been a major concern on the legal reform agenda for many years. None of the environmental statutes that currently govern the coastal zone in Thailand contain a clear requirement for public participation in coastal management. There have been many attempts at the local level to cope with the lack of a mandate for participatory coastal management under current laws.

Public participation has been increasing in Thailand, however, due to provisions in three laws that promote public participation in decision-making processes. The National Environmental Quality Act provides that registered non-governmental organizations (NGOs) may assist government agencies in environmental quality management and establishes a requirement for public consultation in environmental impact assessment (EIA). The 2007 Constitution guarantees the right to participate at every level of society and empowers civil society to monitor the exercise of state power.

The Promotion of Marine and Coastal Resources Management bill would establish a co-management approach to coastal management, under which a recognized coastal community would have the rights to manage marine and coastal resources and participate in processes of reviewing government officials whose functions may affect the coastal community and the resources under its management.

Financial support for promoting public participation in coastal management comes from the budgetary allocations of the agencies involved and is used particularly during policy formulation and strategic planning processes. The DMCR and other agencies responsible for coastal management do not have sufficient staff to facilitate participatory processes in coastal communities. Coastal people often get involved in proposing and reviewing coastal development and management plans through networking among themselves, with community organizations, and with NGOs.

In most cases, key results and suggestions from public consultation processes are well documented and disseminated among those involved in the processes. Interested members of the public also have access to government information websites, as well as through the mass media. The development of the draft law on Promotion of Marine and Coastal Resources

Management was highly participatory. Techniques for gathering comments on the draft bill included an interactive website, free distribution of paper copies, and public participation in seminars.

Is Information about Coastal Management Decisions Easily Available to the Public?

The current Constitution recognizes the rights of the Thai people to access public information and to manage natural resources and two laws provide for access to official information.

The Thai public has long been encouraged to exercise their rights and keep updated on development issues, particularly through each step in the EIA process. Thai citizens can and have exercised their rights to information through formal channels including the Official Information Commission, and informally through journalists and NGOs.



Each of the government agencies with responsibilities for coastal management operates a website that provides information and databases for the public. Many of these agencies also offer publications that are usually provided free-of-charge.

Information on the process of developing the draft law on Promotion of Marine and Coastal Resources Management and updates on stakeholder opinions and comments are made available to the public through the DMCR's website.

Do All Citizens Have Access to Justice in the Context of Coastal Management?

The 2007 Constitution provides for access to justice and specifically enables citizens to bring lawsuits against the State directly.

The National Counter-Corruption Committee, the State Audit Commission, and the National Human Rights Commission are responsible for providing legal aid when required in the course of their work.

Policy Issues and Recommendations

▪ It has been highlighted in many studies that overlapping regulations, inadequate participation of local communities in co-management of the areas and resources, and lack of law enforcement capabilities have hindered the implementation of an integrated coastal management approach in Thailand. There is a need for Thailand to move toward a more integrated system of coastal management, with a strong evidence for a link between sound environmental governance policies and practices, multi-stakeholder cooperation, and improved performance through an effective capacity-building process. At the national level, the core challenge centers on the need to strengthen the necessary enabling environment for sustainable coastal development and to allow Thailand's integrated coastal management to take place. The draft law on Promotion of Marine and Coastal Resources Management, which has been developed through a comprehensive participatory process, provides such an enabling framework.

▫ *Adoption of the Promotion of Marine and Coastal Resources Management bill should be encouraged and supported.*

▪ A major challenge to the Thai people is the implementation of the principles espoused in the Constitution to promote citizen participation and create mechanisms for greater transparency and accountability in government in the area of integrated coastal management.

▫ *A set of simple indicators should be developed for use at the regional and local levels to monitor and evaluate governance in the ICM context.*

▪ At the regional and local levels, the development of governance infrastructure requires increased community participation and knowledge sharing. Capacity-building requirements at the community level encompass specialized skills and approaches to acquire the knowledge needed for integrated coastal resource management planning, finance, and implementation.

▫ *Streamline the budget integration and execution processes to enable DMCR and other institutions responsible for ICM to (1) build their own capacity to facilitate participatory processes, (2) implement the processes, and (3) ensure full participation of the public.*

▫ *As soon as the Promotion of Marine and Coastal Resources Management bill becomes law, the Provincial Marine and Coastal Resources Funds should be established and capitalized to support capacity building for coastal communities.*



Acknowledgement

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