

Events or cases of troubles related to water allocation in Thailand

Session 1:

Current Situation of Water Allocation

cases of troubles related to water allocation

- **First: the issue of management mechanism at basin level.**
- **Second: the participation of stakeholders.**
- **Third: the involvement of stakeholders in the development process.**
- **Fourth: the conflict management.**
- **Finally: the sense of ownership and sharing of responsibility.**

The Legislative and Institutional Climate Currently Undermine the Efficient Management of Water Resources

- Thailand has many laws governing the use of water resources.
- A majority of these **laws were passed before 1970** (when water was still relatively abundant), and
- they “tend to leave too much room for interpretation and **do not explicitly specify who exactly has the rights to use water**”

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- We used to have **34 governmental agencies under 8 ministries** with budgets to manage water for their own purposes.
- The agencies' overlapping mandates lead to jurisdictional **conflicts among departments**.

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- **In recent years, the Thai Government has created more agencies in an attempt to clarify and consolidate water management authority.**
- **But these new agencies have yet to exercise their effectiveness as they are still in the early stages of fulfilling their tasks.**

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- **Therefore, although the recent reforms have been qualitative and widespread, they are still ongoing.**
- **This makes effective water management in Thailand is an exceedingly difficult task.**

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- **The basic problem arises from unclear water law and overlapping government mandates is that water is subject to an “open access” situation.**

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- **Given the profit-maximizing behavior of individuals, this makes water open to a wide range of management abuses.**
- **Research has consistently shown that if a resource is managed under an open access regime, it almost always leads to destruction of the resource if it is in great demand.**

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- Most water laws in Thailand can be *interpreted* that **the state owns the resource**, but these laws are not explicit.
- Instead, **users are given almost unrestricted access to water** (free of charge beyond the costs of diversion, -in many cases pumping, and making the water usable).
- These allocative inefficiencies for water often lead to **a breakdown in environmental quality**.

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- In 1992, the Thai government attempted to fix the open access problem by **introducing water rights in its first draft version of a national water law.**
- This draft included “strong” language that established defined and transferable water rights for all users and allowed for the possibility of water trades **under regulated water markets.**

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- Somehow, **the public fused the notion that people must pay for water** (which happens under water markets) to the idea of water rights. In fact, many of the first round, public response meetings to the policy were met by protesting farmers.
- Although it was revised a number of times throughout the 1990's, the misinterpretation of water rights drained its political support and **the draft was eventually abandoned**

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- **In conclusion, the historical experience of water abundance in Thailand did not motivate the country to design and adopt clear rules regarding water allocation.**
- **Consequently, farmers all over Thailand, have essentially been left to fend for themselves against a growing number of demanding and, polluting industries.**

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- **Thailand should moves forward with passage of its national water law with greater velocity.**
- **Until RBCs are given real authority and thus can exercise the option of implementing water rights, the poor will continue to be left unprotected; their demand for fresh water will be consistently be trumped by those in other sectors.**



Thank you very much

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- The new draft water law devolves most water management authority to the river basin level. It legally recognizes the river basin committee as the apex management authority for all water management decisions occurring within the river basin.
- One of the essential clauses in the law requires water users to ask the RBC for permission to use an amount of water above that deemed for “social” purposes (i.e. drinking water, household needs). It is in the granting of this “permission” where a water right system can be established.

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- the newest version of the draft national water policy will get presented to parliament within the next couple of years?!!
- it would receive political support and mostly likely get passed once presented to parliament?!!
- Unfortunately, these assurances are far from being guarantees.