

Public Statement
Recommendations concerning the Draft Mining Act B.E....
22 January 2015
Law Reform Commission, 16th Floor, Software Park Building

The cabinet endorsed in principle the Draft Mining Act B.E.... on 21 October 2014. Proposed by the Ministry of Industry, the Bill is being read by the Council of State. The people's sector who own Thailand's extractive resources and allied organizations have reviewed the Bill and have found much of its content in favor of mining operators in their exploration and mining rather than for the protection of public interest and local community. The Bill tends to serve economic interest at the expense of local community and the conservation and protection of area so vitally important to the environmental quality. No consideration is given to the right to live in a decent environment which causes no harm to the health and quality of life even though it is the community and people who own the extractive resources and are slated to bear the brunt from mining operation.

Today, the Law Reform Commission (LRC) has made another draft of the Mining Act which includes input from people's sector and aims to ensure balanced and sustainable utilization of natural resources and participation from the community and people. It proposes a national master plan for the management of extractive resources in compliance with the Strategic Environmental Assessment Report purported to conserve and protect endangered area and prohibit the exploration and operation of mining in Forest Reserve, National Park, natural heritage, and watershed area. In addition, it requires that any mining exploration can only be made possible when consent of the owners of the land is obtained. This point has made this Draft Act markedly different from the one proposed by the Ministry of Industry.

The people's sector who own Thailand's extractive resources and allied organizations¹ are opposed to the Ministry of Industry's Draft Mining Act B.E.... for it excludes public participation during the drafting process and in its content. Also, in light of the reform and drafting of the new Constitution, any law which may affect natural resources and the rights and freedom of people should be put on hold pending the promulgation of the Constitution and pending the Parliament composed of representatives elected by people. And people must be allowed to participate in the drafting process and give their input which should be reflected in the draft law.

The undersigned people's sector who own Thailand's extractive resources and allied organizations have the following to propose to the government and the Council of State;

1. The Council of State must review the Ministry of Industry's Draft Mining Act B.E....by considering input from people's sector toward the draft law and by also incorporating the Draft Mining Act made by the Law Reform Commission.
2. The Prime Minister must instruct the Council of State to set up a taskforce to review both drafts of the Mining Bill (the versions by the Ministry of Industry and the Law Reform Commission). It should be composed of representatives from the Council of State, Department of Primary Industries and Mines (DPIM), Law Reform Commission, National Human Rights Commission and people's sector in order to read the Bill carefully.
3. After implementing (1) and (2), the government must put off the proposition of the Bill for reading by the National Legislative Assembly pending the promulgation of the new Constitution and pending the election of the Members of Parliament.

¹ Network of community who affected from extractive resources project in Thailand

The people's sector who own Thailand's extractive resources and allied organizations are composed of;

1. Udonthani Environmental Conservation Group
2. Khon Ruk Ban Kerd Conservation Group (Loei gold mining action group)
3. Ruk Ban Kerd Conservation Group (Steel Mining, Chiang Khan District, Loei)
4. Phu Hin Lek Fai Conservation Group, Moung District, Loei
5. Salty Soil and Extractive Resource Management Study Group (Nakhon Ratchasima)
6. Eco-Culture Study Group
7. Rak Thongphaphum Group, Kanchanaburi
8. Human Rights Law Education for Society Group (Dao Din)
9. People Affected by Cadmium in Mae Tao, Tak
10. Ruk Ban Haeng, Lampang
11. Laoyai-Pha Jundai Community Forest Group
12. Ban Klang Natural Resources and the Environment Conservation Group, Aoluk District, Krabi
13. NGO Coordinating Committee (NGO-Cord), Northeast of Thailand
14. Network of People Affected by Gold Mining in Three Provinces (Pichit, Petchabun, and Pitsanuloke)
15. The Rights of Mae Moh Patients Group, Lampang
16. Khao Kuha Community's Rights Protection Group, Rattaphum District, Songkhla
17. Mining Action and Public Policy Project
18. Nam Sroy Basin Community, Phrae
19. EnLAWTHAI Foundation
20. E-san Human Rights and Peace Information Centre
21. Community Resource Centre (CRC)