

ABSTRACT

Thesis Title : Law and Policy on Industrial Pollution Control for
Export and Sustainable Environmental Protection

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Due to an unsustainable development among society and environment surrounded together with economy that aimed at achieving high gross domestic product thus bring about a large number of industries. The advantage is that it generates employment and revenue. However, disadvantage happened which is waste that generates from production process and products. It causes problem of unbalanced ecological system, the society being under risk and many countries bring about environmental trade strategy to protect environment.

Facts presented in this research can be summarized as follows :

1. Problem of Factory Act BE 2535. This act emphasizes on monitoring of factories other than preserving environment. Group 1 factory (under section 5, section 6, and section 7) does not have to grant a permit and does not have to pay fee. This does not support "Polluter Pays Principle" and does not provide the government enough information to supervise the factory. Permit issuance is being monopolized. The Ministry

of Industry does not yet notify a procedure for private sector to inspect the factory (section 8) to alleviate the problem within the state.

2. Problem with the Environmental Quality Enhancement and Conservation Act BE 2535. Problem associated with handling the dispute of people suffering from environment related matter. Testifying process is still complicated and improper. Handling reports on factor that affect environmental issue is unclear. And according to the belief of Civil and Commercial Code section 420 which is inappropriate with environment related case.

3. Inefficiency for the state to mandate the law. There is some overlapping in some organization due to an inefficiency of the National Environmental Committee who act as coordinator on environment related matter. The committee has many responsibilities in hand as provided by the law thus proven inefficiency of the committee.

4. Inefficiency of national plan and policy in reducing pollution. The investment promotion policy does not facilitate the improvement of environmental quality. The shortage of workforce and equipment for inspection of polluted area which cause the plan to become uninteresting and useless in practice. Many factors were enforced by the top ranking officials.

5. Lack of appropriate incentive such as tax incentive, subsidy, etc. to encourage the manufacturers to see and to react to the importance of pollution control measure.

Suggestions were made as follows :

1. Amending the Factory Act BE 2535. (section 5, section 6, and section 7) Individual who wants to operate the factory must obtain permit for releasing pollution. The state must specify the amount of pollution to be released in each area and amount for each permit issued as the means to create value for environment.

2. Privatization plan. According to Factory Act BE 2535 section 9 which allows the issuance of factory permit such as group 1 and group 2 factory. The state should gather information on these factories and grouped them together. Apart from issuing permit, inspection of factory under section 9 should also be considered so that will end the state's problem by bringing in the private participant.

3. National Environment Promotion Committee should be set up a unit to coordinate with other government agencies involve in environmental issue. National policy on pollution control should be drafted and updated to meet the changing situation. In order to improve the performance, the committee should only concentrate on keeping data and environment related information and imposing other environmental policy.

4. Reports on Environmental Impact Assessment (EIA) should be carefully viewed based on type and size of each project. Inspection should be done continuously together with measure in solving problem that may arise. Committee should be comprised of representatives from the government sector, local residence or private sector and factory representative.

5. The state should implement the policy on pollution control into 3 stages such as short term, medium and long term under the supervision of the committee mentioned in 3. Plans to improve economic policy that supports the improvement of environmental quality should be adopted since Environment Trade Measure and humanitarian issue are now being used to protect against imported goods.

6. Economic and legal measures should be imposed at the same time in order to solve pollution problem. Tax collecting measures such as provide subsidy, privilege to release toxic waste in conjunction with promoting sustainable development and encourage the use of clean technology are economic measures that aim to create marketing system

for environment. While legal matter regarding environmental problem should be stressed on the responsibility for committing wrong doing and the testifying procedure between action and consequence such that if toxic waste occurs in several areas the plaintiff or those who are affected by can proved that he/she suffers from environmental impact in the area the individual is located. The concept of “Class Action” should be imposed in order to omit the principle that the plaintiff can only file a lawsuit and ask for compensation on behalf of the other who suffer from environmental impact.