

Abstract

Study on “legal measures to control an agriculture on Highland to reduce environmental impact : a case study of Lablae district, Uttaradit Province” Hypothesis of research is to review an incident of flood and landslide disasters in May 2549 (2006) in Lablae District, Uttaradit Province. This incident showed that an inappropriate land use especially orchard growing in high and steep mountain areas, an unclear policy as well as an ineffective implementation on laws regarding the control of land use are the major reasons for the disaster.

This study found that three subdistricts (tambol) in Lablae district, including Tambol Na Nok Kok, Tambol Maephun, Tambol Fai-Luang are the important sources of orchard in Uttaradit Province growing on The National Reserve Forest and Permanent Forest. In the past, farmers in this area used agroforestry system, which is mixed with fruit and trees in the forest on steep hill. Nowadays, the traditional farming switched to growing durian breeding species instead of native species. Farmers consequently began to cut trees forest to open agricultural space. Having studied thoroughly, the change of land use were effects very few disasters, nonetheless; the main factors caused such disasters were the steep terrain and the unusual period of the rainfall.

The study area are located in the national and regional reserved forest. The National Reserve Forest and the Permanent Forest are currently overseen by the Royal Forest Department. The declaration of the conservation area by the Royal Forest Department sent a major argument on the rights of agriculturists in this conservation area. Many governments therefore obtain a resolving policy by assigning the relevant organizations to identify the rights of agriculturists. Additionally, this resolving policy shall allow people to stay in the conservation area until the project is finished. The Royal Forest Department is currently processing the policy in order to prove the land rights. However, this project was delay because of some difficulties on exploring the steep areas, the labor cost and the high expense of surveying. Therefore the study area shall not be

able to enforce the laws and cannot control land use effectively under the Forest Act B.E. 2484 (1941), The National Reserves Forest B.E. 2507 (1964) or relevant regulations of the Royal Forest Department which allow the use of highland under the regulations. The study found both legal issues and regulations authorized by the Cabinet emphasizing its high requirements and criteria on the land use in the steep areas as well as the conservation areas. Furthermore, the regulations of the Royal Forest Department concerning a permission to utilize the forest areas required the Cabinet resolutions which have been changed overtime. In particular, the Cabinet resolution on June 30, B.E. 2541 (1998) sent a major problem for laws enforcement in the Permanent Forest and the National Reserve Forest in the study area. The study reported that the Cabinet resolution on management of the forest area, particularly, the permanent forest was uncertain and all involved agencies namely the Royal Forest Department, the Land Department, the Land Development Department perceived the Cabinet resolutions differently and inevitably brought about arguments and conflicts among those agencies. As a result, the implementing policy on utilizing the land can not be reached. The study also found that the permanent forest in this study area remained invasion.

The study reached its conclusion that the problem resolving on the forest areas along this study area should emphasize on the thought of the highland protection as conservation area for the watershed and forest purpose on the one hand, and concerns should observe the rights of agriculturists and people living in these areas on the other hand. Due to the fact that agriculturists have their own cultivated tradition on highland orchard growing which serves as local wisdoms in utilizing highland in Lablae district effectively and in stimulating sufficient incomes of the district as well. Nonetheless, for the sake of utilizing the highland in line with academic principles so as to consistent with the area capacity, laws and related regulations should be enforced.