

## Abstract

A study on the problems and obstacles on the enforcement of Environment Law: A study was conducted on the case of water pollution with the objectives to study the essentials of the Environment Law regarding water pollution in Thailand and problems and obstacles on the enforcement of Environment Law of related official organizations in connection with water pollution as well as proposing recommendations and guidelines on the enforcement of the Environment Law of various organizations currently in existence in order to enable them to be of efficiency in the law enforcement. This study was based on the method of the study approach from the documents; such as, laws, rules, regulations, books and various articles as well as field operation data collections by conducting in-dept interviews on 5 related officials.

A result of the study finds that the Environment Law in connection with water pollution control consist of 3 essentials as follows: firstly; the provision to constitute the offences causing water pollution as a result of the pouring, dumping, discharging of the wastes or waste water or any other things into water resources which eventually cause the water to render useless, secondly; the provision prohibiting the performing of any acts on water resources reserved for specific purpose and thirdly; the provision of the control measures over any activities which may cause water pollution while the problems and obstacles resulting in the enforcement of Environment Law to be lack of efficiency are as follows: firstly; problem on the lack of solidarity of the law. The study reveals that several Environment Laws contain duplicated provisions on the prevention to cause water pollution while the provisions on the nature of offences are different, thus, causing a confusion on the law enforcement and creating burdens to the public due to the reason that they have been forced to comply with such several Laws as well as causing a duplication on the power and duties of official organizations having the duties on the enforcement of the Environment Laws. Problems on the lack of solidarity of the Laws consist of a duplication on the provisions of the Laws and a duplication on the standard of the discharged water. Moreover, the study finds that another problem and obstacle on the enforcement of Environment Law in connection with water pollution is the problem

on the provision of the Law which is not compatible with the condition of the problem which eventually creates the problem on the constructions and the exercise of discretion in performing duties by law enforcement officers including the non-effect on the prevention and restraint in the commission of an offence. The problem on the provisions of the Law which is not compatible with the condition of the problem consist of the provisions of the Law which are obsolete, the provisions which create problem on the constructions, stipulation on the rate of penalty which is not appropriate, the provisions in connection with the power and duties and the exercise of discretions by competent officials which are not appropriate and the provision of the proof process on damages and indemnities which are not appropriate.

Due to the aforementioned problems, I, being the person conducting the study on this matter, would like to propose recommendations and guidelines in solving the problems on the aspect of the law enforcement by way of amending the Act relating to the Promotion and Preservation of Environmental Quality, B. E. 2535 (1992), as the principle law in controlling water pollution whereby the Ministry of Natural Resources and Environment shall be assigned as a core organization and chief in the enforcement of the law in connection with water pollution control, the improvement on the inter-organization water pollution control coordinating system, stipulation of the standard on water discharging in compatibility with the ability of water resources in taking hold of the filthiness and stipulation of the provision on the penalty to be imposed against a person or persons causing water pollution to an extent of restraint effect to no longer cause such water pollution.