

Abstract

Research Title	Guideline on the Drafting of Biodiversity Management Act in Thailand	
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This research project aims to study the legal problems relating to the management of biodiversity in Thailand in order to propose to guidelines for the drafting of Biodiversity Management Act that must be suitable for Thailand and in accordance with international laws and regulations.

The research was qualitative, and the information was collected by analysis of documents, such as international conventions, domestic laws and regulations, together with academic writings of the experts in this fields.

The findings of this study indicate that Thailand should have a specific law relating the management of biodiversity. The substantive provisions of the law should encompass the followings:

1. Sovereign Rights over Biological Resources within or originated in the territory of Thailand.

1.1 Sovereign Rights over Biological Resources within or originated in the territory of Thailand shall belong to the State. The State has the duty to enjoy such rights for the benefit of sustainable use of Thai people.

1.2 Thai people should have the equal and unencumbered right to access to and use of biological resources

1.3 All biological resources are owned by Thai people and cannot be made subject to intellectual property rights or any exclusive private monopoly rights.

2. Biodiversity Management

2.1 The scope of Biodiversity Management Act should be extended to all kinds of biological resources except those provided in the law relating to the protection of plant varieties and the law relating to the protection and promotion of traditional medicine.

2.2 The access to biological resources for commercial purposes shall be allowed after the permission from the Competent Authority is received and the contract on benefit-sharing shall be made.

2.3 The Competent Authority shall have the duty to inform the access to biological resources to the local communities involved. Such local communities shall be entitled to oppose to the accession.

3. Charter on the Biodiversity Management

3.1 The Competent Authority shall conduct the Charter on the Biodiversity Management. The process of conducting this Charter shall be performed with full public participation. This Charter shall bind all government authorities, the authorities under the control of the state and other authorities involved.

3.2 The Charter on Biodiversity Management shall be in accordance with the Constitution and shall include:

- 1) The rationale, concept and objectives of biodiversity management.
- 2) Policies and guidelines of the conservation and sustainable use of biodiversity, the access to and use of biological resources by the government authorities, the sharing of benefit arising from the use of biological resources by government authorities and the cooperation among government authorities or private sectors.
- 3) The Action Plan for the effectiveness of Biodiversity Management.