

Organizational Reformation of Water Resources Management in Thailand: “The 2011 Thailand Great Floods” and endless reforms

Tsuruyo Funatsu

Introduction

In 2011, Thailand experienced a massive flood and this incident revealed serious problems of the water resources management system in Thailand. The Thai government promised to reorganize the water resources management system after this flood during 2011-2012. In order to come up with this promise, the Yingluck Administration planned both short-term flood mitigation projects and long term flood prevention measures to be implemented by the new water resources management organizations. However, the structural reformation was criticized by the public later on, and the entire long-term measures including organizational reformation planned in 2012 were scrapped by the Prayud Administration after the coup d’etat in May 2014. The new efforts for organizational reformation have been re-started since then, and this report summarizes the process using chronology since 2011 to 2015. Through this review of chronology, this study points out that the contrasting concepts between the bureaucrats and politicians over “who” and “how” to manage water resources are the main conflicting points in formulating the new Water Resources Law in Thailand.

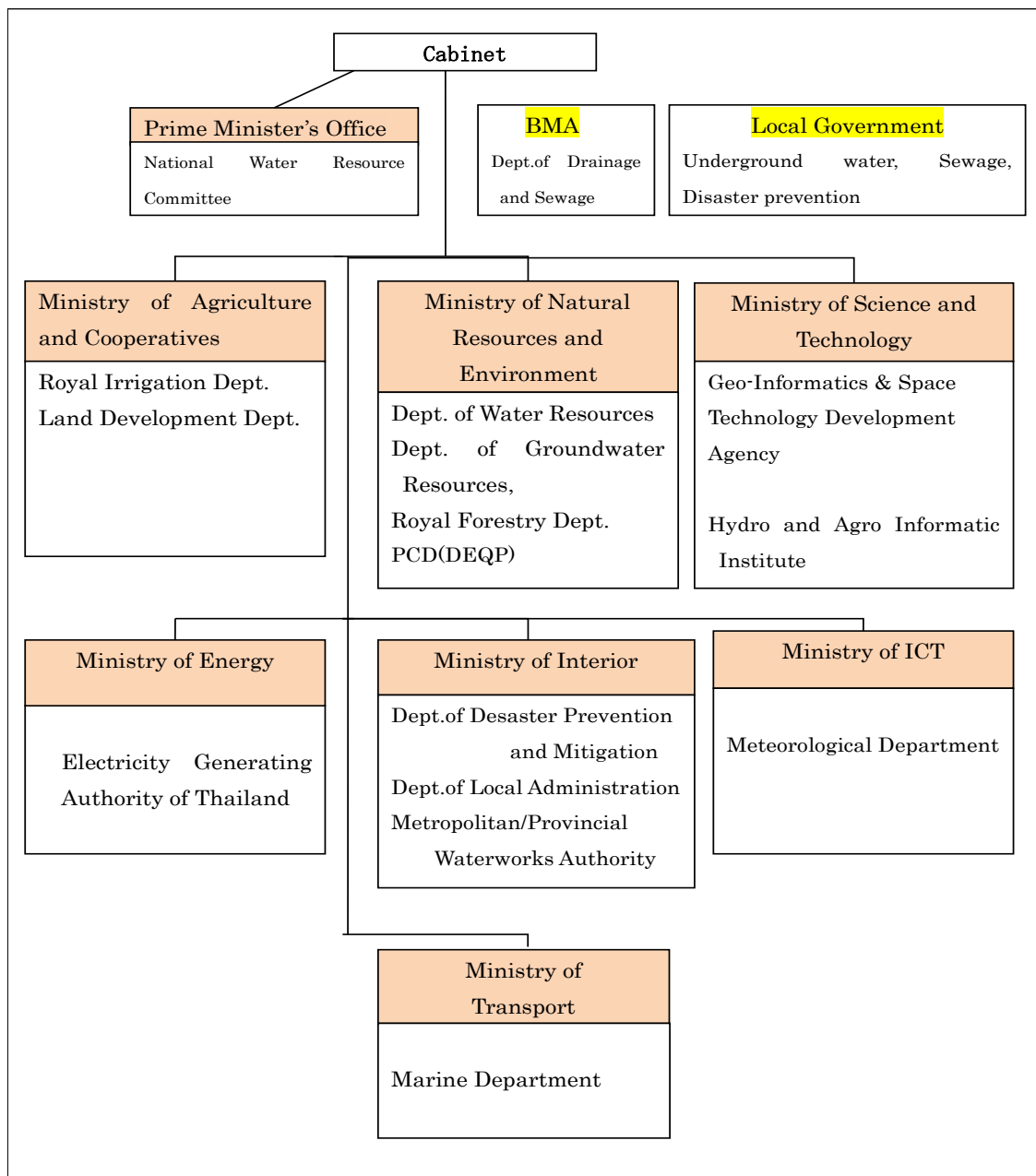
A massive flood struck Thailand during July to November 2011 due to high and long seasonal rainfall since May 2011(Sucharit [2013]), resulting in tremendous damage. The death toll rose to 815 and seven industrial estates as well as many communities around Bangkok were flooded for several weeks to two months. In fact, many floods have been experienced in Thailand almost every year, especially in the Chao Phraya River watershed. However, the total losses from “the 2011 Thailand Great Floods” are estimated as 1.2 trillion baht and this is the worst economic damage by floods that Thailand had ever experienced.

To develop more effective flood control measures, the Yingluck Administration thereafter tried the organizational reformation of water resources management until 2013. This study summarizes the incidents by analyzing what the problems of organizational reforms are, using chronology of the reformation process since 2011 to the end of 2015.

I. Overview of the organizational structure before “the 2011 Thailand Great Floods”

Before 2011, The water resources management policies before 2011 in Thailand were mostly managed by the following administrative bodies (Chart 1). Each organization has its own laws and regulations for water management authority.

Chart 1 Major Water Resource Management Organizations in Thailand before 2011



This complex and duplicated structure of water resources management in Thailand was assumed to be one of the causes behind conflicting forecasts on floodwaters during 2011, and the different forecasts greatly confused the public and made the integrated policy formation difficult during “the Thailand Great Floods”.

II. “The 2011 Thailand Great Floods”

In this chronology I, the author summarizes how the conflicting views by each organization on the effects of the floods were made public during “the 2011 Thailand Great Floods” to understand the problem of duplicated and scattered authority.

Chronology I

June 27, 2011 – Ministry of Interior set up the Center to cope with floods and other related disaster according to the 2007 Disaster Prevention and Mitigation Law.

July 3, 2011 – Phua Thai Party led by Yingluck won the general election.

July 6, 2011 – Kriangsak Kowathana (National Disaster Warning Council) made a comment on possible inundation of Bangkok and vicinity in 2011, if the high rainfall pattern continues.

August 10, 2011 – Ministry of Agriculture and Cooperatives announced that there would be no inundation of Bangkok.

August 16, 2011 – Yingluck Administration set up “the War Room” to cope with the coming floods to the Central region.

September 13, 2011 – Yingluck Administration applied the 1991 Law on State Administration and Management Rule (Article 11) and reinforced the authority of Prime Minister and Ministers to tackle with the flood.

September 30, 2011 – GISTADA alarmed the public that the inundation of 13 Districts in Bangkok may be inevitable due to heavy rainfall of this season. However, BMA denounced this forecast immediately.

October 1, 2011 – Yingluck Administration admitted unusual heavy rainfall this year and need to prepare for the inundation around Bangkok.

October 4, 2011 – Prime Minister, Bangkok Governor and Provincial Governors of Pathumthani, Nonthaburi and Samud Prakan held a meeting on the flood prevention scheme.

----- – Saha Ratana nakhorn Industrial Estate was inundated.

October 7, 2011 – Yingluck Administration set up the FROC.

October 12, 2011 – Yingluck Administration set up the FRC. Prime Minister was

given an audience by the King to ask for the King's advice.

October 13, 2011 – Floodwaters attacked the Hi-Tech Industrial Estate.

October 13, 2011 –FROC and Bangkok Governor Sukhphand announced conflicting views to Bangkok residents on the need for evacuation.

October 15, 2011 –Inundation of Rangsit University.

October 17, 2011 –The Navanakhon Industrial Estate was inundated.

October 20,2011–Floodwaters entered the canal down to Samsen towards Central Bangkok due to disruption of a barrier protecting the Khlong Prapa water supply canal and this overflowed several areas along the banks.

October 21,2011 –The Yingluck administration ordered BMA to open the sluice gate.

October 24,2011 –Floodwaters attacked the Donmuang Airport. The Airport was temporarily closed on the next day.

October 31, 2011 – Prime Minister confirmed that the incidents of floods inflow to the Central part of Bangkok would be escaped.

November 12, 2011 – Prime Minister stated that the overall situation in Bangkok was improving.

III. The Process of Organizational Reformation under the Yingluck Administration

After the scale of damages caused by “the 2011 Thailand Great Floods” was made clear, the Yingluck Administration attempted organizational reformation of water resources until the efforts were toppled by the coup d’etat in 2014. The author selected the significant events of this reformation process in Chronology II.

Chronology II

November 10, 2011 –The Yingluck Administration announced the 2011 Prime Minister Act on Reconstruction and Future Development. The following two committees to manage flood control and prevention were set up: The Strategic Committee for Reconstruction and Future Development, The Strategic Committee for Water Resources Management (SCWRM).

December 2011 – SCWRM submitted the flood mitigation principle and 8 schemes to the government to cope with the flood control in the future.

January 26, 2012 –The executive Decree on strategies for Future Development and for Reconstruction was announced, authorizing the government to borrow 350 billion Baht to finance water management and flood rehabilitation projects .

–The executive Decree allowing the Finance Ministry to transfer to the FIDF responsibility for the management of 1.14 trillion Baht in debt (incurred from the bailout of financial institutions during the 1997 crisis) was also announced.

February 13, 2012 –The Yingluck Administration announced the 2012 Prime Minister Act on Water Resources and Flood Control Management Committee, know as “the Single Command Authority” Act.

Accordingly, the National Water Policy and Flood Committee (NWPFC) and the Office for water and Flood Management Committee (OWFMC) were set up. The OWFMC was subscribed as a main promoter of the Long-term Flood Mitigation Plans to be decided the details in 2013.

February 2012 –The cabinet approved the budget for “the Action Plan for the Prevention and Mitigation of Flood : Urgent Period” with consent and support by SCWRM.

April 12, 2012 –The cabinet decided to construct a controversial “Mae Wong Dam” within 8 years.

June 4, 2012 –The cabinet approved (1) the plan for construction of flood-wall barriers alongside the 6 Industrial Estates and (2) preparation of retention area of 2.1 million Rai in the north (Phitsanulok, Phichit and Nakhonsawan) and the south areas(Nakhorn Sawan, Chainat and Singburi).

February 22, 2013-Deputy Prime Minister Prodprasob as Chairman of the WFMC overseeing the implementation of the projects signed the proposal on the Long- term Flood Mitigation Plans with 10 Modules.

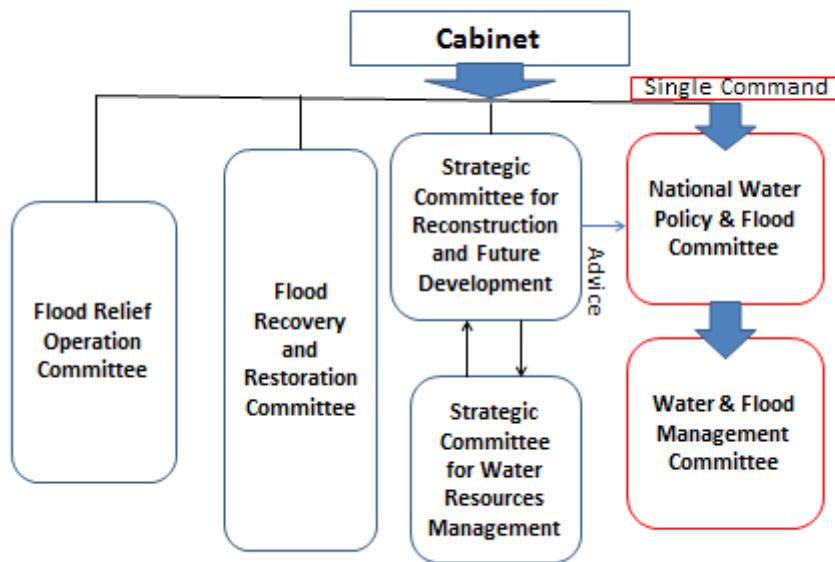
March19, 2013 -The Terms of References(TORs) for the international competition of the Long-term Flood Mitigation Plans were shown to related agencies.

September 2013 –The National Water Operation Center (Thailand) began its operation of the flood simulation system.

The Yingluck Administration consecutively attempted the organizational reformation of water resources as shown in Chart 2. The reform process was well recognized by the

professionals and related departments until February 2012. However, as the Single-Command Agency (NWPFC and OWFMC in Chart 2) began to be driven by politicians, some controversial projects (such as the large floodway construction project, the Mae Wong Dam project) began to be listed in the flood prevention measures as politicians-led-projects. The professional as well as the bureaucrats questioned on the effectiveness of some of the Long-Term Flood Mitigation Plans by the Yingluck Administration.

Chart 2 New Water Organizations Structure after 2011 Floods



Source : From the homepage of SCWRM and NESDB

In the following chapter, the author would show the events that led to protest of the government’s Long-term Flood Mitigation Plans until its end was announced after the Coup d’etat in May 2014.

IV. Protests against the Long-term Flood Mitigation Plans

After the Yingluck Administration began to use the Single-command Agency as its main body to set up the Long-term Flood Mitigation Plans, the professionals and the related agencies (mainly the members of SCWRM and major water resources organizations) and

the public began criticizing its decision making process.

Chronology III

January 30, 2012 –Democrat Party MPs and 69 senators petitioned to the Constitutional Court to rule whether the two Executive Decrees(on 350 billion Baht to finance water management and flood rehabilitation projects, and on the Finance Ministry ‘s transfer of 1.14 trillion Baht in debt to the Bank of Thailand) were constitutional or not.

February 22, 2012 – The Constitution Court rules out that the two decrees were constitutional.

August 17-18,2012 –Some of the professionals in SCWRM held a meeting and criticized methods in formulating the Long-term Flood Mitigation Plans by NWPFC.

May 1, 2013 –President of Stop Global Warming Association of Thailand, Srisuwan Janya and 45 people, petitioned the Central Administrative Court, asking it to issue an injunction against the 350 billion baht water management scheme.

May 14 to 20, 2013 –Deputy Prime Minister Prodrasob and the environmental NGOs had conflicts at the Water Summit in Chiang-mai on the controversial water plans.

May 17, 2013 –National Anti-Corruption Commission (NACC) warned the gov’t of its technical default on bidding of the international competition of the Long-term Flood Mitigation Plans.

June 27, 2013 –The Central Administrative Court rejected the petition by Srisuwan Janya, but asked the government to conduct the E/HIA of the projects again.

September 10 to 23, 2013 –Sassin Chaloeamlarp and other environmental activists rallied 388 kilometers from Kamphenphed to Bangkok in protest of the water projects.

November 2013 to May 2014 –People’s Democratic Reform Council (PDRC) led by Step Thuaksuban began protest movements to oust Prime Minister Yingluck.

May 22, 2014 –National Councils for Peace and Order (NCPO) led by the military group of Gen Prayud Chan-o cha announced the Coup d’etat.

June 8, 2014 –NCPO announced a halt of Long-term Flood Mitigation Plans by the Yingluck Administration and a review of the whole scheme.

As the Chronology III shows, the professionals and the related bureaucratic agencies were not in support of the decision making process of the water management plans led by the Single-Command Agency and politicians that had lacked transparency. The feasibility

to conduct the listed plans was also questioned by the professionals and the related department experts. Thus, the SCWRM members began to be split by pros and cons to the government scheme. After May 2013, the environmental NGOs also began to express distrust to international bidding and some of the Long-term Flood Mitigation Plans.

V. Endless Reformation Process towards more integrated water resources management

The NCPO who led the Coup d'état in May 2014 announced to review all the projects under the new water management schemes by the Yingluck Administration. During 2015, new plans and projects are proposed by related departments and the professional assigned by Prime Minister General Prayut Chan-o-cha.

In the latter half of 2015, the new drafts of Water Resources Law (Rang Phra-rachabanyat Sapayakon Nam Pho. So.○ in Thai) as integrated basic law were submitted to the Parliament committee. Currently, the main two drafts are expected to be considered by the Cabinet. One is drafted by the Department of Water Resources in the Ministry of Natural Resources and Environment (MONRE), which clearly states the leading role of the state and the MONRE. This draft law adheres to conventional bureaucratic tradition of bureaucratic control over the national public water resources by the Department of Water Resources as the main office to be responsible for water resources management organizations. For the River Basin Committees nationwide except for Bangkok, this draft law also puts priority on the administrative line of Provincial Governors (bureaucrats appointed by the Ministry of Interior) as Chairman and as the members of the River Basin Committee.

The other draft law by the sub-committee of National Reform Council (NRC) puts more emphasis on the political co-ordination by the Cabinet. As this draft law by the NRC intends to create an office under the Prime Minister Office to be directly controlled by the Cabinet and the major committee members are composed of the NESDB and the Budget Bureau. For the River Basin Committees nationwide except for Bangkok, this draft law puts priority on the political co-ordination by local government and selected committee members.

The contrasting views are clearly observed in the composition of the new organization named the Water Resources Management Organization (Ongkon Borihan Chadkan nam :Ko No Cho in Thai) and in the composition of the River Basin Committees nationwide. As shown in Table 1, the drafts by the DWR and the NRC totally differs in

the secretariat office to be responsible for the decision-making and the number of bureaucrat members in the committee.

The Ministry to hold the Secretariat Office for the new organization is very important, as the Secretariat Office would influence the decision-making process as well as the budget use. The same controversy in the Yingluck Administration arises again as to “who (bureaucrats or politicians)” and “how” to manage water resources in the formation process of the new law.

Table1 Composition of the Water Resources Management Organization in the drafts of the new Water Resources Management Law

The Draft Article 9 by Dept. of Water Resources	The Draft Article 11 by NRC
<p><u>Chairman</u> Prime Minister <u>Vice Chairman1</u> Vice Prime Minister <u>Vice Chairman2</u> Minister of MONRE</p>	<p><u>Chairman</u> Prime Minister <u>Vice Chairman</u> 1 person from the professional group</p>
<p><u>Committee members appointed by post</u> Secretary Generals from①~④ ① the Ministry of Agriculture, ② the Ministry of Natural Resources and Environment ③ the Ministry of Energy ④ the Ministry of Interior Director-Generals from ⑤ Royal Irrigation Dept. ⑥ Dept. of Ground Water ⑦ Director of Gistada ⑧ Dept. of Water Resources</p>	<p><u>Committee members appointed by post</u> Secretary Generals from①~④ ① the Ministry of Agriculture, ② the Ministry of Natural Resources and Environment ③ the Ministry of Interior ④ NESDB Director-General from ⑤ Budget Bureau</p>
<p><u>Secretariat Office</u> Dept. of Water Resources</p>	<p><u>Secretariat Office</u> Office of the Water Resources Management Organization (to be set up in the Prime Minister Office as a new department level organization)</p>

Sources: Drafts from the Ministry’s web site and other sources obtained from the department.

The new law is expected to be finally formulated into an integrative law during 2016. However, as trials to formulate a new law on water resources management in the past could not find a ground for compromise over a new organization, the current reformation process may not be finalized again, if the conflicting views between the two government agencies are not reconciled.

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