

THEMATIC TITLE	LEGAL PROBLEMS ON ARTISANAL FISHERIES
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ABSTRACT

This thematic paper is aimed at studying legal problems of local fishery in connection with Fishery Act B.E. 2558, Rule of the Department of Marine and Coastal Resources on Promoting and Supporting Participation of Coastal Community and Local Administrative Organization B.E. 2560, related ministerial regulations and notifications which have still encountered enforcement problem in practice. As a result, conflicts among local fishermen or between local fishermen and related government agencies are continuously existent.

The study finds (1) A problem of local fishermen' scramble for fishing areas arises because local fishermen have been impeded to harvest cockles by owner claimants until becoming incessant battle for cockle larvae between local people and capitalists in Bandon bay, Surat Thani province for many years and becoming more severe due to gigantic benefits of several groups of people exploiting in such areas i.e. local fishermen, capitalists and some government agencies; (2) A problem of period of time for dismantlement of construction and building (observation cottage and homestay) or anything constructed or installed in fishing area arises in relation to public sector's any measure provided without adequately all-around public hearing has impacted on some local fishermen; (3) A problem of participation of local community in administration of coastal resources arises because Rule of the Department of Marine and Coastal Resources on Promoting and Supporting Participation of Coastal Community and Local Administrative Organization B.E. 2560 has not efficiently resulted in practical way due to immense social difference between local fishermen and operator of cockles farm and because

participation of local community and local administrative administration is scarce and absence of efficiency in practice.

Thus, the researcher suggests the following legal solutions i.e. (1) To amend the Notification of the Surat Thani Fishing Committee on Determination of Aquaculture Area for Controlled Aquaculture Enterprise in Category of Aquaculture of Seashell B.E. 2560; (2) To amend period of time for ordering dismantlement in the Notification of Surat Thani Province Authority on Dismantlement of Construction and Building (Observation Cottage and Homestay) or Anything Constructed or Installed in Fishing Area; (3) To amend Rule of the Department of Marine and Coastal Resources on Promoting and Supporting Participation of Coastal Community and Local Administrative Organization B.E. 2560.