

### Summary

Thailand has made some progress in its response to illegal logging and related trade since the previous assessment in 2013, but improvements in all policy areas are needed. No national action plan is in place on the issue, and no legislation exists to prohibit the import of illegal timber specifically (although there are additional documentation requirements for timber imports from Myanmar and Cambodia). However, a National Forest Policy and Action Plan are to be developed to implement the government's 20-year National Strategy (2018–2037) for sustainable development. As of December 2019, the first draft of the national policy had been circulated for consultation, but the action plan is not yet complete.

Thailand began negotiating a Voluntary Partnership Agreement (VPA) with the EU in 2013. As part of the VPA negotiations, the Thai government is developing a due-diligence-based import control system. In 2018, the system was being designed by a sub-working group, chaired by the Thai Timber Association. In 2018 the scope of the VPA only covered timber and timber products; however, this arrangement is currently being reviewed.

Multi-stakeholder consultation processes were established as part of the VPA negotiations, with representatives from government, the private sector, academia and civil society organizations. A national FLEGT committee, sub-committee, ad hoc working group and sub-working groups were established. The sub-working groups addressed specific issues related to the VPA, including import controls, supply chain controls, legality definition and the timber legality assurance system. Challenges remain with regard to implementation, and additional training and capacity-building for customs and forestry authorities are being considered as a result of the VPA process.

Thailand's voluntary green public procurement policy covers only a handful of timber and paper products. The policy applies to regional and local government offices, but a lack of information and promotion, as well as the limited capacity of procurement officers at the subnational level, hinders its implementation.

Figure 1: Summary of Thailand's forest policy assessment



### Key Forest Policies and Resources

Import and Export of Goods Act, B.E.2522 (1979), [http://thailaws.com/law/t\\_laws/tlaw0080.pdf](http://thailaws.com/law/t_laws/tlaw0080.pdf).

Forest Act (No. 8), B.E.2561 (2018), [http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/050/T\\_0106.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/050/T_0106.PDF).

Thailand's Climate Change Master Plan (2015–50), [https://climate.onep.go.th/wp-content/uploads/2019/07/CCMP\\_english.pdf](https://climate.onep.go.th/wp-content/uploads/2019/07/CCMP_english.pdf).

Thailand's 20-year National Strategy for Sustainable Development (2018–37), <http://nscr.nesdb.go.th/wp-content/uploads/2019/10/National-Strategy-Eng-Final-25-OCT-2019.pdf>.

\* Thailand was not included in the 2008 assessment, and a number of questions were added to the assessment in 2018 (noted in the list of questions below and marked with '-' for 2008 and 2013 where applicable). Consequently, the overall scores for 2018 are not directly comparable with those from the previous assessments.

## About

Chatham House is monitoring forest governance to assess the effectiveness of government and private sector efforts to tackle illegal logging and trade. An assessment was undertaken of Thailand's forest policy framework to evaluate the government's response to illegal logging and the related trade. A standard list of questions was used in the policy assessment, and answers were scored against three criteria: existence (scoring between 1 and 2, whereby 1 indicates partial coverage or a policy under development, and 2 indicates a policy is in place); design (scoring between 1 and 5, whereby 5 indicates very well designed); and implementation (scoring between 1 and 5, whereby 5 indicates consistent and comprehensive implementation).

## Timeframe for the research

This assessment is based on the situation at the end of 2018, and the scores refer to this date. However, where there have been significant developments in 2019, these have been noted in the text. The research was undertaken in 2019 and finalized in December 2019.

## Acknowledgements

The 2018 policy assessment for Thailand was carried out by Somrudee Nicro, an independent expert, who has served as the FLEGT Facilitator for Thailand since 2013. Oversight was provided by Alison Hoare (Chatham House). The final assessment was edited by Alison Hoare, and the results were peer-reviewed by independent experts. The editor is responsible for the final text and scores.

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### Acronyms and Abbreviations

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
FLEGT	Forest Law Enforcement, Governance and Trade
FTA	free-trade agreement
ISOC	Internal Security Operations Command
MOC	Ministry of Commerce
MOU	memorandum of understanding
REDD+	reducing emissions from deforestation and forest degradation, plus the sustainable management of forests, and the conservation and enhancement of forest carbon stocks
RFD	Royal Forest Department
TLAS	timber legality assurance system
VPA	Voluntary Partnership Agreement

**Table 1: Thailand's Forest Policy Assessment**

**1. Legal and Institutional Framework**

1.1 High-level policy	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>1.1.1 Does the country have high-level political and governmental mechanisms in place to tackle illegal logging?</b>					
<i>a. Has a review been carried out which both assesses the impact of the country's market activities on the problem of illegal logging and related trade and also investigates the extent and sources of potential illegal imports?</i>	2008	–	–	–	The government is aware of the issue of illegal logging and of the related trade, as well as the measures being adopted to address this (e.g. in the US, the EU and Australia). However, it has not carried out a broad review of the issue to date.
	2013	0	Not applicable (n/a)	n/a	
	2018	0	n/a	n/a	
<i>b. Is a national action plan in place for preventing illegally sourced timber from being imported or sold?</i>	2008	–	–	–	There is no national action plan in place. However, Thailand began negotiating a Voluntary Partnership Agreement (VPA) with the EU in 2013.  In 2018, Thailand published its 20-year National Strategy (2018–2037) for sustainable development. <sup>1</sup> Ministries and departments have been developing their action plans to implement the strategy. This includes a National Forest Policy and Action Plan. At the time of writing (December 2019), the first draft of the national policy had been circulated for consultation, but the action plan was not yet complete.
	2013	0	n/a	n/a	
	2018	1	n/a	n/a	
<i>c. Does a formal process exist for high-level coordination of action on illegal logging across departments and sectors (e.g. a parliamentary committee or inter-ministerial taskforce)?</i>	2008	–	–	–	In May 2017, the minister of natural resources and environment established the Forest Protection Operation Centre by integrating three task forces from the Royal Forest Department (RFD), the Department of National Parks and Wildlife Conservation, and the Department of Marine and Coastal Resources. <sup>2</sup> The centre includes the Internal Security Operations Command (ISOC), the Office of Public Sector Anti-Corruption Commission, and the Anti-Money Laundering Office, all of which report directly to the prime minister. The director general of the RFD heads this centre. The ISOC is led by the army, but it collaborates closely with other agencies, including the RFD, police and customs, conducting joint missions.
	2013	2	3	3	
	2018	2	4	4	
<i>d. Are formal consultation processes in place for multi-stakeholder involvement in developing policy and legislation to tackle illegal logging? These processes should ensure that viewpoints of stakeholders affected by legislation are taken into consideration.</i>	2008	–	–	–	Multi-stakeholder consultation processes have been established as part of the VPA negotiations. A national FLEGT committee, sub-committee, ad hoc working group and five sub-working groups had been established as of the end of 2018, and a further two sub-working groups were set up in 2019. The sub-working groups address specific issues related to the VPA, including import controls, supply chain controls, legality definition and the timber legality assurance system (TLAS).  These various groups and committees include representation of the RFD and relevant key stakeholders from other government agencies, the private sector, professional associations, academia and civil society organizations.
	2013	2	3	3	
	2018	2	4	4	

<sup>1</sup> See <http://nscr.nesdb.go.th/wp-content/uploads/2019/10/National-Strategy-Eng-Final-25-OCT-2019.pdf>.

<sup>2</sup> See <http://www.mnre.go.th/th/news/detail/3458>.

1.1 High-level policy	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
					<p><b>Implementation</b></p> <p>There has been a high level of commitment to the consultation processes. The Thailand–EU FLEGT Secretariat Office, based in the RFD, has ensured that representatives are aware of forthcoming meetings, sending invitations in advance and following up on these, and there has been a high level of participation from stakeholders.</p> <p>Legislative reforms have been made based on recommendations from these multi-stakeholder processes. For example, the Forest Act was amended in 2018 including to remove a requirement that owners of trees on private land inform the RFD before cutting certain species and transporting the logs. Section 7 of the Forest Act B.E.2484 (1941) stipulated a number of species to be subject to a prohibition on cutting regardless of where they are grown, while Section 7 of the Forest Act (No.8) B.E. 2561 (2018) excludes trees on private land from being classified as ‘prohibited wood’.</p> <p><b>Developments since 2018</b></p> <p>Since 2019, the RFD and one of the sub-working groups have been developing self-declaration guidelines for low- and high-risk timbers from private land. These guidelines will be field-tested. Once finalized, the RFD will issue a notification to formally recognize these guidelines as proof of legality for timber from private land.</p>
<i>e. Are formal processes/policies in place aimed at ensuring a balanced participation of men and women in the development and implementation of forest sector policies? (Question added in 2018)</i>	2008	–	–	–	No such processes or policies are in place in the forest sector. However, many women in Thailand have technical and managerial positions, and the FLEGT-VPA ad hoc working group and sub-working groups have a good gender balance. Driven by a donor (the Swedish International Development Cooperation Agency), some gender-related activities have been implemented in the sector. These include work with civil society undertaken by the NGO The Center for People and Forests (RECOFTC); <sup>3</sup> and activities around small and medium-sized enterprises conducted by the European Forest Institute. <sup>4</sup>
	2013	–	–	–	
	2018	0	n/a	n/a	
<i>f. Is illegal logging/trade considered in the country's climate change strategy (NDC or other climate change national policies – e.g. in relation to embedded deforestation in imports)? (Question added in 2018)</i>	2008	–	–	–	<p>The national climate change policy does not explicitly consider illegal logging and trade. The Climate Change Master Plan (2015–50)<sup>5</sup> has three main components: adaptation, greenhouse gas mitigation and capacity-building. Under adaptation, the forest sector is included as a part of the section on ‘Conservation and Regeneration of Natural Resources and Ecosystems’. The activities outlined are: supporting reforestation and increase of forest areas; supporting communities’ role in the conservation of forests and biodiversity; supporting the private sector in forest conservation; promoting the use of information technology in assessing and monitoring forests; promoting research and development in the conservation of ecologically fragile areas; and developing watchdog networks in fire-prone regions. Under mitigation, forest-related activities include conservation, increasing forest areas and reviving degraded forests.</p> <p>The Office of Forests and Climate Change in the Department of National Parks and Wildlife Conservation<sup>6</sup> (as the national focal point for REDD+) is in the process of preparing a National REDD+ Strategy. It is expected that the strategy will address illegal logging and trade by developing measures to increase benefits from the forest sector for local people, for example through payment for ecosystem services, and legal reforms to formalize the use of locally harvested timber.</p> <p><b>Enforcement:</b> The Office of Forests and Climate Change has been mobilizing action on REDD+ activities; however, implementation is at an early stage.</p>
	2013	–	–	–	
	2018	1	3	2	

<sup>3</sup> See <https://www.recoftc.org/waves-weaving-leadership-gender-equality>.

<sup>4</sup> See <http://www.euflegt.efi.int/es/publications/small-and-micro-sized-entities-in-the-mekong-region-s-forest-sector>.

<sup>5</sup> See [https://climate.onep.go.th/wp-content/uploads/2019/07/CCMP\\_english.pdf](https://climate.onep.go.th/wp-content/uploads/2019/07/CCMP_english.pdf).

<sup>6</sup> See [http://reddplus.dnp.go.th/?page\\_id=3572](http://reddplus.dnp.go.th/?page_id=3572).

1.2 International engagement	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>1.2.1 What level of international cooperation is shown by the country?</b>					
<i>a. Does the country have formalized trade or customs arrangements with major trading partners e.g. FLEGT VPAs or free-trade agreements (FTAs) which include specific provisions on illegal logging?</i>	2008	–	–	–	Thailand does not have any trade agreements that include provisions on illegal logging. However, it is currently negotiating a FLEGT VPA with the EU.
	2013	1	n/a	n/a	In 2019, the country was also preparing for the resumption of the Thailand–EU FTA negotiations. The issue of illegal logging is expected to be included within the scope of these negotiations.
	2018	1	n/a	n/a	
<i>b. Does the country have a formalized system in place for sending and receiving enforcement alerts regarding illegal shipments in transit to destination countries?</i>	2008	–	–	–	Thailand does not have a formalized system in place specifically for sending and receiving enforcement alerts regarding illegal shipments. However, Thailand Customs has memorandums of understanding (MoU) on the exchange of information with customs agencies of certain countries. The details of the MoUs and the level of cooperation vary from one country to another.
	2013	0	n/a	n/a	
	2018	1	2	2	

## 2. Regulating Demand

2.1 Legislation & regulations on illegally sourced timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>2.1.1 Does the country have adequate legislation and regulations in place to prevent illegally sourced timber from being imported or sold?</b>					
<i>a. Has the country analysed its existing legislation and regulations on preventing imports and sales of illegally sourced timber?</i>	2008	–	–		Since 2016, the Ministry of Commerce (MoC) has hosted more than 10 cross-departmental meetings to review measures controlling imports and exports of timber and timber products (although not specifically of illegal products). All relevant agencies have been engaged in these discussions, including, but not limited to, the RFD, the Department of National Parks and Wildlife Conservation, the Department of Foreign Trade, the Ministry of Foreign Affairs, the Ministry of Interior, the Customs Department and the Royal Thai Police. These meetings have been conducted in parallel with meetings on the VPA.
	2013	0	n/a		
	2018	1	4		
<i>b. Has additional legislation been enacted and regulations put in place to prevent illegally sourced timber from being imported or sold?</i>	2008	–	–	–	The MoC laws and regulations do not focus on preventing illegal timber from entering Thailand. But at the request of Myanmar and Cambodia, a certificate of origin and an export permit are required to be presented to customs at the port of entry. These requirements only apply to timber from these two countries.
	2013	0	n/a	n/a	As part of the VPA negotiations, Thailand is developing a due-diligence-based import control system to be applied to all imported timber and timber products, which will be listed in an annex to the VPA. The system is being designed by a sub-working group, chaired by the Thai Timber Association. A due diligence form has been tested with importers to ensure its workability; other aspects of the system are still to be elaborated and tested.
	2018	1	4	n/a	
<i>c. If legislation is in place to prevent the import of illegal timber, how broad is the product scope of this legislation?</i> (Question added in 2018)	2008		–		All timber products listed in the Product Coverage Annex of the VPA will be covered in the import control system.
	2013		n/a		In 2019, the ad hoc working group proposed including pulp and paper within the list of products in the VPA. Since the pulp and paper industry had not yet participated in the VPA negotiations, consultations with relevant industry associations are to be conducted in 2020 prior to including these products.
	2018		3		
<i>d. If legislation is in place to prevent the import of illegal timber, does it apply only to importers or to all those along the supply chain?</i> (Question added in 2018)	2008		–		The legislation will only apply to importers, if Thailand adopts pre-import rather than post-import controls, which has yet to be decided. Other actors in the supply chain will be covered by the TLAS.
	2013		n/a		
	2018		3		
<i>e. If legislation is in place to prevent the import of illegal timber, does it include a requirement for businesses to implement due diligence?</i> (Question added in 2018)	2008		–		All importers will have to submit information about the timber being imported. For high-risk timbers, importers will also have to present documents to show evidence of risk mitigation.
	2013		n/a		
	2018		3		

2.1 Legislation & regulations on illegally sourced timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>f. Is implementation of the policy systematically monitored and assessed?</i> (Question added in 2018)	2008		–		Once Thailand enters the implementation phase of the VPA, there will be annual monitoring of the entire timber legality assurance system, including the import control system, by an independent auditor.
	2013		n/a		
	2018		5		



2.2 Policies & measures concerning demand for legal timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>2.2.1 Is there a public procurement policy in place excluding illegal (and/or unsustainable) timber products from government purchasing?</b>	2008	–		–	Thailand has a voluntary green public procurement policy. The Cabinet approved the Green Public Procurement Plan (2008–11) prepared by the Pollution Control Department on 22 Jan 2008. <sup>7</sup> The second phase of the Plan covers 2011–16 and the third phase covers 2017–21. The Pollution Control Department has also prepared a 'how to' manual to facilitate green procurement. <sup>8</sup> The department provides a list of environmentally friendly products and services; those products that meet certain environmental criteria are registered in the 'Green Cart'. <sup>9</sup>  A lack of information and promotion, as well as the limited capacity of procurement officers at the subnational level, hinder effective implementation of the policy.
	2013	1		2	
	2018	1		2	
<i>a. What level of adherence does the policy require?</i>	2008		–		The policy is voluntary.
	2013		n/a		
	2018		3		
<i>b. Does the policy cover all timber products, including paper?</i>	2008		–		Products and goods produced by state enterprises are prioritized in public procurement (as specified in the Finance Ministerial Gazette on Supporting and Promoting Special Material Procurement, 23 August 2017). This applies to timber products produced and purchased from the Forest Industry Organization.  As of November 2019, there were 33 product categories in the Green Cart, including 697 product types from 91 companies that have been awarded the green label. The only timber products included are paper products, toys made from wood, three kinds of laminate floor and one mixed wood-cement board.
	2013		n/a		
	2018		3		
<i>c. Does the policy rest on independent certification or verification schemes (or equivalent) for identifying legal products?</i>	2008		–		The Green Cart scheme is based on third-party schemes, including Thailand's green label scheme.
	2013		n/a		
	2018		3		
<i>d. Is assistance offered to government purchasers (advice, guidance, training, etc.)?</i>	2008		–		Some guidance material is available on green public procurement, but promotion and support of this policy are limited.
	2013		n/a		
	2018		1		

<sup>7</sup> See page 6 <http://www.oic.go.th/FILEWEB/CABINFOCENTER3/DRAWER056/GENERAL/DATA0000/00000774.PDF>.

<sup>8</sup> See <http://infofile.pcd.go.th/ptech/Procurement%20of%20goods%20and%20services%20Manual.pdf?CFID=1192688&CFTOKEN=67919373>.

<sup>9</sup> The list is available at: <http://gp.pcd.go.th/>.

2.2 Policies & measures concerning demand for legal timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>e. Is implementation of the policy systematically monitored and assessed?</i>	2008		–		Monitoring is required but does not take place systematically, with departments reporting on implementation voluntarily.
	2013		n/a		
	2018		3		
<i>f. Does the procurement policy apply to subnational (provincial, regional, local) government?</i>	2008		–		The policy applies to regional and local government offices.
	2013		n/a		
	2018		3		

### 3. Rule of Law

3.1 Law enforcement	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>3.1.1 Do government institutions and agencies have sufficient capacity and resources to monitor trade in timber products and detect and suppress any related crime?</b>					
<p><i>a. Are the relevant law enforcement staff sufficiently resourced for monitoring and enforcement? (Relevant resources include budgets; numbers of staff; communications; equipment; salaries; as well as training in understanding of regulatory framework and knowledge of techniques for monitoring and enforcement.)</i></p> <p><i>i.e. competent authorities for legislation to prevent illegally sourced timber from being imported.</i></p> <p><i>(Question added in 2018)</i></p>	2008		–	–	<p>As for all products, timber imports first go through customs protocol. Customs call on RFD officers to help with checking timber goods when necessary. As for exports, timber exporters must first apply for a timber export certificate from the RFD and then for an export permit from the MoC. There have been no complaints from RFD agencies regarding lack of resources.</p> <p>However, checking that imported timber has been legally harvested and exported is difficult. Thailand imports timber from a range of countries that have different procedures and documentary requirements, and that use a range of languages. As part of the VPA discussions, priorities for training and capacity-building for customs and forestry authorities are being considered.</p> <p>Some training is currently provided. This has included workshops and the provision of guidelines on CITES, which have been co-financed by the ASEAN-Wildlife Enforcement Program.</p>
	2013		–	–	
	2018		3	2	
<p><i>b. Are the following officials who are involved in forest sector enforcement trained and kept up to date on relevant forest sector issues? (Question added in 2018)</i></p>					
<p><i>i. Customs officials</i></p>	2008	–			<p>There is no regular training for customs officials on forest sector issues. Provision of any training is on the initiative of particular departments. In 2017, training was conducted for border officials on exports of CITES species. There is no record of any training having been provided on timber imports.</p>
	2013	0			
	2018	1			
<p><i>ii. Judges and prosecutors</i></p>	2008	–			<p>No training is provided to judges or prosecutors on forest sector enforcement issues.</p>
	2013	0			
	2018	0			
<b>3.1.2 Are the penalties/sanctions for non-compliance with legislation to prevent illegally sourced timber from being imported (if in place) proportionate &amp; dissuasive? (Question added in 2018)</b>					
	2008		–		<p>Currently, penalties are in place for imports that breach customs legislation, under the 2017 Customs Act – for example, false certificates of origin or fraudulent customs declarations. Penalties include a range of fines or imprisonment of up to 10 years.</p>
	2013		n/a		
	2018		n/a		