

Order of the Head of National Council for Peace and Order**No. 31/2560****Agricultural Land Utilization in Accordance with Agricultural Land Reform Act for the
Utmost Benefit for Farmers and Country**

Referring to the government policy encouraging agricultural land reform for farmers and utilizing land to achieve maximum benefits in order to give farmers fairness and reduce social and economic inequality, according to Agricultural Land Reform Act started since B.E. 2518 (1975),

Subsequently, country's necessities were varied by the world's situations; therefore, it was important to develop land utilization for other essential public benefits along with solving farmers' problems as aforesaid by still remaining in improving the quality of life of the farmers, increasing incomes, and increasing values of the agricultural land.

Nowadays, an energy problem is one of the important issues of the world and it is set as an urgent policy by the government, requiring sustainably searching and developing the energy resources, carrying on sustainable energy and alternative energy to prevent energy shortage, enhancing energy sustainability, and reducing energy import. Meanwhile, the policy concerning management of natural resources for developing contestability in the country and spreading the development to other area is another important government policy for economic reform. In order to make this policy operation successful, it is necessary to operate in some government land especially in land reform area where does not well suit for beneficial agriculture. Currently, approximately 0.1 percent of all agricultural land reform area in the country (around 40 million rais) has been approved or gave private sectors permission to utilize under related Acts. However, to utilize this area for other public benefits, there are some restrictions regarding regulations since the urgent need had not yet appeared.

In some cases, the previous government granted a concession, approved, or allowed the utilization of the aforesaid area until several 10,000 million baht had been invested. Employment had been increasing widely and the government had been obliged to pay compensation to the farmers for giving access to utilize their land which met their satisfaction. In some places, public services were provided in the area according to the principle of social responsibility, and farmers' extra incomes were then continuously generated. The country could publicly gain benefits from the resources in the aforesaid area. Some payment became the income of the local community. The left over payment was

stored in Agricultural Land Reform Fund. At the end of land utilization period, the land could be returned to farmers for utilization such as agricultural water resources, water reservoirs according to the Monkey's cheeks project, or agricultural practices according to land reform philosophy. If all these agreements are canceled, the farmers and the country will lose their benefits and a lawsuit will be subsequently filed. Hence, it is necessary to reduce those hindering limitations under the principle of using government land for both farmers and publics to gain maximum benefits. In the meantime, land utilization must provide benefits to the farmers in different forms apart from agriculture both in every present moment and time in the future under clear, transparent, and righteous principles, processes and conditions.

By virtue of Section 265 of the Constitution of the Kingdom of Thailand together with Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order, with the approval of the National Council for Peace and Order, issued orders as follows:

Clause 1 In case of necessity to provide energy benefits, usage of natural resources, or public benefits, the agricultural land reform committee under Agricultural Land Reform Act shall have authority to consent or grant permission to utilize ALRO land for the sake of other activities apart from those prescribed in Agricultural Land Reform Act. Therefore, considerations must be given to the National Strategy, benefits for farmers, and public benefits.

Rules, procedures, and conditions governing requests and considerations for consenting or permitting land utilization, together with activity or project categories, area sizes, objectives and operational values according to Clause 1 shall follow Ministerial Regulation. In the Ministerial Regulation, there must be at least area size specifications and objectives the agricultural land reform committee must propose to the cabinet before considering to give consent or permission. Also, the Ministerial Regulation shall come into action within 90 days of the date on which this order is put into effect.

The agricultural land reform committee shall have authority to regulate the rules, procedures, and conditions for land utilization, as well as to impose land utilization fees suitable for land use objectives in accordance with Clause 1.

Clause 2 ALRO shall let persons who apply for land utilization (land utilizers) assist or compensate farmers who got affected from land use opportunity lost, and shall pass the land utilization fees mentioned in Clause 1 and Clause 5 to the agricultural land reform fund according to Agricultural Land Reform Act, having no need to pass the fees onto the national treasury as public revenue.

Clause 3 Considerations of giving consent or permission according to this order shall not omit any practices according to other related laws.

Clause 4 Persons, who get land use consent or permission for petroleum operations according to Petroleum Law, mineral exploration, mining, or underground mining according to Mineral Act, or electricity generation by wind turbines according to the agricultural land reform committee regulation, title Consent provisions of utilizing natural resources in land reform area according to other laws B.E. 2541 (1998) or the agricultural land reform committee regulation regarding rules, procedures, and conditions on permission, as well as on practices of permit holders, in land use or real estate for support activities or businesses relating to agricultural land reform B.E. 2541 (1998) within the previous day of the date on which this order is put into effect, shall send their request within 60 days of the date on which Ministerial Regulation according to Paragraph 2 of Clause 1 is put into effect. In the meantime, the aforementioned persons shall use land for a while or until the agricultural land reform committee has come up with other orders.

Clause 5 In case concessionaires according to the Petroleum Act have already entered and utilized land acquired by ALRO for benefits of agricultural land reform operations without the consent according to the agricultural land reform committee regulation, title Consent provisions of utilizing natural resources in land reform area according to other laws B.E. 2541 (1998), whether the uses for any Petroleum procedures, the concessionaires shall send their request according to Clause 1 within 60 days of the date on which Ministerial Regulation according to Paragraph 2 of Clause 1 is put into effect. In the meantime, the concessionaires shall use land for a while or until the agricultural land reform committee has come up with other orders, and the concessionaires must pay compensation of land utilization since the date on which the concessionaires have entered into the land according to the impose of ALRO.

Clause 6 In case the concessionaires according to the Petroleum Law are unable to enter and utilize reserved area according to Section 45 of the Petroleum Act B.E. 2541 (1971) with the additional amendment by Petroleum Act (Volume 4) B.E. 2532 (1989) as a result of the fact that the agricultural land reform committee suspends the consent of land utilization for exploration or usage or exploitation of natural resources according to the agricultural land reform committee regulation, title Consent provisions of utilizing natural resources in land reform area according to other laws B.E. 2541 (1998), to await trial for authority on passing regulations, their concession period shall be extended to be equivalent to the time of their suspension. Director – General of the Mineral Fuels Department shall have an authority

to consider refunding land reservation fees to the concessionaires on a case by case basis, during inaccessible periods causing inability to continue Petroleum survey in the reserved area.

Area reservation period extended according to above Paragraph (Paragraph 1) combining with the area reservation period before the day the agricultural land reform committee agrees to give a deferred consent must not exceed the area reservation period the concessionaires specify according to Section 45 of Petroleum Act B.E. 2514 (1971) with the additional amendment by the Petroleum Act (Volume 4) B.E. 2532 (1989).

During the area reservation period extended according to Paragraph 1, Section 45 of the Petroleum Act B.E. 2514 (1971) with the additional amendment by the Petroleum Act (Volume 4) B.E. 2532 (1989) and Section 46 of the Petroleum Act B.E. 2514 (1971) shall be put into action.

Clause 7 During the time period without Ministerial Regulation or regulations issued according to Clause 1, rules, procedures, and conditions of the consent according to the agricultural land reform committee regulation, title Consent provisions of utilizing natural resources in land reform area according to other laws B.E. 2541 (1998) shall be put into effect onto the concessionaires who submit a production plan for production area according to Section 42 bis of the Petroleum Act B.E. 2514 (1971) with the additional amendment by Petroleum Act (Volume 6) B.E. 2550 (2007) until the Ministerial Regulation or regulations issued according to Clause 1 will have been put into effect.

Clause 8 Ministry of Agriculture and Cooperatives shall amend or improve laws relating to agricultural land reform to support land utilization which ALRO has obtained for reforming purpose to the utmost benefits of farmers and to the public interest of the country. Ministry of Agriculture and Cooperatives shall also consider allowing for exploration or natural resource use, land use for energy business, and other activities benefiting the farmers and serving the public interest of the country.

Clause 9 The Minister of Agriculture and Cooperative shall have an authority to regulate the Ministerial Regulation according to this order; such Regulation shall be put into effect since its publication has been started in the Government Gazette.

Clause 10 In a reasonable case, the Prime Minister or the Cabinet may let the National Council for Peace and Order change this order.

Clause 11 This order shall come into effect from the date of publication in the Government Gazette.

Given on the 23rd June B.E. 2560 (2017)

