

**Subject: Gold Mines Business and Community Rights Violation: Problems and Solutions  
in the Future, An Example from Chanthaburi Province**

**Researcher:** Dr. Chanya Pansomboon

**Project consultant:**

1. Assoc.Prof.Dr. Chaiyon Praditsin
2. Asst.Prof.Dr. Pongpatcharin Phuttawattana
3. Asst.Prof.Dr. Chainarong Kruanuan

**Keywords:** Community Rights, Gold Mines, Violation, Gold Mines Business, Chanthaburi

**Published year:** B.E. 2566 (2023)

### **ABSTRACT**

This research is qualitative research, by collecting data in Chanthaburi Province and other areas where gold mining operations have been conducted in the past, in order to compare with the suitability of using the area of Chanthaburi Province for the gold mining business in the future. The objectives of this research are 1) To analyze the gold mining business situation that will occur in the eastern upstream area in Chanthaburi Province 2) To criticize the impact of the gold mining business that will occur in the eastern upstream area in Chanthaburi Province 3) To suggest policy measures and guidelines for managing the gold mining business that affects community rights, as well as guidelines for rehabilitation in the future.

The research results found that according to the study of the problem and community condition in Phawa Sub District and Sam Phi Nong Sub District area, Kaeng Hang Maeo District, Chanthaburi Province will receive negative impact in the future (Negative Future Impact) if gold mining operations are allowed in the area. In addition, Phawa Sub District area, Kaeng Hang Maeo District, Chanthaburi Province is also an important upstream area of the eastern region and an important agricultural source of the country. It is an area that produces high quality and famous fruits, known both within and outside the country, such as Monthong durian, mangosteen, longan, rubber, etc. The income that the government receives from

private gold mining cannot be compared to the value of agricultural products that Chanthaburi Province receives each year. If there is a gold mining business in the future, there will be enormous and widespread impacts, such as digging the ground and using many types of chemicals to smelt the ore and dissolve gold from the ore, which will result in toxic geological pollution, water sources and air pollution. These impacts will inevitably result in damages that cannot be estimated. and will result in conflict for a large number of people in the area now and in the future. When the announcement of the Department of Primary Industries and Mines on August 27, 2020 was announced that there will be a survey of gold mineral deposits by private companies in the said area, it was found that it caused negative impacts on people's minds and feelings and started a trend of opposition and dissent arose. People have anxiety and stress about their livelihood because most of the villagers in Phawa Sub District and Sam Phi Nong Sub District do not have land rights documents. If there is gold mining in the future, the people in the community will no longer have homes or land. There are also concerns about water, air, dust, chemicals, and toxins, especially cyanide, that will affect nature and the environment, which will be a problem for the health of the people in the community in the long run and will cause considerable damage to important agricultural areas. In addition, it was found that problems from various mining operations in the country still have an impact on communities in many areas. This is because the mineral legal provisions still lack a public participation process to participate in the management of mineral resources, starting from the announcement of mineral resource zones, mineral exploration, natural and environmental risk assessments, monitoring the impacts of mining, to the rehabilitation of affected people in the mining areas after the mine closure has been announced.

### **Suggestions**

- 1) Government organizations should set clear timelines for the process of requesting permissions for operating every type of mining business so that the public will be informed of the results according to the time period, and ensure that those requests will be back in operation again even after the society no longer pays attention.

2) The Office of National Human Rights Commission should make recommendations of measurement, policy to propose to the government in amending mineral laws, as well as preparing a mineral master plan on issues related to impacts on nature and the environment and community rights, including the process of public participation in overall mineral management. in order to promote human rights to allow people to participate in the conservation and rehabilitation of nature and environment.

3) The mineral royalty collecting model and mineral taxation rates should be adjusted to be more appropriate for the value of high value minerals such as gold and silver ores, etc. as the mineral royalty collecting model and mineral tax collection rates according to the Mineral Royalty Tariff Act B.E. 2509 - B.E. 2522 have been used for a long time and have not been changed until now. This is to truly provide maximum benefit to the country and the people.

4) Proposals for improvements in the Mineral Management Master Plan No. 3 regarding mineral resource zone management should be considered onwards by adding mechanisms to the prevention measures and surveillance system.

5) Preparation of Baseline data, which should have an independent mechanism from outside to consider the data and Arbitrate disputes that may arise. Such mechanism can be in the form of a technical consultation meeting, which must be developed systematically and spatially.