

Judge urges setting up 'green court'

Mediation alone not good enough, he says

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A judge with more than 10 years' experience in the field has recommended that a special court be established to settle environmental disputes.

The country needs an alternative mechanism to resolve such disputes, said Pongdej Wanichkittikul of the Office of the President of the Supreme Court.

The present system of alternative dispute resolution, in which mediation is used to settle conflicts, was insufficient, Mr Pongdej said. Peaceful and non-formal solutions to environmental conflicts should be promoted, but some cases must be resolved by the traditional judicial system.

Mr Pongdej is conducting a two-year study to decide an appropriate model of environmental court in Thailand, a move he believes should give better protection to natural resources, increasingly threatened by development.

A pertinent question was who should sue for the environment, he said.

In a case nearly 10 years ago, villagers

sued a rice mill that released a great volume of dust. The civil court hearing the case could only award compensation to the affected people but could not take any action to protect the environment harmed.

A senior environmental official said he believed alternative dispute resolution offered a better way to settle such cases.

"There are always winners and losers in a court. That's divisive," said Chartree Chueyprasit, deputy permanent secretary for natural resources and environment and vice-chairman of a new panel on alternative dispute resolution.

The panel conducts training and certifies professional mediators. One hundred state employees, business people and academics late last year finished a peaceful resolution course, supported by the US Environmental Protection Agency. The group plans to apply the knowledge almost immediately to try to solve water conflicts in the North and Northeast.

Mr Chartree said the idea of setting up a "green court" was fine, but he would not like conflicts to develop to the point where they would require decisive judgment, which could result in a sense of disagreement.