

THE THAILAND MECHANISM IN CONFLICT MANAGEMENT DURING FLOOD RESPONSE AND RELIEF: A CASE STUDY OF CONFLICT RELATED TO KLONG MAHASAWAT

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พงษ์สรรเพชร สันติเวชธรรม : การจัดการความขัดแย้งของประเทศไทยที่เกิดขึ้นระหว่างการจัดการน้ำท่วมและการบรรเทาทุกข์ : กรณีศึกษาความขัดแย้งที่เกี่ยวข้องกับคลองมหาสวัสดิ์ (THE THAILAND MECHANISM IN CONFLICT MANAGEMENT DURING FLOOD RESPONSE AND RELIEF: A CASE STUDY OF CONFLICT RELATED TO KLONG MAHASAWAT) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: รศ. ดร. ประภาส ปิ่นตบแต่ง, อ.ที่ปรึกษาวิทยานิพนธ์ร่วม: ดร. แมน บูโรทกานนท์, 135 หน้า.

งานวิจัยนี้เป็นการศึกษากระบวนการบริหารความขัดแย้งที่เกิดขึ้นระหว่างการจัดการน้ำท่วมและขั้นตอนการบรรเทาความเดือดร้อนในเหตุการณ์น้ำท่วมประเทศไทยในปี.ศ.2554 โดยใช้เหตุการณ์ความขัดแย้งที่เกี่ยวข้องกับคลองมหาสวัสดิ์ เป็นกรณีศึกษาจากนั้นยังศึกษาแนวทางการเป็นไปได้ในการบริหารจัดการความขัดแย้งในการบริหารจัดการประตู่ระบายน้ำ โดยมีกรณีศึกษาจากแนวทางของคำพิพากษาของศาลปกครองด้วย

งานวิจัยนี้เป็นการวิจัยกรณีศึกษาเชิงคุณภาพซึ่งใช้การวิเคราะห์ข้อมูลของเอกสารรวมถึงการสัมภาษณ์เจ้าหน้าที่ของรัฐ องค์การที่เกี่ยวข้อง รวมทั้งประชาชนที่ได้ผลกระทบจากการบริหารจัดการน้ำท่วม และประชาชนที่อยู่อาศัยด้านบนและด้านล่างประตู่ระบายน้ำโดยการศึกษาวิเคราะห์นี้จะให้หลักของการเกิดความขัดแย้งมาวิเคราะห์ร่วมกับ 3 ตัวแปรที่จะสามารถจัดการความขัดแย้งคือภาวะผู้นำขององค์กรที่มีหน้าที่บริหารจัดการน้ำท่วม การมีส่วนร่วมของประชาชนและการรับรู้ข้อมูลข่าวสาร

ผลการศึกษาแสดงให้เห็นว่าตัวแปรทั้งสามประการดังกล่าวมีความสัมพันธ์และมีความสำคัญในการบริหารจัดการความขัดแย้งได้ โดยเฉพาะอย่างยิ่งความขัดแย้งที่เกิดขึ้นในเหตุการณ์น้ำท่วมนั้นเป็นสภาวะความขัดแย้งของประชาชนต่อการบริหารจัดการน้ำท่วมของภาครัฐโดยภาวะผู้นำขององค์กรที่มีหน้าที่บริหารจัดการน้ำท่วมจะมีบทบาทหลักและส่งผลกระทบต่อสร้างการมีส่วนร่วมของประชาชนและการสร้างการรับรู้ข้อมูลข่าวสารซึ่งภาวะผู้นำที่ต้องการคือการทำงานอย่างเต็มที่ที่มั่งคั่งความรู้ในการบริหารจัดการน้ำโดยเฉพาะอย่างยิ่งการมีศิลปะในการบริหารจัดการความขัดแย้งได้ด้วย ทั้งนี้ภาวะผู้นำในระดับท้องถิ่นจะสามารถเป็นกลไกในการแก้ไขปัญหาความขัดแย้งได้เป็นอย่างดีในกรณีภาวะการมีส่วนร่วมของประชาชนในการจัดการความขัดแย้งนั้นพบว่าหากได้มีการสร้างการมีส่วนร่วมของประชาชนตั้งแต่ขั้นตอนการกำหนดมาตรการป้องกันน้ำท่วมหรือการสร้างการมีส่วนร่วมของประชาชนในทุกขั้นตอนของการบริการจัดการน้ำท่วมจะสามารถลดเงื่อนไขของการเกิดความขัดแย้งขึ้นได้ ส่วนการสร้างการรับรู้ข้อมูลข่าวสารนั้นถ้าได้ดำเนินการอย่างชัดเจนถูกต้องครบถ้วนและรวดเร็วก็จะสามารถลดปัญหาการเกิดความขัดแย้งได้เช่นกัน ทั้งนี้ภาวะผู้นำจะเป็นตัวขับเคลื่อนในการรับรู้ข้อมูลข่าวสารและสร้างการมีส่วนร่วมอย่างมีนัยสำคัญต่อการบริหารจัดการความขัดแย้งได้เป็นอย่างดี การศึกษาบทบาทของศาลปกครองในแก้ปัญหความขัดแย้งในการบริหารจัดการน้ำท่วมนั้น ก่อให้เกิดการยอมรับในหมู่ประชาชน แต่กระบวนการตรวจสอบการบังคับคำพากษายังคงมีปัญหาอยู่เพราะการดำเนินการตามคำพิพากษาของศาลกรณีการเปิดประตู่ระบายน้ำเป็นผลที่ได้มาจากการเจรจาของหน่วยงานหรือผู้ที่มีหน้าที่ ไม่มีการตรวจสอบจากภาคประชาชนหรือบุคคลอื่นที่สามารถทำให้การบังคับด้วยคำสั่งศาลปกครองมีประสิทธิภาพที่ชัดเจน

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This study aims to identify mechanisms in conflict management during flood response and relief in 2011 where the study will focus on the conflict that occurred during flood in 2011 of the area or related to Klong Mahasawat as the conflict scene. It also explores the potential regulatory for the management of conflict at the sluiceway including the analysis of Administrative Court's order to be used as conflict management tool.

The qualitative approach is used in this study, utilizing documentary analysis and in-depth interviewing of key informants from government institutions, related organizations, and affected people including people who live upstream and downstream of sluiceways. This study use stages of conflict to be a key of analysis of management mechanisms in three principles; authorities' leadership, people participation, and information sharing.

This study reveals that the three principles are interconnected and very important to alleviate conflict during flood response and relief where conflict occurred because of flood management rather than natural phenomenon. The leadership is the main factor that contributed and influenced to another two aspects as the leader is the key to enhance people participation and sharing of information that related to conflict and flood management. The official leaders who are in charge of disaster management must be very active and knowledgeable on their duties, especially during the time of conflict that all efforts of determination solely bear under their responsibilities. The leadership at community level is very capable and effective to conflict resolution and significantly contributed to support another two aspects as information sharing and people participation. The study has shown that the notion of people's participation as public consultation in such measures of flood management should have done comprehensively especially during preventive phase to safeguard any impediments derived during the flood response and relief. The information sharing is a unique reason to reduce conflict, but it must be in clearly, precisely and timely manner.

The Administrative Court's order is very important to uphold the duty and responsibility of all involved parties. However, the order should be observed seriously by the public for its enforcement.

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Student's Signature

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Co-Advisor's Signature

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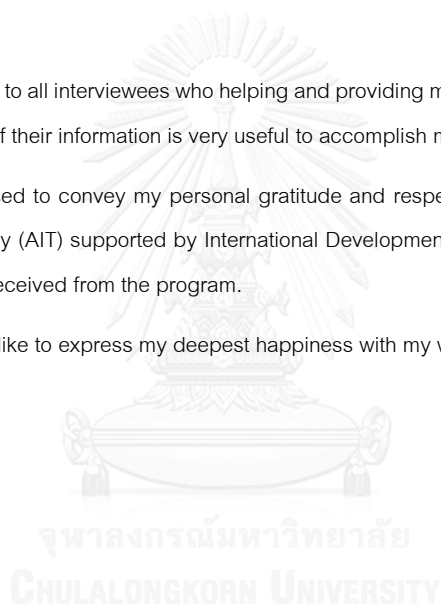
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LIST OF ABBREVIATION

AIT	:	Asian Institute of Technology
BMA	:	Bangkok Metropolitan Administration
CCTV	:	Closed Circuit Television
DDS	:	Department of Drainage and Sewerage
DDPM	:	Department of Disaster Prevention and Mitigation
DPT	:	Departments of Public Works and Town and Country Planning
DWR	:	Department of Water Resources
EGAT	:	Electricity Generating Authority of Thailand
EOC	:	Emergency Operation Center for Flood, Storm and Landslide
FROC	:	Flood Relief Operations Centre
GWP	:	Global Water Partnership
IWRM	:	Integrated Water Resources Management
ICS	:	Incident Command System
IDRC	:	International Development Research Centre
NDPMC	:	National Disaster Prevention and Mitigation Committee
NDPMP	:	National Disaster Prevention and Mitigation Plan
NCPO	:	National Council for Peace and Order
NGO	:	Non-Government Organization
OIC	:	Officer in Charge
ODPM	:	Office of Disaster Prevention and Mitigation
RID	:	Royal Irrigation Department
TMD	:	Thai Meteorological Department
TAO	:	Tambon (Sub-District) Administration Organization

CHAPTER I

INTRODUCTION

1.1 Background

Flood has been considered seasonal and typical disaster in Thailand. In fact, most of tropical countries has been familiar with flood and usually it is part of their agricultural practices and livelihoods. They might love rain or astonish it sometimes for the moment of romance, but not always, especially so long hazy heavy rainy day - this may bring the enormous flood to their homes and vicinities. Many people, nowadays, are living in urbanized and industrialized atmosphere where they prefer to move freely at any time with car or luxurious transportation rather than enjoying stay and stick at one place and flood will become their catastrophic phenomena. It means that they will lose their convenient and comfortable life styles. This is also true, if something is too much, it will be harmful than useful. Nevertheless, in the real life, disaster will be a touch of easygoing if we have planned to deal with it properly. How to handle such a big crisis successfully, this will always be an unanswerable question because it is no ready package to use beyond the time and place in which the disaster will never be that same. Besides, the problem itself, flood can also root to the conflict among people who affected by it. Flood as the event of public disaster that state needs to manage and exercise its authorities to handle the situation where in some extents the management will be involved with limitation of rights and freedom of people, this can also bring to conflict between state and its citizen as well.

In 2011, when the massive flood had arrived in Bangkok Metropolitan area, there was a conflict arising among local people who live upstream and downstream of waterway. The management of flood between provinces and Bangkok, has been cited seriously as the matter of conflict during the flood. Many people especially who live upwards from the flood's barriers- either sandbags or any blockades that keeping floodwater in their area longer than others, considered themselves as the grave victims of the governmental authority management. In some cases, they voiced their rights by destroying those barriers as pointed by the media "a large group of angry residents in

the Min Buri of eastern Bangkok staged a rally starting Sunday to force the Bangkok Metropolitan Administration to open a floodgate to drain water to the large SaenSaep canal nearby. Later, the residents marched to the floodgate and tried to destroy a concrete gate and sandbag wall around it with sledgehammers. The residents complained that floodwaters were growing increasingly unhealthy, with rotten smells. But officials had said there's a limit to how much water they could release because of the need to protect key economic assets in the area, including a market and the Bang Chan industrial estate nearby. Later, officials agreed to raise the gate to drain off some water, and the residents backed down (Saksit, 2011).

There are many cases of conflict of flood management between the government officials and the locals that happened during flood in 2011 where they had been focused and produced by the media sources regularly at that time. The officials who have duty to make decision in managing flood have to decide on how to compromise their duties and responsibilities with the best solution. For example, in the case of making decision to uplift the sluicgate where the people who live upstream demanding to open the gate higher in order to release more water but the downstream people might be glad to have less water flow into their area. There is a complication on how the official can make their best decision and on what ground of justification to meet both sides satisfaction.

Another example of the conflict that on November 23, 2011 nearly a thousand of Nonthaburi residents, had been gathering at city hall to hear the provincial governor's response to their demands. They had threatened to destroy floodwalls such as those along Klong¹Mahasawat, and big bag at the Highway No 340 that had been made as embankment for road recovery. They would prolong their protest if their demand for sluicgates to be opened to a width of one meter were not met. Later when the Nonthaburi governor announced through megaphone to demonstrators that the Bangkok Metropolitan Administration (BMA) had agreed to open the sluicgates to a width of 70 cm. from the previous 50cm.,this caused the demonstrators to jeer up at

¹Klong is a canal in Thai language.

his decision in which later the governor then said he would consult with the BMA for further decision. It was up until the National Flood Relief Operations Centre (FROC) spokesman Police General Pongsapat Pongcharoen told residents that the BMA would open the ThaweeWattana/ Mahasawat sluiceways to one meter by midnight, then the situation had been calmed down (Surasit and Panor, 2011).

Later, in the period of flood relief and recovery, there was a phenomenon of conflict from compensation packages regarding to the Finance Ministry Guidelines on Compensation of Disaster Relief B.E. 2546 (2003) that many people considered them as complicated, unfair, and unequal of practice. There were people's demonstrations in many areas questioning for their appropriateness, for example;

- 28 May 2012, About 800 people from Banglen, Nakornpathom blocked the road asking for their compensation. After the Deputy governor discussed and promised within 15 days they would see the outcome (sanookonline,2012);

- On 1 June 2012, about 300 people of Bangyai come to block the road No.346 to protest the unfairness of compensation, demanding the Nontaburi Governor to be responsible for their justice. After arrival of Deputy Governor, he talked with people to speed up the process and recheck their cases then the crowd agreed to return homes (Komchadluek online,2012);

According to Department of Disaster Prevention and Mitigation (DDPM), there are 1096 cases of Administrative Court in relation to flood management in 2011 that DDPM had been filed by people which mostly pointed out negligence or misjudgment of duty of DDPM and other government authorities, namely Flood Relief Operations Center (FROC), Ministry of Interior, Ministry of Agriculture and Cooperatives, Ministry of Finance, DDPM, Royal Irrigation Department, Department of Water Resources, Department of Public Works and Town & Country Planning, Electricity Generating Authority of Thailand (EGAT), Provincial Governors and Bangkok Governor.



Figure 1: People of Nonthaburi protest flood management

(<http://thaiflood.kapook.com/view33127.html>),

(<http://www.komchadluek.net/detail/20120611/132488.html>),

(<http://www.komchadluek.net/detail/20111120/115545.html>),

(<http://www.komchadluek.net/detail/20111122/115721.html>)

1.2 Facts and Practices of Flood in 2011

1.2.1 General View on Flood in 2011

In 2011, Thailand suffered the worst floods in more than a half century, caused by excessive and continuous rainfall from successive, powerful monsoons and subsequent, numerous dam breaches, the floods inundated more than six million hectares of land in 66 of the country's 77 provinces, and affected more than 13 million people from July through December 2011 (the Ministry of Finance and the World Bank, 2012). According to the report of Emergency Operation Center for Flood, Storm and Landslide (EOC) on 17 January 2012², the massive flood in the year 2011 has inundated 65 out of 77 provinces of Thailand, finally results in a total of 815 deaths (with 3 missing) and 13.6 million people affected (Sudtida, 2012). It has been ranking as the world's fourth costliest disaster (World Bank, 2011). The World Bank has estimated THB 1,425 billion (USD 45.7 billion) in economic damages and losses due to flooding, as of December 1, 2011 where most of this was to the manufacturing industry, as seven major industrial estates were inundated by as much 3 meters during the floods (Guy Carpenter, 2012).

Starting from mid- October, Bangkok was seriously threatened by the flood. According to the information from Disaster Prevention and Mitigation Department, on 12 October 2011, the government has declared flood disaster area in Bangkok and it lasted to 42 from 50 districts or 142 from 169 Sub-districts that affected by flood where in Nontaburi the western neighbor and Pathumthani, the northern neighbor of Bangkok were declared all area impacted by flood and the other province that surrounding Bangkok such as Chachoengsao, and Nakhonpathom, Samutprakarn,

²Emergency Operation Center for Flood, Storm and Landslide is the government ad-hoc body to support the operations during flood 2011 appointed by the order of Prime Minister Office No.137/2554.

Samutsakorn were mostly inundated as well (The Board of Investment of Thailand, 2012).

1.2.2 Government Establishment of Flood Management

This crisis has been proved of the reality of Thailand in term of emergency response including anticipation of natural disasters. Dramatically, there was coincident that had happened at that time, which one was the national election held on July 3, 2011 and its manifestation that captivately majoring in the media content than another one as the flood in the north which at that time might had been considered as seasonal situation. Later, on August 10, the new government assumed the office at the same time that the floods began to spread out to the central part of Thailand. From beginning, the government still saw the flood as normal situation even it was inundated 20 provinces on 30 July 2011 (Thai Meteorological Department, 2011) . Up until 8 October 2011, when 25 provinces were already submerged, the government then set up a Flood Relief Operation Centre (FROC) located in the Don Muang Airport (Office of Prime Minister, 2011). This is a new administrative body using power of the State Administration Act, B.E. 2534(1991) instead of Disaster Prevention and Mitigation Act, B.E. 2550 as the righteous and direct authority to manage the crisis. The new authority had faced immediate challenges to effectively manage the escalating crisis. Instead of using the power from the existing law which the absolute authority rested to the Prime Minister as the commander in chief, the new administrative body set the power to the Minister of Justice. Even later it revealed that the FROC was assumed the duty as the technical representative of Prime Minister in which exercise under the direction of Prime Minister as mentioned by the Prime minister order no. 17 / 2554 on 20 October 2554 (The Prime minister, 2011). This might be the another loophole of opportunity and leadership of the head of government as at that time the Prime Minister is very new to top level of administration. By using, this administration at the top level, it had caused to the complication of using authority of administration especially the power of execution of budget. The role of FROC was focused to exercise

on the operational matters with the provision of flood information to the public via phone and website (www.thaiflood.com) also as coordinator body to work with all ministries related to immediately solve the flood problem. The website was first developed in cooperation with the private sector and civil society, supported by a pool of IT experts and volunteers. After some time, thaiflood.com announced its separation from FROC due to conflicts involving information sharing and dissemination and cooperation between the two entities (Arpaporn ,2012).

1.2.3 Authorities Involved with Flood Management in Thailand

According to duties and responsibilities of authorities, there are many institutions responsible for carrying out flood management, namely Department of Disaster Prevention and Mitigation (DDPM), Royal Irrigation Department (RID), Department of Water Resources (DWR), Thai Meteorological Department (TMD), Departments of Public Works and Town and Country Planning (DPT) are among at least 32 authorities that directly or indirectly involved with flood management (“History of Water Resource Department”, 2015).

A systematic disaster management is essentially required and must be in harmony with all policies and plans. In these recent years, the mechanism of disaster management system in Thailand, therefore, has been built and set in both national and regional levels in order to develop itself to respond to the emerged situation. At the national level, Thailand has worked upon management structures for disaster preparedness arrangement through three areas; (1) the legal framework (related Acts), (2) the responsible agencies and focal points and (3) the national disaster management structure. (Disaster Plan, 2010)

Starting from the legal framework, the Royal Thai Government has acknowledged the importance of disaster management and subsequently restructured related laws and regulations by enacting the Disaster Prevention and Mitigation Act 2007 or DPM ACT 2007, the foundation of legal mechanism of Thailand’s disaster management system. According to this Act, the Department of Disaster Prevention and

Mitigation (DDPM) under the Ministry of Interior is stipulated as the core government department in handling national disaster management tasks and has been designated as the national focal point for disaster prevention, mitigation and relief. Disaster management operations are carried out through its 18 Disaster Prevention and Mitigation Regional Centers nationwide and 76 Disaster Prevention and Mitigation Provincial Officers.

Regarding the National Disaster Prevention and Mitigation Act B.E. 2550 (2007), the National Disaster Prevention and Mitigation Committee (NDPMC) has formulated National Disaster Prevention and Mitigation Plan (NDPMP) B.E. 2553-2557 (2010-2014) to provide frameworks and guidelines to facilitate and ensure the systematic, integrated, synergized and harmonious collaboration among concerned agencies of all sectors and levels in handling disaster. Thailand's disaster management system was formulated by focusing on three main parts; 1) Principles of Disaster Management 2) Disaster Countermeasure Procedure and 3) Security Threat and Countermeasure Procedure in managing both natural disasters, and national security issues. The single command system is also implemented according to the effect and impact of disaster. The table 3.1 hereunder is comprehensively explained (Asian Disaster Preparedness Center, 2013).

Table 1: Compatibility between Disaster Severity Scale and Level of Commander in Charge

Level	Scale	Person in Charge of Management
1	Small-scale disaster	Local Director, District Director, and/or Bangkok Metropolitan Director Assistant are capable of containing the situation and suppressing the incident
2	Medium scale disaster	In case where disaster situation is beyond capacity of the above mentioned Director, Provincial Director and/or Bangkok Metropolitan Director are obliged to intervene
3	Large-scale disaster	With severe and widespread impact In case where situation is beyond the capacity of the second level Director, Central

		Director and/or National Commander are obliged to intervene
4	Large-scale disaster with catastrophic impact	The Prime Minister or Deputy Prime Minister entrusted will be in charge as the commander

In addition to the main Act, the Treasury Act B.E. 2546 (2003) that defines the allocation of disaster relief assistance with detailing in the Finance Ministry Guideline on Compensation of Disaster Relief B.E. 2555 (2012) (during the flood in 2011 using the version of the year 2003) is the important tool in alleviating the disastrous event away from people livelihoods.

1.2.4 Duty and Responsibility of Director (Authority)

When the disaster has happened or expected to happen the director has the duty and responsibility defined by the National Disaster Prevention and Mitigation Act B.E. 2550 (2007), to perform as mentioned in Section 21, to activate the disaster prevention and mitigation operation instantly. There is the hierarchy of command that such director must report to higher authority if the situation beyond their capacity. There are local director, district director, provincial governor and minister of interior for the national command.

1.3 Conflict on Flood Management in Relation to Klong Mahasawat

There were many cases of conflict that arisen from the flood management of authorities in which in several areas the conflict were motivated by the political movement, for example at Klong Sam Wa canal in northern Bangkok, around 1,000 angry residents demanded the opening of a sluiceway to relieve floodwaters that had swamped their homes by attempting to smash the gate with sledge hammers and some

of them voicing out the word “we are calling for justice,” “all we want is a place to sleep”, and asking for the standoff between Prime Minister Yingluck Shinawatra and the Bangkok Metropolitan Administration (BMA), which was controlled by the opposition Democrat Party, (Roberts,2011).



Figure 2: People's demonstration and destroy the flood barriers
 (<http://www.manager.co.th/mgrweekly>)

In relation to Klong Mahasawat where it is situated in the area of the western of Bangkok and neighboring to Nontaburi Province, there was a conflict of flood barriers and sluiceways along the canal that become the primary objects causing to the conflict among the residents of Nontaburi and the government authorities. About beginning of November as the flood finally reached the area of Bangkok where its protection system including the closure of all the sluiceways awaiting from only the command of the Bangkok Governor as the Officer in Charge of flood management, the tensions among the people who live upstream and downstream from the flood barriers occurred as they had observed the unfair management of flood from BMA and the related government authorities. There was a webpage of Community of Nonthaburi Lovers on Facebook that people using to share information of flood and asking cooperation among themselves to purpose the measure of management to the Nonthaburi Governor (sanook.com, 2011). There was an example of people demonstration as nearly 1,000 Nonthaburi residents gathering at city hall to receive the provincial

governor's response to their demands where they threatened to destroy floodwalls and persisted their protest if their demand of opening the sluiceways along Mahasawat Canal to a width of one meter were not met (Surasit and Panor, 2011). This is a significant crisis that required the government responsible official to manage.

In another extent, on 23 November 2011, a resident of Nonthaburi filed a case to the Administrative Court and asking for the cancellation of the restoration of the road no.340 and opening all the sluiceways along the Mahasawat canal, later by 1 December, the court had an order for temporary measure before the court verdict which was to instruct the FROC and Bangkok Governor to work together in setting up the plan to manage on how to open the sluiceways which should consider the suffering of Nonthaburi people, but dismissed the request to cancel the restoration of the road with the reason of the management of flood was the duty of FROC and road recovery was useful for public ("Court dismissed a case of Nonthaburi",2011). The person who filed the case said to the media that she admitted and satisfied with the order from the court in which from that moment of the court's order the FROC and BMA would continue working together in order to manage the flood, and this would be the standard of practice ("Tossiri satisfied court order",2011).

On 21 November 2011, a report of Thai PBS, a TV channel, on flood situation in the Western area of Bangkok connected to Nonthaburi and Nakornpathom Province, there was different level of water between upstream and downstream along Klong Mahasawat where at Klong Taweewathana Sluiceway having level of water in Bangkok area lower than Nonthaburi area about 70 cms and the gate open only 50 cms where another at Klong Boa Sluiceway was closed and contributed to the water level differing at 90 cms between the ups and downs area ("Asso.Prof. Seri suggested to open BigBag", 2011).



Figure 3: Flood Analysis from Thai PBS TV Channel
(from <http://thaiiflood.kapook.com/view33799.html>)

- There were many case of conflicts that had happened in connection to the management of flood that become problematic situations, especially the cases of compensation. The example of situations that retrieved from online media hereunder.

- 30 November 2011. About 150 people of Bangnuathong Market Community blocking the road of Bangkrui-Sainoi asking the Executive Chief of Bangbuathong to assist the recovery of the road and demanding clear information of flood management. After two hours later, when deputy governor arrived, the people satisfied with his promise to manage the situation (thairathonline,2012).

- On 11 June 2012, About 300 people from Banglen, Nakornpathom blocked the road routed Banglan - Prathumthani asking promise of compensation after 20 minutes of negotiation by District Administrator and Chief Executive of Sub District Administrator, which the day on 15 June they will come and see the progress.(sanookonline, 2012)

-23 August 2012. About 200 people from Bangyai, Nonthaburi gathering in front of Bangyai Night Bazar, asking the disciplinary and criminal action against the Governor and Executive Chief of Soathonghin Sub District about their process of compensation. One of the protester then sacrifice his blood to write a word" Prime Minister please help", (Khaosodonline,2012)

1.4 Problem Statement

The conflicts that had happened during the flood in 2011 especially in the period of response and relief had been considered to be a national crisis. To identify and analyze the causes of conflicts including the management of those conflicts with the social aspects as authorities' leadership, people participation and information sharing will be a lesson learned for the future resolution in similar situations. In the matter of fact that flood in 2011 come from two main reasons; natural aspects such as unusual precipitation due to the tropical storms and seasonal monsoons, and man-made impacts such as land and water usage policies, expansion of communities, flood preventive measures (Kongjan,2012),the flood management by government authorities given by laws such as the Disaster Prevention and Mitigation Act B.E. 2550 (2007), the Finance Ministry Guidelines on Compensation of Disaster Relief B.E. 2546 (2003),the State Administration Act B.E. 2534(1991) and related procedural practices such as National Disaster Prevention and Mitigation Plan B.E.2553-2557 (2010-2014), Bangkok Disaster Prevention and Mitigation Plan B.E.2553-2557, Action Plan on Flood Prevention and Mitigation of Bangkok Metropolitan B.E.2554 (2011)had been mostly contributed to be the causes of conflicts. In another word, most of the conflicts arisen from flood in 2011 seemingly come from procedural mechanism malfunction or mismanagement. As the crisis from flood is visible and predictable, any measurements to alleviate the effects especially involving with people conflict can be done through common ground of information sharing, good cooperation and participation with people in communities in association with authorities' leadership that exercising their tasks properly and effectively in all aspects of flood and conflict management. The word "Thailand mechanism" will be used as a greater context that covering of legal perspectives that involved with flood management and social mechanisms as people participation, information sharing and authorities' leadership that presumably enhancing in conflict resolution and management in this study. The planning of flood prevention, people's demonstration, destruction of flood barriers, and the demanding of lifting the sluiceways that referred to Klong Mahasawat are among the scenarios in

the conflict management. In the end of such conflicts, the Act on Establishment of Administrative Court and Administrative Court Procedure B.E.2542 (1999) will be greatly accommodating to conflict resolution as part of the legal viewpoint.

1.5 Research Questions

Since the flood has caused the problem to society, not only the damage to life and property, but also flood and its management become the cause of conflict among the Thai people, it need to understand the problem in order to manage the conflict properly. In relation to the massive flood in 2011 and in the matter of fact that flood is the phenomenon that generated the conflict, therefore, the social perspectives as the mechanism in conflict management will be observed and tested whether they are potentially contributed to the conflict resolution and best for future development in relation to flood management.

To identify those significant arguments, the research question will be “ Is Thailand mechanism of information sharing, people participation and authorities leadership, capable and effective to manage conflict during flood response and relief?”

1.6 Conceptual Framework

Concept of conflict management and conflict theory will be outlined to the study where existing frame as Thailand Mechanism of social settings as authorities' leadership information sharing, and people participation will point to each level of conflict and analyze their capability and effectiveness in relation and connection to conflict management. However, in relevant to the study, there will be additional factors that can be linked to such events and sometimes partly contributed to conflict resolution; in this case, the legal perspective of the cases that filed to Administrative Court will also conceptualize the consequence of conflict settlement.

1.6.1 Thailand mechanisms

In this study, Thailand mechanism is limited to the process and contents of social settings or social mechanisms in relation to flood management that involved with conflict during flood response and relief. The term social mechanisms and mechanism-based explanations of social phenomenon has originated from the philosophy of science in which the core thinking behind the mechanism approach has been expressed by Elster (1989): “To explain an event is to give an account of why it happened. Usually, this takes the form of citing an earlier event as the cause of the event we want to explain.” In the event of flood and its conflict, this can explain that the floodwater management is the cause of conflict, and in order to manage the conflict we need some forms of action or course of action. These phenomena can be one and another circularly and continuously. What will be those forms of action, in this study, the social mechanism will focus on people participation, leadership, and information sharing.

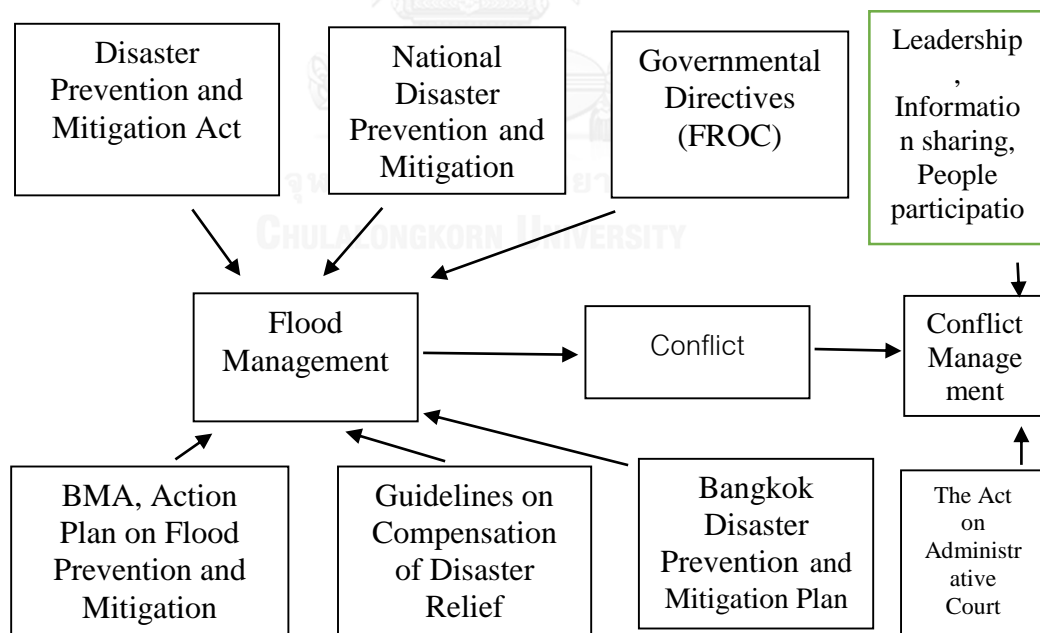
1.6.2 Staging of Conflict

During flood response period of 2011, the possibility of conflict occurred when people had seen unfairness and inequality of management by authority. The Flood Protection Planning was the phenomenon that cause into the latent stage of conflict. The “Polder System” or “Closed Area System” where its barriers together with sluiceways will control water from rivers and canals flowing into Bangkok area and more than 1500 pumping machines will be placed in order to drain the water out when flooded or overflowing of water. There is the fact that under the Disaster Prevention and Mitigation Act B.E.2550 the BMA must adhere their tasks to exercise any plans and operational measures to prevent and mitigate disaster (flood) to happen in the area, however as mentioned by the interviewees both the official and locals, there is no any involvement of people in the process of planning. In this case, the conflict happened between the residents of Bangkok and neighbor provinces where the BMA had set the flood barriers by laying the sandbags along the canal wall and closing of the sluiceways at Klong Mahasawat in order to protect Bangkok area from flood. This had caused to

dissatisfaction of the people who living upstream that considered it as unfair practice to them because their area would be flooded longer and higher in level. Later, the situation had been emerging into a group demonstration, and in some extents escalating into public disturbance; such as trespassing to official building, road blocking. Finally, the case of flood management by authorities had been filed to the justice system as the case of Administrative Court. In the period of flood relief, the government packages of compensation had made people frustrated, even became more suffering due to procedural processes that very complicated and considered as unfair of practices in some extents. Eventually, the conflict from compensation packages had been called for the justice through the Administrative Court.

In conclusion, the conceptual framework will be explained in the diagram as shown in Figure 1.4 hereunder.

Figure 4: Diagram of Study



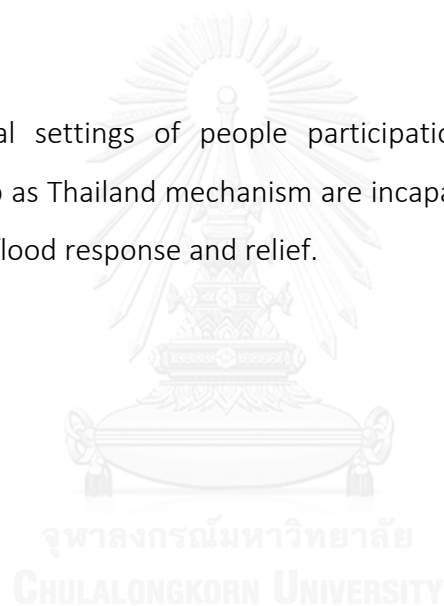
1.7 The Objectives

The objectives of this thesis are as following:

- (1) To study Thailand mechanism in conflict management focusing on people participation, information sharing and authorities leadership.
- (2) To study a case of conflict resolution of Thailand Administrative Court.
- (3) To analyze capacity building of authorities leadership as the best mechanism to manage the conflict of flood in the future.

1.8 Hypothesis

The social settings of people participation, information sharing and authorities leadership as Thailand mechanism are incapable and ineffective in conflict management during flood response and relief.



CHAPTER II

RESEARCH DESIGN AND METHODOLOGY

2.1 Introduction

This study uses qualitative research technique with documentary analysis and in-depth interviewing of key informants from government institutions and related organizations, namely Department of Disaster Prevention and Mitigation, Bangkok Metropolitan Administration, Nonthaburi Administration, Police Station, Municipality, Community Council of Taweewattana District, Administrative Court, including local people who reside in the area of study especially the representatives of the dispute cases that filed to the Administrative Court and field observations on site.

The area of Klong Mahasawat that lies between Taweewattana District of Bangkok and Salaklang Municipality of Nonthaburi Province is the study area of conflict management. The cases that people who affected by flood have filed to the Central Administrative Court regarding to flood management by authorities that referred to the area of Klong Mahasawat will be analyzed and fulfilled for the conflict resolution by legislative body. The conflict that happened during the flood in 2011 will focus on two stages: flood management during response period where the conflict has been involved between authorities and people, the period of flood relief which conflict arisen from the package of compensation of the flood victims.

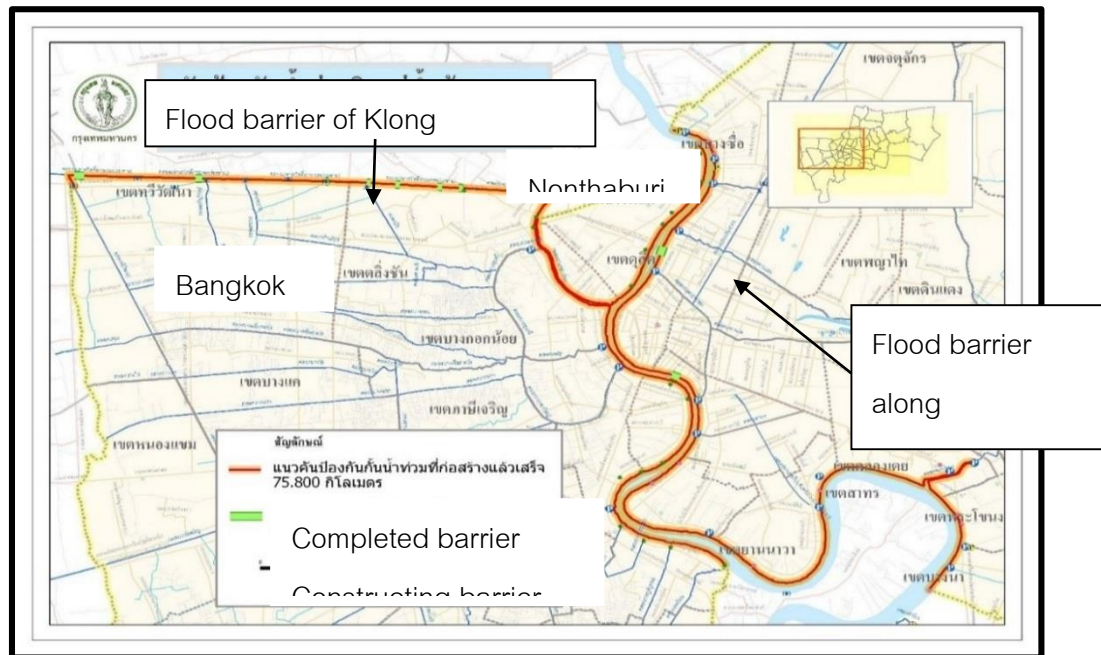


Figure 5: Area of Study: Klong Mahasawat

(<http://www.bangkokgis.com/bkkfloodwatch/images/stories/floodprotection12.jpg>)

2.2 Research Design

This research will use area of Bangkok and neighbor provinces where the conflict can be observed as the problematic during flood 2011. The study will be limited to social mechanism of people participation, leadership, and information sharing where each setting will ideally focus as a holistic concept, not detailing all aspects that shared its meanings; for instance, people participation that will pay attention to people involvement in the matter of flood management during response and relief period that may contribute to lessen the conflict, leadership will be limited to the role of responsible authorities where the official leader must perform as the officer in charge of flood management, and information sharing is a unique answer of timely, clearly and precisely manners of information from authorities in order to reduce the matter of misunderstanding or misbehavior that contributed to the conflict. Some part of legal and related procedurals and factors will be considered to be part of discussion i.e. the

Act of Disaster Prevention and Mitigation B.E.2550 (2007), the Finance Ministry Guidelines on Compensation of Disaster Relief B.E. 2546 (2003), the State Administration Act B.E. 2534(1991) and related procedural practices such as National Disaster Prevention and Mitigation Plan B.E.2553-2557 (2010-2014), Bangkok Disaster Prevention and Mitigation Plan B.E.2553-2557, Action Plan on Flood Prevention and Mitigation of Bangkok Metropolitan B.E.2554 (2011), the Act on Establishment of Administrative Court and Administrative Court Procedure B.E.2542 (1999). The area of Klong Mahasawat around the adjacent of Khunsriborirak Sluiceway will be the specific area of source of information to focus on the upstream and downstream residents who involved or related to the point of conflict (demanding sluiceway to open during the flood response in 2011).



Figure 6: Khunsriborirak Sluiceway (12 August 2015)

2.3 Sampling Design and Data Collection

The area of Klong Mahasawat around the adjacent of Khunsriborirak Sluiceway, Thaweewattana District of Bangkok and Salaklang Municipality of Nonthburi Province will be the specific area of source of information.

The concept of study will be coped with questions under each factor below.

1. Identifying the process of water management and flood relief operations in

regular practice according to Thailand law and regulation.

- How the responsible authority manage the water and flood?
- What are their criteria and justification to manage water and flood?
- Who is the person to make decision and on what ground of justification?
- Any laws and regulations to support the decision making of authority?
- Any consultation or collaboration with community for water management system?
- Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?

2. Problems and conflicts – It is needed to identify the problem that come from the processes of water management and flood relief operations.

- What are the elements and factors that contributed to the conflict?
- Any political or personal involved with water management?
- Who will gain benefit most in those procedures of water management?
- Any consultation to community involved for the best practice?

3. Dispute and Intervention

- What are the disputes between the communities and people who affected by water management especially during flooded?
- Any regular disputes that have been unsolved?
- What kind of intervention that government authorities, both central and local government implemented to the cases?
- What could be the best solution for those disputes?
- What is the role of police in this case?
- Is the police intervention justified and accountable?

4. Decision by authority

- Is the decision based on law and regulation?
- Did the decision makers consult community?

- Who is the responsible authority to make decision to manage water at canal gate, especially during flood?
5. Dispute prevention by comparative the cases that have been ruled out by the courts.
- In the case of court's order that favors to government in managing the water during flooded, can those cases applied to this area?
 - What is the meaning of cases that justified and deemed suitable in the opinion of local community?
 - How the people in the area response to those cases?
 - Can these cases be generally applied to all situations and can use to be the best practice for police?

The data collection will be focused on documentary research. This thesis will use secondary data from journal, thesis, dissertation, court's cases, etc. to analyze the facts and reasons of those practices and find the possibility of the concept of conflict management with the legal mechanisms.

All key- informant interviewees and relevant questions that developed from conceptual framework of official responsible for flood relief and operation and the verdict of The Administrative Court will be as following:

No.	interviewees	questions	remarks
1	Bangkok District Official (1)	-What is the role and responsibility as District Manager to manage conflict at canal gate when people want their requirement? -What is the role and responsibility of the District during flood relief operations? -Is the decision based on law and regulation? -Did the decision makers consult community?	OIC

		<p>-Who is the responsible authority to make decision to manage water at canal gate, especially during flood?</p> <p>-What are the disputes between the communities and people who affected by water management especially during flooded?</p> <p>-Any regular disputes that have been unsolved?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>-What could be the best solution for those disputes?</p>	
2	Official responsible at canal gate (1)	<p>-What is the procedures and plans for canal gate management and during flood?</p> <p>-Any people participation process according to those plans?</p> <p>-How to manage conflict at that time when people demand to open according to their requirement?</p> <p>-Is the decision based on law and regulation?</p> <p>-Did the decision makers consult community?</p> <p>-Who is the responsible authority to make decision to manage water at canal gate, especially during flood?</p> <p>-In the case of court's order, is this favor to government in managing the water during flooded, can those cases applied to this</p>	OIC of water management

	<p>situation or any cause of conflict arising from the court's order?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-Any consultation or collaboration with community for water management system?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p> <p>-What are the disputes between the communities and people who affected by water management especially during flooded?</p> <p>-Any regular disputes that have been unsolved?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p>	
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3	Official from Department of Disaster Prevention and Mitigation (1)	<p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	Operations Center
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4	Nonthaburi Provincial Administration (1)	<p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	
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5	Police Station (1)	<p>-What is the role and responsibility of police in flood management?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-Any conflicts happened in your area and what is the solution and justification to the conflict?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	Officer involved in flood management, Thammasala Police Station
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	<p>Police Operation and Planning Unit (1)</p>	<p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for police operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	<p>Commander or OIC</p>
7	<p>People who filed the cases to the court (3)</p>	<p>-What is the role and responsibility in flood management?</p> <p>-What will be the result of your case and what is the reason and do you agree with it?</p>	<p>Administrative Court</p>

		<p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p>	
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		-What could be the best solution for those disputes?	
8	Person who led demonstration in 2011(1)	<p>-What is the reason of demonstration?</p> <p>-Do you have any participation in managing or setting up the plans or policies for flood relief operations or water management?</p> <p>-Do you receive enough information about water and flood management from authorities and satisfy with law and procedure during flood relief operation?</p> <p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p>	Nonthaburi case

		<p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	
9	<p>People who live upstream, Salaklang Municipality</p>	<p>-Do you have any participation in managing or setting up the plans or policies for flood relief operations or water management?</p> <p>-Do you receive enough information about water and flood management from authorities and satisfy with law and procedure during flood relief operation?</p> <p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p> <p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p>	<p>Who were impacted by flood (1) and Group discussion (5)</p>

		<p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	
10	<p>People who live downstream, ThaweeWattana District of Bangkok</p>	<p>-Do you have any participation in managing or setting up the plans or policies for flood relief operations or water management?</p> <p>-Do you receive enough information about water and flood management from authorities and satisfy with law and procedure during flood relief operation?</p> <p>-What is the role and responsibility of government authorities in managing flood of 2011?</p> <p>-What kind of intervention that government authorities, both central and local government implemented to the cases?</p> <p>- Any policies and plans to manage the flood?</p>	<p>Who were impacted by flood (1) and group discussion (6)</p>

		<p>-How the responsible authority manage the water and flood?</p> <p>-What are their criteria and justification to manage water and flood?</p> <p>-Who is the person to make decision and on what ground of justification?</p> <p>-Any laws and regulations to support the decision making of authority?</p> <p>-How to manage the conflict when people disagree with the management of authorities?</p> <p>-What are the laws and procedures for flood relief operations?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	
11	Civil society representatives	<p>-Do you have any participation in managing or setting up the plans or policies for flood relief operations or water management?</p> <p>-Do you receive enough information about water and flood management from authorities and satisfy with law and procedure during flood relief operation?</p>	Community Council of Taweewattana District (1)

		<p>-What is the role and responsibility and assistance from your office in managing flood operation and relief?</p> <p>-Do you see the conflict between people and how to manage the conflict when people disagree with the management of authorities?</p> <p>-Any laws and regulations that the authority must oblige to do water management during flood, especially involving with community and its effect?</p> <p>-How the people in the area response to those cases?</p> <p>-What could be the best solution for those disputes?</p>	
12	Judge of Administrative Court	<p>How many cases are in the process of judiciary?</p> <p>-What is the result of the cases and what is reason and justification of any decision?</p> <p>-In the case of court's order, is this favor to government in managing the water during flooded, can those cases applied to all situation?</p> <p>Do you have any cause of conflict that arising from the court's order?</p> <p>-How the responsible authority manage the water and flood and are these become the reason for justification?</p>	Who involved with such case of conflict (1)

		-Any laws and regulations that the authority must oblige to do water management in any situation and during flooded, especially involving with community and its effect?	
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2.4 Data Analysis

1. The thesis will use Analytic Induction and Narrative Analysis as the key to analyze data. As the title of the thesis focuses on the role of people that involved in flood management, operation and relief will be discussed.

2. The conflict that happened in such situations might be intentionally or extendedly justified which make the authorities compromise to the case. The information that received from informants will be pointed to the cause of conflict of water management at canal gate during flooded which possibly become fundamental and applicable to other areas. The laws and regulations as the tools of government authorities will be either contribution to the resolution of the conflict or contradiction in bringing peace to community. The guideline on conflict management will be the result from this thesis as well.

3. The theory of conflict management will be focused into the situations and circumstances that had happened during the flood relief and operation in 2011.

4. The role of local leadership in conflict resolution will be discussed in legal perspective and through the tendency of culture and norm of Thais society.

5. The policing intervention will be monitored base on the information from secondary data and possible and applicable procedures including policies and plans from authorities.

6. The cases that have been ruled out by the courts will be discussed for their applicability in the future.

2.5 Significant of Research

This research will be a link to the concept and related theories in order to understand the root of conflict and its possible resolution during the disastrous event and interpret the contexts and circumstances into the knowledge and the best practices in the future. The social settings in term of people participation, information

sharing and leadership will be mainly recognized to the future of development of communities and the nation. The involvement of legal action in conflict resolution, in fact, is the fundamental of any society as the role of Thailand Administrative Court will be essential to the resilience of conflict situation.



Figure 7: Klong Mahasawat (12 August 2015)



CHAPTER III

LITERLATURE REVIEW

3.1 Conflict Theory

Conflict is a natural phenomenon of humans inevitably. When a person has goals which differ from others, sooner or later a conflict will take place. The conflict in society can be small as a family scale up to the national and the international level. The main consideration of the study is the concept of conflict which is various in term of definition and phenomenon. Park and Burgress defined it simple as struggle for status, somewhat later Mack and Snyder defined it as struggle not only for status but also for scarce resources and significant social change (Himes, 1980).

The conflict that occurred in the event of flood is a unique phenomenon. Basically, it is involved with people behavior as mentioned in the theory of conflict behavior. Bartos and Wehr (2002) defines the conflict as ***a situation in which actors use conflict behavior against each other to attain incompatible goals and /or to express their hostility***. The incompatible goal is about what the people in the communities want and the authorities that in charge of flood management do is not the same, then conflict is emerging to be an action of conflict or conflict behavior. This conflict definition derived from two guiding principles: focus on general theories, and present these theories in a simplified way, as what Bartos and Wehr (2002) called “a causal proposition”: from conflict solidarity to conflict behavior (action) as shown in figure 3.1.

Conflict solidarity → Conflict behavior

Figure 3.1: A Causal Proposition

To make this context of definition clearer and can be relevant to any other comment, this theory use the word “behavior” in replacing the word “action”. They argue that conflict behavior can occur for six main reasons:

- (1) The parties may have (or believe that they have) incompatible goals,
- (2) They each may have achieved high solidarity,
- (3) They may have organized for conflict,
- (4) They can mobilize their conflict resources,
- (5) They may be hostile toward their opponents,
- (6) They may have sufficient material resources.

The figure 3.2 can be better explained.

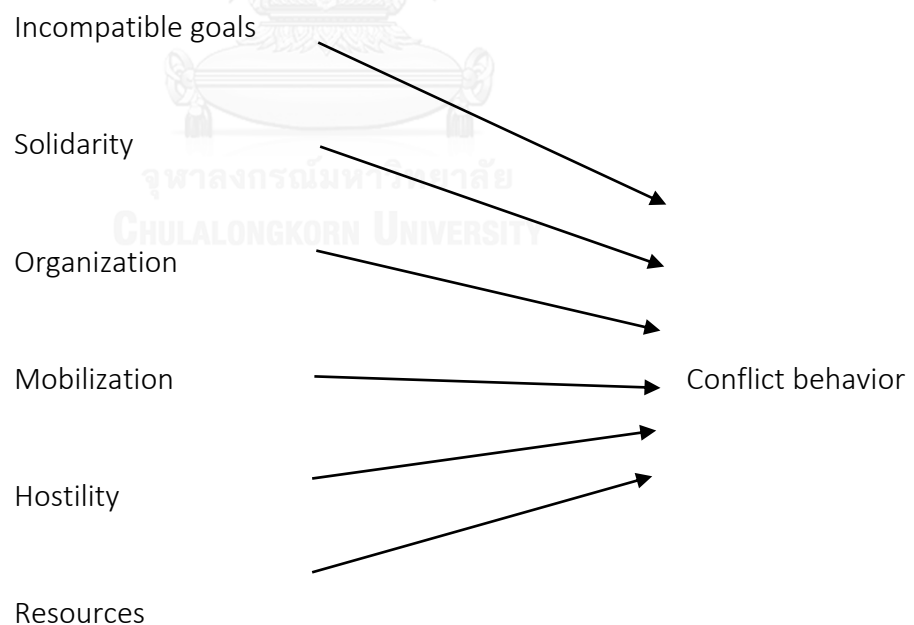


Figure 8: A Theory of Conflict Behavior

To understand the conflict and its definition, Bartos and Wehr (2002) has explained that “conflict behavior” can be viewed both as a set of categories and as a continuum. They distinguish two main categories of conflict behavior, noncoercive(which includes pure cooperation, promising reward, and persuasion) and coercive (which includes threat of coercion, nonviolent coercion, and violent coercion), better explained in figure 3.3.

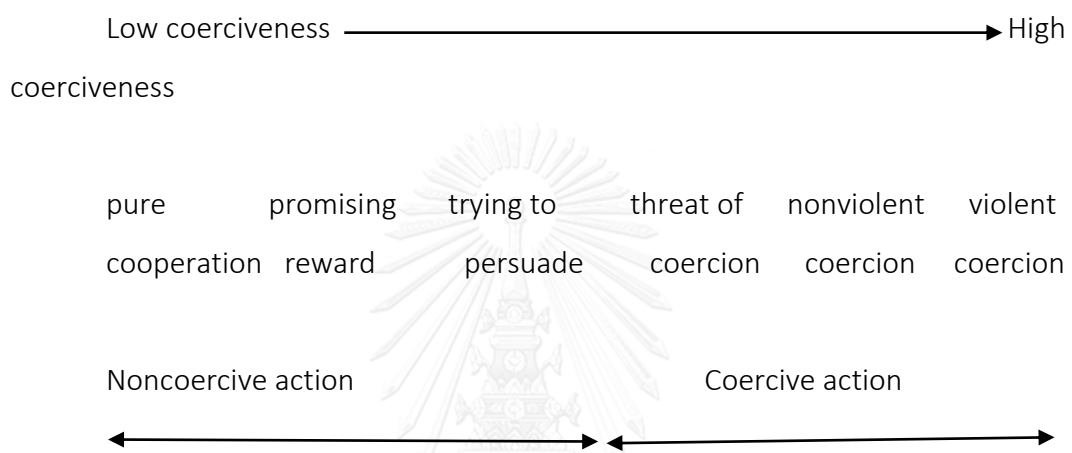


Figure 9: Coerciveness of Conflict Action

The theory has contributed to “goal incompatibility” as the main cause of conflict where three main sources of goal incompatibility: contested resources, incompatible roles, and incompatible values will be sufficed to contemporary conflict situation. These has also linked to three set of conflict staging: those causes that lead to goal incompatibility, those that lead to the beginning of fighting, and those that promote escalation.

To understand the inclusiveness of conflict concept, the conflict staging that has been well marked by Eric Brahm (2003), will consider and adapt into this conflict theory. The figure 3.4 hereunder will be the unique concept of conflict staging.

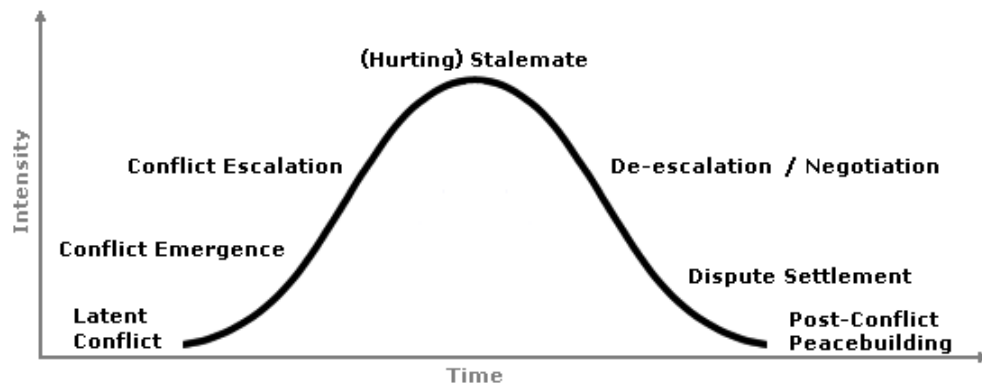


Figure 10: Stage of Conflict by Eric Brahm

- (1) No conflict
- (2) Latent conflict
- (3) Emergence
- (4) Escalation
- (5) (Hurting) Stalemate
- (6) De-Escalation
- (7) Settlement/Resolution
- (8) Post-Conflict Peacebuilding and Reconciliation

Another perspective on the stage of the conflict which consists of individual, behavior, interpersonal relationships, and situational surroundings, Alan Filley (1975) divided the process of the conflict into six steps as following:

(1) Antecedents :A condition before the conflict that can lead to conflict which is the result of social relations, such as the ambiguity of power, the barriers of communication and so on.

(2) Perceived conflict : About how you experience or perceive the situation: Do you see situation as an accident or conflict?

(3) Behavioral manifestations: This is the concern to various parties behave in the situation either push it back or in a threatening position.

(4) Interventions: It is the concern of what will happens next, to leave things alone or a third party comes between conflict parties.

(5) Resolution: This is about how the conflict resolved, may accept of apology or perhaps you decide to get even at later stage

(6) Resolution aftermath: This is the phase that follows the resolution of settlement of the conflict. It includes the feelings people have and the way the different parties see the outcome of the settlement. One of two things can happen at this stage. Firstly, if the conflict was resolved to the satisfaction of both parties, a positive attitude is created and the possibility of further conflict is reduced. This is a win-win situation which de-escalates or calms down the conflict by increasing trust levels. Secondly, if the conflict resolution is unsatisfactory, distrust is created. This increases the chances of the conflict escalating. In other words, the outcomes of one conflict help create the climate for the next conflict.

In the matter of floodwater management, when people observed the action of authorities in doing such measures in order to prevent or manage flood that not reasonable or logical in the sense that those management might prejudice to other parties, for example the implementation of floodwall that prevent the flood to enter to downstream area, but allow the upstream area to have more water and keep longer when flooded, this management by authorities will create the conflict among people who live upstream area where Eric Brahm (2003) calls "the latent stage of conflict". In real situation, the latent conflict will be there in the mindset of people since the projects have been known by people. In the normal period, people may justify them as the development plans. Nothing will be the problem in relation to those plans. However, in the massive flood in 2011, many of them have been pointed to be the cause of conflicts. People were aware of their rights in the sense of fairness and equality in their status of country citizen. The conflict then go through other staging to reach the top as hurting stage or stalemate then reducing and last to be post-conflict or peace building stage.

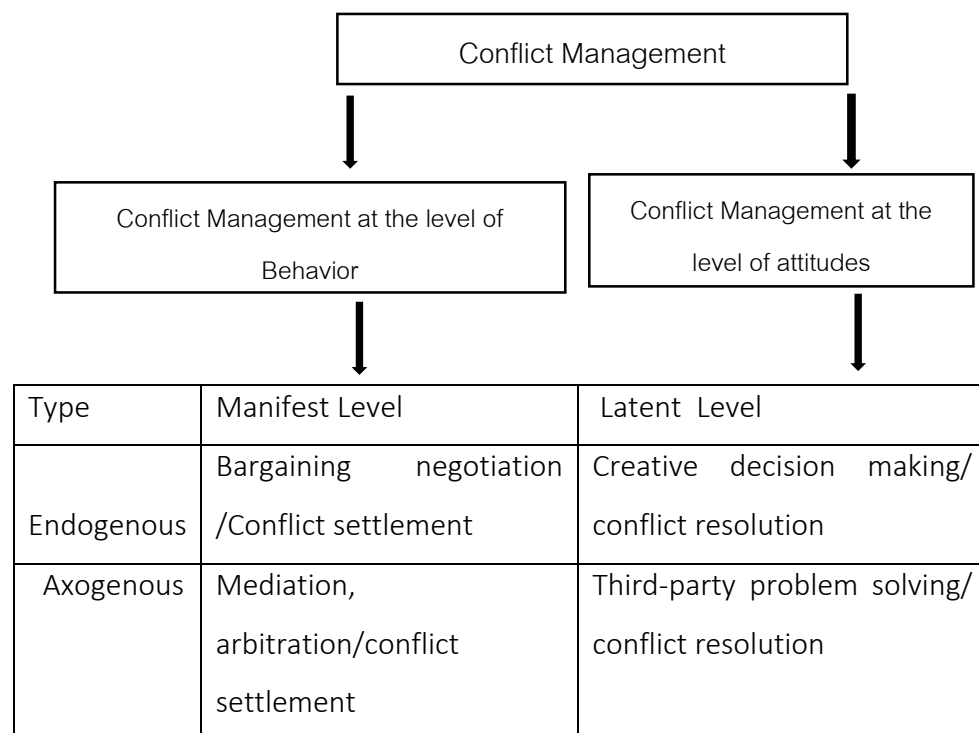
3.2 Conflict Management

As conflict from flood is about water management, according to Global Water Partnership (GWP)³, conflict management refers to a broad array of tools used to anticipate, prevent, and react to conflicts. Which tool to select depends on the root causes of the conflict, as well as its type and location. Conflict management tools can be classified into three types: interventions for conflict management, decision support/modelling tools and tools for consensus building (GWP, 2012). In any conflict management, the win-win solutions must be the best, however, that not all situations can be resolved with win-win outcomes. GWP advises a combination of those three types of tools where in most water resources cases the tools encourage parties to move beyond positional bargaining and the claim/counter claim process and to help parties identify which interests lie behind each side's position, and to jointly construct "win-win" solutions based on meeting those interests. Conflict management involves both social change and social learning. It has many benefits, including its voluntary nature. It can develop quick procedures and solutions to dispute settlement, more control over solutions by those closest to the issues, greater flexibility for crafting solutions than is offered in formal legal mechanisms and time and cost savings. These tools are applicable in almost all aspects of Integrated Water Resources Management (IWRM). They are especially useful in early stages of IWRM planning and design. They are least useful in situations where major legal precedent is being set. It is the most important to stress that the ultimate mechanism for conflict resolution is the law and legal procedures.

³GWP was founded in 1996 as an international network created to foster an integrated water resources management (IWRM). Its vision is for a watersecure world. GWP offers practical advice for sustainably managing water resources.

Jacob Bercovitch (1984) combines the dimensions of conflicts management typology as shown in Figure 3.5. He explains that basic distinction between types of conflict management is endogenous and exogenous conflict management. The former refers to conflict management undertaken by the parties to a conflict; e.g. negotiation; the later refers to efforts undertaken by an outside parties. Exogenous conflict management can be further subdivided into (a) binding- as arbitration and adjudication, (b) voluntary – pacific third party interventions. Bearing these typologies in mind, one can proceed to discuss types of conflict management and their link to conflict settlement or conflict resolution. A conflict is settled when destructive behavior has been reduced and hostile attitudes have been lessened. In contrast to that, a conflict is said to be resolved when the basic structure of the situation giving rise to destructive behavior and hostile attitudes has been reevaluated, or re-perceived by the participants in conflict.

Figure 11: Type of Conflict Management



3.3 Conflict Resolution with People Participation

To focus on the concept of people's participation as conflict resolution and management, there are several important practices that can interpret into this concept. Oakley (1995) has identified 4 concepts in the broad sense of participation; (1) Participation as Collaboration, (2) Participation as Specific Target of Project Benefits, (3) Participation as Organization, (4) Participation as Empowerment. He argues that in development practice that most people particularly rural people cannot participate due to lack of organizational basis for participation. He concludes that the relationship between participation and organization is fundamental for development. He further explains the benefits of people's participation can help minimize misunderstanding or possible disagreement which is very important in problem solving or conflict management. Participation will allow people to have a voice in determining objectives, to support project administration and to make their local knowledge, skills and resources available must result in more effective projects. Participation is also concerned with human development and increases people's sense of control over issues which affect their lives, helps them learn how to plan and implement and, on a broader front, prepares them for involvement at regional or even national level. In the study of Thasanee Lukanapichonchat (2009), about Sociocultural Administration for the Strengthening of Urban Community, concluded that when facing problem, community established self-help group to eradicate the existing and incoming problems then sorted it out with logical and practical manner in relation to human dignity and rights. This Problem Solving Strategy has pointed the staging of problem solving in community which starting from "the thought of survival which encouraging people to participate and manage the problem properly" and last with "the community consciousness to be acknowledged and united in every aspects in order to uplift and synergize the strength of community. However, in the study of Soonthorn Panyapong (2010) about Conflict Resolution in Water Resource Management in Thai Society : A Case Study of Lampatao Dam in Chaiyaphum Province, has pointed to the relationship perspective between public organization and communities that there was a lack of good relationship

between them, i.e. public organizations only had relationship with the communities so far as to reach the objectives and this has contributed to be a cause of conflict of water management. It is correlated to what Oakley(1995) mentioned as participation as empowerment where the collaboration of local people and the contribution of their resources, knowledge and skills are essential ingredients of many government development program. When people have been fully participated, they can utilize their capabilities to develop the project and finally reduce and deter any conflict in the future. To reiterate the point, Tanin Chanasuk (2011) has mentioned another importance of people participation in his study of Community Participation to Solve Flood in the Year 2011: Case Study of Community of Nonthaburi City. He has pointed to the people participation in five significant areas for the problem solving of flood disaster;

(1) Information sharing where people fully satisfy of the performance of responsible authority in information distribution as most of them are also close to each other,

(2) Information Presentation where people are able to give information to authority in various channel of communication where this can enhance the cooperation and the authority has received useful information,

(3) Participation in Public Meeting where two ways communication is upheld regularly, and during the flood the special operation center was set up to closely operate and participate by people in community.

(4) Cooperation of People where there are many aspects of helps that people can contribute their efforts in order to assist the flood victim and managing the flood in the area.

(5) The Duty of Inspection where the people are able to be appointed as a member of committee in development plans and their implementations.

In connection to development projects, a study of key factors effected the success of policy implementation as a project of construction of retaining walls of Department of Drainage and Sewerage, Bangkok Metropolitan Administration (BMA), has revealed that eight factors can contribute to the success of the project of BMA

Development Plan which the first and most important is the support and participation of people and the second is the relationship of authority mechanism in the implementation of the policy, Kamon Aoudomsuk (2005).

3.4 Conflict Resolution with Information Sharing

Information sharing is part of communication which is especially beneficial to both individuals and society. It can make person recognized and understood feelings and needs of others. In relation to people participation, conflict can be resolved and manageable with effective communication as mentioned by Thanin Chanasuk (2011) as people participation is also about information sharing and presentation. When the local authorities distribute information regarding to what the people should know about flood or water related situation, this will enhance the good cooperation and understanding among them. In opposite way, conflict also viewed as the outcome of misperceptions, incomplete information, Garfinkel and Skaperdas (2000). However, as *water management* issues are complex and political systems often involve a great number of *stakeholders* with different, often conflicting agendas (MORIARTY et al. 2007), one key element of conflict resolution is the idea that each party may have a different perception of any given situation. People filter their perceptions and reactions through their values, culture, beliefs, information, experience, gender, and other variables. Such information can influence the person's willingness to engage in efforts to manage the conflict, either reinforcing confidence to deal with the dilemma or undermining one's willingness to flexibly consider alternatives. (OQI&OHRD,2015). In the time of conflict especially during confrontation, negotiators who share information are more likely to reach integrative agreements than those who do not (Thompson, 1991).

In the study of Culture and Risk: Socio-Cultural Settings that Influence Risk from Natural Hazards of Global E- Conference found that the communication on hazard and risk to communities needs to be culturally sensitive and therefore not only more

acceptable but also participatory. In the context of livelihood, this study considers the concept of “living with risk” that needs to reduce vulnerability by encouraging a livelihood approach. The livelihoods approach promotes the development of more resilient communities in the long-term, for example, by preparing against disaster beforehand rather than just reacting to the events as they occurring or tackling.

3.5 Conflict Resolution with Leadership

In any situation that involve with people either as private enterprise or bureaucratic system, the important of the leader and his or her leadership will be very supportive to the success of organization. However, when we study the conflict and the leader in specific condition for example leadership in conflict management, we can specify the leader and leadership in different and concrete term and condition. Sharma and Jain wrote about leadership as a process by which a person influences others to accomplish an objective and directs the organization in a way that makes it more cohesive and coherent (Sharma and Jain, 2013). Yukl (2002) offers the meaning of leader as person who is the most powerful in the group and has official authority to perform duty where the rest in the group is the followers, although some of them may be a team leader or assistant in some form in the group (Potjana, 2009). There is another definition that purposes “ Leadership” as a process by which a person influences others to accomplish an objective and directs the organization in a way that makes it more cohesive and coherent. Leaders carry out this process by applying their leadership attributes, such as beliefs, values, ethics, character, knowledge, and skills (“Concept of Leadership”, n.d.).

In relation to Thailand Disaster Prevention and Mitigation Act B.E. 2550(2007) as the main legislative to manage disaster, article 21 and 31 that assign the duty and responsibility of the authorities, however as the study of Pakorn Kijpitak (2005) found that it was not sufficient to administer and enforce the power of responsible authorities which it should be said clearly in the Act about the principles or procedures to declare power that may limit the rights and freedom of people. This fundamental tool could

jeopardize the leadership of authorities in order to exercise their duties. Besides, confusion of state authorities in dealing with disaster as mentioned by the Act, the role of local leader in conflict management, especially of the community leader where they can reach many thousands of people and are trusted by the people. The roles of village headmen are very important factor in solving conflict in the village. They stop problems and also change conflicts into positive ways through their authority. They perform their roles based on their potential, skills, and feature of disputes as well as conflict situations. It was found that the village headmen played critical roles in solving conflict and governing people in their community - reasonableness, truth, justice, sincerity in solving problems, care and assistance people, and responsibility are among those roles, (Kumpee, (n.d.)). Khengkun (1993) studied the role of the village headmen in the era of globalization and found that there are several important factors resulting in the existence of village headmen. Firstly, village headmen are naturally born. They possess charisma leadership and are respected by people in the village. Secondly, the amendment of Local Government Act B.E.2457(1914) is also a key factor in changing of the role of the village headmen in order to meet the changing needs of modern society. Champamon (1996) studied the role of village headmen in the conservation of Environment and natural resources. He conducted the case study of Banpai district in Khonkhaen province. His results reported that most village headmen have a greater role in the implementation of the policy of the Department of Conservation and Natural Resources. The situation has created natural leader to negotiate and communicate their rights where those leaders are from official entities, such as community committee the outcome of response will be very effective. Thasanee (2009) has concluded in the study of Sociocultural Administration for the Strengthening of Urban Community that the situation has created natural leader to negotiate and communicate their rights, and when those leaders are from official entities, such as community committee the outcome of response will be very effective. The community also realizes that when they has been facing with any problem, working on behalf of group will be stronger in term of negotiation and management.

CHAPTER IV RESEARCH RESULT

4.1 Existing Organizational Mechanism

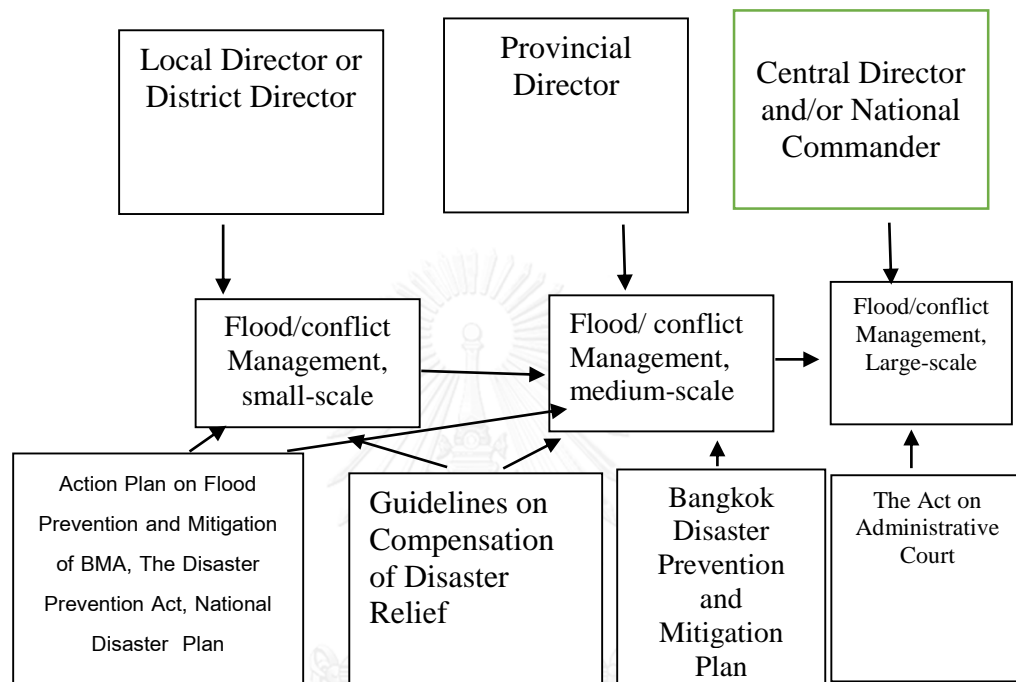
4.1.1 Conflict Related to Leadership

In 2011, when the massive flood had arrived in Bangkok Metropolitan area, there was a conflict arising among local people who live in the area of flood especially between people who live in upstream and downstream of waterway. The management of flood between provinces and Bangkok, has been cited seriously as the matter of conflict during the flood. Many people especially who live upwards from the flood's barriers- either sandbags or any blockades that keeping floodwater in their area longer than others, considered themselves as the grave victims of the governmental authority management. In the area that connect to the sluiceway where the people observed the opening and closing of the sluiceway has been operated as misconducting or giving the privilege to Bangkok people rather than the others people who live in provinces. According to this practice, by-law, the Disaster Prevention and Mitigation Act, B.E. 2550 and the National Disaster Prevention and Mitigation Plan B.E. 2553-2557 (2010-2014) has assigned the leader who can manage and operate functionally to any problem or disaster related their responsible area. The National Plan is to provide frameworks and guidelines to facilitate and ensure the systematic, integrated, synergized and harmonious collaboration among concerned agencies of all sectors and levels in handling disaster. The single command system is also implemented according to the effect and impact of disaster, small- scale disaster is led by Local Director or District Director, medium scale led by Provincial Director and large-scale or large-scale with catastrophic impact led by Central Director and/or National Commander as the Prime Minister him/herself. In the area related to Klong Mahasawat at that time of disaster, there were many cases of conflict that arisen from the flood management of authorities. A conflict of flood barriers and sluiceways along the canal that become the primary objects causing to the conflict among the residents of

Nonthaburi and the government authorities. About beginning of November as the flood finally reached the area of Bangkok where its protection system including the closure of all the sluiceways awaiting from only the command of the Bangkok Governor as the Officer in Charge of flood management, the tensions among the people who live upstream and downstream from the flood barriers occurred as they had observed the unfair management of flood from BMA and the related government authorities, even at that the Prime Minister already declared her commanding leader as the disaster become national disaster, however there was no intervention from her to any operation about flood management. There was an example of people demonstration as nearly 1,000 Nonthaburi residents gathering at city hall to receive the provincial governor's response to their demands where they threatened to destroy floodwalls and persisted their protest if their demand of opening the sluiceways along Mahasawat Canal to a width of one meter were not met (Surasit and Panor, 2011). This is a significant crisis that required the government responsible officials or their leadership to manage the situation. Later, on 23 November 2011, a resident of Nonthaburi filed a case to the Administrative Court for the cancellation of the restoration of the road no.340 and opening all the sluiceways along the Mahasawat canal. On 1 December 2011, the court had an order for temporary measure before the court verdict which was to instruct the FROC and Bangkok Governor to work together in setting up the plan to manage on how to open the sluiceways which should consider the suffering of Nonthaburi people. This is an example of how leadership can be the important point to manage conflict. Besides Bangkok, in the area of neighboring provinces of Nonthaburi, the responsibility of planning and operations is rest to Nonthaburi Governor, District Administrator, Municipality Mayor and Chief Executive of Sub-District Administrative Organization respectively where the local leadership of Village Chief and the Village committee will be valuable hands of official administration. In this sense of practice, the Nonthaburi residents will easily and mannerly receive useful information and capable to communicate and participate with the authorities in the matters according to the Disaster Prevention and Mitigation Act B.E.2550. In case of receiving

compensation, the residents of Nonthaburi has received amount of money fully and mannerly compared to the people who live in Bangkok area.

Figure 12: Diagram of Conflict Related to Leadership and Existing Organizational Mechanism



4.1.2 Conflict Related to People Participation

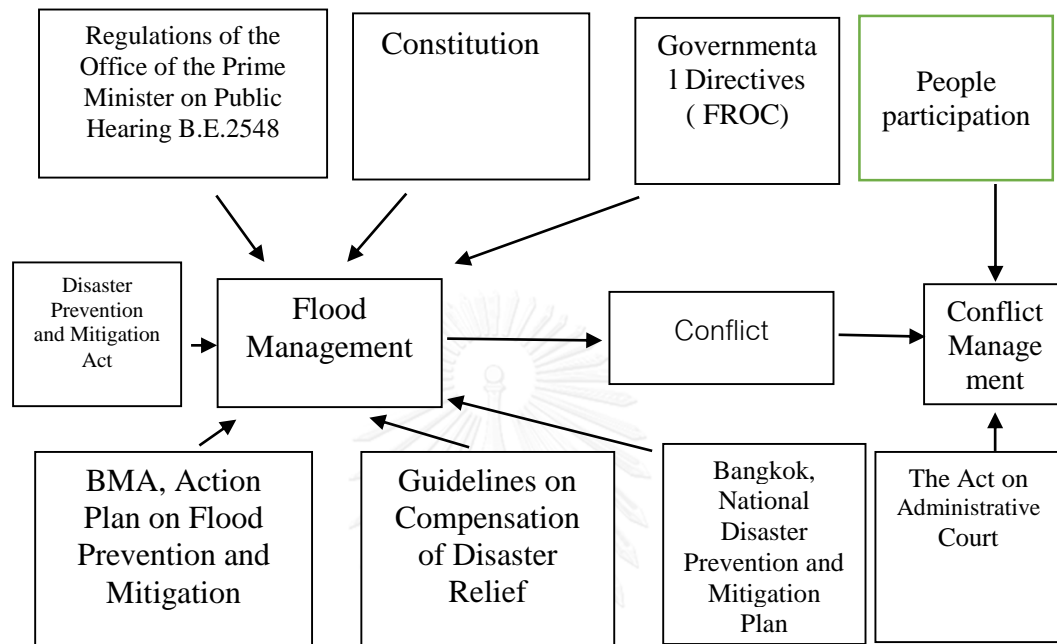
During flood response period of 2011, the possibility of conflict occurred when people had seen unfairness and inequality of management by authority. In this case, the conflict happened between the residents of Bangkok and neighbor provinces where the BMA had set the flood barriers by laying the sandbags along the canal wall and closing of the sluiceways at Klong Mahasawat in order to protect Bangkok area from flood. Instead of fully participated in the plan and or measure from flood, people in communities has been limited their role and responsibility as only to be the outsiders, who have no any participation in any operation. This had caused to dissatisfaction of the people who living upstream that considered it as unfair practice to them because their area would be flooded longer and higher in level. Later, the situation had been

emerging into a group demonstration, and in some extents escalating into public disturbance; such as trespassing to official building, road blocking. If the policy has been implemented the people participation well as to pay attention to people involvement in the matter of flood management during response and relief period that may contribute to lessen the conflict. People participation must be connected to the leadership as well, for example the Nonthaburi Governor was the key as he himself came to observe the situation of flood in the area of Klong Mahasawat and discussed with people. He noticed that in every cases of people demonstration, they demanded the governor to receive their needs directly not lower ranking staffs. This was the right message that people understood the chain of command in disastrous situation. The Constitution of the Kingdom of Thailand BE 2550 (2007) stipulates the rights of people in community regarding to natural resources, the environment and biological diversity for example in Section 57 “ a person shall have right to receive information, explanation and justification from Government agency, State agency, State enterprise or local government organization before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration. The State shall organize public consultation thoroughly before the making of social, economic, politic and cultural development plan, the expropriation of immovable property, the making of town and country planning, the determination of land use, and the enactment of rule which may affect material interest of the public.” Section 58 “A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law.” Any project or activity which may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organized, and opinions of an independent organization, consisting of

representatives from private environmental and health organizations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity. The right of a community to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to perform the duties under this section shall be protected.” In addition to the Constitution, the Regulations of the Office of the Prime Minister on Public Hearing B.E.2548 (2005) has been enacted the processes and procedures of public opinion on any issues that may have an impact on the environment, health, quality of life prior to authorization or implementation of any projects or activities. This could lead to better understanding of people and reducing of conflict in relation to preservation and exploitation of natural resources and biological diversity. In the area of Bangkok has been set to the “Polder System” or “Closed Area System” where its barriers together with sluiceways will control water from rivers and canals flowing into Bangkok area and more than 1500 pumping machines will be placed in order to drain the water out when flooded or overflowing of water. In relation to the area of Klong Mahasawat, the Bangkok Flood Protection Plan is a key issue to the latent stage of conflict because most of the conflict that happened during the flood had been referred to the action taken by BMA authority planning and operations such as the construction of flood barriers along Klong Mahasawat, placing of sandbags, and the closure of sluiceways. There is the fact that under the Disaster Prevention and Mitigation Act B.E.2550, the BMA must adhere their tasks to exercise any plans and operational measures to prevent and mitigate disaster (flood) to happen in the area, however as mentioned by the interviewees both the official and locals, there is no any involvement of people in the process of planning. The people in the surrounding communities along Klong Mahasawat both in the area of Bangkok and Nonthaburi have never participated in any decision making process on those constructions. They agreed to have a committee to monitor and manage the sluiceway that consisting of local representative and water expert. They said this establishment would enhance people participation for decision making in such matters

that affected to their livelihood and could reduce the pressure and liability of government authorities.

Figure 13: Diagram of Conflict Related to People Participation and Existing Organizational Mechanism



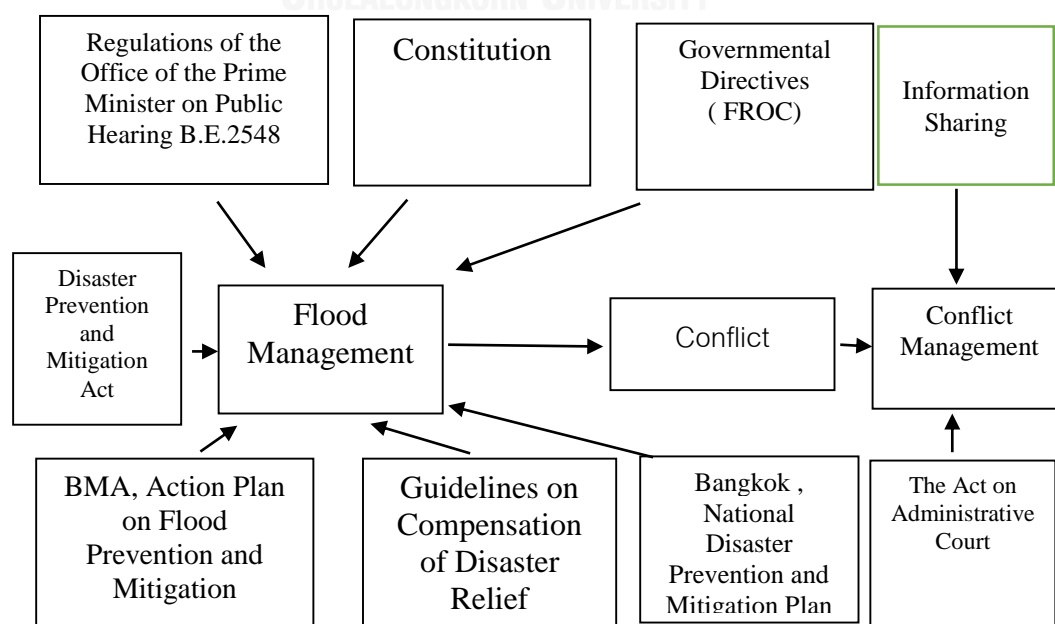
4.1.3 Conflict Related to Information Sharing

The Constitution B.E.2550 (2007) has pointed out the rights of people to participate and receive information, explanation and justification from a government agency, State agency, State enterprise or local government organization before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration. In addition to the Regulations of the Office of the Prime Minister on Public Hearing B.E.2548 (2005) that the government authority should provide the information and explanation in order to have comprehensiveness of decision-making on administrative functions. The Prime Minister has declared on October 21, 2011 the power under

article 31 of the Disaster Prevention and Mitigation Act B.E.2550 (2007) where the command and control will rest to the Prime Minister in all area of operations, this commanding power should intervene BMA action by taking over all operation of BMA, if necessary to do so. All flood planning and operations in the area of Bangkok will bear to BMA where from the beginning. It is lacking of people participation and information sharing in planning and any necessary operations. The local in Nonthaburi area has observed that only from the BMA area that allocated the budget to set the flood prevention system and they have never been informed in any planning from BMA including the government authorities from Nonthaburi. Although, the BMA has its chain of command authority, but the District Administration will be the last office to be in charge of every matters that serve to the people where it is located far from their community and it is only one office that serve to hundreds of thousands of residents. During the flood in 2011, there was a webpage of Community of Nonthaburi Lovers on Facebook that people using to share information of flood and asking cooperation among themselves to purpose the measure of management to the Nonthaburi Governor (sanook.com, 2011). After Nonthaburi province had been overwhelmingly flooded due to the BMA planning of flood prevention, they requested the Nonthaburi Governor to seek the solution from the government as at that time the flood had become national disaster. The central government or the Prime Minister must be the officer in charge of flood management. Either the Prime Minister or at that time the National Command as Flood Relief Operation Centre (FROC) had taken the action of flood management. The FROC had been functioned since 8 October 2011 more than a month earlier than the tension of demanding the sluiceways of Klong Mahasawat to open. However, it was no any instruction and direction from FROC or Prime Minister to BMA in order to command and control the operations. Instead of command and control, the Prime Minister and FROC exercises negotiation with BMA for the sluiceways operations. In addition to the competency of the leaders, it was an adequate information and communication with the public through the media. Information sharing at this stage came in the form of successful negotiation of leader. In the case of Nonthaburi demonstration, the information of negotiation between BMA

and Nonthaburi Governor, and in another context between the FROC and BMA, are the keys of lessening the conflict. However, the information of BMA regarding to flood protection plan, the polder system, will not be publicly declared to people attention much as it is a top-down planning. The lack of coordination among concerned agencies as well as standard response and operation procedures was led to miscommunication. The demonstration has come from the reason that BMA has been upholding its operational plan so strictly, the closure of sluice gates is one measure of the plan. In addition to that, the available information of the government package of compensation, the details of those measures to make people understood such as the duration of drainage, the length and level of flood water, especially when the people who live upstream having more affected how the government would treat them or any assistance and necessary measures for the flood's victims must be in place and available through all sources, either by local and government leaders or public medias. This will be helpful in term of managing of conflict at this stage. There are no demonstration in the area of Salaklang municipality unlike Taweewatana district due to the lack of clear information to process the claim and without systematic guidance on how to prepare paperwork for the claim.

Figure 14: Diagram of Conflict Related to Information Sharing and Existing Organizational Mechanism



4.2 Thailand Mechanism in Flood Related Conflict Management

This chapter will gather information for the case study. The research conducts in-depth interviewing of key informants from government institutions and related organizations, namely Administrative Court, Department of Disaster Prevention and Mitigation (DDPM), Bangkok Metropolitan Administration(BMA), Nonthaburi Administration, Royal Thai Police, Thammasala Police Station, Salaklang Municipality, Community Council of Taweewattana District, including local people who reside in the area of study especially the representatives of the dispute cases that filed to the Administrative Court and field observations on site. The interview were done in Thai language which later translated into English.

4.2.1 Interview of Policy Level

4.2.1.1 Interview of DDPM official

An interview of Mr. Kittisak Boriboonkaset, the Officer of Disaster Mitigation Operations Center on 10 July 2015 will fulfill the thesis content on how the disaster of massive flood in 2011 would operate at that time, what will be phenomenon of each conflict and its management, the facts of how the Disaster Prevention and Mitigation Plans and related matters become into practice, and what would be its obstacle in implementation such plans. It will be also answered about the time of emergency how information of flood and related issues has been circulated and become the righteous mechanism for people in order to act in such situations. Some key areas about people participation in the process of planning and its implementation in the concern conflict solution will also be focused.

(1) Legal Mechanisms and Operations

He expressed that the Disaster Prevention and Mitigation Act 2007 was the key legal mechanism for the disaster management of the country where DDPM was the national operation organization, the provincial and the local agencies were the

operation mechanism in the provincial and local level, and 18 DDPM Regional Offices and 75 Provincial Offices were the supportive mechanism to provincial and local directors in order to manage disaster. He further said that the National Disaster Prevention and Mitigation Plan B.E.2553-2557 (2010-2014) was the guideline and tool for every relevant disaster agencies to conduct the disaster management. He pointed that the DDPM was the secretariat office for the national command of flood management, all operations regarding to flood in 2011 which considered national disastrous level or level 4 according to the Disaster Prevention and Mitigation Plan. He pointed out that the common problems in disaster management and in managing emergency incidents were the lack of coordination among concerned agencies as well as standard response and operation procedures which led to miscommunication which at the end usually worsen the situation. Many times, he said, the challenges of disaster management lied upon how to manage and prepare to response during the disasters to prevent the loss of life and damage to properties. He also pointed that the Incident Command System or ICS was one of the most effective tools to manage incidents and improve emergency response operations where by-law, this mechanism already existed but effectiveness and competency were still in concern. He said that the disaster management directors at every level were the Incident Commanders in their jurisdiction and having overall duties and responsibilities as defined by the Act to supervise and administer the authorities under their command. He explained that there were three level of management system; Policy Level, Commanding Level, and Operational Level. He mentioned that in the operational level or community level as the Sub-district Administration or Municipality leaders were the key of success in term of disaster management because they were close to people and must understand what people in community really need.

(2) Conflict and Legal Mechanism

He agreed that it was quite clear about duty and responsibility of authorities in every level to perform their duties defined by the Act. He said the conflict that happened because people disagreed with the management of authorities, in

theory it could be minimized and solved the problem by information sharing and people involvement of planning from beginning, however, it was difficult to implement those processes perfectly especially in the level of national disaster where millions of people involved if one disagreed this could also lead to the court of justice or the Administrative Court. When the conflict that happened in the scene, the good leadership where so far the Act and the Disaster Prevention and Mitigation Plans already officially assigned the person in charge, could lead to calm down the situation. He also pointed that the flood in 2011 was the problematic in term of its impact, and was very complicated in the chain of command and operational procedures, for example when people from another provinces demanding Bangkok Metropolitan Administration (BMA) to open the sluiceways but the BMA said it was about their plan to control the floodwater not to overflow into BMA area, and that plan was also obliged by law as well. Everyone had own rights to do. From the rule of law, the situation like this would go to the court, luckily our justice system worked quite well, he concluded that.

(3) Conflict and Operational Matters

He said that the operational procedure was in place, but in some extent might not be so decisive and effective. He said that according to the public media and lesson learned aftermath had point out that the information sharing was in the first line to manage in future operation. He added that there were spokespersons designated, however, official statements and press releases had not always been credible with public and later on the lack of confidence had been developed. He said it was also the many authorities involved in the operation when the flood had developed to be national stage starting from October 21, 2011 and the Prime Minister assumed the role of commanding officer to manage the situation, however by her direction she ordered the Flood Relief Operation Center (FROC) to be her assistant in a command and control of all operations. He personally agreed that this was a complicated administration mechanism in term of disaster management system. According to the conflict that the people from Nonthaburi demanding Bangkok authority to open sluiceways at Klong Mahasawat and asking FROC to stop recovery of the road No.340 and the Western ring

road No.9, and within a short period later when the court had ruled out that FROC and the Bangkok authority must discuss about this operation with inclusiveness of management that good to both Bangkok and Nonthaburi, it was a historic point that the role of Administrative Court could function well in order to lessen the tension between people and authorities. He remembered that the plaintiff was interviewed by the media and said that she was satisfied with the court judgment that both FROC and Bangkok authority must concern the people grievances and manage flood together. In the case, he said, there was no command and control over BMA by FROC in the real practice and in timely manner until the intervention of Administrative Court by the order of provisional remedy for temporary relief of grievances. In case of compensation, he said that the Finance Ministry Guideline was covering all possible entitlements, together with the rule of management that designed the local authorities such as Sub-district and Municipality Committee to oversee the compensation process an program, however the amount of money might not be as much as ruined or required by the victims due to the burden of government budgeting. There were also a problem regarding to the process of compensation that was quite complicate in term of the requirement of paper work in which some local authorities had not met the people satisfaction about the practice and process of consideration. For example, at the same village and same housing style but the neighbor had received different amount of money and in some cases too much different. However, in the meantime, there is no any solution from government as legal basis like Cabinet Resolution or amendment of the Guideline, in order to increase the compensation to the victim of disaster. This was in the concern of higher level when conducting the lesson learned from the flood.

He further said that all of the cases that had been brought to the court pleading the DDPM as malfunction or misconduct of planning to prevent and manage the flood. Fortunately, he said that the Central Administrative Court had deliberately considered the Plan and the operations of government authorities during the flood as deemed necessary action, meant that the Department, all government personnel and authorities were guiltless to perform such duties during the period of flood. He mentioned that section 21 and 27 of the Act has stated clearly about the duties and

responsibility of authorities in handling such matters especially in order to prevent and manage flood, then the operations in 2011 had followed the rule of law. As the government official, he understood the people motion that suffering from flood especially ones who lose their family members as more than 800 people were killed in the flood. However, he had mentioned about such operations or plans, even they were very keen with all aspects of operations but when the time of disaster come, they might not be able to execute with satisfaction to all people.

4.2.1.2 Interview of Disaster Prevention and Mitigation, Nonthaburi

Provincial Administration

The Office of Disaster Prevention and Mitigation (ODPM) is assigned under the supervision of Nonthaburi Governor where its staffs are appointed by the Department of Prevention and Mitigation. The ODPM will work as the secretary and administration office for the governor in dealing with disaster and related subjects including processing disaster action plan, emergency plan, administering of budget of disaster prevention and mitigation.

In this thesis on 15 July 2015, the interview of Mrs. Yupaporn Sangtham, a Clerical Officer whom has been working many years in the office and tasking to the flood in 2011 which could recall to those conflict situations and their consequences significantly.

Firstly, the interview revealed about the Nonthaburi Operational Plan and its settings, the officer confirmed that all necessary plans, in every level of operations had been issued by authorities and executed properly based on each situation and operation as the plans were obligatory by the Act. In the event of flood 2011, the ad hoc committee headed by the governor was set up accordingly. As the level of flood was in level 4, then by and within the jurisdiction of the province, it was the duty of the governor to be an incident commander of any operational matters, especially, those conflicts that escalated from flood management among the people of Nonthaburi, the governor at that time, unless engaging with another important

requirement, himself would attend the scenes to find the solution and receive information directly from the people. She referred to the case of the demonstration at Bangyai Municipality that people asking for fairness of compensation to the household due to the same flood condition but each household received different amount of money, even they were located as next door neighbor. She said that at the beginning, the Senior Assistant District Chief Officer of Bangyai District negotiated to the people assuring that he would receive and forward their cases to the governor, however people still not agreed, they demanded the governor himself to come. She pointed that finally, this case ended by the governor came to talk and receive the complaint from the people himself. This was similar case of people protestation at Nonburi City Hall for the management of flood between Bangkok authority and FROC, that ended by the arrival of the governor presence and his message. About the Administrative Court's judgment regarding to a case of recovery of the road No.340 and No.9 and the uplifting of sluiceways at Klong Mahasawat, she said that after the court's judgment, people understood and the situation became peaceful.

She mentioned about compensation that most of the cases had been reviewed satisfactory, but there were some cases such as durian plantation owners that requested higher amount of money than defined by the Finance Ministry Guideline, all of them still pending for the court's judgment. However, she said that in the beginning, there had been quite problematic in many areas such as district of Bangbuathong, Bangyai, Sainoi, there were people demonstration due to the processing of compensation which might be complicated to the people, or probably not well informed by the authorities where the other districts or local municipalities had been peacefully done. She also agreed that if the official or authorities involved had paid enough attention and with consideration of people suffering, the outcome of compensation would be easily handled.

About the community in KlongMahasawat area that requested to have the barrier construction at the KlongMahasawat similar to the Bangkok site, she told that at this moment there was no such plan from authority for the permanent construction, however she agreed to people idea. She explained that the implement of any

construction project would require very much money and it was not easy by the local government itself because the limitation of budget, this would be the national policy. She also agreed about lesson learned that good and effective information especially when seriously impact to people must pass to them as quick and sufficient as possible. About the people participation in planning of sluiceways operation in order to control the flow of water both in normal and emergency as disastrous situation, she agreed that having a committee which included the representative of local people and the expert together with the official authorities would be the best practice and could lessen the conflict among people and responsible authority.

4.2.1.3 Interview of Department of Drainage and Sewerage (DDS),

Bangkok Metropolitan Administration (BMA)

The Department of Drainage and Sewerage is the responsible authority to process the Flood Protection Plan of BMA annually. In the event of flood barrier, this construction has been in place since B.E.2527(1984) after the massive flood in 1983(Flood Protection Plan,2007). On 18 July 2015, the interview of Mr. NarongRuengsi, Deputy Director will be explored the connection of plan, flood protection, and the perspective of conflict management in 2011.

He told that after the flood in 1983 the Bangkok had its plan to facilitate many road to be flood barriers, but after the flood in B.E.2538(1995), the plan had made concrete construction as additional barrier where the area of Choapraya River and its tributaries had designed about 77 kms. of concrete wall that including KlongMahasawat. He explained further that this had made the flood protection plan to be a “Polder System” or “Closed Area System” where its construction together with sluiceways to control water from rivers and canals flowing into Bangkok area and more than 1500 pumping machines installed in order to drain water out. In addition to those measures, the maintenance and dredging of canal would be done in every year, however in the real practice of about 2600 kms long of canals and more than 6000 kms of drainage system might have a gap due to less budgeting, he mentioned.

When focusing to KlongMahasawat and the case of conflict that occurred during flood management in 2011, he said that there were about 500 meters of the canal barriers that left over for construction due to the objection of the house's owners including the pending cases in litigation of illegal possession of public land and these area later had been spiked by the floodwater because of the temporary barriers were not capable to resist the floodwater. He restated that by-law, the BMA had duty to protect the area from flood, mentioning about the Administrative Court judgment that so far acquitted the liability of the BMA and government authorities during flood management in 2011. However, the case of court's order on December 1, 2011 that pointed out to the FROC and BMA to manage floodwater together by draining the floodwater into the BMA canals through the sluiceways at KlongMahasawat with consideration of the impact in both areas, he said that this was a reasonable position of justice, and it turned out that all parties agreed and ended of the conflict. He further said that before the judgment from court, there was no any official order from FROC to instruct MBA according to the sluiceways management, even though the Prime Minister had declared the authority under Article 31 of the Disaster Prevention and Mitigation Act on October 21, 2011.

About the sluiceways management under DDS regular system, he told that there was an Operations Center of DDS that command and control all sluiceways 24 hours daily with real time monitor and operation where there were many tools of high technology that installed to monitor the water system such as Closed Circuit Television (CCTV), Weather Forecast System, Water Gauge. However, he concluded that the process of sluiceways operational planning would be top-down and not involved with people in community or people from neighbor provinces. He also mentioned that by-law, the BMA has rights to build and control water in the area, and especially in case of disaster the BMA Governor as the Disaster Management Director also had duty to do so. To have sluiceways operations committee that representing local people from both sides including water experts, he said that it was possible, but it needed to address by law.

He added that the Action Plan of 2015 had been marked the new initiative by concerned authorities to have a better solution initiated by Cabinet Resolution on the fifth of June 2012 of the approval of canal management purposed by the Water and Flood Management Committee which designated BMA and the Ministry of Interiors enforcing the law seriously to the intruders where there was an option for those families to be relocated by the Ministry of Human Security and Social Development. In additional to this resolution, there was an order of the Head of National Council for Peace and Order (NCPO) that signified on December 13, 2014 acquiring the management of slums and communities that using public canals to be rearranged or relocated if necessary. To follow these instructions, the BMA and concerned authorities had convened several times including arranging the discussion with those people and a positive outcome was observed, he said that. He also told that BMA had implemented the knowledge-based community projects to sensitize information to people and as required by law in any environmental impact projects, to have public hearing before approval of the project.

4.2.1.4 Interview of Planning Department, Royal Thai Police

The Office of Planning is responsible for processing of any strategic plans of Royal Thai Police. A key to this thesis is the conflict management that involved with police planning and policy and practice. For the disaster response, there is a special operational planning that according to the National Disaster Prevention and Mitigation Plan, the police will be in charge of traffic operation, security and public order, and Disaster Victim Identification. On 13 July 2015, an interview of Police Colonel NatthapongThongnak who is currently in charge of the Section of Planning for Disaster Management of police will be a straight point for the study.

About the conflict situation and management, he confirmed that there was a ready concept of operation that police would response to the scene immediately. He said that in case of public disorder or in the major conflict, besides law that regulated the duty of police, it was a Security and Public Order Action Plan of B.E. 2552(2009) that

used for operational and tactical action. If the situation was still in tension but not in serious situation, normally the presence of force would be sufficient and effective. According to the conflict of flood 2011, that were serious confrontation in some areas where the police was deployed sufficient number of police officer to presence our force, it was a prevention operation by police. He also said that negotiation of responsible authority such as the governor was the key to ease the conflict. By the nature of conflict during flood, the people anger would not become to deadly situation, rather it was the stage of emotional tension where the negotiation and force presence and protection was the police tactic of action. By the operation, there was a team of detective and photo recorder to observe and monitor the situation, if the conflict had gone beyond and become serious or some of them had breached the law, the record of evidences and witnesses would be the legal action in later period.

He further said that the decision making of authority leader will be very important. The background check of the leader and demonstrators, will be sorted in order to make the right decision of policing enforcement action such as crowd control tactic, arrest, dispersion, and the use of force operation will be justified based on each situation and all related factors, he concluded.

In conclusion, all operations regarding to flood in 2011 which considered national disastrous level or level 4 according to the Disaster Prevention and Mitigation Plan. The lack of coordination among concerned agencies as well as standard response and operation procedures was led to miscommunication. Incident Command System or ICS, this mechanism already existed but effectiveness and competency were still in concern. The flood was the problematic in term of its impact, and was very complicated in the chain of command and operational procedures. For example, people from another provinces demanding Bangkok Metropolitan Administration (BMA) to open the sluiceways but the BMA said it was about their plan to control the floodwater not to overflow into BMA area. This case was ordered by Administrative court to instruct BMA and government to manage the sluiceways along Klong Mahasawat. The role of Administrative Court could function well in order to lessen the tension between people

and authorities, however the enforcement by law is still in question, whether it is followed and clearly uphold. No one can proof the court order was totally followed. Such operations or plans, even they were very keen with all aspects of operations but when the time of disaster come, they might not be able to execute with satisfaction to all people. The knowledge-based community projects to sensitize information to people and as required by law in any environmental impact projects, like having public hearing before approval of the project is the best practice. To have sluiceways operations committee that representing local people from both sides including water experts, was possible, but it needed to address by law. In case of compensation, the Finance Ministry Guideline was covering all possible entitlements. The local authorities such as Sub-district and Municipality Committee to oversee the compensation process, however the amount of money might not be as much as ruined or required by the victims due to the burden of government budgeting. The process of compensation that was quite complicate in term of the requirement of paper work in which some local authorities had not met the people satisfaction about the practice and process of consideration.

4.2.2 Interview of Operational Level

4.2.2.1 District of Thaweewatthana

The District of Thaweewatthana is located in the western site of BMA and bordering with Nonthaburi in its North along the line of KlongMahasawat. As administering the area of study, it is important to have some key facts from responsible authorities under the district administration. Ms. MasarinAngkitanont, Head of Local Affairs Officer, is interviewed on 7 July 2015 for the facts and viewpoints in the conflict of flood in 2011 and related matters.

The officer pointed out that the management of flood in 2011 was under the Act and all official authorities had done their job properly and hardly in every areas. She said the conflict that happened especially shown in the media was uncontrollable due to the flood had been affected too many people where some areas might not be

satisfied with the management by authorities. She mentioned that this had been raised to the shoulder of responsible authority, like disaster director to negotiate with people. When sked about the Administrative Court that ordered BMA and FROC to discuss of flood management plan in order to manage floodwater flowing through the sluiceways in KlongMahasawat, she said that such orders from the court was unquestionable as it was fair and judged, and the conflict situation was peaceful after that. She answered to the question about conflict on compensation that the lack of clear information to process to claim and without systematic guidance on how to prepare paperwork for the claim, that it had led to the problem in her area in some extents. She raised the problem in her area that many people especially the poor who had houses but could not registered in the system because built in another person land but no specified contract to build a house or some of them built in public land, they could not receive the claim due to the law that not considered as the houses. Fortunately, she said that the Thai society understood this problem, then the private-owned company, association or foundation had come to assist those houses and this also contributed to problem solving. She mentioned about the conflict of people in Phutamonton Distict of NakornPratom that protested for their claim on compensation. She also told that as her area was the key during the flood and become point of conflict, however, the responsible authorities, for example the BMA governor, had visited and discussed the situation many times, and this would lead to action taken in proper way. In addition to this, she told that there were the establishment of 13 communities as members of a Community Council of Taweewatthana that had been set to work closely to the development plan of Taweewatthana, and this would be essential to the future cooperation between local and authority as well. She also agreed to the idea that people participation in planning of sluiceways operations along Klong Mahasawat with establishment of a committee representing of local and water expert in order to control the flow of water both in normal and emergency as disastrous situation, and it would be the best solution of any conflict among people and responsible authority.

4.2.2.2 Salaklang Municipality

This Municipality is located in district of Bangkruai, Nonthaburi Province on the western most of the district has an area of 34.78 square kilometers with covering an area under its administration of 6 villages, namely BanKlongbangna, Ban Pratumchimplee, Ban Salaklang, Ban Klongkutmahasawat, Ban Chareonsuk, Ban Narapirom. In the south of municipality bordered with Bangkok where KlongMahaSawat is the line of division. On 20 July 2015, an interview of Mr. San Singjai, Municipal Clerk about the situation of flood in 2011 and facts of inevitable aspects will be well noted hereafter.

Mr. San is in charge as Head of Administrative Office and working in this municipality since its inauguration 7 years ago. He said that the area was a lowland, flood was normal situation or problematic disaster in every year of rainy season. In 2011 the massive flood was inundated all the area of municipality for more than two months. According to him, there was no significant conflict of flood control between the people from neighboring district of Bangkok and the people in municipality, in fact both sites had use the same technique of flood prevention, using sandbags and dikes to prevent water from the canal flow into the residential area. He added that Bangkok system was better in term of flood prevention plan while using cement walls as the barriers of flood but the municipality can use only temporary soil dike. Unfortunately, the municipal dike had been collapsed after almost a month of protection. However, he said, the Bangkok site could not resist that much longer as about a few weeks later the flood water flew over the sandbag lines and spiked the improvised walls that filled between the concrete barriers.

He recalled about the conflict that occurred during flood and the people of Nonthaburi mentioned about the area of Klong Mahasawat and said that all of them from the other districts of Nonthaburi who might feel not familiar to the inundated and probably politically motivated, or highly possible as the new inhabitants that just moved to Nonthaburi. He understood that Bangkok had been planned from flood by designed system as called "Polder System" that the area would be covered by hard walls and

controlling water by sluiceways. He said that the people who were not satisfied with the flood management by authorities later might observe that the Bangkok people was so privileged according to flood prevention system, or in another sense “selfish”, instead of managing floodwater by opening the sluiceways, releasing water flow directly through the canals of Bangkok, but the authorities were not doing so, this had become the cause of conflict in Nonthaburi. He also pointed out that this phenomenon was in the same situation in another area of Bangkok and neighbor provinces like in Pathumthani and NakornPathom.

In order to solve the problem, he also agreed that the leadership of Nonthaburi Governor was the key as he himself came to observe the situation of flood in the area of Klong Mahasawat and discussed with people. He noticed that in every cases of people demonstration, they demanded the governor to receive their needs directly not lower ranking staffs. This was the right message that people understood the chain of command in disastrous situation.

When asked about the court ruling of such cases of conflict, he admitted that the judgment from the court would be last resort of solution and what he had observed about people opinion, was an acceptance of justice system. According to his notice, none from his area had filed the cases to the court.

He later revealed about the compensation, where in his area all of people satisfied with what had been given, the 5000 baht for household affected with additional of 20000 baht for the ruined house or 30000 if completely damaged. He told that the dispute of 20000 baht was the dramatic issue in many areas which probably the responsible authorities might not work properly especially in case of giving right information and not assisting the local whom normally not get used to with process of paperwork. He pointed out that in his area the relationship between local leaders and municipality official was very close, and in this case, he exemplified the process of claim, then there was no any problem happened. He also heard that his neighbors, people of Bangkok who lived nearby Klong Mahasawat received different compensation and not systematically and logically.

He concluded that the water or flood was part of livelihood of Thais, the communities of Salaklang municipality had adapted themselves to accept the flood and planned their livelihood according to water seasoning, and farmers considered flood as the matter of area advantage -when the area was flooded it would bring fertilizer to the plants and breeding of fishes. He also added that there were several community festivals in the municipality that considered water was the benefit to perform those activities such as Candle Festival along the canal during the Buddhist Lent Day or Boat Racing during the end of Buddhist Lent Day which considered as the area legendary.

When asked about his area that might need to have the barrier construction at the Klong Mahasawat similar to the Bangkok site, he told that at this moment there was no such plan about canal wall, but there was the new cement road that constructed aftermath of flood which uplift higher and in better condition, however he agreed to the idea that people participation in planning of sluiceways operations along Klong Mahasawat in order to control the flow of water both in normal and emergency as disastrous situation, and it would be the best solution of any conflict among people and responsible authority.

4.2.2.3 Thammasala Police Station

This police station is located in Taweewatthana District of Bangkok where its jurisdiction covering partly the area of KlongMahasawat which is the study area. In the time of conflict, the police will play the crucial role to uphold the situation. On 9 July 2015, an interview of Senior Sergeant Major Boonsong Suwanawong who is in charge as Community Policing Officer of Thammasala Police Station. He has been working here since 15 years ago.

He told that during the flood of 2011, the area had been flooded quite long time. However, he recalled that the flood was broke out when the barriers at Puranawaad Temple had been damaged by high volume of water pressed the temporary dikes away, and heavily flowed and flooded over the area in few hours. As a community policing officer, he was assigned to assist communities which affected by

flood. He also said that he had another role as a committee member of Taweewatthana Community Council which is the people-based council by the Act of Community Council B.E.2551 (2003). He said that the role of police station at that time focusing mostly to the humanitarian relief with the core duty was to provide security to the evacuation centers. He said that the people who lived along the area of Klong Mahasawat was mostly poor but much socialized within their community. He told that during the flood, they helped each other very well.

In term of conflict that happened, he said that there was no conflict as such it was happened in the Nontaburi or the Northern of Bangkok that involved with people demonstration. However, he said, the conflict among locals who frustrated about the compensation, especially people whom their houses not registered or people who received the claim different amount of money, was similar to other areas. He further said that those people were also grouped and asked the District Office about their claims. Luckily, he told that there was no such case of demonstration like his neighbor Phutamonton Distict, Nakhonpatom province that hundreds of people protested for their claim and blocked the road.

4.2.2.4 Community Council of Taweewattana District

This is an example of people community enacted by law, the Community Council Act B.E.2551 (2008) which bring about the community natural leaders, scholars to be the mainstream of movement in term of development. This local institution can assist the official authority and work together to uphold the goal of local community development. On 5 August 2015, an interview of Mrs. Preya Wongprayoon, the Council Secretary, is a significant information to support the thesis.

About conflict and social settings, in term of information sharing, people participation and leadership, she agreed to all necessary points that these were a unique concept of development as well as conflict management. She said that in the time of flood in 2011 the community had just started its function at the beginning of that year. This phenomenon would be a classic role play and the test of the community

council, she added. She also said that the council had played very important role at that time especially when the communities wanted any assistance from government for example boat, survival kits, the government authorities always relied on the council work. She pointed that when individual become group they had more power to negotiate and when purpose on behalf of group would find thing better.

She said that this was a very unique and clear message to the public that the council had done another good job where it had provided and assisted poor families which could not claim for compensation to the authority, to reconstruct and rebuild their dwellings in Taweewatthana District. She told that this could lead to disaster relief function by authority significantly, even in the form of conflict of individual that found injustice or unfair practice by authority law and procedure. The natural leadership and people participation in this sense, was very keen to build up society, she explained. In conclusion to this, she told that there were 44 houses of Taweewattana district had been fixed with the budget and manpower from this setting.

In conclusion, livelihood of Thais in the area is get used to flood as landscape of the communities. People from Salaklang municipality have adapted themselves to accept the flood and planned their livelihood according to water seasoning. There was no problem during flood in 2011 much in the area. In Salaklang municipality, people participation and sharing of information from their local leaders, chief of villages and their village committees are engaged in planning and helping people to prevent the area from flood. There are no demonstration in the area unlike Taweewatana district that the lack of clear information to process the claim and without systematic guidance on how to prepare paperwork for the claim. It led to the problem in the area in some extents, especially the poor who have houses but could not register in the system because built in another person land or some of them built in public land, they could not receive the claim due to the law that not consider as the houses. Fortunately, Thai society understand this problem, then the private-owned company, association or foundation came to assist those houses and this also contributed to problem solving. The idea that people participation in planning of sluiceways operations along Klong

Mahasawat in order to control the flow of water both in normal and emergency as disastrous situation, it would be the best solution of any conflict among people and responsible authority.

4.2.3 Interview of Local People

4.2.3.1 People Who Affected by Flood

(1) Mrs. Pachane Jangseang who lives in the community of Watpuranawat , Sub-district Salathammassop, District of Taweewatthanawas conducted an interview on 10 August 2015.

Mrs. Pachane said that her community lived next to Klong Mahasawat for more than 50 years where most of the population of about 1000 people rented the place from private-owned to build their houses. Most of people rely on daily waging from labor job as same as herself. She also told that in the year 2011, her community was first to be flooded because of the fact that the sandbags and the temporary dike could not protect the massive flood. She told that at that time the permanent wall did not build yet, so in order to protect the flood as same as the other places, the community and the Bangkok authority with the assistant of military had laid the sandbags to prevent flood entering to Bangkok. She also said that in the Nonthaburi site, in the area of Salaklang municipality, had made the temporary dike as well, however, those temporary walls could not resist the flood water where later all area have been flood.

About conflict between local people of who live along the canal (Klong Mahasawat), she said normally there was no any problem, they were flooded every year during rainy season but not so serious as in the year 2011 that was flooded high more than 2 meters in some area. She further said that the canal wall behind her community just recently built in year 2012 where the wall along Klong Mahasawat was reconstructed higher than the level of flood as well. She told that she had never heard about the survey of public hearing on the construction of flood barriers or flood

protection wall along Klong Mahasawat, but as a resident of Bangkok she believed that the construction might be useful for flood.

About compensation, she told that this was very problematic here, due to the relief package from the government was so complicated and not helping the poor community as much as they needed. Those houses that could not register in the system would not receive any amount of money and in the matter of fact that all of them belong to the poor and built on the rented land, so they could not register, she said. They asked the Bangkok authority to help but the answer was the same as they required by law to register to be a house. Luckily, another sources of assistance like Tawweewatthana Community Council and NGO or Business Company including military forces, they came and helped to repair the damaged houses, she added.

(2) Mr. Sompong Nanmuang who lives in the area of Salaklang Municipality, Nonthaburi Province was conducted an interview on 6 August 2015.

He said that his ancestors were live here more than 100 years. He used to be a village chief of Bangkok village before it had changed the administration. He recalled that in the past his mother used to own a piece of land that later on part of it became Klong Mahasawat. He said that it made him now having two sites of residents, he had a house in the Bangkok and owned a shop in Nonthaburi, Salaklang municipality.

About community contribution and conflict during flood in 2011, he answered that during the flood, there were groups of people from Nonthaburi came to the sluiceways to observe their operational system which many times pointed out that the gate did not open to allow the water to flow to Bangkok area. However, there was no such a problem or conflict occurred here, only caused a tension among people. He continued saying that he heard some people having a splitting words like “ not only open the sluiceways to drain the water but the wall should not exist” if there was a flood like this ever happened once again”. However, he said, so far people who lived along the canal from both sites were friends especially the old folks like him. He told that even he had ended his official position of village headman, but still become the center point of any activity, especially when the government official authority wanted to do something in the area, they would call him and asking for his assistance. During

the flood, he was received the call from Bangkok official and asked him to facilitate the work of laying sandbags along the canal wall in order to protect flood. He then told the people to assist the authority to do that job and everything went on smoothly.

About the future movement of people who not satisfied with the flood protection system of Bangkok, he said the right information must continuously forward to people, especially the leader of authority must take a lead in every opportunity to tell people and seeking a good cooperation.

He said about compensation that he and his family received in full of amount that allocated by law, only time spending that cause some problem. The procedure quite complicated, but the local municipality staffs were very helpful in term of all paperwork and processing, he mentioned. He also told that in his area, there was no any problem regarding to the compensation process, all of them have similarity of claim and received the same service from municipality.

4.2.3.2 A group discussion of people who live in area of Bangkok

A group discussion of people who live in the area of Sub-district Salathamasop, Bangkok was conducted on 20 September 2015 in relation to the flood and conflict management in the area nearby a sluiceway of Klong Khunsriborirak, a tributary canal of Klong Mahasawat, namely Mr.Nong Changon, Mr. Manot Tubsoy, Mrs. Wongchawee ChalongBoon, Mrs. Aumphorn Phornapipongchai, Mrs. Peraya Pancharukul, and Ms. Orpan Pongpaew. All of them are residents of Bangkok Administration and were affected by flood in 2011 in which the area of Klong Mahasawat including the sluiceway of Klong Khunsriborirak was the target that caused to the conflict of flood management. The people demonstration at Nonthaburi City Hall asking the BMA to open all of 6 sluiceways that connected to Klong Mahasawat at the level of one meter. Hereunder are their information:

They told that during the flood in 2011 all areas of their houses were inundated about two months with the level of higher than one meter. Their area was flooded by late October, especially when the flood barriers behind Wat Puranawas (a

temple) was collapsed. They informed that they had received the assistance from BMA and military in all effort in order to prevent flood. They said that mostly they monitored the news and information of flood from TV or radio channel. There were some government officials of BMA visit their area, especially after fully flooded, they had seen many of them come around together with media and organizations, with relief packages. They knew about the conflict between people and government authorities that demanding to open the sluiceways along Klong Mahasawat, however, in the area of around Klong Khunsriborirak, there was no such conflict of demonstration from people of Sub-district Salaklang, Nonthaburi, their neighbors. They said that regularly they shared daily lives activities using Klong Mahasawat together, for example the temple located in the area of Nonthaburi side where the people from Bangkok come to join Buddhism activities. In the past, they use the canals as the transportation route, where nowadays they were in troublesome because the close and open of sluiceway that only controlled by official. However, the modern road traffic had been in place that made the situation compromised. They also mentioned about the flood prevention system that the BMA allocated the budget to set the system, however, they had never been participated or informed in any planning from BMA. When discussed about a committee that representing local people from both sides including water experts, they said that it was remarkable and agreeable as increasing people participation would help official liability accountable and transparent or become real good governance authorities. They even mentioned about what they had heard about some technicians who in charge of the gates, get drunk and not take care of the gates and vicinity areas properly. In term of director in charge of disaster or flood and conflict management, they told that they did not understand how the role of authorities exercise their task, but they understood that when the time of disaster come, the Director of District Taweewatana must response to their requirement and should work hard to help people and in this sense they further said that in their area received the government package of compensation with various rates unlike the Sub-district Salaklang of Nonthaburi that they received very reasonable with maximum of all rates of compensation. They said that the process of compensation was very complicate and required many documents

and even some of the poor family did not receive the package equally as they did not have their houses registered in the system.

4.2.3.3 A group discussion of people who live in area of Nonthaburi

A group discussion of people who live in the area of Sub-district Salaklang, Nonthaburi, was conducted on 25 September 2015 in relation to the flood and conflict management in the area nearby a sluiceway of Klong Khunsriborirak, a tributary canal of Klong Mahasawat. Their names are Mr.Sumruam Sangnak (former Sub-district Chief), Mr. Prasan Pongsamna, Mr.Sutep Saekang, Mr. Boonkeur Yusawat, Mr. Sutee Kongklom, and Mr.Nirun Saengnak (Village Chief). All of them are residents of Sub-district Salaklang, Nonthaburi Administration and were affected by flood in 2011. The area of Sub-district Salaklang is located opposite site of Sub-district Salathamasop where Klong Mahasawat divides their administration. Hereunder are their information:

They said that during the flood in 2011 had covered all area of Sub-district Salaklang, in fact all area of Nonthaburi. The people tried to protect their houses from flood with thousands of sandbag, but the water was too much. Their area had been flooded for 2 months. They informed that all effort in order to prevent flood they used their own budget with the assistance from available private sectors where the district authorities utilized a small amount of budget and equipment such as sandbags, sand to the villagers. They observed that only from the BMA area that allocated the budget to set the flood prevention system, however, they had never been participated or informed in any planning from BMA including the government authorities from Nonthaburi about those prevention planning.They told that they knew about people's demonstration about flood management from TV and radio which they also monitored the situation daily, however, there was no one from their area joined the demonstration at the Nonthaburi City Hall. Mr. Sumruam as the former Sub-district Chief, said that he used to work as the local leader more than 20 years, he understood the nature of water and believed that people in the area get used to with flood situation

as water was part of their livelihood. However, he mentioned that the better condition of living in the area of Salaklang compared to Bangkok was the local leadership where in Bangkok there was no more village chief, so when they wanted to do thing, for example the claim of flood compensation, people needed to go to District Office. They all agreed about the benefit of local leadership that very helpful for information, assistance with warm atmosphere of relation between people and their leader. According to this nature, there was no problem of receiving claim from government. They all agreed to have a committee to monitor and manage the sluicagate that consisting of local representative and water expert. They said this establishment would enhance people participation for decision making in such matters that affected to their livelihood and could reduce the pressure and liability of government authorities in doing so.

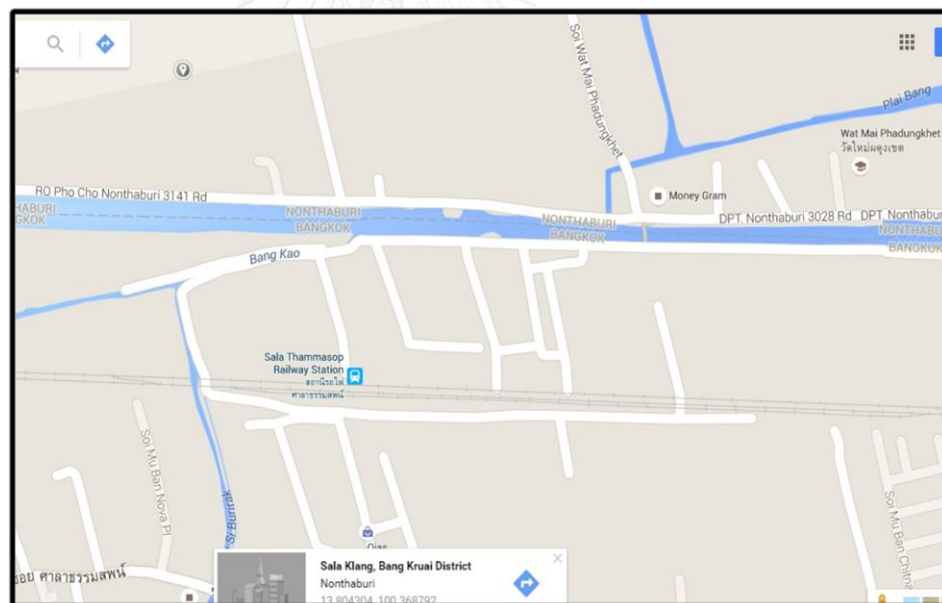


Figure 15: Map of Klong Mahasawat that lied between Nonthaburi(Salaklang municipality) and Bangkok (Taweewatana District), from <https://www.google.co.th/maps>

In conclusion, people who live in Salaklang Municipality, Nonthaburi province has better care of compensation and in the better condition compared to Bangkok. The reason of the local leadership is capable and very attentive to their

problem from flood where in Bangkok there was no village chief, then people has to request through officer in charge at district level where they all act and responsible in official way. The process of compensation is also complicated, there are many document required unlike people from Salaklang that they received better assistance from their leader. This means that information sharing and people participation from local leadership in Salaklang Municipality, Nonthaburi province is better than in Taweewatana District of Bangkok. They all agreed about the benefit of local leadership that very helpful for information, assistance with warm atmosphere of relation between people and their leader. They agreed to have a committee to monitor and manage the sluicgate that consisting of local representative and water expert. They said this establishment would enhance people participation for decision making in such matters that affected to their livelihood and could reduce the pressure and liability of government authorities.

4.2.4 Interview of Judge of Administrative Court

As the legal body of Thailand, especially in the case of administrative agency or government official involving a dispute to a wrongful act, neglecting official duties or similar to this, The Administrative Court will be the institution to exercise judicial power over the dispute parties. The judgment will be the standard of practice of authorities. On 10 September 2015, an interview of Mr. Wirot Prechapan a Judge –Rapporteur of cases No.23/2555 and No.47/2555 will be fulfill this study significantly.

He earlier mentioned that there were about 1200 cases of the dispute from flood in 2011 where there were three chamber comprising of three judges to be in charge of those cases, so each chamber would have more or less 400 cases to decide. Because, all of the cases from flood management, even similar defendant but different plaintiff, the court had to go to the same proceedings, no exemption on that, it would be time consumption. About the reconciliation process, he said there was no such thing yet, it was in the process of discussion among judges, nevertheless the judge had a choice with two options, firstly if the case applied for the order of provisional remedy

for temporary relief of grievances with the ground of sufficient substance and reasons for the implementation of such requested protection measures, the judge could call both parties to submit the evidence and conduct this procedure in a rush manner, secondly, the case that plaintiff filed for the revocation of a by-law, or an order, plaintiff might make a request to the suspension of such by-law or order by submitting an application at any time before the court delivers a judgment if those law and order would cause serious injury if continue, possibly unlawful and the suspension not constitute to state affairs or public services.

About the case of dispute during the flood in 2011, he said that as the Administrative was an inquisitorial proceedings, the judgment was basically from the documentation with a general principle of the system of trial of case, which emphasizes impartial and efficient trial; for example, the hearing of the case of both parties, the trial within the scope of the plaint and the relief sought by the plaintiff. When the case become filing at the court by the people who live in Nonthaburi with the request of provisional remedy for temporary relief of grievances, this reconciliation process must become fundamental of this stage. However, at the Administrative Court, presently there is no such rule of reconciliation before judgment yet. In practice, the judge will have a very important duty in proceedings by inquiring of the parties: litigants or plaintiff and defendant including other relevant parties for fact-finding. An order to allow provisional remedy for temporary relief of grievances would be made if the court is of the opinion that the application has sufficient substance and reasons for the implementation of such requested protection measures. The case of Nonthaburi that request to open sluiceways along Klong Mahasawat are sufficient grounds for the implementation of such provisional remedial measures that FROC and BMA has to follow court's order.

When discussed about the judgment of the dispute cases that already had the result where there were reasons of dismissal of those cases, the reason of the case's dismissal for the flood management of the government or involved authorities were overwhelming of tropical storms and monsoons, that caused to influence of high tides in Chao Praya River, dams releasing water due to a high record of water reservoir

and with carefully discharging, the water flows from the North to Central region as the nature, over discharge of raining in the central area, the official measures to prevent inner part of Bangkok as the country's economic, communication, transportation and tourism center considered suitable and proper otherwise country would be affected seriously, the government had taken every possible measures to prevent and mitigate the flooding indiscriminately, the virtue of the power and duties are reasonable and without gross negligence, also the compensation has been paid according to law. He mentioned that the judgment based on the grounds of evidence and there was a procedural proceedings that the chamber of judges would strictly follow.

He further told that there were also cases that the official become fault party, if it was proved to be a gross negligence, the case of compensation would be various due to the evidence and damage. He pointed the case of Irrigation Department released waste water to the river and cause the damage of fish farming in the area, the decision of the court order the Department to pay compensation to the plaintiff according to the civil and commercial code article 420, liability for wrongful acts.

In conclusion, the power of Administrative Judge to order such cases is based on evidence and basically from the documentation with a general principle of the system which emphasizes impartial. The reason of the case's dismissal for the flood management of the government or involved authorities were overwhelming of tropical storms and monsoons that cause high tides in Chao Praya River, dams releasing water due to a high record of water reservoir, the water flows from the North to Central region as the nature, over discharge of raining in the central area, the official measures to prevent inner part of Bangkok as the country's economic, communication, transportation and tourism center considered suitable and proper, the government had taken every possible measures to prevent and mitigate the flood indiscriminately, also the compensation has been paid according to law. The court has order, according to the request of provisional remedy for temporary relief of grievances that both FROC and Bangkok authority must work together for the operation of sluiceways and concern the people grievances and manage flood water. It was the success of the efforts from the people level to ask Administrative court for its enforcement.

4.2.5 Interview of Administrative Court's Case Studies of Conflict

4.2.5.1 Case of Nakornpathom Province

This case has registered as No.23/2555 and the court's verdict No.102/2557 which it has resulted that all defendants have acquitted from any liabilities. On 17 August 2015, Mrs. Apinya Chusawang, a resident of Nakornpatho Province, was asked about the cases and its consequence.

About the motion of the case, she referred to the fact that the flood of the year 2011 was not only natural problem but human error as well. She said that she lived in NakornPatom where the area was flooded, in her belief, by the mismanagement of authorities. She also told that the significance of the case was the voices of citizen where the authorities should consider people grievance in the sense of equality and fairness of practice in every aspects. She pointed out that the establishment of FROC by using the National Government Organisation Act, BE 2534 (1991) instead of using the Disaster Prevention and Mitigation Act B.E.2550 had caused the problem of leadership of authorities and as the Minister of Justice who was a former Police General might have no experience in water management. She also said that she was not satisfied with information that the responsible authorities disseminated through the medias as they were not irresponsible and discriminatory for example the government made every effort to save Bangkok but let the other areas to be flooded with no any measures of compensation. She admitted the justice system when the court judgment come out with the dismissal, however, she said that there would be further stage as the case had been agreed by co-plaintiffs to appeal to Supreme Administrative Court.

4.2.5.2 Case of Bangkok

This case has registered as No.47/2555 and the court's verdict No.112/2557 which it has resulted that all defendants have acquitted from any

liabilities. On 26 August 2015, as one of ten plaintiffs, Ms.Jarungtip Lorrungroj, a resident of BMA, was asked about the cases and its consequence.

About the motion of the case, she answered that she was not satisfied with what the government and authorities had done during the flood. She said that she lived in Bangkok where her house was flooded. She said that she observed situation through the media where she noticed that the information on government flood management had been blamed from many sources as incapable and ineffective, for example of FROC leadership as the Minister of Justice who was a background of Police General, but appointed to be in charge of flood response operation, and also the information that released through media was inaccuracy many times. She consulted her case to the Lawyer Council of Thailand and later agreed to file the case to the Central Administrative Court. According to her opinion, she admitted the justice system when the court judgment come out with the dismissal, however, she said that there would be further stage as the case had been agreed to appeal to Supreme Administrative Court. She further mentioned that as the court required all of the plaintiffs to pay the fee, only three of the plaintiffs were able to pay. In this case, she then told that her litigation as co-plaintiffs would be ended due to fail to pay the fee. To conclude her point of view, she passed the message that if the people including her had received clear information about flood management especially the relief effort from the government on time and in the right manner, the litigation would not be there.

4.2.5.3 Case of Nonthaburi Province

This case has registered as No.30/2554 of 23 November 2011of the Central Administrative Court, filed by Tossiri Poonnuan, a resident of Bang Bua Thong, Nonthaburi who accused FROC and the BMA of mismanaging the flood crisis. She demanded a court to order the BMA to open the sluiceways in Khlong Maha Sawat that connected the waterway between Bangkok and Nonthaburi to drain water from upstream area directly down through Bangkok as downstream area. She also sought a

court order to suspend FROC retrieval operation on Road No 340 (Bang Bua Thong-Suphan Buri) and a section of Highway No 9 (the Kanchanaphisek outer ring road). After the court hearing on 29 November 2011, later on 1 December 2011, the court dismissed the petition of road recovery, however the court ordered the provisional remedy for temporary relief of grievances to FROC and BMA to jointly seek appropriate common water management measures to open and close the Klong Mahasawat sluiceways. On 18 November 2015, Ms.Todsiri Poonnuan was asked about the case and its consequence.

About the case, she said that the conflict of floodwater in 2011 was a conflict that had a from water management which the government did not have adequate communication with the public and the lack of details of those measures to make people understood such as not telling about the duration of drainage, the length and level of flood water when implementing those measures, the benefits of doing that, especially when the people who live upstream having more affected how the government would treat them. She also told that people could not perceive the plan of floodgates operation, the pros and cons of opening or closure. She further said that in terms of the performance of the Nonthaburi province, the governor seemed misjudged the trouble of the people, did not understand the psychology of the masses who have suffered from flood management by the government and authorities, and the act of not receiving and talking to people, these actions had made the problem even more. She mentioned about the Flood Relief Operations Center (FROC) that established in order to manage situation, however, the delegation of the government as responsible authority had been observed incompetent about knowledge of water management, this could lead to public's lack of confidence as many measures had been failed to deter the flood. In addition, the information from authorities did not match what was happening, then it contributed to be the conflict among people more and more, she added. When asked about the case that filed to Administrative Court, about the people from Nonthaburi demanding Bangkok authority to open sluiceways at Klong Mahasawat and asking FROC to stop recovery of the road No.340 and the Western ring road No.9, and within a short period later when the court had ruled out that FROC and

the Bangkok authority must discuss about this operation with inclusiveness of management that good to both Bangkok and Nonthaburi, she said that she was satisfied with the court judgment that both FROC and Bangkok authority must concern the people grievances and manage flood together, it was the success of the efforts from the people level. For the cause of conflict, she concluded that the state and the flood management by responsible government authorities had become the cause of conflict. She further explained that in spite of people had been effected from those management or decision on such actions caused affects to people directly, it was lack of people participation in decision making and insufficient information regarding to flood management. She agreed that the establishment of floodgates operations committee which representing local people and the experts in water management can be best practice to reduce disputes in such matters.

In conclusion, the matter of flood in 2011 has caused overwhelmingly flood in Bangkok and nearby provinces. The case that Administrative Court ordered the provisional remedy for temporary relief of grievances to FROC and BMA to jointly seek appropriate water management measures to open and close the sluiceways of Klong Mahasawat, is essential for future development. The agreement of establishment of floodgates operations committee which representing local people and the experts in water management can be best practice to reduce disputes in such matters. Information sharing and People participation are the key for the success of any operations and this will lead to resolution of any conflicts. In case of Nonthaburi, the governor seemed misjudgment about trouble of the people, did not understand the psychology of the masses who have suffered from flood management, not receiving and talking to people, had made the problem even more. The delegation of the government (FROC) as responsible authority had been observed incompetent about knowledge of water management, this could lead to public's lack of confidence as many measures had been failed to deter the flood. In addition, the information from authorities did not match what was happening, then it contributed to be the conflict among people more and more.

4.3 Disaster Relief Assistance

The Treasury Act B.E. 2546 (2003) defines the mechanisms for allocating disaster relief assistance. Funds for disaster relief are budgeted by the Prime Minister's office and several Ministries. The formal process for obtaining relief assistance is administratively allocated in District level where this amount of money can distribute through the District Emergency Committee by the approval of District administrator to the person who affected by disaster. In this case, the local government units at the Tambon (Sub-District) Administration Organization (TAO) level or municipality which is in such case has to request through the District level for the funding. The governor has allocated 0.5 million baht at the district level where the governor has been allocated budget for disaster relief assistance of 50 million baht. Office of Prime Minister, the Departments of Disaster Prevention and Mitigation, Fisheries Department, Livestock Department, Agricultural Extension Department, the Ministry of Social Development and Human Security and the Ministry of Health are among the authorities who will be responsible for the budget to assist the disaster relief operation which will be initially granted of 10 million- 100 million baht. The assistance will be the compensation for death, damages and loss of property and livelihoods and related matters. A committee which formed at the district level to investigate the losses and damages will comprise of the District Administrator as the chairperson, and head of government offices at district or their representatives such as Agricultural Office, Livestock Office and a representative from the Department of Disaster Prevention & Mitigation, a representative from Ministry of Defense, a representative of the TAO or municipality in the district, and Assistance District Administrator in charge of operations will be a committee and secretary (the Finance Ministry Guideline on Emergency Disaster, 2003). At the village level, the village head, the deputy and TAO staffs play a critical role in investigating and reporting the damages to the District Emergency Committee, who will then inform and liaise with authorities that provide compensations to the villagers. In Bangkok, the process of compensation will be the responsibility of District Administration where its residents must report and submit all documents directly

through the District officials due to no such community leaders to be assigned for it as the Bangkok Administration has ended its official local leadership as Village Chief and Sub-District Chief and related functions since 30 September 2005 (Council of State, (n.d.))

4.4 Finance Ministry Guideline on Emergency Disaster Relief B.E.2546

According to the emergency response, there is a ministerial regulation called “The Finance Ministerial Regulation on Emergency Response Advanced Budget B.E. 2546 (2003) (the first regulation issued in 1995) which is given authority to the minister to issue the Guideline on Emergency Disaster Relief B.E.2546 (2003) to be the legal tool of government official in order to assist the disaster victim. This guideline will allocate the expenditure and compensation covering all affected individual and relief functions such as water for consumption, shelter, sanitation, clothing, medication, funeral ceremony, losses of cattle, damage of house, losses of agricultural tools and equipment. Hereunder are the samples of relief packages;

- The person who affected by disaster will receive an emergency relief package (set) maximum of 550 Baht per household,
 - Kitchenette and equipment not more than 3,500 Baht per household,
 - Maximum of 20000 Baht for a house which partly damage
 - Maximum of 30,000 Baht if seriously or completely destroyed,
 - Maximum of 5,000 Baht for reconstruction of barn or cattle farm,
 - Maximum of 1500 Baht of maximum 2 months for the tenant if the rented house has been affected by disaster.
- Clothes for two persons not more than 1,000 Baht.
 - Sleeping materials not more than 500 Baht per person.
 - Occupational materials not more than 10,000 Baht per household

- If injured and admitted in hospital or healthcare center 3 days and more will receive 3000 Baht if continue for more than 30 days will receive 2000 Baht per month until ending of treatment.

- In case of death, the package of 15000 Baht for funeral ceremony, if the deceased is head of family, the amount of 25,000 Baht will be added.

In addition to the guideline, the government by Cabinet Resolution then issue additional package of 5000 Baht per household or rented dwellings that people regularly live in and properties damaged by flood (Voraphol, 2012).

There are also indirect assistance packages from government to help affected people, such as skills and careers training, job seeking, tax assistance and so on (Voraphol, 2012)

In relation to the conflict that most of cases referred to the compensation of houses affected or damaged by flood, the maximum of 30,000 baht if totally damaged and 20,000 baht if partly damaged are the provocative and contributed matters to those conflict. Voraphol (2012) has investigated the case and given details hereunder.

Relief of Damaged Houses or Dwellings

1) Principle of Relief

Must be the owner of the house or dwelling which registered and damaged by flood.

2) Relief Packages

(1) Totally damage will receive maximum of 30000 Baht

(2) Partly damage will receive maximum of 20000 Baht

3) Documentation for Processing

(1) House Registration Book

(2) Document of Possession (e.g. Contract of purchase)

(3) Identification Card of the Owner

(4) Certification of Flood Area from local authority

(5) Form of Certified of Authorities

- (6) Photos of Damage or Reconstruction
- (7) Proxy Letter (If any)
- (8) List of Pricing of Material (for filling in the forms)
- (9) Other Documents that deemed necessary by local committee
(which various e.g. Police Notification Form, Receipt)
- 4) Step of Processing
 - (1) Submit to Local Authority
 - (2) Local Committees verify and justify the case
 - (3) Forward through the Chain of Command to National
Authority Approval
- 5) Initial Responsible Authority
Local Authority; e.g. Sub-District Administration or District of
Bangkok
- 6) Contact of Authority
- 7) Local Authority; e.g. Sub-District Administration or District of
Bangkok

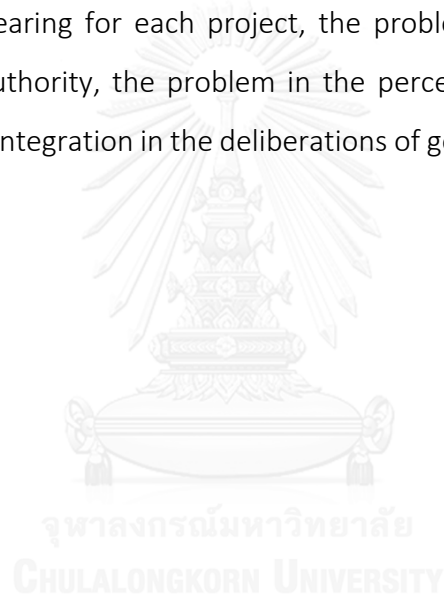
4.5 Legal Mechanisms on Public Information and People Participation

The Constitution of the Kingdom of Thailand BE 2550 stipulates the rights of people in community regarding to natural resources, the environment and biological diversity for example in Section 57 “ a person shall have right to receive information, explanation and justification from government agency State agency, State enterprise or local government organisation before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration. The State shall organise public consultation thoroughly before the making of social, economic, politic and cultural development plan, the expropriation of immovable property, the making of town and country

planning, the determination of land use, and the enactment of rule which may affect material interest of the public.” Section 58. “A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law.” In Section 66 “persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion”. In Section 67 “the right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately. Any project or activity which may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organized, and opinions of an independent organization, consisting of representatives from private environmental and health organizations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity. The right of a community to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to perform the duties under this section shall be protected.”

In additional to the Constitution, the Regulations of the Office of the Prime Minister on Public Hearing B.E.2548 (2005) has been enacted the processes and procedures of public opinion on any issues that may have an impact on the environment, health, quality of life prior to authorization or implementation of any projects or activities. This could lead to better understanding of people and reducing

of conflict in relation to preservation and exploitation of natural resources and biological diversity. However, there is no such procedure of what will be the rule of justification for the state agencies to take action. Basically, the public opinion is limited to the public hearing only. In many cases, the public hearing resulted to the confrontation between supporters and opposition groups. Hence, its incapability to provide as efficacious a guarantee as a Parliamentary Act for the right and freedom of the people in this respect and its substantive provisions are prone to give rise to numerous practical problems, *viz* problems arising from the exercise of the discretion power of government agencies in prescribing the frameworks and specification for an appropriate public hearing for each project, the problem of partiality of the public hearing organizing authority, the problem in the perception of the outcome of the public hearing for an integration in the deliberations of government agencies, Arpasara Thepjumnong (2006).



CHAPTER V

SOCIAL SETTINGS AND ANALYSIS OF CONFLICT MANAGEMENT IN RESPONSE TO FLOOD

This chapter will use social settings as the mechanisms to analyze the conflict management during flood response and relief period. Phenomenon of conflict that occurred in each period of time will be reflected into the eight stages as explained by Eric Brahm. The capability and effectiveness of each mechanism as leadership, people participation and information sharing will be analyzed strategically and relatively to each conflict stage and situational phenomenon.

The conflict of each stage might not be the sequence as hierarchy of order, it could move from one to another. However, this analytical process will be thematically logical in term of each consequent situation. The linkage of conflict in each stage will indicate the relationship between each mechanism and its capability and effectiveness to conflict management. There will be many factors that considered as the limitation of study such as number of samplings, emotional, intellectual or psychological weaknesses of the samplings.

5.1 Flood Response Period

In this period of time, there were three phenomena that happened and considered as the conflicts, the Flood Protection Planning, People Demonstration, and Violent Situation. Before arriving of flood in the study area, “the Flood Protection Planning” was the phenomenon that cause into the latent stage of conflict. Later, when people disagreed with what the responsible authorities had done in order to manage the flood, their gathering and protest would consider an incidence of conflict in emerging stage. The “Violent Situation” or in the stage of escalation of conflict was the manifestation using to explain the phenomenon of people or public disorder such as intrusion to prohibited area, making roadblock, and destroying of sandbags. Lastly, the

litigation of Administrative Court was the key to handle the conflict in the stalemate stage and afterwards that could lead to future of conflict resolution in Thailand.

To analyze each phenomenon into the stage of conflict by using each mechanism to explain its capability and effectiveness in conflict resolution and management will be uniquely answered to the conceptual framework of this thesis; e.g. the Flood Protection Planning that caused to the conflict in the latent stage will be discoursed for the capability and effectiveness in conflict management by social mechanisms as leadership, information sharing, and people participation.

5.1.1 Latent Stage of Conflict in Flood Protection Planning

As mentioned by the Department of Drainage and Sewerage (DDS), the area of Bangkok has been set to the “Polder System” or “Closed Area System” where its barriers together with sluiceways will control water from rivers and canals flowing into Bangkok area and more than 1500 pumping machines will be placed in order to drain the water out when flooded or overflowing of water. In relation to the area of Klong Mahasawat, the Bangkok Flood Protection Plan is a key issue to the latent stage of conflict because most of the conflict that happened during the flood had been referred to the action taken by BMA authority planning and operations such as the construction of flood barriers along Klong Mahasawat, placing of sandbags, and the closure of sluiceways. There is the fact that under the Disaster Prevention and Mitigation Act B.E.2550 the BMA must adhere their tasks to exercise any plans and operational measures to prevent and mitigate disaster (flood) to happen in the area, however as mentioned by the interviewees both the official and locals, there is no any involvement of people in the process of planning. The people in the surrounding communities along Klong Mahasawat both in the area of Bangkok and Nonthaburi have never participated in any decision making process on those constructions. The Constitution B.E.2550(2007) has pointed out the rights of people to participate and receive information, explanation and justification from a government agency, State agency, State enterprise or local government organization before permission is given for the

operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration. In addition to the Regulations of the Office of the Prime Minister on Public Hearing B.E.2548 (2005) that the government authority should provide the information and explanation in order to have comprehensiveness of decision-making on administrative functions. In addition to the lack of people participation and information sharing from local community, in the time of flood that become under control of national command as the Prime Minister declared on October 21, 2011 the power under article 31 of the Act where the command and control will rest to the Prime Minister in all area of operations, this commanding power should intervene BMA action by taking over all operation of BMA, if necessary to do so. All flood planning and operations in the area of Bangkok will bear to BMA where from the beginning it is lacking of people participation and information sharing in planning and any necessary operations. Although, the BMA has its chain of command authority, but the District Administration will be the last office to be in charge of every matters that serve to the people where it is located far from their community and it is only one office that serve to hundreds of thousands of residents. Besides Bangkok, in the area of neighboring provinces of Nonthaburi, the responsibility of planning and operations is rest to Nonthaburi Governor, District Administrator, Municipality Mayor and Chief Executive of Sub-District Administrative Organization respectively where the local leadership of Village Chief and the Village committee will be valuable hands of official administration. In this sense of practice, the Nonthaburi residents will easily and mannerly receive useful information and capable to communicate and participate with the authorities in the matters according to the Disaster Prevention and Mitigation Act B.E.2550. However, the flood in 2011 was sounded negative of effectiveness and capability of leadership in provincial level in planning. Based on the interview of local residents and village chief, they informed that all effort in order to prevent flood they use their own budget with the assistance from available private sectors where the district authorities utilize a small amount of budget

and equipment such as sandbags to the villagers. The local in Nonthaburi area has observed that only from the BMA area that allocated the budget to set the flood prevention system and they have never been participated or informed in any planning from BMA including the government authorities from Nonthaburi.

In conclusion, the social mechanisms of responsible authorities leadership is capable and effective in some extent, especially the local leadership of provincial administration which is closely exercised its task at the grassroots level, otherwise the leadership is noticeably functioning by law and will be beneficial during the period of flood response. However, in the context of people participation and information sharing that could lead to lessen the conflict from misunderstanding will be directly judged to the leadership. At this stage, the planning of flood prevention and mitigation of BMA is lacking of people participation and sharing of information. It is another top-down policy from BMA. By the time of flood situation, the additional or temporary plan to prevent the flood is sounded effective of people participation but in some controlled area such as the opening and closing of sluiceways will not be capable and effective of people participation and information sharing at all.

5.1.2 Emergence Stage of Conflict as People Demonstration

The emergence stage of conflict occurs when the situation has been developed from latent stage of conflict. In the flood situation, after planning of flood prevention which causes a conflict at latent stage then the situation of dissatisfaction of people who affected by flood has been emerged into the next level of conflict, the gathering of people or peaceful demonstration is the emergence stage of conflict. In the situation of flood in 2011 when people from Nonthaburi province had been overwhelmingly flooded due to the BMA planning of flood prevention, they requested the Nonthaburi Governor to seek the solution from the government as at that time the flood had become national disaster. At the level 3-4 of disaster according to National Plan on Disaster Prevention and Mitigation B.E.2553-2557 (2010-2014) and the Disaster Prevention and Mitigation Act B.E.2550 (2007), the central government or the

Prime Minister must be the officer in charge of flood management. Either the Prime Minister or at that time the National Command as Flood Relief Operation Centre (FROC) had taken the action of flood management. The FROC had been functioned since 8 October 2011 more than a month earlier than the tension of demanding the sluiceways of Klong Mahasawat to open. This situation was about inter-province operations, the commander in chief who could response to situation was the national level, and unfortunately it was not happened effectively at that time. Besides, the responsibilities of national command, the role of the Nonthaburi governor as area leadership had been triggered as incapable due to avoiding of the response to the people's request of flood management. As mentioned by the interviewee who she was a person that filed the case of flood management to the Administrative Court, the governor of Nonthaburi himself did not receive and talk with people who had come to ask him for help. Therefore, the leadership is applicable by existing laws and related procedures, but incapable and ineffective to exercise and manage conflict. For the justification and decision to use such measures in order to drain the water directly to the sea is the duty by-law. It is the legal- based authority. However, it was no any instruction and direction from FROC or Prime Minister to BMA in order to command and control the operations. Instead of command and control, the Prime Minister and FROC exercises negotiation with BMA for the sluiceways operations. According to the people of Nonthaburi, this authoritative power or in another extent, the power of leadership, did not exist in the time of need, for example during the conflict which Nonthaburi people that had come to gathering at the City Hall of Nonthaburi demanding to open the sluiceways at Klong Mahasawat to drain floodwater directly flow into the sea by canals instead of flowing through only the main rivers, this proved that the leadership of responsible authority was not capable and effective to manage conflict.

In addition to the competency of the leaders, it was an adequate information and communication with the public. Information sharing at this stage came in the form of the successful negotiation of leader. In the case of Nonthaburi demonstration, the information of negotiation between BMA and Nonthaburi Governor, and in another context between the FROC and BMA, are the keys of lessening the conflict. However,

the information of BMA regarding to flood protection plan, the polder system, will not be publicly declared to people attention much as it is a top-down planning. The demonstration has come from the reason that BMA has been upholding its operational plan so strictly, the closure of sluice gates is one measure of the plan. In addition to that, the available information of the government package of compensation, the details of those measures to make people understood such as the duration of drainage, the length and level of flood water when implementing them, the benefits of doing that, especially when the people who live upstream having more affected how the government would treat them or any assistance and necessary measures for the flood's victims must be in place and available through all sources, either by local and government leaders or public medias. This will be helpful in term of managing of conflict at this stage. Therefore, it is likely that the information sharing is somehow applicable, capable, but less effective unless together with good leadership to manage the conflict.

The people participation of any implementation measure must be transparent as also mentioned by the interviewees about lacking of people participation of the floodgates operation. They mentioned about the pros and cons of opening or closure of floodgates where there was no accountability on that proof from government or BMA some said that BMA staff opened the sluiceway during the daytime but closing the gate at the nighttime and have an order from higher authority to manage the gate only by themselves, no any participation from people who live in the area to provide idea and justification. These have caused even more problem to the situation. The people participation at this stage of conflict was incapable and ineffective to the conflict management.

In conclusion, the leadership of responsible authority such as BMA and the national level was not capable and effective to manage conflict. Information sharing is somehow applicable and capable, but less effective unless together with good leadership to manage the conflict. The leadership of locality like Salaklang Municipality of Nonthaburi province is capable and effective to handle the conflict. The people participation at this stage of conflict was incapable and ineffective to the conflict

management as people is still gathering and protesting for their rights to be acknowledged of government operation to solve the problem from flood.

5.1.3 Escalation Stage of Conflict in Violent Situation

When demonstration has become out of control, in this stage, the duty and responsibility will rest to the police tactics. In the case of demonstration of flood management, the further step, if not satisfied, the demonstrators would destroy the barriers and forced to open sluiceways or even damage them. To discuss about this consequence, the assumption of situation can foresee what can be the effective mechanism in term of conflict management where the most practical and possible mechanisms is the leadership. This will be the tools to de-escalate or settle the problem. Another two mechanisms, information sharing and the people participation might be part of leadership action and decision making because when this stage happened, there is no time to use information itself to manage the mob, as so the participation. The leadership and the tactic of negotiation must be crucially important. The decision making of leader will be very important to the execution of policing tactic. A case of road block that normally the negotiation by responsible authority is functional and capable to manage the conflict. However, in many cases they require the presence of the provincial governor or higher authority for the end of conflict. However, where his/her office is quite far from the scene, it is not possible for leader to handle the cases effectively in timely manner. Therefore, at this stage of conflict, the leadership of authority is applicable and capable in certain level, but the effectiveness might not be generally sounded. A case of Nonthaburi demonstration, the governor seemed misjudged the trouble of the people, did not understand the psychology of the masses who have suffered from flood management by the government and authorities, and the act of not receiving and talking to people, these actions had made the problem even more and lead to violent situation.

In conclusion, there is no violent situation in the area of Klong Mahasawat itself. However, there is the situation of violent that refer to Klong Mahasawat as the

key area that government need to concern about flood management especially the opening of sluiceway to release flood water. The leadership of provincial governor of Nonthaburi is very important to reduce the conflict. The negotiation of responsible authority such as police or provincial officer is the technique to succeed violent situation. The sharing of information and fully participation from people must come together and will be the best solution. However, the problem as mentioned by interviewees, for the opening of sluiceway in the area of Klong Mahasawat was not involved with sharing of information and fully participation from people. The opening of sluiceway will rest with the duty and responsibility of BMA and its staff. No any consultation or explanation from responsible authority was in place for flood response. This matter has been brought to violent situation in Nonthaburi Province. Finally, the effectiveness and capability of leadership, information sharing and people participation is low and risky to have conflict violation in the future.

5.1.4 Stalemate Stage of Conflict in Litigation of Administrative Court

When the case become filing at the court by the people who live in Nonthaburi with the request of provisional remedy for temporary relief of grievances, it means that conflict will be at the stage of stalemate where both parties have equivalent stage for win and loss. Normally, reconciliation process must become fundamental of this stage. However, at the Administrative Court, presently there is no such rule of reconciliation before judgment yet. In practice, the judge will have a very important duty in proceedings by inquiring of the parties: litigants or plaintiff and defendant including other relevant parties for fact-finding. This means that the court decision on such case will be rested to the judge unless the party agreed to withdraw the case. In case of emergency, the plaintiff will ask for an application of provisional remedy for temporary relief of grievances. An order to allow provisional remedy for temporary relief of grievances would be made if the court is of the opinion that the application has sufficient substance and reasons for the implementation of such requested protection measures. It must appear that the plaintiff's case possess

substance for the defendant to be liable, that there are sufficient grounds for the implementation of such provisional remedial measures and that the plaintiff's grievances or injuries would be continued due to the acts of the defendant. However, if the court is of the opinion that the case is in need of expeditious proceeding, the court can conduct this procedure in a rush manner. This stage of conflict management will rest totally to the court as using legal mechanism, so the other mechanism such as leadership, information sharing, and people participation will be only additional to this applicability where the most important in relation to this is the leadership if during the proceedings at any stage the leader can take any action to end of the case.

In the case of Nonthaburi people that demanding the termination of road recovery and opening of sluiceways at Klong Mahasawat, this case had an urgent decision from court. As the case is very reasonable and sufficient ground for the implementation of such provisional remedial measures, it was turned out that within a week there was a court order of a provisional remedy for temporary relief of grievances that ordering the FROC and BMA to manage the sluiceway operation together with considering of benefit of both citizen of BMA and Nonthaburi. This order had lessened and managed the conflict at that time effectively. In the other word, the role of Administrative Court in conflict resolution can lead to the standard of practice in the future. The leadership of authority will be await for the court order and follow up seriously. The information sharing will be rest to the authorities and both parties to the public through media. People participation is very important to follow the court order in observing the duty and responsibility of authorities.

In conclusion, leadership of authorities is capable and effective as the court's order has been led to their duty and responsibility. People's participation is strong effectiveness and capability to bring the case to the Administrative court. Information sharing is clear role of the media to effectiveness and capability in managing the conflict.

5.1.5 De-escalation Stage of Conflict

The case that filed to Administrative Court, about the people from Nonthaburi demanding Bangkok authority to open sluiceways at Klong Mahasawat and asking FROC to stop recovery of the road No.340 and the Western ring road No.9, and within a short period later when the court had ruled out that FROC and the Bangkok authority must discuss about this operation with inclusiveness of management that good to both Bangkok and Nonthaburi, The court order had satisfied both the plaintiff and the public and this can de-escalate the conflict. FROC and Bangkok authority must concern the people grievances and manage flood together, it was the success of the efforts from the people level. The good leader can also de-escalate the situation when people seeking from the court by having adequate communication with the public. In this stage, by-law, the BMA had duty to protect the area from flood, mentioning about the Administrative Court judgment that so far acquitted the liability of the BMA and government authorities during flood management in 2011. However, the case of court's order on December 1, 2011 that pointed out to the FROC and BMA to manage floodwater together by draining the floodwater into the BMA canals through the sluiceways at Klong Mahasawat with consideration of the impact in both areas. This was a reasonable position of justice, and it turned out that all parties agreed and ended of the conflict. Before the judgment from court, there was no any official order from FROC to instruct MBA according to the sluiceways management, even though the Prime Minister had declared the authority under Article 31 of the Disaster Prevention and Mitigation Act on October 21, 2011.

In conclusion, litigation of Administrative court can reduce conflict and be helpful for conflict management. The court ruling has been admitted that the judgment from the court would be last resort of solution and what has been observed about people opinion, was an acceptance of justice system. This will convey the authority to responsible director as leader to execute the power to manage conflict. With the court's order the director will be capable and exercise duty effectively. There is the point that by law, the people participation is very important to resolve the problem and

manage situation. The order of the Administrative Court is affective and capable to de-escalate the conflict.

5.1.6 Conflict Settlement/ Resolution

Thailand have security law and plan to settle the conflict among the people and authorities. The use of force and tactical operation will belong to police authority and the Security and Public Order Action Plan of B.E. 2552(2009) will be in use. The leadership and the tactic of negotiation must be crucially important. The decision making of leader will be very important to the execution of policing tactic. A case of road block that normally the negotiation by authority responsible is functional and capable to manage the conflict, but it will rest to the governor to end the conflict as conflict from flood management is the duty and responsibility of governor according to level two of disastrous situation in Disaster Prevention and Mitigation Act B.E.2550 (2007) and National Plan on Disaster Prevention and Mitigation B.E.2553-2557 (2010-2014). On October 21, 2011, the Prime Minister declared the command and control of the disastrous situation and FROC as national operational body established under the power of the State Administration Act, B.E. 2534(1991) could consider a designated authority or an advisory function to the Prime Minister. For the justification and decision to use such measures in order to drain the water directly to the sea is the duty by-law. It is the legal- based authority. However, it was no any instruction and direction from FROC or Prime Minister to BMA in order to command and control the operations. Instead of command and control, the Prime Minister and FROC exercises negotiation with BMA for the sluiceways operations. In every level of operations, there are the "Directors" in the areas subsidiary from national command to be a responsible authorities to perform any possible tasks to ease the tension or conflict. There were the leadership in term of operation during the flood response, especially local and provincial directors that performed their daily duties effectively. However, as the time of national command had taken action where the FROC had been functioned since 8 October 2011 more than a month earlier than the tension of demanding sluiceways to open, and this situation was about inter-province operations, the commander in chief

who could response to situation was the national level, unfortunately it was not happened effectively at that time. Therefore, the leadership is applicable by existing laws and related procedures, but incapable and ineffective to exercise, settle and manage conflict.

The people participation is also very important to reduce and settle the conflict. During the flood in 2011, this is very good concept, but very difficult to implement, even Thailand has legal mechanism of community rights to participate in any action where the Constitution has said in Section 67 which reads: *“The right of a person to participate with State and communities in the preservation and exploitation of natural resources....”* In this case of if the BMA has made the plan covering with people participation in processing of plan, the demanding the sluice gates to open will follow those actions that had been written in the plan where the people will compromise and comply to the standpoint in the plan. Unfortunately, as mentioned by the Deputy Director of DDS, plan has not made from that process, it is rather top-down planning with referring to disaster management law and the duty of governor. However at this moment, the BMA has to adjust its sluice gates operation as the Administrative Court has cited that the operation must work together between provincial leaders and responsible persons. Therefore, the people participation in any plan and operation of sluice gates or water management as a whole will not be there or here, it means its applicability, capability and effectiveness is the challenging in order to manage and settle the conflict.

Information sharing is another tool to settle the conflict. This would be very useful if the FROC could effectively use the reliable source of information to persuade people and at least making people understand what the point of any actions were. However, the information sharing and the leadership must come together. As mentioned in chapter 3, later on FROC had been lost its credit to the public, even its commanding center at Donmuang Airport had been inundated by flood. In fact, the latent stage had been noticed by social media when the people of Nonthaburi had registered a webpage of Community of Nonthaburi Lovers that shared information about all necessary actions and assistance among them. If the government official

noticed this in earlier stage, then used this opportunity to share the useful information, approach and discussed with them, the conflict would be lessen an impact. The applicability of communicational tools is functional. The capability of communication is good. Only the effectiveness of this mechanism is in question.

5.1.7 Peace Building Stage

The Nonthaburi demonstration was stopped totally after the judgment from Administrative Court that order FROC and BMA to manage the operation of the sluice gates at Klong Mahasawat. Therefore, the leadership is applicable to the scene, however, the capability of leader is various and based on individual, and this is accounted for the effectiveness. The leadership as a process by which a person influences others to accomplish an objective and directs the organization in a way that makes it more cohesive and coherent. The leader is the most powerful person in the group and has official authority to perform duty where the rest in the group is the followers. Leaders carry out this process by applying their leadership attributes, such as beliefs, values, ethics, character, knowledge, and skills. In relation to Thailand Disaster Prevention and Mitigation Act B.E. 2550 (2007) as the main legislative to manage disaster, article 21 and 31 that assign the duty and responsibility of the authority, it was, however, not sufficient to administer and enforce the power of responsible authorities which it should be said clearly in the Act about the principles or procedures to declare power that may limit the rights and freedom of people. As mentioned by the Act, the role of local leader in conflict management, especially of the community leader are trusted by the people. The roles of village headmen are very important factor in solving conflict in the village. They stop problems and also change conflicts into positive ways through their authority. They perform their roles based on their potential, skills, and feature of disputes as well as conflict situations. The leadership of local leader can be the best explanation to peace building stage to ensure that the conflict will not happen in the area.

The information sharing was in the first line to manage in future operation. When situation of flood, normally, there will be spokesperson designated, however,

official statements and press releases has not always been credible with public. This can lead to the lack of confidence. They are many authorities involved in the operation when the flood had developed to be national stage. Starting from October 21, 2011 and the Prime Minister assumed the role of commanding officer to manage the situation, however by her direction she ordered the Flood Relief Operation Center (FROC) to be her assistant in a command and control of all operations. This is a complicated administration mechanism in term of disaster management system. According to the conflict that the people from Nonthaburi demanding Bangkok authority to open sluiceways at Klong Mahasawat and asking FROC to stop recovery of the road No.340 and the Western ring road No.9, and within a short period later when the court had ruled out that FROC and the Bangkok authority must discuss about this operation with inclusiveness of management that good to both Bangkok and Nonthaburi. It is a historic point that the role of Administrative Court could function well in order to lessen the tension between people and authorities. It is agreed about lesson learned that good and effective information especially when seriously impact to people must pass to them as quick and sufficient as possible. The information sharing is the tool to manage peace building stage to community.

In the practice of people participation in supporting to the flood management operation, it is quite clear step and very important for reducing the conflict. The idea that people participation in planning of sluiceways operations along Klong Mahasawat in order to control the flow of water both in normal and emergency as disastrous situation will be very essential, and it would be the best solution of any conflict among people and responsible authority. This will ensure of peace building stage in community.

5.2 Relief Period

5.2.1 Latent Stage of Conflict in Conflict of Compensation Processing

The process of compensation or relief packages is very complicate to many people and making the flood victims so frustrated in the rule and procedures. Later, when the relief package has been paid but with different amount of money, even in many cases they live in the same area, and having the same type of houses. Not only insufficiency, but inequality of compensation has contributed to people anger, especially ones who just passed the conflict during flood response. This stage has considered as latent period of conflict.

It is clear that Thailand has specific law on compensation to the disaster victim. The Finance Ministry Guidelines on Compensation of Disaster Relief B.E. 2546 (2003) is the key to this process. However, its implementation is still complicated in many areas of claim. Evidently, the case of compensation package of the damage of houses the process requires the registered number otherwise they cannot make the claim. Normally, those houses belong to poor people. To register the house is basically required the land ownership or specified by contract from the owner. This means that there is still a neglected procedure by law. It is also complicated in the process and it takes very long time to receive money including inequality of payment event they are living in the same area of flood. This is a latent conflict that still existing in country. Therefore, the applicability of law is still in question of suitability, where the conflict that occurring in this stage can be limited if the leader in the area of administration understand and give the good guideline to the responsible officials in order to have a better service and prevail the good outcome of the process.

It is important to have the leadership in a style of visionary which will direct the work of authority articulately. In a case of Salaklang Municipality, the authority and its leadership must be very keen on the job, that why there is no any problem of this issue, unlike Taweewatthana District. Therefore, it is likely incapable and ineffective of the leadership of Taweewatthana District of BMA compared to Salaklang Municipality of

Nonthaburi province to alleviate the conflict. The leadership is about individuality, thus, the capability and effectiveness are accounted for in some extent.

Information sharing is very effective for the process of compensation. If the authority informs the people very clearly of all process including all paperwork processing that most of people not get used to it and from time to time keep informing them about those claim, this will be very positive to manage the conflict. The key of any conflict that happened in this stage is no sufficient guidance and information. Most of the conflict that become serious started from late May 2012, about 6 months aftermath of flood, it means that the process is long and complicated which is not the right practice for disastrous compensation. There is no problem of communication in term of equipment, there are many availability sources of communicable tools even during the crisis, and people can use internet and online social media, to connect each other. Thus, this mechanism is less capable and ineffective in the sense of conflict management in some extent where the leadership is the key for effectiveness of information sharing. According to the people of Salaklang Municipality, they have received better service and helpful of information than the Taweewathana District side. There was no problem of receiving claim from government from authority.

People participation is very supportive, especially in order to manage situation. People participation is not only consider when the crisis has happened, but all social activity could link to it. The local communities of Salaklang have cultural event annually and basically they live and share their lifestyles very closely. The people of Taweewatthana have its own Community Council, even just started recently in the beginning of that year. The Community Council of Taweewatthana District has distributed construction material and manpower to support rebuilding those houses of the poor's. This can link to lessen the conflict of those people. As it is a cultural existence or legal-based establishment like Community Council, this means that the people participation is very capable and effective in managing conflict at this stage.

5.2.2 Emergence Stage of Conflict in People Demonstration

People demonstrate because of dissatisfaction of compensation process either it is too long process or inequality of practice from official. After latent stage, it is similar to any event, when people still disagree and dissatisfy with the process, highly and possibly they will go to protest in some extent of action. In the case of compensation after flood 2011, the gathering in front of district or municipality will be most of the cases.

It is obvious that in any cases of demonstration, people demanding to see the most responsible leader. Demonstration will end with the assurance of complaints from the leader for immediate action taken. This means that the leadership is capable and effective to manage the conflict.

The lacking of the right information is presumably often become the cause of demonstration. For example, the same village that have the same impact by flood, but the neighbor has received different amount of money. In the case of demonstration happened, this means that this mechanism is not fully capable and effective to manage conflict.

5.2.3 Escalation Stage of Conflict in Violent Action

After demonstration stage, the situation can lead to any action that will become the public disturbance. As same as the response period, the most practical and possible mechanisms is the leadership of authorities. This will be the tools to de-escalate or even settle the problem. The mechanisms of information sharing might be part of leadership action. When demonstration has become out of control, in this stage, the duty and responsibility will rest to the police tactics together with the responsible leader that the demonstrators demanding to. The leadership and the tactic of negotiation must be crucially important. The decision making of leader will be very important to the execution of policing tactic. A case of road block that normally the negotiation by the responsible leader is capable to manage the conflict. In case of Bangyai District of Nonthaburi where the people demanding the Nonthaburi Governor

to receive their complaints, the situation is solved after his presence and negotiation. However, the action already has an effect to the public which in this cases caused to traffic jam. Therefore, the leadership of authority is capable and effective in some extent.

5.2.4 Stalemate Stage of Conflict in Litigation of Administrative Court

Finally, the people who not satisfy with what they have received from the package of compensation, the can file their cases to Administrative Court. This will take sometime in the court proceedings. This is legal mechanism has been a major role in Thailand society in order to resolve the conflict. Unlike the response period that application of provisional remedy for temporary relief of grievances will not be available and when people bring their cases to the court asking certain amount of money, they will be the fee for the proceedings unless they can declare their unaffordability of money then the exemption of the fee or less amount of payment will be applied and their cases will be last for years to be the end. Capability of the litigation is justified as people admitted what the court ruled. Effectiveness of court proceedings is somehow controversial, the answer of “Yes” if we consider the main trouble of conflict already gone to the justice process, but answer of “No” when consider to the time spending that might have an impact to the future conflict where the level of action in response to the conflict might go beyond the control of authority.

5.2.5 De-escalation Stage of Conflict

After the case has been filed to the Administrative court, the de-escalation stage of conflict are in place. In the area of Taweewatthana Distict of Bangkok, the area was the key during the flood and become point of conflict, however, the responsible authorities, for example the BMA governor, had visited and discussed the situation many times, and this would lead to action taken in proper way. In addition to this, there were the establishment of 13 communities as members of a Community Council of Taweewatthana that had been set to work closely to the development plan of

Taweewatthana, and this would be essential to the future cooperation between local people and authority as well. The idea of people participation in planning of sluiceways operations along Klong Mahasawat with establishment of a committee representing of local and water expert in order to control the flow of water both in normal and emergency as disastrous situation, and it would be the best solution of any conflict among people and responsible authority. The relationship and leadership of local community is the key to reduce problem as in Salaklang Municipality is the example of leadership that can manage compensation package to the people. This will de-escalate the conflict as well. People admitted the justice system when the court judgment come out with the dismissal their cases. This means that the justice system is helpful to de-escalation of conflict.

5.2.6 Conflict Settlement/ Resolution

In any cases, the legitimacy and effectiveness can be seen as the best practice in conflict resolution. The legal status is not only with the existing law and regulations, but also the flexibility of its effectiveness in term of government administration. This can be very important tool in handling any cases of conflict. The roles of government institutions such as provincial and local administration, police, and military are important in conflict resolution. The government authorities should use the right mechanism to eradicate of the problem, however, it can also escalate the conflict if the intervention prejudices the situation. The disaster management system in Thailand is evolved from the Disaster Prevention and Mitigation Act B.E. 2007 and the Treasury Act of 2003 that defines the allocation of disaster relief assistance with detailing in the Finance Ministry Procedure on Compensation of Disaster Relief B.E. 2555. In connection to conflict resolution, there are several legal issues that involved with whether to spread out the conflict or scale down the situation where this will consider legal mechanisms to be the best practice for all official authorities in handling the situation. Besides, the legal justification of the flood management, when the confrontation of involved parties could lead to an eruption stage of conflict, the responsible authorities such as police or military can intervene the case by exercising

the policing tactics with the righteousness based on their legitimacy. The Criminal Code, Criminal Procedure Code, the Civil and Commercial Code, the Decree on Public Administration in Emergency Situation, B.E. 2548 and the Act on Establishment of Administrative Court and Administrative Court Procedure are among the mechanisms of legal settlement. The confrontation of people who not satisfy with compensation allocated by government, either a mount of money or the process that required necessary paperwork, can be settle by leadership of authority that working closely with people. In case of Salaklang municipality of Nontaburi Province that related to Klong Mahasawat area, there is the confirmation of Municipal Clerk that in his area the relationship between local leaders and municipality official was very close, and in this case, he exemplified the process of claim, then there was no any problem happened. However, the people of Bangkok who lived nearby Klong Mahasawat received different compensation and not systematically and logically due to lack of assistance from leader or there is no local leader that work closely to people. For the compensation process, there should be easily making the right of people and no complication of paperwork to receive the claim.

5.2.7 Peace Building Stage

In this stage of conflict, to build peace it need fundamentally settling a good relationship of involved authorities. According to duties and responsibilities of authorities, there are many institutions responsible for carrying out flood management, namely Department of Disaster Prevention and Mitigation (DDPM), Royal Irrigation Department (RID), Department of Water Resources (DWR), Thai Meteorological Department (TMD), Departments of Public Works and Town and Country Planning (DPT) are among at least 32 authorities that directly or indirectly involved with flood management. In development practice, most people particularly rural people cannot participate due to lack of organizational basis for participation. The relationship between participation and organization is fundamental for development.

Information Sharing is part of communication which is especially beneficial to both individuals and society. It can make person recognized and understood feelings

and needs of others. In relation to people participation, conflict can be resolved and manageable with effective communication. When the local authorities distribute information regarding to what the people should know about flood or water related situation, this will enhance the good cooperation and understanding among them.

In any situation that involve with people either as private enterprise or bureaucratic system, the important of the leader and his or her leadership will be very supportive to the success of organization. The leadership is a process by which a person influences others to accomplish an objective and directs the organization in a way that makes it more cohesive and coherent or as “the process of influencing others to understand and agree about what needs to be done and how to do it, and the process of facilitating individual and collective efforts to accomplish shared objectives”, although some of them may be a team leader or assistant in some form in the group. This leadership can enhance peace building stage.

Citizen participation is a process which provides private individuals an opportunity to influence public decisions and has long been a component of the democratic decision-making process. Public involvement is to ensure that citizens have a direct voice in public decisions. The terms "citizen" and "public," and "involvement" and "participation" are often used interchangeably. While citizen participation is generally used to indicate a process through which citizens have a voice in public policy decisions, it has distinctively different meanings and convey little insight into the process they seek to describe. It also seeks to forge a common identity and build a caring and sharing society which is inclusive and where the well-being, livelihood, and welfare of the peoples are enhanced. This theory is about people-centred and socially responsible. It will be useful to support peace building stage.

CHAPTER VI

CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

6.1.1 Capability and Effectiveness of Leadership, People Participation and Information Sharing in Conflict Management

The three principles of Leadership, People Participation and Information Sharing are interconnected and very important to alleviate conflict during flood response and relief where conflict occurred because of flood management rather than natural phenomenon. The leadership is the main factor that contributed and influenced to another two aspects as the leader is the key to enhance people participation and sharing of information that related to conflict and flood management. Thailand legal mechanisms have set the official leaders who are in charge of disaster management with clear duties and responsibilities, however, they must be very active and knowledgeable on their duties, especially during the time of conflict that all efforts of determination solely bear under their responsibilities. The leadership at community level such as the village chief of Nonthaburi province is very capable and effective to conflict resolution and significantly contributed to support another two aspects as information sharing and people participation. The information sharing is a unique reason to reduce conflict, but it must be in clearly, precisely and timely manner.

Thailand legal mechanisms on flood prevention and mitigation introduce many plans and actions, but somehow they are part of conflict themselves. The Action Plan on Flood Prevention and Mitigation of Bangkok Metropolitan B.E.2554 (2011) is the significant example of conflict between Nonthaburi people and Bangkok Administration. The Plan has been delineated by the Bangkok Disaster Prevention and Mitigation Plan B.E.2553-2557 (2010-2014) that rooted from National Disaster Prevention and Mitigation Plan B.E.2553-2557 (2010-2014) and Disaster Prevention and Mitigation Act B.E. 2550 (2007), respectively. The Action Plan has been designed

by top-down policy and strategy. The Disaster Prevention and Mitigation Act B.E.2550 (2007) has greatly contributed to the existing plans as prescribed in section 21 “ the duty of director”... (2) *makes use of a building, place, material, device, appliance, and vehicle of a State agency and of a private sector existing within the jurisdiction of the disaster stricken local administrative organization of specified locality as **necessity for the disaster prevention and mitigation operation**....* The key word of “**necessity for the disaster prevention and mitigation operation**” is very broad in the meaning which will be rested to the director intent and decision. The conflict that happened during the flood in 2011 has rooted from the decision to close the sluiceways and extend the height of canal barriers in the reason of flood protection. The negotiation is in the hot pursue with the tension of conflict when people of Nonthaburi demonstrated and demanded the sluiceways to open 1 meter high. According to the Disaster Prevention and Mitigation Act B.E.2550 (2007), the operation is still not clear in action of disaster prevention and mitigation, especially any matters that given based on personal decision, it will be risky to have another conflict in the future. According to the public media and lesson learned aftermath had point out that the information sharing was in the first line to manage in future operation. There were spokespersons designated, however, official statements and press releases had not always been credible with public and later on the lack of confidence had been developed. It was also the many authorities involved in the operation when the flood had developed to be national stage starting from October 21, 2011 and the Prime Minister assumed the role of commanding officer to manage the situation, however by her direction she issued and ordered the Flood Relief Operation Center (FROC) to be her assistant in a command and control of all operations. This was a complicated administration mechanism in term of disaster management system. Besides, the people’s participation and information sharing as described by the Constitution as the rights of people in community regarding to natural resources, the environment and biological diversity section 57, 58, 66 and 67, and in addition with the Regulations of the Office of the Prime Minister on Public Hearing B.E.2548 (2005) that has been enacted the processes and procedures of public opinion on any issues that may have an impact on the environment, health, quality of

life prior to authorization or implementation of any projects or activities. In somehow, the leadership also need clear and capable information to distribute to people. In case of Nonthaburi conflict that demanding of sluiceways along Klong Mahasawat to open, if the Prime Minister has exercised command and control the operation as given by the law, the better action can ease the situation of conflict effectively. It will not need the court to order FROC and BMA to set the plan of operation to open the sluiceways together. However, there should have an information sharing and people participation to observe the sluiceway operation. If the prime minister developed this administration technique as steering committee of sluiceway operation, the people would understand and cooperate to be part of committee. It is also provide this idea to public media, then this will be very comprehensive in government administration and clever policy. Because it was not available at that time, then this would be the conflict of flood management. When people of Nonthaburi gathering in front of city hall, the governor of Nonthaburi seemed misjudgment about trouble of the people, did not understand the psychology of the masses who have suffered from flood management, not receiving and talking to people, had made the problem even more. The delegation of the government (FROC) as responsible authority had been observed incompetent about knowledge of water management, this could lead to public's lack of confidence as many measures had been failed to deter the flood. In addition, the information from authorities did not match what was happening, then it contributed to be the conflict among people.

The Finance Ministry Guidelines on Compensation of Disaster Relief B.E. 2546(2003) is in some extents not supportive to the leadership to have an effectiveness and capability to the conflict solution, for example, a non-registered house cannot claim for the relief package of reconstruction, that has been linked to be a cause of conflict. In the matter of fact that those houses are of the poor's who unable to purchase land and build the houses, where the rented lands are somehow impossible to register as permanent houses. The insufficient amount of money is the common case, that normally people can understand the limitation, however, the complication of processing of the request of claim is unacceptable in many reasons; many documents

required, follow the procedure step by step, and many authorities to approve the compensation and up to national level. There is no such article that points to the timeframe of receiving the claim. In many areas, the people received money after their protestation, then the process will be speeded up, even that it is about 6 months aftermath of flood. The inequality of the relief money which rested to the decision of committee (technician) together with unclear information of procedure and process, has contributed to the major conflict regularly after the flood. This complication process is one of the capability by the law that contributes to ineffectiveness of leadership. The case of conflict from compensation is the good example of lacking of information. If people have been informed regularly and correctly about the process, there will not be the demonstration. The information sharing also includes making people understand the whole process clearly.

6.1.2 Effectiveness and Capability of Administrative Court in Conflict Management

There were about 1200 cases of the dispute from flood in 2011 where there were three chambers comprising of three judges to be in charge of those cases, so each chamber would have more or less 400 cases to decide. Because, all of the cases from flood management, even similar defendant but different plaintiff, the court had to go to the same proceedings, no exemption on that, it would be time consumption. The order of provisional remedy for temporary relief of grievances that ordered BMA and FROC to manage the operation of sluiceways together can lessen the conflict, and influence to the practice of BMA regarding to its Action Plan on Flood Prevention and Mitigation of Bangkok Metropolitan. The operation of sluiceways and concern the people grievances and manage flood water was the success of the efforts from the people level to ask Administrative court for its enforcement. However, the people participation of any implementation measure must be transparent as also mentioned by the interviewees about lacking of people participation of the floodgates operation. They mentioned about the pros and cons of opening or closure of floodgates where there was no accountability on that proof from government or BMA some said that BMA staff opened the sluiceway during the daytime but closing the gate at the

nighttime and have an order from higher authority to manage the gate only by themselves, no any participation from people who live in the area to provide idea and justification. These have caused even more problem to the situation. The people participation at this stage of conflict was incapable and ineffective to the conflict management.

The norm and culture of Thais in compliance and acceptance of court ruling is very valuable in conflict resolution/ settlement. There was the role of Administrative Court that function well in order to lessen the tension between people and authorities. The plaintiff was interviewed by the media and said that she was satisfied with the court judgment that both FROC and Bangkok authority must concern the people grievances and manage flood together. The court procedure might be controversial for the period of judgment somehow, in case of compensation, the litigation will need at least two years to have a result, excluding the appealing process it will take another years. It is also limited in the procedure to combine the similar cases that based on the same facts, for example the cases of flood management which mostly in similar situation. All cases have to be judged case by case, the judgment was basically from the documentation with a general principle of the system of trial of case, which emphasizes impartial and efficient trial; for example, the hearing of the case of both parties, the trial within the scope of the plaint and the relief sought by the plaintiff. There were cases of Nothaburi, Bangkok and Nakornpathom Province that all plaintiffs admitted the justice system when the court judgment come out with the dismissal of their cases. This can conclude that the effectiveness and capability of Administrative Court in conflict management is in the right manner.

6.2 Recommendation

6.2.1 Capacity Building of Leadership

The management of flood between provinces and Bangkok, and between inner and outer area of Bangkok has been cited seriously during the massive flood in 2011. The people who were suffered by the Big Bag blockade that kept floodwater in

their area longer than others, have been observed by the public as the victims of the government management. Later, they voiced their rights by destroying the Big Bag. At the same extent, people who live between Khlong Mahasawat in the area next to Taweewattana District of Bangkok and Salaklang Municipality of Nonthburi Province have quarreled about the policy of the sluiceway management during flood. The cases that people who affected by flood have filed to the Central Administrative Court regarding to flood management by authorities that referred to the area of Klong Mahasawat around the adjacent of Khunsriborirak Sluiceway will be the specific area of source of information to focus on the upstream and downstream residents who involved or related to the point of conflict. This will be analyzed and fulfilled for the conflict resolution by legislative body. The roles of government institutions such as provincial and local administration, police, and military are important in conflict resolution. The government authorities, especially authorities' leaders, should use the right mechanism to eradicate of the problem, however, it can also escalate the conflict if the intervention prejudices the situation. In any situation that involve with people either as private enterprise or bureaucratic system, the important of the leader and his or her leadership will be very supportive to the success of organization. In Salaklang Municipality, the local leadership is very effective in working and resolving the conflict from flood. The leadership is also led to people participation and information sharing as well because they work and live closely to their people.

6.2.2 Effectiveness of Information Sharing

The disaster management system in Thailand is evolved from the Disaster Prevention and Mitigation Act B.E. 2007 and the Treasury Act of 2003 that defines the allocation of disaster relief assistance with detailing in the Finance Ministry Procedure on Compensation of Disaster Relief B.E. 2555. In connection to conflict resolution, there are several legal issues that involved with whether to spread out the conflict or scale down the situation. This will consider legal mechanisms to be the best practice for all official authorities in handling the

situation. Many people who are now living in the area that flooded in the year 2011, are soundly active to any plans and implementations that government wants to introduce in their areas. In light of conflict resolution, such legislations, rules and procedures could be the best tools for the official to exercise their duties. Information sharing is part of communication which is especially beneficial to both individuals and society. It can make person recognized and understood feelings and needs of others. In relation to people participation, conflict can be resolved and manageable with effective communication. When the local authorities distribute information regarding to what the people should know about flood or water related situation, this will enhance the good cooperation and understanding among them.

6.2.3 Effectiveness of People Participation

The case of flood, people who are directly affected by flood have to consider their limitation of sacrifice. The significant case of the devastated flood in 2011 have been the keys to the issue of conflict resolution. The conflict that happened during the flood in 2011 will focus on two stages: flood management during response period where the conflict has been involved between authorities and people, the period of flood relief which conflict arisen from the package of compensation of the flood victims. The involvement of legal action in conflict resolution, in fact, is the fundamental of any society. The role of Thailand Administrative Court will be essential to the resilience of conflict situation. The case of flood management by authorities had been filed to the justice system as the case of Administrative Court. In the period of flood relief, the government packages of compensation had made people frustrated, even became more suffering due to procedural processes that very complicated and considered as unfair of practices in some extents. Eventually, the conflict from compensation packages had been called for the justice through the Administrative Court.

Citizen participation is a process which provides private individuals an opportunity to influence public decisions and has long been a component of the democratic decision-making process. Public involvement is means to ensure that

citizens have a direct voice in public decisions. The terms "citizen" and "public," and "involvement" and "participation" are often used interchangeably. They are generally used to indicate a process through which citizens have a voice in public policy decisions, both have distinctively different meanings and convey little insight into the process they seek to describe. It also seeks to forge a common identity and build a caring and sharing society which is inclusive and where the well-being, livelihood, and welfare of the peoples are enhanced. This theory is about people-centred and socially responsible. To focus on the concept of people's participation as conflict resolution and management, there are several important practices that can interpret into this concept. In the area people cannot participate due to lack of organizational basis for participation or there is no the relationship between participation and organization is fundamental for development.

For the process of people participation, such processes might not be sufficient in order to manage the conflict unless a full participation is in place. Besides the BMA planning and operation that solely accounted for the responsibility of authority, if there is a decision making body as a "Steering Committee or Operational Committee" to control the sluiceways operation" consisting of locals, experts and government officials, to guarantee the liability and accountability of all, this will be a comprehensive tool of conflict management.

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