ความท้าทายของกฎหมายไทยว่าด้วยการคุ้มครองสัตว์ป่าและถิ่นที่อยู่อาศัยภายใต้อนุสัญญาว่าด้วยการค้าระหว่างประเทศซึ่งชนิดสัตว์ป่าและพืชป่าที่ใกล้สูญพันธุ์

Legal Challenges in the Protection of Wildlife and Natural Habitats under Thai Law in Accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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บทคัดย่อ

งานวิจัยฉบับนี้มุ่งศึกษาเกี่ยวกับกฎหมายไทยที่เกี่ยวข้องกับการคุ้มครองสัตว์ป่า สัตว์ป่าสงวน และถิ่นที่อยู่อาศัยของสัตว์ป่า ภายใต้พันธกรณีของอนุสัญญาว่าด้วยการค้าระหว่างประเทศซึ่งชนิดพันธุ์สัตว์ป่าและพืชป่าที่ใกล้สูญพันธุ์ (CITES) นอกจากนี้ ยังได้ประเมินปัญหา อุปสรรค และความเหมาะสมของมาตรการทางกฎหมายที่ใช้อยู่ในปัจจุบัน การศึกษานี้ใช้วิธีวิจัยเชิงคุณภาพโดยการวิเคราะห์เอกสารทางกฎหมาย กฎหมายระหว่างประเทศ กฎหมายภายในประเทศ คำอธิบายทางวิชาการ ผลการศึกษาพบว่าแม้ว่าประเทศไทยได้ตรากฎหมายหลายฉบับที่มุ่งคุ้มครองสัตว์ป่าและถิ่นที่อยู่อาศัยของสัตว์ป่าโดยเฉพาะและได้มีการปรับปรุงแก้ไขกฎหมายเพื่อให้สอดคล้องกับพันธกรณีภายใต้อนุสัญญา CITES แล้วก็ตาม แต่ยังคงมีช่องว่างทางกฎหมายและข้อจำกัดเชิงสถาบันที่สำคัญอยู่ โดยเฉพาะกระบวนการปรับปรุงบัญชีรายชื่อสัตว์ป่าสงวนที่มักดำเนินไปอย่างล่าช้า รวมทั้งปัญหาในทางปฏิบัติของการบังคับใช้กฎหมาย ซึ่งข้อจำกัดเหล่านี้ส่งผลกระทบต่อประสิทธิภาพของมาตรการอนุรักษ์สัตว์ป่า

ดังนั้น งานวิจัยนี้จึงเสนอแนะแนวทางในการปรับปรุงกรอบกฎหมายและมาตรการกำกับดูแลของประเทศไทยให้มีความชัดเจน ยืดหยุ่น และสอดคล้องกับหลักการอนุรักษ์ภายใต้ CITES มากยิ่งขึ้น โดยเฉพาะการพัฒนากลไกที่มีความรวดเร็วและตอบสนองต่อสถานการณ์ในการกำหนดชนิดพันธุ์สัตว์ป่า การเพิ่มประสิทธิภาพของการบังคับใช้กฎหมายตลอดจนการส่งเสริมบทบาทของภาคเอกชนและชุมชนท้องถิ่น

ในการมีส่วนร่วมในการอนุรักษ์สัตว์ป่าและถิ่นที่อยู่อาศัยของสัตว์ป่า แนวทางดังกล่าวจะช่วยเสริมสร้างประสิทธิภาพของการคุ้มครองสัตว์ป่าในประเทศไทย และทำให้มาตรการทางกฎหมายสามารถตอบสนองต่อบริบททางสังคม เศรษฐกิจ และสิ่งแวดล้อมร่วมสมัยได้อย่างเหมาะสม

คำสำคัญ : สัตว์ป่า สัตว์ป่าสงวน ถิ่นที่อยู่อาศัยของสัตว์ป่า อนุสัญญาว่าด้วยการค้าสัตว์ป่าและพืชป่าระหว่างประเทศ

Abstract

This study mainly focuses on the Thai law that is concerned with protecting the wildlife, the reserved wildlife species, and wildlife habitat with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It also examines issues, challenges, and suitability of law enforcement measures that are presently enforced. In this study, a documentary analysis of legal sources, international law and domestic legislation, legal commentaries, and availability of relevant research studies will be used in getting qualitative research data.

The results reveal that even though various legislations were enacted with a specific objective to protect wildlife and their habitats in Thailand, and later amendments to the laws to align with the CITES, there are still a number of gaps in laws and institutions. More specifically, the timeline of revising the list of reserved wildlife species tends to be lengthy, and the enforcers still encounter practical issues. These restrictions affect the efficiency of wildlife conservation programs. Based on this, this paper suggests ways to enhance the legal and regulatory environment in Thailand to make it more transparent, flexible, and more consistent with the conservation principles developed under the CITES. Specifically, it highlights the necessity of the creation of more reactive methods of wildlife species designation, reinforcing the law enforcement, and ensuring that the involvement of the private sector and local communities in the conservation of wildlife and its habitat becomes a matter of participation. This would make the protection of wildlife in Thailand more effective, and the legal measures would be more reactive to the modern social, economic, and environmental situation in the country.

Keywords : Wildlife, Reserved wildlife species, Wildlife habitats, The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Introduction

The importance of wildlife can be explained by its impact on ecological balance and biodiversity. However, increasing human activities and the expansion of human societies have significantly threatened wildlife populations and their habitats. These challenges have prompted the development of international legal frameworks aimed at wildlife conservation.[1]

Many countries around the world have recognized the problems of wildlife poaching and encroachment into forest areas that serve as wildlife habitats. As a result, laws have been established at both international and domestic levels. One example is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), also known as the Washington Convention, which is an agreement reflecting international cooperation in the conservation of wildlife resources.[2]

Thailand signed this convention in 1975 and ratified it in 1983. However, in the initial period, Thailand had not yet enacted domestic legislation in compliance with the obligations stipulated by the convention. Consequently, Thailand was sanctioned by member countries through a ban on the trade of wildlife products. This incident became a driving force for the Thai government to accelerate amendments to its wildlife conservation laws. The first law was the Wild Animal Reservation and Protection Act B.E. 2503 (1960). Consequently, to meet the law in a more appropriate and aligned CITES Convention manner, the Wild Animal Reservation and Protection Act B.E. 2535 (1992) were introduced and replaced the former one. This was the legal act that allowed Thailand to fully comply with its obligations as a contracting party to the CITES Convention.

Wild Animal Reservation and Protection Act (No. 2) B.E. 2546 (2003) and (No. 3) B.E. 2557 (2014) were additional amendments for the Wild Animal Reservation and Protection Act B.E. 2535 (1992). Establishing a new law, i.e., the Wild Animal Reservation and Protection Act B.E. 2562 (2019), was necessary to conform to current conditions and requirements. Another important act, the Forest Act B.E. 2484 (1941), along with the National Reserved Forests Act B.E. 2507 (1964), the Plantation Act B.E.

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1 William J. Ripple, Christopher Wolf, Thomas M. Newsome, Matthew G. Betts, Gerardo Ceballos, Franck Courchamp, Matt W. Hayward, Blaire Van Valkenburgh, Arian D. Wallach, & Boris Worm, "Are We Eating the World's Megafauna to Extinction?" (2019) 12:3 *Conservation Letters* e12627 1, 8.

2 Sean L. Maxwell, Richard A. Fuller, Thomas M. Brooks, & James E. M. Watson, "Biodiversity: The Ravages of Guns, Nets and Bulldozers" (2016) 536:7615 *Nature* 143, 143-145.

2535 (1992), and the National Parks Act B.E. 2562 (2019), all legislated forms of wildlife and wildlife habitats protection related to adoption.

Moreover, the Constitution of the Kingdom of Thailand B.E. 2560 (2017) guarantees the protection of wildlife as a basic human right, and it is also addressed in the Civil and Commercial Code, the Criminal Code, as well as in the state policies and measures related to the conservation of natural resources.[3] The current government is worried about wildlife poaching, which foremost affects ecosystems, especially the endangered, rare animals. Thus, it requires prompt and most serious considerations, seeing that the animal populations are rapidly and continuously vanishing. For instance, the Asiatic water buffalo, which is the eighth protected wildlife species and is a mammal, is currently at risk. Just one herd of wild water buffalo remains in Thailand, with approximately 50 individuals found in the Huai Kha Khaeng Wildlife Sanctuary.[4] In fact, they are even predicted to disappear soon without strict measures. The causes are mainly human activities such as hunting water buffalo for meat and commercial use of wild buffalo horns, thinking of them as beautiful and rare things.

The above examples only demonstrate the lack of problems in Thailand, but they will help to create public awareness of the depletion of natural resources that may result in some species being lost in the future. Forests and humans are mutually dependent, but we should also manage livelihoods that do not encroach on forests, including wildlife habitats and other natural resources. To fix this problem, the cooperation of all parties is needed: government, business, communities, and the public, because it cannot be only the state's responsibility. Hence, the matter of forests and wildlife falls on the shoulders of everyone and is a key priority that should be treated in the most serious manner. The community must dig deep to find the way of using natural resources which at one and the same time will generate economic value and not destroy the environmental balance. The fundamental reason thus is that the public, businesses, and the government must base their relationships on trust and cooperation, which is particular to none, and all of them serve the public interest.

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3 Sections 43 and 57, *Constitution of the Kingdom of Thailand B.E. 2560 (2017).*

4 Rattanawat Chaiyarat, Monitoring Changes in Population, Distribution, and Food Plant Species of the "Wild Water Buffalo" (8 Oct 2023) Seub Nakhasathien Foundation <https://www.seub.or.th/bloging/news/2023-260/>.

Objectives of the Research

1. To investigate the principles, concepts, and laws on the protection of wildlife, protected wildlife species, and wildlife habitats in Thailand.

2. To examine the obligations Thailand has under the CITES Convention and their implementation in domestic legislation.

3. To perform an analysis of the Thai laws on their fitness to be used for the conservation of wildlife and wildlife habitats.

4. To provide recommendations for changes in legislation and legal measures to increase the effectiveness and ensure the proper fitting of current situations.

Research Hypotheses

1. Thai laws related to the protection of wildlife and wildlife habitats still contain limitations and gaps that prevent them from effectively addressing conservation problems.

2. The delays in law enforcement and the list of protected wildlife species updates have a negative impact on the survival of rare and endangered species.

3. The enhancement of laws through the increase of the role of local communities and private sector could result in the improved effectiveness of the conservation measures in place.

Scope of the Research

The primary focus of the research is to scrutinize legal ramifications associated with the conservation of wildlife, wildlife species under the protection of the law, and wildlife habitats in Thailand. It analyzes the domestic laws in question, namely: the Wild Animal Reservation and Protection Act, B.E. 2562 (2019), the National Parks Act B.E. 2562 (2019), the Forest Act B.E. 2484 (1941), and other relevant statutes, along with the assertion of the inclusion of Thailand's obligations to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) into the Thai legal system.

The research spans an assessment of fundamental principles, concepts, challenges affecting the protective state premises, legal instruments that necessitate the state to engage with relevant agencies, the private sector, and the local community in the conservation of wildlife and habitats. It examines the obstacles and hiccups and the feasibility of legal actions that are being taken. The researcher is also resolute to provide advice on how to enrich the legal provisions in a manner that will result to its appropriate functionality and adherence to the real situation of resource conservation in Thailand.

Literature Review

Governance of wildlife has gained a growing interest among scholars because of the expanding menaces of illicit wildlife commerce and the loss of biodiversity. Most of the studies have been able to identify Thailand as a transit and destination country in international wildlife trade networks.[5] The available literature has mainly been on the trends of trafficking, adherence to legal regulations, and the problems of implementing international treaties like the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).[6] Nevertheless, there has been very little research in previous scholarship regarding whether domestic wildlife protection structures are coherent in the broaderlegal system. Specifically, the relation between international conservation and domestic legal frameworks such as the property law and government of habitats has not been researched fully.[7]

The paper fills this gap by reviewing the legislation of Thailand on wildlife by using the normative approach of the CITES as a means of assessing the consistency and efficiency of the domestic law system in enforcing wildlife protection.

Research Methodology

The research is qualitative, with the principal tool being documentary research. The methodology that was taken by the researcher involved gathering of information pertinent to the study, in areas of protection of wildlife, species of wildlife, wildlife habitat, and international conventions and agreements, primarily the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Additional references were the legal commentaries, scholarly articles, research articles, and other relevant documentation.

The data were then forwarded to the legal and content analysis procedures to examine the data in terms of consistency, suitability, and efficiency of the legal measures that were in place. The evaluation extended to address the problems, challenges, legal implementation restrictions, and the constructive recommendations related to the required amendments and creation of the legal tools to suit the ecosystem and habitat protection in Thailand. Further, the normative legal framework

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5 United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2020: Trafficking in Protected Species* (Vienna: UNODC, 2020) 45–47.

6 Vanda Felbab-Brown, *The Extinction Market: Wildlife Trafficking and How to Counter It* (New York: Oxford University Press, 2017) 112.

7 Peter H. Sand, "International Environmental Law and Domestic Legal Frameworks: The Case of Wildlife Conservation," (2015) 4:1 *Transnational Environmental Law* 88, 88–90.

of the international environmental law guides its analysis, with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) serving as an analytical reference point on the consideration of coherence and effectiveness of the legislation on the wildlife protection in Thailand.

Expected Outcomes

1. To gain a clear understanding of the legal principles and frameworks that govern wildlife and habitat protection at both national and international levels.

2. To better understand the main challenges and limitations in enforcing wildlife protection laws in Thailand.

3. To assess how well Thai law aligns with the obligations under the CITES Convention.

4. To provide practical recommendations for improving legal and policy measures to strengthen wildlife conservation.

Fundamental Concepts Relating to the Protection of Wildlife, Protected Wildlife Species, and Wildlife Habitats

Conceptual approaches to wildlife conservation emphasize the protection of wildlife, protected wildlife species, and wildlife habitats, as these issues are of paramount importance. The relevant principles are outlined as follows: Principles of Wildlife and Wildlife Habitat Resource Management.[8]

In accordance with the Environmental Quality Management Plan B.E. 2566–2570 (2023–2027),[9] the management of natural resources and the environment rests on three main principles which were developed to be fundamental principles, as follows:

1. Principle of Sustainable Development: The principle of sustainability seeks to create a balance between economic, social, and environmental concerns such that no party has to pay the price of the loss of any one of them. It highlights growth without imbalance among any of the dimensions. The foundation of this principle is dual in nature.[10] When it comes to wildlife and wildlife habitats, the achievement of sustainable development is paramount. The species must be utilized in such a way that they do not get endangered, which will consequently lead to unbalanced ecology.

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8 Surasak Boonrueang, *The Role of the State and the Public in the Preservation and Protection of Wildlife in Natural Habitats: Final Report 2014* (20 Oct 2025) Thammasat University <https://digital.library.tu.ac.th/tu_dc/frontend/Info/item/dc:53>.

9 Seub Nakhasathien Foundation, *Thailand Forest Situation 2023* (20 Oct 2025) document <https://www.seub.or.th/document/สถานการณ์ป่าไม้ไทย/2023-235/>.

10 Sunee Mallikamarl, *The Constitution and Public Participation in the Protection and Conservation of Natural Resources and the Environment* (Bangkok: Chulalongkorn University Press, n.d.) 33.

2. Polluter Pays Principle (PPP) and Beneficiary Pays Principle (BPP): These principles are about the fair distribution of the responsibility and the costs among the parties. The polluter pays principle is the one that requires the polluter to pay for the costs of pollution prevention and solving those pollution problems. Considering this, the polluter is more accurately seen as a producer who causes environmental damage all through the production process, starting from raw material to the production of the final product.[11]

3. Good Governance: Good governance is a principle aimed at decentralization and the promotion of participation from all sectors of society. It encompasses the rule of law, ethical conduct, transparency, participation, accountability, and cost-effectiveness.[12]

Laws Providing Protection for Protected Wildlife, Wildlife, and Wildlife Habitats

Laws Providing Protection for Protected Wildlife

- Wild Animal Reservation and Protection Act B.E. 2562 (2019)

1. Possession of Protected Wildlife Prior to the Addition of New Protected Species, where it is deemed appropriate to designate additional wildlife species as protected wildlife beyond those already listed, such designation shall be made by Royal Decree.[13]

2. Prohibition on Hunting Protected Wildlife, The Act explicitly prohibits the hunting of protected wildlife. The term “hunt” is defined in Section 4.[14] Any person who violates this prohibition shall be subject to penalties under Sections 87 and 88. Any person who unlawfully commits or omits an act, whether intentionally or negligently, causing damage to natural resources within a wildlife sanctuary or non-hunting area, shall be liable for compensation.

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11 Jonas Ebbesson & Phoebe Okowa, *Environmental Law and Justice in Context* (Cambridge: Cambridge University Press, 2009) 411.

12 Robyn Eckersley, *Environmentalism and Political Theory toward an Ecocentric Approach* (New York: UCL Press, 1992) 110.

13 Section 6 paragraph 2, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

14 Section 4, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

3. Relinquishment of Possession of Protected Wildlife, A lawful possessor of protected wildlife or protected animals may be deemed to have relinquished possession in two circumstances: (1) where the wildlife is abandoned or released from the possessor's care, or (2) where there is a necessity that renders continued care impossible, and the possessor wishes to surrender the wildlife to the Department of National Parks.[15]

4. Prohibition on Possession of Protected Wildlife, Section 17 prohibits the possession of protected wildlife and their carcasses. Nevertheless, an exception exists for persons who lawfully possessed wildlife prior to its designation as protected wildlife, in accordance with Sections 10 and 11. In addition, Section 67 provides for the establishment of non-hunting areas, within which it is prohibited to hunt wildlife, collect or damage nests, except for purposes of survey, study, research, or academic experimentation.[16]

5. Importation, Exportation, Transit, and Wildlife Checkpoints, The Act generally prohibits the importation or exportation of protected wildlife, except for zoo-related activities that require prior authorization. The export of protected wildlife or their carcasses additionally requires export certification in accordance with the requirements of the destination country, pursuant to Sections 22 and 24

6. Trade in Protected Wildlife, The Act strictly prohibits the trade of protected wildlife, including their carcasses and wildlife products, under Section 29. Any violation of this prohibition is subject to penalties under Section 89.

7. Liability of Juristic Persons, Section 110 provides for corporate liability. Where an offense under the Act is committed by a juristic person as a result of an order or action of a director, manager, or any person responsible for the operation of the juristic person, or where such person fails to act when under a duty to do so, resulting in the commission of an offense, that individual shall be subject to the penalties prescribed for the offense in addition to the liability of the juristic person.[17]

Laws Providing Protection for Wildlife Habitats

Various forms of encroachment have covered almost all wildlife habitats, severely limiting the areas in which animals can survive. In Thailand, wildlife habitats are legally protected under several statutes related to the conservation of wildlife habitats, as follows:

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15 Sections 15 and 16, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

16 Sections 22 and 67, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

17 Section 110, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

1. Forest Act B.E. 2484 (1941): At present, the Forest Act (No. 8) B.E. 2562 (2019) is the amended version in force. This Act is considered to allow greater private sector participation in commercial activities. Section 7 provides that all types of timber growing on land with ownership or possessory rights under the Land Code shall not be classified as prohibited timber, or timber planted on land permitted for utilization under the relevant land title documents shall likewise not be classified as prohibited timber.[18]

2. National Reserved Forest Act B.E. 2507 (1964): Within national reserved forest areas, no person shall occupy, possess, utilize, or reside on land, construct buildings, clear land, burn forests, cut timber,[19] collect forest products, or commit any act that causes deterioration of the condition of the national reserved forest,[20] except in cases where logging or collection of forest products is conducted with permission from a competent official. Entry for utilization, residence, mining activities, or purposes of education and research may be permitted in accordance with the law.[21]

3. National Park Act B.E. 2562 (2019): Section 19 prohibits any person from committing acts materially related to the protection of wildlife and forests.

4. Forest Plantation Act B.E. 2535 (1992): Even though this Act does not give direct protection for wildlife, it protects the land covered by timber resources that are also wildlife habitats. For instance, Section 14/1 deals with trade and possession of forest products within forest plantations.

5. Community Forest Act B.E. 2562 (2019): This Act aims to establish collaboration between communities and the State in the activities of conserving and rehabilitating the natural environment and biodiversity and utilizing them wisely and sustainably. This is to be achieved through community forests in accordance with Section 6.[22] A person violating the provisions stipulated under this Act shall face both administrative and criminal penalties as outlined therein.

6. Wildlife Preservation and Protection Act B.E. 2562 (2019): This Act prescribes the management standards for zoos under Section 33 and designates special wildlife areas under Section 47 as areas that have natural conditions suitable for conservation and safe habitats for wildlife.[23] Section 53 prohibits entry into wildlife sanctuaries without permission, and Section 55 prohibits any acts within wildlife sanctuaries.

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18 Section 7, *Forest Act (No. 8) B.E. 2562 (2019).*

19 Section 14, *National Reserved Forest Act B.E. 2507 (1964).*

20 Section 15, *National Reserved Forest Act B.E. 2507 (1964).*

21 Section 16, *National Reserved Forest Act B.E. 2507 (1964).*

22 Section 6, *Community Forest Act B.E. 2562 (2019).*

23 Section 47, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

Laws Governing the Participation of the Private Sector and Local Communities in Wildlife and Wildlife Habitat Conservation in Cooperation with the State

Public participation is a critically important process for both the public and private sectors in addressing problems and leading to shared decision-making processes. Public participation in the protection and conservation of natural resources can be categorized into six levels[24]: information sharing, joint thinking and exchange of opinions, joint consideration and decision-making, joint implementation, joint monitoring and evaluation, and joint sharing of benefits.[25] The laws governing participation in the conservation of wildlife and wildlife habitats are as follows:

The Constitution of the Kingdom of Thailand

Several provisions of the Constitution are relevant to the conservation of wildlife and wildlife habitats, as follows:

First, Rights of Individuals and Communities, Individuals and communities have the right to manage, conserve, maintain, and utilize natural resources, the environment, and biological diversity in a balanced and sustainable manner. This includes the right to jointly submit petitions or proposals to state agencies requesting actions that are beneficial to the public or communities, or requesting the cessation of actions that may adversely affect the peaceful living of the public or communities, pursuant to Section 43.[26]

Second, Duties of Individuals, with regard to environmental protection, individuals have the duty to cooperate with and support the conservation and protection of the environment, natural resources, and biological diversity, pursuant to Section 50(8).[27]

Third, Duties of the State, Where state action is intended to directly benefit the public, individuals and communities have the right to monitor, urge, and, where appropriate, bring legal action against relevant state agencies to ensure that such benefits are realized in accordance with the criteria and procedures prescribed by law, pursuant to Section 51.[28] In particular, the State has the duty to conserve, protect, maintain, rehabilitate, manage, and utilize, or provide for the utilization of, natural resources, the environment, and biological diversity in a balanced and sustainable manner. The State must ensure that local communities concerned participate in such processes and share in the benefits derived therefrom,

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24 Lawrence E. Susskind, *Environmental Diplomacy* (Oxford: Oxford University Press, 1994) 82.

25 Sunee Mallikamarl, above n 10, 56-61.

26 Section 43, *Constitution of the Kingdom of Thailand.*

27 Section 50(8), *Constitution of the Kingdom of Thailand.*

28 Section 51, *Constitution of the Kingdom of Thailand.*

pursuant to Section 57(1). Furthermore, any act of the State, or any activity that the State permits a person to undertake, which may have a serious impact on natural resources, environmental quality, or significant interests of the public, communities, or the environment, requires the State to conduct environmental impact assessments and organize public hearings for affected stakeholders prior to undertaking such acts, pursuant to Section 58.[29]

Fourth, Directive Principles of State Policies, The State shall implement policies relating to land, water resources, and energy particularly in relation to wildlife and wildlife habitats by planning national land use in a manner appropriate to the physical conditions and potential of the land, in accordance with the principles of sustainable development. Measures shall also be implemented to ensure equitable and fair land distribution so that the public may have adequate means of livelihood, pursuant to Section 72.[30]

Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992)

Section 6 of this Act provides that individuals have the following rights and duties: the right to lodge complaints or accusations with competent officials against persons who commit offenses observed to be in violation of laws relating to the conservation of natural resources; and the duty to cooperate with and assist competent officials in performing their duties related to the promotion and conservation of environmental quality, by strictly complying with this Act and other laws concerning the enhancement and conservation of environmental quality.[31]

Wildlife Preservation and Protection Act B.E. 2562 (2019)

Section 57 of this Act provides for the establishment of joint conservation projects with local communities in order to ensure that the utilization of natural resources is balanced and sustainable. Where any wildlife sanctuary area has sufficient potential and suitability for the collection or use of natural resources, and where such collection or utilization within designated areas is deemed not to cause damage to ecosystems, natural conditions, or wildlife, studies may be conducted and projects for the utilization of such natural resources may be developed accordingly.[32]

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29 Section 58, *Constitution of the Kingdom of Thailand.*

30 Section 72, *Constitution of the Kingdom of Thailand.*

31 Section 6, *Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992).*

32 Section 57, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

Analysis

This discussion reviews the Thai legislation on wildlife protection, such as wildlife classification and legal status, banning of hunting, possession, and trade of wild animals. It also measures legal frameworks on wildlife habitats, private and community involvement, and how the national policies are in line with international commitments made to Thailand under CITES. Although the Thai legislation is associated with some of the principles of CITES, there are still a lot of legal and institutional gaps that can decrease the effectiveness of conservation efforts. The sections below thus evaluate how the current legal instruments can be enhanced in order to be more effective to aid national conservation goals and international commitments. These loopholes expose legal shortcomings of the domestic legal system, especially concerning enforcement systems, regulation coordination, and adaptive conservation governance.

Analytical Framework: Evaluating Thai Wildlife Protection Law through CITES

This section is an attempt to assess the competence of the existing Thai laws relative to the task of the safeguarding of the wildlife through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as a normative and analytic guide. The analysis does not just focus on Thai law, but on the domestic legal systems in comparison to the larger international conservation program that is established by CITES, and is specific to its precautionary, science-based, and enforcement-based approach. CITES is thus not used as a source of international duties alone, but as a point of reference to determine whether the legal actions of Thailand can be adequately used in addressing the current conservation challenges. Relevance of CITES in this analysis is based on the fact that the Convention places timely assigning of the species, strict regulation of trade and possession, and good enforcement through monitoring and compliance mechanisms. These elements, in turn, directly correspond to major factors of wildlife protection law in Thailand, including the designation of reserved and protected wildlife, prohibition of hunting and trade, regulation of possession, and wildlife habitat management. At the same time, CITES, as it is being implemented now, demands interaction that goes beyond the main and conventional control by the State, which is the very reason why private and community actions are accorded so much significance. Following this analytical path, the next parts will be focused on whether the Thai legislative measures are adequate and comprehensive enough to cover the wildlife conservation issues.

Appropriateness of Legal Measures for the Conservation of Reserved Wildlife under Thai Law

1. Classification of Reserved Wildlife: Under the Wildlife Preservation and Protection Act B.E. 2535 (1992), wildlife was categorized into two main groups: reserved wildlife and protected wildlife. The schedule annexed to the Act listed 15 species[33] of reserved wildlife, namely: Princess Sirindhorn's bird, rhinoceros, Javan rhinoceros, kouprey or forest ox, wild water buffalo, Eld's deer, Schomburgk's deer, serow, goral, Gurney's pitta, crane, marbled cat, Malayan tapir, hog deer, and dugong. Subsequently, the Wildlife Preservation and Protection Act B.E. 2535 was repealed and replaced by the Wildlife Preservation and Protection Act B.E. 2562 (2019), which added four additional reserved wildlife species: Bryde's whale, leatherback sea turtle, whale shark, and Omura's whale. This brought the total number of reserved wildlife species to 19.

The annex to the Act classifies these 19 species[34] into four categories: mammals, birds, reptiles, and fish. Such classification did not exist under the previous Act. It took as long as 27 years to expand the list of reserved wildlife to its current number. This lengthy legislative cycle led to delays that were too long to be able to effectively save or re-establish certain species. For instance, the four marine species—Bryde's whale, Omura's whale, leatherback sea turtle, and whale shark—needed about four years from the proposal to be declared as reserved wildlife. In this context, the process was slowed down by many factors, such as the required public participation, including a petition signed by 50,000 citizens to amend the law.

This duration is considered excessively long for designating a species as reserved wildlife. In reality, there should be legal mechanisms or scientific assessment processes that reflect current situations more promptly to enable relevant organizations to respond in a timely manner. This turnover stems from the structural inflexibility of the legislative process and can imperfect the precautionary principle that is stressed in international conservation law. The CITES framework permits the protection of species by ensuring that scientific evaluation is done in time and that the regulatory mechanisms are responsive. The existing Thai regime is thus at the risk of responding too slowly to the ecological menace, and there is the risk that by the time species populations will have dwindled more and finally become covered by the legal framework.

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33 Appendix, *Wild Animal Reservation and Protection Act B.E. 2535 (1992).*

34 Appendix, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

2. Legal Status of the Reservated Wildlife: In respect to legal status of the wildlife, the wildlife in the reserved wildlife does not have a well-defined status in respect to those in Sections 1320 and 1321[35] of the Civil and Commercial Code. These are the main principles: wild animals are not owned as long as they live in the wild world; wild animals in zoos or fish in a closed-in water system are considered owned animals; people catching wild animals in deserted land or on the sites of the public waters may get the title of the right owners to these animals.

The author claims that these provisions are not true conservation of wildlife, as wildlife, according to Section 4 of the Wildlife Preservation and Protection Act B.E. 2562, is supposed to be free in its natural environment. Identification of the right to wildlife by the Civil and Commercial Code is against the real intentions of wildlife conservation. Such dissimilarity demonstrates a conflict of structure between the law of wildlife conservation and the law of private property. The Civil and Commercial Code still regards wildlife as property that may be owned, despite the Wildlife Preservation and Protection Act protecting the species as an ecological resource. This legal fragmentation can undermine conservation goals and generate confusion in the implementation of wildlife conservation.

3. Prohibition of Hunting Reserved Wildlife: Section 12 makes it illegal for any individual to hunt animals, regardless of whether they are reserved or protected. The penalties are as follows: the act of hunting reserved wildlife is punishable by imprisonment for not more than ten years or by a fine of not more than one million baht, or both. The act of hunting protected wildlife is punishable by a term of imprisonment ranging from three to fifteen years, or a fine between three hundred thousand baht and one million five hundred thousand baht, or both. Two situations where liability does not arise are: (1) When the hunting is necessary to protect oneself or other people from danger, or to safeguard property; and (2) When the act is reasonably necessary under the circumstances. The author opines that it is only fair to have different penalties for reserved and protected wildlife, as the two differ in the degree of rarity, the number of both species, and the importance of conservation.

A widely reported wildlife poaching incident that occurred in Thungyai Naresuan Wildlife Sanctuary in 2018 illustrates the difficulties of implementing wildlife protection laws in Thailand. In this case, a prominent company executive and several associates were arrested after authorities discovered carcasses of protected wildlife, including a black panther, within the protected area. The behavior amounted to a crime in the Wildlife Preservation and Protection Act B.E. 2562 (2019),

35 Sections 1320 and 1321, *Civil and Commercial Code.*

especially in the section that forbids hunting and holding of wildlife that is protected. It was taken through the judicial system in Thailand and, ultimately, a conviction was reached. In 2021, the Supreme Court affirmed the conviction against the defendant that he should be imprisoned because of the crimes involving illegal hunting and possession of wildlife that is not supposed to be killed. The case gained national media coverage and brought into the limelight the ongoing issues of enforcing the laws protecting wildlife in Thailand.[36] As illustrated in the case, legal prohibitions might not be adequate to prevent wildlife crime. Proper wildlife protection must not simply involve severe punishments, but it must also have greater enforcement capacity, monitoring, as well as institutional coordination. In their absence, the law provisions will be mere symbolic statements as opposed to useful conservation instruments.

However, the issue has been that of the interpretation of the exception under Section 13(2), particularly in relation to the phrase "reasonably necessary." There is no specific standard or criteria for what would be considered reasonable, and furthermore, there are no theoretical foundations for this provision. The author suggests the introduction of much clearer guidelines or the definitions of terms to make the scope of this exception unambiguous.

4. Prohibition of Possession of Reserved Wildlife: Possession of reserved wildlife is prohibited. However, persons who possessed such wildlife prior to the issuance of a royal decree adding species to the reserved list may apply for a temporary possession permit or certification of reserved wildlife remains under Section 10. These permits may be renewed.[37]

The author disagrees with this approach, arguing that reserved wildlife, being rare or near extinction, should not remain in private possession. Instead, such animals should be placed exclusively under the care of licensed public zoos.[38]

5. Trade in Reserved Wildlife: The law prohibits the trade of reserved wildlife, which the author considers an appropriate legal measure.

Appropriateness of Legal Measures for Wildlife Conservation

1. Classification of Wildlife: In addition to reserved wildlife, the Wildlife Preservation and Protection Act B.E. 2562 also protected wildlife. Protected wildlife refers to species outside the reserved category that are likely to experience population decline in the future. However, the high number of

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36 BBC Thai, *Thung Yai Naresuan Black Leopard Case: Supreme Court Sentences Premchai Karnasuta to Imprisonment* (8 Dec 2021) BBC News Thai <https://www.bbc.com/thai/thailand-59546233>.

37 Section 10, *Wild Animal Reservation and Protection Act B.E. 2562 (2019).*

38 Yuenyong Jaisamut, *Forestry Law and Wildlife Law: Lecture Notes* (Bangkok: Winyuchon Publishing House, 4th ed., 2012) 318.

species involved has been a major factor in the absence of distinguishing factors for the categorization of wildlife as protected. These facts have made the surveys difficult. In particular, the necessity of clear legal standards must be highlighted, especially since breaches of these laws can result in a serious criminal record, thereby greatly reducing the possibility of citizens' use of wildlife resources. This is part of the interpretation of "controlled wildlife," which follows the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Although we commend Thailand for its participation in CITES, we think domestic legislation should be harmonized with Thailand's legal context. Section 4 of the Act identifies "controlled wildlife" with reference to CITES, which also includes endangered plant species. The author is of the opinion that legal definitions should be rigorous and refer only to wildlife.

2. Possession of Wildlife: The term "possession" under Section 17 of the Wildlife Act differs from the concept of possession[39] under Sections 1367 and 1368 of the Civil and Commercial Code.[40] Unlike civil law, a person holding property on behalf of another is not considered the possessor.[41] For example, if person A temporarily entrusts a hornbill (protected wildlife) or a goral (reserved wildlife) to person B when going to the restroom, the act is not deemed to be possession under civil law. Nevertheless, under the Wildlife Act, possession of wildlife is defined as either holding it for oneself or on behalf of another (as manifested in Supreme Court Judgment No. 5039/2546).[42] The difference in the concept may have caused some confusion, and the author suggests that "possession" be explicitly defined in the Wildlife Act to be certain of the legal status and avoid ambiguity.

3. Trade in Wildlife: Reserved wildlife receive stricter protection than protected or controlled wildlife. The law permits the breeding of certain protected wildlife, which can help increase wildlife populations but may also create loopholes for commercial exploitation. Despite existing regulations, wildlife trafficking cases continue to occur. For example, illegal tiger exports to China have been disguised as research exchanges or zoo transfers approved by the state. Without strict monitoring and follow-up mechanisms, zoos risk becoming open wildlife trading markets. Such practices constitute transnational organized crime, a rapidly growing industry worth billions of dollars worldwide.[43]

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39 Ibid, 316.

40 Section 1367, *Civil and Commercial Code.*

41 Section 1368, *Civil and Commercial Code.*

42 Supreme Court Judgment No. 5039/2003.

43 Chanokporn Sumanasrethakul, *Enforcement of criminal measures for prevention and combat illegal wildlife trade in Thailand*

Appropriateness of Legal Measures for Wildlife Habitat Conservation

Wildlife habitats are not clearly defined in law. Wildlife is described only as animals living freely in nature, with forests being their principal habitat. Different forest types support different wildlife species. Three major issues are identified:[44]

Issue 1: Interpretation of Wildlife Habitat

Forests are usually thought of as state-owned land in accordance with laws including the Forest Act B.E. 2484 (1941) and other related laws. The forest area not only encompasses land but also water bodies, for instance, rivers, canals, wetlands, lakes, islands, and coastal areas. The discussion of this all-encompassing definition remains far from public understanding and calls for more effective dissemination of information.[45]

Issue 2: Wildlife Habitats on Private Land

According to the Forest Plantation Act B.E. 2535 (1992), forest plantations are allocated lands to cultivate trees. The author suggests that these areas can be habitats for wildlife. One dilemma is the measure of state power concerning lands that are privately owned and chosen by wildlife.

Issue 3: Overlapping Community Forests and Conservation Forests

Even though some community forests exist inside national reserved forests, the government recognizes them, but the conservation forests they overlap in are under strict control. Despite their displayed community management abilities, these community groups are not allowed to participate, which reflects inadequate recognition of their rights.[46]

Appropriateness of Legal Measures for Private Sector and Community Participation

Adequate wildlife and habitat conservation cannot be the sole responsibility of the government. Private sector and community involvement is paramount. Integration of participation can be at two stages:[47]

(Master of Law Thesis, Thammasat University, 2011) 41.

44 Thiti Waikavee, *Environmental Law and Natural Resources: Ecosystem Approach* (Bangkok: P. Xerox Publishing, 2024) 91.

45 Section 4, *Forest Act B.E. 2484 (1941).*

46 Kritsada Boonchai, *Twenty-Six Years of the Community Forest Act: Reflections on the Twists and Turns of Thai Democracy* (13 Apr 2019) ThaiPublica <https://thaipublica.org/2019/04/kritsada-boonchai-04>.

47 Udomsak Sinthipong, *Environmental Law* (Bangkok: Winyuchon, 5th ed., 2020) 89-97.

1. Private Sector Participation

The Constitution of Thailand, under Section 43, grants rights to citizens and communities, as well as civic duties according to Section 50(8). Such provisions should be interpreted generally in terms of inclusion of people, legal persons, and non-governmental organizations, thus enabling all sectors to be partners to the state.

2. Community Participation

Sections 43 and 51 of the Constitution affirm the right of communities to participate and monitor state actions. The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 allows citizens to voice their grievances, using the term "may have the right," which can cause uncertainty. The author advises rephrasing the sentence to make it clear that citizens "have the right."

Wildlife and habitat conservation should not rely solely on government action but also requires participation from the private sector and local communities. The Constitution of Thailand recognizes the rights and duties of citizens and communities to engage in environmental protection and cooperate with the state. Community participation also includes the ability to monitor state actions related to conservation. Other legal clauses, on the other hand, have ambiguous wording like may have the right, which ought to be elaborated in order to enhance the engagement of people in the conservation of wildlife. Regarding the governance dimension, effective wildlife conservation requires the participation of the masses. The unclear language in the law, like may have the right, undermines the legal assurance which is the minimal condition of participation. Strengthening participatory rights would therefore enhance both environmental governance and compliance with international conservation principles.

Conclusion

Diagnosis

Runtime of wildlife and wildlife habitat conservation in Thai law can be operated properly if it is established or rather improved by solving several legal and institutional problems. Even increased legal protection for the less frequent wildlife species subject to extinction is a positive aspect. However, the remaining legal framework is tied by structural rigidity, delays in the approval of laws, and misinterpretation of laws. Specifically, the problems in species decision procedures, the confusion about the legal status of reserved wildlife, and the irregularities in possession and trade regulations have been obstacles to the effectiveness of the conservation measures. In addition, the low level

of enforcement, inadequate monitoring systems, particularly in cases involving wildlife transfers for the supposed purpose of research, and the absence of community participation have considerably contributed to the law's incapacityto address the current conservation issues right away or suitably.

Recommendations

Based on the above, the authors of this study propose that Thai law should establish clear, flexible, and science-based criteria to designate endangered species that can adapt to the rapidly changing ecological conditions effectively. The status of reserved wildlife should be explicitly designated to avoid obscurity, thus ensuring the same interpretation and implementation every time. It would be reasonable to abolish temporary possession permits for reserved wildlife, thus reaffirming the basic rule that such species should not be privately owned. Additionally, wildlife that is controlled should be categorized clearly and distinctly, and the programs for monitoring and post-authorization of wildlife movement, usually the transfer allowed on the basis of research, should be significantly ameliorated to restrain abuse and illegal trade.

The real empowerment of communities must be pursued, especially in the case of overlapping conservation areas where local communities have had the responsibility for the management of forests and all the resources confined to them for a long time. The relevant constitutional provisions should be recognized in a way that covers both individuals and legal entities, which will, in turn, empower all sectors of society to share the responsibility for effective and sustainable conservation of wildlife and wildlife habitats.

Ethical Approval

This article does not contain any studies with human participants performed by any of the authors. The study was approved the certificate of Exemption by the Ethics Committee in Human Re-search Walailak University, no. WUEC-25-220-01 on June 18, 2025, for studies not involving humans or animals, and the authors declare no conflicts of interest which should be disclosed.

References

Boonchai, K., *Twenty-Six Years of the Community Forest Act: Reflections on the Twists and Turns of Thai Democracy* (13 Apr 2019) ThaiPublica <https://thaipublica.org/2019/04/kritsada-boonchai-04>.

BBC Thai, *Thung Yai Naresuan Black Leopard Case: Supreme Court Sentences Premchai Karnasuta to Imprisonment* (8 Dec 2021) BBC News Thai <https://www.bbc.com/thai/thailand-59546233>.

Boonrueang, S., *The Role of the State and the Public in the Preservation and Protection of Wildlife in Natural Habitats: Final Report 2014* (20 Oct 2025) Thammasat University <https://digital.library.tu.ac.th/tu_dc/frontend/Info/item/dc:53>.

Chaiyarat, R., *Monitoring Changes in Population, Distribution, and Food Plant Species of the "Wild Water Buffalo"* (8 Oct 2023) Seub Nakhasathien Foundation <https://www.seub.or.th/bloging/news/2023-260/>.

Ebbesson, J., & Okowa, P., *Environmental Law and Justice in Context* (Cambridge: Cambridge University Press, 2009).

Eckersley, R., *Environmentalism and Political Theory toward an Ecocentric Approach* (New York: UCL Press, 1992).

Jaisamut, Y., *Forestry Law and Wildlife Law: Lecture Notes* (Bangkok: Winyuchon Publishing House, 4th ed., 2012).

Mallikamarl, S., *The Constitution and Public Participation in the Protection and Conservation of Natural Resources and the Environment* (Bangkok: Chulalongkorn University Press, n.d.).

Maxwell, S. L., Fuller, R. A., Brooks, T. M., & Watson, J. E. M., "Biodiversity: The Ravages of Guns, Nets and Bulldozers" (2016) 536:7615 *Nature*.

Ripple, W. J., Wolf, C., Newsome, T. M., Betts, M. G., Ceballos, G., Courchamp, F., Hayward, M. W., Van Valkenburgh, B., Wallach, A. D., & Worm, B., "Are We Eating the World's Megafauna to Extinction?" (2019) 12:3 *Conservation Letters* e12627.

Sinthipong, U., *Environmental Law* (Bangkok: Winyuchon, 5th ed., 2020).

Seub Nakhasathien Foundation, *Thailand Forest Situation 2023* (3 Sep 2023) document <https://www.seub.or.th/document/สถานการณ์ป่าไม้ไทย/2023-235/>.

Sumanasrethakul, C., *Enforcement of criminal measures for prevention and combat illegal wildlife trade in Thailand* (Master of Law Thesis, Thammasat University, 2018).

Susskind, L. E., *Environmental Diplomacy* (Oxford: Oxford University Press, 1994).

Waikavee, T., *Environmental Law and Natural Resources: Ecosystem Approach* (Bangkok: P. Xerox Publishing, 2024).

