

Protection of Farmer's rights in Thailand

*Ms. Siwattheep Jirahirantanakorn

**Dr.C.N.Kokate

Introduction

Even though the world situation will change all the time but the human food necessities and needs for sustaining life remain the same. Agricultural farmers in Thailand are therefore very important in food production for humanity. But most Thai farmers are still poor. Have a debt problem. Problems with the right to arable land. Problems of water resources and energy used in agriculture. Problems of technological knowledge in accessing plant breeding. And the problem of quality of life is not at the minimum standard because the legal rights protection system still has inequality in society.

This article is divided into the background and importance of farmers. Concepts of farmers' rights protection Analysis of the problem of agricultural rights protection and the conclusion details are as follows.

1. Background and importance of farmers

The agricultural sector is important to the driven economic development of Thailand, which is a cornerstone in building the food security of the country and the world population is one of Thailand in agricultural food production. Raw materials to the industrial sector including exporting agricultural products to foreign countries Agricultural structure system since but until now the cultivation and animal husbandry, forestry, fisheries or do integrated farming from a self-sufficient agricultural system Developed into the digital economy, the details are as follows.

The history of Farming in Thailand

" Farmers " under the Bank for Agriculture and Agricultural Cooperatives Act 1966 Bank for Agriculture and Agricultural Cooperatives Act, B.E. 2509, Section 2 is amended. The Bank for Agriculture and Agricultural Cooperatives Act (No. 4) B.E. 2535 has the meaning that " farmers " means a person engaging in rice farming, crop farming, vegetable farming, animal husbandry, fishery, sericulture, salt farming, orchid or flowering plant farming, pine farming, forestry, apiculture, lac cultivation, mushroom growing or other agricultural occupations designated by the Board and published in the Government Gazette, and also includes a farmer under the law on agricultural land reform;

Or under the Agricultural Land Reform Act B.E. 2518 "farmer" means a person whose principal occupation is agriculture and shall include those who are poor or who have finished agricultural study or who are children of farmers who have no agricultural land of their own and wish to carry on agricultural occupation as their

principal occupation, pursuant to the rules and conditions prescribed in the Royal Decree; As for the term " agriculture " under the Agricultural Land Reform Act B.E 2518, Section 4 "Agriculture " means rice farming, farming, fruit farming, animal raising, aquaculture, and other activities as prescribed by the Minister of Agriculture and Cooperatives in a notification published in the Government Gazette.

From the meaning of the word "farmer", it can be seen that the agricultural workers are both natural persons in the household sector, business sector, business organization that is a juristic person. Which economic transactions by purchasing are vital to both economic development Society of Thailand from the past to the present Because Thailand is located in an area where the terrain, resources, environment, and climate are conducive to agriculture. Most of the population of the country is employed in agriculture. Despite the government's efforts to develop the country into an industrialized country. But many industries still rely on agricultural inputs. Which is the security of the state in food As well as many developed countries. The evolution and development of agriculture in Thailand has changed the economic, social, and political situation of the country. And according to the changing trends of the world situation as follows.

1) Before the Buddhist Era B.E.2504. Or according to the current agricultural

*Ph.D Scholar, Department of Law, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, Maharashtra, India

**Assoc.Professor & Research Guide Department of Economics Dr. Babasaheb Ambedkar Marathwada University Aurangabad, Maharashtra, India

development policy, agriculture will be called during that time that Thailand 1.0 has a traditional agricultural model. It is household agriculture. Individuals own the means of production, land, capital, labor, farmers are self-reliant. Agriculture to consumer remaining from consumption and then sold to others.

Farmers in this era have a simple lifestyle, relying on nature Focus on production for family consumption, and generate income and sustenance. It does not focus on agriculture for trade or business. Most farmers grow rice only once a year. Or there may be other crops and mixed farming. Focus on family labor. Or helping workers in local communities themselves Farmers store seeds for future planting or exchange them with local people. The right to arable land has a small area, has its land. Being a small farmer Use water resources from natural water sources Cultivate seasonal crops The government sector does not have much agricultural development policy.

As for the quality of life and well-being of farmers at this time, they will be happy according to the natural sufficiency lifestyle, good health, the natural condition, and the environment are balanced. Rich and biodiversity. Which has a motto for Thailand in this era that "In the water, there were fish, in the fields, there was rice", indicating the abundance and happiness of the people of Thailand at that time. The traditional agricultural system in the past was a system of agriculture that did not produce only the main crops for commercial gain. Rather, it is a system for food production for families and communities, including the use of biodiversity plants using common interests. In consumption, it is used as food, medicine, clothing. Habitat is an important factor in living life in balance with nature and the environment.

2) New agriculture or agriculture using chemicals

From traditional agriculture that is self-reliant enter the new traditional agriculture era or chemical agriculture. In this age, agriculture has entered the commercial and commercial sectors. Began having a business entity in the form of a juristic person, a juristic partnership type limited partnership limited companies that were established under Thailand and foreign laws have invested in various forms of benefits newly improved plant seeds were cultivated and chemical fertilizers began to be used. Agriculture chemicals utilizing large agricultural areas, Use a largely agricultural area with monoculture. Focus on export and use of tools more machinery for farming.

New agriculture or agriculture using chemicals. Caused by the increasing tide of the world population and food shortages that would occur after World War II. Including industrial innovation in foreign countries causing agricultural scholars around the world to worry. Until the establishment of the International Rice Research Institute (IRRI), established in the Philippines in Buddhist Era B.E.2504, has members of the rice cultivation countries around the world, including Thailand. Which the institute collects seeds from member countries and has been used to research and improve new species in response to be able to increase more productivity. And can endure any improper environment including responding to the use of fertilizers and chemical drugs.

Until in the year B.E.2504 -2509, Thailand announced the adoption of the First National Economic and Social Development Plan.

In this National Economic and Social Development Plan. The Thai government has campaigned actively and seriously. To bring new varieties of rice to be planted. Is a variety of rice from the International Rice Research Institute (IRRI) has important characteristics that can respond to fertilizers and chemical drugs. High yield. It is a short-lived rice variety. Not sensitive to photoperiod Can be planted all year round. The Thai government has encouraged. Thai farmers to grow such rice varieties throughout the country. But at the same time, it has seriously damaged and affected the indigenous rice varieties, the environment, the ecosystem, and the living conditions for the farmers of Thailand.

During the campaign, the agricultural sector as it is also known as the "Green Revolution " which took place in the year B.E 2504 onwards, as the system changes the structure of agriculture, the biggest country in. This era has brought tools to help in production. Resulting in a rapid increase in overall productivity government policy guidelines encourage farmers to use chemical fertilizers. And chemicals to suppress pests some farmers with good income or production for export started using light machinery to replace labor. Including the water system storage system that doesn't cost a lot of money, some farmers have modified rice cultivation to grow organic rice. As for agricultural workers waiting for seasonal agriculture. It was moved to the industrial sector, causing agricultural workers to be forced to use fewer

people. Government policies are promoted by the state requiring banks to issue low-cost credit and receive credit through the Bank for Agriculture and Agricultural Cooperatives. And the government also invested in education irrigation and more rural roads.

Meanwhile, the government started the development-oriented industries increasingly are adopting the tools and manpower to help in the production of clothing, bags, jewelry, stationery beverage. To distribute more of the light machinery or Thailand 2.0 and later, in Thailand 3.0 the use of heavy machinery is the heavy industry and exports. More foreign investment use higher technology focuses on auto parts more complex circuit boards. And the subject of investment there is also shifting to foreign investment. Agricultural Farmers use heavy machinery. Used machines are expensive. But has a large capacity therefore suitable for farmers who cultivate to send to export companies again. Or have your own company and invest in other systems in the same area.

Also, Thailand has had a contract agricultural system that has infiltrated Thai agriculture. When the big producer companies adopt contract farming with farmers since before B.E.2530. In the manner of "employment" whereby the parties will contract themselves from the use of familiarity and personal relationships in the contract to provide mutual benefit as required by each party. And developed into a contract between farmers and capital groups.

In the early stages, farmers were able to access investment nets and inputs. Including solving marketing problems for farmers. This helps to help with problems and limitations in the occupation of farmers. Information support market news enhances farmers' production technology to keep pace with globalization and fluctuations in agricultural prices and production.

Changed the production structure, reliance on technology, and capital. It is a good result of contract farming. This helps farmers earn more income because they have more agricultural products and there is no market risk. Because there is a market to support the purchase of certain products. It is good for farmers for a while. But after that, there began to hurt contract farming. Farmers face the problem, having to bear the burden of debt there are income, yield, and market risks in contract farming. Risk in case of natural disasters and epidemics.

An important problem encountered in contract farming is that farmers have no counterparties to keep with themselves. The quality of service that the company provides to farmers is of low quality. The complex method of calculating company prices and returns buying at a lower price than it should have been a non-transparent inspection of produce. Having less bargaining power with the company is a disadvantage to the company, such as a one-party agreement where farmers have no chance to negotiate. Or to benefit the company unilaterally both rely on capital and technology. Including the price received enforcement of inputs without transparency and competition may lead farmers to buy factors at high prices. The company may provide inadequate inputs to the preliminary agreement.

In some cases, slow purchasing processes can damage farmers, for example, when the weight of the product decreases, the farmers receive lower incomes. Or productivity becomes more damaged. The risk to farmers from investing in fixed assets is high. Without a long-term guarantee and slow payback as a result, if the counterparties are small farmers who have bargaining power in the contract is less than the agricultural business operators. There is a risk of performing the conditions set out in the contract and causing unfairness.

Also, there are effects on farmers from the agricultural use of synthetic chemicals as follows.

Impact on farmers, agriculture by using pesticides. In addition to affecting. It also causes problems with the exposure of toxins into the body of the user farmers. And there are still toxic residues in agricultural products as well as long use of agricultural chemicals. Until causing many toxic vegetable residues. This causes consumer health problems, causing them to consume products containing toxic residues, causing toxins to accumulate in the body for a long time. And illness is a disease of many, especially cancer have statistics on the Thailand forest with a lot of cancer every year.

Impact on the way of life and local wisdom. The new agricultural practice has resulted in a change in the way of life of Thai farmers. Destroy the subsistence agricultural base of farmers. Destroy the social system of the community. And affecting the changing of thinking towards Thailand folk wisdom, local wisdom has been neglected With an understanding that it is belief Or an outdated practice method unscientific. And ineffective by the knowledge and wisdom that is passed on each other has come from experience. Resulting from the work of previous generations for generations. In the local area farmers

living in a culture of agriculture as a form of farming. Into the green revolution. Agricultural development knowledge and approaches are integrated into various state agricultural institutions and large agribusiness companies. Developing and solving farmers' problems has become the role of agricultural experts from government agencies. Or agricultural companies that change the idea and way of life of agriculture where farmers became the only recipients which, if the received knowledge is not correct, the affected person. The damage is the farmers themselves.

Environmental impact agriculture using chemical fertilizers and pesticides, which is a new type of agriculture, can cause environmental problems and the degradation of natural resources that can be seen as follows: Soil erosion problems soil fertility Environmental pollution problems and disease and insect epidemics. The use of pesticides causes toxic residue problems in the environment. Also, new farming practices have led to monoculture. And expanding agricultural areas. There is a problem of encroaching natural forest areas, causing the loss of forest areas which are important resources in the world and important watersheds.

Economic impact new agriculture is agriculture that depends on external factors. To bring in a lot of productivity. But it does not mean that farmers will always be successful economically. On the other hand, it was found that many farmers working on the new farms faced problems of losses and debt, and economic failures. This is due to high production costs and lower output prices. The new agricultural development in Thailand has pushed farmers to come under corporate domination. Because they have to rely on the factors of production. And various technologies from the company, whether it be seeds, fertilizers, or pesticides. It is farming that is monopolized by large companies. Therefore, it can be seen that the new farming plan generates more income for large private companies than real farmers.

3) Vertical agriculture Sufficiency economy philosophy (SEP)

Agriculture during the years B.E.2545 - 2549 to the year B.E.2560 - 2564. or the nine National Economic and Social Development Plan to the twelve National Economic and Social Development Plan.

Thailand has adopted the concept Philosophy of Sufficiency economy philosophy (SEP) of King Bhumibol Adulyadej, also known as Rama IX the Chakri Dynasty.

Taken as a guideline for developing and administering the country. Along with integrated development with an emphasis on "people at the center of development" Continuing from the eight National Economic and Social Development Plan, it can remain stable. And lead to balanced development Quality and sustainable under the globalization and changing situations, with emphasis on balanced development in terms of people, society, economy, and environment to lead to sustainable development and the well-being of the people.

The national development results in the nine National Economic and Social Development Plan were satisfactory. The country's economy continued to expand. Economic stability adapts to stability poverty decreases. At the same time, people's quality of life has improved considerably. Due to the implementation of health promotion and health insurance. There are improvements in both quantity and quality. By covering most of the country.

Modern agricultural structure system(B.E.2560-2564). Thailand implements the eleven and the twelve National Economic and Social Development Plans, focusing on farmers' development as a balanced development center. Farmers' institutions are grouped in various communities to push for implementation in the form of agricultural business. That can be self-reliant by continuously applying the Sufficiency economy philosophy (SEP).

The next phase of agricultural development in Thailand from traditional farming methods to modern agricultural management. By relying on technology and innovation to support the production of agricultural products.

The first five years (B.E. 2560–2564) will be an important transitional phase in the first five years of the twenty-year agriculture and cooperatives strategy (B.E. 2560–2579). The important goals are set in the agricultural sector with technology and innovation production lead market quality farmers life agricultural resources are balanced and sustainable.

In conclusion, there are significant problems in farming in Thailand. Agricultural imbalances, Including agricultural products, are largely dependent on the season. Agricultural products less elastic constant food consumption. The agricultural sector depends on economic factors. Natural imbalances

(rain, drought, flood), drought, and water management problems. The output price depends on demand and supply. Inequality includes inaccessibility of resources, technology innovation, funding sources, and government policy.

2. Concept of protection of farmers rights in Thailand

Farmers in Thailand it is a group of people that are not mentioned in the protection of rights much. While most people are in agriculture and are the cornerstone of food production, inputs, goods, and services. Including related industries spread in every region of the country Moreover, agricultural products that are important export products make Thailand the world leader and the Asian region. Farmers' rights are the fundamental rights of most people in Thai society, therefore, such rights are enacted both in the Constitution of the Kingdom of Thailand B.E.2560. Plant Variety Act B.E.2541 and related laws as follows.

2.1 The Constitution of the Kingdom of Thailand B.E. 2560

Rights are the benefits or powers of persons that are recognized and protected by law from infringement. Including enforcing compliance with rights in the event of a violation, such as family rights Right to eat Right of privacy Right to fame the right to choose occupation, residence, travel, property rights, etc.

Farmers' Rights are fundamental rights that must be guaranteed. And promote legal practice Farmer's rights have a complex relationship with community rights. And is a right that arises according to custom Local culture this has been stipulated in many of the Constitution of the Kingdom of Thailand.

According to the Constitution of the Kingdom of Thailand (B.E.2560) (current version) (Chapter III Rights and Liberties of the Thai people) Section 43. A person and a community shall have the right to: Manage, maintain and utilize natural resources, environment and biodiversity in a balanced and sustainable manner, by the procedures as provided by law; establish a community welfare system. The rights of a person and a community under paragraph one shall also include the right to collaborate with a local administrative organization or the state to carry out such an act.

Although the Constitution of the Kingdom of Thailand does not provide a law directly protecting the rights of farmers. But because most of the local communities in Thailand are living communities based on agriculture. Most of the community members are farmers. It may therefore be regarded that the Constitution recognizes farmers' rights to balance and sustainable management, maintenance, and use of plant genetic resources. According to the principles provided in Section 43 (Section 43), which in practice. Such rights are continually violated. Not protected from the state machine as expected.

Such as the problem of land rights right to water resources for use in agriculture right to use biodiversity right to receive official information the right to determine the price of agricultural products; affect farmers as follows.

1) Right to arable land

The land is a fundamental factor in the farming profession. Most of Thailand's farmers are small-scale farmers with small agricultural land. Or rent part of arable land such as farmers in the central region Employed farmers in the southern region are rubber tapping workers, mowing palm farmers in palm plantations. And farmers who have been working in their areas for many generations, but there is no right document on the arable land. About the arable land of agriculture. And the other part has no arable land causing more encroachment on national reserved forests, mangrove forests, and watershed forests for farmers who rent arable land, there is a lack of incentive to develop. And improve the land. And when farmers do not have land must be immigrated to the city as labor more industrial sectors abandoned land and farming.

Problem situation the right to the arable land of agriculture is a problem that has accumulated for a long time. Is the policy of the state. The government has policies that promote commercial production. As a result, the demand for agricultural products as raw materials for industrial plants has increased. As a result, more land and natural resources were used as factors for production. Including improper use of land destroying natural resources.

Also in the public sector Lack of efficiency in land management in the area of efficient personnel (officers). And have a good conscience. Lack of mechanisms for auditing by the public sector, lack of

community participation, and a lack of coordination and linkage between government, private organizations, and the public sector, including the context of laws and measures on land. Lack of clarity causing the problem of concentration in land ownership. Which is in nature Improper and ineffective land use, lack of sustainable land use and development measures. There is no law stipulating the right of private ownership of land. Which makes it possible for people of good standing to hold unlimited land. And did not make full use of that land while there are still farmers and people who do not have land and some need land to live in.

2) Right to water resources for use in agriculture

Water is the main factor for growing plants. So growing plants must be given water. Sufficiently and appropriately for the time required conditions for growing plants that rely solely on seasonal rain. There may be a chance that plants will become dehydrated in a very certain period, for example, when experiencing rain problems during severe dehydration of plants or if it rains too much that causes flooding that the plant withered due to lack of air to the roots as well.

Agricultural water is to manage the plant, the plant gets enough water. Water sources for agriculture are rivers, canals, swamps, lakes, reservoirs, and other public water sources. On land including groundwater, the quality of the water must be taken into account factors related to agriculture, water quality affects the salinity rate of permeability of water (Water Infiltration Subcutaneous Rat the e) and toxicity of certain elements (of all specific ion battery toxicity) water is a factor important in cultivation. And other farming

Problems with water resources. It is a problem of quantity and quality of water.

(1) Volume problems are caused by water shortages or drought. The main cause is severe forest destruction, especially watershed forests. There were little rain and the rain left over a long time. The appearance of the area is not suitable, such as no water source. The soil does not absorb water and lacks proper water planning and conservation planning and the problem of large water volumes. Flooding it may be caused by one or more of the common causes of heavy rain consecutively. The forest was much destroyed. So nothing will help absorb the water the terrain is boggy and poor drainage. Seawater was raised higher than normal. Causing the water from the land to drain into the sea. Water reservoirs are shallow or damaged therefore able to collect less water, etc.

(2) Problems of unsuitable water quality Common causes include

Dumping things and draining into water bodies causing the water source to become dirty and putrid that it cannot be used often occurs in large communities near water bodies or the area with industrial plants, the problem of surface cover is washed and flowing into the water more than usual. Contains organic, inorganic, and various chemicals. Used in various businesses which makes the water easily cloudy, especially in the rainy season, Also, there are problems caused by It contains so much mineral impurities that it is not suitable for use and causes the use of chemical residues such as those used to prevent or kill pests or animals. Which when washed into the water from rain will cause harm to life. Which according to the aforementioned problems. The state must have a policy approach to resolve the problem. According to the State fair of the Kingdom of Thailand, B.E. 2560, Section 72 (4) to provide quality water resources which are sufficient for consumption by the people, including for agriculture, industry, and other activities;

3) Right to use biodiversity

Biological Diversity refers to the diversity of living organisms in an ecosystem. Which are different all over the world. It can be divided into (1) Genetic diversity, (2) Species diversity, and (3) Ecological diversity and different ecosystems in the universe. Biodiversity can be determined by the diversity between species. Between species and between ecosystems the most obvious biodiversity between species is the difference between the different plant and animal species used in agriculture.

Therefore, the right to use biodiversity is a complex right between the rights of the community and the farmers. As a participant in management and utilization. Including the right to cooperate with the local government organization or the state in doing so. Although the constitution does not directly protect the rights of farmers. But since most local communities in Thailand Is a living community based on agriculture Most of the community members are farmers. It may be considered that the Constitution guarantees farmers' rights to manage. Maintain and utilize plant genetic resources in a balanced and sustainable manner.

At the same time, this Constitution, for the first time, constituted a state duty to Protect Maintenance, restoration, management, and use or arrange for making good use of natural resources, environment, and biodiversity. In a balanced and sustainable manner in which the relevant local people and communities must be involved in the operation and benefit from doing so as well as provided by law.

Problems for farmers to access biotechnology for editing or GMO genes genetically altered patterns of production and consumption. Commercial-oriented agriculture. A single species is produced, leaving the original indigenous species. Increased use of chemicals in agriculture causing problems in conserve biodiversity to make use of sustainable biodiversity and the problem of sharing the benefits obtained from the fair and equitable use of genetic resources.

4) Right to receive official information

The right to receive official information is a fundamental right of the people. As provided in the Constitution of the Kingdom of Thailand B.E. 2560 (Section 41 Section 41.A person and a community shall have the right to :(1) be informed and have access to public data or information in the possession of a State agency as provided by law ;) and the Official Information Act. B.E. 2540, to reserve certificate "right to know " the public is entitled to know information related to the operation of the state, so farmers have the right to information and accurate. Timely About the policy Annual work plans, projects, and budget expenditures for the year in progress. Or socio-economic situations that may affect farmers.

Problems in the perception of the substance of the government's water problems, including issues of access to and the use of legal information. Exchange problems and public cooperation and the lack of a process to strengthen and promote the rights continuously.

5) Right to set prices for agricultural products

Some Thai farmers have the status of only employees on their farms according to the contracted agricultural system contract manufacturing according to market demand. The price of the crop is determined by both global trade mechanisms. And nationally by referring to the needs of the buyer regardless of the real cost that farmers invest. The right to determine the price of agricultural products; is an important right that leads to a change in the way of life of agriculture in Thailand. That allows most of the people of the country to pass out of poverty and can reduce social gaps.

2.2 Plant Varieties Protection Act, B.E. 2542

2.2.1 Background of Farmers Rights and Problematic Conditions

From the United Nations World Food Organization (FAO) in 1985 A.D., it was mentioned. Eligible farmers for the first time by countries making development proposed to balance the rights of farmers, plant breeders industrialized countries to protect plant varieties with improved technologies.

At the International Technical Conference on Plant Genetic Resources in Leipzig, Germany in 1996 A.D., the Declaration of Socio-economic Rights covered farmers. Covering land rights, entitled to the benefits of agricultural research the right to life and well-being (rights to Decent Livelihood), and the right to protect their knowledge system.

However, Farmers 'rights were increasingly recognized until the Convention on Biological Diversity (CBD) recognized farmers' rights. This is the first international agreement to recognize farmers' rights. By requiring biological resources to be subject to state sovereignty and the state must manage it under the principle of common concern of mankind.

CBD has also established a legal mechanism to protect farmers' rights, namely the Access and Benefit-sharing (ABS) principle. Thailand is a partner of CBD. This puts the plant resources in line with the ABS principles as well. ABS is a separate access control principle. Prior Inform Consent (PIC) means that any person accessing a plant must obtain consent from the host country.

And mutual agreement (Mutually Agree to Terms-MAT) means to allow any person to access that plant must agree to various conditions. Get paid first and another important principle is Benefit Sharing means access to plant species. The applicant must share the benefits arising from the use of the plant species with the granting country fair and equal access.

Meeting of the Parties to CBD has been prepared normally Protocol Nagoya on access to genetic resources and sharing of benefits arising from the utilization of genetic resources fairly and Justice Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity to bring the profile of the ABS and the United States signed the protocol, but it is still under the water its ratification. The Nagoya protocol is

therefore the principle of action when biological resources are to be used. There are three main principles: PIC (Prior Informed Consent), which is the process of obtaining authorization to use biological resources MAT (Mutually Agreed Terms). It is the process of sharing benefits.

Thailand is a member of the World Trade Organization (WTO), a member of the World Trade Organization in every country. Must operate per commercial intellectual property agreements Trade-Related Aspects of Intellectual Property Rights: TRIPs.

As a whole, section 27 of the TRIPs Agreement defines which inventions governments are obliged to make eligible for patenting, and what they can exclude from patenting. Inventions that can be patented include both products and processes, and should generally cover all fields of technology.

Broadly speaking, part (b) of paragraph 3 (i.e. Article 27.3(b)) allows governments to exclude some kinds of inventions from patenting, i.e. plants, animals, and “essentially” biological processes (but micro-organisms, and non-biological and microbiological processes have to be eligible for patents). However, plant varieties have to be eligible for protection either through patent protection or a system created specifically for the purpose (“sui generis”), or a combination of the two.

Which under this section member states will provide plant protection through patent laws. Or enact a specific system (Sui Generis Systems) for plant protection. Therefore, to comply with the TRIPs Agreement, the Kingdom of Thailand has enacted the Plant Protection Law in 2542 B.E. called the Plant Protection Act B.E. 2542. To encourage breeding And develop plant varieties to have new plant varieties And create incentives by granting rights and protection according to the law, as well as for the conservation and development of common native plant uses. Endemic indigenous and sustainable plant species. The Plant Protection Act B.E. 2542 is a specific system law. It is essentially the same as the patent law. This is the first law in Thailand to specifically protect farmers' rights. To promote the breeding and development of plant varieties to have new varieties. By giving rights and protections according to the law as follows: 1) The privilege of cultivating or propagating For new plant varieties that are protected with the use of self-produced cultivars. For planting in the following year But the rights of farmers are limited, that is, if the Minister of Agriculture and Cooperatives. With the approval of the Plant Protection Committee A, new plant species has been announced as a species that should promote breeding. Allowing farmers to plant or propagate not more than three times the quantity obtained (Section 33).

2) Right to join community members who are applying for registration. Endemic native plant species this means that the community has the right to remove any of the species of plants that seek commercial exploitation (section 44 and 47).

if anyone wants to bring native and endemic plant species. To use for breeding, study, experiment, or research for commercial purposes The agreement will have to share the benefits derived from the use of native plant species endemic (Article 48) The provisions of Section 15 of the application for registration of new plant varieties. Must be a plant breeder, so if a farmer is a breeder or a new breed then has the right to apply for the registration of a new plant variety.

3) Right to join the Committee on Plant Variety (It is an organization established by this law) with the duty to set rules. For law enforcement, The Board of Directors of Plant Protection, farmers from six different regions of a qualified member of six people (Article 5 and 6) before the Plant Variety Protection Act of 2542 will force the farmers in Thailand. Has been mentioned and accept the Plant Species Act 2518 as amended by the Plant Species Act (No. 2) BE 2535 and (No. 3) BE 2550 with the intention of the Act. To control Seed quality this is to protect farmers' rights to use seeds and register varieties. Request for breeding.

In summary, the Plant Varieties Protection Act, B.E. 2542 on the Protection of Three Plant Varieties, consisting of 1) New Plant Variety Registration System. Which is the protection of intellectual property rights to plant breeders 2) registration system of endemic indigenous plants the ownership rights community 3) notification system and allows the use of native plant species and varieties of plants. For the study, experiment, research, and breeding which is conservation protection including the management of the plant protection fund which aims to promote the community to conserve and use sustainable plant varieties if farmers are breeders or develop new varieties then has the right to apply for the registration of a new plant variety.

For problems of farmers regarding the registration of new plant varieties. There will be problems in reaching Plant breeder which requires change and improve the genetic composition of plants to obtain

better plant varieties than the original varieties. Can increase productivity Resistance to disease and pests have nutritional qualities that meet agricultural needs Industry and consumer needs Breeding can be regarded as applied evolutionary science, basic plant breeders, genetics, and science-based technology and must know with other academic fields such as agronomist, physiologist, plant pathologist, and entomologist, etc., to help improve plant varieties to have good characteristics and get new plant varieties. Therefore, related agencies or foreign states, Therefore, there should be an exchange or transfer of technology in this field.

As for the problem of the registration system of endemic native plants the ownership rights community, and 3) notification system and allows the use of native plant species and varieties of plants. For the study, experiment, research, and breeding which is conservation protection including the management of the Plant Protection Fund which aims to promote the community to conserve the latter two issues are principles of use. Conservation in which all parties must be mutually beneficial, therefore, all people have to have a conscience, including cultivating a good conscience in the use of resources without focusing on commercial and business interests. Good ecosystem.

2. 3 the protection of farmers' rights Income and social welfare. Generally, the Protection of farmers' rights is a fundamental right under the Constitution as a citizen of the United States, but the occupation of agricultural resources and the welfare of the society of farmers to adhere to the policy of the state is as follows.

1) Protection of farmers income rights

To protect the income of the farmers of the state have public policies to help the farmers of today are the income guarantee for farmers who grow rice, it's making cassava and maize. Palm oil plantation, rubber, and price assurance scheme some crops.

Farm income insurance program the measures to help farmers grow rice, it's making cassava and maize. Income insurance scheme smallholder's oil palm project in the insurance income for the agricultural organization is currently working on such a project, "guaranteed prices" project, maybe a check process to help insure the risk to farmers. Despite the disaster drought Farmers will receive the difference from income insurance even though they do not have production. Rice prices are subject to market forces. To help maintain price stability for consumers and mill operators have the opportunity to compete in the export market. With income insurance criteria in the year of cultivation during B.E.2563-2564. This project has target mechanism to maintain the market price of rice farmers and consumers, and raise farmers' income if the mold with the actual low. Then the price that the government-insured, you can get the difference the mechanism does not interfere with the car, but the risk to farmers instead. Moreover, the government insurance program income crops like its making cassava, maize, palm oil, rubber, with the same characteristics. This project has both advantages and disadvantages.

In terms of advantages help raise the income level of farmers during the growing season of crops that are more stable But do not cause career stability as a farmer forever. And may cause further problems Conditions moral (Moral Hazard produces) is the cause of the disaster caused by the duplicity. Or not in good faith to report about the varieties of rice production and production areas in the criteria to benefit the most. But the actual yield is low and lack of inspection from government officials. Every household makes the process of sensory information. Not true this will lead to a market that does not comply with the price mechanism. Moreover, if farmers who grow crops other than the aforementioned will not receive income protection according to government policy Therefore protection Farmers income of Thailand therefore unable to resolve the security problem In earning and occupation of farmers as a whole system Is just a supplementary measure government sector for a while only cannot solve long-term problems.

2) Protection of health rights

Farmers in Thailand have two optional health insurance systems:

(1) Health insurance 30 baht or gold patent

This health insurance system is a health insurance card issued by the government for Thai nationals who are registered for universal health insurance coverage. To provide evidence of access to public health services from hospitals, health centers, and sanatoriums in times of need, with citizens having a duty to comply with the specified rules. So you can use this right Health insurance rights. Is the right of Thai people according to the law Encourage Thai people to access public health services thoroughly and effective both to promote health Disease prevention Diagnostic examination, medical

treatment. And rehabilitation of the water is healthy and the water of life known. Health insurance rights 30 baht or gold patent.

Protection of health insurance rights 30 baht for protection of Thai nationals with individual identification numbers. Who did not receive civil servant benefits or social security rights or welfare rights for state enterprises or other rights from the state to receive public health services. Both to promote health disease prevention diagnostic examination medical treatment. And rehabilitation necessary for health and life. According to the National Health Security Act, B.E. 2545, with The National Health Security Office (NHSO) manages the system for accessing public health services. Those are thoroughly standardized. As required by the National Health Security Committee.

Those who have the right to health insurance under the law And can register to select a regular service unit Free of charge is the newborn baby who does not have the right to receive medical treatment from the government officials from their parents. Children of civil servants Children of civil servants who are 4 or more Insured persons who do not submit contributions to the Social Security Fund Government officials who retire or leave government service without receiving pensions Self-employed And is not an insurer, which means farmers too But not including foreigners who come to agriculture in Thailand.

Those who have the right to health insurance under the law. And can register to select a regular service unit Free of charge is the newborn baby who does not have the right to receive medical treatment from the government officials from their parents. Children of civil servants Children of civil servants who are 4 or more Insured persons who do not submit contributions to the Social Security Fund Government officials who retire or leave government service without receiving pensions Self-employed And is not an insurer, which means farmers too But not including foreigners who come to agriculture in Thailand.

Legal health insurance rights act The National Health Security Act, B.E. 2545, states that all Thai people are entitled to standardize and efficient public health services by establishing the National Health Security Fund. To cost Support and promote the organization of public health services of service units. Encourage Thai people to have access to comprehensive and efficient public health services. Health insurance rights. Also known as rights 30 baht or gold patent. It is a legal right that Thai people have access to medical and public health services. For health promotion Disease prevention Diagnosis Medical treatment and rehabilitation necessary for health and life. Including Thai traditional medicine and alternative medicine according to the Healing Law This is by the announcement of the National Health Security Board.

(2) Social security

Any other person who is not an employee under The Social Security Act, B.E. 2533 Section 33 may apply to be the insurer by showing his intention to the Office, the criteria and rate of the contribution, the type of compensation to be received under Section 54, as well as the rules and conditions. Of the right to receive benefits shall be enacted as a royal decree the insured person or the person whose insured person has written a letter specified under Section 73, Section 54 is entitled to receive compensation from the fund. In the event of danger or illness, childbirth, disability, death, child allowance, old age, and unemployment benefits, etc.

(3) Protection of labor rights in the agricultural sector

In the labor contract in the case of agricultural workers According to the Labor Protection Act Royal Decree prescribing other businesses or employees which are not subject to the law on social security Employees of farming, fishing, forestry and animal husbandry businesses who do not employ all year round And does not have the characteristics of work that are other businesses included An employee of the employer occasionally employed for work. Or according to the season. And employees of the employer who are natural persons in which the work performed by the employee does not include a business operation.

Labor in agriculture Employing employers who employ employees to work in agriculture throughout the year, comply with The Labor Protection Act, B.E. 2541 An employee who has worked consecutively for 180 days is entitled to vacation for not less than 3 working days by the employer to fix such holidays to the employee in advance or as the employer and the employee agree to the employer to pay wages. To the employee on vacation as if the employee came to work normally on that vacation if the employer requires the employee to work on vacation. The employer shall pay the employee an increase of not less than a one-time wage per hour on a working day according to the number of hours worked. Or not

less than 1 times the rate of wages per unit on a working day according to the number of work done for the employee. Which is paid according to the performance calculated in units if the employer does not provide the employee with vacation or provide the employee to take less than the specified vacation. The employer shall pay an increase of holiday pay not less than 1 time of the wage rate on working days as if the employer had given the employee to work on a holiday. Employees are entitled to sick leave as long as they are sick. Sick leave from 3 working days or more. An employer may require an employee to present a certificate of a first-class medical establishment or that of a government medical facility.

(1) The National Savings Fund was established on May 12, B.E. 2554 by the National Savings Fund Act, B.E. 2554 with the objective of to encourage self-employed people or outside the state pension system or private funds with employer contributions Saving money to use during retirement Create a guarantee for life when there is no regular income. And reduce inequality in society which farmers can use their rights to apply to the National Savings Fund to apply for the protection of their welfare but the limitation of farmers if their incomes are not stable.

(2) Provision of welfare by the community

Nowadays, a more diverse group of people and farmers has been integrated. By the Administration Act, B.E. 2534 (Section 1. This Act is called the "State Administration Act, BE 2534 (1991)". Section 32 and the Department of Community Development Regulation on Promotion of the Operation of Savings for Production B.E. 2555 to provide community-based welfare such as savings for production. Sajja Sasomsup Group, Chapanakit Group, Village Bank Community enterprise groups that provide welfare for members Tambon Community (Subdistrict) Welfare Fund And various types of funds To help farmers in various fields.

It can be seen that the protection of farmers 'rights in agricultural occupation has the principles of protecting farmers' income rights. But the government has a policy to promote the cultivation of certain types of crops that focus on exports only. As for the operation of planting other types of crops or do other agriculture does not have the policy to help at all. The social welfare protection for farmers. It is the basic protection for the general public. Does not have any particular protection. Which the relevant departments lack the organization to monitor the performance the ongoing investigation and promotion of the problem is partly due to political instability.

3. Conclusion and Recommendations

Study on the protection of farmers' rights in Thailand It was found that there were several problems with Problems of land rights of agriculture which is a fundamental factor in agriculture. Is a long accumulated problem the government sector lacks efficiency in land management. Lack of a mechanism for examination from the public sector Lack of community participation and a lack of coordination and linkage between government, non-governmental organizations, and people. Including the context of laws and measures on land. Lack of clarity causing the problem of concentration in land ownership. Which is in nature improper use of land and inefficiency. Lack of measures for sustainable land use and development.

Problems with water resources it is a problem of water quantity and quality. Used in agriculture in Thailand, floods and droughts occur in the agricultural regions, thus affecting farming practices. And problems of public perception of information; Exchange problems And cooperation of the public sector Problem of lack of building process And continuously promote rights.

And the right to set prices for crops and agricultural products Some Thai farmers have the status of only employees on their farms. Contract manufacturing according to market demand the price of the crop is determined by both global trade mechanisms. And nationally by referring to the needs of the buyer, farmers have no bargaining power. From the above problem nowadays, a career in agriculture in Thailand. Faced the problem of agricultural production declines at the same time, the prices of agricultural products are uncertain. Overall farm income is unstable. But the burden of expenses is high, resulting in fewer savings.

Agriculture in rural areas is still under the influence of the middleman. Many of these businesses operate in trading and lending to farmers, especially using new technologies to aid production despite increasing yields. But farmers will have to use higher costs as well Farmers' problems are therefore under a cycle of poverty. Low productivity because farmers lose their wealth, savings, lack of social services, lack of diligence, and correct guidance. Lack of cooperation in low-income communities. Making farmers

unable to access farmer's income protection Social welfare in health insurance. Social security or community savings funds.

Also, in the current situation Farmers faced a problem in the development of knowledge in the use of information technology in management. Agriculture enters social change as well as knowledge and information that is rapidly exchanged throughout all regions. Thai farmers need to adjust themselves according to their lifestyle, exposure to learning information. To bring yourself to become a quality farmer (Smart farmer) by the policy and practice of the Ministry of Agriculture and Cooperatives that Developing farmers to be Smart farmers with Smart officer as a friend. Which farmers must know about agriculture. Have information to make decisions Access to both sources of information from government officials. And through other information and communication technology systems such as the Internet, Mobile smart phones can manage productivity and marketing. The factors of production, labor, and capital can be linked to production and marketing to sell products. As well as being able to manage waste from production with efficiency (Zero waste management) with an awareness of product quality and consumer safety. Know or have received training on GAP / GMP standards for organic agriculture. Or other standards be responsible for the environment, society there is a production process that does not cause pollution and does not destroy the environment (Green economy) with ongoing activities to help communities and society. And pride in being a farmer are committed to a career in agriculture Love and cherish the land and the agricultural profession for future generations. They are happy and satisfied with agriculture.

At the same time, it is an important duty of the state to formulate a state policy in the administration of state affairs, to formulate a strategy for sustainable development goals. However, according to the Constitution of the Kingdom of Thailand, B.E. 2560, therefore, an important mechanism for country development in agriculture including protecting the rights of farmers and people in various fields that affects the economic and social good, the role of the government is appropriate in both the household sector. The foreign business sector needs to have a strong and effective government to make laws. And law enforcement to determine the rights and duties of the private sector Business units doing transactions in the market to benefit from the production and trading of goods and services the exchange of borrowing must have a sound legal system that is suitable for changing economic, social and political situations. The government has to seriously develop policies in managing assets of the private sector and monitor work by the government. This is an important condition that will make the market mechanism work and lead to more social welfare.

References

- (1) Agricultural Land Reform Act, B.E.2518
- (2) Bank for Agriculture and Agricultural Cooperatives Act, B.E. 2509
- (3) The International Rice Research Institute (IRRI)
- (4) The First National Economic and Social Development Plan.
- (5) Lianchamroon. V, Thanyakijjanukit S. and team (2 005) From the Green Revolution to Genetic Engineering, Benefits and Impact on Thailand. Full research report.
- (6) Ministry of Agriculture and Cooperatives,
- (7) National Statistical Office. (Last retrieved on 2020 Oct 19) <http://web.nso.go.th/>
- (8) The Contract Farming Promotion and Development Act, B.E. 2560
- (9) The nine National Economic and Social Development Plan to the twelve National Economic and Social Development Plan
- (10) The concept Philosophy of Sufficiency economy philosophy (SEP) of King Bhumibol Adulyadej, also known as Rama IX the Chakri Dynasty.
- (11) The eleven and the twelve National Economic and Social Development Plans
- (12) The Constitution of the Kingdom of Thailand B.E.2560.
- (13) The Plant Variety Act B.E.2541
- (14) The Official Information Act. BE 2540
- (15) Food and Agriculture Organization of the United Nations (Last retrieved on 2020 Oct 19) <http://www.fao.org/home/en/>
- (16) Ratanachueskul .S (2557). Farmer's Rights: Effects of Amendment to Plant Variety Protection Act (Last retrieved on 2020 Oct 19) <https://ag2.kku.ac.th/kaj/FrameSet.cfm>

-
- (17) The Convention on Biological Diversity (Last retrieved on 2020 Oct 19)
<https://www.cbd.int/convention/>
- (18) The Nagoya Protocol on Access and Benefit-sharing (Last retrieved on 2020 Oct 19)
<https://www.cbd.int/abs/>
- (19) World Trade Organization WTO <https://www.wto.org/> Trade-Related Aspects of Intellectual Property Rights: TRIPs
- (20) Chitrakon.S (Songkran) (2009) “Farmers’ Rights on Plant Genetic Resources” Lecture document Annual Rice and Cereals Conference.
- (21) Rice farmer income insurance program in the year B.E .2563-2564
- (22) Farmers income insurance program for oil palm farmers in the year B.E.2562-2563
- (23) Rubber farmer income insurance program in the year B.E. 2563-2564
- (24) Income insurance program for corn growers in the year B.E. 2563-2564
- (25) The National Health Security Act B.E. 2545, The National Health Security Office (NHSO)
- (26) The National Health Security Fund
- (27) The Social Security Act B.E. 2533
- (28) The Labor Protection Act, B.E. 2541
- (29) The National Savings Fund Act B.E. 2554
- (30) The State Administration Act B.E. 2534
- (31) The Department of Community Development Regulations on Promotion of the Operation of Savings for Production B.E. 2555
- (32) The Office of the Development Board National Economy and Society
- (33) Ministerial Regulation Prescribing Rates of Accumulated Payments and Contribution B.E. 2558
- (34) Exercise of eligibility for certain National Savings Fund members and transfer of money from the Social Security Fund in case of aging to the National Savings Fund Act B.E.2558.
- (35) Ministerial regulations prescribing funds or other pension systems Where members are not entitled to apply for membership of the national savings fund.
-
-