

MAE MOH

Top court overturns ruling protecting snail fossil site

POST REPORTERS

The Supreme Administrative Court yesterday reversed a decision made by a lower administrative court in 2007, which favoured a group of 18 villagers in Lam-pang's Mae Moh who were fighting to protect a 43-rai snail fossil site from the coal mining operations there.

The 18 villagers, with the help of the Lawyers Council of Thailand and Enlaw-thai Foundation on April 7, 2005 lodged a petition with the Central Administrative Court accusing the cabinet's Dec 21, 2004 resolution of being unlawful.

Yesterday's decision means the Electricity Generating Authority of Thailand (Egat) can continue coal mining operations in the area.

The lower administrative court ruled on July 27, 2007 that the cabinet's Dec 21, 2004 resolution to declare only 18 rai of the 43 rai to be a river snail fossil conservation area led to misinformation in the Industry Ministry's decision to later grant a coal-mining licence to Egat in the area adjacent to the 18-rai plot.

The lower administrative court had also ordered Egat to stop coal mining operations in the area and revise its measures for prevention of possible environmental impact of the coal mine on the fossil conservation area.

The court also ordered to nullify the Dec 21, 2004 resolution as well as the coal mining licence on the 43 rai plot. This was

done so that the Industry Ministry ensured that Egat submitted a new environmental impact assessment report for approval for a coal mining project. This was done to make sure that Egat protects the fossil site from any coal mining activity or any natural disasters.

The cabinet also instructed the Fine Arts Department to list the fossil conservation site as a historic site.

In their appeal against the lower administrative court's ruling, the cabinet, Egat, the ministry and the Department of Primary Industries and Mines argued that all legal processes were executed in line with the resolution.

Egat also argued that it had not caused any damage to the fossil conservation zone while any damage that occurred was caused by a natural disaster which was beyond its ability to prevent.

The Supreme Administrative Court, however, ruled that the cabinet's Dec 21, 2004 resolution was lawful and it is evident that the 18 rai fossil conservation zone remains in good condition.

As such, the Supreme Court's ruling stated there was no need for the lower administrative court to order Egat to implement more measures to protect the fossil conservation zone as requested by the villagers.

However, if in future any damage to the freshwater snail fossil site is found as a result of the Egat's mining, a new complaint can be filed, the court said.