

An Implementation of Public Participation in EIA system in Thailand

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Abstract

Natural resources have been used as major cost in development activities and projects for the development of Thailand's economic and industrial growth. Thus, massive natural resources have been destroyed and denigrated, especially by large development projects that have massive impact on the environment and that cause severe health problems to the people in developing regions. Public participation, as one of the key principals of good governance, can help to solve the problems regarding environmental conflict management. In many cases, citizens who are directly impacted by the development have no opportunities to participate in decision-making process. This research aims to study the causes of environmental conflicts of thermal power plants from coal in the south of Thailand and propose ways in managing environmental conflicts to create justice. This research is a qualitative study and data were collected through in-depth interviews and non-participant observation. The research findings revealed that the problems and obstacles that prevent good governance and public participation in making decisions involving Thailand's developmental projects are top-down commands, the lack of encouragement from the government, the lack of transparency in the projects' management, the limited scope of permission for stakeholders to participate, and a low level of participation from the people. These problems and obstacles lead to ineffective participation and conflicts in the society caused by unaccepted decisions. It is necessary to switch from the monopoly of commands to a bottom-up approach.

Keywords: Environmental Governance, Public Participation, Coal-fired Power Plant, Environmental Conflict, EIA

1. Introduction

In the past, the procedure of country development has been done through using natural resources as the source of economic development and industries, including activities and development projects to increase national income and raise people's livelihoods. This results in the diminishment and deterioration of natural resources. In addition, the development of the industry during the past is also a major cause of environmental conflicts, especially the conflict that are caused by the development of electrical power projects that led to unfair allocation of resources. This mean that the people in the area are directly affected by the project, especially from the spread of pollution from the operation of the project for the development of electrical energy that affects the environment. Furthermore, the residents in the area face serious health problems, without the proper care and suitable assistance. Most importantly, the conflict from the current power development project is likely to increase and intensify.

From the conflict situation, which resulted from such a large-scale development project that is intensifying in Thailand, it is necessary to find a guideline model in the management of natural resources, especially the implementation of various development projects with efficiency, transparency and fairness. Public participation, which is one of the important principles of environmental governance, is an important concept that is expected to solve the problems of natural resource management and conflicts arising from various development projects, especially in the effectiveness of industrial operations that will sustainably develop Thailand in the future.

2. Public Participation and Environmental Governance

Good governance or the Principle of Good Governance is a new concept that took place in the late 20th century, by the World Bank and the United Nations Development Agency. The aim of this principle is to apply it with the policy of money loan for the developing country, with a universal meaning of “The principles of public administration for successful achievement, efficiency and cost-effectiveness in the mission of the state, no process of operation beyond the necessity, improvement in the mission of the government to keep up with the situation, the facilitation for the public and their needs and regular evaluation on the performances of officials for the benefit of the people (Chaisomphob, T. et al., 2004).

Good governance is a trend that every sector, whether it is government, private business or the public sector, pays special attention to and applies in the operation of the organization. If good governance principles are applied in the context of natural resources and environmental management, it can be said that environmental governance means management of natural resources and the environment in which people have access to information, participation in the process of decision-making and implementation of policies, strategies, plans, projects, and activities that will affect natural resources and the environment. These strategies must be transparent, liable, and unbiased, which, if compiling the principles of environmental governance, can be said that it consists of seven basic principles (Persson, J., 2006), (Chompunth, C. & S. Chomphan, 2012) including The Rule of Law, Ethics, Transparency, Participation, Accountability, Efficiency and Effectiveness and Accessibility.

It can be said that environmental governance is a principle that is consistent with the feelings and needs of the public, which the public has expectation for all sectors to truly practice, not just temporarily practice by the trend. The results of operations involving good governance will bring sustainable development that is balanced in terms of economy, society and environment. When considering the elements of environmental governance in each of the principles, it is found that each element is correlated. It can be seen that the important issue of environmental governance is that the public should be able to access information easily and receive complete and adequate information, including the opportunity for the community to be able to participate in the decision-making process in various development projects within the period of participation and through appropriate methods (Chompunth, C., 2017).

3. Research Methodology

In this research, the researcher uses qualitative research from two sources: 1) Primary data: In-depth interviews with stakeholders. The interview instrument was an open-ended questionnaire designed specifically for each sample group. Questionnaires are separated into 6 categories for stakeholders including central government, local government agencies, academics from various agencies and non-profit organizations, community leaders and public

interviews. The method of in-depth interviews was used to collect data while Purposive Selection method was applied to the interviewees of project owners, relevant government agencies, academic from various agencies, non-profit organizations and affected groups of people and community leaders around the project area. 39 key informants were selected and interviewed.

4. Public Participation as a Conflict Management Approach

The Krabi coal-fired power plant is one of a large-scale project in the south of Thailand which having significant environmental conflicts. The project is located in Krabi province. According to the 2007 Thai Constitution, power plant projects that have a production capacity exceeding 100 megawatts per day, must conduct an Environmental and Health Impact Assessment (EHIA) study and submit this EHIA report before getting an approval from the Authority. Thus, the Krabi power plant project was required by law to conduct an EHIA study.

From the case study, it was found that a large number of local people mentioned that the process of public participation does not cover all stakeholders and some have been prevented from participating in the process, which is also found in many foreign cases stating that if the public and organizations in the process are not involved in the public participation and cannot truly represent stakeholders and those affected by the decision, it can truly lead to problems and conflict later on in the process.

Public participation is one of the most important principles of good governance, which is a universal principle that civilization places importance on and is the main issue that Thai society is interested in developing politics into a participatory democracy. Thus, the government sector must provide opportunities for the public and related parties in all sectors to share ideas, make decisions, create transparency and increase the quality of the decision-making process that is mutually acceptable to all parties. It is generally accepted that public participation plays an important role in the national development process, society and environment. It could be said, participation is a social process that provides opportunities for those involved as stakeholders to participate in the awareness of information analyze problems, express opinions, coordinating and monitoring the impact of the operation, as well as participating in the implementation of any matter which is a solution to the problems of their community or locality (Vantanen, A. & M. Marttunen, 2005). This method is carried out to meet the true needs of the public, which is in accordance with the government's policy to prevent, correct and manage correctly and efficiently as protection for the quality of the environment and the quality of the public's life (Daniels, S. E. & G. B. Walker, 2001).

In addition, Thailand has set up a framework for the implementation of public participation in projects that affect public health and the quality of the environment through many laws and regulations, including the National Environmental Quality Act, B.E. 2535, The Prime Minister on Public Consultation, B.E. 2548 and Notification of Ministry of Natural Resources and Environment on the type and size of the project or business, which must include preparation of an environmental impact analysis report and guidelines, procedures and guidelines for the preparation of the Environmental Impact Assessment Report 2553, which requires the state / private sector owners of development projects that are licensed by the government to allow the public to participate in the decision-making process of the project, activity or any project which has a wide scale impact on the quality, environment, health, way of life or interests with the local community. The project owner must provide the process of public participation through the process of public hearing (Chompunth, C., 2013).

It can be said that Thailand has laid down a legal framework that is consistent with the principles of good governance and public participation. However, in order to result in concrete actions, there must be a mechanism in which enforcement of laws and practices are in accordance to meet the intent of the law. In the context of Thai society, it was founded that existing laws have gaps in enforcement and repetition. The authority of the government agencies, involving both the central and local management issues, is the source of the overlap. In addition, some of the concepts and structures of the law still give the majority of decision-making power to the government sector, including lack of transparency and community participation, which is contrary to the constitution's intentions, which many scholars have agreed that if law enforcement cannot be conducted seriously, this may affect the efficiency of the public participation process (Gunes, Y. & A. A. Coskun, 2005)

Noticeably, public participation techniques employed in this case study were varied and could range from traditional public participation methods on an education and information provision level, to a more interactive approach such as public meetings. However, the majority of participation techniques were traditional. Thus, the public did not have more opportunities to discuss the issue and there was no appropriate means to manipulate the decision. Many affected villagers were frustrated with the participation process and their government because they felt that the process was not a participation process in which they could make any change to the decision or create appropriate dialogue. It seemed to be just a public relations activity to convince them to accept the project already approved. Clearly, in this case, traditional participation techniques had been unsuccessful in developing collaboration between stakeholders.

5. Conclusion

Evidently, in the Thai EIA's system, public hearings, as one technique of public participation, are mandated by law; however, they can lead to troublesome rather than productive participation. It allows not only for the diffusion of antagonism, but also the assuaging of public opinions. This is especially the case if hearings are held late in the planning process, and there were no, or few, previous attempts to engage the public. As clearly presented in this case study, when the public hearing was held too late, it could not resolve conflict among stakeholders, and the situation became more controversial (Chompunth, C. & S. Chomphan, 2012).

The lack of good governance and proper public participation in decisions related to the operations of the government or private sector may cause conflicts between stakeholders and environmental damage. Development projects that have good objectives are beneficial to the public at certain times, which may not often provide the anticipated results. This outcome is due to the lack of transparency and public participation in decision-making and project implementation.

The problems or obstacles that may result in the creation of good governance and the participation of people in the decision-making process of various development projects, especially the electric power development project, are unsuccessful. These obstacles include lack of promotion from the government, lack of transparency in the management of participation, lack of involvement for all stakeholders or those involved in all sectors, and the low level of public participation in the decision-making process, which results in participation not being accepted. Also, conflict emerges in the society because decisions are not accepted by the public. These factors can be classified as institutional constraints.

Therefore, to effectively and sustainably solve environmental problems, public participation in the management of natural resources and the environment must be seriously considered and implemented. Also, it is crucial to create public awareness, discipline of people in the country and training for the public to have knowledge and understanding about the public's participation in the environmental management decision-making process, especially the duties and responsibilities of the people for the treatment of the environment. It can be concluded that the cooperation power of the people will be an important strategy that enables the industrial sector of Thailand to sustainably conduct business with the community further on in the future.

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