

## **PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING IN THAILAND**

**Remarks to Open the Second Regional Environmental Forum  
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On behalf of the Thai Ministry of Natural Resources and Environment, I would like to welcome all of you to Thailand, and I would like to thank you for inviting me to make a few remarks to open this Regional Environmental Forum.

I have been told that this Forum will be focusing on issues related to access to information, public participation, and justice in environmental decision-making. Therefore, I thought it might be useful to spend my time discussing my perspective on the Thai experiences with these topics.

At the outset, I would like to note that environmental governance is a constantly evolving experiment and concept. We in the government who are charged with carrying out the processes that lead to environmental decisions are always seeking new and better methods for making these decisions and gaining the participation of the public in doing so. In this regard, my Ministry fully supports the goals of this Forum and looks forward to learning about its outcomes.

The most natural place to begin a discussion on this topic in the Thai context is with our most recent Constitution, adopted in 1997. Article 46, 56, 58, 59 and 290 recognized the rights of indigenous communities, individuals, and local government in the conservation, management and exploitation of biodiversity and natural resources and the protection of environment. Article 79 states:

“The State shall promote and encourage public participation in the preservation, maintenance and balanced exploitation of natural resources and biological diversity and in the promotion, maintenance and protection of the quality of the environment in accordance with the sustainable development principle as well as the control and elimination of pollution affecting public health, sanitary conditions, welfare and quality of life.”

Additional constitutional provisions relating to public access to information can be found in Articles 58 and 59. Article 58 reads:

“A person shall have the right to public information in possession of a State agency, State enterprise or local government organization, unless the disclosure of such information shall affect the security of the State, public safety or interests of other persons which shall be protected as provided by law.”

Article 59 recognized the right to receive information, explanation and reason from a State agency, State enterprise or local government organization before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or her or a local community and shall have the right to express his or her opinions on such matters in accordance with the public hearing procedure, as provided by law.

Thus, in Thailand we have a mandate in our Constitution to recognize the rights of the people to manage the resources, to protect the environment and to promote and encourage public participation in decision making related to the environment and to provide access to information about such decisions. As with most constitutional provisions, however, difficulties can arise when we try to define the exact contents and practical application of such a sweeping mandate. It has fallen on my Ministry to create regulations that balance the need for the participation and access to information mandated by the Constitution and implementing legislation, while at the same time ensuring the orderly, efficient, and predictable management of natural resources and control of pollution.

One example of the possibilities and pitfalls in balancing these needs is the siting and construction of the Samut Prakan wastewater management project, a centralized wastewater treatment plant located in Klong Dan Sub-District some 50 km SE of Bangkok and sometimes called the “Klong Dan Project.” This is a particularly noteworthy project since it was selected by the Thailand Access Initiative National Assessment Team in 2002 as one of three case studies for assessing public participation in environmental decision-making.

Shortly after plans were unveiled to build a waste-water treatment facility near a fishing community in Klong Dan in 1998, the residents organized a series of protests. These protests eventually gained the attention of the media, especially after residents attempted to bar government representatives from entering the village. The residents claimed that they were trying to protect the environment and

their livelihoods, as they thought that the effluents from the plant would affect the local fishery and the largest mussel culture industry in the country.

The failure to involve the residents of Klong Dan in the plans to build the wastewater plant and to gain their support and cooperation indicated still greater problems with the project. It appears that the lack of adequate public participation and oversight has allowed this project to become ridden with fraud. Just this month, Natural Resources and Environment Minister Praphat Panyachartrak announced that a civil lawsuit would be filed against the private consortium contracted to build the plant, the government announced that three veteran politicians together with a number of senior officials will face criminal charges for fraud in connection with the project, and the Special Investigations Department (SID) presented a report to the Prime Minister alleging corruption surrounding the project.

In sum, the Klong Dan project clearly illustrates that a lack of adequate public participation and information is at least highly correlated with, if not an invitation to, the potential for corruption and mismanagement of public projects. Furthermore, the failures of this project serve to remind us that public access to information and participation are especially beneficial to a project if they are provided early, and ideally at the planning stages. While the production and dissemination of public information and the support and encouragement of public participation in these decisions can be time-consuming and cumbersome, the Klong Dan case serves to remind us of the potentially greater costs that can accompany a lack of public oversight.

One final aspect of the Klong Dan project is worth noting before I conclude. The project was funded in part by a loan from the Asian Development Bank (ADB). I would urge all of you, as you discuss these important issues, to keep in mind the significant constraints placed upon governments that accept development loans for large public projects. You may also wish to consider the extent to which international lending organizations either provide, or fail to provide, for public participation, information, and redress as part of their lending processes and conditions.

As I have already noted, the basic law of Thailand calls for transparency and public participation in environmental decision-making. Especially in light of these provisions, my ministry supports the work of governments and civil society organizations that seek to create mechanisms for increasing and assessing such public participation. This includes support for the Partnership for Principle 10 and

for The Access Initiative, which I understand from your agenda that you will be studying in closer detail today and tomorrow. I would also like to express support and encouragement, on behalf of my ministry, for the Regional Environmental Forum as a way to bring together environmental policy-makers and advocates. The work you are doing here is an important complement and input into the work individual governments are doing at each national level.

As a person who used to be an NGO members and now a government personnel, I would like to encourage you to also try to look from the government perspectives to understand their limitations and constraints and to help them find a quick way to push forward these issues for the greater benefit of the people and the better management of our limited natural resources and fragile environment.

Thank you again for the opportunity to open and address your Forum. I hope that your meeting is fruitful, and I look forward to learning about the recommendations you make. Thank You.