

# **Crisis, Dilemma, and Further Steps:**

**Three Years Experiences of HIA in Thai Constitution**

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Kasetsart University and  
Healthy Public Policy Foundation, Thailand*



**What is the hottest topic  
between 2009 and 2010  
in Thai Newspaper Headline  
apart from **Yellow-shirt** and  
**Red-shirt** Politics?**

**Possibly, it is about HIA and  
Mab Ta Put Industrial Estate.**

**In 2009, Some investors claim that  
HIA has blocked billions of industrial  
investment in Thai economy.**

# **I. HIA in Thai Constitution**

*August 2007*

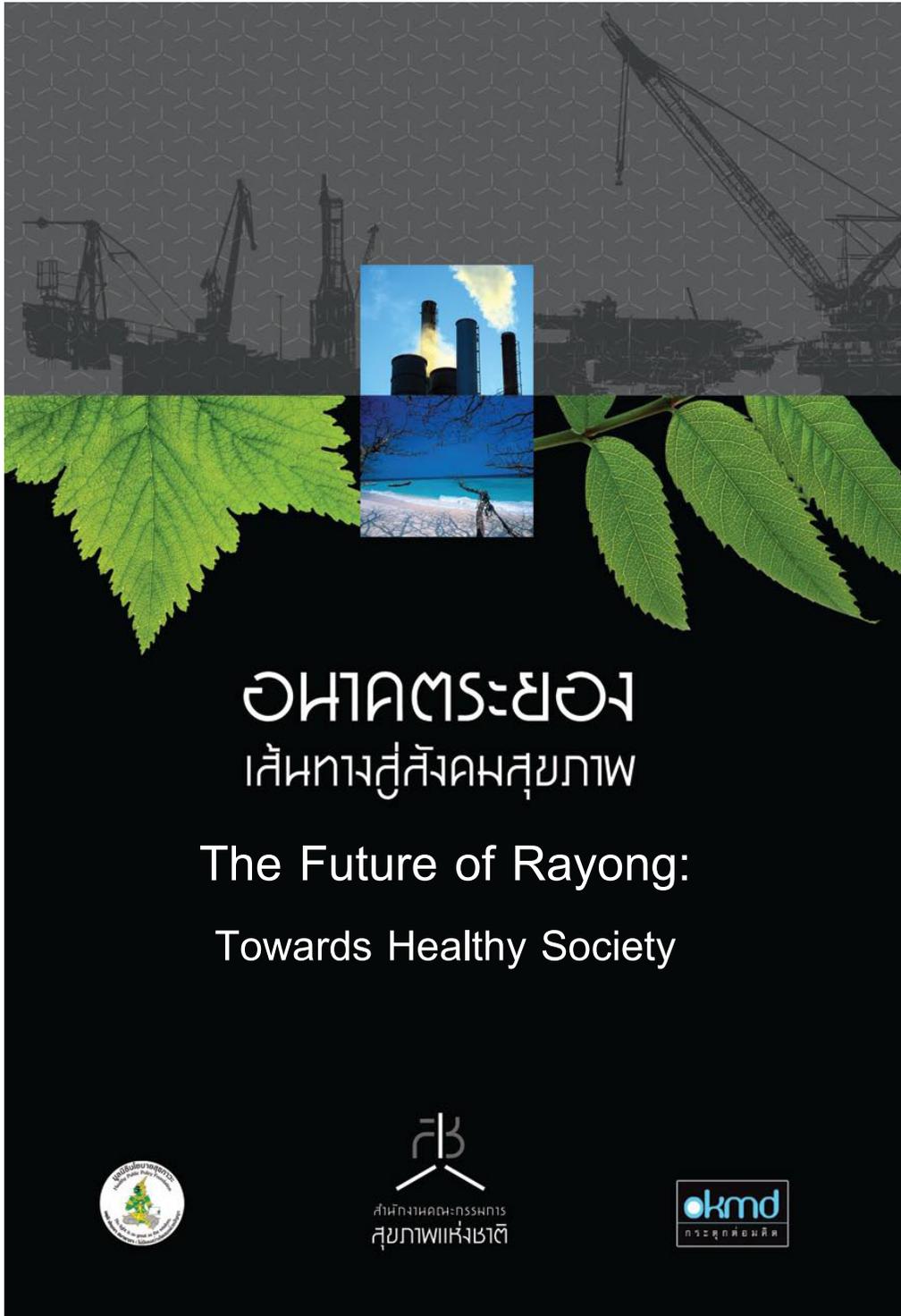
# **HIA Development in Thailand**

- **2000 HIA Introduction**
- **2001 Learning from abroad**
- **2002-2006 Practices and Building HIA  
Critical Mass**
- **2007 HIA in National Health Act**
- **August 2007 HIA is in *National Constitution***

# **The Constitution of the Kingdom of Thailand BE.2550**

## **(2007) section 67:**

- ***“Any project or activity which may seriously affect a community’s environmental quality, its natural resources or its people’s health, is prohibited unless (a) these environmental and health impact are studied and assessed (b) a public hearing process is undertaken to obtain the opinions of people and stakeholders and (c) independent organization formed by representatives of non-governmental organizations and higher education institutes provides opinions and comments, prior to the implementation of such a project or activity...”***



อนาคตระยอง  
เส้นทางสู่สังคมสุขภาพ

The Future of Rayong:  
Towards Healthy Society



***August 2008,***  
**National Health Commission submit the HIA**  
**report on**  
**Mab Ta Put and Rayong**  
**to the Cabinet and suggest the government to**  
**follow**  
**the Section 67 of Constitution**

# Preparation for Constitution Implementation

- **List of Possible Harmful Project/Activity**
- **Guidelines for HIA in EIA**
- **Draft of Public Participation Procedures**
- **Draft of Independent Organization Act**
- *All these items was ready to be in force by December 2008*

**Unfortunately, possibly due to political turmoil, Thai Government did not get all these things done through, leading to the Mab Ta Put crisis.**

## **II. The Crisis Began**

**In *March 2009*, Rayong Administrative Court ordered Thai  
Government to announce  
Mab Ta Put area to be  
*“Pollution Control Zone”***

This is the first time in Mab Ta Put history that  
local people win the cases in the court  
by using several sources of evidence, including HIA report.

**In *June 2009*, local people sued  
Thai government for not implementing  
the constitution section 67.**

**Shortly after, Prime Minister, Mr. Abhisit Vejchaceewa,  
ordered National Health Commission to establish  
*the Rules and Procedures of HIA*  
under the constitution section 67, within three months.**

**In *October 2009*, Supreme Administrative Court ordered  
Thai government to temporary stop  
all 65 possible harmful projects  
until fully implementing  
the constitution section 67.**

**The investors claimed that Thai economy would lose around 300  
billion THB  
(or around 10 billion NZ\$)**

**Foreign investors and government, especially Japan, push high pressure on Thai  
Government  
to solve Mab Ta Put investment crisis *immediately*.**

**We Must Conduct HIA Right Now !!!!**

# **III. The Way Out ??**

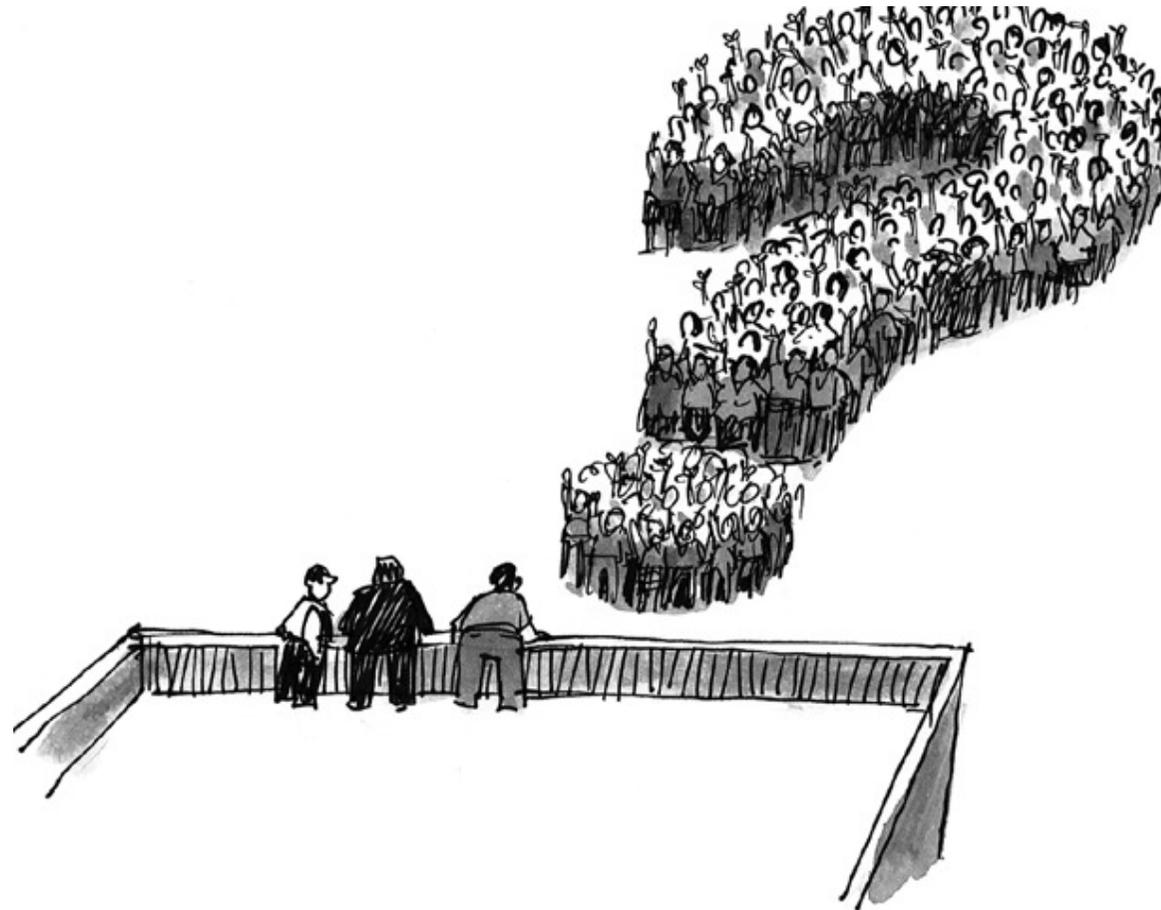
**National Health Commission Approved  
HIA Rules and Procedures on *October, 19th, 2009***



# The Rights of Thai People to Scrutinize Any Development Policy and Project that may harmful to Health



**Public Scoping:  
Raising Right Questions with People's Rights  
is the Starting Point for Good HIA practice**



**Public Review: Rechecking for the Right Answer from HIA and Add Relevant  
Comments  
for Decision-making**

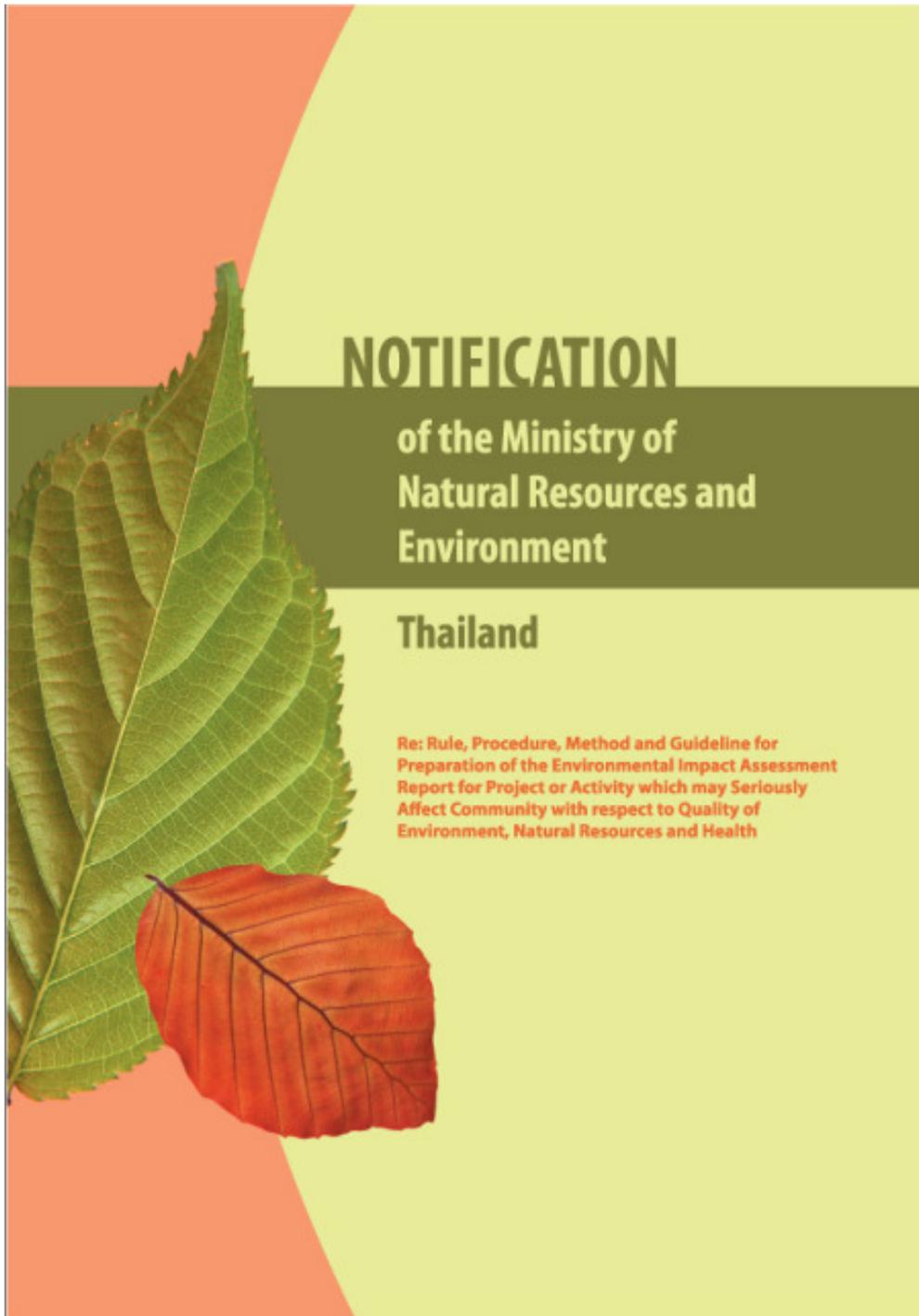


**This *HIA Rules and Procedures* requires every year evaluation for continuously corrective mechanism.**

**However, only HIA is ready,  
other components of  
Section 67 was not in place yet.**

***In November 2009, Thai Government sets up  
the four-parties commission to establish  
the rules and procedures for implementing  
Section 67 of the Constitution***





**On *December 29th 2009*,**  
**the four-parties commission agree to set up the**  
**rules and procedures for the Section 67, followed**  
**the principle of**  
**HIA rules and procedures**

**Public Scoping and Public Review also applied to EIA,**  
**which never done before in Thailand**

# **IV: The Real-life HIA and Our Dilemma**

# 2010 E/HIA Racing ??

	Public scoping	Public review	Total
1) Jan	7	-	7
2) Feb	13	-	13
3) March	1	-	1
4) April	3	1	4
5) May	7	12	19
6) June	3	8	11
7) July	1	14	15
8) Aug	4	1	5
9) Sep	4	2	6
10) Oct	2	6	8
<b>Total</b>	<b>45</b> (4 times/month)	<b>44</b> (4 times/month)	<b>89</b>

# Overload Participation ??

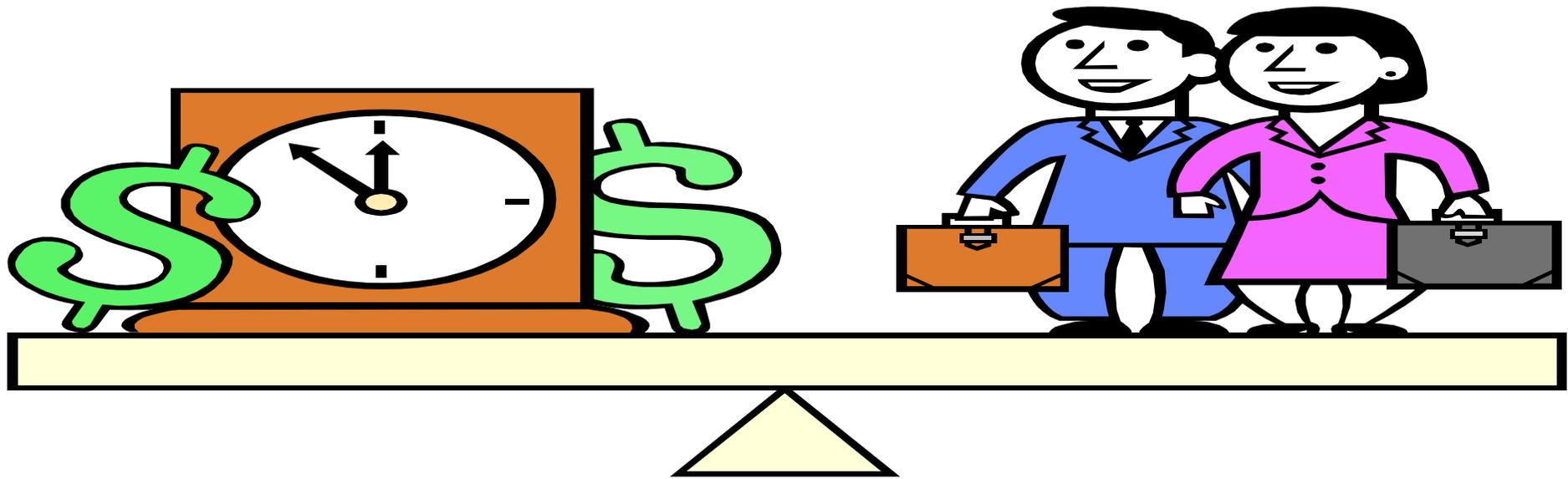


# **Insufficient Preparation for Public Scopings??**

- **Unclear objectives of public scoping  
(in local people's view points)**
- **Too much technical information**
- **Still difficult to get relevant information**
- **Without strong technical supports**
- **Overload HIA schedules**
- **Irrelevant questions from the local people  
(in investors' view point)**

# In *June 2010* Public Forum for the Reflections on Public Scoping Practices





**Our dilemma is to take balance  
between business deadline and  
meaningful people participation**



**คู่มือการเข้าร่วม**  
การทบทวนร่างรายงานการศึกษาและ  
วิเคราะห์ผลกระทบระดับสุขภาพโดยสาธารณะ  
(Public Review)

# People Handbook for Participation in Public Review

***PLUS***

**Intensive HIA Training  
Course for Both Health  
Officers and Local People**

# **The Development of Baseline Data on Rayong's Health Status**

- **Change from hospital-based data system (for health financing purpose) to area-based data system (for HIA monitoring purpose)**
- **Active participation of health officers in public reviews**
- **On-going health examination survey from 10,000 to 30,000 cases**

*Mr. Porames KingKoh, MD.*  
**Chief of Rayong Provincial Health Office**

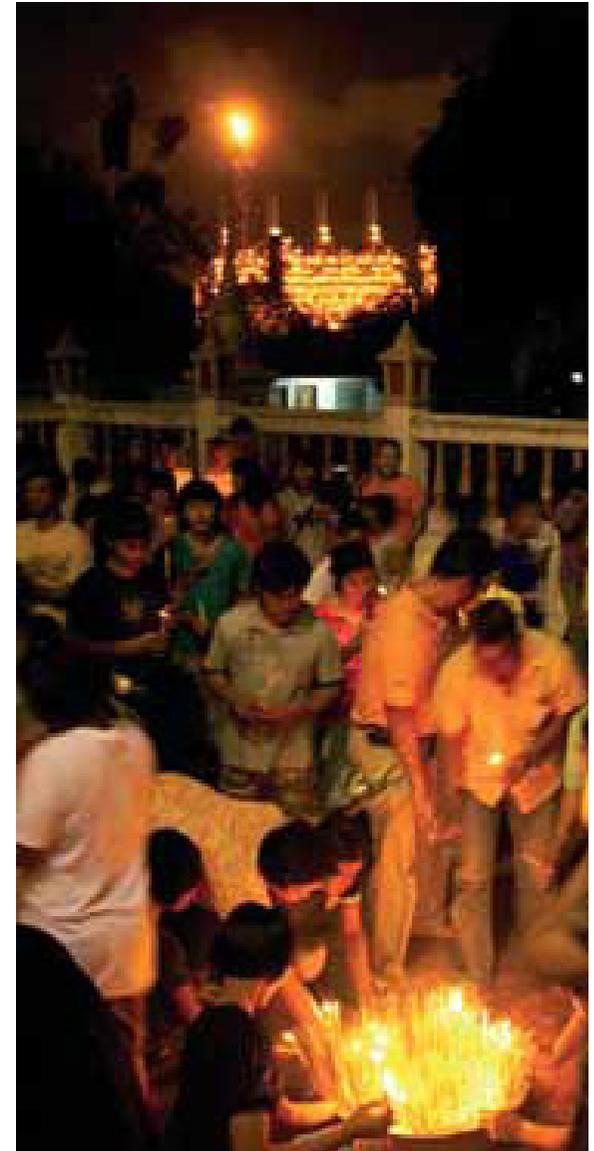


**Then, we get better questions  
in public reviews.**

**Unfortunately, we have not yet  
get good answers for some of them**

# Effective Mitigation Measures??

- Existing Cumulative Impacts
  - Air Pollution
  - Water Pollution
- Potential Water Shortage
- Emergency Response Plan
- Buffer Zone and Green Areas
- Socially-related Health Impacts



# Unclear Monitoring Systems



**Green area development project at  
Map Ta Put Industrial Estate**



*With all these struggles,  
dilemma, and learning*

**However, in overall, we get  
some impressive reflections**

# HIA Leads to More New Friends

*After I started conducting HIA, local people ask me, why I have to work with community myself.*

*Because previously, we, as the executive level, never talk to community directly.*

*This question leads me to think of HIA as corporate social responsibility. I always talk to other managers “please change your mindset and see HIA as CSR.*

*Then, you will have more new friends”.*



**Mr. Seksiri Piyawecha**

**PTT AR Public Company Ltd.**

# HIA and Our Commitment

*“Active monitoring and evaluation mechanisms will lead to continuous development of HIA. And this will make what people hope HIA to be part of our culture become true. But it can happen only if we work closely together.”*

**Mr. Kijja Ruangthai, MD.**  
**SCG Group**  
**National HIA Commission**



# **V. Unintended Consequences??**

# สรุป

เหตุการณ์อุบัติเหตุ  
สารเคมีรั่วไหลของ  
บริษัทอุตสาหกรรม เบริลล่า ๑  
ข้อมูลจากการลงพื้นที่ตรวจสอบ  
เมื่อวันที่ ๓ มิถุนายน ๒๕๕๓

สรุป | ภาพจำลอง | คำให้การ  
เหตุการณ์ | พื้นที่ที่ได้รับผลกระทบ

วิเคราะห์มาตรการ | ข้อเสนอแนะ  
ตามอีไอเอ

**Analysis of Mitigation  
Measures based on  
E/HIA Report**



**After-Incident  
Investigation Report  
of Chemical Accident  
Mab Ta Put, Rayong  
on June 7, 2010**

# Cabinet Resolution on the Improvement of Rayong's Preparedness and Emergency Response Master Plan for Chemical Accident



Based on the recommendation from  
Mab Ta Put HIA Monitoring Commission  
*August 11th, 2010*

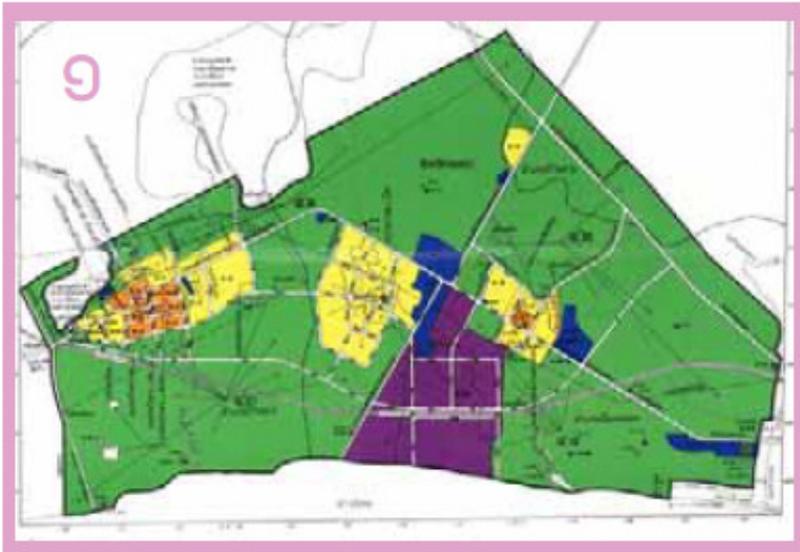


**VI. Big Further Step:  
Mab Ta Put Urban Zoning**

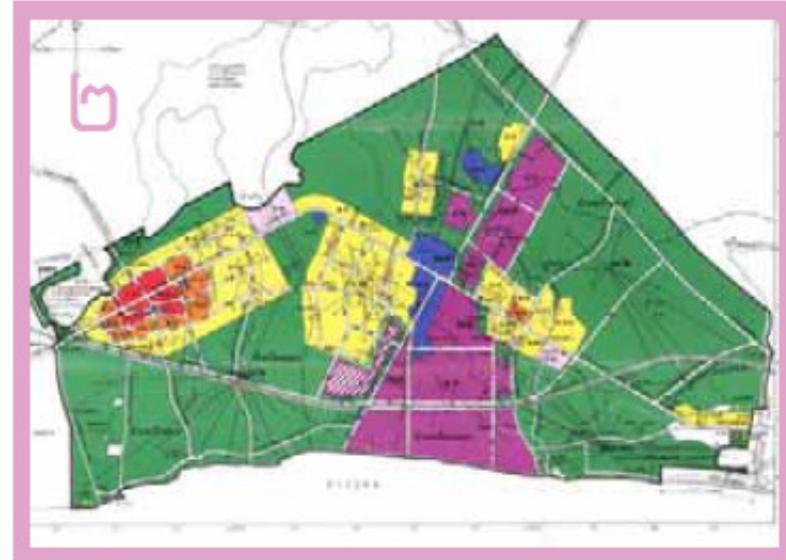
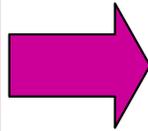
**HIA can be a Social Learning Process for Policy  
Formulation and Planning,  
rather than Specific Projects**



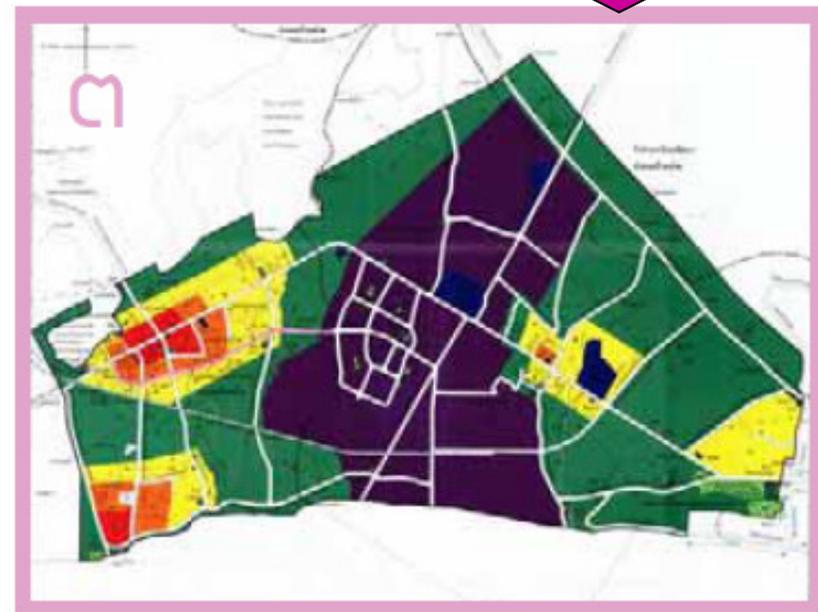
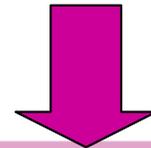
# Industrial and Urban Zoning Problem



1<sup>st</sup> in 1988

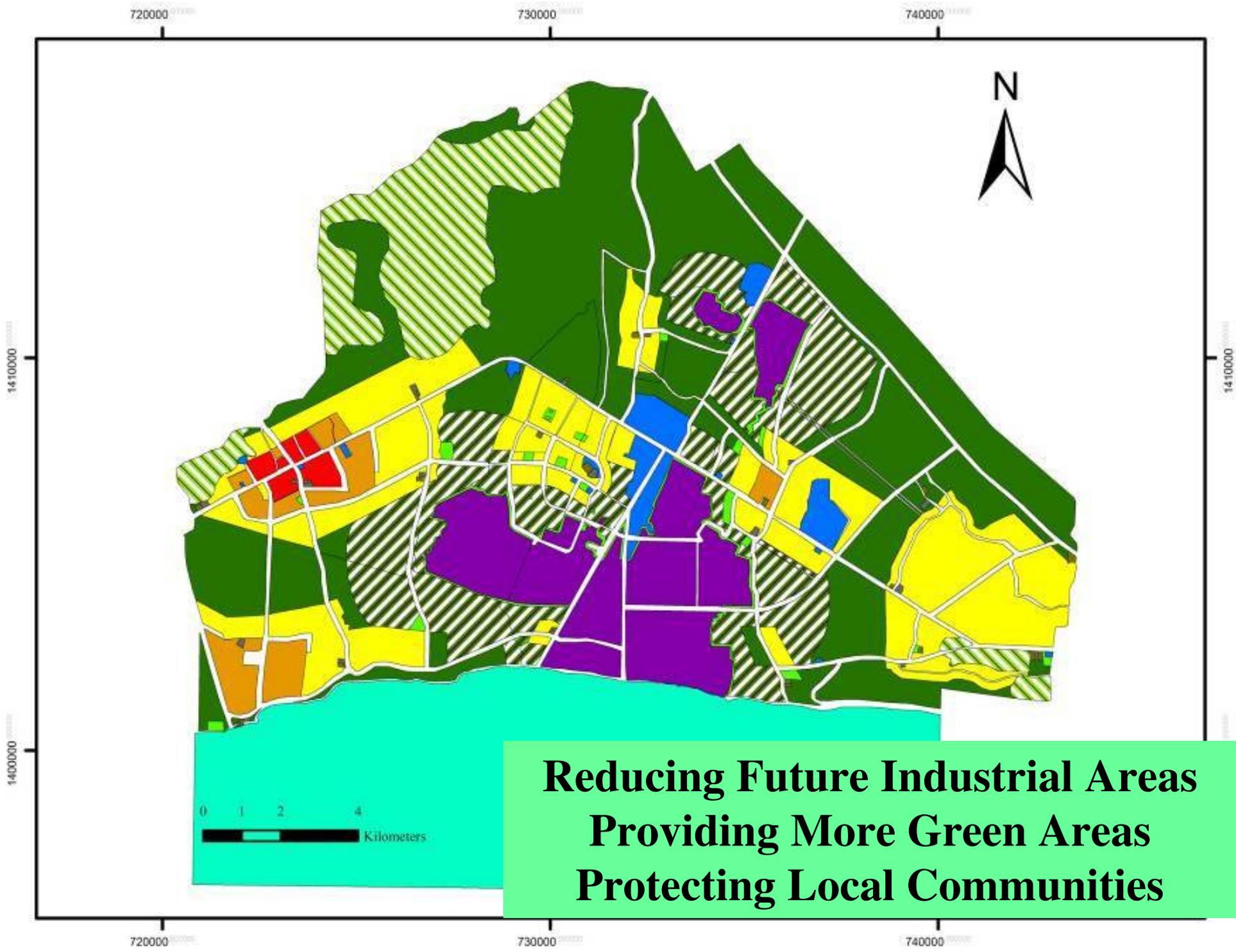


2<sup>nd</sup> in 1991



3<sup>rd</sup> in 2003

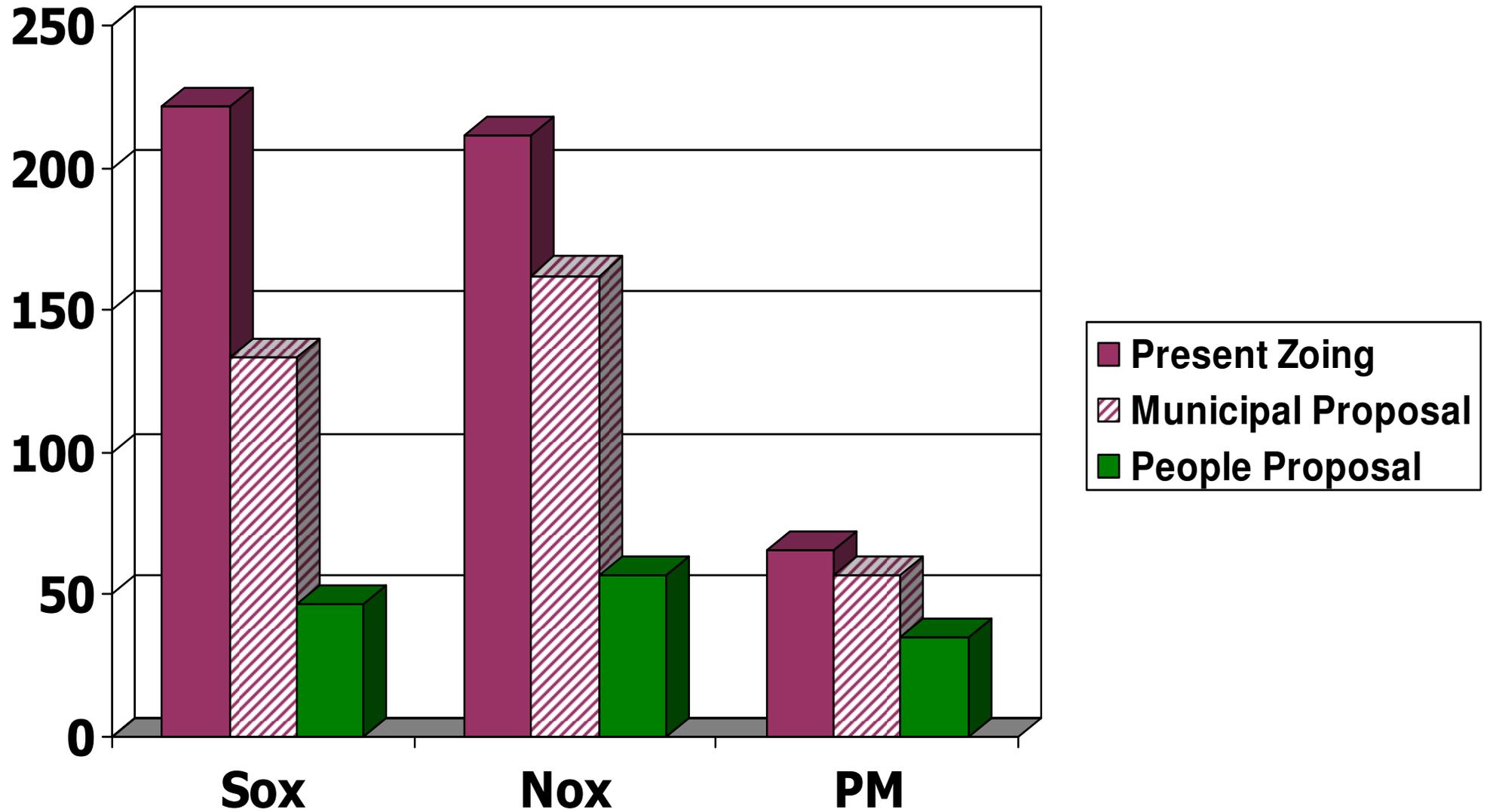




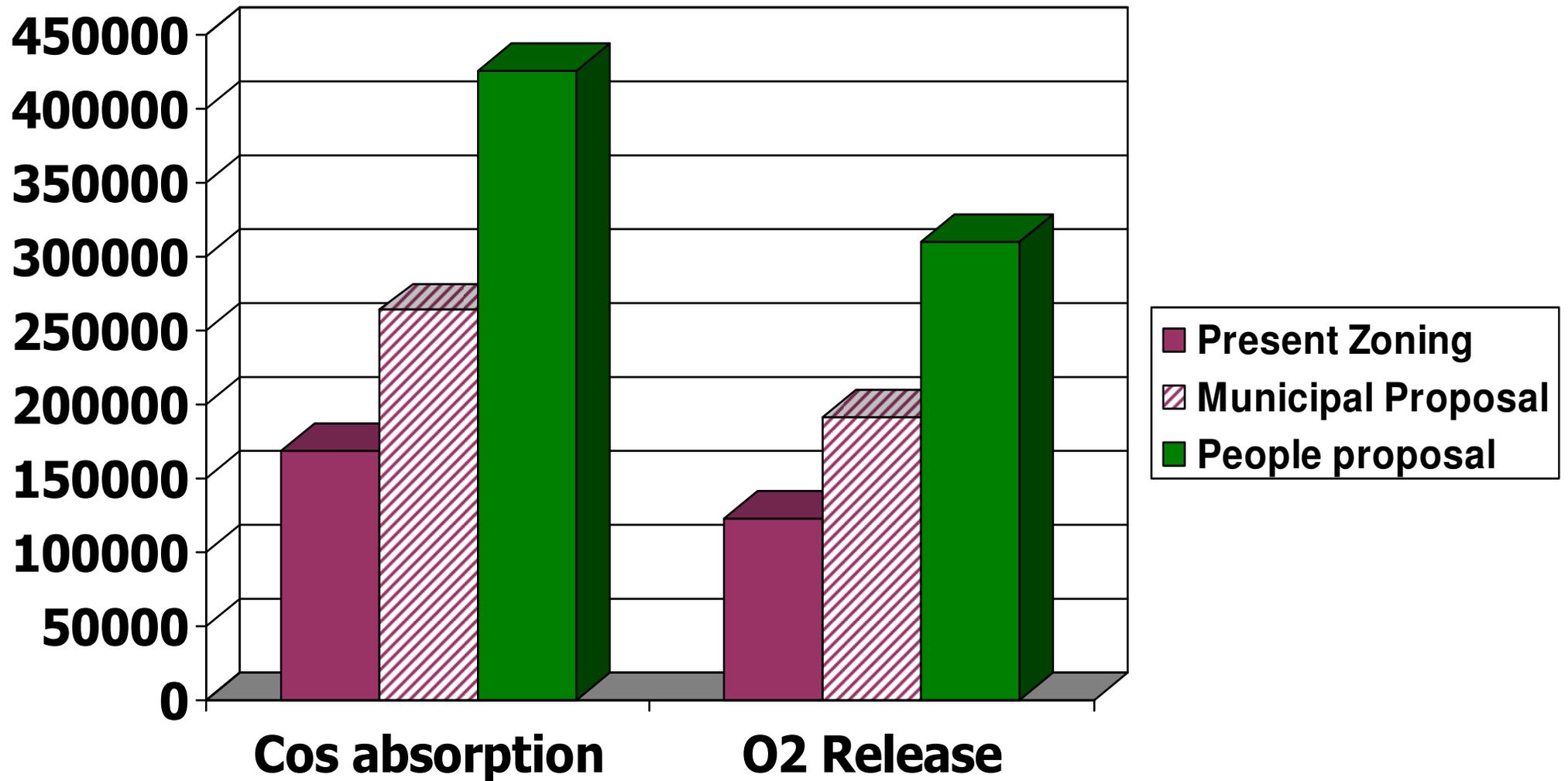
**Reducing Future Industrial Areas  
Providing More Green Areas  
Protecting Local Communities**

**With all these E/HIA reports,  
we can build up the scenario  
of future urban zoning**

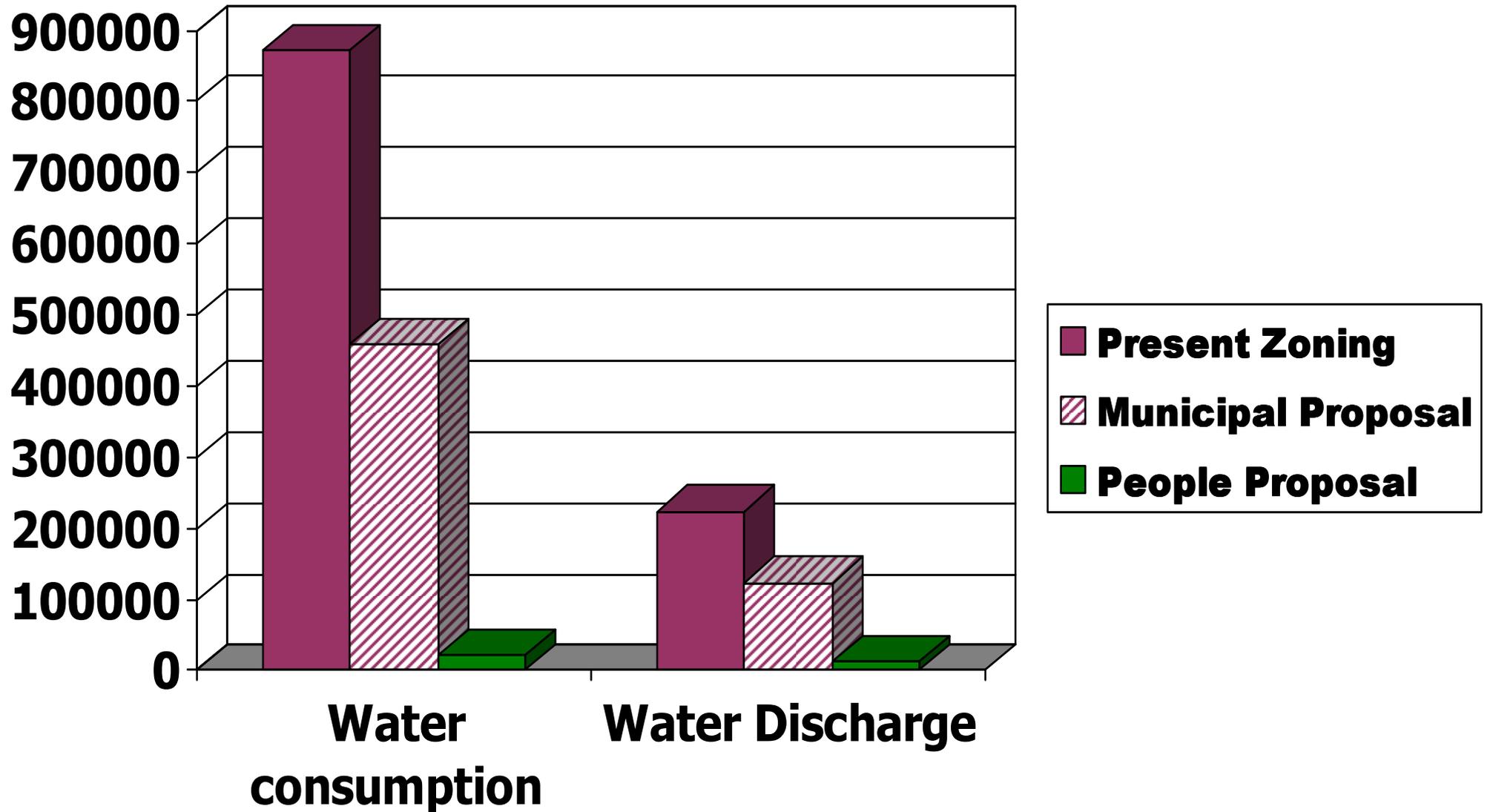
**Healthy Urban Zoning:  
Reduction of Potential Air Pollutant Emission (ton/day)**



# Healthy Urban Zoning: Increase CO<sub>2</sub> Absorption and O<sub>2</sub> Release (ton/day)



# Healthy Urban Zoning: Reducing Water Consumption and Water Discharge (m<sup>3</sup>/day)



# VII. Our Future: HIA in the Next Five Years workshops in *May and October 2010*



**Now we are in the Constitution  
and we face our dilemma.**

**What should we go next?**

# HIA in Thailand in the next five years



*“We would like to see  
HIA as our commitment, rather than legal  
forces.”*

**Miss Nutchathaya Bua-sruang**

**PTT Utilities Plc.**

# HIA in Thailand in the next five years



*“We would love to see HIA in our hearts, which we can do it together in our public lives, not only do it because it is the job required by law.”*

# HIA in Thailand in the next five years

*“We would like HIA to be  
the Culture of Thai Society”*



**Mr. Prasithchai NuNual**

**Local Activist and Local HIA Reseacher, Nakorn Sri  
Thammarat**

# Way Forward

- **HIA Education Strategy**
  - **HIA and Our Well-being**
  - **From Primary School to University**
- **HIA Communication Strategy**
- **HIA for Local Government**
- **HIA Data-based System**
- **HIA Capacity Strengthening**
- **HIA in Public Policy and Planning Process**
- **International HIA Collaboration**

# **VIII. Conclusion**

**In a decade, we have walk  
quite far from the conferences  
and cases to *the Constitution*.**

**We know now we have to  
walk even much further  
from the constitution  
to our “*culture*”.**

**However, this is the way  
we choose to go.**



*Spirit of learning together*

**We believe we will never walk alone.**



***Thank you***

**HIA 2010**  
3rd Asia and Pacific Regional  
Health Impact Assessment Conference

