

## Public Scoping: The meaningful beginning of EHIA

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For many years, Thai government has taken a direction to change Thai economy and society into an industrialized country; there are many negative health effects on people. The conflicts have arisen in many places because of the lack of public participation in the project along the process. To fulfill the gap, the Constitution of the Kingdom of Thailand established in 1997 provided an enormous opportunity for further progress in restructuring the relationship between the state and civil society. And the Constitution of the Kingdom of Thailand 2007, Section 67, paragraph 2 issue that *“Any project or activity which may seriously affect the community with respect to the quality of the environment, natural resources and health shall not be permitted, unless, prior to the operation thereof, its impacts on the quality of the environment and on public health have been studied and assessed and a public hearing process has been conducted for consulting the public as well as interested persons and there have been obtained opinion of an independent organization, consisting of representatives from private organizations in the field of the environment and health and from higher education institutions providing studies in the field of the environment, natural resources or health”*.

Together with the National Health Act which established in 2007, issue about the right of people or group of people to request for an assessment and participating in the assessment of health impact resulting from a public policy. As a result, Health Impact Assessment is added into EIA process under the core concept of community rights and public participation. The Office of Natural Resources and Environmental Policy and Planning (ONEP) ), the legal body which responsible for consideration and giving the recommendations to permitting agencies or cabinet, was launched EHIA – Environment and Health Impact Assessment in 2009. There have been 11 types of project/activity which may seriously harm to communities had to undertake the EHIA. For example all sizes of Lead mine, Zinc mine or other metal which used Cyanide or Mercury or Lead Nitrate in production process or other metal mine which used Arsenopyrite as associated mineral, all sizes of Manufacturing, disposal or modification of radioactive substance, etc.

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According to the guideline, there are 6 procedures of EHIA; Screening, Public Scoping, Assessing or appraisal, Public Review, Decision making and Monitoring. All the procedures allow more participation of stakeholders and parties than EIA procedure.

The Public scoping is an important element of EHIA procedures as it determines scopes of the study, in respect of study area, issue, stakeholders, approaches and methodologies. The studying team (or consultant company) allows public express their concerns on potential impacts, stage the impact which needed to be assessed and narrow down EHIA study into significant issues.

However, the Public Scoping has been subject to high criticism from both side; communities and business owners. Many problems that arise from implementation of Public Scoping reflect the distortion of the initial intention on community inclusiveness and participation as follows:

### ***The Public Scoping as a rubber stamp of EHIA***

After ONEP launched EHIA in 2009, there is the guideline of procedure requirement which all the project needs to meet. Many consultant companies strictly follow the requirement such as days and number of communication channel, to ensure that they will have the authority to go for the next step "Appraisal", but they don't really understand the concept of Public scoping. Therefore the output from Public scoping doesn't reflect the real situation and concern of public. Some government projects came from the Populist Policies, the Top-down command from the politician influence all the responsible offices in the EHIA approval process.

### ***The missing out of real stakeholders***

In many EHIA report always mention about 5 kilometers radius from the project to be the area of study. In fact, there are many people who live more than 5 kilometers far from the project also affected from the project. For example, EHIA report of Chevron Thailand Exploration and Production Co., Ltd. that plans a port and facilities to support petroleum exploration in the gulf of Thailand shown that only 9 households will affected from the project by using the 5 kilometers radius in the study. But information from the Community Health Impact Assessment (CHIA) done by the local communities, shown that more than 2,000 fishermen who loving along Tha Sala bay will be affected from the project and not included in the study. The same situation when the project such as Industrial estate or mining, is

situated at the water source, study team should include all the communities along the river, but they always limited at the radius of 5 kilometers.

Stakeholders in the study should come from both who benefit and harm from the project. In some cases which project wants to extended the area or period of the project, the study team always use the stakeholders which benefit from the project such as employees or local authorities but they don't includes the illness people who lives around the project area which may affected from the existing project in the study.

### ***The incomprehensiveness of the core content***

ONEP set up the guideline of environment and health determinants that should be done in the study. Many study teams use these determinants as a maximum and don't give the attention to make the core content comprehensive. National Health Act A.D.2007 define the term of "Health" as "a state of well-being. "Health" means the state of human being which is perfect in physical, mental, spiritual and social aspects, all of which are holistic in balance. Public scoping is the stage allowing all the stakeholders express their concern or something will be impact to their life and community. The case of 600 Megawatt coal-based thermal power plant project in Chachoengsao province is the example of incomprehensiveness of the core content. The EHIA report didn't include organic farming, mushroom and mango which create job and generate income for people in the community

### ***The artificial set up of the public participation done by private firms.***

EHIA was established by the Constitution 2007, Section 67. This section is in the category of Right of the community. Therefore public participation is the core concept of EHIA. There are many cases that the public participation in the Public scoping stage was setting up by the project owner. For example, the Public scoping of gold mining of Thungkam Co.,Ltd., there were 2,000 security officers (polices and soldiers) guarded the entrance and not allowed the protesting villagers who impacted from the existing gold mining to enter the Public scoping. And many times when villagers check the Public scoping report for the accuracy, they found that list of people who participate in the public scoping is not the real stakeholder who will affected from the project.

The challenge Thailand is facing hereafter is how to improve the existing process to make a more meaningful Public Scoping part of EHIA. There are both Top-down and Bottom-up process selected to implement in Thailand. Top-down process is focus on the structural improvement. For example, from the 5<sup>th</sup> National Health Assembly held from December 18-

20, 2012, Thailand's National Health Assembly adopted the agenda "Reforms of EIA and EHIA" which propose to revise the law such as the National Act for the Promotion and Conservation of Environment Quality 1992 in order to reform the structure and system of environmental and health analysis. ONEP also promote the idea of SEA (Strategic Environmental Assessment) at the policy level and create the new guideline for EHIA process.

On the other hand, Bottom-up process was happened in many parts of Thailand follow the intention of HIA in Thailand which recognized as a participatory learning process. This process is focus on community learning and empowerment. There are many training courses done by government offices and independent bodies to increase the community and individual capacities. Community Health Impact Assessment (CHIA) was implemented at many levels in many communities, especially the communities which affected from the industry. Local communities did the CHIA by using the same procedures as EHIA starting from Screening. The information done by communities will go to the decision making authorities in many level.

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