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…”
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 ??

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<td><strong>44</strong> (4 times/month)</td>
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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.
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.
“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??
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

1st in 1988

2nd in 1991

3rd 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$_2$ Absorption and O$_2$ Release (ton/day)

[Graph showing comparison of CO$_2$ absorption and O$_2$ release under different zoning proposals]

Present Zoning
Municipal Proposal
People proposal
Healthy Urban Zoning: Reducing Water Consumption and Water Discharge ($m^3$/day)

![Bar chart showing water consumption and discharge for different zoning proposals.]

- **Present Zoning**
- **Municipal Proposal**
- **People Proposal**
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 Nutchatheya 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 Researcher, 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.

We believe we will never walk alone.

Spirit of learning together
Thank you