

Crisis, Dilemma, and Further Steps:

Three Years Experiences of HIA in Thai Constitution

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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

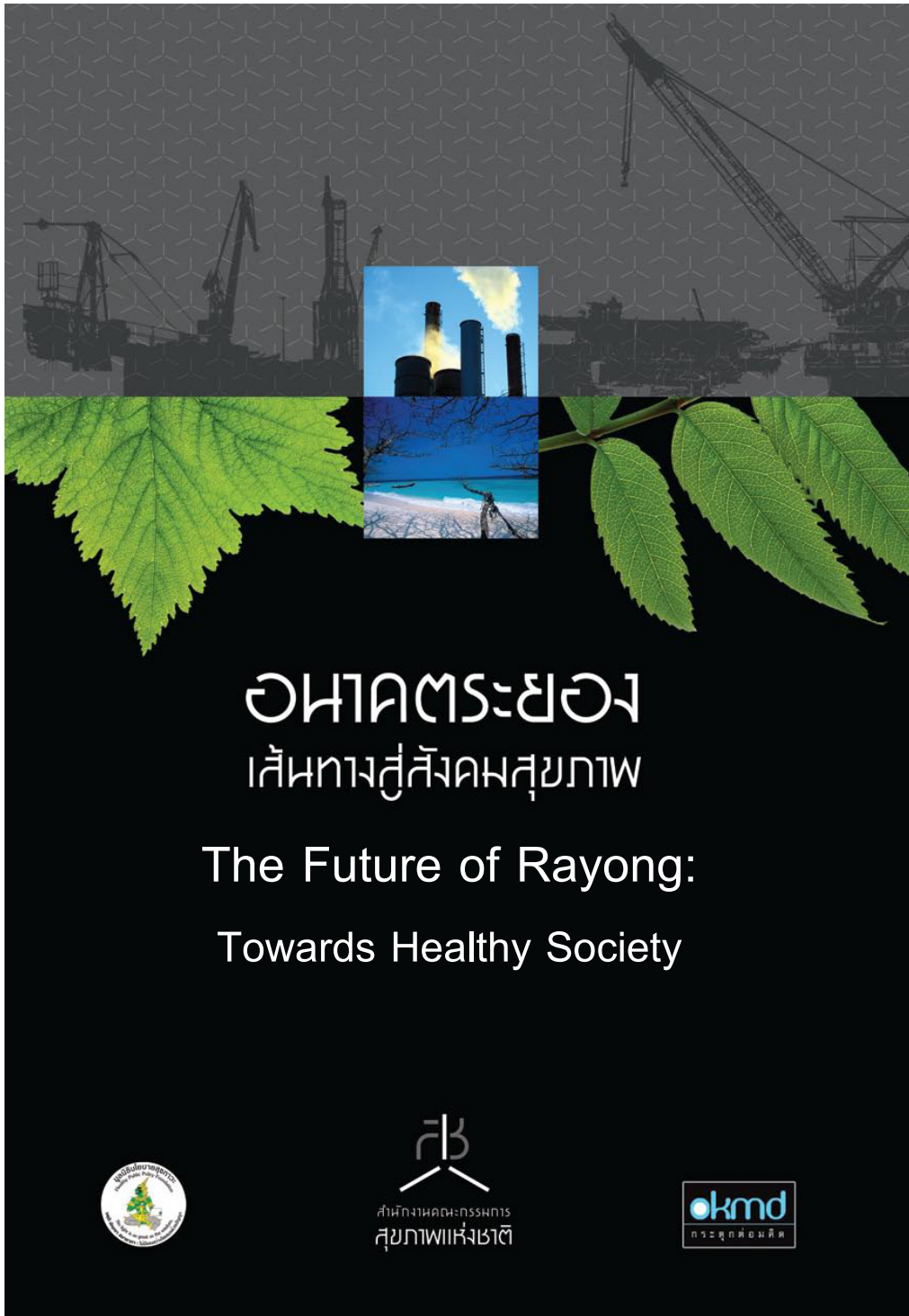
August 2007

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 Vejjajirakul,
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 ??

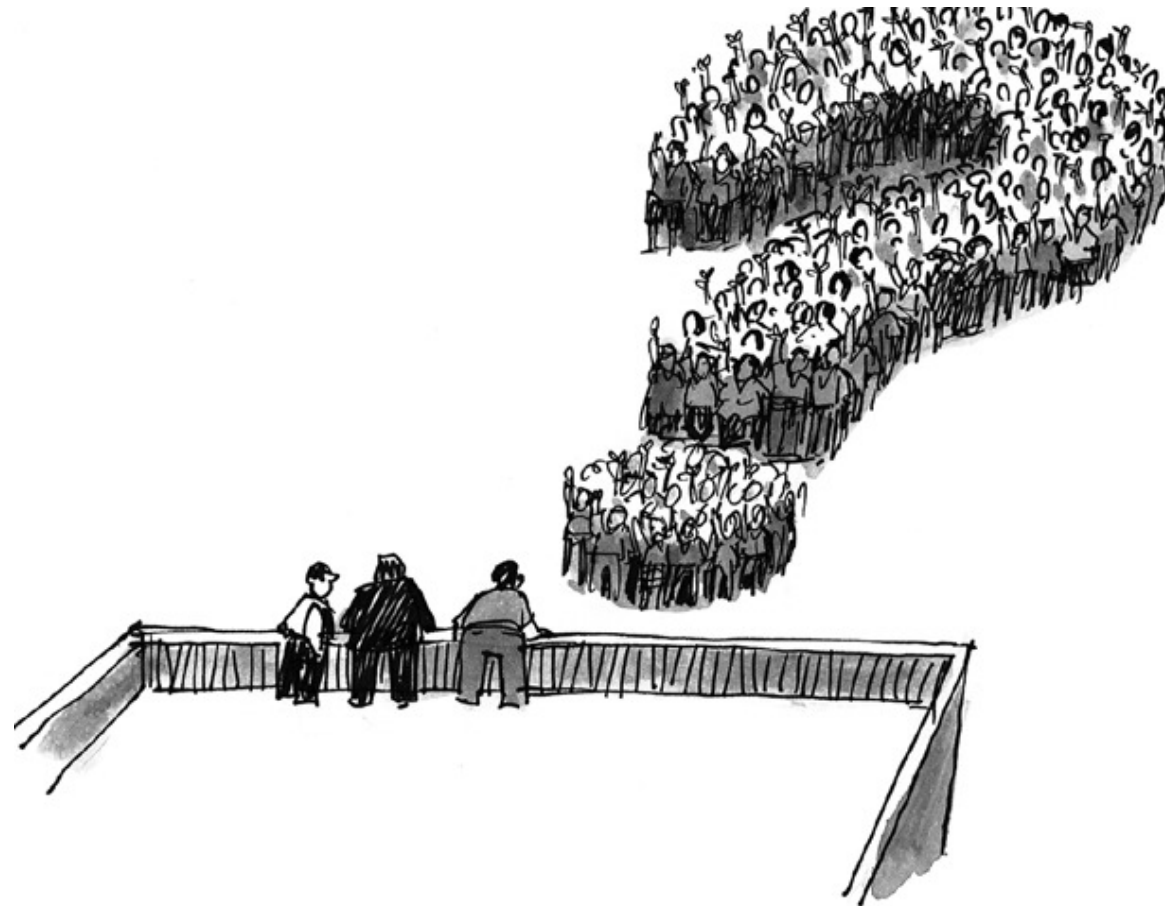
**National Health Commission Approved
HIA Rules and Procedures on *October, 19th, 2009***



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	
Total	45 (4 times/month)	44 (4 times/month)	89	

Overload Participation ??

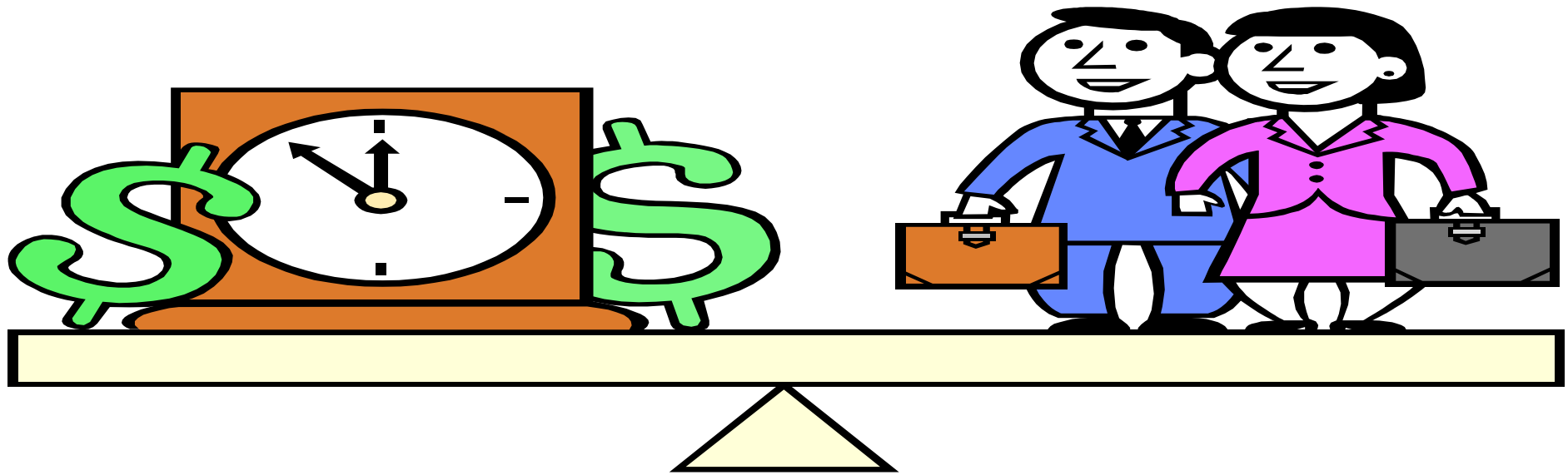


Insufficient Preparation for Public Scopings??

- **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**

คู่มือการเข้าร่วม

การทบทวนร่างรายงานการศึกษาและ
วิเคราะห์ผลกระทบด้านสุขภาพโดยสาธารณะ
(Public Review)

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**

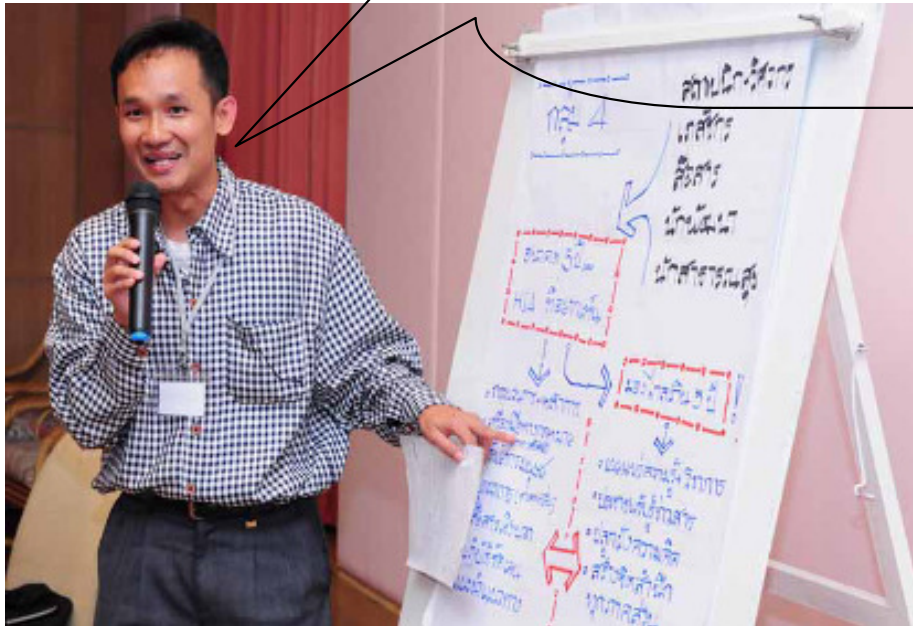
HIA Leads to More New Friends

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 เบริ่งล่า ๑
ข้อมูลจากการลงพื้นที่ตรวจสอบ
เมื่อวันที่ ๙ 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***

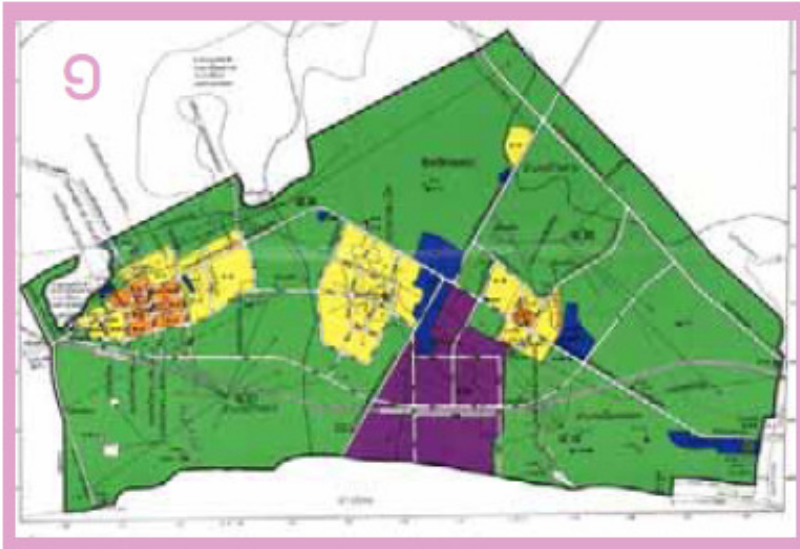


VI. Big Further Step: Mab Ta Put Urban Zoning

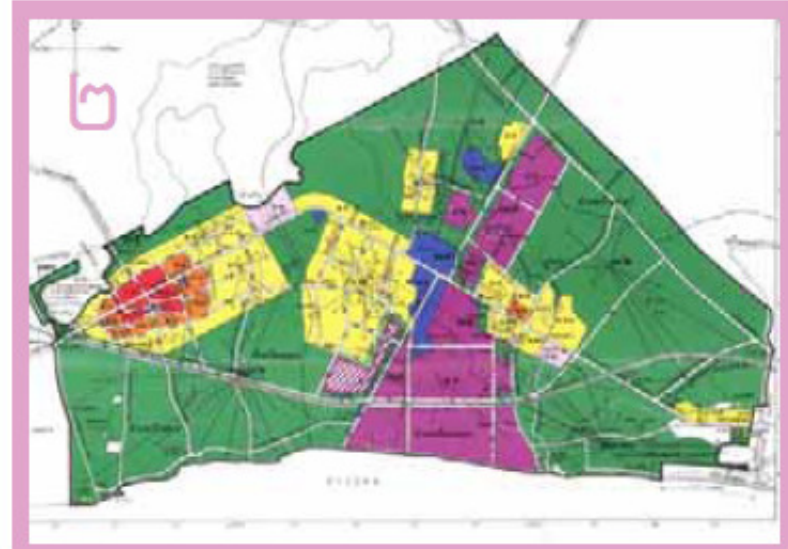
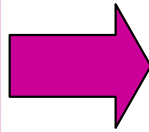
**HIA can be a Social Learning Process for Policy
Formulation and Planning,
rather than Specific Projects**



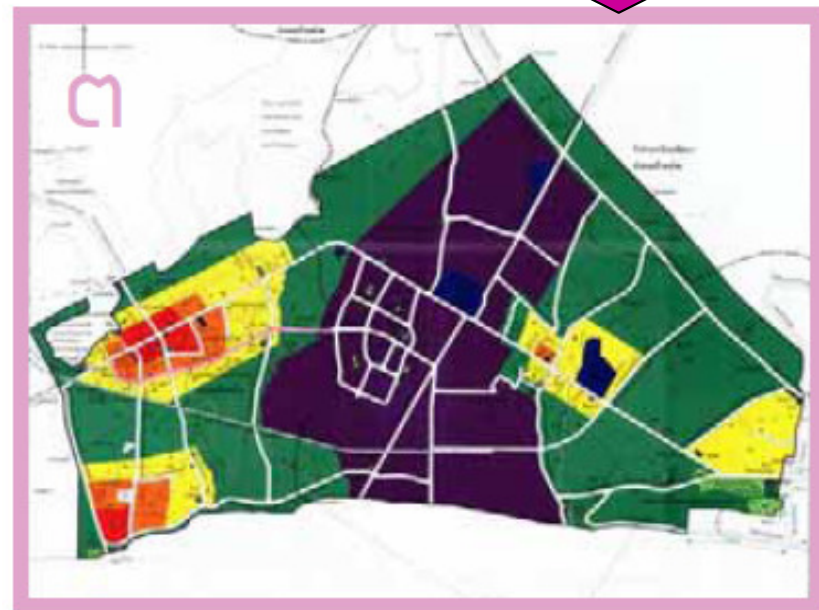
Industrial and Urban Zoning Problem



1st in 1988



2nd in 1991



3rd in 2003

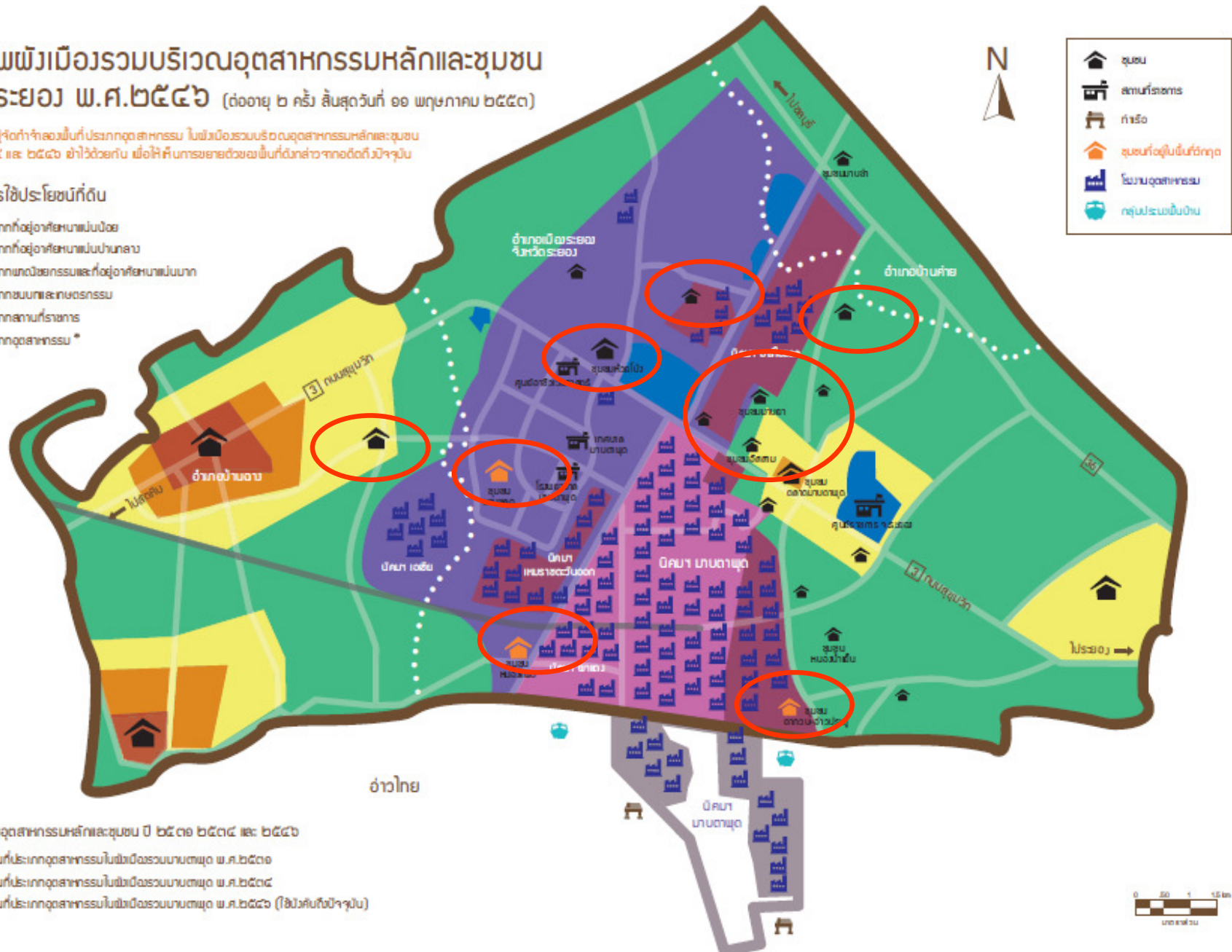
Unsafe Living Communities

แผนภาพผังเมืองรวมบริเวณอุตสาหกรรมหลักและชุมชน จังหวัดระยอง พ.ศ. ๒๕๕๖ (ต่ออายุ ๒ ครั้ง สิ้นสุดวันที่ ๑๑ พฤษภาคม ๒๕๕๓)

หมายเหตุ: คณะผู้จัดทำจำลองพื้นที่ประเภทอุตสาหกรรม ในผังเมืองรวมบริเวณอุตสาหกรรมหลักและชุมชน ปี ๒๕๓๑, ๒๕๓๕ และ ๒๕๔๖ เข้าไว้ด้วยกัน เพื่อให้สามารถขยายด้วยพื้นที่ดังกล่าวจากอดีตถึงปัจจุบัน

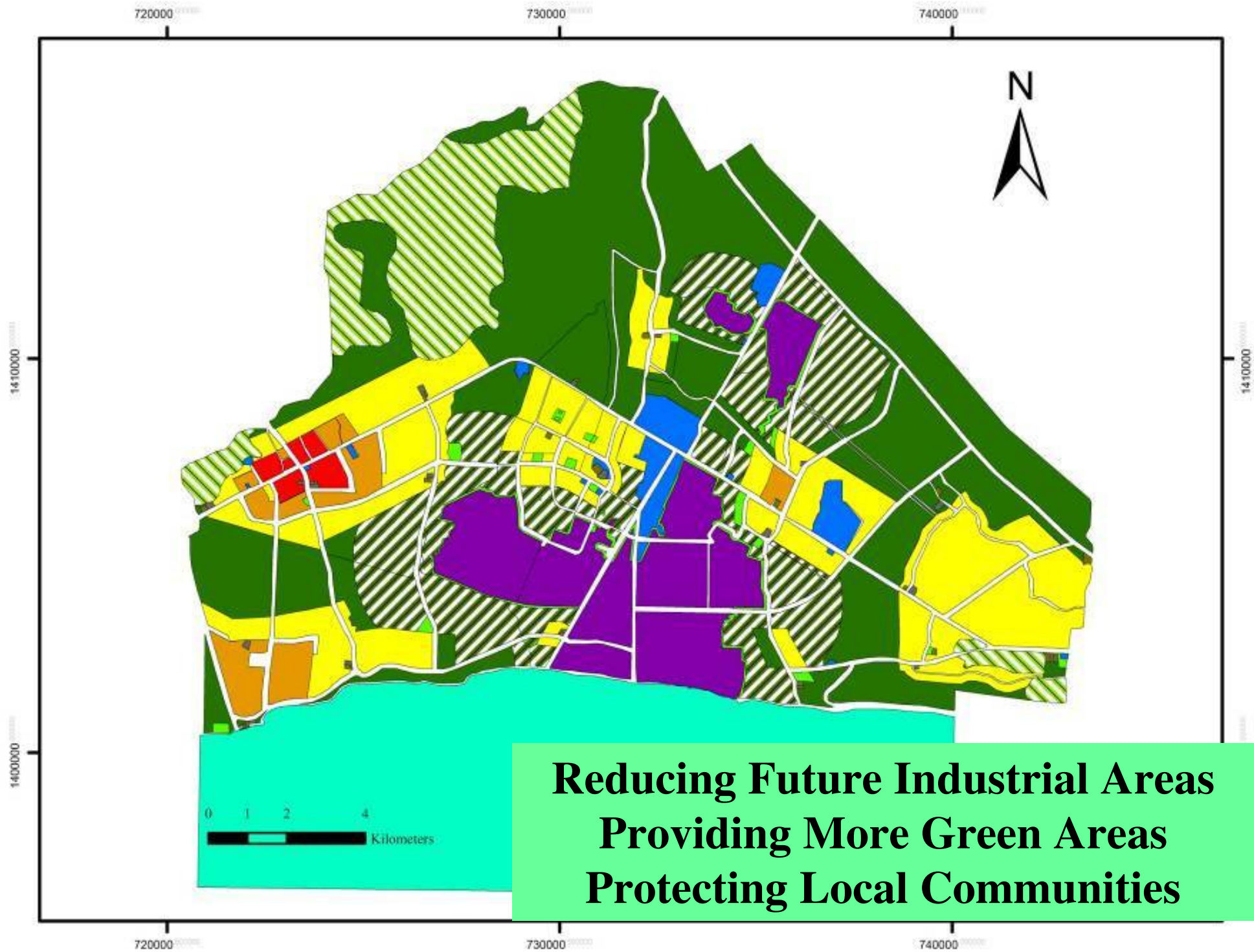
ลักษณะการใช้ประโยชน์ที่ดิน

- พื้นที่ประเภทที่อยู่อาศัยหนาแน่นน้อย
- พื้นที่ประเภทที่อยู่อาศัยหนาแน่นปานกลาง
- พื้นที่ประเภทพาณิชยกรรมและที่อยู่อาศัยหนาแน่นมาก
- พื้นที่ประเภทชนบทและเกษตรกรรม
- พื้นที่ประเภทสถานที่ราชการ
- พื้นที่ประเภทอุตสาหกรรม *



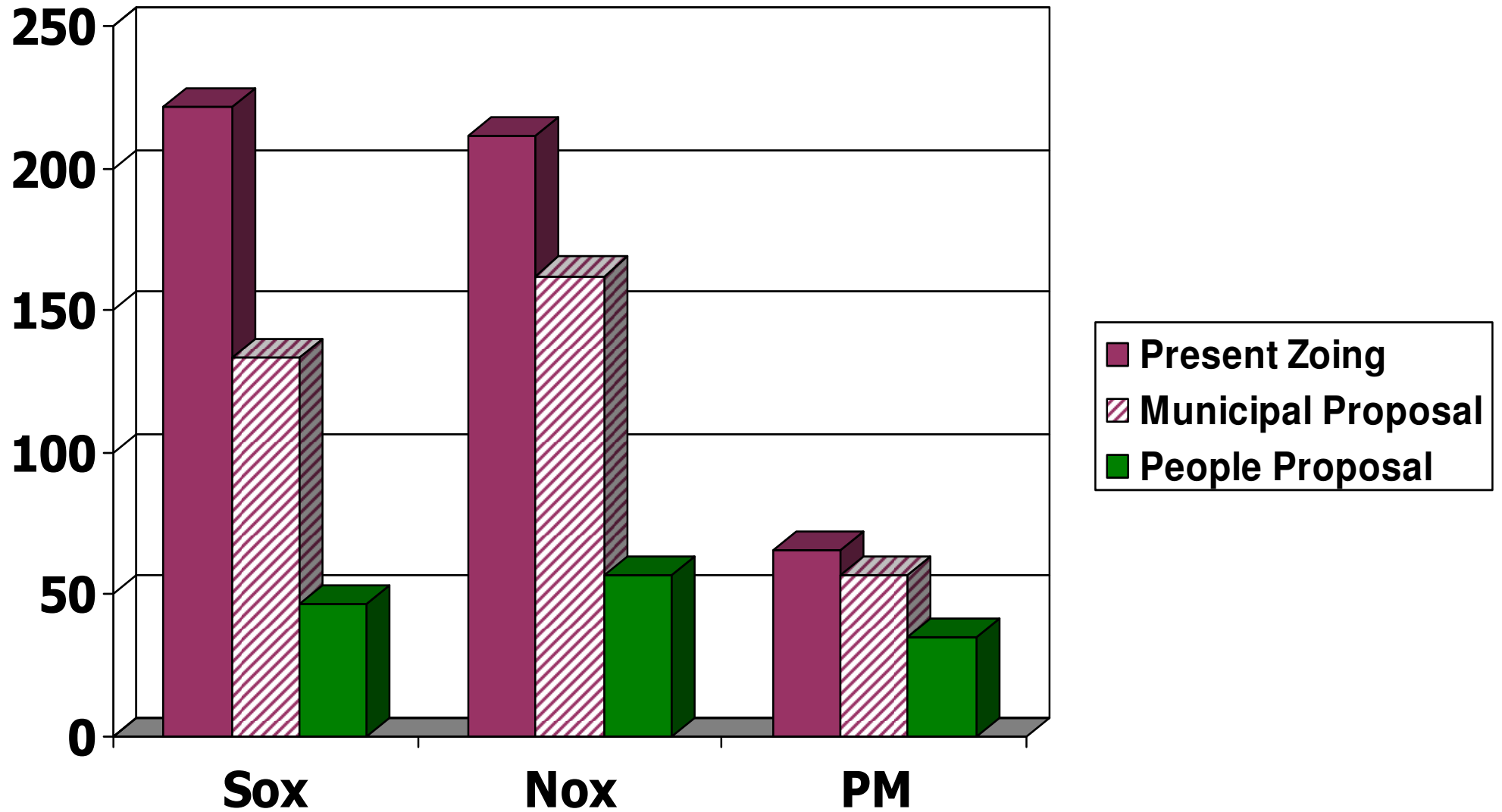
* พื้นที่บริเวณอุตสาหกรรมหลักและชุมชน ปี ๒๕๓๑, ๒๕๓๕ และ ๒๕๔๖

- พื้นที่ประเภทอุตสาหกรรมในผังเมืองรวมบางตาขุน พ.ศ. ๒๕๓๑
- พื้นที่ประเภทอุตสาหกรรมในผังเมืองรวมบางตาขุน พ.ศ. ๒๕๓๕
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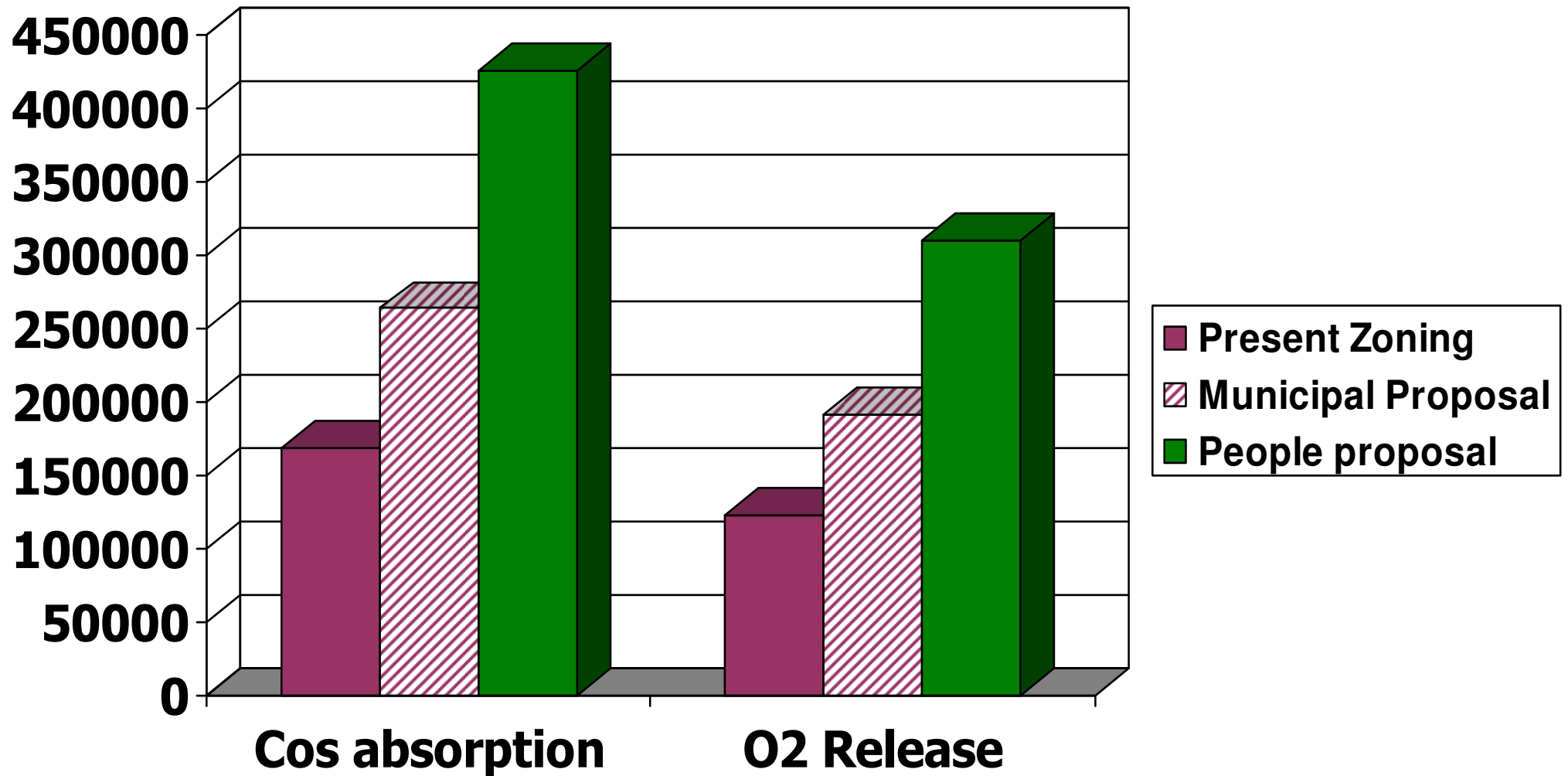


**With all these E/HIA reports,
we can build up the scenario
of future urban zoning**

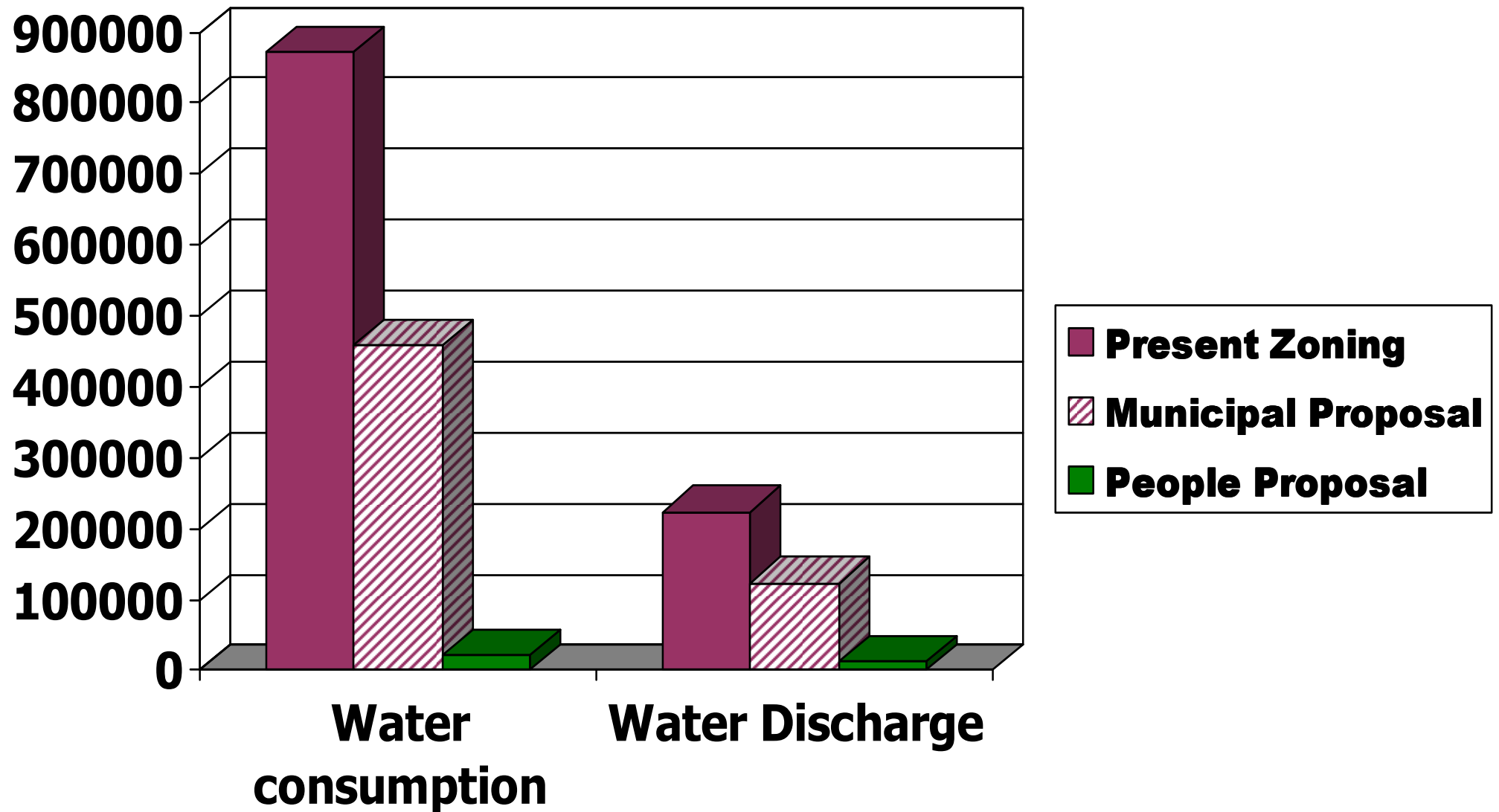
**Healthy Urban Zoning:
Reduction of Potential Air Pollutant Emission (ton/day)**



Healthy Urban Zoning:
Increase CO₂ Absorption and O₂ Release (ton/day)



Healthy Urban Zoning: Reducing Water Consumption and Water Discharge (m³/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 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.**



Spirit of learning together

We believe we will never walk alone.



Thank you

