

Executive Summary

Preparation of Environmental Management Plan B.E. 2550-2554 (2007-2011) Project

Since 1992, environmental management in Thailand has become more visible with the promulgation of the National Enhancement and Conservation of Environmental Quality Act B.E. 2535 (1992). This legislation introduced a number of innovative policies, measures and institutions for environmental protection. The trend was subsequently reinforced by the Constitution of the Kingdom of Thailand B.E. 2540 (1997) which gives special attention to the preservation, conservation, and protection of natural resources and the environment, especially that regarding public participation. The Constitution also contains provisions for decentralization of governmental powers in environmental management to local governments.

In preparing the Environmental Management Plan B.E. 2550-2554, attempts were made to integrate the concepts and recommended solutions obtained from public participation into the process. For the first time, environment forums were organized at different venues in several provinces in all regions of the country with funding from the National Health Foundation and Office of the Health Promotion Fund. Altogether forty-two environment forums were held to solicit views from participants from all sectors in various parts of Thailand, with the total number of 2,400 participants.

Major Objectives of the Environmental Management Plan B.E. 2550-2554

- (1) To create a balance between use of natural and environmental resources for development and for enhancement of the country's competitive capacity, and the need to preserve, conserve and rehabilitate natural and environmental resources at their optimum level, consistent with the carrying capacity of the ecologies and raising life standards of the people.
- (2) To enhance the capacity of regional and local government agencies, non-governmental organizations, private and business organizations, and community, enabling them to participate and carry out their responsibilities in conserving natural resources and the environment.
- (3) To provide a framework for the governmental agencies concerned in the implementation of their environmental functions.

Environment and Economic and Social Development

Thailand's economic development and social transformation has been rapid and widespread during the last decade. However, according to the assessment of the National Economic and Social Development Board (NESDB), based on a comparison of the development indices from the economic, social and environmental perspectives, economic and social achievements as reflected by the indices are higher than environmental achievements. This has led the NESDB to conclude that the sustainability of Thailand's development is questionable. Although the environmental index shows that the situation is improving, the physical indicators of natural resources and environmental quality of the major sectors have shown a declining trend.

Situation Analysis

In the next five years, external factors which are likely to make either positive or negative impact on natural resources and environmental management in Thailand include the following:

- A change in the consumption pattern may lead to more wastes which are hazardous or difficult to be treated such as electronic wastes, plastics, and foam etc.
- The prices of fossil fuels are likely to be much higher for the next five years compared with the last five years.
- Mega investment projects proposed by the Thai government to big investors with the hope of creating substantial benefits may at same time cause big adverse environmental impact.
- The manufacturing industries are expanding into the rural areas where the local governments concerned have not yet developed adequate environmental management capacity.
- International investments under the globalization trend may shift relatively pollution intensive industries to developing countries;
- The impact of global climate change would become more noticeable, requiring more people's awareness and understanding of the phenomenon.
- Increased trade via free trade agreements may induce new consumption and technology pattern that may have environmental impact.

- Environmental related conditions required by trading partners in developed countries to protect consumers or to reduce the need for waste management require greater awareness and preparedness of the Thai industries to remain competitive.

Opportunities

There are also external factors that may create new opportunities such as the following:

- The development and the availability of eco-products, eco-designs and cleaner production technology are on the increase,
- Multilateral environmental agreements and environmental regulations of trading partners such as the EU may help Thailand to better conserve natural resources and the environment as well as to benefit from these international agreements in terms of finance and technology.

Strength

- Thailand has a large pool of civil societies which are well organized with substantial experience in the environmental field.
- Thailand has engaged in public service reform which aims to transform the public service into a people-focused operation and provide a window for area-based budgeting both of which are very supportive for environmental management.

Management gaps and obstacles

- There is a lack of forum and opportunities for the sharing of knowledge among many environmental stakeholders and implementation of policies from successful examples have not been systematic.
- Current legislation has not adequately met the requirements of the rapidly changing society and fulfilled the principles envisaged by the 1997 constitution.
- Access and strenuous support for people's participation in environmental management is still inadequate.

- Economic pressure has driven the public at large to pay less attention to environmental issues.

Public opinion

This report has benefited from opinions given by the public in 42 meetings and seminars. The main issues addressed by the public are as follows:

- Local governments have not yet attained capacities and readiness for solving environmental problems.
- People have become marginalized as a result of impact from the government's natural resources and environmental policies.
- The Environmental Management Plan should respond and link to national goals and strategies.
- The Environmental Management Plan should emphasize the need to increase efficiency instead of the budget alone.
- Government policies lack continuity, clear goals and integration, as well as create unjustified exceptions for some government agencies, causing uncertainty and concerns among affected stakeholders.

New suggestions for future implementation

Currently there is widespread awareness and understanding of the "Polluter Pays Principle" although its effective implementation still needs to be encouraged. In this Plan, new principles such as the "Precautionary Principle" and "Beneficiary Pays Principle" are proposed. Important proactive tools under these principles including life cycle assessment (LCA), environmental impact assessment (EIA), urban planning and strategic environmental assessment (SEA) need to be established and/or strengthened.

Vision

Appreciative and collective conservation of natural resources and the environment quality for society.

Mission

To preserve, conserve and rehabilitate natural resources and environment with participation from all sectors.

Goal

People can participate and receive benefits from the sustainable maintenance of natural resources and the environment.

Strategies of the Environmental Management Plan B.E. 2550-2554

The strategies for the realization of the Vision of the Plan are as follows:

- Strategy 1** Promoting participation and creating collective knowledge by all sectors for natural resources and environmental management.
- Strategy 2** Enhancing the efficiency in natural resources and environmental management of all sectors.
- Strategy 3** Creating the driving force for local governments to manage their natural resources and the environment more aggressively.
- Strategy 4** Facilitating better and more equitable access and utilization of resources and alleviating poverty.
- Strategy 5** Encouraging balanced and sustainable utilization of natural resources.
- Strategy 6** Monitoring, maintaining, and rehabilitating environmental quality at its balanced and sustainable level.

Additional suggestions for policy implementation

In order to effectively, efficiently and equitably manage the environment, it is necessary that an integrative implementation of a number of national policies and ministerial measures be put in place as follows:

- (1) The management of solid and hazardous wastes need to be put as a priority on the national agenda. This is a necessary condition for the attainment of the national visions to make Thailand the Asian tourism

hub as well as the world's kitchen. The agenda will need an effective integration of multiple agencies and local governments.

- (2) The various committees on natural resources should be dissolved and reappointed as sub-committees under the National Environment Committee to allow integrated planning, decision making and monitoring of impacts.
- (3) The rules for releasing the Environmental Fund should be revised for the following purposes:
 - To allow the use of fund for mitigating and treating health problems which result from natural resources use and get the reimbursement from the polluters afterwards,
 - To support environmental activities which will generate income for the establishment of provincial environmental funds,
- (4) There is a need to establish a more stringent control on mega projects by including environmental, social and health costs in the total costs of the project and using this for calculating its economic rate of return. In addition, clear procedures and protocols for public participation must be established for the conduct of environmental, health and social impact assessment of these projects.
- (5) Project proponents should be required to submit environment insurance bonds or other equivalent financial guarantees for projects with high environmental and health risks.
- (6) Government agencies should promote the following activities to enhance public participation:
 - sending the right price signals to conserve the environment,
 - providing necessary information for consumers, users and beneficiaries to promote proper use of natural resources and the environment,
 - reducing the costs for conflict resolution by providing sufficient local forum for public discussion and participation before the decision to undertake large development projects.
- (7) The budget for urban environmental management should be increased in proportion to the environmental degradation which is estimated to be about 30 percent of the total environmental damage at present. In addition, local governments should be required to spend at least 10 percent of their total budget on the environment. The government

should increase its budget allocation for environmental functions by at least 5 percent in the first year of the Plan, totaling a 30 percent increase in the final year of the Plan.

- (8) The indicators for each strategy in the Plan should be selected to be used as key performance indicators of local governments, provinces and related government agencies, especially those affiliated to the Ministry of Natural Resources and Environment
- (9) A Monitoring and Evaluation Committee for the Plan should be established, consisting of representatives from civil societies, education institutes and NGOs. The committee should disseminate the results of its findings in the annual Environmental Status Report and through other media.
- (10) There should be a continual process for promoting networks of environmental studies and nurturing conservation awareness among children and youth, using appropriately developed curriculum on environmental studies as a means.

Recommendations for Law Improvements

In implementing this environmental management plan during the next 5 years, it is necessary that additional laws be enacted and some existing legislation be amended to enhance the efficiency and to fill up some of the gaps in natural resources and environmental management as follows:

- (1) New legislation should be introduced and laws should be amended to enable more public participation in natural resources management. These include amending the 1961 National Park Act, the 1964 Forest Reserve Act, and the 1992 Preservation and Protection of Wild Animals Act to allow people's participation in the management of forest and land resources in protected areas. As regards new legislation, a Community Forest Act should be passed to allow community-based management of community forests. In addition, a Water Resources Act should be enacted to give recognition to community governance of water use and management at the sub-watershed level.
- (2) A Land and Buildings Tax Act should be introduced to create more equitable property tax and to facilitate the levying of higher tax from unused lands.
- (3) A Ministerial Regulation should be issued under section 80 of the 1992 National Enhancement and Conservation of Environmental Quality Act to enable local government officials to carry out their

functions in the monitoring and control of point source pollution within their areas of responsibility.

- (4) An Act for the management of hazardous wastes from used consumer goods should be introduced to facilitate the collection of used consumer goods containing hazardous substances from community through the imposition of product charges and establishment of deposit-refund schemes.
- (5) Legislation to implement the various constitutional principles should be promulgated. This includes the law establishing independent organizations to deliver opinions on projects and their EIA reports, and the law to prescribe procedures for public participation and public hearings.
- (6) The 1992 National Enhancement and Conservation of Environmental Quality Act should be amended to provide for the following:
 - To put a burden on polluters to prove that the environmental damage was not caused by them, in order to alleviate the burden of proving causation put on the persons sustaining damage under the existing civil procedural law.
 - To enable the use of the Environment Fund under the Act for the provision of legal assistance to the poor in suing for environmental damage.
 - To allow organizations which are not directly injured parties to sue in environmental cases for the purpose of preserving natural and environmental resources which are collective good.