

Thailand's Environmental Policy-Making Process

กระบวนการกำหนดนโยบายสิ่งแวดล้อมของประเทศไทย

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บทคัดย่อ

นโยบายไม่ได้ถือกำเนิดขึ้นที่จุดใดเพียงจุดเดียว แต่การกำหนดนโยบายการมีถิ่นตอนยาว ต้องผ่านระดับชั้นต่าง ๆ กว่าที่จะไปถึงคณะรัฐมนตรี โดยปรกติแล้วกระบวนการกำหนดนโยบายเริ่มจาก กอง กรม กระทรวง จนถึง คณะรัฐมนตรี ตามลำดับ บางนโยบายปรากฏออกมาในรูปของกฎหมายที่จะต้องผ่านขั้นตอนทางรัฐสภาและการลงพระปรมาภิไธยโดยพระมหากษัตริย์ มีบ่อยครั้งที่นักการเมืองพูดถึงสิ่งที่อ้างว่าเป็นนโยบายของเขา จริง ๆ นั้นไม่ใช่ นโยบาย เพราะนโยบายจะต้องไม่เป็นไปเพื่อผลประโยชน์ส่วนตัวหรือวัตถุประสงค์ที่ไม่ถูกต้องตามกฎหมาย นโยบายควรมีความโปร่งใส ไม่ใช่ความลับระหว่างบุคคล หรืออยู่บนพื้นฐานของความเห็นส่วนตัว นโยบายที่ถูกต้องของหน่วยงานของรัฐควรจะถูกกำหนดและดำเนินการเพื่อประโยชน์ของประชาชนหลุมมาก

พระราชบัญญัติส่งเสริมและรักษาคุณภาพสิ่งแวดล้อมแห่งชาติ พ.ศ. 2535 กำหนดให้คณะกรรมการสิ่งแวดล้อมแห่งชาติเป็นผู้วางนโยบายสิ่งแวดล้อมของประเทศ ในความเป็นจริงแล้ว สำนักงานนโยบายและแผนสิ่งแวดล้อมเป็นผู้รับผิดชอบในการกำหนดและวางนโยบายและแผนทางสิ่งแวดล้อม สำนักงานฯ ได้จัดทำนโยบายและแผนการส่งเสริมและรักษาคุณภาพสิ่งแวดล้อมแห่งชาติ พ.ศ. 2540-2559 ซึ่งเป็นแผน 20 ปี ก่อนที่จะเสนอต่อคณะกรรมการฯ

พระราชบัญญัติส่งเสริมและรักษาคุณภาพสิ่งแวดล้อมแห่งชาติ พ.ศ. 2535 และรัฐธรรมนูญแห่งราชอาณาจักรไทย พ.ศ. 2540 ได้กล่าวถึงความสำคัญของการมีส่วนร่วมของประชาชนในกระบวนการกำหนดนโยบายสิ่งแวดล้อม มีข้าราชการหลายท่านชี้แจงว่า องค์กรที่มีบทบาทที่ไม่ใช่หน่วยงานของรัฐ อาทิ องค์กรพัฒนาเอกชน ได้มีส่วนร่วมในการวางแผนพัฒนาเศรษฐกิจและสังคมแห่งชาติมานานแล้ว โดยเฉพาะอย่างยิ่ง แผนฉบับที่ 8 แต่อย่างไรก็ตาม ความจริงใจของรัฐยังเป็นที่น่าสงสัยว่า จริง ๆ แล้ว การมีส่วนร่วมในกระบวนการกำหนดนโยบายขององค์กรพัฒนาเอกชนเป็นผลเนื่องมาจากความตั้งใจจริงของรัฐ หรือว่าเป็นเพราะกฎหมายได้กำหนดไว้ให้รัฐต้องยอมรับบทบาทขององค์กรพัฒนาเอกชนมากขึ้น นอกจากนี้ มีเพียงองค์กรพัฒนาเอกชนบางองค์กรเท่านั้นที่ได้คัดเลือกจากรัฐบาลให้เข้ามามีส่วนร่วมในการกำหนดนโยบาย โดยเป็นองค์กรทางวิชาการที่มีชื่อเสียง ไม่ใช่องค์กรที่มีลักษณะเคลื่อนไหวเรียกร้อง

ยิ่งไปกว่านั้น ความเข้าใจของผู้ที่รับผิดชอบในการกำหนดนโยบายสิ่งแวดล้อมเกี่ยวกับแนวคิดการพัฒนาที่ยั่งยืนก็ยังไม่ชัดเจน หลักการของการพัฒนาที่ยั่งยืนนั้นเชื่อมั่นว่า การพัฒนาเศรษฐกิจและการอนุรักษ์สิ่งแวดล้อมเป็นสิ่งที่ดำเนินไปด้วยกันได้ สิ่งแวดล้อมไม่ใช่พื้นฐานของการพัฒนา และการพัฒนาไม่ใช่พื้นฐานของสิ่งแวดล้อม

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Abstract

Policy is not formulated at one point, but it is a long process, which goes through hierarchical levels to reach the cabinet. Normally, the process starts from division, going through department, ministry, and the cabinet. Some policies may come out in form of laws, which have to be promulgated by the national assembly and signed by the King. Frequently, what is claimed by politicians as policy is not policy because it is used for personal benefits or illegitimate purposes. The policy should be transparent, it is not secrecy between persons or based on personal point of view. The right policy of the government agency should be initiated and implements for the benefit of the public.

According to the 1992 Enhancement and Conservation of National Environmental Quality Act, the National Environment Board initiates environmental policy of Thailand. The Office of Environment Policy and Planning is in reality responsible for initiating and planning environmental policy and plan. It drafted the twenty-year Policy and Prospective Plan for Enhancement and Conservation of National Environmental Quality (1997-2016) before submitting it to the Board.

The 1992 Environmental Act and the 1997 Constitution state the importance of public participation in environmental policy process. Government officers assert that non state actors like non-governmental organizations (NGOs) have for a long time been involved in planning the National Economic and Social Development Plans, particularly the eighth National Plan. However, sincerity is in question, whether NGOs are actually allowed to participate because of the government's good intention, or because of legal obligation. Only are some NGOs selected by the government; and they are famous academic NGOs, not the activist ones.

Furthermore, the understanding of those responsible for formulating environmental policy about sustainable development concept is equivocal. The sustainable development principle maintains that economic development and environmental protection are compatible; the environment is not a basis for development, and vice versa.

Introduction

Activity is a result of thought. Whenever people are going to do something, there must be thoughts, for instance whether it should be carried out or not, and if so, how when, and so on. Moreover, how well is the action should depend on how carefully people think over the matter, and how people follow and do as planned. In the same sense, every

government's activity starts from how the government deliberates and plans about it. This is policy in a broad sense.

Amara Raksasattaya suggests that policy is an approach to implementation for the government or people as a whole; policy means "a guideline which is considered by the issuing authority as a proper way to achieve a certain goal."¹ As a result, policy

should have two elements. First, goal or goals of activity should be established. Second, there should be at least an approach to implementation, which includes requirement, means and strategy, so that objectives of the policy can be achieved.

Western academics define policy differently, and it seems difficult to find acceptable conclusion although the definitions have widely been used for very long time. Thomas Dye gives a definition of public policy as what the government chooses to do or not to do.² Policy in Carl Friedrich's opinion is an approach to implementation for people, group, and government under certain environment in which there are both opportunity and obstacle. Therefore, policy has to be initiated in order to be used and overcome the situation. This is certainly an effort to reach goals or achieve certain objectives.³

It is obvious that there are various meanings for policy. However, if policy does not lead to implementation, it means the process is not completed. Also, what impedes implementation, or causes unsuccessful implementation, must be considered as a part of the policy. As a consequence, policy composes of parts that are announced to the public and parts that those who plan and implement keep away from the public.

This paper does not want to discuss about definition of "policy." It aims to study how policy in Thailand is made, particularly environmental policy. It also wants to explain

and analyse environmental policy-making process of Thailand. The word "policy-making" is used to avoid confusion over the meanings of two words, between "policy process" and "policy-making," because "policy process" includes policy-making and implementation. Implementation of "national" policy would not be included as it will be beyond the objective of the paper, which stresses "international" environmental policy.

Structure and policy-making process of Thai government

Constitutionally, sovereignty of Thailand is separated into three branches; the legislative, executive, and judiciary. However, this division of power is not practically and politically clear cut, unlike that of USA and France. Because, in Thailand, powers of the legislature and the executive are mixed in a parliamentary system, most of the cabinet members are also members of the parliament. The cabinet has to survive vote of no-confidence in the parliament. Moreover, the judiciary is not completely separated because the Ministry of Justice controls its administration, budget, and finance.

By the power-mashing method, the legislature and the executive cannot be separated. When looking into political history of Thailand, power of the executive had risen in the 1960s and 1970s due to dictatorial governments. Moreover, power of the executive belongs to the cabinet as defined

by the constitution. But in practice, the Prime Minister is not just the chairman of the cabinet, or the first among equals; he has really exercised the absolute power of the executive.

Thai administration is divided into three levels, namely central level, provincial level, and local level. In the central level, there are fifteen ministries.⁴ Each ministry is divided into departments, divisions and subdivisions, hierarchically. However, there are several observations to be noted. First, ministry has minister as its head. He has his Office of Secretary to the Minister, which is different from Office of the Permanent Secretary. Permanent Secretary is head of the ministry, but he is government officer who has power to control, coordinate and give order to departments and other ministry's agencies in carrying out policies of the government.

Second, departments and other agencies are, however, juristic persons, and directors-general are their chiefs. Therefore, the permanent secretary is occasionally a figurehead, and has direct control on Office of the Permanent Secretary only. Directors-general have rights to propose policy and express opinion in the ministerial meeting chaired by the minister. They also have almost total control over department's budget and personnel administration.

Third, the minister has considerable legal power over his realm of responsibility, and no other ministers can interfere. There is

no specific office that can coordinate works among the ministries, for the sake of unity of the government. The cabinet meeting will consider the issue case by case, and either the Office of Cabinet Secretary or the Office of Secretary-General to the Prime Minister is occasionally assigned to coordinate policies and works between the ministries.

Under this structure of the executive branch of Thai government, there are four problems about policy in Thailand.⁵

1. Which one is policy matter and which one is not?
2. Is there particular policy for particular issue?
3. Is the existing policy good enough?
4. Who sets the policy and is there system of policy development?

First, it is always confusing which is policy matter and which is not. Important rules should be whether or not it is what should be done. If not, what is the adverse result of doing or not doing it? Is it an approach for collective goal? Therefore, policy matter does not include those issues of how it can be done, who does it, and when, all of which are implementation problems. For instance, the government announces that Thailand will be friend with every countries whether they are democratic countries or not, this is policy, but recognition of the countries are implementation matter.

Some politicians or senior bureaucrats like to say "I have a policy to do

this or that." Then, they force government officers to do it by claiming it to be policy. In many cases, it is not policy because it is used for personal benefit or illegitimate purpose; and it causes great concern to officers. The right policy, which has legal effect, should be opened; it is not a secret matter between persons, or based on personal opinion. It should be a policy of the government agency, which is initiated and implemented for the benefit of the public.

Second, government has many activities which are implementations of policies in the past. When time passes, there is confusion whether one particular matter has already had policy. There are also recurrent issues that should be taken into consideration; some officers just ignore the issues by simply saying that the government does not have policy on these issues, so nothing can be done. Most of these justifications are inexcusable because the government is a juristic person, and new government has binding obligation to implement policies and works of previous governments unless the cancellations are officially announced or new policies have superceded the previous ones. Therefore, what the government is doing usually has clear and definitive policy. The problem is with the government officers who do not want to continue the policy because new government is not strict about it.

In addition, government's policy is not only the policy addressed to national

assembly, but it also includes announcement, order, approval, and what exists in the law; its contents and spirit must be closely looked at, not at its title.

Third, existing policy can be flawed. Some policies might not be good, certain, or might lack of continuity because it is not expedient and prudent. In some cases, the policy might be archaic. As a result, it cannot deliver good or timely outcomes. Policy can lack continuity because of government changes, especially in a democratic system.

Fourth, the question of who makes policy can be easily misunderstood. People always think that government has authority to initiate policy and make decision, or that the cabinet considers the issue or problem and decides what to do. In fact, policy is not decided, made and born at one point, but policy-making is a long process. From setting to making decision, it has to go through many procedures, mechanisms, authorities, and groups before reaching final decision by the cabinet. Many decisions have to be made before the policy is completed. Some policies may come out in the form of laws, which have to be voted by national assembly and signed by the King.

National policy is generally for the country, it is not for particular individuals. It should not be decided by one person or one group. Although there are many internal procedures within bureaucracy, policy setting should not be only within. The process

should go through legislative procedure, be participated by people, interest groups, and academics, particularly in country under participative democracy.⁶

Generally, policy has to go through hierarchical levels to reach the cabinet. Policy can be classified into various types, such as general policy, national security policy, economic and social development policy, policy for solving implementation problems of old policy, and policy for correcting or improving old policy. However, this categorisation is just to show many types the policy can be. There is no such classification in practice because bringing policy up to the cabinet depends on the schedule of the cabinet meeting agenda, and on need of agency that proposes policy.⁷ Important policy like national security policy or economic and social development policy usually, has to be considered and approved by policy committee of responsible agencies before it is sent for cabinet deliberation and approval.

Different types of policy have their own processes. It is necessary to understand a general process of policy in Thailand first (Figure 1). It starts at division which is under the control of department. Division is the unit that initiates and implements policy for functions that are considered its direct responsibility. The director is the most senior and experienced person in the division, who sifts opinions and puts finishing touch before passing proposal to the director-general who

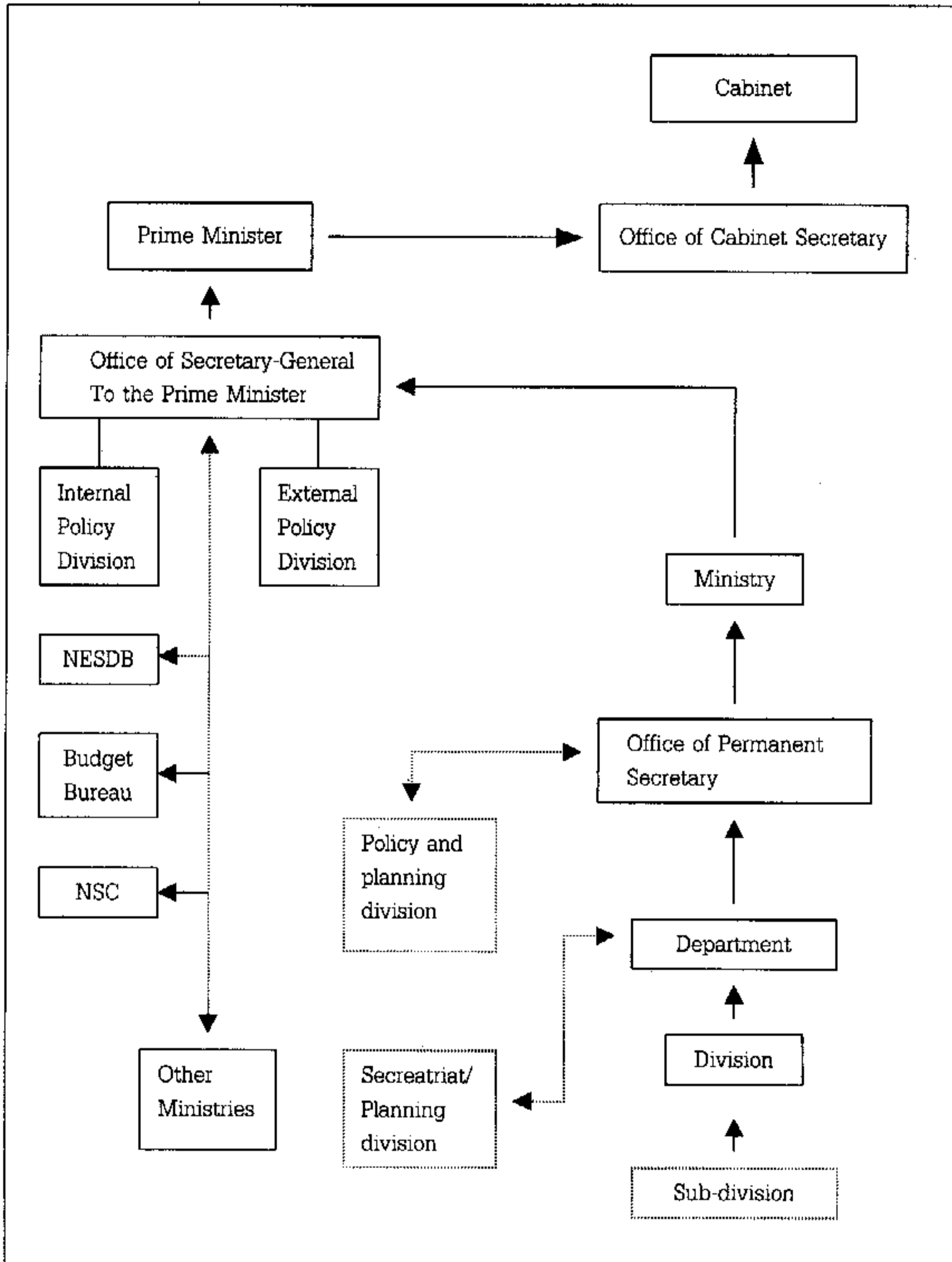
is head of department.

At the department level, there might be special division for examining such proposals, or deputy director-general and/or secretariat of department can assume this duty. Director-general has the authority at his discretion to accept or reject proposals. He can also bring the proposals into departmental meeting and listen to opinions of other directors in the department, even though there is no legal regulation for the director-general to listen to anyone's opinion. If the director-general agrees to the proposal, he will propose it to the permanent-secretary.

As head of bureaucrats of the ministry, permanent-secretary does not change important contents of the proposal, but may trim it, so that it is more politically acceptable. Moreover, the ministry normally has policy and planning division, inspectors, specialists that help the permanent-secretary to examine the proposal. If the proposal is of implementation measures and is the responsibility of the ministry, the permanent-secretary will propose it to the minister because the minister who is politically appointed can consider the proposal, and gives order. However, if it is regulation for particular policy to be proposed to the cabinet, permanent-secretary had to first propose it to the minister for consideration. The minister has to agree with the proposed policy before the permanent-secretary can prepare the proposal for forwarding to the cabinet.

Figure 1 Structure of Thai policy-making process

Source: Adapted from Raksasattaya, A. (1977) Policy Development. Bangkok: National Institute of Development Administration, p. 71.



In addition, policy can be initiated by the political officers of ministry; that is minister, deputy minister, secretary and deputy secretary. Minister will consult permanent-secretary for possibility and suitability of implementation. If there is possibility, minister will ask permanent-secretary to formulate policy proposal. The permanent-secretary will order relevant department and division to draft the policy. The proposal will pass through the process quickly when it is known that it is minister's wish.

Proposing policy to the cabinet is more complicated. Minister will propose it to the Prime Minister who will consider whether it should be presented to the cabinet. If it is a normal policy, the Prime Minister will order the minister to forward the proposal to the Cabinet Secretary. Practically, proposing a proposal to the Prime Minister, and to the Cabinet Secretary, means it has to pass through working procedures of the Office of Secretary-General to the Prime Minister, and of the Office of Cabinet Secretary, for examination.³

Officers at the Office of Secretary-General to the Prime Minister, or officers at the Office of Cabinet Secretary, sometimes find that the policy proposal involves other issues—for instance expenditure, long-term plan, national security—and relates to other policy, or to responsibilities of other government agencies. As a consequence, those officers have to coordinate the proposal with related offices; the Budget Bureau,

Office of the National Economic and Social Development Board (NESDB), National Security Council (NSC), Internal Policy Division or External Policy Division of the Office of Secretary-General to the Prime Minister, and other related government agencies.

At this point, policy-making process arrives at a crossroad because the officers have to inform the proposing ministry that it has four or five alternatives. First, the ministry may permanently withdraw the proposal. Second, the ministry may pull the proposal out temporarily. Third, the ministry may withdraw the proposal for reconsideration. Fourth, the ministry may consult involved agencies and readjust the proposal. Fifth, the minister may decide to ask the cabinet to establish a committee or working group to scrutinise the proposal.

Results of cabinet decision usually come out in either one of four types as follow:⁹

1. If the matter is within the responsibility of the executive branch, the approval or decision of the cabinet is final. The Cabinet Secretary will inform the responsible government agency of the cabinet's decision.

2. If the matter is argumentative and cannot find conclusion, minister who proposes the matter to the cabinet normally withdraw it for further consideration, or request a formation of a committee to consider the matter, and to present the result of its findings to the cabinet.

3. If the matter concerns law or tradition and has to inform the king, the cabinet always consider it carefully in order to avoid any effect on the monarchy. Generally, the Cabinet Secretary will prepare the matter for informing the king. But if it is an important matter, the Prime Minister or all of the cabinet members may request the king to grant an audience.

4. If the matter has to be legalised as an act, an executive decree, or a royal decree, the cabinet had to decide in principle and passes it to legal advisors of the Prime Minister or the Council of State for drafting the bill. The draft will be sent to the cabinet for approval, and it will then be sent to secretary of the parliament. The secretary of the parliament will present the draft to the president of the parliament who will put it in the parliament's agenda, so the assembly can deliberate and vote for or against it. After the parliament considers and votes for it, the draft will be sent back to the Prime Minister. He will present it to the king for royal endorsement, before the bill can be promulgated.

In practice, there are things above and beyond the formal process of policy-making. The process is more complicated because there are always something informal or non-traditional. Policy does not always start from an announcement of the Prime Minister, minister, or members of the parliament. Most of the time, there are other factors both from inside and outside the

country involved. Then, those who have interests on the policy may want to form a new policy or change the old policy, and may start to draw public attentions through the media. Politicians may develop the issue in which the public is interested. All of these can happen even before there is announcement about the policy.

Policy may be initiated in a rightful political framework by members of the parliament, or by the cabinet members; but there might be involvement of interest groups, advocacy groups, friends, and family members of those who push for a certain policy in the policy-making process. There are also some other interest groups which are now playing important roles in policy-making process, such as environmental conservation groups, and women's right groups. These groups may have direct or indirect influences over the government in urging or forcing the government to introduce a new policy, or change the old policy; an example is illustrated in the section below.

A non-traditional policy-making process is quite informal. As a result, there is no certain pattern for the process, which can be categorized. Unconventional influence may involve at any steps of the process. It may increase or decrease the contents of policy proposal, it may speed up or slow down the process. It can even cause a withdrawal of policy proposal, or it may help expedite some steps of the process. Under other circumstances, everything could

happen, for example dictatorial government can promulgate anything by using martial law, order of the coup, or powers under temporary constitution.

Thai environmental policy-making

According to the Environmental Act 1992,¹⁰ environmental policy of Thailand is initiated by the National Environment Board (NEB). The NEB is a national-level committee chaired by the Prime Minister, it also comprises of relevant ministers, and environmental specialists from non-governmental organization. Before 1992, the NEB was an advisory board under the Prime Minister's Office, and did not have powers to regulate policies they initiated. It was set up in 1975, under the first Environmental Act, after Thailand participated in the United Nations Conference on Human Environment in Stockholm in 1972.^{11,12} It was the first time for Thailand to formally recognized the dark side of economic development, that is, environmental degradation as a result of rapid industrialization. Furthermore, it showed that environment as international agenda has influences over Thailand from the beginning. It also exhibited that environmental issues in Thailand were, for the first time, started to be separated from development policy in which Thailand have emphasized since 1960s; economic growth was the major objective of the Thai development policy.

The present plan, namely, the Policy

and Prospective Plan for Enhancement and Conservation of National Environmental Quality, is a twenty-year plan, from 1997 to 2016. It is a long-term plan since solving environmental problems takes time and needs continuity. Four variables are to be considered to play important roles during the period of twenty years of the Plan; population growth, technology, roles of local administrative organizations, and roles of private organizations. The Plan aims to manage natural resources, and increase the role of environmental conservation and promotion, in parallel with the country's attention on economic and social development. Succinctly, the Plan stresses sustainable development, and promotes people's quality of life.¹³

There are three departments under the Ministry of Science, Technology and Environment working for NEB: Pollution Control Department (PCD), Department of Environmental Quality Promotion (DEQP), and Office of Environmental Policy and Planning (OEPP). PCD is a regulative agency which has a duty to oversee activities that are related to environmental degradation, to protect the environment, and to solve pollution problems for the country. The objectives of the DEQP are to promote environmental protection, to signify the importance of the environment, and to raise environmental awareness. Initiating and planning environmental policy and plan is OEPP's responsibility. The OEPP is also in charge of reviewing environmental impact

assessment (EIA) for all projects and activities of the government, public enterprises, and the private sector.¹⁴

Article 13(1) of the Environmental Act 1992 empowers NEB to initiate and propose environmental policy and plan to the cabinet for consideration and approval. The NEB established a policy drafting sub-committee, composing of environmental specialists, and representatives from related government agencies, private sector and private organizations. The draft of the twenty-year Policy in fact came from the Environmental Policy and Planning Division under OEPP. It was the division that gathered information, and formulated policy, in line with the National Economic and Social Development Plan of NESDB. Thailand Development Research Institute (TDRI) and Thailand Environment Institute (TEI) were also hired to conduct researches and studies on some environmental issues, so that the Division could have better and more recent information, and that the process could move faster. Afterwards, OEPP held a seminar, inviting media, non-governmental organizations (NGOs), and concerned authorities to voice their opinions. After certain adjustments as a result of the seminar, policy proposal was then passed to the sub-committee and the NEB for approval. However, the final decision was reached at the cabinet meeting. The whole process took about two years.¹⁵

While planning is done on a macro-level, implementation is undertaken by the various sectoral government agencies at the

micro or operational level. Environmental implementations involve many agencies, at both national and local levels. Almost the entire cabinet members, such as Ministers of Agriculture, Industry, Interior, Public Health, Defence, Education, Communications, and Finance, are members of NEB. There has been a discussion about establishing a new Ministry of Natural Resources and Environment, so that environmental planning agency and implementation agencies can be together, and operate with greater unity of command; but there is no progress at the moment.¹⁶ There are several reasons for the delay. The first reason is the new ministry will pull environmentally-related offices from other ministries which object to losing power and control over their resources. Second, there is at present economic crisis in Thailand. Accordingly, Thai civil service has planned to decrease numbers of overstaffed bureaucrats. Setting up new ministry will cost government considerably and it may require more officers for the new ministry.

The Policy and Prospective Plan for Enhancement and Conservation of National Environmental Quality, 1997-2016

The Policy aims for integration of natural resources management and enhancement, and conservation of national environmental quality, with sustainable economic and social development, and the quality of life. It provides policy guidelines

for implementation within 20 years (1997-2016), and subsequently it will be divided into four five-year plans for environmental quality management. The Policy includes strategies for rehabilitation of renewable resources and applications to alleviate all types of pollution, and guidelines for enhancement and conservation of natural environmental quality. Apart from environmental problems, there are important factors that will play a major role during the 20 years of implementation period, such as the increased population, technology, roles of local organizations at all levels, and roles of NGOs to participate in environmental matters at different levels

The twenty-year Policy is consisted of six main policy areas as follows:¹⁷

1. Policy on natural resources

1.1 Increase efficiency in the use of natural resources; coordinate any utilization of natural resources and reduce conflicts; and accelerate rehabilitation of degraded natural resources to be the basic inputs for sustainable development.

1.2 Enhance administration and management of natural resources by systematic decentralization of power and authority from central offices to regional offices, in addition to strengthening relationships among government agencies, the private sector, NGOs, and local people

1.3 Support the application of resource economics for effective management

of natural resources and establishment of social justice

1.4 Amend the legal and regulatory framework enabling support for more effective administration and management of natural resources, and recognition of rights and responsibilities of local people to demonstrate ownership of resources

1.5 Support the study, research, and establishment of a standardized database network for natural resources

1.6 Increase conservation awareness of senior government officers, politicians at all levels, the private sector, and the general public, in order to integrate concepts for natural resources development and conservation, ensuring their movement in the same direction

The natural resources are divided into six categories:

- 1) Soils and land use
 - Soil resource and land use
 - Agricultural land use
 - Land use for urban and industrial development
 - Land use in unique ecosystems and geological areas
- 2) Forest resources
 - Forest resource management
 - Management of biodiversity in forest ecosystems
- 3) Water resource
- 4) Mineral resources
- 5) Energy resources
- 6) Coastal resources

2. Policy on pollution prevention and eradication

2.1 Mitigate and control pollution from communities, agriculture, industry, transportation, and construction, so that they do not cause adverse impacts on health and human living conditions; rehabilitate environmental quality in important areas that have potentials for economic development and for the ecological balance of natural resources and environment in these areas, and to ensure sustainable development

2.2 Provide systematic and effective wastes and hazardous material management; and establish protection and mitigation systems in cases of large scale emergencies

2.3 Develop unified systems for administration and management of pollution and for formulation of pollution control policies, plans and implementation guidelines, under appropriate laws, institutions, and budgets, following the polluter-pays principle. In addition, the private sector should participate in pollution control investments. The government, private sector, and local people, should work in cooperation

The pollution is classified by its sources as follows:

- 1) Water pollution
- 2) Air pollution
- 3) Noise and vibration pollution
- 4) Pollution from solid waste and night soil

5) Pollution from hazardous materials

6) Pollution from hazardous waste

3. Policy in national and cultural environments

Protect, preserve, conserve, and rehabilitate natural environment and cultural environment to maintain the natural and cultural heritage of the country

4. Policy on community environment

Undertake management of community environment and greed areas to continuously improve the quality of life, appropriate for functioning of natural ecosystems, economics, society, culture, and technology

5. Policy on environmental education and promotion.

Enhance the capacity of communities at all levels, and establish strength and cooperation for effective environmental management

6. Policy on environmental technology

Develop and promote utilization of technology for management of environmental quality

It appears from the content of the Policy that this Thailand's environmental policy is not planned to enhance and conserve environmental quality, as it is named. It is rather a plan for managing the environmental and natural resources. Also, it

is designed to bring out the most from natural environment which is seen as foundation for development and economic interests. This same viewpoint is, too, used in the eighth National Plan which began in the same year of 1997. The national plan is an umbrella plan for Thailand, covering all sectors of society and all areas of development. Furthermore, a paper on environmental policy and plan written by a senior officer of the OEPP claims that success of the policy in the past is a result of the environmental policy having been blended into the national plans, being equally important and compatible with economic policy, since the fifth National Plan in 1986.¹⁸ Since it had never been questioned before therefore, it was a success. In this sense, it means that environmental issue was not important at all in Thailand until the 1980s. It was barely a success, considering the present state of the environment which has shown little progress in environmental conservation and protection. Major parts of the content in the twenty-year policy are hardly different from what was written in the national plans nearly twenty years ago. In principle, they are still the same. For example, popular participation by people, organizations and local authorities in environmental planning and management has been promoted in principle since 1987, the sixth Plan.

The making of the eighth National Economic and Social Development Plan

The environmental policy has been drawn along the line of the National Plan. Since the fourth Plan (1977-1981), environmental issues have become increasingly important, and reached their height in the seventh Plan (1992-1996) of which sustainable development is the main theme. The aim of the Plan seemed to sustain development, rather than development with sustainability. Therefore, environmental policy of Thailand would not actually protect the environment for the sake of nature and environment, but for the sake of economic development which has been the main objective of Thailand's development policy since the first National Plan (1961-1966). The present plan, the eighth Plan (1997-2001), is likely to be more "environmental" than the previous ones although the theme of the Plan is not the environment or sustainable development, but human development. The eighth Plan is expounded on as an effort to answer two big questions of the country: What do people need? What do people have to do?¹⁹ People aspire to have a good life which includes better quality of life and better environment. This thought makes the environmental issues even more prominent than the seventh Plan because it goes straight to the most important focal point of everything in society, the people.

The formation process of the eighth National Plan is different from the previous Plans. There were involvements of non-state actors. In the past, NGOs and people seemed not to have any roles in the making of national plans, even though one of the senior officers of NESDB claims that NGOs have been involved in planning of the national plans for a long time.²⁰ The planning process of the eighth Plan is remarkably unique, NGOs and people were officially included in the process.

The process started with an establishment of three committees by NESDB; each committee was comprised of 45-50 members who were invited from government agencies; academic institutions, and experts from private sector and NGOs. The NESDB invited intellectuals to brainstorm, review the old plans and give their ideas. Then, the NESDB hosted a seminar in Bangkok, attended by 1,500 people from all walks of life: representatives from organizations and professions. The seminar participants were informed of suggestions and ideas given by the intellectuals. Consequently, roundtable sessions were organized for NESDB officers to listen to opinions of those 1,500 participants. Similarly, nine smaller seminars and roundtable sessions were held in other regions of the country; each of the regional seminars was attended by about 100 individuals who were heads of communities, members of NGOs, and those who had been selected from people in communities.

Afterwards, the NESDB, which gathered information, suggestions and ideas from the seminars, drafted the plan. The draft was presented to the three committees, and to a seminar participated by concerned government officials for consideration. The draft was then revised by NESDB and public hearing was held. Finally, it was proposed to the cabinet for approval.

Additionally, the eighth Plan was revised after the economic meltdown in 1997. Two new factors were considered in revising the Plan; they were "people are poorer" and "hardships after people become suddenly poorer."²¹ But principles and directions of the Plan were not changed, including its aim for environmental protection. The first change was on how to allocate resources under a new economic condition. Stressing on how to help those people who became suddenly poorer was the second change in the Plan.²²

It is quite apparent that non-state actors have played their roles in formulating the eighth National Plan and Thailand's environmental policy. A NESDB senior officer explains that the new constitution is a reason for having more people participated in formulating the eighth National Plan.²³ But he also suggests that those who were involved in drafting the Constitution in 1996-1997 were the same group of people who participated in drafting the eighth National Plan.²⁴ Concurrently, senior officers of the MOSTE cite the same constitutional reason for having "selected" NGOs participated in the making

of environmental policy and plan.²⁵ Nonetheless, they do not clarify criteria for choosing the NGOs, nor can they explain which NGOs would or would not be chosen. They only point out that they prefer famous academic NGOs, not the activist NGOs. Prominent academic NGOs and private institutions in Thailand represent only one small group of people, especially those of middle-class and upper-class. They are based in Bangkok and they are consisted of public figures, businessmen, and scholars with international backgrounds.²⁶

On one hand, it is an advantage that environmental issues have received greater attention from active non state environmental actors. On the other hand, its weak point is that environmental agenda is dominated by a small group of actors. Environmental concern might not be actual interests for the environment, but it could be used to camouflage economic interests of some businessmen-cum environmentalists in those private organizations. A senior officer of the OEPP also argues that public participation is a good concept, but people are not ready. She claims that some NGOs are narrow-minded since they keep insisting on their issues and do not listen to other people's opinions. Public participation, in turn, causes the government projects to progress very slowly because some people tend to prejudge or obtain wrong information from some quarters.²⁷

The environment in the eighth National Economic and Social Development Plan

The present Plan (1997-2001) accepts that recent economic development has led to environmental deterioration although benefits in terms of rapid economic growth are clear, national income has increased and living standards are higher. However, the depletion of natural resources and environmental degradation have threatened Thailand's economic stability. As a result, the eighth Plan aims to conserve and rehabilitate natural resources, and protect the environment, as they are factors contributing to sustainable development and a better quality of life. Nevertheless, when the Plan is perused thoroughly, it is found that the most important principle in the plan is still on economic development. Human development is the theme of this plan, but it is economic development that comes before human development (human development for economic development). As well, in the part concerning environment and natural resources, environmental conservation and protection are emphasized, so that resources can be used as much as possible, while trying to minimize environmental impacts. The goal is more likely to sustain the development, rather than bringing about (environmental) sustainability.²⁸

The part of the National Plan concerning the environment can be divided into three major sections as follows:²⁹

1. Rehabilitation of natural resources and environments

1.1 Manage the rehabilitation of degraded and abandoned land

1.1.1 Promote the conservation of land and water resources

1.1.2 Introduce new farming practices for land reform zones, abandoned shrimp ponds and abandoned mining sites

1.2 Reduce the volume and distribution of pollution in local environments

1.2.1 Reduce and control water pollution from community activities and agricultural and industrial productions

1.2.2 Reduce volume of air pollution in industrial estates and in traffic congested areas

1.2.3 Waste and garbage disposal

1.2.4 Reduce and control sources of hazardous substances

1.3 Support the establishment of comprehensive waste treatment and disposal

1.3.1 Encourage long-term investment in comprehensive wastewater treatment and garbage disposal facilities

1.3.2 Promote the establishment of centralized waste disposal facilities and contaminated garbage disposal centers

1.4 Promote the development of waste disposal technology and green technologies to be applied to the production process

2. Promotion of popular participation in natural resource and environmental management

2.1 Expand the public sector's role in promoting popular participation in natural resource and environmental management

2.1.1 Change the attitudes of government officials and upgrade the capacity of relevant government agencies for effective cooperation with, and facilitation of, local communities

2.1.2 Conduct public relations campaigns to raise public awareness of the consequences of deteriorating natural resources and the environment

2.2 Develop information networks on natural resource and environmental conservation

2.3 Provide more opportunities for local communities and people to participate actively in natural resource and environmental management

2.3.1 Provide opportunities for people and communities to participate in decision-making, monitoring and evaluation of public development projects likely to have impacts on natural resources and the environment

2.3.2 Enact the Community Forest Legislation

2.3.3 Provide legal guarantees to the rights of local communities and small fishermen to participate in coastal resource management

2.3.4 Encourage local communities and organizations to conduct ecotourism within their localities

3. Improving natural resource and environmental management

3.1 Establish systematic management of water resources

3.1.1 Organize supervisory and coordinating mechanisms for the development of water resources at both national and river basin levels

3.1.2 Set up appropriate systems at various levels for the allocation of water resources with the participation of all parties concerned

3.1.3 Collect fees for raw water from industrial and agricultural producers and from domestic consumers

3.1.4 Improve transmission and allocation systems for both irrigation and domestic consumption in communities

3.1.5 Conduct public information campaigns to promote thrifty and effective use of water

3.2 Coordinate land-use policy and management consistent with and appropriate for the development potential of each area

3.2.1 Mark out specific land use zones both inside and outside natural reserve forest

3.2.2 Designate and demarcate local ecosystem zones

3.2.3 Adjust the administration of the current agricultural land reform system

3.3 Ensure sound management of community environments and green areas

3.4 Conserve natural and heritage sites

3.5 Promote a holistic, systematic approach to natural resource management

3.5.1 Expedite surveys and assess existing mineral and natural resources nationwide

3.5.2 Encourage more effective use of mineral resources under sound conservation methods

3.6 Improve systems for prevention and relief of hardship and suffering caused by natural disasters

3.6.1 Upgrade the efficiency of those agencies responsible for prevention of, and rehabilitation from, natural disasters

3.6.2 Establish area-level coordination systems for the different types of natural disasters

3.6.3 Get regional and provincial authorities to draw up maps showing areas prone to natural disasters

3.6.4 Establish measures for public participation in self-defence against natural disasters, enforce rules and regulations and provide training to raise the public's knowledge about natural disasters

3.7 Improve the efficiency of public agencies

3.7.1 Change methods and approaches in planning and budgeting for natural resource management programmes away from departmental considerations to areas

for provincial groupings, certain local conditions or the potential for development of each type of natural resource

3.7.2 Develop and improve the efficiency of monitoring, supervision and control systems for natural resources and pollution

3.7.3 Advocate legislation to prohibit fishing methods destructive to coastal ecosystems

3.7.4 Decentralize supervision and control from urban to rural areas of industrial activities likely to have an impact on local environments

3.7.5 Draft and amend rules and regulations on environmental protection to bring them in line with current pollution problems and to minimize damage to the environment

3.8 Enlarge the country's role in international cooperation on environmental protection, by making explicit statements of Thailand's stance on environmental policy in international forum. Relevant organizations and personnel should be equipped to play a greater role in international environmental negotiations at both bilateral and multilateral levels, in order to protect national interests. Also, emphasis should be placed on technical cooperation to address international problems and concerns, such as the depletion of ozone layer and global warming.

Apart from trying to enhance the quality of life for the people, this part of the Plan concerning natural resources and the environment pays considerable attention to

environmental management for improving economic production. Arguments about the objective of the Plan in trying to protect the environment for economic interests was explained by the Policy and Plan Analyst of NESDB that emphasis is given to economic development as first priority. Economic difficulties have to be overcome, the mess will be cleaned up later.³⁰

International influences on environmental policy of Thailand

The last section (3.8) of the part on the environment in the Plan mentions role of Thailand in environmental cooperation in international arena. It expresses eagerness to cooperate at both regional and global levels.³¹ It also shows that Thailand has been involved in international cooperation on environmental protection because it wants to protect national interest, rather than having good intention in protecting and conserving the nature. Therefore, Thailand perceives environmental cooperation as opportunity and threat. On one hand, it is another stage that Thailand can play a greater role at the international level. On the other hand, environmental issues relate to the country's benefit both directly and indirectly because it concerns other issues, for instance financial aid, technology transfer, and particularly, trade.

Thailand has been internationally influenced on environmental issues from the start. After a Thai delegation attended the Stockholm Conference on Human

Environment in 1972, Thailand introduced the First Environmental Act and established the NEB in 1975. This claim is stated in a homepage of the Department of Environmental Quality Promotion, and it was confirmed by the interview with OEPP officer conducted in Bangkok, September 1999 (see footnote no.11 and 12). However, the NESDB officer denies this claim. He argues that no matter how many conferences were attended, if there was no problem occurring, there would be no policy and plan. The environmental protection mechanisms were set up that time because Thailand began to experience environmental problems, not because of attending the conference.³² However, this implies that Thailand did not foresee disadvantages of stressing only on development and economic growth, and that if there was no problem, there would be no plan. This Plan is to solve the problem, not to prevent a chance occurrence of the problem. This coincides with an acceptance in the introductory part of the environmental section of the eighth National Plan, stating that recent development has caused "unprecedented" environmental problems in Thailand.³³ Sunee Mallikamal positions herself between the two contrasting statements of OEPP and NESDB officers, concluding that both international concerns on environmental deterioration and domestic environmental problems led Thailand to recognize the importance of environment in the 1970s.³⁴

Furthermore, natural resource and environmental issues were first stated in the 1974 Constitution: balance of natural environment and natural beauty, including forest, stream, river and territorial waters, should be maintained by the state. Since then, the environmental conservation and protection have been included in subsequent constitutions as state's duty.³⁵ Environmental concern in Thailand seemed to gain greater momentum in the middle of 1980s; the environment has since become an issue for NGOs, rather than an issue for the government. It is an agenda for the government.

In the 1990s, the environmental issues have remained at the centre of attention, after the logging ban in 1989, protests against the construction of Bangkok expressways, traffic and pollution problems in Bangkok, and rising environmental concern throughout the world. The 1991 Constitution stipulated that conservation of natural resources and the environment was a duty for Thai people.³⁶ The government under Chuan Leekpai as Prime Minister (1992-1995)³⁷ was the first government to include international environmental cooperation in the government's policy.³⁵ More importantly, the present 1997 Constitution clearly states that Thai people has a duty to conserve natural resources and the environment, and the state must allow people to participate in conserving, protecting and utilizing natural resources and biological diversity under the principle of sustainable development.³⁹

Also, Thailand cannot ignore the fact that it has been employing sustainable development as a principle for developing the country. It is widely known that the principle of sustainable development has dominated international environmental agenda, since the **Our Common Future**⁴⁰ was published in 1987, and especially that in the Earth Summit in Rio de Janeiro in 1992, sustainable development principle was the main focus.

Sustainable development has been stated in the seventh National Plan as the Plan's main theme, and in the eighth National Plan, the Environmental Act 1992, and the 1997 Constitution. Sunee Mallikamal even claims that the Environmental Act 1975 was reviewed and re-written as the Environmental Act 1992 because the government at that time understood the importance of the sustainable development principle, and wanted to improve environmental law of Thailand.⁴¹ The Environmental Act 1992 has been praised for its modernity and progressiveness; and every officers in MOSTE refers to it as frequently as the 1997 Constitution.

It is a common understanding among countries that the principle of sustainable development is essential and important to environmental conservation and protection, almost as if it is some kinds of obligation. Every country has to find its own formula, either using internal mechanisms, seeking international cooperation, or both in combining

exploitation of natural resources with conservation of the resources and ecosystem in a right balance compatible with sustainable development principle. Nevertheless, this almost-binding obligation for the states can be concretised and become international law through international custom, treaties, or conventions.⁴²

As it turns out, a large number of international environmental laws have, after 1992, included the principle of sustainable development, many of which Thailand is preparing to ratify. There is one problem being raised: there has never been a serious study in Thailand, and it could lead to unclear and controversial interpretations as well as misunderstanding. This problem can bring about adverse effects from misinterpreting conventions or any other international agreements that Thailand anticipates to ratify.

Understanding the right meaning of the principle of sustainable development should be a serious matter for Thailand right now. Sustainable development is the principle that attempts to compromise both developmentalists' and environmentalists' needs; it suggests that economic development is not situated on one end of a spectrum and environmental protection is not on the opposite end, but both ideas can be compatible, going in the same direction. Nonetheless, the seventh and the eighth National Plans and the Twenty-year Environmental Policy utilise a twisted idea of

sustainable development as their theme. They emphasise that environmental management is needed, so that the country's economic development can be furthered, because natural resources and the environment are the foundation of the economy. In this sense, it is an ecological modernisation,⁴³ instead of sustainable development.⁴⁴ Paper of individual study written by Panithan Yarmvinij, a senior officer of NESDB, well-reflects this misunderstanding. His paper states further that environmental industry and business, such as waste disposal services, wastewater treatment technology, environmentally friendly products, will be a new business opportunity.⁴⁵ As a result, Thai government seems to prefer this particular interpretation of the sustainable development concept.

Thailand has participated in many international environmental conferences. It also signed many international environmental agreements. Important agreements at present are those of the Earth Summit, namely, Rio Declaration on Environment and Development, Statement of Principle on Forests, Agenda 21, UN Framework Convention on Climate Change, and Convention of Biological Diversity. The first three are not legally binding while the rest are binding. However, the Climate Change Framework Convention requires a long process to settle differences between countries, more meetings (Conference of the Parties—COPs) are needed to fine the final agreement. The Biodiversity Convention is the only one of the five that

Thailand has yet to ratify due to domestic conflicts of interests and lack of readiness. Another problem for Thailand is the misunderstanding about legally binding status of the international agreements. Some people, even a senior officer of OEPP who is responsible for environment planning, still understands that Agenda 21 is legally binding, which in fact it is not at all.⁴⁶

One of the OEPP officers, who has direct responsibility for international environmental cooperation, and the NESDB officer both disavow international influence on Thai environmental policy. However, some NGOs which participated in setting environmental policy have good connections with NGOs in other countries and international NGOs. The OEPP officer admitted during the interview session that Thai NGOs had passed on information about shrimp farming in Thailand to international NGOs which used that information to attack Thailand in the United Nations General Assembly in New York years ago.⁴⁷ It is most likely that international NGOs and NGOs in other countries exchange information with Thailand-based NGOs as a normal practice.

Moreover, it is obvious that there is international influence on environmental policy of Thailand. Joining environmental regime is evident enough to perceive the international influence which Thailand voluntarily accepts. If there is no influence, then there is no need to have particular agency responsible for dealing with

international environmental cooperation, Thailand would not have to participate in the environmental regime, and the OEPP would not have to busily prepare annual reports to be presented to the environmental conferences, or implementing the local Agenda 21. The OEPP senior officer insists that no one can force Thailand to implement environmental treaties, Thailand will do it by itself voluntarily, and may do more than what is stated in the agreements.⁴⁸ So, what are the reasons for participating in the environmental regime? It is because Thailand is afraid of losing interests and being left out. This reasoning seems not to be accepted by idealistic environmentalists. However, the senior OEPP officer claims that Thailand also has good intention to join the environmental regimes.⁴⁹

In addition, there have been unusual assignments in the working procedure of OEPP. All of international environmental issues are not assigned to International Environmental Division which is supposed to handle those issues. For example, wetland habitats issue (Ramsar Convention) is with Environmental Policy and Planning Division, whereas biodiversity issue is with Resources Management Division, and only climate change issue is the responsibility of International Environmental Division. It seems strange that specialized division is not assigned to handle all global environmental issues. But if the intention is to distribute responsibilities of International Environmental⁵⁰ Division, Then MOSTE should create

functionally specific divisions to handle each global issue separately.

Furthermore, environmental policy can directly be related to other international issues, for example technology transfer, financial aid, and trade issue in particular. First, technology is believed by technocentrists as a means to solve environmental problems, especially pollution problems from industrial factories. There have been attempts to introduce measures to use technology to decrease, and get rid of, pollution without affecting production. Likewise, new technology, the so-called green technology, is employed to recycle wastes from the production process in order to solve waste problems, water pollution and air pollution. The latest technology is clean technology which has the least possible effects on the environment, or no effect at all. Thailand has been alert of possibility to use green technology and to develop clean technology with assistance from developed countries, for example Germany and Denmark. These two new technologies would help manage the environment and should not cause environmental problems.

However, introducing these technologies cannot be done easily because developing countries in general do not have enough capable personnel, finance, and technology, while developed countries are likely to be more capable. Also, the level of development in developing countries is lower than that in developed countries; people in

developing countries still suffer from poverty, famine and diseases. As a result, technical assistance, such as technology transfer, and financial assistance, are necessary for the developing countries to solve environmental problems and, at the same time, develop themselves.

Second, international influence does not come solely in the form of technology transfer, financial aid is another kind. Thailand has received loans and funding from developed countries and international bodies. For instance, Danish government has supported environmental projects financially, together with the Worldwide Fund for Nature (WWF), one of the largest international non-governmental organizations.⁵¹

Moreover, one environmental funding is connected to funds for other projects, in the same manner as one environmental problem is related to the others. For example, success of one project will lead to financial support for other projects.⁵² A better instance of similar situation can be seen in Thailand's failure to ratify Convention on Biological Diversity (CBD). Thai Permanent Representative to the United Nations in New York addressed in a seminar, "Thailand and Global Environmental Facility," held in Bangkok in September 1999 that Thailand's failure narrowed the country's chance to obtain help from Global Environmental Facility (GEF).^{53,54}

Third and most importantly, the environmental issues are also related to

international trade issue. Natural resource and environmental problems are now variables of foreign and trade policies. In order to solve environmental problems resulted from industrial activities, developed countries have used technological, economic, social, and legal measures. Effectiveness of these mechanisms had led to higher production costs, and when compared to developing countries which pay less attention to industrial pollution, products from developing countries which have cheaper labours have lower costs and lower prices. As a consequence, developed countries tend to lose market shares, both in international and domestic markets, to developing countries. Protectionist mechanisms have been introduced by developed countries to protect products; and environmental measures is one of these mechanisms. On one hand, environmental management standard, environmental standard for products, and ecological labeling and packaging, can be viewed as another type of trade barriers. On the other hand, the standard helps raise standards of products, which responds to need of people who have become aware of environmental degradation and are concerned for their quality of life. Two examples are illustrated here: first, some members of the World Trade Organization (WTO) are pushing an effort to include environmental impact issue in trade agreement, such as products standard and quality, although the WTO was established to regulate international trading

between countries and ensure that it is fair.⁵⁵ Second, ISO-14000 is another effort of the developed countries, through WTO, to protect their own products and to bar products from developing countries.⁵⁶

Conclusion

Thailand's environmental policy is new, when compared to other policies, particularly development policy. It can be assumed that environmental policy is direct response to development policy. Development policies and plans in Thailand, which were originated formally and systematically in the 1960s in the form of National Economic and Social Development Plan, have emphasized economic growth and industrialization. Put simply, the development policy of Thailand and its outcome have led to environment deterioration and depletion of natural resources. As a result, there must be environmental policy in order to protect and conserve natural environment, and to solve environmental problems, at least for the sake of nature.

Sustainable development has been accepted in Thailand as a new principle for development of the country in the 1990s. However, understanding about sustainable development among Thai government officers can be questioned. It is correct to understand that sustainable development is a compromise between traditional principle of economic development and the environmental protection principle. Both principles can be compatible which means that these two principle can move towards their objectives along side

each other. However, environmental policy of Thailand does not stress the importance of the environment to the quality of life as much as it emphasizes the environment as a basis for economic growth.

Generally, policy-making process of Thailand has not changed much although the factors surrounding it, new actors and new rules, has already changed. Evidently, conflicts of interests and of power between ministries continue to exist. So does problem of coordination. More importantly, foundation of the problems can be seen in their officers' understanding of history and current situation of the policy.

Environmental policy-making reflects new conditions and actors in Thailand's policy-making process. Fortunately, it may be a result of the concurrent phenomena of changes at the levels of domestic policy and international politics. First, there have been new developments in Thai politics. New environmental law was enacted in 1992, as a reinforcement of the old law, by the government under Anand Panyarachun as Prime Minister. Whether he pushed for the new environmental law for business purpose or through caring intention for the environment, he has made great differences in term of environmental conservation. A new constitution was also introduced in 1997, containing progressive and modern ideas. People are empowered to participate in government's environment-related activities, and in the decision-making process of policy

and plan which used to be secretive. Decentralization of power to local authorities is promoted, so that people and government can become closer. All these developments have encouraged environmental protection and conservation in Thailand because the environmental problems have to be solved at its origins, which are at the local level.

Second, changes in the international level are crucial. The Earth Summit in Riode Janeiro in 1992 brought the environmental issues up to the top of international agenda. Developing countries which gave little attention to the environment had to change their positions and took the issues more seriously. Global problems, such as climate change, ozone layer depletion, and green-house effect, need cooperation from everyone and every countries.

In terms of environmental and development, the world has divided into North and South, or developed countries and developing countries, because the environmental issues have been mixed with economic and trade issues. There is no way the environmental problems can be solved and the nature is protected as long as these issues are subsumed under one context. If other countries join the environmental regimes and sign the environmental agreements with an idea of protecting their own interests, and not to be left out like Thailand does, it can be said that, ideally, the future of environmental cooperation is not very bright.

Thailand's environmental policy is not totally environmental; it is compatible with development policy, but not in the manner that sustainable development should be. Thai environmental and development policies move towards one direction, but not as equal partners. The direction mentioned is the direction of economic development and growth. The main objective of the policy is not real sustainable development; it is likely to sustain the development.

Apart from changes at domestic and international levels, there is another new factor to be considered, that is new actors - the non-state organizations, especially NGOs. NGOs used to be on the opposite side of the government, but have now had important roles in environmental protection.⁵⁷ The government needs assistances from NGOs. However, there are many NGOs in Thailand, and they differ in stability, status, financial resources, specialization, and so on. Currently, there are approximately 18,000 registered NGOs, but most of them are "dead" or do not function any longer.⁵⁸ As a result, the government has to delineate standard for recognizing environmental NGOS. The delineation can be found in Article 7 of the 1992 Environmental Law. In other world, it is the government's method of selecting and controlling the NGOs.

The importance of NGOs in policy-making process is prominent, especially in the environmental policy-making process. The 1992 Environmental Law stipulates the

23 members of NEB must be consisted of eight specialists, and not less than four of those eight must come from NGOs, even though there is no rule on how to select NGOs representatives. The NGOs are also sources of information in formulating policy; TDRI and TEI are large private institutions that have influenced developments and environmental policy agenda formulations. Their papers and information are frequently referred to in government's documents.

These three factors have influenced Thai environmental policy-making process. The environmental policy has reflected changes of conditions not only in Thai politics and society, but also worldwide. However, it has been noted that environmental policy in Thailand is not policy for the environment, but for development, which

continues to be a core policy as it has been since 1960s. In addition, there are two government agencies responsible for environmental policy - NESDB and OEPP, which should have created disunity in policy-making. Fortunately or, perhaps, unfortunately, both of them agree that economic growth and development is more important than environmental conservation and protection. The whole policy process is about promises and performances, but if problematic promise (policy) is made, there is no need to look at performance (implementation) because the outcome will be what it will be, not what it should be. Thailand has already had experiences from development policy, resulting in environmental deterioration. History is again repeating itself.

Foot Note

¹ Raksasattaya, A. (1977) **Policy Development**. Bangkok: National Institute of Development Administration, p. 1.

² Dye, T. R. (1972) **Understanding Public Policy**. New Jersey: Prentice Hall, p. 18.

³ Friedrich, C. J. (1983) **Man and His Government**. New York: McGraw-Hill, p. 79.

⁴ They are Ministry of Defence, Ministry of Agriculture and Cooperatives, Ministry of Foreign Affairs, Ministry of Communications, Ministry of Finance, Ministry of Interior, Ministry of Justice, Ministry of Commerce, Ministry of Industry, Ministry of Public Health, Ministry of Labour and Social Welfare, Ministry of Science, Technology and Environment, Ministry of Education, Ministry of University Affairs, and Prime Minister's Office which is equal to a ministry

⁵ Raksasattaya, A. op. Cit., p. 3-5.

⁶ Ibid., p.7.

⁷ Ibid., p. 57.

- ⁸ In case of emergency, or there is an urgent matter, minister can bring the proposal to the cabinet meeting by himself by asking for permission from the Prime Minister orally.
- ⁹ Raksasataya, A. op. cit., p. 72.
- ¹⁰ Official name of the law is the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992).
- ¹¹ Department of Environmental Quality Promotion. www.deqp.go.th/oepp/main/start.htm 15 January 1999.
- ¹² Interview, Bangkok, September 1999.
- ¹³ Samphantarak, V. (1997) **Environmental Plan and Policy**. Papers presented at the National Institute of Development Administration's Environmental Management course. 16 December 1997. (in Thai)
- ¹⁴ Mallikamal, S. (1999) **Environmental Law enforcement**. 2nd ed. Bangkok: Nititham Publishing House, p. 231-235.
- ¹⁵ Interview, Bangkok, September 1999.
- ¹⁶ Interview, Bangkok, September 1999.
- ¹⁷ Office of Environmental Policy and Planning (OEPP), Ministry of Science, Technology and Environment (MOSTE) (1997) **Policy and Prospective Plan for Enhancement and Conservation of Natural Environmental Quality, 1997-2016**. Bangkok: MOSTE.
- ¹⁸ Samphantarak, V. op. cit., p. 12.
- ¹⁹ Interview, Bangkok, September 1999.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² National Economic and Social Development Board (NESBD), Office of the Prime Minister. (1998) **An Adaptation of the Eight National Economic and Social Development Plan B.E. 2541-2544**. Bangkok: NESBD. (in Thai)
- ²³ Article 56 of the 1997 Constitution states people have rights to participate in government and community activities in conserving and protecting the environment, and promoting environmental quality. Article 69 of the Constitution states that it is people's duty to conserve natural resources and the environment.
- ²⁴ Interview, Bangkok, September 1999.
- ²⁵ Interview, Bangkok, September 1999.
- ²⁶ For instance, Mr. Anand Panyarachun is President of Thailand Business Council for Sustainable Development, Chairman of the Council of Trustees of Thailand Environment Institute, and Chairman of the Board of Thailand Development Research Institute. He is also President of Saha Union Public Company, former Prime Minister, former Permanent-Secretary of the Ministry of Foreign Affairs, and former Chairman of the Constitutional Drafting Committee for 1997 Constitution.
- ²⁷ Interview, Bangkok, September 1999.

- ²⁸ National Economic and Social Development Board (NESBD), Office of the Prime Minister. (1996) **The Eight National Economic and Social Development Plan (1997-2001)**. Bangkok: NESBD.
- ²⁹ Ibid., p. 109-120.
- ³⁰ Interview, Bangkok, September 1999.
- ³¹ NESBD (1996), op. cit., p. 109, 120.
- ³² Interview, Bangkok, September 1999.
- ³³ NESDB. (1996) op. cit., p. 109.
- ³⁴ Mallikamal, S. op. cit., p. 40.
- ³⁵ Article 77 of the 1974 Constitution, Article 65 of the 1978 Constitution, Article 74 of the 1991 Constitution, and Article 78 of the 1991 Constitution as amended in 1995. See, committee II Division, Office of the Secretary of House of Representatives. (no date) **A Comparison of the Articles in the Constitutions of the Kingdom of Thailand**. Bangkok: Office of the Secretary of House of Representatives, p. 71. (in Thai)
- ³⁶ Article 57(2) of the 1991 Constitution. Ibid., p. 63.
- ³⁷ Chuan Leekpai's first term as a Prime Minister, his second term starts from 1997-present.
- ³⁸ Sivaraksa, P. (1996) **Policies of Four Thai Governments**. Bangkok: Institute of Public Policy Studies. (in Thai)
- ³⁹ Articles 56, 69 and 79 of the 1997 Constitution. See, Nilthongkham, P. (ed.) (1997) **The Constitution of the Kingdom of Thailand B.E. 2540**. Bangkok: Athataya Company.
- ⁴⁰ World Commission on Environment and Development. (1987) **our Common Future**. Oxford: Oxford University Press.
- ⁴¹ Mallikamal, S. op. cit., p. 28.
- ⁴² Ibid., p. 25.
- ⁴³ Ecological modernisation is an idea suggested by Albert Weale. The idea is popular in Europe. See, Weale, A. (1992) **The new politics of pollution**. Manchester: Manchester University press.
- ⁴⁴ See, Baker, S. et al. (1997) **The politics of sustainable development: Theory, policy and practice within the European Union**. London: Routledge, Introduction and ch. 1.
- ⁴⁵ Yarmvinij, P. (1997) **A Vision for Natural Resources and Environmental Management**. Individual Study Paper. Senior Administrator Programme, Administrators' College, Civil Service Development Institute. Bangkok: Office of Civil Service Commission of Thailand, p. 14. (in Thai)
- ⁴⁶ Interview, Bangkok, September 1999.
- ⁴⁷ Interview, Bangkok, September 1999.
- ⁴⁸ Interview, Bangkok, September 1999.
- ⁴⁹ Interview, Bangkok, September 1999.

- ⁵⁰ Interview, Bangkok, September 1999.
- ⁵¹ Srivoranart, V. "Danish prince lauds project in Uthai Thani." **The Nation**. 20 March 1999.
<http://203.146.51.4/nationnews/1999/199903/19990320/40478.html> 13 October 1999.
- ⁵² Ibid.
- ⁵³ Hangthong, P. and Chaipipat, K. "CBD funds crucial, says ambassador." **The Nation**. 14 September 1999.
<http://203.146.51.4/nationnews/1999/199909/19990914/49639.html> 13 October 1999.
- ⁵⁴ Global Environmental Facility (GEF) set up in 1991 is a global environmental grant assistance programme, available to all communities, directly impacted by the environmental problems. It allows communities to propose, administer and evaluate environment-related projects with minimal participation of the public sector. Three GEF implementing agencies are UN Environment Programme (UNEP) UN Development Programme (UNDP), and the World Bank. See, Ibid. and Parson, E. A. (1996) "Protecting the Ozone Layer." In Haas, P.M., Keohane, R. O. and Lavy, M. (eds.) **Institutions for the Earth: Sources of Effective International Environmental Protection**. Cambridge, Massachusetts: MIT Press, p. 27-73.
- ⁵⁵ Yarnvinij, P. op. cit., p. 15.
- ⁵⁶ ISO is short for International Organization for Standardisation; international agency with an aim to promote worldwide standardisation in trade and service. See, Mallikamal, S. op. cit., ch.2.
- ⁵⁷ Ibid., p. 185, 243.
- ⁵⁸ Abhapirom, A. "Thai politics under new constitution: time to break through." **Matichon Weekly**, Vol. 19 No. 998, 5 October 1999, p. 16-17. (in Thai)

