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Principle 10 in Thailand
: Development and Challenges

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GREEN ACCESS PROJECT II

Osaka University

Principle 10 in Thailand : Development and Challenges

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Introduction

This paper is written for the International Workshop on "Participation Principle Indicators under the Environmental Law : Towards Establishing an International Cooperation in Pursuit of the Environmental Justice" in March 2015 in Osaka. It will present the development and challenges of the implementation of the Principle 10 of the Rio Declaration in Thai environmental law. This Principle are composed of the right to information, right to participate in decision-making and right to sue. The writer will discuss about the relevant laws and regulations, the court judgments, the participation culture and practice and the reform process in Thailand. She will focus on the recommendations to increase more guarantee of these important access rights.

1. Laws and Regulations

1.1 Development and Challenges

The right to information, right to participate and right to sue are the core values of the environmental democracy. They have been protected from constitutions, acts and regulations in Thailand. These rights were gradually developed, after the Thai society had learnt that the representative democracy alone was not enough. Thai people need the participatory and deliberative democracy too. In the past, there were environmental conflicts in various aspects. The governments have done projects causing the depletion of the environment and human injury. The investors had a good connection to the government, while the people had no right to voice their opinions. Therefore, the people asked strongly for their rights of participation.²

The protections started with some positive laws. The Town Planning Act of 1975 had some provisions on public hearing, though in reality the hearings were always insufficient. The Enhancement and Conservation of the National Environmental Quality Act of 1992, which is the general environmental protection law, sets up the National Environmental Board and imposes an environmental impact assessment process. Regrettably, there are no clear provisions on people participation process. The Administrative Procedure Act of 1996 stipulates the right to information and right to be heard, if anyone would be affected from the administrative act. Having followed the model of the German Administrative Act (Verwaltungserfahrensgesetz), the Thai legislators disagreed to have the special chapter on public hearing process in large-scale and high-risk projects (Planfeststellungsverfahren).

¹ LLB, Thammasat University, LLM (Public Law), Thammasat University, Magister Legum (Summa Cum Laude) and Dr. Jur, (Magna Cum Laude), Muenster University, Germany, Chief Judge of the Research Justice Division and Secretary of the Environmental Law Division, The Supreme Court of Thailand. More information about Thai participation laws before 2003, please see the writer's doctorate dissertation on "Buergerbeteiligung im Anhoerungsverfahen bei umweltrelevanten Grossvorhaben: Ein Vergleich des thailaendischen mit dem deutschen Umweltrecht, Peter Lang Verlag, 2003.

² Ashok Swain and Ang Ming Chee, Political Structure and 'Dam' Conflicts: Comparing Cases in Southeast Asia, <http://lup.lub.lu.se/luur/download?func=downloadFile&recordOID=4353962&fileOID=4360370>.

After many years in use, no one tried to revise the law and added the new values. According to the Official information Act of 1997, the people must individually ask for the information case after case. The natural resource conservation laws, such as the Forestry Act of 1941, the National Parks Act of 1961, the National Reserved Forest Act of 1964 and the Wild Animal Conservation and Protection Act of 1992 as well as the pollution control laws, such as the Industrial Estate Act of 1979, the Public Health Act of 1992 and the Factory Act of 1992 do not contain any provisions about the public participation in the environmental governance. In the meanwhile, the Office of the Prime Minister Regulations on Public Hearings of 2005 was stipulated. It came into force as a consequence of the people protests. The objective was to open a platform to solve all social conflicts, including the environmental matters. Unfortunately, there were no exact details about of the procedural rights. Though this provided people involvement in many forms, it has no legal binding like a law. The participation proceeding was not compulsory and depended absolutely on the discretion of the officers.³

Finally, the most important protections came indeed from the constitutional laws. The Constitution of the Kingdom of Thailand of 1974 showed the first concerned on environment, while the Constitution of 1997 had firstly provided an explicit rights to participation in environmental decision-making. The Constitution of 2007 imposed later more details about the constitutional rights to participate, such as the right to access information of state agencies (Article 56), public hearing rights in environmental management (Article 57) and public participation rights of people and local community in the conservation, preservation and the sustainable use of natural resources and biodiversity. The right to be heard and the right to sue are provided (Article 67).⁴ According to these two constitutions, the rights of participation were well protected, though there might be some problems in the interpretation.

After the Military Coup D' Etat in 2014, the Constitution of 2007 was abolished. The Interim Constitution of 2014 has a slight protection of basic rights. Article 4. states that subject to the provisions of this Constitution, all human dignity, rights, liberties and equality of the people protected by the constitutional convention under a democratic regime of government with the King as the Head of State, and by international obligations bound by Thailand, shall be protected and upheld by this Constitution. Apart from these, there are no other fundamental rights protection.⁵ During the military government, there is no freedom of expression and assembly. Though the National Reform Council is trying to ensure the environmental right in the new constitution, the future is uncertain.⁶

1.2 Recommendations

1.2.1 Reform the Constitutions, Laws and Rules

³ Suntariya Muanpawong, Buergerbeteiligung im Anhoerungsverfahren bei umweltrelevanten Grossvorhaben: Ein Vergleich des thailaendischen mit dem deutschen Umweltrecht, Peter Lang Verlag, 2003.

⁴ National Report of Thailand, http://www.aihja.org/images/users/114/files/Congress_of_Cartagena_-_Report_of_Thailand_2013-THAILAND-EN.pdf.

⁵ <https://www.facebook.com/notes/somkiat-onwimon/the-constitution-of-the-kingdom-of-thailand-interim-be-2557-2014-unofficial-tran/915606088453349>.

⁶ http://en.wikipedia.org/wiki/2014_Thai_coup_d%27%C3%A9tat.

It is clear that the people participation can make more legitimate, transparent and accountable decisions. This will bring better environmental governance. However, many hindrances in the laws were founded. They include lack of clarity regarding scope, definition, duration and the use of officials' judgment.⁷ Though the new constitution will be the key indicator of the development of the process rights, the clearer protections in relevant laws and regulations are needed as well. In many countries, such as in Germany, there might be no direct constitutional protections of participation rights, but there are more than 20 environmental protection laws ensuring these rights. In Thailand, there is no single law on this matter. The National Environmental Quality Act could be amended to add a detailed provision on people's participation.⁸ Otherwise the specific law on environmental information and participation should be introduced. In the new law, the government should provide adequate and appropriate opportunity for public participation in decisions that may affect the environment. The participation of all interested and affected parties should be fully guaranteed. The rights and role of the communities and the NGOs should be more clearly protected.⁹ All kinds of participation process such as people dialogue, environmental mediation, negotiation, arbitration or citizen juries should be created.¹⁰ The participation could be in the environmental in rule-making process. especially in the town planning law.¹¹ In America, there is a Negotiated Rulemaking Act.¹²

The new constitution, laws and regulations themselves should be clear stipulated, so that all partners can apply automatically and the courts do not need to interpret all the time. In the new provisions, the early public participation should combine directly to the strategic environmental assessment and the environmental and health assessment processes. The stakeholders should be wider defined, covering all affected and to be affected people. The people from every group should have an adequate opportunity to express their views. Some unclear provisions in the past should be more clarified; Which kinds of the projects, the people participation should be compulsory? Which kind of information, the people will have the rights to access? How far the cases about procedural failures can be brought before the court? The recent and current governments have shown their interests in initiating various kinds of large-scale projects, such as mining industry, dams construction, power plants, cable car in national parks, new land use plans and rapid train transportation. The new constitutions, laws and regulations should be ready for the future development.

1.2.2 Increase the Legal Biding of the International Laws and Guidelines

Various protections of access rights in Thai legal system came originally from the internal problems. These rights were gradually developed, after the Thai society had learnt that the representative democracy alone was not enough. Thai people need the participatory and deliberative democracy too. Until now, there has been no influence from the international laws over the past development. Though the Principle 10 of the Rio Declaration and the

⁷ See more in <http://www.mtp.rmutt.ac.th>.

⁸ Thai Environmental Institute, Environmental Governance in Asia: Independence Assessments of National Implementation of Rio Declaration's Principle 10, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

⁹ Suntariya Muanpawong, *Buengerbeteiligung im Anhoerungsverfahren bei umweltrelevanten Grossvorhaben: Ein Vergleich des thailaendischen mit dem deutschen Umweltrecht*, Peter Lang Verlag, 2003.

¹⁰ Thai Environmental Institute, Environmental Governance in Asia: Independence Assessments of National Implementation of Rio Declaration's Principle 10, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

¹¹ See more in <http://www.mtp.rmutt.ac.th>.

¹² <http://www.epa.gov/adr/regnegact.pdf>.

Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines) are the world important instruments,¹³ they are not well known enough in the Thai community. The Aarhus Convention might be a good standard for European countries, but it is not recognized from the ASEAN countries neither. Although these international instruments had no direct influence over the past development, they can be a good aspiration for the future. The Rio Declaration lacks the force to have national legislation. Compared to other international agreements, such as conventions on human rights, women rights and child rights, the international environmental laws have no strong binding with the internal laws. Some South American Countries signed the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development. This was a way to "Move from Principles to Rights".¹⁴ These should be done worldwide. The Principle 10 should be soon upgraded to be an international convention with full binding.

2. The Court Judgments

2.1 Development and Challenges

In the past, Thailand had only the Courts of Justice. There were some court rulings of about the participation rights. Mostly the plaintiff claimed for the right to environmental information under the Enhancement and Conservation of the National Environmental Quality Act. One famous case was filed against the Bangkok Metropolitan Administration for the information about the special mass transit system. In another important case, the plaintiff filed the Prime Minister for the environmental right under the Constitution of 1991. The main concern of these cases was the locus standi of the plaintiffs.¹⁵

Later the Constitution of 1997, the Constitution of 2007 and the Act on Establishment of Administrative Court and Administrative Court Procedure ensure the right to sue more clearly. The access to justice is possible and wider reached. Though some of these rights are constitutional rights, the Constitutional Court has no jurisdiction over a direct petition. The Administrative Court has competence over administrative cases instead. Section 9 of the Act on Establishment of Administrative Court and Administrative Court Procedure regulates that the Administrative Court has the competence to try and adjudicate or give orders over the case involving a dispute in relation to an unlawful act by an administrative agency or a State official the case involving a dispute in relation to an administrative agency or a State official neglecting official duties required by the law to be performed or performing such duties with unreasonable delay, the case involving a dispute in relation to a wrongful act or other liabilities of an administrative agency or a State official, the case involving a dispute in relation to an administrative contract, the case prescribed by law to be submitted to the court by an administrative agency or State official for mandating a person to do a particular act or

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http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf.

¹⁴ David Banisar, Sejal Parmar, Lalanath de Silva, and Carole Excell, Moving from Principles to Rights: Rio 2012 and Access to Information, Public Participation, and Justice in Sustainable Development Law & Policy Volume 12 Issue 3 Rio+20 Article 3- <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1532&context=sdlp>.

¹⁵ Vipon Kititansasorchai and Panat Tasneeyanond, Thai Environment Law, Singapore Journal of International & Comparative Law, 1 (2000) 4 pp 1 – 35, <http://law.nus.edu.sg/sybil/downloads/articles/SJICL-2000-1/SJICL-2000-1.pdf>.

refraining from and the case involving a matter prescribed by law under the jurisdiction of the Administrative Court.

The Administrative Courts established a specialized environmental law division. They have a special environmental procedure according to the Recommendation of the President of the Supreme Administrative Court on the Administrative Court Proceedings concerning Environmental Issue of 2011. The cases can be brought by the individual or civil organizations, when the government lacked of implementation or compliance to the constitution and laws. The Administrative Courts can review substantive and procedural legality of the administrative decision.¹⁶ The recent cases were the filing to request the Pollution Control Department to restore a river under environmental law, filing an administrative agency for negligence in supervising radioactive substances, causing the radioactive leak and filing Electricity Generating Authority of Thailand for the negligence in releasing the polluted air without air pollution treatment under the emission control standards, causing physical and mental injury to other persons.¹⁷ The Supreme Administrative Court is a champion in giving effect to the principles of liberalized standing, direct applicability and enforceability of constitutional rights and prevention and applying technical rules flexibly, where it would afford substantive justice.¹⁸

However, not so many cases about the procedural rights have been brought before the court, since the people are not capable to sue. The environmental jurisprudence on the procedural right is rarely established. In the past, there were some cases filing on the right to information regarding the Bird flu disease or other matters.¹⁹ One of the landmark cases of the Administrative Courts on the participation rights protection was the Map Ta Phut Case. The Map Ta Phut Industrial Estate was situated in Rayong Province in the eastern part of Thailand. This new center of industries of the country was a part of the larger plan for development of the Eastern Seaboard. In the estate, foreign investors from Japan, American and Europe developed the oil and gas and petrochemical industry, chemical factories and metal industry. After the Phase I Project had a good success, the government tried to launch the Phase II project. The Minister of Industry gave permissions in the new zone, without conducting the environmental and health impact assessment. There were many doubts about the air, soil and water pollutions and waste management from the first phase and the potential pollution carrying capacity of the new phase. The injured people protested many times.²⁰ Finally, the plaintiff claimed that 8 government agencies granted permission to 76 industrial projects without complying with Constitution, which required an additional health impact assessment and more involvement of local communities and the independent organization. The Central Administrative Court ordered the government agencies to immediately suspend the projects. The Supreme Administrative Court confirmed later that the health impact assessment and the public hearing must be done. Some foreign investors had built the factories and started the operation already. They must delay their business, during the late

¹⁶ Chaweewan Saibua, Public Policy Formation And Implementation: The Case of Map Ta Phut Industrial Development, www.econ.chula.ac.th/public/publication/occasional/CER-OccasionalPapers2010.pdf.

¹⁷ National Report of Thailand, http://www.aihja.org/images/users/114/files/Congress_of_Cartagena_-_Report_of_Thailand_2013-THAILAND-EN.pdf.

¹⁸ Kala Mulqueeny, Sherielysse Bonifacio and Jacqueline Esperilla, Asian Judges, Green Courts and Access to Environmental Justice: An Asian Judges Network on the Environment, *Journal of Court Innovation*, 3:1, http://law.pace.edu/sites/default/files/IJIEA/jciMulqueeny_JCI%203-17_cropped.pdf.

¹⁹ Thai Environmental Institute, Environmental Governance in Asia: Independence Assessments of National Implementation of Rio Declaration's Principle 10, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

²⁰ Chaweewan Saibua, Public Policy Formation And Implementation: The Case of Map Ta Phut Industrial Development, www.econ.chula.ac.th/public/publication/occasional/CER-OccasionalPapers2010.pdf.

impact assessment and participation process. The uncertain laws and implementation affected the country economy seriously.²¹

2.2 Recommendations

2.2.1 Develop More Access to Justice

The constitutions and laws should ensure that the people will have easy access to the court, if their procedural rights are violated. The right to sue should be widely interpreted. The Specialized Environment Division of the Administrative Courts have been already established, therefore the special legal aid should be better developed. In practice, the environmental cases require specialist legal knowledge and technical expertise. These services should be provided sufficiently.

2.2.2 Develop Capacity Building Programs for Judges

The empowerment of the people is necessary and the capacity building programs for judges and court personnel are essential. The judiciary should have knowledge and understanding of the participation laws, especially the constitutional provisions.²² Judges are important to implement the law. They play an important role in environmental enforcement and compliance. They can protect environmental rights from the constitution and introduce international environmental law into national law.²³ The knowledge of judges about the procedural justice is very important. In the past, the administrative law focused mostly on the substantive or merit review. In the future, the review of the process will be possibly more important. The substantive justice cannot be delivered, unless the procedural justice is protected. The laws must be clear, how far the judicial review over procedural rights can be done. The judges must understand the spirit of the law and bring all aspects into their consideration. They must know the effect and consequence of their decisions over the social, environmental and economic matters.

3. Participation Culture and the Real Practice

3.1 Development and Challenges

It is clear that people participation in decision-making process can bring more environmental justice, transparency and acceptance. This will avoid human injury and the natural harm. However, the participation culture depends on the development of each society. Thailand has been bureaucracy- centered for a long time. This means the officers had monopoly in the decision-making. The command and control policy and the top-down management prevailed. The representative democracy was understood that the elected people

²¹ What is the impact of the Map Ta Phut case on the economy?, <http://www.scb.co.th/eic/doc/en/insight/SCB%20Insight-Nov%202009-EN.pdf>.

²² Thai Environmental Institute, Environmental Governance in Asia: Independence Assessments of National Implementation of Rio Declaration's Principle 10, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

²³ Kala Mulqueeny, Sherielysse Bonifacio and Jacqueline Esperilla, Asian Judges, Green Courts and Access to Environmental Justice: An Asian Judges Network on the Environment, *Journal of Court Innovation*, 3:1, http://law.pace.edu/sites/default/files/IJIEA/jciMulqueeny_JCI%203-17_cropped.pdf, Ganniga Sutthiprasid, Evolution of Thai Environmental Law, http://www.admincourt.go.th/00_web/environment/newsletter02.htm.

were allowed to do everything in the name of the people. Gradually, the people learnt about the direct, participatory and deliberative democracy and proposed that their voices should be listened. Decisions must come from deliberation. In the beginning of this struggle in 1986, the Thailand Tantalum Industry Project in Phuket was burnt. Many protestors protested heavily on the street. Some were arrested and prosecuted. The situation "You build, we burn!" occurred everywhere after that. The participation came firstly with violence and violation of law.²⁴

The attitude and mindset of all stakeholders is the key indicator for failure or success. While the people want the absolute direct democracy, the government wants the absolute power. Not only officers are reluctant, but the investors are also afraid that people participation would make the projects stopped or delayed. The SLAPP cases or the killing of the environmental leaders were seen as the response of the people movements. Even the public, some of them still have doubt that the people are not yet ready and immature or have no enough knowledge. Some did not trust the NGOs, since the environmental organizations might have conflict of interest. Anyway, the Thai society increasingly get used to the direct and participatory participation, after the people had learnt to rally across the country during the recent political conflicts.

After the military government came back into power again in 2014, the people participation has been controlled more strictly. The ruling leaders believe in technocrats, rather than the ordinary people. Many gigantic projects have been already permitted after consultation with some technocrats. No public hearing process will be conducted.²⁵ This mindset of the military leaders seems to be the important obstruction for the environmental democracy.

Apart from the wrong attitude, the problem in Thailand is the lack of real practice. The participation principles are good, but there is no enough quality in the implementation. The laws and regulations have no details about the process. The people do not know the scope of the rights they have. In many countries, the right to know means the right to have access to all related documents in an understandable format in the proper time and place. The people involvement process can exceed one year or five years, if necessary. In Germany, there is a principle on "Waffengleichheit" in the hearing process, this means the equal rights of all parties must be protected. In Thailand, the important information about the project has not been given to the people. Not all interested stakeholders were invited to the meeting. The officers did not have knowledge and skill to conduct the meeting. Many hearing processes were conducted by the industrial companies and the dependent facilitators. The people

²⁴ Sophie Thnapura, Phuket ablaze: Thailand's Wackersdorf in EIR Volume 13, Number 28, July 18, 1986, http://www.larouchepub.com/eiw/public/1986/eirv13n28-19860718/eirv13n28-19860718_057-southeast_asia.pdf, pp. 422-438 in Peet, R. and Watts, M. (eds) (2004) *Liberation Ecologies: environment, development and social movements* (Second Edition), London and New York: Routledge. Industrial Pollution and social movements in Thailand Tim Forsyth, http://personal.lse.ac.uk/forsytht/forsyth_libec.pdf.

²⁵ Khoo Boo Teik, Teresa S. Encarnacion Tadem, and Shiraishi Takashi, *Technocracy and Economic Decision-Making in Southeast Asia: An Overview*, South East Asian Study, Vol.3, No.2, <http://englishkyoto-seas.org/2014/08/vol-3-no-2-the-editors>.

understood that they have only half-day talk, while the officers and investors had longer time in the discussion.²⁶

3.2 Recommendations

3.2.1 Change the Culture and Philosophy

Changing only laws and regulations cannot bring success. The culture must be changed too. The wrong attitude from all parts about the participation must be corrected. The capacity building programs can increase more agreement with the access rights. Besides, changing culture means changing the philosophy. The environmental democracy is the new values for the society. This is not the matters of technique, but the ideology. The campaign of the environmental democracy should focus on these new ethics; new form of state with transparency, anti-corruption, the green rule of law and the green democracy. If the participation rights are well guaranteed, these core values cannot be reached in reality.

3.2.2 Develop More Skills in Practice

The failures in the past should be a lesson-learned experience for the future. The practice can be compared with the real processes from other countries. The information and hearing process should be conducted from the impartial organ in appropriate timing and location. The input from the people consultation should be considered from the authority and should bring impact and influence over the decisions, otherwise the people participation will be a formality without content. The laws and regulations must fill the gap in detail. The empirical researches and statistics collections are necessary to improve all relevant works. These include the evaluation of the strengths and weaknesses of the real participation process and the observation whether the laws and practice are ineffective in achieving their goals. The good participation should build trust, reduce conflict and guarantee the cost and effectiveness of the decision. The effective or authentic public participation is needed.²⁷

Many countries have created new tools to participate. The electronic access and public participation through technology are nowadays easier and more practical. The access to toxic release inventory data, the use of geographic information systems for community decision-making and the use of e-mail or other social medias to communicate with decision-makers or among the public should be wider applied.²⁸

The National Environment Board and the Department of Environmental Quality Promotion, which have general duty to promote the environmental protection, should take these responsibilities. They need to empower and strengthen the citizens, civil societies and the communities. All people should have the right to develop their understanding, skills and capacity necessary for achieving equitable and effective participation. The empowerment should focus on the rights of the vulnerable and disadvantaged persons, such as the poor and the ethnic minorities. In the past there were some activities from private organizations

²⁶ Suntariya Muanpawong, *Buergerbeteiligung im Anhoerungsverfahren bei umweltrelevanten Grossvorhaben: Ein Vergleich des thailaendischen mit dem deutschen Umweltrecht*, Peter Lang Verlag, 2003.

²⁷ Cheryl Simrell King et al., *The Question of Participation: Toward Authentic Public Participation in Public Administration*, 58 *Pub. Admin. Rev.* 317, 317 (1998).

²⁸ Suntariya Muanpawong, *Buergerbeteiligung im Anhoerungsverfahren bei umweltrelevanten Grossvorhaben: Ein Vergleich des thailaendischen mit dem deutschen Umweltrecht*, Peter Lang Verlag, 2003.

such as the Thailand Environment Institute (TEI). The TEI and the Access Initiative developed a program for building capacity of civil society and mass media on environmental governance and Principle 10 (Rio Declaration in Southeast Asia and the Greater Mekong Sub-region).²⁹ The TEI tried to work also with major stakeholders of the Map Ta Phut Project. This organization suggested that the people's access to information and decision-making process according to the Principle 10 of the Rio Declaration should be promoted. The rights of the underprivileged such as the poor, the elderly, aliens and local fishers must be respected.³⁰ This kind of activities should be expanded more. The work with mass media is important to confirm this new culture and knowledge.³¹

4. The Strategic Reform Process

4.1 Development and Challenges

The lack of public participation in environmental matters has been one of the crucial social problems in Thai society for a long time. The people demonstrated aggressively every time, when the new high-risk projects were launched. There were no appropriate platforms to discuss peacefully. Though many groups talked about the reform, the real reform has never happened. The good constitutions containing the procedural rights were already abolished. The bills on people participation in environmental governance have never been pushed into reality. There were no reform strategies.

4.2 Recommendations

4.2.1 Set Up the New Reform Body

The National Environment Board, the Office of Environmental Policy and Planning, the Law Reform Commission or any other state agency can initiate a reform. However, all relevant organizations thought only of their own agendas, changed little organizational structures and increased more personnel and income. They had no political will to increase the participation rights in environmental matters. Setting up a new reform body should be a creative way. The National Environmental Justice Board should be set up as a new mechanism to cope with all environmental injustice problems. This new board should include the justice people, scholars in environmental law and administrative law and the technical experts. Representatives from the civil societies, NGOs and communities should be members in a good proportion. The protection of the access rights in the new constitution should be clearly proposed from the board. The specific laws on people participation in environmental matters should be rapidly introduced. The regulations for detailed implementation should be prepared. This new body can have possibly wide area of works including the codification of environmental laws and the establishment of the environmental mediation center and the environmental court. It might have long schemes to empower and strengthen all parties.

²⁹ http://www.tei.or.th/w_gg/Rio-Declaration.html, <http://www.tei.or.th/tai/>, <http://www.accessinitiative.org>, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

³⁰ See more in <http://www.mtp.rmutt.ac.th>.

³¹ Thai Environmental Institute, Environmental Governance in Asia: Independence Assessments of National Implementation of Rio Declaration's Principle 10, <https://bch.cbd.int/protocol/outreach/accessinitiativeasia.pdf>.

4.2.2 Develop the Proactive Role of the International Actors

Previously, the international organizations have had good success in helping Thailand to develop the environmental justice system. The US-AID and the ADB have played vital role to push the specialized environmental court divisions.³² The UNEP, the UNCSD, the UNDP, the OECD or any other international actors can also work hard in this filed. In principle, the Thai government is obliged to implement and monitor the multilateral environmental agreements, but in practice the implementation and the monitoring are extremely weak. The active regional workshop on the implementation of Principle 10 of the Rio Declaration and the application of the Bali Guidelines for the development of national legislation on access to information, public participation, and access to justice in environmental matters in Latin America or in the Caribbean countries held by the UNEP should be held in other regions too.³³ The International NGOs, such as the Greenpeace, the German Heinrich Boell Foundation or any other organizations can also work across the regions in order that every continent can exchange experiences, especially the technical assistance and capacity building programs.

4.2.3 Develop the Education on Environmental Administrative Law

In addition to the laws and works of the practitioners, the education on environmental law should be progressively developed. Formerly, Thai jurists have no active role in establishing the significant environmental legal principles. Thai society has not invested in producing the environmental lawyers. We need environmental lawyers, who understand the procedural justice. They must be consequently the good constitutional and administrative lawyers too. The legal comparison should be intensively conducted and the best practices from other countries could be selected as our role models.

Conclusion

This brief paper showed a rough historical perspectives and development of the participation rights in Thailand. The laws and regulations, the court judgments, the participation culture and practice and the reform process just started in the beginning phase. We need to work harder among the Thai state and all interested groups. Besides, we must learn more from other countries' experiences. The Principle 10 of the Rio Declaration and the related guidelines should be the valuable guiding charters for the globe. The strong commitment and interactive collaboration between the Thai and global communities to develop the access rights of the people will bring peace and prosperity for all.

³² George (Rock) Pring & Catherine (Kitty) Pring, *Greening the Justice*, <http://www.law.du.edu/documents/ect-study/greening-justice-book.pdf>, Kala Mulqueeny, Sherielysse Bonifacio and Jacqueline Esperilla, *Asian Judges, Green Courts and Access to Environmental Justice: An Asian Judges Network on the Environment*, *Journal of Court Innovation*, 3:1, http://law.pace.edu/sites/default/files/IJIEA/jciMulqueeny_JCI%203-17_cropped.pdf.

³³http://www.pnuma.org/forodeministros/19-mexico/documentos/Report%20LA%20workshop%20on%20Principle%20and%20Bali%20Guidelines%2010_DIC%2019%20eng%20cl.pdf, http://www.pnuma.org/documentos/Programme_workshop_Caribbean_July_29.pdf.