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Ashijya Otwong & Tanapon Phenrat

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## Comparative analysis of public participation in the EIA process for Thai overseas investment projects: Krabi coal terminal, Hongsa coal power plant, and Dawei special economic zone

Ashijya Otwong<sup>a</sup>  and Tanapon Phenrat<sup>b,c</sup> 

<sup>a</sup>Faculty of Law, Naresuan University, Phitsanulok, Thailand; <sup>b</sup>Faculty of Engineering, Center of Excellence for Sustainability of Health, Environment and Industry (SHEI), Naresuan University, Phitsanulok, Thailand; <sup>c</sup>Faculty of Engineering, Department of Civil Engineering, Research Unit for Integrated Natural Resources Remediation and Reclamation (IN3R), Naresuan University, Phitsanulok, Thailand

### ABSTRACT

While Thai overseas investment projects (TOIPs) have become a key form of development in the region, their environmental impact assessment (EIA) quality has been criticized. This research sought to analyze the differences in EIA practices in terms of public participation (PP) in two TOIPs – the Hongsa coal-fired power plant (Lao PDR) and the Dawei special economic zone (Myanmar) – versus a national-level project, the Krabi coal terminal. For Laos and Myanmar, which did not previously require PP, the Thai consultants did not apply the Thai PP framework, leading to poor public participation index (PPI) scores = 0.02, indicating a negligible PP process. However, the consultant on the Krabi coal terminal claimed to abide by the Thai regulations, yet the PPI scores claimed = 0.81 (substantive rationale), were quite different from those indicated by the affected villagers = 0.39 (instrumental rationale). These villagers' concerns resulted in conflict between the affected villagers and project owners. Our findings have revealed the true necessity of PP regulation and systems to monitor consultant performance to ensure sustainability of TOIPs in neighboring countries.

**Abbreviations:** DSEZ: Dawei special economic zone; EGAT: Electricity Generating Authority of Thailand; EIA: Environmental impact assessment; EHIA: Environmental Health Impact Assessment; IFAC: Information accessibility; ONEP: Office of Natural Resources and Environmental Policy and Planning; PP: Public participation; PPI: Public participation index; TOIPs: Thai overseas investment projects

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Environmental impact assessment (EIA); Thai overseas investment; public participation; information accessibility; Thailand/Laos PDR/Myanmar comparison

### 1. Introduction

Environmental impact assessment (EIA) is an important example of a process associated with the remarkable growth of interest in sustainability (Glasson et al. 2005; Arts et al. 2012; Weaver et al. 2012). The EIA law in Thailand was developed over more than 20 years and is considered a leader of its kind along the Mekong (Leonen and Santiago 1993; Boyle 1998; Office of Natural Resources and Environmental Policy and Planning 2012). As an essential component of the EIA process influencing assessment and mitigation measures, public participation (PP) has been integrated into Thai EIA procedures since 1992 (Office of Natural Resources and Environmental Policy and Planning 2012). Nonetheless, as Thailand has undergone rapid industrial development, public involvement, and the technical quality of EIA content are still problematic in practice (Stampe 2009). PP was charged as simply being a formal procedural requirement, and public concerns were not seriously accounted for when making decisions, often rendering EIA reports

and mitigation measures unacceptable by affected local communities (The Nation 2013; TPBS 2013; Wipatayotin 2015).

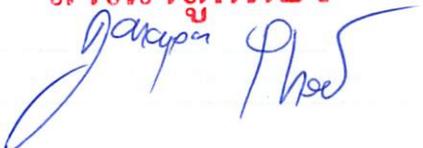
Unfortunately, instead of strengthening PP policies, EIA laws, and mechanisms, the Thai government along with Thai project developers have been shifting their investments to neighboring countries, where EIA law and PP requirements are much less developed, in order to take advantage of the weaker legal protections and more restricted political space (Li 2008; Erdogan 2013; Greenstein 2014; Irrawaddy 2014; Yep 2014a). Despite strong public resistance arising from concerns for the negative impacts to the environment as well as human rights violations, TOIP, especially major infrastructure projects – such as coal-fired power plants, hydropower dams, and mines – are still fanning out in all directions. These projects represent upwards of \$100 billion in investment, a value only behind that of Japan and China, in the Asia-Pacific region (The Nation 2012; The Mekong Eye 2016). This regional problem led to discussion among diverse

**CONTACT** Tanapon Phenrat  tanaponph@nu.ac.th

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groups from civil society and governments across the region. As such, the Regional Technical Working Group on EIA was established to improve regional cooperation for effective EIA policy and practices (Mekong Citizen 2017). After 18 months of preparation, the group produced the guidelines on PP in EIA in the Mekong Region, with the goal of inspiring continued strengthening of EIA policies and practices in each Mekong country and across the area. Nevertheless, these guidelines have not practically been employed yet.

Apart from a project owner and related government agencies, one of the key players directly responsible for PP in EIA is the EIA consultant (Wood 1998; Albrecht 2012; Birley 2012; Duncan 2012; Chanthy and Grünbühel 2015). Unfortunately, the current Thai EIA system cannot hold consultants accountable for their performance on local or TOIP, and PP in EIAs for TOIPs has never been evaluated to reflect their performance against neighboring countries.

This research aimed to investigate the differences in EIA practices regarding PP and information accessibility (IFAC) of TOIPs performed by Thai EIA consultants. By comparing three case studies, namely, the Krabi coal terminal (Thailand), the Hongsa coal-fired power plant (Lao PDR), and the Dawei special economic zone (DSEZ) (Myanmar) (Figure 1), the main objective is to evaluate EIA practices concerning PP and IFAC using the integrated public participation index (PPI) (Brombal et al. 2017) discussed further in Section 2.1. Comparatively, factors potentially responsible for varying performance in PP and IFAC of impact assessment reports among the three cases are discussed. Recommendations to improve the quality of PP and IFAC to make TOIPs sustainable and accepted in neighboring countries are also proposed.

## 2. Background

### 2.1. General concepts of meaningful public participation

Public participation (PP) is based on the core idea that those who are affected by a decision regarding a project have a moral right to be involved in the decision-making process (Cuppen et al. 2012). The International Association for Public Participation elaborates the spectrum of PP goals as follows (IAPP 2014):

- To provide the public with balanced and objective information in order to assist them in understanding the problem, alternatives, opportunities, and/or solutions.
- To obtain public feedback on analysis, alternatives and/or decisions.
- To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

- To collaborate with the public on each aspect of the decision including the development of alternatives and the identification of the preferred solution.
- To place the final decision-making action in the hands of the public.

Similarly, Glucker et al. (2013), in an intensive literature review, categorized PP objectives into three rationales – instrumental, substantive, and normative (Glucker et al. 2013). According to the instrumental rationale, PP is merely meant for achieving a smooth and legitimate implementation of a project and to resolve conflicts among stakeholders. On the other hand, according to the substantive rationale, PP is valued as a tool to enhance decision-making regarding a project by harnessing local information and knowledge, and incorporating experimental and value-based knowledge, as well as testing the robustness of information from other sources again that obtained from the public. Finally, with respect to the normative rationale, PP is meant to influence decisions, to elevate democratic capacity, provide social learning, and empower and emancipate marginalized individuals and groups. Robust PP may provide solid understanding of the impact and mitigation measures partially leading to project support or acceptance by the public. On the contrary, poor PP may negatively impact the project and potentially lead to project rejection or ambivalence (Cuppen et al. 2012).

To be effective in this regard, PP needs to be organized in a structured manner throughout the EIA process and project implementation. Moreover, identification of key stakeholders is crucial for meaningful PP. It begins with identifying the potential environmental and social impact deriving from a proposed project and the connected actions, and then uses a stakeholder analysis matrix to determine different groups and develop suitable PP strategies. The matrix and roles of the key stakeholders in PP are illustrated in Table S1 and S2 in the Supporting Information (SI). Importantly, after identifying all relevant stakeholders, sufficient time must be provided for them to consider the information and prepare questions for the EIA consultant and project proponent (Mekong Partnership for the Environment 2017).

Several groups have developed criteria to evaluate PP in EIA. For example, Palerm (1999) proposed using timing of PP vis-a-vis the EIA process, scope of consultation (including/not including socioeconomic aspects), and presence of project alternatives as the criteria (Palerm 1999). Yang (2008) proposed the use of time, number of participants, information disclosure, scope of participation, techniques of participation, and consideration of the results from PP in decision-making (Yang 2008). Meanwhile, Nadeem and Fischer (2011) put forth employing legal requirements, information, timing and venue of consultation, composition of the

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Figure 1. The three Thai investment projects in this study, namely, Krabi coal terminal (Thailand), the Hongsa coal-fired power plant (Lao PDR), and the DSEZ (Myanmar). Source: Image courtesy of Raviwan Rakthinkamnerd).

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