

Environmental Governance Indicators Toolkit

(TAI Citizen's Toolkit)

Prepared by Thailand Environmental Governance Coalition

(TAI Thailand)

June 2008

Introduction

The trends of increasing conflicts concerning the problems of the environment deriving from pollutions and the competitive natural resources ownership will become more intensified in Thailand. We could avoid these problems if we practice good governance.

The Access Initiative (TAI) Thailand, an environmental governance coalition, currently comprises the Thailand Environment Institute, King Prajadhipok's Institute, Sustainable Development Foundation, Policy Strategy on Tropical Resource Base Project under the Office of the National Human Rights Commission of Thailand, and the Department of Environmental Quality Promotion. This coalition has conducted three national assessments on environmental governance in Thailand in order to find ways to improve its environmental accountability. In conducting each assessment study, the project had used 18 to 20 case studies in various areas to support the assessment with almost 100 indicators.¹

Having proposed by friends in the non-governmental organizations that a citizen's toolkit of environmental governance should be made available for the interested public to be used as guidelines in considering the governance performance of projects conducted in their local areas, TAI Thailand then produced this toolkit.

This toolkit is designed for the public to use as **guidelines** in considering the levels of good governance for projects (or planning or policy making) only. It is not meant for the public or any organizations to use to **assess** good governance, because the number of indicators

¹ Thailand Environment Institute, King Prajadhipok's Institute, and NGO Coordinating Committee on Development, 2002. **Measurable Good Governance – Indicators for Public Participation in Environmental Management**. Second publication, Bangkok. Thailand Environment Institute, King Prajadhipok's Institute, the Sustainable Development Foundation, and Policy Strategy on Tropical Resource Base Project under the Office of the National Human Rights Commission of Thailand, 2005. **Thailand's State of Environmental Governance Report 2005 (2nd Assessment)**. Bangkok. The full report of the 3rd assessment results (in Thai) is under the publication process. For the syntheses of the 3rd assessment, please see Somrudee Nicrowattanayingyong and Sujitra Vassanadumrongdee, editors, 2007. **Synthesis Report on Good Environmental Governance: Public Participation Indicators for Thailand's Sustainable Development (3rd Assessment)**. Bangkok: Thailand Environment Institute.

gathered in this toolkit is only half of the indicators of the full version. Moreover, in conducting a complete assessment, it would have to follow procedures and involve many analysts/researchers.

This toolkit can also be used by the government agencies as guidelines to enhance good governance in conducting the work of your agency.

Should you have any questions relating to the usage of this toolkit, or opinions, or recommendations, please contact the Thailand Environment Institute at the address shown at the end of this book.

Thailand Environmental Governance Coalition

(The Access Initiative, Thailand)

Thailand Environment Institute

King Prajadhipok's Institute

The Sustainable Development Foundation

Policy Strategy on Tropical Resource Base Project under the Office of the National Human Rights Commission of Thailand

Bureau of Public Participatory Promotion, Department of Environmental Quality Promotion

Contents

	Page
Introduction	1
1. Crisis of natural resources reflecting the problems of development in the Thai society	4
2. Sources of problems, ways of thinking and management	4
3. The heart of environmental good governance	6
4. People's rights under the Constitution in accessing information, participation and justice	8
5. Laws guaranteeing people's rights in accessing information, participation and justice	9
6. Global forum and international good environmental governance indicators	12
7. What is indicator?	13
8. How do we use the good environmental governance indicators of this public edition?	14
9. Tables of the good environmental governance indicators of the public edition	15
10. Examples in using the good environmental governance indicators of the public edition	29
11. Methods of evaluation and reporting	42
12. Creating changes	44
13. Contact addresses and additional inquiries	45

1.

Crisis of natural resources reflecting the problems of development in the Thai society

The work of development in the past indicated that the rush to economic growth as primary source for development had been carried out without careful planning for effective utilization, and the prevention of damages to the environment and the society as a whole. For this reason, it has brought about deforestation and depletion of natural resources such as soil, water, forest, sea and the accumulation of pollutants as indicated in the following statistics:

- In 1961, 53.3 per cent of the area in the country was covered with forestland; presently only 32.65 per cent remained.
- Problems of floods in the rainy season and shortage of water in the dry season.
- Problems of the washout topsoil losing its essential minerals, alkaline soil and land slide.
- Waste materials potentially increase at the rate of 2 per cent per year, from 3.2 million tons 1996 to 14.3 million tones in 2005.
- Toxic waste created by the communities in the country as a whole approximately 0.40 million tones per year (in 2005).
- Air pollutions generated by the industrial areas and in the cities with heavy traffic, especially in Bangkok, Chiang Mai, Lumpang, Samut Prakan and Saraburi (areas in Naa Pra Larn district).

Natural resources are the basic elements for life as well as for food security, income and cultural traditions. The depletion of natural resources has led to conflicts in the society such as rivalry in securing water among users in agriculture, industry, and service sectors. Moreover, projects in developing large infrastructure to support economic growth have also created problems affecting the quality of the environment and wellness of the communities. In many instances, the situations have brought serious conflicts to people, as can be seen in the projects for the construction of dams, lignite power plant and gas pipelines.

2.

Sources of problems --- ways of thinking and management

- The basis of thinking that focused only on economic growth as a source for development in the past, i.e. human seeing themselves separating from the nature, overseers of nature, looking at natural resources only as a factor to build economic growth and treating natural resources as separate segments without links in their

relationships has led to accumulating unfavorable production practices and destructive consumption of the natural resources, as well as creating pollutions.

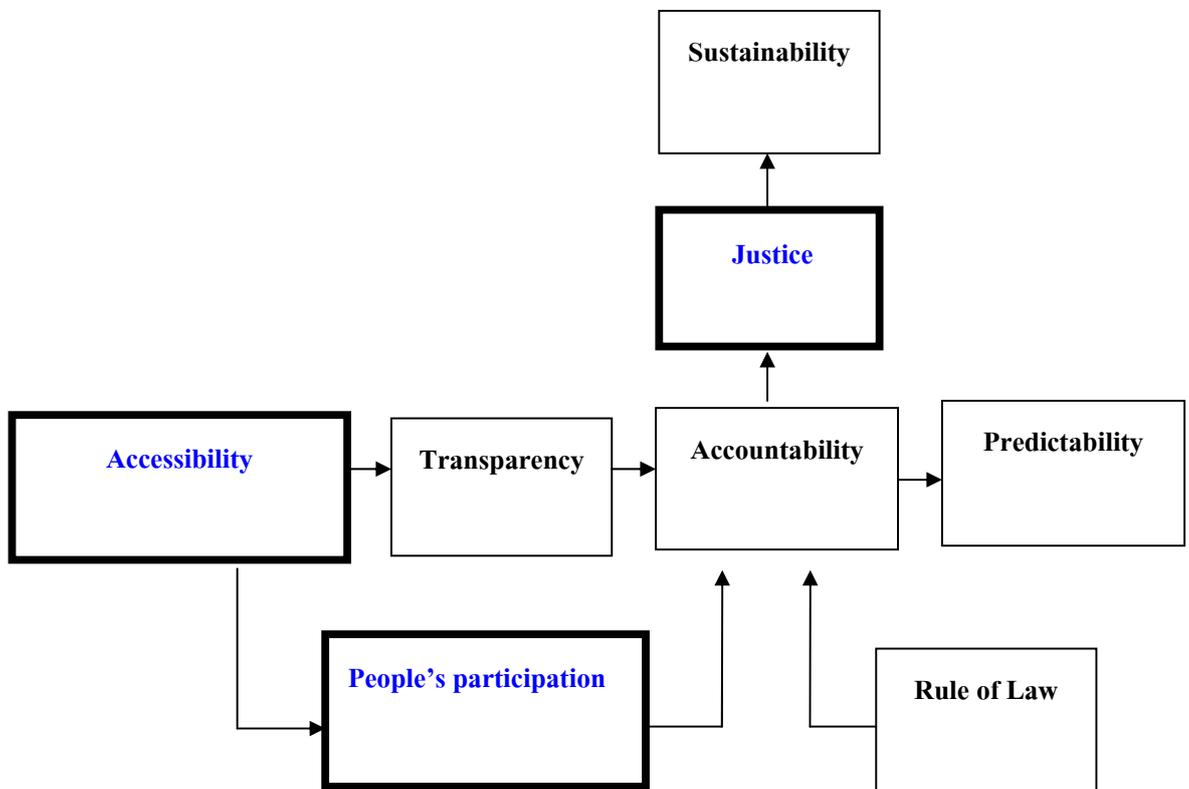
- The work units, having the responsibility in the development of economics, industries and investment, have not seen as their duty to conserve the natural resources and the quality of the environment. Thus, they strived forward in the work of development in economics, industries and investment without regard to the adversities affecting the basis of natural resources and environment.
- There is a lack of unity in the structure and management system in overseeing natural resources, due to the various work units having their own ways in managing the different categories of natural resources spreading throughout the land. Thus, the situation has caused repeated conflicts. As a result, when the problem arises, it is impossible to find the responsible party.
- Even though there are laws to support those thinking and to promote people's participation, these laws have not been defined that lead to meaningful practice with important substance.
- The problems of the lack of efficiency in enforcing the laws and the use of laws unjustly have caused the self-interest groups to use the laws for their own benefits.
- The concept that the management of natural resources and environment is solely the responsibility of the government organizations has attributed to power of decision-making being centered in the public sector. It has prevented the power of decision-making from reaching the people, thus lacking counter balance to unfair practices.
- The present mechanism used is not suitable and trustworthy to the society. For example, the analysis of the impact on the environment has focused only on the physical implications without regard to the impact on the people's health or the impact on the society. In the management of large projects, the analysis has focused on the use of engineering technology and neglecting the impact upon the society. Moreover, it also lacked social mechanism to deal with conflicts on public policy, the process of people's participation, as well as community's participation in defining policy and planning.
- The lack of good governance in developing public policy is due to the lack of measures and working mechanism to effect people's participation with meaningful practice such as the process of decision-making, project operation, monitoring and evaluation and counter balance the power of decision-making.

3.

The heart of environmental governance

Environmental governance means the management of natural resources and environment in which the people are allowed to have access to information, participate in policy decision-making, strategy, planning and in activities that have impacts on natural resources and environment; including transparency, accountability, participation in rule of law, predictability and justice.

Components of good governance ²



² Somrudee Nicrowattanayingyong et al. 2002. **Measurable Good Governance – Indicators for Public Participation in Environmental Management**. Second publication, Bangkok. Thailand Environment Institute, King Prajadhipok's Institute, and the NGO Coordinating Committee on Development (NGO-COD).

Accessibility means that people are able to access public information relating to public policy, planning, project or activity that will have impacts on natural resources and environment and their livelihoods.

People's participation means the process in which people are able to participate in the public policy decision-making or project, or activity involving the allocation of natural resources, the impact on the natural resources and environment, or the impact on the people's livelihood.

Transparency means developing and implementing of policies, plans and the various projects of the public sector in an open and transparent manner. The people are able to have access to information and investigation. It is not a cover-up, or having hidden motive, or secretive attributing to suspicion and distrust.

Accountability means the persons or work units that are ready to show their responsibility to the people for their negligence or misdeeds such as defining the contents of the contract and the use of budget, by explaining the reasons behind the issuance of the regulations and the enforcement of such rules and regulations.

Rule of law means laws that are clearly defined that all segments of the society can understand and seriously enforced, as well as punishing those who violate the laws on equal basis without exception.

Predictability means a society that has clearly defined rules and regulations, which are easy to understand and can be expected on what will happen in the future. The people know the direction and have confidence in carrying out their occupations and making a living in the society.

Justice means the process of creating fairness for every individual and every segment of the society, including rectifying the damages and compensating the victims whose right has been violated.

Sustainability means the security of a society that has a well balance of economic development, politics, social, cultural traditions and environmental conservation. Moreover, people are able to use natural resources and environment efficiently, which in turn, will be beneficial to societies and people's well-being. The society would not be able to sustain itself without good governance and it would create severe conflicts among different groups of people.

If people could not have access to information, they would not be able to participate in the decision-making process, or the transparency of public projects. Presently, people are still unable to participate in the decision-making process. If there were no transparency and people's participation, there would not be accountability because people would not know the misdeeds or negligence of the people responsible due to the secrecy of the matter. At the same time, it must have the rule of law to bring about accountability. If there were no laws and the enforcement of laws to ensure justice, authority figures would be able to evade responsibility. If a society that maintains a high level of accountability, it can be expected

that there will be justice in that society. Moreover, the people would be able to predict the actions taken in their own society, as knowing what occupations will be suitable for them, how to make investment, etc. because the society has clear rules and is fair to everyone. Only such society would be able to maintain a sustainable development.

When we hear the word about good governance, we would think about transparency and accountability. If people were not able to have access to information and participation in the decision-making, they would not be able to expect transparency or accountability.

As mentioned above, people that have accessibility of information and participation in the decision-making process are seen as passing the first obstacle of good governance and having justice is seen as passing the last obstacle. Thus, the conditions or the catalysts of good environmental governance are determined by these three factors.

4.

People's rights under the Constitution in accessing information, participation and justice

The different groups of people, including the environmental specialists have campaigned to effect people's participation in defining national policies and development plans, as well as the management of the environment. This action has met with success at a certain level as indicated in the Constitution of the Kingdom of Thailand B.E. 2540 (1997). As a result, this Constitution has been called the "People's Constitution."

The draft Constitution with public referendum has also given support to people's participation, including participation in the management of the environment.

The 1997 Constitution of the Kingdom of Thailand and the draft Constitution of the Kingdom of Thailand with public referendum have many sections governing the protection of natural resources and the environment based on people's participation. The laws have stated clearly in regard to people's rights to participate in the protection of the environment as being the basic rights according to the Constitution as follows:

- ▶ The rights of the community and the individual stated in the 1997 Constitution, sections 46 and 56. And the draft Constitution with public referendum, sections 66 and 67, has extended to cover the right of the community in the management of natural resources and the environment.
- ▶ The right to access official government information stated under the 1997 Constitution, sections 58 and 59. And the draft Constitution with public referendum, sections 56 -62, has extended to cover the right in accessing information and filing complaints.
- ▶ The right to express opinions relating to the process in acquiring people's opinions stated in the 1997 Constitution, section 59 and in the draft Constitution with public referendum, section 57.
- ▶ The right to participate in the reviewing process of the government officials in carrying out the operation that may have an impact on the right and freedom of the individual stated in the 1997 Constitution, section 60 and in the draft Constitution with public referendum, section 58.
- ▶ The right to file complaints stated under the 1997 Constitution, section 61 and to be informed of the results within a short time under the draft Constitution with public referendum, section 59.
- ▶ The right to file lawsuits stated in the 1997 Constitution, sections 62 and 56 last paragraph, and in the draft Constitution with public referendum, sections 60 and 67 last paragraph.

Although the 1997 Constitution states the rights of people to participate in overseeing natural resources and environment clearly, there have not been any organic laws issued to guarantee such rights according to the Constitution at present. Thus, the people have not been able to participate conducive to the intent of the 1997 Constitution.

5.

Laws guaranteeing people's rights in accessing information, participation and justice

Besides guaranteeing people's rights by the Constitution, the model law of the land, there are also secondary laws that guarantee people's rights such as the Official Information Act B.E. 2540 (1997), Regulations of the Office of the Prime Minister Re: Public Hearings B.E. 2548 (2005) and the National Enhancement and Conservation of Environmental Quality Act B.E. 2535 (1992). These are the laws of which the people are entitled to their rights as stated below:

- A) People's right to access to official information
- B) People's right to participate in the government's decision-making
- C) People's right for justice

A. People's right to access to official information

People have the right to acquire official information under the responsibility of the governmental work units according to the 1997 Official Information Act by using the following channels:

- (1) Contact the responsible governmental work unit to view the information that has already been prepared such as work plan, project and annual operating budget under such work unit, concession contract, joint venture investment contract for public services (building or repairing roads, bridges, power poles, etc.), including the Cabinet Resolutions.

Places to acquire the documents are Provincial Hall, Provincial Administrative Office (PAO), Sub-district Administrative Office (SAO), District Office, or Municipal Office and the various work units in the area such as Provincial Industry Office, or Provincial Public Health Office.

- (2) Request photo copies of the interested documents with the official's signature and pay a fee that is not more than 1 baht for an A4 page or not more than 3 baht for an A3 page. You may also be able to borrow the documents from some of the work units.
- (3) Submit your request to the work unit to reveal the information on every subject, which they would normally have no objection, except in the cases that prohibit by the law or at the discretion of the responsible official, such as information on the management of industrial toxic waste, industrial waste, information on air pollutions, water, soil and noise, etc.

If the governmental work unit not complying with the law relating to the information as mentioned above in the case that they would not provide the information for public viewing or not taking action, or working very slow or inconvenient, or denying having the requested information but the person requested did not believe as true, the people have the right to file complaints to the Official Information Commission on these cases.

B. People's right to participate in the government's decision-making

Some of the government's projects may have direct impact on the environment, livelihood of the community, health, or benefits or causing disadvantage to the local community such as the building of dams, reservoirs, flood gates, coal or oil generated power plants; including mining concessions and garbage pits or landfill project. Thus, people must participate to express their opinions and propose their ideas to the responsible work unit.

The Regulations of the Office of the Prime Minister Re: Public Hearings B.E. 2548 (2005) stated that the governmental work units must initiate the process in considering the opinions of the people. However, if the work units would not take actions, then the affected public or those affected parties as a result of the government project could submit petitions to the Minister, the Provincial Governor, or Bangkok Governor to order the related work units to consider the opinions of the people before proceeding with the project.

(Note: The definition of the Regulations of the Office of the Prime Minister Re: Public Hearings B.E. 2548 (2005) is not mandatory that the work units must listen to the opinions of the people, or even though they listen to people's opinions, they are not required to take it into consideration or take actions to implement the government project as proposed.)

C. People's right for justice

When you encounter any problem or damage, or foreseeing problem that may arise from the governmental work units' operations, the first thing you must do is to contact the responsible work unit to inform them of the potential problem, or submit complaint to the head of that work unit or the higher up that you might receive cooperation to resolve the problem. However, this scheme may not guarantee that the complaint would be implemented or resolved on a timely manner. For the individuals that resort to filing the lawsuit, they must consult a lawyer or the Lawyers Council of Thailand.

In some instances, people may not have to file the lawsuit in court but by using other methods to stop the dispute, such as appealing the case to the Information Disclosure Tribunals to consider the conflict of not revealing the official information according to the 1997 Official Information Act (sections 18 and 15).

In filing the lawsuit relating to the environmental issues in the court of law, it can be done in three legal channels as follows:

1. Filing the lawsuit in the Civil Court or the Criminal Court, the plaintiff must have already incurred the damage to be considered as the right of the damaged party to file the lawsuit in the court of law.
2. Filing the lawsuit in the Administrative Court, the plaintiff may not yet incur the damage when filing the lawsuit, but it is seen as imminent that the plaintiff would be affected by the situation or problem created by the government agencies or the dispute relating to the administrative agreement.
3. The non-governmental organization or the private developmental organization that registered according to the National Enhancement and Conservation of Environmental Quality Act B.E. 2535 (1992), section 8(5) is able to represent the people in filing the lawsuit for the damage caused by toxic pollutions or the dissipation of toxic substances for compensation or fine.

6.

Global forum and The Access Initiative Indicators (TAI Indicators)

On the international stage, Thailand is one of the 178 countries that had participated in the World Summit on the Environment and Development organized by the United Nations at Rio de Janeiro, Brazil in 1992. At the same time, Thailand has jointly signed the Rio Declaration on Environment and Development. Principle 10 of the Rio Declaration has identified the catalysts of good environmental governance as the accessibility of information, people's participation and justice.

These principle covenants were re-emphasized in the World Summit on Sustainable Development (WSSD) organized by the United Nations ten years later in 2002 in Johannesburg, South Africa.

Principle 10 of the Rio Declaration concerning the environment and development stated as follows:

“The problems of the environment that can best be managed depend on the participation of the people concerned. At the national level, the people must be able to have access to information relating to the environment of which under the responsibility of the government agencies. This includes information relating to the dangerous substances and the various activities that may affect their communities, as well as the opportunities to participate in the decision-making process. The government must enhance people's awareness and provide them the opportunities to participate, such as making information available to all interested individuals, accessible to justice and management, correcting mistakes, implementing and compensating for damages incurred with efficiency.”

Non-Governmental Organizations (NGOs) are also well aware of good environmental governance. The NGOs of environment in Thailand along with other countries such as Chile, Mexico, Uganda, United States and Hungary have jointly set up the international good environmental governance network called The Access Initiative (TAI). It has also cooperated in designing the TAI indicators to measure the results of the operations of various countries according to the Principle 10 of the Rio Declaration.



The NGOs (non-governmental organizations) of environment in Thailand have set up the Thailand's Coalition for Good Environmental Governance, comprising the Thailand Environment Institute (www.tei.or.th), which started the good environmental governance network in Thailand, in cooperation with King Prajadhipok's Institute, the Sustainable

Development Foundation, Policy Strategy on Tropical Resource Base Project under the Office of the National Human Rights Commission of Thailand, and the Department of Environmental Quality Promotion.

Presently, the TAI indicators have been used in forty countries worldwide. The neighboring countries of Thailand that have already used this set of indicators are Indonesia, the Philippines and Vietnam. However, Cambodia will start using these indicators in 2007.

The TAI indicators have the total of 98 indicators because they are used to evaluate the good environmental governance of the whole country. As the evaluation has to be carried out by the group of analysts and the good environmental governance network, thus, Thailand has initiated in designing this good environmental governance indicators handbook the citizen. It is intended for the private development organizations or the local people in the areas to use to evaluate the policy of good governance, planning or project that will have an impact on natural resources and on their own environment.

7.

What is indicator?

Indicator means **value** or **sign** that tells you about the conditions, which may or may not be the value in numbers.

Example 1: How do we know that we are now fatter or thinner when one friend says we are thinner, but another says we are fatter? To be sure, we are able to see our weight on the scale. Thus, our **body weight** is the **indicator** that tells us we are the same or thinner or fatter.

Example 2: How do we know that our child has a fever? The mother puts the back of her hand on the child's forehead to feel the heat and says it is hot. The father is doing the same and says not hot only warm. If they use the thermometer to measure the temperature, it will indicate the levels of the temperature whether it is appropriate. Thus, the **temperature** is the **indicator** to tell whether the child has or does not have a fever.

Example 3: How do we know how much forestland does Thailand have? A lot or not much? Thus, **forestland** is the **indicator** that tells us how much forestland Thailand has when we use the ratio of forestland comparing it with the total area of land in Thailand, then compare the same ratio with other countries, we will know that Thailand has more or less forestland. The **ratio of forestland and the total area of the country** is the **indicator** that tells us whether Thailand has more or less forestland.

Indicator is an important tool for management, especially for **planning and evaluation**, because it enables us to set target that can be measured so that we know how far or close to our target.

8.

How do we use the citizen's handbook of TAI indicators,?

Whenever there is policy or plans or project that may have an impact on natural resources, environment, health or people's livelihood in your area and that you want to know whether such policy, plans or project has a good governance practice, or at what level, you are able to use this set of good environmental governance indicators of the citizen's handbook as a standard measure. The following section will define the tools to help you consider the levels of good governance by following the procedures below:

1. Establish a local good environmental governance group and invite people to join the group in your area.
2. Build confidence in the objectives and expertise so that the people understand why they must have good governance and also understand clearly each indicator on what and how to use it.
3. Establish a consultants group that the analysts can select among themselves and invite those respected organizations in the area such as schools, NGOs, government agencies that are knowledgeable about the policy, or plans of such project to join the group. The role of the consultants group is to provide advice about the direction of the operation, the process in carrying out the project from start to finish and to evaluate the results of the study of the project.
4. Collect and record the basic information concerning the policy or plans or project that is being considered. (Who is doing what, where, when and how, etc.)
5. Make plans and carry out assessment together, defining the duration of the assessment, related work units, methods of collecting information, dividing workload and consulting with one another if there is doubt on any indicators.
6. Use the whole set of indicators (the three catalysts such as the accessibility of information, people's participation and accessibility of justice) in considering the policy or plans or project in your area. However, if the case under your consideration is relating to a particular issue that falls on any one or two principle components, or not all three catalysts, below is the example. If there has not been any previous complaint (indicating justice), you are able to choose the indicators of a particular section that is suitable to your case.
7. Record the results of the case under your consideration after studying the questions of each indicator and gathering all the data. Then choose the most suitable answer for each indicator and record the reasons for choosing such answer with sources of reference. (See example in Section 10.) Summarize the assessment of each catalyst by consulting with the consultants group to reach a resolution and prepare the report. (See example in Section 11.)
8. Make the desired changes. After knowing which issue that needs implement for good governance, then try to support and bring about changes by creating awareness, seeking more knowledge on such issue, building cooperation between the groups, organizations in different sectors and consulting with each other in a friendly atmosphere.

Should you need any advice in using this set of indicators, please contact the Thailand Environment Institute at the address on the back of this document.

9.

Tables of the TAI indicators of the citizen's handbook

This set of indicators in the good environmental governance citizen's handbook comprised of three sections, i.e. the accessibility to information, public participation, and accessibility to justice. The study of each section is divided into three components such as law, government initiative and effectiveness (levels of success).

Each indicator will inquire about the subject matter (policy or plans or project) of which under consideration.

It includes 49 indicators as follows:

- I. Accessibility to information section has 17 indicators.
 1. Law (5 indicators)
 2. Government initiative (10 indicators)
 3. Effectiveness (2 indicators)

- II. Public participation section has 17 indicators.
 1. Law (4 indicators)
 2. Government initiative (10 indicators)
 3. Effectiveness (3 indicators)

- III. Accessibility to justice section has 15 indicators.
 1. Law (4 indicators)
 2. Government initiative (10 indicators)
 3. Effectiveness (1 indicator)

Tables of TAI indicators of the citizen's handbook

I. Accessibility to Information

1. Law

Indicator	Reasons for choosing this answer
1.1 How much did the law help the public to access information concerning the environment in terms of policy or plans, or project that was under consideration?	

<ol style="list-style-type: none"> 1. Law forbidden dissemination of information 2. Law provided little help. 3. Some help 4. Helped a lot. 	
<p>1.2 How much did the law protect the officials who disclosed information about corruptions in the government agencies or information to protect public assets?</p> <ol style="list-style-type: none"> 1. Law punished the officials who disclosed the information. 2. Law did not protect. 3. Little protection 4. A lot of protection 	
<p>1.3 How much did the law stipulate for the related government agencies to disclose various information in a regular basis?</p> <ol style="list-style-type: none"> 1. Law did not stipulate. 2. Law stipulated little. 3. Some 4. A lot 	
<p>1.4 How much did the law permit the government agencies not to disclose information due to its secret nature and did it define clearly and specifically what information was a secret?</p> <ol style="list-style-type: none"> 1. Not defined 2. Defined but not clear 3. Clear enough 4. Very clear 	
<p>1.5 How appropriate did the law stipulate the time period in which the government agencies have to disclose information to the public?</p> <ol style="list-style-type: none"> 1. Did not stipulate the time period. 2. Stipulated too long a time period. 3. Stipulated appropriate time period. 4. Stipulated too short a time period. 	

2. Government initiative

Indicator	Reasons for choosing this answer
<p>2.1 Did the related work units have a data collection system to collect enough information concerning the policy, or plans or project which was under your consideration?</p> <ol style="list-style-type: none"> 1. No data collection system 2. Had data collection system but not good. 3. Good enough system 4. Very good system 	
<p>2.2 How effective was the government investigative system and punishment for the officials who would not reveal information according to the law?</p> <ol style="list-style-type: none"> 1. No investigative system or punishment 2. Had investigative system but limited 3. Good enough system 4. Very good system 	
<p>2.3 How cooperative was the related work units in providing correct, straight to the point and complete information when requested?</p> <ol style="list-style-type: none"> 1. Did not provide information when requested. 2. Provided information but not straight to the point, incorrect or not complete. 3. Provided good enough information. 4. Provided good information, straight to the point, correct and complete. 	
<p>2.4 How much did the public have to pay to get the information?</p> <ol style="list-style-type: none"> 1. Did not get the information. 2. Cost a lot 3. Some cost 4. No cost 	
<p>2.5 How much effort did the related work units</p>	

<p>try to disseminate the information to the different groups of the public? (To gauge the equality in accessing the information)</p> <ol style="list-style-type: none"> 1. No effort 2. Disseminated to different groups of the public but not enough. 3. Some 4. A lot 	
<p>2.6 How appropriate and regularly did the related work units disseminate the information and within appropriate time period?</p> <ol style="list-style-type: none"> 1. Never disseminated information 2. Disseminated but not regularly 3. Disseminated information within appropriate time period but only occasionally or receiving regularly but not on time. 4. Received information regularly at appropriate time period and on time. 	
<p>2.7 How capable did the public find the required information from different sources?</p> <ol style="list-style-type: none"> 1. The public did not know where to find the information. 2. Knew where to find but very difficult to get it. 3. Knew where to find and not that difficult to get it. 4. Easy to get it 	
<p>2.8 In the past three years, how often did the related work units issue the handbooks and provide training to their officials about disseminating the information to the public?</p> <ol style="list-style-type: none"> 1. Never issued the handbooks or provided training 2. Sometimes 3. Enough times and not regularly 4. Very often, regularly and continuously 	

<p>2.9 In the past three years, how often did the Provincial Administrative Organization or municipality, or the Tambon Administrative Organization in your area update the handbooks and provide training to their officials about disseminating information to the public?</p> <ol style="list-style-type: none"> 1. Never updated the handbooks or provided training 2. Updated but not much 3. Enough times but not regularly 4. Very often, regularly and continuously 	
<p>2.10 How clear was the handbook stating how to obtain information from the related governmental agency?</p> <ol style="list-style-type: none"> 1. No such handbook 2. Had handbook but difficult to understand. 3. Had handbook but not too difficult to understand. 4. Had handbook and easy to understand. 	

3. Effectiveness

Indicator	Reasons for choosing this answer
<p>3.1 How effective and timely were the information being used by the public?</p> <ol style="list-style-type: none"> 1. The public did not receive the information or received in a timely manner. 2. Received it timely, but not much Information. 3. Received the information timely and at moderate amount. 4. Received the information timely and in good amount. 	

<p>3.2 Was the information received by the public able to effect the change in the policy, or plans or the project under your evaluation, or has it impacted the change in the opinions of the Provincial Councilor, Municipal Councilor, District and Sub-district Councilor, or the NGOs in the direction in carrying out their work relating to this assessment?</p> <ol style="list-style-type: none"> 1. No change 2. Little change 3. Moderate change 4. Changed a lot 	
--	--

II. Public participation indicators

1. Law

Indicator	Reasons for choosing this answer
<p>1.1 Did the law stipulate that the responsible work units must disseminate the information of which under your evaluation to the public before making decision concerning the policy or plans or the project?</p> <ol style="list-style-type: none"> 1. Law did not stipulate. 2. Law stipulated that it must disseminate the information, but at minimum. 3. Law stipulated that it must disseminate sufficient information. 4. Law stipulated that it must disseminate information fully and in details. 	
<p>1.2 Did the law stipulate that the responsible work units must provide the opportunities for the public to participate in the decision-making process in terms of policy, or plans or project that under this evaluation?</p> <ol style="list-style-type: none"> 1. Did not stipulate. 2. Stipulated at minimum. 	

<ol style="list-style-type: none"> 3. Stipulated sufficiently. 4. Stipulated for the public to participate fully. 	
<p>1.3 Did the law allow the responsible work units not to let the public participate in the decision making in terms of policy, or plans or project as being a secret; or stipulating the scope and defined “the secret” subject clearly?</p> <ol style="list-style-type: none"> 1. Did not stipulate the scope or give the definition. 2. Defined the scope or insufficient definition. 3. Specified the scope or sufficient definition. 4. Specified the scope or gave detailed definition clearly. 	
<p>1.4 How clear did the law stipulate the time period in which the public could participate in the decision-making?</p> <ol style="list-style-type: none"> 1. Did not allow the public to participate or stipulate the time period. 2. Stipulated insufficient time period. 3. Stipulated sufficient time period. 4. Stipulated for the public to participate in defining the time period. 	

2. Government initiative

Indicator	Reasons for choosing this answer
<p>2.1 Before making the policy, plans or project that was under your evaluation, did the responsible work units inform the public about the process of decision making and the opportunities for people’s participation?</p> <ol style="list-style-type: none"> 1. Public not informed. 2. Informed but not clear. 3. Informed and fairly clear. 4. Informed with details and very clear. 	

<p>2.2 Did the responsible work units provide the information of choices concerning the policy, or plans or project under your evaluation, as well as the impact on the environment and health of the people in the area?</p> <ol style="list-style-type: none"> 1. The people were not informed about the choices or the impact on the environment and health. 2. Provided some information. 3. Provided sufficient information. 4. Provided a lot of information. 	
<p>2.3 Did the responsible work units arrange for the public to participate in every step of the procedure in the decision-making process?</p> <ol style="list-style-type: none"> 1. Never arranged for people's participation in any step of the procedure. 2. Arranged for people's participation in only one step. 3. Arranged for people's participation more than one step, but not every step. 4. Arranged for people's participation in every step of the procedure. 	
<p>2.4 Did the responsible work units help to defray the expense of the public so that the people could participate in the decision-making process?</p> <ol style="list-style-type: none"> 1. Never helped 2. Little help 3. Some help 4. The public did not have to incur any expense to participate. 	
<p>2.5 What measures did the responsible work units help the underprivileged or the minority groups to participate in the decision-making process?</p> <ol style="list-style-type: none"> 1. No measures 2. Little 3. Some 4. A lot 	

<p>2.6 Did the responsible work units give the public sufficient time in advance so that they were able to participate in the various decision-making processes?</p> <ol style="list-style-type: none"> 1. No advance warning 2. Insufficient time of warning 3. Sufficient time of warning in some steps 4. Gave sufficient advance warning in every step. 	
<p>2.7 Could the people easily find the documents to use in making the decision concerning the policy, plans or project under your evaluation at public places (i.e., City Hall, public library, the Provincial Administrative Office, Municipal Office, District or Sub-district Administrative Office, etc.?)</p> <ol style="list-style-type: none"> 1. Could not find at public places. 2. Minimum amount. 3. Found some. 4. Could find a lot everywhere. 	
<p>2.8 In the past three years, how often did the primary work units making decision relating to policy, plans or project under your evaluation issue the handbooks or provide training to their officials relating to public participation?</p> <ol style="list-style-type: none"> 1. Never updated the handbooks or provided training. 2. Provided some. 3. Sufficient, but not regularly. 4. A lot, regularly and continuously. 	
<p>2.9 Did the responsible work units allocate budget to support people's participation?</p> <ol style="list-style-type: none"> 1. No budget allocated. 2. Received small budget, not sufficient. 3. Received moderate budget, sufficient. 4. Received plenty of budgets. 	

<p>2.10 Did the public handbook regarding public participation in the decision-making process have clear substance, easy to understand and easy to find?</p> <ol style="list-style-type: none"> 1. The responsible work unit did not issue such handbook. 2. Had handbook, but difficult to understand or difficult to read. 3. Had handbook, easy to understand or easy to read. 4. Had handbook, easy to understand and easy to find. 	
---	--

3. Effectiveness

Indicator	Reasons for choosing this answer
<p>3.1 Did the government agencies collect and record the opinions of the public, and whether they have used or not used these opinions to make decisions and the reasons for not using them to make the decisions?</p> <ol style="list-style-type: none"> 1. Did not collect or record public opinions. 2. Had collected, but not disseminated to the public. 3. Had collected and disseminated some. 4. Had collected and widely disseminated. 	
<p>3.2 How fast did the public know whether their opinions had impacted the decisions?</p> <ol style="list-style-type: none"> 1. Did not know. 2. Knew only some parts of their opinions, but took more than four weeks after they had participated. 3. Knew only some parts of their opinions within four weeks after they had participated. 4. Knew all about it within four weeks. 	

<p>3.3 How effective was people's participation effecting an impact on the final decision of the policy, or plans or project under your evaluation?</p> <ol style="list-style-type: none"> 1. No impact 2. Minimum impact 3. Some impact 4. Strong impact 	
---	--

III. Justice indicators

The indicators in this section related to the complaints of which the public had not been given access to information or the opportunities for participation as stipulated by the law.

1. Law

Indicator	Reasons for choosing this answer
<p>1.1 Did the law stipulate that when there were complaints, a committee must be set up to consider and decide on the ruling?</p> <ol style="list-style-type: none"> 1. Did not stipulate. 2. Stipulated some parts. 3. Stipulated sufficiently. 4. Stipulated in details. 	
<p>1.2 Did the law provide the opportunities to the litigants requesting the authorities or the independent organizations to reconsider or repeal their decision/ruling?</p> <ol style="list-style-type: none"> 1. The law forbade or did not define about submitting appeal or to reconsider their decision/ruling. 2. Able to submit appeal or request for reconsideration of their decision/ruling within limits. 3. Able to submit appeal or request for reconsideration of their decision/ruling in some cases. 	

<p>4. Able to submit appeal or request for reconsideration of their decision/ruling sufficiently and broadly.</p>	
<p>1.3 In the case of appeal, did the law define clearly or limited the scope of “secret information” that allowed the authorities not to reveal the information? How limited?</p> <ol style="list-style-type: none"> 1. Not limited and not clear 2. Not limited and clear 3. Limited and not clear 4. Limited and clear 	
<p>1.4 Did the law define the time period in which the committee or organization accepting the complaint or appeal must take action in making their decision/ruling? How appropriate?</p> <ol style="list-style-type: none"> 1. The law did not define the time period. 2. The law defined the time period, but not appropriate. 3. The law defined the time period somewhat appropriate. 4. The law defined the time period appropriately. 	

2. Government initiative

Indicator	Reasons for choosing this answer
<p>2.1 How stringent was the law, regulation or policy of the committee or organization that accepting the complaint or appeal being independent and non-partial?</p> <ol style="list-style-type: none"> 1. No standards, regulations or such policy being issued. 2. Had standards, regulations or such policy, but not stringent. 3. Had standards, regulations or such policy that was fairly stringent. 4. Had standards, regulations or such policy that was very stringent. 	

<p>2.2 Did the process of considering the complaint/appeal that related to policy or plans or project under your consideration allow the litigants to access information and search for the truths?</p> <ol style="list-style-type: none"> 1. The litigants were not able to receive the information or searching for the truths. 2. The litigants were able to receive or search for the truths, but limited. 3. The litigants were able to receive the information or searching for the truths in medium term. 4. The litigants were able to receive the information and searching for the truths broadly. 	
<p>2.3 How transparent was the process in considering the complaint/appeal to the public?</p> <ol style="list-style-type: none"> 1. Not transparent 2. Minimal 3. Only some parts 4. Very transparent 	
<p>2.4 How much did the committee or organization that accepting the complaint/appeal help reduce the burden of expenses of those who submitted the complaints/appeal?</p> <ol style="list-style-type: none"> 1. No assistance in any way to defray the expenses of those submitted the complaints/appeal. 2. Had helped, but only a little. 3. Had helped some, but not sufficient. 4. Had carried out sufficiently. 	
<p>2.5 Did the committee or organization that accepting the complaint/appeal have any measures to help the underprivileged group or minority group?</p> <ol style="list-style-type: none"> 1. No initiative 2. Had tried, but little help. 3. Had tried, but needed improvement. 4. Had very good measures. 	

<p>2.6 How efficient was the committee or organization that accepting the complaint/appeal in carrying out the process of reviewing and passing the ruling?</p> <ol style="list-style-type: none"> 1. No actions taken 2. Slow process of consideration 3. Some actions taken in order not to slow down the process 4. Not slow in the process of reviewing and in passing the ruling. 	
<p>2.7 Were there many committees or organizations that accepting the complaint/appeal?</p> <ol style="list-style-type: none"> 1. Had only one committee (or organization). 2. Had many committees (or organizations), but had no authority in considering such matter. 3. Had many committees (or organizations), but only some committees (or organizations) had the authority to consider such matter. 4. Had many committees (or organizations), that had the authority to consider such matter. 	
<p>2.8 In the past three years, had the committee members that accepting the complaint/appeal received any handbooks or training about the dissemination of information and people's participation?</p> <ol style="list-style-type: none"> 1. Never updated handbook or provided training. 2. Provided but at minimal. 3. Provided but not regularly. 4. Provided a lot, regularly and continuously. 	
<p>2.9 Was the budget being allocated to the committee or organization that accepting the complaint or appeal to carry out the operation?</p> <ol style="list-style-type: none"> 1. No budget had been allocated. 2. Received insufficient budget. 	

<ol style="list-style-type: none"> 3. Received sufficient budget. 4. Received big budget. 	
<p>2.10 Did the handbook of the public edition explain the methods of filing complaint or appeal to the committee or organization that accepting the complaint or appeal? How easy to understand?</p> <ol style="list-style-type: none"> 1. Never had such handbook. 2. Had handbook, but difficult to understand and hard to find. 3. Had handbook, easy to understand or easy to find. 	
<ol style="list-style-type: none"> 4. Had handbook, easy to understand and easy to find. 	

3. Effectiveness

Indicator	Reasons for choosing this answer
<p>3.1 Had the decision or ruling of the committee or organization that accepting the complaint or appeal relating to policy or plans or project under your evaluation been complied?</p> <ol style="list-style-type: none"> 1. Had not been complied with. 2. Had been complied in some instances, but at minimal. 3. Had been sufficiently complied. 4. Had been fully complied. 	

10.

Example: Usage of TAI indicators of the public edition

This section provides the examples in the usage of indicators in each of the three sections. Hereby, the usage of case examples is different in each section as shown below. (In the real situation, you will need to use the indicators of all three sections to apply to whichever case under your consideration.)

1. Accessibility to environmental information. Case example – Bird flu epidemic

2. Public participation in decision-making. Case example – Policy in implementing water crisis in the Eastern Region
3. Accessibility to environmental justice. Case example – Filing lawsuits in the Administrative Court and the Civil Court for compensation relating to health problems due to air pollution caused by Mae Moh Power Plant in Lampang province.

Only two indicators will be used here as examples in each section, by using the examples of the *Thailand's State of Environmental Governance Report 2007 (3rd Assessment)*².

1. Accessibility to environmental information

Case example: Bird flu epidemic in Thailand

In the last part of 2003 and continuing on to 2004 and 2005, Thailand was severely affected by bird flu epidemics. Thereafter, the news about bird flu epidemics in Thailand had subsided, but the bird flu virus had not completely eliminated. It depends on when the virus will return again and how severely it will be, whether or not it will be like in the past.

The situation of bird flu epidemics had created the current of news about vaccinating chicken to prevent catching bird flu or news about the broiler chicken stocks in a large farm had died even though such farm had a very superior or most modern management system. The news had caused great concerns among the livestock producers, but no one could give them any clear answers. Because the affected company had denied the news and would not let anyone to carry out the investigation, including the Department of Livestock Development. Some people had asked the questions that if in fact there was epidemic, why the smuggled vaccines that had been using all along were not able to prevent the spread of bird flu or was it the negligence of the farmhands. The Department of Livestock Development had called an urgent meeting of the livestock personnel from each district in the country to strictly supervise each of the areas, especially to inspect the poultry farms that used the chicks for their stocks from the affected farm mentioned above.

² Thailand Environment Institute et al. 2007. **Thailand's State of Environmental Governance Report 2007 (3rd Assessment)**. Bangkok: Thailand Environment Institute.

Example: Usage of Indicators

1.1 How much effort did the related work units try to disseminate the information to the different groups of the public? (The purpose was to measure the equal accessibility of information.)

Indicator value	Reasons to support the evaluation
<ol style="list-style-type: none"> 1. The related work units had not given any effort. 2. Disseminated little information to different groups of the public. 3. Some 4. A lot 	<p>The Ministry of Public Health had tried to encourage the public and the communities to improve their capacity in managing the bird flu problems through public relations to create the right understanding via various mass media, such as television, radio, tape, broadcasting tower, newspaper, poster, pamphlet, billboard, exhibition, etc. The information that had been disseminated throughout the country focused on three groups such as youth, senior citizen as well as the general public. It also had the cooperation of the public health volunteers to go out and visit every household in the country in order to disseminate knowledge and the right understanding to the public, enabling them to protect themselves and their family members, and to cooperate with the work units in the prevention and containment of the virus. An online service center was established to answer the questions of the public concerning bird flu (Department of Disease Control Operation Center, telephone 02-590-3333).</p> <p>They had also tried to develop a system and network of information technology, disseminating information about bird flu to the officials and the public via the Ministry of Public Health's website http://www.moph.go.th. In developing the information technological system, they had used the data by observing the disease in human and in poultry to analyze and proposed a link to resolve problems in the different areas.</p> <p><u>Source:</u></p> <ol style="list-style-type: none"> 1. Mass media: television, radio, tape, broadcasting tower, newspaper, poster, pamphlet, billboard and exhibition.

	<p>Source of reference: Provincial Public Health Office, District office, Health Center, Sub-district Administrative Office, and Volunteer House.</p> <p>2. Review of document: Public handbook for the prevention of bird flu, Department of Disease Control, Ministry of Public Health: 8 pages.</p> <p>Source of reference: Provincial/District Public Health Offices, Health Center, Sub-district Administrative Office, and Volunteer House.</p> <p>3. Interview:</p> <p>3.1 Mr. Noppadol Tiengkamol, officer of Health Education Division. Work Unit: Information System Development, Department of Health Service Support, Ministry of Public Health. Date of interview: August 17, 2007.</p> <p>3.2 Mr. Suthipong Prangson, public health officer. Work Unit/Company: U-thong District Public Health Office. Date of interview: May 16, 2006</p> <p>3.3 Mr. Thongsai Thesnui, Permanent Secretary, Jorrakae Samphan Sub-district Administrative Organization Work Unit/Company: Jorrakae Samphan Sub-district Administrative Office. Place of interview: Jorrakae Samphan Sub-district Administrative Office.</p>
--	--

1.2 How effective was the public in finding the required information from different sources?

Indicator value	Reasons to support the evaluation
<p>1. The public did not know where to find the information.</p> <p>2. Knew where to find, but very difficult to get the information.</p> <p>3. Knew where to find and not too difficult to get the information.</p> <p>4. Very easy to find the information.</p>	<p>From the data collected by interviewing the heads of the households in the area of U-thong District, Jorrakae Samphan Sub-district in Suphanburi Province where the area had 103 cases of bird flu, it was found that 94% of the interviewees had received the information relating to bird flu from television, broadcasting tower and the public health volunteers. However, 71 – 77% of the people being interviewed had received the information about bird flu from their neighbors/villagers, radio, officers of Sub-district or Municipal Administrative Organization, relatives and family members. Some 63% received their information about bird flu from documents/pamphlets of the Ministry of Public Health; 47% from the newspapers, and the remaining had received very little bird flu information, especially the information via internet since it was not accessible by the public.</p> <p>Sources of information about bird flu that were most accessible by the public are the public media, i.e. television, broadcasting tower and radio at 97%, 95% and 75% respectively. The information received from the officials ranked second, i.e. 94% from the personnel and the public health volunteers, 72.8% from Sub-district or Municipal Administrative Organization, and 63% from the pamphlets distributed by the Ministry of Public Health. However, pamphlets from the Prime Minister's Office or academic institutes had reached the public at minimal or very minimal level.</p> <p>Source:</p> <p>The survey conducted on the example groups in the area of U-thong District, specifically Jorrakae Samphan Sub-district in Suphan Buri Province due to the lost of many children's lives in this area by bird flu. The survey was conducted in random villages and 103 households.</p>

	Place of interview: Houses of the sample groups Date of interview: May 16, 2006
--	--

2. People's participation in decision-making

Case Example: People's participation in defining policy to resolve water crisis in the Eastern Region

There was a water crisis in the Eastern Region in the middle of 2005 due to the lack of rainfalls starting from the end of 2004. It had stopped raining two months earlier than normal, which created a condition of dryness and the shortage of water all over the country. In the middle of 2005, especially in the Eastern Region which is the major source of industries in the country and where the important reservoirs are located, such as Bangpra Reservoir, Nong Khor Reservoir and Nong Plalai Reservoir, the water levels had been reduced lower than the level of dead storage. This condition had caused the industrial factories to request assistance from the government. Otherwise, the production capacity would be reduced by 40 per cent as reported by the news media at the time. The GDP of the Eastern Region in 2003 had a gross value of 877,782 million baht or 14.80 per cent of the country's GDP. The condition of water shortage, thus, had impacted the industrial sector and the rates of economic expansion in the country, which in turn affecting the confidence and investment of Thailand.

One of the solutions in seeking additional water as needed was to veer water from the reservoir or river from one area to another area, such as veering water from Rayong River or Prasae Reservoir in Rayong Province to the area in Chonburi Province and some part of Rayong Province. This concept had generated opposition because it had taken water away from the agricultural sector to help the industrial sector in great quantity, thus causing conflicts as reported by the news media.

Example: Usage of indicators

2.1 Did the work units inform the public about the process of decision-making in regard to policy, or plans or project before issuing policy, or plans or project under your evaluation and provide the opportunities for people's participation?

Indicator value	Reasons to support the evaluation
1. Did not inform the public.	The information gathered from interviewing the related work units, especially the government agencies, was found that the agencies had tried to encourage the public to participate in the government's decision making concerning the water crisis in the Eastern Region. However, it was done under limitations and in a rush. The meeting was held within a confined circle of related parties
2. Informed at minimal and not clear.	
3. Informed and sufficiently clear.	
4. Informed with details and very clear.	

	<p>at short notice. For example, a meeting was held to acknowledge the opinions concerning the strategies of water management of the eastern coastal river basin with the rehabilitation approach on July 18, 2005. The decision was then made on August 2, 2005; thus it was not possible to widely publicize for the public to participate in the decision making in this matter.</p> <p><u>Source:</u></p> <p>Interview:</p> <ol style="list-style-type: none"> 1. Miss Pojana Uaengpaibool Position: Director, Water Resources Planning Division. Work Unit/Company: Office of the National Economic and Social Development Board Place of Interview: Office of the National Economic and Social Development Board Date of Interview: January 27, 2006. 2. Mr. Peerapong Suwanmontri Position: Deputy Director-General, Royal Irrigation Department (Technical Expert) Work Unit/Company: Royal Irrigation Department Place of Interview: Royal Irrigation Department Date of Interview: January 16, 2006
	<ol style="list-style-type: none"> 3. Mr. Soonthorn Ratanawaraha Position: Deputy Governor of Rayong Province Work Unit/Company: Rayong Province Place of Interview: Provincial Hall, Rayong Province Date of Interview: February 16, 2006 4. Mr. Suthi Ashyasai Position: Coordinator, Local Water Consumer Council of the Eastern Region Work Unit/Company: Local Water Consumer Council of the Eastern Region Place of Interview: Star Hotel, Rayong Date of Interview: February 16, 2006 5. Mr. Chuchee Eiamsomboon Position: River Basin Subcommittee, Representatives from organizations or groups of

	<p>water consumers in agriculture sector, Chanthaburi Province.</p> <p>Work Unit/Company: Coastal River Basin of the Eastern Region Subcommittee</p> <p>Place of Interview: Chanthaburi Province</p> <p>Date of Interview: March 20, 2006</p>
--	---

2.2 Did the government agencies collect and record the opinions of the public, and whether they have used or not used these opinions to make the decisions and the reasons for not using them to make the decisions?

Indicator value	Reasons to support the evaluation
<ol style="list-style-type: none"> 1. Did not collect or record public opinions. 2. Had collected, but not disseminated to the public. 3. Had collected and disseminated some. 4. Had collected and widely disseminated. 	<ol style="list-style-type: none"> 1. There were documents relating to the Cabinet Resolutions about the policy, which could be viewed at the Office of the National Economic and Social Development Board's website. However, it had not collected the opinions of the public or of the stakeholders. 2. There were a lot of documents and data relating to water management in the Eastern Region area at the Royal Irrigation Department, but no collection of the public opinions or of the related parties. 3. No meeting was organized to get the public opinions in this matter, but meeting was held to acquire advice from the government agencies (Royal Irrigation Department, Department of Water Resources, and Department of Groundwater Resources), representatives of the industrial business sector and the Eastern Water Resources Development and Management Public Company Limited. After the meeting, there were no feedbacks or dissemination of the results of the meeting to the public. 4. The Department of Water Resources had collected the documents and opinions of the related parties to resolve problems of water crisis in the Eastern Region in their website, e.g. the proposals of the political parties, government, and recommendations of the public sector as revealed

by the news media.

In conclusion, it shows that the opinions of the public and the various government agencies have given some impact on the effectiveness of information accessibility.

Source:

1. Name of Document: "Water Management and Water Crisis Mitigation in the Eastern Region" (Supporting documents for the Cabinet's official meeting in Chanthabri Province on August 2, 2005.)

Responsible Work Unit: Office of the National Economic and Social Development Board

Source of Document: Website of the Office of the National Economic and Social Development Board (www.nesdb.go.th)

2. Interview:

2.1 Mr. Peerapong Suwanmontri

Position: Deputy Director-General, Royal Irrigation Department (Technical Expert)

Work Unit/Company: Royal Irrigation Department

Place of Interview: Royal Irrigation Department

Date of Interview: January 16, 2006

2.2 Miss Pojana Eiangpaiboon

Position: Director, Water Resources Planning Division

Work Unit/Company: Office of the National Economic and Social Development Board

Place of Interview: Office of the National Economic and Social Development Board

Date of Interview: January 27, 2006

2.3 Mr. Chalernporn Klomkaew, affected villager

Place of Interview: Rayong Province

Date of Interview: February 16, 2006

3. Website Information

- Department of Water Resources
(www.dwr.go.th)
- Royal Irrigation Department
(http://www.rid.go.th/index_th.htm)
- Office of the National Economic and Social Development Board
(www.nesdb.go.th)

3. Accessibility of justice in the area of environment

Case Study: Filing lawsuit at the Administrative Court against the privatization of the Electricity Generating Authority of Thailand (EGAT).

In the beginning of 2004, the government under Pol. Lt. Col. Thaksin Shinawatra tried to privatize the Electricity Generating Authority of Thailand via public hearing. Thereafter, people together with the State Enterprise Labor Union staged public protests on several occasions. The situation led to wide spread criticism in the society, which generated a lot of written articles opposing the privatization from the various academics. In March 2004, the government then announced to delay the EGAT privatization by stating that the government would conduct further study before making the decision (according to the Cabinet Resolution dated March 2, 2004, Subject: Preparation of Regulations Governing the Privatization of State Enterprise). At the same time, the Governor of the EGAT had resigned.

After the general election held on February 6, 2005, the government resumed the privatization process of the EGAT according to the procedures stated in the State Enterprise Fund Act B.E. 2542 (1999) and set up the EGAT Public Co., Ltd. on June 23, 2005.

The privatization of the EGAT in the beginning of 2005 had not attracted much public's attention, especially comparing to the tempo of 2004. Moreover, the government had not organized any public hearings or acquired the public opinions.

In September 2005, follow-up was made on the protests against the government in various issues, e.g. news about the restructuring of the electricity rates, the privatization of the EGAT and the added burdens of electricity costs on the public. In the end, the Consumers Union and its network had submitted a petition to the Supreme Administrative Court for their consideration about the Royal Decree stipulating the power, rights and benefits of the EGAT Public Co., Ltd., B.E. 2548 and the Royal Decree stipulating the time period in revoking the law concerning the EGAT, B.E. 2548 due to its unlawfulness. The public had also requested that the Court halt the public offering of the EGAT stocks in the Stock Exchange of Thailand due to its effect on the public and the society as a whole. Thus, the Supreme Administrative Court issued orders to stop the public offering of the EGAT stocks temporarily in November 2005.

After reviewing the additional testimonies of both the government and the Consumers Union in March the Supreme Administrative Court had passed its ruling to revoke both Royal Decrees. The decision was made due to its complex interests of the individuals related to the committee in

the setting up of the company and the power to expropriate the land, which was the power of the public that could not be transferred to the EGAT Public Co., Ltd. Moreover, the EGAT assets were also public assets of the country, which could not be transferred. Thus, the Court had decided to revoke the privatization of the EGAT proposed by the government.

Example: Usage of Indicators

3.1 How transparent was the reviewing process of the complaint/appeal to the public?

Indicator value	Reasons to support the evaluation
1. Not transparent 2. Minimal transparent 3. Transparent in some parts 4. Very transparent	<p>1. During court proceedings, the Administrative Court had opened to the public to attend court sessions. Due to the limited space of the courtroom, only the related parties were able to attend the sessions. However, the interested persons could watch the court debates via closed circuit television.</p> <p>2. After the Court passing its ruling, the information had been disseminated by the media through newspaper, radio, television and the Internet.</p> <p>3. The public was able to participate in the justice process from the beginning to the end, i.e. filing the complaint, gathering supporting documents, court proceedings and the passing of the court's ruling information from the Administrative Court and the media. The public was also able to request copies of the documents relating to the case.</p> <p>4. The requested documents would be given out only under the court's consideration. However, the procedures in approving the release of the documents were more complicated than the litigants' own request.</p> <p><u>Source:</u></p> <p>1. Review of Documents:</p> <p>Name of Document: News about privatization of state enterprise Responsible Work Unit: Foundation for Consumers Source of Document: http://www.consumerthai.org/egat_board/search.php (5/9/06)</p> <p>2. Interview:</p>

	<p>1. Miss Sairoong Thongphlon Position: Manager, Consumers Union Work Unit/Company: Consumers Union Date of Interview: September 11, 2006</p> <p>2. Mr. Supakej Nanthaworakarn Position: Technical Expert Work Unit/Company: Health Systems Research Institute Date of Interview: September 14, 2006</p> <p>3. Mrs. Wan-anong Kulkarnjanacheewin Position: Attendant at the Administrative Court's ruling Date of Interview: September 28, 2006</p> <p>4. Miss Usanee Norahim Position: Attendant at the Administrative Court's ruling Date of Interview: September 28, 2006</p>
--	---

3.2 Was the handbook explaining the methods in filing the complaint/appeal to the responsible committee or organization easy to understand and easy to find?

Indicator value	Reasons to support the evaluation
<ol style="list-style-type: none"> 1. No handbook available 2. Handbook available, but hard to read and hard to find. 3. Handbook available that easy to read or easy to find. 4. Handbook available, both easy to read and easy to find. 	<p>Remark: The complaint/appeal committee or organization in this case study means the Supreme Administrative Court.</p> <ol style="list-style-type: none"> 1. Website of Administrative Court (http://www.admincourt.go.th) has the explanation concerning the process of considering the administrative court cases, starting from filing the complaint with the officer up to the Court's orders or passing the ruling, enabling the plaintiff to understand the process of court proceedings of the Administrative Court clearly. 2. Having interviewed the parties concerned relating to the EGAT privatization lawsuit with the Supreme Administrative Court, it was found that the Administrative Court had issued handbook relating to the process of filing complaint and had carried out public relations through the media such as television and radio broadcasting. Thus, it enabled the filing of the lawsuit easier and with clear standard practice. <p>Source:</p> <ol style="list-style-type: none"> 1. Review of Documents: <ul style="list-style-type: none"> Name of Document: Website of the Administrative Court Responsible Work Unit: Administrative Court Source of Documents: http://www.admincourt.go.th (5/9/06) 2. Interview: <ol style="list-style-type: none"> 2.1 Mr. Sirichai Mai-ngarm <ul style="list-style-type: none"> Position: President, State Enterprise Labor Union, the Electricity Generating Authority of Thailand (EGAT) Work Unit/Company: State Enterprise Labor Union, the Electricity Generating Authority of Thailand (EGAT) Place of Interview: King Prajadhipok's Institute Date of Interview: August 15, 2006

	2.2 Miss Sairoong Thongplon Position: Manager, Consumers Union Work Unit/Company: Consumers Union Date of Interview: September 11, 2006
--	--

11.

Methods of Evaluation and Reporting

In summarizing the results of the evaluation, it can be done at two levels:

- A. Section by section and
- B. All sections

If it is done under each section, consideration must be given to each component (i.e. law, government's initiative and effectiveness). The indicators will be assigned a score number 1, 2, 3, and 4, which signifies "not good" up to "very good." In order to determine the total number of the rating scores given to each indicator, following are the examples.

Accessibility of Information

Law: (5 indicators)

- Indicator that has assigned a score of 1 (not good) =indicators
- Indicator that has assigned a score of 2 (need improvement) =indicators
- Indicator that has assigned a score of 3 (good enough) =indicators
- Indicator that has assigned a score of 4 (very good) =indicators

Government initiative: (10 indicators)

- Indicator that has assigned a score of 1 (not good) =indicators
- Indicator that has assigned a score of 2 (need improvement) =indicators
- Indicator that has assigned a score of 3 (good enough) =indicators
- Indicator that has assigned a score of 4 (very good) =indicators

Accessibility of justice: (2 indicators)

- Indicator that has assigned a score of 1 (not good) =indicators
- Indicator that has assigned a score of 2 (need improvement) =indicators

Indicator that has assigned a score of 3 (fairly good) =indicators

Indicator that has assigned a score of 4 (very good) =indicators

Following are the guidelines in summarizing the results:

I. Accessibility to Information

1. Law

From the total 5 indicators, the overall score is rated in the range of.....
(Indicate according to the highest number of indicators with the same assigned score number stated above.) by stating **“very good”** in the subject of.....
(Look at the specific category of indicators to determine what subject) and **“not good”** in what subject..... At the same time, give reasons for assigning such score to this subject as **“very good”** because.....
(Consider the reasons why you chose that answer for such indicator.) and **“not good”** because.....

2. Government initiative

From the total 10 indicators, the overall score is rated in the range of.....
(Indicate according to the highest number of indicators with the same assigned score stated above.) by stating **“very good”** in the subject of..... (Look at the specific category of indicators to determine what subject.) and **“not good”** in what subject At the same time, give reasons for assigning such score to this subject as **“very good”** because.....
(Consider the reasons why you chose that answer for such indicator.) and **“not good”** because.....

3. Effectiveness (2 indicators)

From the total 2 indicators, the overall score is rated in the range of.....
(Indicate according to the highest number of indicators with the same assigned score number stated above.) by stating **“very good”** in the subject of..... (Look at the specific category of indicators to determine what subject) and **“not good”** in what subject.....
At the same time, give reasons for assigning such score to this subject as **“very good”** because..... (Consider the reasons why you chose that answer for such indicator.) and **“not good”** because.....

In conclusion, the Accessibility of Information section, it was found that the majority of the score received in the evaluation is at the level of..... When comparing the components of law, government’s initiative and effectiveness, the component that scored an overall level of “very good” is, “not good” is.....and needs most improvement is

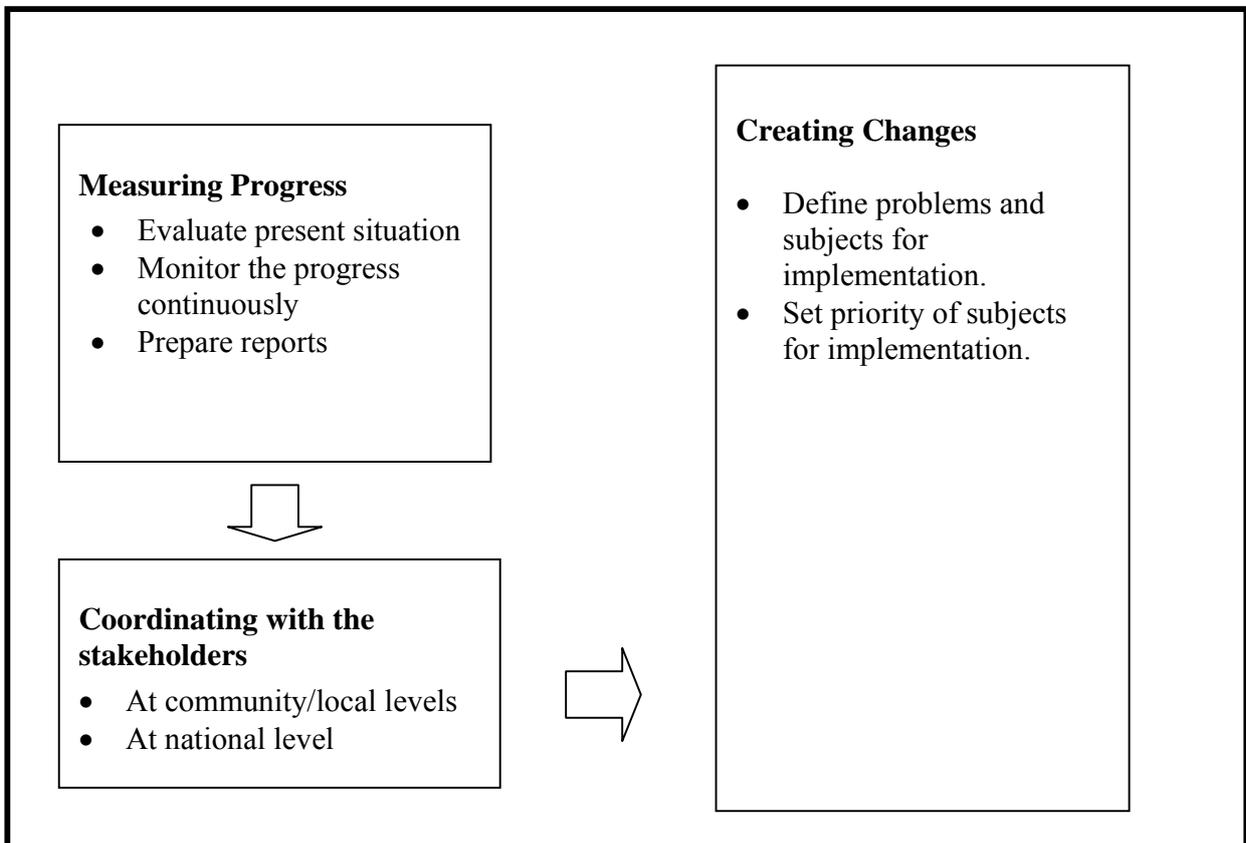
In all other sections, it was found that the conclusions also have fallen in the same manner. When the conclusive results from every section has been submitted, then take those results and compare one with another to reach an overall level of good policy governance, or plans or such project.

In this study, it was found that the section with good governance that has a rating level of “very good” is (Consider the results of the evaluation that has the most rating level of “very good”) and the most rating level of “not good” is..... Thus, it indicates that there is a need for improvement in the area of.....

12.

Creating Changes

In studying the good environmental governance, it will enable you to gauge how much good policy governance, or plans or project could have an impact on the environment under your evaluation and what issues that need improvement. After knowing the areas in which improvements are needed, you are encouraged to try to make those changes by coordinating with the related work units and/or acquire cooperation from the various stakeholders. In this case study, it is to encourage you to generate changes. Thus, it is essential to set priority of the subject of which to carry out implementation as intended and to follow up on a regular basis.



13.

List of contacts for further information

Thailand Environment Institute www.tei.or.th
16/151 Muang Thong Thani, Bond Street, Bangpood, Pakkred, Nonthaburi 11120
Tel: +66 2 503 3333 Ext 501
Fax: +66 2 504 4826 - 8
Email: TAIThailand@tei.or.th

Research and Development Office and The Office for Peace and Governance
King Prajadhipok's Institute
47/101 Moo 4, Tiwanon Road, Taladkwan Subdistrict, Muang District, Nonthaburi 11000
Tel: +66 2 527 7830 - 9 Ext 2402, 2407
Fax: +66 2 527 7819, +66 81 873 4444
Email: vanchai@kpi.ac.th or thawilwadee@kpi.ac.th

The Sustainable Development Foundation
86 Ladpraw 110 (Yeak 2), Ladpraw Road, Wangtonglang, Bangkok 10310 Thailand
Tel: +66 2 935 2983 - 4
Fax: +66 2 935 2980
Email: preecha@mozart.inet.co.th

Policy Strategy on Tropical Resource Base Project,
Office of the National Human Rights Commission of Thailand
422 AMLO Building, 4th Floor, Phya Thai Road, Pathumwan, Bangkok 10330 Thailand
Tel: +66 2 219 2980
Fax: +66 2 219 2940
Email: sbuntoon@thaipeople.org

Bureau of Public Participatory Promotion,
Department of Environmental Quality Promotion
49 Rama VI Road, Soi 30, Rama VI, Phayatai, Bangkok 10400
Direct lines: +66 2 298 5625, +66 2 278 8428,
Tel: +66 2 278 8400 - 19 Ext 1831
Fax: +66 2 298 5650
Email: srisuksavitree@hotmail.com

