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International POPs Elimination Project

*Fostering Active and Efficient Civil Society Participation in
Preparation for Implementation of the Stockholm Convention*

Formation of the Thai POPs Elimination Network and NGO Coordination with the Pollution Control Department

Campaign for Alternative Industry Network (CAIN)

**Thailand
March 2006**

About the International POPs Elimination Project

On May 1, 2004, the International POPs Elimination Network (IPEN <http://www.ipen.org>) began a global NGO project called the International POPs Elimination Project (IPEP) in partnership with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Program (UNEP). The Global Environment Facility (GEF) provided core funding for the project.

IPEP has three principal objectives:

- Encourage and enable NGOs in 40 developing and transitional countries to engage in activities that provide concrete and immediate contributions to country efforts in preparing for the implementation of the Stockholm Convention;
- Enhance the skills and knowledge of NGOs to help build their capacity as effective stakeholders in the Convention implementation process;
- Help establish regional and national NGO coordination and capacity in all regions of the world in support of longer term efforts to achieve chemical safety.

IPEP will support preparation of reports on country situation, hotspots, policy briefs, and regional activities. Three principal types of activities will be supported by IPEP: participation in the National Implementation Plan, training and awareness workshops, and public information and awareness campaigns.

For more information, please see <http://www.ipen.org>

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Summary

The year 2005 saw the formation of the Thai POPs Elimination Network or ThaiPEN to enhance civil society participation in the management and eradication of POPs in the Kingdom of Thailand. While welcoming the Thai ratification of the Stockholm Convention on POPs in January 2005, non-government organizations (NGOs) believe that the government has to change certain policies and practices for Thailand to be fully compliant with its obligations under the treaty.

NGOs working for environmental health, consumer rights, food security and sustainable development formalized their links through ThaiPEN in the hope of increasing the impact of NGO contributions to the preparation of the country's National Implementation Plan (NIP) for the Stockholm Convention. ThaiPEN, which is coordinated by the Campaign for Alternative Industry Network (CAIN), serves as a coordinating mechanism for sharing relevant information, for building capacities and for developing civil society positions and actions on POPs.

CAIN has worked on industrial pollution issues in Thailand since 1998. The main interests of CAIN are monitoring and campaigning on industrial expansion policies and the impacts of hazardous substances and industrial pollution on ecosystems and local communities. The group also promotes alternative approaches to industrialization based around human and community rights, sustainable development and grassroots empowerment.

Aside from formalizing the NGO collaboration on POPs through ThaiPEN, the project also involves interaction and liaison with the Pollution Control Department (PCD) of the Ministry of Natural Resources and Environment being the national focal point for the Stockholm Convention. ThaiPEN specifically coordinates with the Waste and Hazardous Substances Division of PCD.

Consequently, PCD has recognized ThaiPEN as an active group representing the public interest on POPs and other chemical issues. ThaiPEN has been invited to various PCD workshops for the NIP, giving opportunities for NGOs to participate and comment on the draft NIP.

Although public participation is not yet comprehensively incorporated in the NIP development process, the recognition of ThaiPEN as representing public concerns is an essential first step.

Participating Groups:

ThaiPEN counts among its partners the following NGOs:

1. Alternative Agriculture Network
2. Campaign for Alternative Industry Network,
3. Chumchon Thai Foundation
4. Foundation for Consumers
5. Greenpeace Southeast Asia
6. Institute for a Sustainable Agriculture Community
7. Phuket Environmental Conservation

Accomplishments to Date:

March 1, 2005. Letter sent to PCD with regard to the draft National Profile on POPs Management, underscoring the need for transparency and public participation in its formulation as well as the need for a comprehensive data in the National POPs Inventory. The press conference called to articulate the NGO concerns marked the public launch of ThaiPEN (see annex 1).

April 2-3, 2005. Served as local host for IPEP Southeast Asia Project Meeting/Skillshare held in Bangkok, Thailand.

April 4-7, 2005. Participated as a member of the International POPs Elimination Network (IPEN) delegation to the Asia-Pacific Regional Consultation on the development of a Strategic Approach in International Chemicals Management (SAICM).

July 8, 2005. Participated in the POPs Inventory Workshop organized by the PCD.

July 29, 2005. ThaiPEN meeting held to discuss and critique the draft National POPs Inventory and develop ideas for ThaiPEN's further activities, i.e., hotspot reports.

August 10, 2005. Participated in the POPs Priority and Objective Setting for NIP Workshop organized by the PCD

August 16, 2005. ThaiPEN meeting held to discuss the National Chemical Safety Master Plan of Thailand and finalize new PAMs.

April 20-21, 2005. Participated in the Strategic Planning Workshop for the 3rd National Chemical Safety Management Master Plan organized by the Food and Drug Administration, Ministry of Public Health.

April 22, 2005. Letter sent to PCD as part of IPEN's campaign to "Keep the Promise" of the Stockholm Convention; this was also ThaiPEN's activity in support of the Global Day of Action on POPs

October 25-26, 2005. Participated in the NIP workshop organized by the PCD

November - December 2005. Prepared PAMs for the hotspot reports

Prospects for the Future:

ThaiPEN will continue to sustain links forged with NGO partners and with the national focal point through regular e-mail exchange and participation in relevant activities. Plans are underway for the implementation of two hotspot reports:

- 1) Case study on the illegal use of pesticide POPs and endosulfan in the province of Suphanburi, including a community form to identify alternative solutions.
- 2) Case study on dioxin generation from two municipal waste incinerators in Samui and Phuket, including public awareness activities on alternatives approaches to managing discards.

Annex 1:

NGO LETTER TO PCD

March 1, 2005

The Director General
Pollution Control Department
Ministry of Natural Resource and Environment
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Phayathai District, Bangkok 10400, Thailand.
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Subject: Lack of open and transparent process for public participation concerning the draft National Profile for POPs Management in Thailand

Dear Sir,

On behalf of an NGOs Coalition working on toxic pollution as well as environmental health activists in Thailand whose names are listed below, we are writing to you to address our concerns about the implementation plan for the Stockholm Convention on Persistent Organic Pollutants or in short the POPs treaty. We would also like to bring to your kind attention our recommendations concerning the draft National Profile for POPs Management in Thailand.

Thailand has now become a party of the POPs Treaty after the ratification has been made on January 31, 2005. This kind of decision can be seen as a strong political commitment toward a protection of the health and environmental threats posed by POPs and an agreement on the need for global action. It is also added a great excitement accompanied its adoption on May 23, 2001 and its entry into force on May 17, 2004.

Thanks to the Pollution Control Department (PCD) under the Ministry of Natural Resources and Environment of Thailand for their efforts during negotiations and upon adoption of the treaty. PCD has been playing a vital role in representing the Government of Thailand to push for a legally binding international convention on POPs. However, by understanding the context of recent development relating to the National Implementation Plan for POPs in Thailand, it comes to the conclusion that an open and transparent process for public participation has never been taken into account on this matter from the very beginning.

In light of implementation of the obligation of POPs Treaty, from what we understood, a National Implementation Plan (NIP) has been developed. PCD, now acting as an implementing agency under the project document of Thailand Enabling Activities for the Development of a National Plan for Implementation of the Stockholm Convention on POPs, has prepared the National Profile for POPs Management as part of the NIP process. Unfortunately a preparation of the National Profile for POPs Management carried out between June-August 2004 was done behind closed doors.

According to Article 7 of the POPs Treaty, it is clearly stated that the Parties must cooperate with NGOs including women's groups and health care groups especially regarding children's health when developing, implementing and reviewing/updating their plans and Article 10, Paragraph 1(d) of the treaty, it requires each Party to promote and facilitate public participation in addressing POPs and their effects, and in developing adequate responses (strategies) including opportunities for input at national level regarding implementation of the convention. In fact, the international community agreed to begin implementation the Treaty before it enters into forces. Hence, countries' efforts to implement the treaty provisions that include the above-mentioned ones at the national level and local level should be underway. Unfortunately this is not a case in Thailand.

Without giving attention and consideration to a participatory process for public interest groups, the question arises how such a National Profile would satisfy national requirements under the POPs treaty for Thailand?

From the above-mentioned concerns, therefore, we would like to address the following critical points;

1) Processes of drafting Thailand National Profile for POPs Management;

1.1) Members of the National Coordination Committee (served as a National Profile Committee) are only composed of officials from relevant government agencies. With an absence of members from the wider public interest groups those who have been

working in the field of toxic chemicals for many years, it failed to deliver an ambition in achieving goals of the POPs treaty.

1.2) In terms of timeframe, as it is stated in the final draft of the National Profile that was publicized for public comments, the preparation of the first two drafts were developed from June 2004 – August 2004, and the final draft was approved on September 2004. To our surprise, it was one of the most fast-tracked and top-down processes we have ever seen, but it was ultimately meaningless when looked at from the public participatory point of view.

1.3) We understand that as an implementing agency, PCD has tried its best to get the draft National Profile and all available information on POPs made available to the public after getting approval from the National Coordination Committee in September 2004. As far as we know, those who are interested in this field are only able to get access the final draft on the PCD website (www.pcd.go.th) just from the beginning of February 2005. Moreover, PCD is asking any interested person to send back comments/suggestions not later than March 1, 2005. In Thailand, the internet is still not being properly utilized as the only methodology of public consultation and participation, even though it is becoming a growing trend. Therefore, it is not realistic for any comments to be made within that timeframe. Aside from internet access, active public interest groups have never been informed by the POPs focal point and implementing agency about public forums conducted during the preparation process, if there are any.

2) With regards to the lack of open and transparent process for public participation. Information relating to POPs in the draft National Profile is likely to be incomprehensive and one-sided.

2.1) Baseline information used in the draft is irrelevant and incomprehensible, for example, references and sources of information are messed up, imported records of DDT referred to in the table do not go hand in hand with those in the content, information mentioned in the national background about agriculture has not included initiatives on chemicals-free farming which has been well-developed and become a national agenda to tackle hazardous substances used in agricultural sector. Not to mention that the Thai version of the draft was not well-translated which means that it can be misleading for the public.

2.2) There should be existing data available for the category of Dioxin Hotspot. To our record, Agent Orange was tested on Thai soil during the Vietnam War and became a dioxin pollution scandal when it was exposed at Hua Hin airport in March 1999. Data from regular monitoring being done on the site of the secure landfill of dioxin-contaminated soil at the airport has to be made available in the draft National Profile.

3) With an unrealistic timeframe, please kindly be informed that we, as an active public interest groups on the field of toxic chemicals in Thailand, do not agree with this unhealthy process. Instead of giving comments and suggestions to the draft National Profile, we have come up with the following specific recommendations for PCD as a focal point for POPs Treaty to consider;

3.1) We strongly suggest that the draft National Profile on POPs Management should not be used as a guideline to further facilitate the development of the National Implementation Plan because it has failed to adequately address the chemical crisis in Thailand.

3.2) It is mentioned in the draft National Profile that the final profile has been submitted to UNEP/Nairobi as a Technical Report in September 2004. We strongly request that the draft should be revised (by PCD) in an open and transparent manner so that public participation will be properly included in this revised process at the national and local level.

We hope that our concerns and recommendations will be taken into your consideration in order to help develop and improve national legislation during the process of drafting POPs Implementation Plan as well as to solve the chemical crisis and to achieve sustainable development.

Sincerely yours,

Tara Buakamsri
Contact Person for Thai NGOs Coalition

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