



# Public participation, land use and climate change governance in Thailand



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## ABSTRACT

Environmental governance in the context of climate change and land use is examined with the aim of specifying the conditions under which the incorporation of effective public participation in the governance process can be achieved. This is done through an examination of the preferences of the actors involved, an analysis of the land use issues in climate change governance in Thailand, the extant institutional arrangements for public participation, the difficulties of implementing effective public participation, and possible ways of mitigating these challenges. As climate change governance is a highly problematic arena, successful incorporation of public participation in this sector could point to the potential of extending these conditions into other sectors of environmental governance.

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## Introduction

The paper investigates the unfolding climate change governance regime in Thailand with an emphasis on land use and public participation. Following the discussion in chapter one of this volume, public participation is taken to be a process whereby non-state actors in Thailand take part in decision-making and implementation (which may include monitoring and evaluation) of land use related climate change activities. As shown in chapter one, this participation has three facets to it: access to information, involvement in the decision-making process, and access to justice. For successful public participation to obtain, the three facets should be conceptualized as a package rather than in isolation. It may then be expected that public preferences will be reflected in the final outcome of the issue at hand (MRC, 2005:3; Siroros and Haller, 2000). Public pronouncement of their satisfaction with the outcome is a strong indicator of a successful public participation process.

The public is conceptualized as the alternate to the state and includes individuals, families, communities, local/ethnic groups (e.g. forest user groups), workers, student organizations, civil society organizations (CSOs), NGOs, indigenous communities/peoples, minorities, implementing partners, policy advocates, research institutions, the media, or their networks (see, for example, MRC, 2005; KoT, 2007: article 66–67; FCPF, 2013a). Any and all of these individuals or groups can be considered actors in climate change

governance if they take part in decision-making and implementation of activities related to climate change and land use. Those who play a dominant role such as organizing or facilitating other actors to take part in climate change activities could be considered as key actors. In Thailand, donor agencies can thus be conceptualized as dispensers of justice (see, for example, FCPF, 2013a,b) and key actors in formulation of climate change governance. Nevertheless, one unifying characteristic running through these stakeholders is that they have interests or stakes to lose or gain (MRC, 2005) either in form of materials or values.

Although public participation in environmental governance is provided for in Thailand's state policy and legislation (Chompunth, 2013), literature caution that it should not be assumed that rights given in law are enforced (Boonlong et al., 2011). Some literature suggest that these legal provisions are ignored or willingly subverted and, when the public is included, it is merely to give semblance of compliance with existing legislative obligations (Siroros and Haller, 2000; Ogunlana et al., 2001; Klein, 2003; TEI, nd (but 2007 or 2008)). Thus the public is largely excluded from planning and decision making processes (Boyle, 1998). Some observations thus caution that even though the public may be included, the question of whether they have effective power is still moot (Pretty, 1995; Krchnak, 2005; Schroeder, 2010; UN-REDD, 2013). Under these circumstances, the public may respond by agitating for their rights, sometimes even through demonstrations and riots in order to insert themselves in the decision-making process (Boyle, 1998; Ogunlana et al., 2001; Klein, 2003; Krchnak, 2005; Zurcher, 2005; Manowong and Ogunlana, 2006; Bangkok Post, 2010; Thailand R-PP, 2013: 34; FCPF, 2013b). While the

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state sometimes concedes to public pressure for participation, at other times it does not; the explanation for this remains uncertain (Stardahl et al., 2004). Therefore, cases where the state concedes to public pressure and there is apparent public satisfaction with the outcome need inquiry in order to shed some light on the conditions under which successful public participation may occur. The emerging Thai climate change governance regime (specifically the REDD+<sup>1</sup>) provides such an opportunity.

In its early stages, public participation in the Thai REDD+ process mirrored the narrative in the literature on public participation and environmental governance in Thailand. Initially the state had taken a state-centric approach in processing its REDD+ Readiness Preparation Proposal (R-PP). Many stakeholders felt excluded and hence, the state's endeavor was resisted by the CSOs. The result was a new R-PP that apparently had a commendable public participation element. The state went to great lengths to demonstrate that the plan for REDD+ implementation was, and will be, a product of public participation. The formerly excluded groups were also largely approving the process even as they criticized the state for discarding some recommendations (Bangkok Post, 2010; TCJ, 2012a, 2013; Thailand R-PP, 2013, 2013 rev; TCJ, 2014). How is this convergence to be accounted for? It will be argued that the answer lies in the nature of the incentive structure the state was exposed to. The promoters of climate change (REDD+) governance defined an incentive structure that made the state assume the burden of showing that public participation had taken place. Such a threshold cannot be shown to have been met if local actors raise alarms signaling exclusion. Hence, the emerging Thai climate change governance experience discloses that where the project's incentive structure prioritizes public participation, and there is public demand for such participation, there is a higher likelihood that the state will take participation seriously, thereby narrowing the pronouncement – practice divide.

The successful intervention by CSOs and the concession by the state can be attributed to a combination of international and domestic factors. Internationally, there is the existence of global norms of public participation and fairness in the REDD+ process (UN-REDD, 2013; Baez, 2011; Hiraldo and Tanner, 2011; Phelps et al., 2010a,b). This dominance found expression in the willingness of the international patrons of REDD+ to institutionalize public participation in two ways (Thailand-RPP, 2013). First, the donors conditioned their aid to climate change sector to public participation and, second, they capacitated civil society to participate in the climate change governance process. Domestically, the donor conditionality reacted with a receptive civil society. This stakeholder was focused on mediating the implementation of a climate change governance regime. That regime affected community-related lands. In addition, there was (domestically) a constitutional context supportive of public participation (Heng, 2002: 654–655) that thus converged with the preferences of global actors conditioning their aid to public participation. It was an interaction of these factors that caused the retreat of the state thereby creating space for public participation. This Thai experience is thus significant in disclosing conditions under which public participation can be successful.

The research questions being explored are: first, who are the actors involved in determining the national developments in the REDD+ process (Phelps et al., 2010a,b; Mahanty et al., 2013)? Second, what is driving the state to share power in climate change governance given that the liquid nature of REDD+ would lead to the expectation that the state would be determined even more to marginalize other actors as it had in the past, in spite of an

institutional framework providing for their involvement (see, for example, Rigg, 1991; Siroros and Haller, 2000; Johnson and Forsyth, 2002; Klein, 2003; Forsyth, 2004; Stardahl et al., 2004; Kelly et al., 2012, and Chompunth, 2013)? The rest of this paper is organized as follows: the next two sections describe the methods and the potential gains of public participation followed by a note on the methods. Subsequent sections discuss some of the actors involved in climate change governance, the land use issues that relate to climate change governance, and the extant institutional framework for public participation. The difficulties of executing the public participation process are examined, followed by a discussion on how they can be mitigated. Conclusions are then drawn in the final section.

## Methods

The study is based on interviews and content analysis of both primary and secondary literature. The interviews were conducted with four CSOs in Bangkok who are involved in climate change governance in Thailand. The interviews were open-ended, using a semi-structured questionnaire and notes were taken in writing. The CSOs were selected to represent some broad characteristics such as community-based (Seub Western Forest Complex – Seub), national advocacy (Thai Working Group on Climate Justice – TCJ), International organizations (The Regional Community Forestry Training Center – RECOFTC), and donor capacity-building programs (Lowering Emissions in Asia's Forests – LEAF). Within the context of these characteristics, these CSOs were selected simply on the basis of logistical convenience, and any other CSO could have been selected. As such, the choice of cases does not bias the analysis in any significant way. Information was also gathered from a conference addressed by some Thai government officials. Primary data utilized included pamphlets, websites, and handouts of the CSOs. The Thailand R-PP (2013, 2013 rev) is an invaluable source of how public participation is being incorporated into the climate change governance regime. Secondary literature on environmental governance in general and Thailand is also utilized.

## The potential gains of public participation in climate change and land use governance

Climate change response activities such as REDD+ that are related to land use would benefit the global community, but the process could produce losers if mishandled. Therefore, involving those proximate to the land can mitigate such an eventuality; it can insulate local communities from marginalization. In Thailand, past experiences in state responses to environmental interests, especially at the level of biodiversity conservation, showed tendencies of ignoring land using communities when implementing conservation projects [Johnson and Forsyth, 2002, Forsyth, 2004; Zurcher, 2005; GoT, nd (but 2009): 3]. In case of high liquidity ventures like REDD+, the incentives on the part of state bureaucrats to ignore the interests of land using communities could even be higher<sup>2</sup>. Hence, there is need for active public representation in the governance process to safeguard community interests. As discussed later, Thailand's climate change governing regime, at least in relation to land use, is moving toward this end (Thailand R-PP, 2013; FCPF, 2013a,b). Apart from securing community interests, public participation will also benefit the REDD+ projects because involving people can buttress the monitoring, verification, and reporting system (Hiraldo and Tanner, 2011; UN-REDD, 2013; Bourgoin et al., 2013). Moreover, it would help Thailand meet its global and domestic obligations. In its Second National Communication

<sup>1</sup> REDD+ means Reducing Emissions from Deforestation and Forest Degradation in developing countries; countries are paid for maintaining their forests, which serve to absorb carbon from the atmosphere.

<sup>2</sup> See, however, the caution by Kelman (1987) against seeing bureaucrats as just budget maximizers.

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