

Abstract

This thesis aims at studying the legal doctrine of the public participation in consideration of projects affecting the environment according to the international legal principle on usage of an international river, the agreement on the cooperation for the sustainable development of the Mekong river basin and the domestic legal principle of Thailand. This research selects as a case study the project on the development of the Lanchang – Mekong River channel for commercial shipping line. This project a cooperation among China, Thailand, Myanmar and Laos has been widely opposed by the public and the NGOs viewing that the processing of this project will affect the environment in the Mekong river basin. Moreover, the important issue was that the government did not provide the public with the adequate information and opportunity to participate in the discussion and the decision making of the project.

This study finds that the Thai legislation that vest an individual with the right to participate in the public discussion and the decision making of the government project affecting the environment are as follows: the Constitution of the Kingdom of Thailand 2007, the Improvement and the Preservation of the National Environmental Act 1992, the public Authority Information Act 2002 and the Prime Minister Office Regulation on public hearing 1997. However, the factual study of the project in question finds that the explosion designated for Kon Pi Luang reet was widely opposed by the people; thus, resulting in the halt of the project in Laotian territory. Since the domestic doctrine of the right to participation is inapplicable outside the Kingdom, the government can continue the project without undertaking the domestic mandatory procedure.

In addition, this thesis finds that the international legal principle on the usage of an international river and the agreement on the sustainable development of the Mekong river provide for no provision, entitling the people with the right to participate the decision making of the project affecting the environment in Mekong river basin. Furthermore, there are many projects in the Mekong river which affects ecology system. Accordingly, it is recommended that the six countries along the Mekong river

make the multilateral agreement on the people's right to the public participation in the decision making of the project affecting the environment. This agreement should be guided by the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters 1998.

To increase and equip the public participation in the international project affecting the environment in the Mekong river basin with the appropriate forms and the effective methods, the author suggests as follows:

(1) Add the duty for the government to disclose all information before the start of project affecting the environment in the international legal principle on the usage on international river and the agreement on the cooperation for the sustainable development of the Mekong river basin, and enact laws providing with the opportunity to express their opinions and to have them considered.

(2) Encourage China and Myanmar become the signatories to the cooperation for the sustainable development of the Mekong river basin.

(3) Prompt the six countries along the Mekong river to make the multilateral agreement on the public participation in the administration of natural resources in the Mekong river basin with the following principles:

- 3.1 The principle of the access to the environmental information
- 3.2 The principle of the public participation in the Decision-making,
- 3.3 The principle of the accessing to justice in Environmental Matters.