

The Politics of Thai Local Government Reform in the period of the National Council for Peace and Order's Administration

Dr. Thanasak Saijampa

Sukhothai Thammathirat Open University, Thailand.

Abstract

This article aims to study the role of all sectors and interest groups in Thai local government reform in the period of the National Council for Peace and Order's administration by applying "the concept of interest groups" and "the concept of policy network" to be a theory framework. A basic point from the study found that local government becomes a conflict zone among related groups trying to come into power and to modify the local government's structure and mechanism that will benefit themselves the most. Then, the political system was expected to perform as a mechanism to resolve conflicts among interest groups. The most powerful group will be able to manipulate and adapt the local government's structure and mechanism to their own preferences. This study notes that even though there are objections and aspirations regarding Thai local government reform, the proposed reform is still in the form of the working group which was set up by the Government.

Keywords: politics, reform, local government, Thailand

This article is a part of research on "The Politics of Thai Local Government Reform in the period of the National Council for Peace and Order's Administration" which receives research funding from the Research and Development Institution

Introduction

Local government is truly the significant political mechanism that leads to the development of initial political growth suitable for and corresponding with the local populations' will. The origin and change in local government, however, are led by the central authority which sets up the structure and regulations of the administration. Even though the National Council for Peace and Order (NCPO) set up the National Reform Steering Committee on Local Administration, the people and communities are still unable to express their opinions upon the proposal for local government merger in a concrete way. This has caused several ongoing movements and conflicts against the central authority's decision. Therefore, the objective of this article is to reveal the process and role of related sectors in reforming Thai local government in the period of the NCPO's administration.

In order to describe the role of the actors and interest groups related to Thai local government reform after the coup d'état on 22nd May, 2014, the writer applied "*the concept of interest groups*" and "*the concept of policy network*" to be a theory framework to study the role of all sectors and interest groups in Thai local government reform in the period of the National Council for Peace and Order's administration. The study aims to examine the role of individuals, groups, organizations and political institutions that are related to and affected by Thai local government reform. Moreover, the study examines how and in what form these actors have had a part in participation, negotiation and opposition. The result of the actors' involvement will have an influence on whether local government is reformed or not. The source of information is varied such as interviews with important people related to local government reform, documents, videos, the internet, etc.

However, the draft act for Local Administrative Organization Code B.E.... which the National Reform Steering Assembly proposed to enact in the National Legislative Assembly has not been part of the consideration process to the present time (June 2017). It cannot yet be clearly stated that at last the process of Thai local government reform is proceeding according to the methods or proposal of any of the actors or any interest groups. Therefore, this article demonstrates the role of the actors and interest groups related to the reform since the coup d'état on 22nd May, 2014.

The National Council for Peace and Order's reform proposal

The Constitution of the Kingdom of Thailand B.E. 2540 (1997) provided a political structure and mechanism in order to give people an opportunity to participate openly in the political structure, to establish an independent organization as a mechanism in which politics

cannot intervene, to focus on decentralization to local administrative organizations (LAOs) and to require the state to hold a public hearing before proceeding on any projects. These conditions created a turning point in the political structure and mechanism particularly the transformation of the structure, powers and duties of an LAO. As seen in section 78 of the 1997 Constitution, which states that “ the state must decentralize powers to localities for the purpose of independence and self-determination of local affairs, develop local economics, public utility systems and public assistance, and also improve the quality of information technology infrastructure thoroughly and equally throughout the country, to encourage a province to be ready for such purpose to be a large-sized local administration organization, which has regard to the will of the people in that province”. This led to the enactment of the Determining Plans and Process of Decentralization to Local Government Organization Act B.E. 2542 (1999). This Act, in the main, lays down rules and directions for transferring to LAOs powers and duties in connection with the provision of public services between the state and the LAOs (see the details in section 284 of the 1997 Constitution). LAOs shall enjoy autonomy in laying down policies for their governance, administration, personnel administration, and finance and shall have powers and duties on their own part to develop decentralization to localities continuously.

Moreover, there is legislation which sets out the application of the electoral mechanism according to section 285, which specifies that members of the local council and local administrative committee shall be elected. Members of the local council shall be directly elected by the people while the local administrative committee shall be directly elected or shall be appointed from the local council (see the details in section 285 of the 1997 Constitution). However, there is criticism about the method of the formation of the local administrative committee in both direct and indirect elections which causes instability in the administration. This is due to division of the local administrative assembly and some of the members having an ambition to be on the committee of the local administrative council. There is agreement among the members to rotate holding this position every one or two years. Hence, the localities were not truly and continuously developed according to the policies. Moreover, this electoral mechanism generates a weak local administrative committee owing to prioritizing political support from the local assembly.

This situation led to a request to change the method of appointment so that the local council and local administrative committee should come from a direct election in order to separate their powers and duties openly. Each of them has an independent power to work and there is also a check-and-balance mechanism among themselves. The strengthening of the local administrative committee will push forward policies efficiently. People can make a decision to

vote for suitable local administrative assembly committee members who delivered their policies in the electoral campaign.

The movement to propose this concept generated the enactment of the Members of Local Councils and Local Administrative Committee Elections Act B.E. 2545 (2002) and changed the method of local administrative committee appointments from indirect to direct election. However, the LAOs still have many problems; for example, there are a lot of sub-district administrative organizations (SAOs) and municipalities, and some are too small and dependent. This causes overlapping responsibilities, duties and areas among them especially in provincial administrative organizations (PAOs), SAOs and municipalities. The regulations of public services between the SAOs and municipalities are also different. Local administrative committees pull their own strings with national politicians to coerce and intrude into the work of officials who have responsibilities in LAOs. A problem of a weak local council occurs when the majority of the local council members are from the same political group as the local administrative committee and the people cannot truly monitor their work. As a result, a local government organization is not a definite organization of the people, by the people and for the people. The people's problems and requests are not responded to and are not resolved. Moreover, the people cannot respond to the work of the local government organization (The Standing Committee on Local Administration, the National Legislative Assembly, n.d.: 4-5)

Besides structural problems as mentioned above, Thai local administration also experiences fiscal and budgetary problems, and problems with a local administration's personnel management, personnel transfer from central authority to localities and corruption in local administration. The types of corruption can be divided into national budget corruption and abuse of power such as corruption in the recruitment of officers and staff in LAOs concerning which more than 200 cases were filed in the Administrative Court and caused the cancellation of the appointment of 600 LAOs' officers and staff (Thai Local Meet Community, (2016).

After the coup d'état on 22nd May, 2014 by the NCPO, the Head of the NCPO announced the administrative policy to reform politics at all levels, national, regional and local, with the aim of supporting the constitutional monarchy with a democratic form of government, with the King as Head of State, and with the people genuinely benefitting from the reform. The administration would be conducted efficiently, with transparency, fairness, without corruptions, and in conformity with decentralization to all localities and the people as a whole (Bureau of Academic Affairs, 2014).

The National Legislative Assembly (NLA) had approved a resolution at the NLA Meeting 14/2557 on 9th October, 2014 to establish the Committee on Local Administration as one of the standing committees of the NLA. The Committee's powers and duties were to consider the organic laws or acts, to conduct, examine and study any issues regarding local government, to develop and promote the efficiency of local government organizations, and to control, support and transform the decentralization policies and processes to local government organizations under the law which has harmonization with the development of the provincial sector and the country.

The Standing Committee on Local Administration of the NLA, considered the problem of LAOs and proposed as follows:

1. Transform all SAOs to municipalities and determine the appropriate number of members.

2. Merge small municipalities that had populations less than 2,000 with other adjacent municipalities in the same district.

3. Dissolve or not dissolve PAOs

3.1 Dissolve PAOs

- the Governor shall be the supervisor of any large project which a municipality does not have the potential to manage, any activities which represent the image of an LAO in the province which will benefit the localities or the people and any public project that relates to or benefits one or more LAOs, in place of the PAO. This requires an agency to support the governor's duties.

3.2 Not dissolve PAOs

- the separation of power and duties of PAOs and municipalities should be clearly designated. Municipalities, which are the closest service-providing agency to the people, will be responsible for providing basic infrastructure to the localities and the people. On the other hand, PAOs, which do not have direct responsibilities to the people, will provide technical and academic assistance and conduct any large project which the municipalities cannot achieve, or a project that involves many local government organizations.

However, whether dissolving or not dissolving PAOs, it is designated that there will be ex officio members selected from not less than one-third of all members of the local administrative committee in that province and the powers and duties between the PAOs and municipalities shall be separated.

4. Designate the district office of local administration as a part of the provincial administration in order to support the district chief officer and governor to control local government organization.

5. Include the civil sector as a part of the administration, starting from the process of planning, budgeting, procurement and evaluation of the works of an LAO. This will solve the problems, provide fairness and reduce social disparity (The Standing Committee on Local Administration, the National Legislative Assembly, n.d.: 5-6)

This conforms to the proposal of The Standing Committee on Local Administration of the NLA to change all SAOs into municipalities by merging sub-district municipalities with SAOs in the same area, merging small SAOs into one, merging small sub-district municipalities with small SAOs from different districts and merging large LAOs with smaller ones. This aims to increase the area size and administrative potential (The Standing Committee on Local Administration, the National Legislative Assembly, n.d.: 5-6)

The Politics of Thai Local Government Reform in the period of NCPO's administration

Three days before the coup d'état took place on 22nd May, 2014, seven organizations¹ had collaboratively initiated "Reform of Local Administration Decentralization into provincial self-administration" because the centralization system in Thailand had been causing several conflicts and crises in the country. To solve this problem, these organizations ratified promotion of decentralization to the public and the LAOs at the provincial, local and people's levels. The success of this initiative would result in strong and perfect self-reliant localities, which would be beneficial to the country as well as to the people. However, the NCPO's proposal on local government reform is likely to be achieved in another direction.

After the 2014 coup d'état took place, many political stakeholders suggested many options in local government reform, e.g. the Federation of Municipalities of Thailand called for the NCPO's urgent reform of the structural decentralization of LAOs in many forms. Some examples are decreasing the administrative powers of the central authority and regional authorities and suggesting the reform of the internal structure of LAOs, including the executives of LAOs and municipalities being empowered to perform their duties as PAO council members and the position of LAOs' deputy chairman being resolved. In the meantime,

¹Seven organizations comprise 1. Network for Community Organization Council 2. Community Organization Development Institute (Public Organization) 3. Political Development Council (PDC) 4. Sub-district Administration Organization (SAO) Association of Thailand (SAOA) 5. Provincial Administrative Organization (PAO) Council of Thailand 6. Office of Well-being Development Coordination 7. Graduate School of Public Administration, National Institute of Development Administration

the Provincial Administrative Organization Council of Thailand suggested a three-phase local government reform which comprised: (1) the first phase in the fiscal year 2014, to complete all the accrued budget allocation; (2) the second phase in the fiscal year 2015, to allocate 35 percent of the budget to local government in accordance with the decentralization plan; and (3) the third phase, to reform the structure of the direct election of governors for self-reliant local government.

The media also reported that the NCPO had invited representatives from the Ministry of Interior to attend an in-camera meeting on local government reform. Many resolutions were proposed in the meeting, for example to decrease from four types of local government organization (SAOs, municipalities, PAOs, and special local governments (Bangkok Metropolitan Administration and Pattaya City)) into two types (municipalities and special local governments). The municipality administration could be divided into three types: sub-district municipality, town municipality and provincial municipality. This concept provoked a critique of one scholar that, "I have got to know the hidden agenda of this reform proposal and I don't agree with it because such reform aims to promote the centralization of power and the Government can easily control the municipalities' administration. They should have been waiting for the establishment of the National Reform Steering Assembly (NRSA) and bring the reform proposal for the consideration of the NRSA. It is obvious that this proposal was initiated by some Interior Ministry officials and some local government officials. The Interior Ministry definitely wants to decrease the number of local governments and this structural reform will increasingly empower the provincial officials. In the past, the PAOs' chief executives and the governors were competing with each other in implementing their administrative power. Therefore, many provincial officials, especially those who support the Interior Ministry, agree with the proposal that aims to reduce the PAOs' status into a provincial municipality status. However, the elected local government officials, civil society and academic sector totally disagree" Dr. Prawase Wasi, on the contrary, gave his opinion that, "local government administration reform should not only be the responsibility of the National Reform Council because local government administration is a foundation of the country which indeed is required to participate in the reform".

The proposal to merge local government organizations becomes a critical issue that definitely comes from the concept of some officials or some retired Interior Ministry officials who are members of the NLA Standing Committee and Sub-Committee. They agree on preserving decentralized power to local government organization from fear of: 1) losing their powers; 2) subsequently losing their conflicts of interests in local government organizations;

and 3) losing the powers and positions of provincial officials as in some developed countries which are unitary states such as Japan or the UK (Praison, 2015). Accordingly, the real objective of this proposal aims to dissolve PAOs because “it is the most fearful local administrative organization for Interior Ministry officials. Once PAOs progressively become stronger and more productive, the position of the governor will seem to be useless and will run out of power. The most fearful situation is when a PAO transfers into a province for which a governor needs to be elected. The provincial office will soon disappear in conformity with the people’s requests” (Praison, 2015).

The Provincial Administration Organization Council of Thailand organized the 2015 Annual Meeting from 7-9th October as well as a seminar on “Decentralization to the local government under the National Reform”. However, after the rumour about possible local administration reform by dissolving PAOs had been spread after the Annual Meeting, Mr. Boonlert Buranupakorn, Chief Executive of Chiang Mai PAO and Chairman of the Federation of Northern Provincial Administrative Organizations (comprising 17 provinces), had a discussion with forty PAO chief executives around the country to identify the problem and submit a proposal to the Government to revoke the idea of the PAOs dissolution due to their necessity to be a mechanism to develop local government and to drive the Government’s policies. This proposal received an immediate response from the Government, M.L. Panadda Diskul, Vice Minister for the Office of the Prime Minister, who presided over the opening ceremony of the 2015 Annual Meeting of the Provincial Administrative Organization Council of Thailand on 8th October, 2015, said that, “Before I arrived at this meeting, General Prayuth Chan-ocha, the Prime Minister, expressed his concern and offered consolation to the participants and also insisted that the Government had no mean to dissolve any PAOs. But the Prime Minister would rather ask for local governments’ support” It is noticeable that the NLA’s Standing Committee on Local Administration suggested changing all SAOs into municipalities and setting up the proportions of municipality members, as well as merging any municipality with less than 2,000 citizens with an adjacent municipality in the same district. However, the Provincial Administrative Organization Council of Thailand proposed cases for both the PAOs’ dissolution and merger. This shows that the proposal of the latter offered a better solution than the one from the NLA’s Committee.

The composition of the NLA’s Committee on Local Administration was also criticized since 15 out of 23 members are military officers, who may not clearly understand about local government and solely rely on the opinions of experienced officials or former Interior Ministry officials (Praison, 2015). As a result, the Committee’s proposal is likely to

restrict the power and duties of local governments and lead to the proposal to merge PAOs by the NLA's Committee on Local Administration.

The idea of merging the PAOs becomes clearer after the NRSA approved the report of the NRSA's Committee on Local Administration on issuing 4 draft laws which are: (1) the general structure and duties of LAOs and a draft law on Implementing the Local Administration Organization Code B.E. ... and a draft law on the Local Administration Organization Code; (2) for the Bangkok Metropolitan Administration, a draft law on the Bangkok Metropolitan Administration Act (No. ...) B.E. ... and a commission on the strategic resolution of the capital city and its vicinity; (3) for the Pattaya City administration reform, a draft law on Pattaya City Administration (No. ...) B.E. ... and a commission on the strategic resolution of Pattaya City and its perimeter; and (4) for the administration reform of LAOs of cities with special administration. Out of 166 NRSA members, 163 voted for this report (including 2 who voted for abstention and 1 who voted no disapproval) on 22nd August, 2016.

The approval of the NRSA's Committee on Local Administration of the draft law on Implementing the Local Administration Organization Code B.E. ... and draft law on the Local Administration Organization Code, was opposed by many sectors. The Ministry of the Interior therefore issued urgent official correspondence no. Mor Tor 0890.2/Wor 4815, issued on 26th August, 2016:- Subject: Clarification on local administration reform. The Interior Ministry explained that social networks' news concerning the NRSA approval of the report of the NRSA's Committee on Local Administration, entitled "General structure and duties of Local Administration Organizations, and draft law on Implementing Local Administration Organization Code B.E. ... and draft law on Local Administration Organization Code" did not give correct information about the facts. Instead, the rumour mentioned that the report implied that the general structure and duties in the reform of LAOs would change all LAOs into municipalities and merge small LAOs with each other within one year. As a result, the Interior Ministry issued the official correspondence to explain that the NRSA had not yet passed these draft laws. Several corrections were applicable in order to capacitate and enhance the role of LAOs to effectively serve the public equally and fairly.

In fact, the Ministry of Interior did not deny that some sections of the draft laws would be corrected. Thus, three organizations (the Provincial Administrative Organization Council of Thailand, the National Municipal League of Thailand and the Provincial Administrative Organization Council of Thailand) raised a counter-proposal against the draft laws as follows:

1. Local government organization reform, which promotes LAOs to municipalities and legally enforces merger on small LAOs according to economic benefit, does not correspond to and include the roles of LAOs in providing a service to the public in the area. This is, thus, against the intention of the draft constitution that came from the referendum.
2. The provision of the governing power on LAOs, as prescribed in Class 5 Sections 197-204 of the Constitution, provides extra power at all levels of the Interior Ministry's administration, from governor and district chief officer to PAOs. This shows the extension of the individuals' excessive power extension. Also, it is against the power and duties of LAOs, as prescribed in Section 250 of the Constitution, which aims to restrict such power. Besides, the extra power provision is also against the intention of the decentralization role.
3. The public's referendum to merge LAOs according to the population size and income was believed to be contradictory to the community ownership will and would create more conflicts in specific areas. Besides, the public service will not be up to standard and may not thoroughly serve the public.

Therefore, these three organizations would collect up to one million signatures of voters before 5th April, 2017 to submit to the Cabinet in opposition to the draft law on Implementing Local Administration Organization Code B.E. ... and Draft law on the Local Administration Organization Code.

It is interesting to note that on 5th April, 2017 (or one day before the royal ceremony of signing the Constitution of the Kingdom of Thailand B.E. 2560 (2017)) Dr. Vishnu Krua-ngam, Deputy Prime Minister and Chairman of the Committee on Decentralization to Local Government Organization, had presided over the meeting of this Committee. This meeting focused on considering the draft law on Implementing Local Administration Organization Code B.E. ... and the draft law on the Local Administration Organization Code, proposed by the NRSA. The Sub-Committee on Legal Revision on Planning and Decentralization Procedure to Local Government Organization concluded that significant issues in the report, such as the change of SAOs to municipalities, should not cover all administrative areas because Section 249 Clause 1 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) provides that the LAOs shall be established in compliance with the people's will, as prescribed by law. Besides, Section 249 Clause 2 of the Constitution also provides that the type of LAOs shall correspond to the local people's will and self-autonomy capacity in financial aspects, population size and density, and administrative area. The

establishment and the dissolution of any type of LAO shall be implemented in compliance with the Constitution. That means self-autonomy according to the population's will. As a consequence, Section 5 of the draft law on Implementing Local Administration Organization Code, that aims to change all LAOs into municipalities, is in fact against the legal implementation of self-autonomy according to the population's will and is also against the Constitution.

In consequence, the Sub-Committee on Legal Revision on Planning and Decentralization Procedure to Local Government Organization expressed an opinion that there should be reconsideration of the draft law on Implementing Local Administration Organization Code B.E. ... and the draft law on the Local Administration Organization Code. The reconsideration would positively obtain appropriate Thai local government reform in conformity with the will of the current constitution and with the population's will.

The above-mentioned concept is one of the examples that reflect the politics of Thai local administration reform involving related actors and interest groups. These people also were involved with the Thai local government reform after the coup d'état on 22nd May, 2014, which was conducted in accordance with the preferences of "interest groups" and "policy network". Their interest can be described as individuals, groups, organizations, agencies and political institutions that are affected by Thai local government reform through three types of participation: advocacy, negotiation and resistance.

Thai local government's structure and change of mechanism will also become a balance originating from conflicts among interest groups. It implies that politics definitely involves with influence from interest groups from shared opinions, attitudes, ideals and interests. The interest groups assemble in order to maintain and seek mutual interest through demands and pressures on the government or any other authority. Local government reform then becomes a battlefield among related groups which wish to come into power and to alter the local government's structure and mechanisms that will benefit themselves the most. The political system will then be expected to perform as a mechanism to resolve conflicts among interest groups. The most powerful group will be able to influence and adjust the local government's structure and mechanisms for their own preferences. This study notes that even though there are objections and aspirations regarding Thai local government reform, the proposed reform is still in the form of the working group which was set up by the Government.

Thai local government reform is implemented under motivation from all segments in order to adjust the structure and system of local government organization to be consistent with their benefits and interests. Obviously, Thai local government reform is permeated with

“politics” in which all interest groups promote their positions which reflect that the structural and systematic transformation of LAOs, as a foundation of liberal democracy, includes the struggles of different ideas through proposals and critiques. In addition, the political struggle through the parliamentary system and the movement through a policy network and patronage system also aim to successfully achieve the proposals or desires of interest groups.

References

- Bureau of Academic Affairs, Secretariat of the House of Representatives. (2014). *“Will/Policy of the Head of National Council for Peace and Order”*. Retrieved from <http://library2.parliament.go.th/giventake/ncpo.html>
- Praison, T. (2015). “Report of Interior officers on the study of LAO of the Standing Committee on Local Administration (National Legislative Assembly)”, *Thai Post*, 16 July 2015, page 4.
- Thai Local Meet Community. (2016). *“Gor Glang Locality, more than 200 cases were filed to the Administrative Court according to the resolution to cancel LAO officers’ appointment”*. Retrieved from <http://www.thailocalmeet.com/index.php/topic.61238.0>
- The Standing Committee on Local Administration (National Legislative Assembly). (n.d.). *Report on the Study on Administration System, Budget Implementation System, Local General Administration System and Local Administration Organization Management System*. Bangkok: Bureau of Printing, Secretariat of the Senate.