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**Local Governance in Thailand: The Politics of
Decentralization and the Roles of Bureaucrats, Politicians,
and the People**

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Abstract

It is widely accepted that decentralization has taken place in Thailand since 1997 when the 1997 constitution was promulgated. As a result, various acts and the Decentralization Plan were issued and implemented. The structure of local government was restructured with many responsibilities and much of the budget transferred to local government.

This research aims at examining and evaluating the politics of decentralization and the roles of some key actors involved. These actors include bureaucrats, politicians, and the people. This research has found that the decentralization process has transferred many functions, responsibilities, and other resources to local government and has also lessened the significance of bureaucrats over local administration. However, upon examining the politics of decentralization, it is evident that bureaucrats are still a forceful actor in the decentralization process. They are able to have an influence over the creation of legislation and standards for local government processes. These legislation and standards seem to exist to protect the interests of the bureaucrats.

The study also illustrates that national politicians are another powerful actor. National politicians have used central government grants to local government as an instrument for broadening and strengthening their local politician networks. This can be seen from the increase of specific grants during last few years. On the other hand, it has been difficult to see a strong collective movement on the part of local politicians. Even when the transfer of functions, responsibilities, and the budget has been delayed, clear action has not been evident. The weakness of local government associations can be seen as an explanation for the lack of a forceful response by local politicians.

As for the people, it seems that their role in the decentralization process is still quite limited. They are not directly involved in the process, even though legislation such as the Public Initiation of Local Ordinances Act and the Voting for Removal of Local Councilors and Executives Act of 1999 have provided the voting public with more power than they held previously. It seems, so far, they have rarely taken advantage of either law.

Introduction

If Thai public administration is examined, it can be seen that it had been very centralized since it was restructured in 1892. One Thai specialist Daniel Aghiros argues that compared to many other states, the Thai state is extremely strong and has effectively reached into all provinces and districts. Despite the fact that Thailand has never been colonized, Thai provincial administration is reminiscent of the colonial apparatus of administrations. It was designed to ensure effective central control of rural areas (Arghiros 2001: 21).

Various evidence of the centralized characteristic of Thai public administration can be seen. As Thai public administration is divided into three tiers- central, provincial, and local administrations, we can see that central and provincial administrations have provided many important functions while leaving less important functions to local government (Laothamatas 2000). Central administration has been responsible for various development programs, including agriculture, industry and mining, communication and transport, commerce and tourism, science and technology, energy and environment, education, public health, social services, national security, and peace maintenance (Wongsekiarttirat 1999: 81). Local government has been in charge of some minor functions such as, street cleaning and maintenance, garbage collecting, markets, slaughterhouses and so on. As local government's functions and responsibilities have been limited, local government has also received a very small portion of the budget. It was estimated that during the 1990s, out of the entire revenue of the country, about ten percent has been allocated to all local government units, while the other ninety percent has been used by the central and provincial governments (Wongsekiarttirat 1999: 92).¹

Switching from the public administration perspective and turning to a political point of view, many scholars argue that since the revolution in 1932 it has been difficult to claim the Thai polity as a full-fledged democracy. Thai governance, at least for four decades after the revolution, was better explained as a "bureaucratic polity". Under this polity, bureaucrats were viewed as a very significant and powerful force. They were able to control and shape various policy issues. Those policies, rather than respond to the people's needs, were more responsive to public officials (Riggs 1966; Girling 1981; Laothamatas 1992). It can say also be said that this kind of polity benefited from the centralized characteristic of Thai public administration. Essentially, centralization puts the power in the hands of public officials rather than in local elected representatives.

Nevertheless, many academics suggest that since the 1980s the bureaucratic polity in the Thai state has declined. Some argue that the capitalist class has enjoyed a more

¹ Presently, local government in Thailand is receiving a larger share of the revenue. These numbers are from before the implementation of the Constitution of the Kingdom B.E. 2540 (1997).

important role in both the economic and political arenas (Suriyamongkol and Guyot 1984). In a similar way but a step further, Anek Laothamatas a famous political scientist argues that the growth of extra- and non-bureaucratic forces, especially the business associations have been continuous since the 1980s. They have played a role as the government's economic policy lobbyists. Laothamatas therefore concludes that the Thai state is no longer a bureaucratic polity, but instead should be defined as liberal-corporatism (Laothamatas 1992). If we examine the local level, some Thai specialists argue that since the 1980s local politics in Thailand has changed to fit this definition. Local politics has become much more money oriented. The relationship between government officials and local politicians has moved in a direction in which the local politicians have become more powerful (Arghiros 2001; Ockey 2000). This changing pattern of Thai politics has been confirmed by the "Black May" civic protests in May 1992. These protests were viewed as an ending of the long military dominated regime in Thailand. After the protests, political reform became the most important national agenda. The new constitution of 1997 was drafted and seen as the means of the reform.

The constitution of 1997 brought many changes to Thai politics. Generally, the Thai political regime moved from representative to participatory democracy. Under this new regime, public participation was promoted and strengthened. The government had to be more transparent and responsive to the public than in the prior period. Regarding public administration in particular, the centralized structure of Thai public administration declined as a result of the constitution. An extensive decentralization program was also implemented. Renown Thai scholar Amorn Raksataya argues that the 1997 constitution led to renewed interest in government at the local level, with expectations that the "hundred years" tug-of-war' between centralization and decentralization will finally move in the direction of decentralization (Raksataya cited in Wongsekiarttirat 1999: 72).

Under the intensive decentralization program, a decentralization plan was drafted and issued. As a result of this plan, 245 functions for which the state had been responsible were transferred to local government. Fifty departments and eleven ministries at the center were in charge of these functions (Tanchai 2003). Apart from that, the administrative structure of Thai local government was also modified. The section 285 of the 1997 constitution states that a local government organization shall have a local assembly and local administrative committee or administrators. Members of the council shall be elected. A local administrative committee or administrators shall be directly elected by the people or chosen by the approval of a local assembly (Constitution of the Kingdom of Thailand of 1997: section 285). In term of finance, the proportions of local and national governments' budgets were also restructured. Clearly, as far as the Decentralization Act was concerned, the budget of local government was to reach 20% of the national government income by 2001 and increase to 35% by 2006 (Determining Plan and Process of Decentralization Act of 1999: section 30).

From this point of view, it is not an exaggeration to say that as a consequence of the 1997 constitution, Thai local governance was officially reformed in the direction of decentralization. Bureaucrats who used to be very powerful in Thai local government had to step down from local government offices. Locally elected politicians were expected to have broader roles in Thai local governance; for example, they became Provincial Administrative Organization (PAO) and Tambon Administrative Organization (TAO) presidents. It seemed as if the role of bureaucrats in local government was to end, and local democracy in Thailand was to be strengthened and institutionalized.

This research aims at reviewing and evaluating the roles of several important actors in the process of decentralization. The author will examine the decentralization process that has taken place in Thailand since 1997 by focusing on the contemporary politics of decentralization. The key argument of this research is to debate that even though the decentralization process has transferred functions, responsibilities, and other resources to local government and has also lessened the significance of bureaucrats over local administration, by examining politics of decentralization, we can see that bureaucrats and national politicians are still forceful actors that have benefited from the process of decentralization. Local politicians as well as ordinary people, on the other hand, seem to be quite passive and cannot make the decentralization process benefit them, as it should.

This research paper will be split into three parts. The first part will be devoted to the key concept of decentralization. After that, the development of Thai local governance will be illustrated. This illustration will start from 1892 when Thai public administration was modernized by King Chulalongkorn (Rama V). However, we will focus on the developments from 1997 until present in particular, as they have had the most extensive impact upon present Thai local governance and the politics of decentralization. In the third part, the author will identify some key actors or forces involved in the decentralization process. The roles of bureaucrats, national politicians, local politicians, and the local populace in the decentralization process will also be explained and discussed.

1. The Concept of Decentralization

Since this research paper aims at examining and evaluating the politics of decentralization in Thailand, the concept of decentralization will be discussed in detail. The concept of decentralization is complicated; however, we believe it can be simplified as follows.

If the concept of decentralization is thoroughly examined, we can see that it is dynamic and is explained by different users in a wide variety ways. Cheema and Rondinelli explain that as the concept of decentralization evolved over the past half century, it took on increasingly diverse and varied meanings, objectives and forms (Cheema and Rondinelli 2007: 2).

They argue that the evolution of the decentralization concept can be separated into at least three different waves. Essentially, the first wave of post World-War II thinking on decentralization, in the 1970s and 1980s, focused on deconcentrating hierarchical government structures and bureaucracies. Starting from the mid-1980s, the second wave of decentralization has broadened the concept. It includes political power sharing, democratization, and market liberalization, expanding the scope for private sector decision-making. While during 1990s, decentralization was seen as a way of opening governance to wider public participation through civil society (Cheema and Rondinelli 2007: 2-3).

During the last two decades of the twentieth century, the concept of decentralization has gained popularity (Bardhan and Mookherjee 2006: 1; Kumar 2006: 13; Work 2003: 7). For Western countries, decentralization can be seen as an alternative to provide public services in a more cost-effective way, whereas developing countries are pursuing decentralization reforms to counter economic inefficiencies, macro-economic instability, and ineffective governance (Work 2003: 7).

It is widely accepted that democratization in many developing countries, especially in Latin America and Eastern Europe during the 1980s and 1990s, stimulated the idea of decentralizing governance (Cheema and Rondinelli 2007: 3; Jha 1999: 13). It is argued that the main characteristics of a democratic developmental state include broad-based participation, growth with redistribution, pro-poor policies, and responsiveness. Decentralization promotes allocative and productive efficiency in the provision and use of public services, improves governance and political accountability and provides a more effective governing vehicle for advancing pro-poor policies. (Saito 2008: 2; Barrett et al. 2007: 1).

Apart from democratization, globalization is another important force that pressures many governments to decentralize. Globalization increases international trade and investment, rapid development of information and communication technology, rapid transmission of financial capital across national borders, worldwide expansion of markets

for goods and services, and so on. To handle these changes, governments have to enhance the administrative and fiscal capacity of sub-national administrations. They must create an attractive business climate for the flow of foreign direct investment to their areas (Cheema and Rondinelli 2007: 2-3).

However, scholars also note that even though democracy and democratization have meant a renewed emphasis on decentralization, not all forms of decentralization are democratic. Even non-democratic systems can, and have had, well-worked-out schemes of decentralization. Clarification of the forms of decentralization; i.e., political, administrative, financial, or any other is thus needed. (Jha 1999: 13).

Generally and recently, the term “decentralization” is understood as a process of gradual devolution or transfer of functions, resources and decision-making powers to the lower level democratically elected bodies (Kumar 2006: 13; Crook and Manor 1998: 13). Decentralization is closely linked to the concept of subsidiarity, which proposes that functions be devolved to the lowest level of the social order that is capable of handling them (Work 2003: 8). With respect to the forms of decentralization, they are diverse and arguable. Nevertheless, at least four different forms of decentralization are widely accepted (Cheema and Rondinelli 2007: 6-7; Kumar 2006: 13; Work 2003: 8-10). These can be seen as follows.

Administrative decentralization may mean the transfer of resources, responsibilities, and decision-making authority for the delivery of a number of public services from the central government to other levels of government, including agencies and field offices of central government agencies. Some may call this deconcentration, which refers to the transfer of authority and responsibility from one level of the central government to another while maintaining the same hierarchical level of accountability from the local units to the central government ministry or agency.

Political decentralization refers to situations where political power and authority have been transferred to sub-national levels of government. Some explain this as devolution of power. This means the full transfer of responsibility, decision-making, resources and revenue generation to a local level public authority that is autonomous and fully independent of the devolving authority. Political decentralization, however, usually requires a constitutional, legal and regulatory framework to guarantee accountability and transparency of those devolved authorities.

Fiscal or financial decentralization refers to the allocation of resources to sub-national levels of government. An arrangement for resource allocation is normally negotiated between the central and local government agencies based on some factors including equity among the regions and areas, availability of resources at all levels of government and areas, and so on. Fiscal decentralization theoretically helps in the increase of local capacity and flexibility in providing public services.

Economic decentralization refers to the ideas of market liberalization, deregulation, privatization of state enterprises, and public-private partnerships. This closest to the notion

of divestment in which some public functions are transferred from central government to voluntary, private or non-governmental organizations with clear benefits to and involvement of the public.

As mentioned earlier, during the last two decades the concept of decentralization has become famous in both developed and developing countries. It is seen as having a multiplicity of advantages. In term of politics, decentralization can be seen as a way to strengthen democracy. As Jha notes, it is argued that decentralization is beneficial for the functioning of a democratic system at the national level, as also at the level of locality (Jha 1999: 13). At the national level, the values of decentralization relate to political education, training in leadership and political stability. Decentralization may also create a more open political system in that it implies a division of powers in society; many channels of representation and power sharing become available. Especially in divided societies, a decentralized system is also more accessible to new political movements and minority groups in their attempts to influence politics (Hadenius 2003: 1; Jha 1999: 13-14). At the local level, the values of decentralization closely involve the degree of responsiveness and participation. Clearly, decentralization brings government closer to the people. The existence of local arenas makes it easier for ordinary citizens to participate and exert influence. When power is brought closer to the local people, the political process, of course, becomes more tangible and transparent (Hadenius 2003: 1).

In terms of management and administration, it is believed that decentralization can promote allocative and productive efficiency in the provision and use of public services. While a centralized system of government suffers informational disadvantages and transactions as well as search costs that render it ill-equipped to identify and provide an effective mix and distribution of services, decentralized local governments have better access to local information, can more effectively and quickly identify and articulate regional and community specific needs, and therefore better place to allocate and extract resources more efficiently than higher government's bodies (Barrett et al.: 2; Hadenius 2003: 2).

Even though decentralization theoretically has a wide variety of advantages for governance, some scholars also point out its disadvantages. In term of politics, some found that local elites could benefit inequitably from decentralization. There is a considerable potential for interest groups to capture small electoral arenas. Questions have also been raised about the survival of authoritarian enclaves in local settings. Apart from that, local governments often reflected the social, political, and economic conflicts that divided local communities (Grindle 2007: 8). From managerial and administrative perspectives, it is argued that elected municipal authorities were not necessarily motivated to perform any better than their central counterparts. Moreover, local corruption can occur and is as difficult to root out as central corruption. And for those who expect to see a great improvement after the privatization and contracting out of local public services, it could be argued that

successful cases are quite rare. The experiences were often fraught with conflict, performance problems, and corruption (Grindle 2007: 9; Barrett et al.: 2-3). And from the aspect of public finance, by the early 1990s some public finance specialists began to fear that decentralization could lead to increased fiscal deficits and imperil macroeconomic stability. In some cases local government debt burdens became the responsibility of national government (Grindle 2007: 8).

The previous discussion illustrates that decentralization can have both positive and negative impacts. Decentralization should be carefully implemented, as it does not automatically bring democracy to the local level or quality and efficient public services. Some scholars note that strong local democracy, above all, may require a certain set of prerequisites. It seems that these are quite difficult to find in the developing world. They include an educated and politically aware citizenry, an absence of high inequality in economic and social status, a maintenance of law and order, the conduct of free and fair elections according to the laws, effective competition between political candidates or parties, the presence of reliable information to the citizens, etc. (Crook and Manor 1998; Bardhan and Mookherjee 2006: 9).

Understanding the context of each country is also an important element. Essentially, the design of the decentralization package should vary from place to place depending on the socio-economic and political contexts. It should be realized that a well-designed decentralization program for one country might not work well for another. Bardhan and Mookherjee note that the following are the dimensions of design (Bardhan and Mookherjee 2006: 12-13):

- *Constitutional authority* This concerns the status and authority of local governments. Do they have independent authority, or do they depend on the upper-levels of government?
- *Electoral process* This concerns how the executive and legislative bodies of local government get into power. Are they directly or indirectly elected? Do they have free and fair elections? Are political parties freely allowed to participate in the elections?
- *Range of expenditure and management responsibilities devolved* This mainly concerns the responsibilities transferred to local government. For example, what are the functions devolved to local governments? Do they include significant responsibilities such as local infrastructure, education, and welfare? Can local authorities decide on the allocation of fiscal resources? Do the responsibilities include investment in new facilities, management, or maintenance of existing facilities?

- *Financial devolution* This concerns the financial power of local governments. To what extent can the local government raise resources through local taxes, fees and borrowing? What is the extent of autonomy accorded to them over such decisions?
- *Authority and competence of local officials* It is about the power and authority of local officials over decision-making. Is the decentralization both de jure and de facto? Or do decisions continue to be made by upper levels of government?
- *Information and oversight mechanisms* Are local citizens and leaders likely to be sufficiently well informed? Do citizens have access to information concerning local government budgets or the actions of local government officers? Are there channels or forums allowing citizens to communicate their priorities and concerns to elected officials?

This review, more or less, might help us to have a better understanding of the concept of decentralization. With respect to the case of Thailand, the study on the background of Thai local governance in the next part will give a clearer picture. In the past, Thailand was considered a centralized state in which the idea of administrative decentralization was widely adopted. However, since 1997 the idea of decentralization has expanded and political decentralization has replaced the notion of administrative decentralization.

2. Thai Local Governance and Its Background

2.1 A Hundred Years of the Centralized State

In the consideration of Thai local governance, it is widely accepted that the development of modern Thai local governance can trace back to the period of King Rama V, more widely known as Chulalongkorn (Charoenmuang 1997; Chayabutra 1996). Since Chulalongkorn's reign until the present, the development in each period has had different characteristics. To respond to western colonialism and the dispersed nature of Thai public administration at that time, reforms were enacted during Chulalongkorn's reign. New modern ministries were created and a new "circle system" known as *monton* was also used to centralize the power to the king. The latter was recognized as the beginning of provincial administration, which still exists today (for more details refer to Siffin 1966; Meksawan 1962). Apart from the modernization of Thai public administration, Chulalongkorn introduced sanitary districts (*sukhapiban*). They were assigned functions maintaining an area's cleanliness, basic public healthcare, and maintenance of roads (Sanitary Act of 1908 cited in Chayabutra 1997: 123). However rather than being considered as local self-government, sanitary districts could be viewed as local state-government; due to the fact that they were administered by appointed officials, not elected representatives (Chayabutra 1997: 123).

After the coup in 1932 by the People Party (*Kana Ratsadorn*), the idea of democracy was introduced to the Thai people. The Thai political regime changed to a constitutional monarchy in which political power was transferred from the king to the public. Although the People Party aimed to cultivate the idea of democracy in Thai politics, for at least for four decades after 1932, Thai politics was considered a "bureaucratic polity" (Riggs 1966; Girling 1981; Laothamatas 1992; Arghiros 2001). Under this political regime, bureaucrats as opposed to elected politicians made the choices of allocation and distribution. By forming a so called "government party" the bureaucrats could maintain control over the political arena. They were appointed to both the parliament and the cabinet. The cabinet comprised of bureaucrats was therefore more responsive to the interests and demands of their bureaucratic subordinates than to the concerns of interest groups, political parties, or legislative bodies outside the state apparatus (Riggs 1966: chapter 10).

In relation to local governance, various forms of local government were created including municipalities, Provincial Administrative Organizations (PAO), and some special forms of local government. As a result of the bureaucratic polity, the significance of local government, as well as the participation of local people at the local level was overshadowed. This polity obstructed the continuity of local

government.² Moreover, local government in Thailand was tightly controlled and dominated by the bureaucrats both from the central and provincial governments. As Arghiros argued, despite never having been colonized, Thailand's provincial administration was reminiscent of the colonial apparatus of administration established by the British in India and the French in Indochina. It was designed to ensure effective central control of rural areas (Arghiros 2001: 21). The provincial governor was the president of the PAO, and the district chief officer was in charge of managing the sanitary district (Provincial Administrative Organization Act of 1955; the Sanitary District Act of 1952). Clearly, these local authorities were run by officers from the central government rather than by locally elected representatives.

From perspective of power and responsibility, under bureaucratic polity regime, government's powers and responsibilities tended to be concentrated at the center. If administration of the provinces is examined, we can see that power was concentrated in the hands of the provincial administration of the bureaucracy. The roles and responsibilities of the PAO were so circumscribed that in practice the organization had little influence over either provincial development or the work of provincial administration. The central government maintained a high degree of control over the procedural and law-making functions of local government (Arghiros 2001: 22-23).

2.2 Black May 1992 and the Beginning of the Decentralization Process

Since the 1980s, some scholars have argued that Thai politics should no longer be explained as a bureaucratic polity. The capitalist class and business associations have gained a larger role and more power, especially over economic policy-making (Suriyamongkol and Guyot 1984; Laothamatas 1992). A more democratic atmosphere was evident when General Chatchai Choonhavan became the PM via an election. He was seen as the spokesperson and promoter of business interests (Arghiros 2001: 18). However, it should be acknowledged that along with this positive change in Thai politics came corruption, including vote buying (Arghiros 2001: 19).

Because of corruption and a disruption in the balance between the military and economic interests of Chatchai's government, General Suchinda Kraprayoon and his

² The Sarit government is a good example of this. When Marshal Sarit became the prime minister in the late 1950s, his focus was on economic development. He believed that to improve the economic well being of the country, political stability was a prerequisite, so he dissolved the parliament and the local councils. Local elections were also suspended. Central government officials replaced local government executives and councilors. For instance, provincial permanent secretaries or *palad changwad* were appointed as mayors. However, local police officers were sometimes recruited to become municipality councilors (for more details please refer to Chayabutra 1996: 106-109).

military clique, the “National Peacekeeping Council (NPKC)” carried out a coup in February 1991 (Bünté 2001: 190). After the coup, General Suchinda did not immediately become prime minister. The constitution of 1991 was drafted. During the drafting process, there was much debate among the various sectors in society about the content of the constitution. Journalists, academics, politicians, and NGO leaders tried to make the political system more democratic. In doing that, they called for a PM chosen from among the members of the parliament. They wanted the principles of accountability and responsibility to take root in the Thai system (Bünté 2001: 190). However, that stipulation was not guaranteed in the constitution. The general election was held in March 1992 and the military supported party *Samakhhi Tham* won in the election. Even though Suchinda promised the public that he would not become prime minister, he finally accepted the premiership.

After Suchinda became prime minister, public protests against his premiership occurred in Bangkok and at least thirty other provinces around the country (LoGerfo 2000: 221). The May 1992 protests were seen as different from previous public protests in so far as most of the protesters were from the middle-class (LoGerfo 2000). The protest in Bangkok was ended with the military using force against the demonstrators. The king called the leader of the protests, Chamlong Srimuang, and the military leader, Suchinda, to him and demanded an end to the turmoil. This “Black May” protest was viewed as an attempt to reduce military power and influence in politics. Some see it as a transition from a semi-democracy into a more full-fledged form of democracy (Bünté 2001: 191).

After the protests, the debate over political reform became an issue. To reform Thai politics, decentralization of power was proposed by some leading politicians of the time. This group of politicians included Thawin Praisorn, Suthep Atthakorn, Udomsilapa Srisangnam, and Uthai Pimjaichon. Five political parties also included the decentralization of power into their parties’ manifestos for the election in September 1992. This idea was also widely supported by academics (Chardchawarn 2009: 117). From this point of view, it can be argued that internal political forces mainly initiated decentralization in Thailand.

The Constitution of the Kingdom of Thailand of 1997 can be seen as an attempt to reform Thai politics. In general, the 1997 constitution recognized the limitations and problems of representative democracy in Thailand. It therefore opened the opportunities for popular participation in politics, administration, and policy-making not found in any of the previous constitutions. The 1997 constitution, unlike others, included comprehensive and extensive provisions for local government and decentralization (Nelson 2001: 228-229). These stipulations mainly involved state policy and legislation concerning decentralization, , and also the new structure of Thai local government.

With respect to the state policy on decentralization, the 1997 constitution states clearly in section 78 that the state must implement decentralization policy and large provinces should be upgraded to a special form of local government. The statement suggests “the state shall decentralize powers to localities for the purpose of independence and self-

determination of local affairs...as well as develop into large-sized local government organizations a province ready for such purpose, having regard to the will of the people in that province” (Constitution of the Kingdom of Thailand 1997: section 78).

Apart from that statement, the stipulations of local government are mentioned clearly in chapter 9 of the constitution. These concern legislation as well as the structure of local government. One of the most important sections is section 284. It states that there must be provisions in law that stipulate the division of powers and duties of public service provision between state and local governments as well as among local governments themselves. Law must also stipulate the allocation of taxes between the state and local government organizations. This allocation must take local government’s duties into account. And a committee in charge of dividing powers and responsibilities, and tax allocation must be established. The committee must be composed of an equal number of representatives from relevant government agencies, representatives of local government organizations, and qualified academics or specialists (Constitution of the Kingdom of Thailand 1997: section 284).

Section 285 concerns the structure of local government organizations and states that local government organizations shall have assemblies and executive committees or administrators. The members of councils must be directly elected by the people whereas the executive committee or administrators may come from direct elections by the people or from approval by the local assembly. Local executive committee or administrators shall not be a government official holding a permanent position (Constitution of the Kingdom of Thailand 1997: section 285).

The stipulations in this constitution brought significant changes to Thai local governance. Wongsekiarttirat believes that the 1997 constitution institutionalized democratic gains. This has led to renewed interest in government at the local level, with expectations that the “hundred years tug-of-war” between centralization and decentralization could finally move in favor of decentralization (Wongsekiarttirat 1999: 72). As a result of section 284, the Determining Plan and Process of Decentralization Act of 1999 was promulgated. Under this law, the transfer of powers and responsibilities from the state to local governments continues to occur until the present.

2.3 Thaksin Shinawatra and His Recentralization Policies

As a result of the landslide victory of the Thai Rak Thai Party in 2001, Thaksin Shinawatra became the prime minister of Thailand. His government distinguished itself from previous government by being able to implement the party’s political agenda into practice quite quickly (Phongpaichit and Baker 2004). For example, the agrarian debt relief scheme was launched; allowing around 2.3 million existing debtors of the government’s agrarian

bank to choose either a three-year moratorium on repayment of past debt, or a reduction of interest payment with the chance to increase their loan. The village funded program also provided 1 million baht to each village as a revolving fund, managed by a village-level committee that could make loans up to 20,000 baht per debtor. Finally, the 30-baht per visit health care service was begun.

Apart from these policies, the Thaksin government also made dramatic changes to Thai public administration. These inevitably affected the decentralization policy implemented since the Democrat led government. One Thai scholar in the public administration field explains Thaksin's administrative reforms as a "regime shift". He argues that:

"The Thaksin administration (2001-present) is a good case of a major regime shift from democratic governance to democratic authoritarianism that is generating tidal waves that overflow the process of state autonomisation in the 1990s. The direction of administrative reform in the democratic governance era of the 1990s was u-turned by Thaksin. Thaksin's tsunami has reversed the process of state autonomisation by introducing administrative reform that further consolidates political power and government authority in the hands of a single person: Prime Minister Thaksin himself (Bowornwathana 2005: 38)".

If we examine Thaksin's public administration policies, we can see that there were various policies involved, but that at least three policies could be viewed as the obstacles to the decentralization process under taken since Chuan's government (Chardchawarn 2008; Painter 2006; Mutebi 2004). The first policy involved the budgeting process. Prior to Thaksin the budgeting process was based on bottom-up bidding and bargaining for funds between department heads and the Bureau of the Budget (BB). Generally, the BB exercised strong, input-based financial controls on budget execution. However, the Thaksin government wanted a budgeting system that would give it the capacity to shift resources quickly to identify political priorities. Therefore Thaksin established a budget commission with himself as chair and consisting of a deputy prime minister, finance minister, the prime's minister office minister in charge of the BB, four other ministers, two hand-picked experts and the director of BB. This commission took over from the BB the tasks of determining budget allocations and finalizing the budget bills before they were sent to the cabinet. Moreover, the budget was divided into three parts: functional (the funding of departments); area-based (allocation of funds to provinces); and agenda-based (allocation directly by the PM to matters of high political priority). The third portion of funds is sometimes called the 'central fund'. In fiscal year 2004, Thaksin handed out in excess of 200 billion baht to political priorities (Painter 2006: 35-37).

The second policy viewed as an obstacle to the decentralization process was the CEO governor policy. Previously, Thailand's central government departments operated in

provinces through field offices headed by senior officials, who reported back to their own head offices. Governors were appointed by the interior ministry to exercise supervisory functions over provincial offices of each department, and also over local government. The level of control by provincial governors over provincial level administration however, was minimal with budget and personnel decisions taken centrally. Moreover, in terms of responsibility, it was often difficult to determine which agency was responsible for particular problems. Also, many difficult problems required cooperation among several agencies in order to be solved. To solve these existing problems, Thaksin launched the idea of CEO governor. According to him, the CEO governor would assume the role of prime minister's assistant in each province; controlling and managing the provincial budget and exercising the power to punish or reward officials under their jurisdiction. CEO governors would also take on the task of planning and coordinating provincial administration and be accountable to the cabinet for provincial development. From this point of view, it can be seen that this policy contradicts democratic practice and can be seen as a hindrance to decentralization reform. Under this policy, governors were forced to be accountable to the cabinet rather than to the people (Chardchawarn 2008; Painter 2006: 37-39; Mutebi 2004: 45-48).

Apart from the aforementioned policies, Thaksin also launched the restructuring of departments and ministries program in 2002. This restructuring is seen as one of the most important public administration reforms in Thai history. As Painter suggests, it was hailed as a historic breakthrough because it was the first major reorganization of ministries since King Chulalongkorn set up Thailand's modern system of departmental government in 1897 (Painter 2006: 39). Rather than streamlining the Thai bureaucracy, this reform was criticized as expanding the structure of central government and centralizing the bureaucratic empire. Before the restructuring there were 14 ministries and 126 departments; afterward there were 20 ministries and 143 departments. It was not lost on commentators that the result of the so-called "streamlining" was an increase in the number of agencies and top positions (Painter 2006: 39). When we examine the appointments of bureaucrats to these new ministries and departments, we can see that this creation of top positions and the reallocation of portfolios and functions were significant less for any managerial reason than for their political implications. The reorganization afforded the chance to reward officials who fitted the new mold by opening up new opportunities for them to be transferred and promoted (Ockey cited in Painter 2006: 39).

From this discussion, it is arguable that under the Thaksin government, the decentralization process that had taken place since the promulgation of the 1997 constitution was turned back. Thaksin's policies seemed to recentralize the power back to the office of prime minister.

3. Politics of Decentralization: The Roles of Key Forces and the Consequences

The previous discussion illustrates that in the past Thai local government was mainly controlled by a bureaucratic force. But after 1992, we can see a significant change when power was transferred to the politicians and local government was strengthened under the decentralization program. Functions, responsibilities, as well as resources were transferred to local government dramatically. Today, local politics is much more important than in the past and local politicians have become the key actors in local arenas. In this part, therefore, we will discuss the politics of decentralization. The roles of key actors- bureaucrats, national and local politicians, and ordinary people- will be explored.

There are several reasons to limit the discussion by focusing on the roles of these actors. First, we focus on the role of bureaucrats as they had long dominated Thai local government. Thus, we would like to see how they have responded to decentralization. Second, we are interested in the role of politicians at both the national and local levels. We must look at national politicians because clearly they make the policies. As we can see when he was in power, Thaksin was able to use policymaking to recentralize power to himself. On the other hand, local politicians are key stakeholders in the decentralization process. And third, the role of ordinary people should not be overlooked, as the objective of decentralization is to strengthen their role and power.

3.1 The Domination of Bureaucratic Force in Decentralization Commissions, the Constitution Drafting Council, and the Senate

Bureaucrats and Decentralization Commissions

It is widely accepted that the 1997 constitution brought dramatic changes to Thai local governance. According to well-known legal specialist Somkit Lertpaitoon, not all previous Thai constitutions have included the provisions for local government, and even when they have, the provisions were not always comprehensive. However, the provisions for local government in the 1997 constitution were extensive concerning both the principle and practice of decentralization (Lertpaitoon cited in Nelson 2001: 228-229). Chapter 5 of the constitution mandates state policy to further decentralization (Constitution of the Kingdom of Thailand of 1997: section 78). Whereas in chapter 9 the stipulations are much more detailed (Constitution of the Kingdom of Thailand of 1997: section 282-290).

Concerning the implementation of decentralization policy, section 284 is very important. Section 284 states that there must be a law that stipulates the division of powers and duties of public service provision between state and local governments and among local

governments themselves. This particular law must contain provisions for the following: the division of powers and duties of public service provision between state and local governments as well as among local governments; the proportions of taxes allotted to the state and to local governments; and a decentralization committee comprised by an equal number of representatives from state agencies and local governments as well as experts (Constitution of the Kingdom of Thailand of 1997: section 284; Nelson 2001: 230).

As a result, the Determining Plan and Process of Decentralization Act of 1999 was promulgated, and the Decentralization Committee was established. The role of the decentralization committee is very extensive. The roles and responsibilities of the decentralization committee are (Suwanmala and Weist 2009: 199):

- Producing a decentralization plan for submission to the cabinet and parliament for approval. This plan must: define the relationships and functional responsibilities between the state and local governments, as well as among local governments; define local revenue sources and identifies means to improve local tax and revenue mobilization; outline the stages and means to transfer functions from the central government to local governments; and recommend means to coordinate the transfer of public officials from the central government, local governments, and state enterprises relative to new assignments of functions and resources.
- Proposing criteria or parameters for allocating resources among different levels of government including subsidies and central budget.
- Proposing legislation, decrees, regulations, administrative guidelines and rules to implement the decentralization plan.
- Proposing a system to achieve transparency and public participation at the local level in terms of government functions.
- Monitoring progress in implementing the decentralization plan.

It is clear that the committee controls the direction of the decentralization process. According to the law, the committee shall consist of an equal number of representatives from 3 groups- central government agencies, local government, and scholars. In practice the committee does not consist of an equal number of representatives as suggested in the law. The proportion of committee members with a bureaucratic background³ is larger than others. Of the 36 present committee members, the number of the representatives with a bureaucratic background is 13, while representatives from local government are 12, and the number of committee members who are academics is only 8. The remaining 3 members are national politicians (for more details see table 1).

³ The author determined committee member backgrounds by considering their careers at the time they were appointed as committee members or their last positions before retirement.

Apart from the decentralization committee, local government personnel management is also of interest. Section 288 of the 1997 constitution states that:

“The appointment and removal of local officials and employees shall be in accordance with the need of and suitability to each locality and shall obtain prior approval from the Local Officials Committee, as provided by law. This committee shall consist of an equal number of representatives of relevant government agencies, representatives of local authorities, and experts in related fields” (Constitution of the Kingdom of Thailand of 1997: section 288).

As a result of this section, the Local Personnel Administration Act of 1999 was promulgated. Under this legislation, the structure of local government personnel management is organized into various committees. At the highest level is the National Commission on Local Government Personnel Standards. This commission has extensive power mainly involving the creation of personnel policy such as the promotion and removal of local officials, salary, and so on (Local Personnel Administration Act of 1999: section 33).

Under this commission, there are still more commissions for various types of local government. These are the Central Commission for Provincial Administrative Organization Personnel Administration, Central Commission for Municipality Personnel Administration, and Central Commission for Tambon Administrative Organization Personnel Administration. Each commission is responsible for similar tasks; which are determining various standards for each type of local government such as qualifications of staff, recruitment, reshuffling, promotion, punishment, number of positions and staff of each local authority, as well as organizational structure (Local Personnel Administration Act of 1999: section 17, 24, and 26).

At the lowest level, at least three separate committees exist in each province.⁴ There is the Provincial Committee for Provincial Administrative Organization Personnel Administration, the Provincial Committee for Municipality Personnel Administration, and the Provincial Committee for Tambon Administrative Organization Personnel Administration (please see diagram 1).

As mentioned earlier, the 1997 constitution states that the composition of the committees shall consist of an equal number of representatives from central government agencies, local authorities, and experts. But again, when the composition of these committees is examined, we can see that they are also dominated by the members who have bureaucratic backgrounds.⁵ Of the 18 commissioners of the Central Commission for Provincial Administrative Organization Personnel Administration, 11 of them have a

⁴ In Chonburi province, there is another personnel management committee for Pattaya City, the Pattaya City Personnel Administration Committee.

⁵ When determining their career background the author considered present career or the last career before joining the committees or commissions

bureaucratic background. This is similar to the composition of the Central Commission for Municipality Personnel Administration, of which the number of commissioners with a bureaucratic background is also at 11. With respect to the Central Commission for Tambon Administrative Organization Personnel Administration, the composition is slightly different from the other committees. Of the total number of 18 commissioners, eight of them have a bureaucratic background. Two of them have backgrounds of university professor and non-governmental organization executive. Four of them have backgrounds as local politicians, and three of them are local officials who work in Tambon Administrative Organizations around the country (please see table 1 for more details).

Diagram 1: Structure of local government personnel administration.

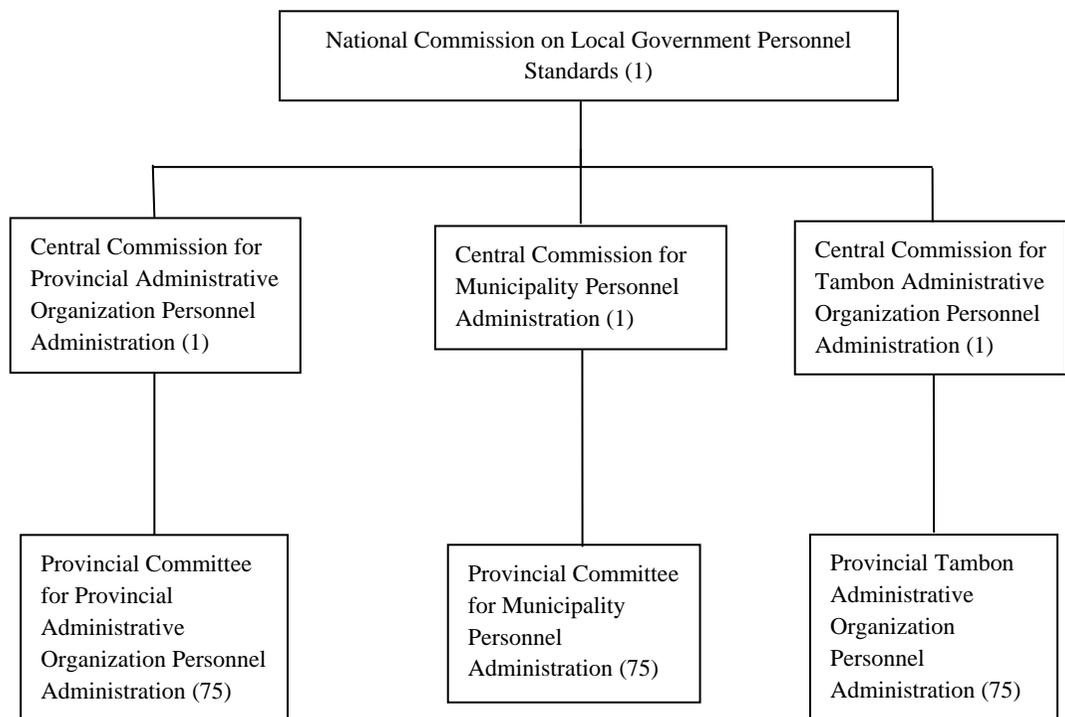


Table 1 : The background of various committee members and commissioners involved in decentralization policymaking and implementation.

Committee/Commission	Backgrounds of Committee/Commission Members					
	Bureaucrat	Academic	National Politician	Local Politician	Local Official	NGO
1. National Decentralization Committee (total number is 36)	13	8	3	12	-	-
2. National Commission on Local Government Personnel Standards (total number is 16) ⁶	na.	na.	na.	na.	na.	-
2.1 Central Commission for Provincial Administrative Organization Personnel Administration (total number is 18)	11	-	1	3	3	-
2.2 Central Commission for Municipality Personnel Administration (total number is 18)	11	-	1	3	3	-
2.3 Central Commission for Tambon Administrative Organization Personnel Administration (total number is 18)	8	1	1	4	3	1

Source: Office of the Decentralization Committee and Office of the Prime Minister, available at <http://www.dloc.opm.go.th/elements.aspx> [accessed on 4 January 2010]. And Office of the Commission on Local Government Personnel Standards, Ministry of Interior, available at http://local.moi.go.th/2009/agenciesinfo/P01_03.php, http://local.moi.go.th/2009/agenciesinfo/P01_04.php, and http://local.moi.go.th/2009/agenciesinfo/P01_05.php [accessed on 4 January 2010].

The domination of bureaucrats in these committees is quite understandable. In fact, the Determining Plan and Process of Decentralization Act of 1999 and the Local Personnel Administration Act of 1999, which have provisions for the compositions of those

⁶ The number of committees separated by their backgrounds cannot be illustrated here as some of them have finished their terms, and the nomination process has not been finished yet.

committees, do not mention that the experts must be university or college professors. They only broadly state that those who are considered to have expertise in the related fields can be nominated and selected as committee members. As a result, many retired bureaucrats, especially from the Ministry of Interior, were nominated and selected committee members.

Apart from this, if we examine the structure of local government personnel administration at the provincial level, we can also see that a bureaucrat leads each committee. According to the Local Personnel Administration Act of 1999, provincial Tambon Administrative Organization, Municipality, and Provincial Administrative Organization Personnel Administration Committees should be chaired by the provincial governor of that particular province (Local Personnel Administration Act of 1999: sections 5, 23, 25, and 28). From the view of local government officials the provincial governor, as chair of the committees, can dominate and lead the committees to function in the way the governor wants.⁷ As a result of this perception, in the draft of the new Local Government Officers Act (this act will replace the present Local Personnel Administration Act of 1999) proposed by the Decentralization Committee Office⁸, it states that local officers from all kinds of local government will be under the supervision of a single Provincial Local Government Officers Committee. This committee will be chaired by one of the nominated experts instead of the provincial governor (draft of Local Government Officers Act: section 17).

Bureaucratic Force and Its Domination in the Constitution Drafting Committee

There was a coup against Thaksin's government in September 2006. After the coup, the 1997 Constitution was suspended and a new one was drafted. One year after the coup, the Constitution of the Kingdom of Thailand of 2007 was promulgated.

With respect to the 2007 constitution, the process of drafting this constitution was quite unique. Essentially, around 2,000 of National Assembly members were nominated by various sectors in Thai society. These included state agencies, economic, social and political sectors, local governments, independent agencies, experts, students, and so on (House of Representatives Secretariat Office 2008 a: 46-47). After creating this assembly, the members voted among each other for 200 candidates for the Constitution Drafting Council. And finally, the Council of National Security (a junta) selected 100 of those candidates to become members of the Constitution Drafting Council. The Constitution Drafting Council was responsible for preparing the draft of the Constitution for public referendum. Examination of the composition of this council reveals that members come from diverse backgrounds. Still, members with a bureaucratic background are the biggest group. 30 of the members came

⁷ This conclusion was reached after discussion between the author, mayors, and local officials.

⁸ In drafting this act, the Office of Decentralization Committee set a sub-committee in charge. This sub-committee consisted of representatives from university, central government agencies, and local government. However, almost half of them were the representatives from local governments. More details of this sub-committee are available at <http://www.dloc.opm.go.th/Source/CM017.pdf> [accessed on 7 January 2010].

Table 2: The number of Constitution Drafting Councilors classified by their career backgrounds⁹

Backgrounds of Constitution Drafting Councilors	Number (N= 100)
1. Bureaucrat	30
2. Business person	20
3. Business person/national politician	2
4. Local politician	10
5. Academic	22
6. Agriculture	3
7. Professional (lawyer, mass media, etc.)	8
8. Student	2
9. NGO	2
10. National politician	1

from a bureaucratic background¹⁰ before joining the Constitution Drafting Council. Council members with academic and business backgrounds came in second and third at 22 and 20 respectively. Only 10 of the total number can be considered local politicians. This is still better than the number of national politicians- only one was selected as a councilor (please see the data from table 2).

In the preparation for the draft of the constitution, a drafting committee consisting of 35 members was created inside the Constitution Drafting Council. The committee members were not necessary to be a member of Constitution Drafting Council. They can be those who were recognized as the experts in several fields. Regarding its composition, 25 members were selected by the Constitution Drafting Council, while 10 of them were appointed by the Council of National Security. If the component of this committee is clarified, it can see that it was clearly dominated by a bureaucratic force. From the total number of 35, the members of this committee with a bureaucratic background were 19, while those with academic background were ranged second at 10 (please see for more details in table 3).

⁹ Previous works have also categorized the council members by backgrounds; however, the accuracy of their results is questionable.

¹⁰ The author also includes those who worked in the courts, independent agencies, and other state enterprises in this category.

Table 3: The number of Constitution Drafting Committee members classified by career backgrounds.

Backgrounds of Constitution Drafting Committee members	Number (N=35)
1. Bureaucrat	19
2. Academic	10
3. Professional	2
4. Business person	2
5. NGO	1
6. Bureaucrat turned national politician or journalist	1

Senate and the Ministry of Interior's Senior Bureaucrats Network

Under the 2007 constitution, Thai Parliament consists of two houses; the House of Representatives and the Senate (Constitution of the Kingdom of Thailand of 2007: section 88). However, the number of members in both houses and the way they are selected differ from the 1997 constitution. The number of members in the House of Representatives was dropped from 500 to 480. Four hundred of them are to come from election on a constituency basis, and eighty of them from election on a proportional representation basis (Constitution of the Kingdom of Thailand of 2007: section 93).

The number of senators was also reduced from 200 to 150. Instead of being selected wholly from direct elections, there are now two ways of selecting members- elective and selective. From the total number of 150, seventy-six of them are elected from each province, while another seventy-four are selected by the Senators Selection Committee which consists of representatives from the courts and all of the national independent agencies (Constitution of the Kingdom of Thailand of 2007: sections 111 and 113). It has been noted that as the senators are both elected and selected, this could make the house more neutral than in the past when there was criticism of overt intervention by politicians. As almost half of them are selected, it is also believed that the Senate will be better at representing various groups and stakeholders in Thai society (House of Representatives Secretariat Office 2008 b: 97).

However, the backgrounds of the present senators are quite interesting. From the total number of senators, more than one third or fifty-eight of them have a bureaucratic background. And, if this proportion is examined more deeply, we can see that at 11 those who used to be provincial governors and vice-provincial governors are one of the biggest groups. Seven of them were chosen from election, whereas four of them were selected. Apart from this, another 4 members not included in the bureaucrat's group were *kamnans* (tambon headmen) before joining the Senate (please see table 4 for details).

Table 4: The number of senators with a bureaucratic background separated by their ministries or agencies before joining the Senate

Previous ministries or agencies before becoming senators	Number (N=58)
1. National Police Office	13
2. Ministry of Defense	10
3. Ministry of Interior	11
4. Ministry of Public Health	5
5. Ministry of Education ¹¹	8
6. Ministry of Transport	1
7. Ministry of Commerce	1
8. Ministry of Finance	1
9. Ministry of Justice	1
10. Ministry of Labor	1
11. Office of the Prime Minister	1
12. Court	1
13. Other state agencies	4

From this we can see that the senior bureaucrats from the Ministry of Interior have their own network in parliament that can influence the legislation process. And of course, this influence aims at protecting their interests. This point will be further discussed later.

Bureaucratic Domination and Its Consequences

The previous discussion has illustrated that bureaucratic forces dominate various commissions concerned with decentralization process, the Constitution Drafting Council, and the Senate. As a result of this, we can see that bureaucratic forces have been able to have an influence over the process of decentralization in Thailand. The delay of the decentralization process, unfair regulations for local government, provisions in the Constitution of the Kingdom of Thailand of 2007, and the amendment of Provincial Administration Act (*Phra radcha banyat laksana pokkrong thongthee*) can be seen as evidence.

The Domination of Bureaucratic Forces in Decentralization Commissions: Delay and Difficulties in Decentralization Process and Unfair Regulations for Local Government

The previous statistics illustrate that commission members with a bureaucratic background have dominated the commissions involved in the process of decentralization.

¹¹ University professors are excluded from this category.

This inevitably has had impact on the decentralization policy and process. Essentially, the decentralization process in Thailand has not proceeded as stipulated in the Decentralization Operational Plan. The first Decentralization Operational Plan, implemented for five years after it was issued in 2002, stated that 245 functions of central government shall be transferred to local government. By the end of the plan, only 181 central government functions were transferred to local government (Office of Decentralization Committee 2008: background). In the case of some functions strict regulations were set up, making transfer process more difficult. For example, to transfer schools from the Ministry of Education to local governments, local governments must be evaluated for their readiness. The evaluation criteria prepared by the ministry were extensive. They consisted of many elements ranging from the experience of local authorities in school management, local government plans for the development of schools, the amount of the local government budget distributed to education, school teachers' opinion survey, and so on (Ministry of Education 2004: Ministry of Education Regulations on Regulations and Means for an Evaluation of Local Government Readiness over the Schools Transfer). This is similar to the transfer of public health community centers from the Ministry of Public Health to local governments. Before the transfer public health community centers to local government, each local government has to pass a strict evaluation.

Due to the fact that bureaucratic forces dominated the local personnel administration commissions, some local personnel regulations issued by the commissions seemed unfair to local officials and could be seen as obstacles to the career advancement of local officials. One good example is the municipality personnel administration regulations over the promotion of municipality permanent secretary. According to the regulations, any grade 9 municipality permanent secretary who would like to be promoted to a grade 10 municipality permanent secretary¹² had to meet strict standards and pass an intensive evaluation. These were as follows.¹³

- As a prerequisite, their municipalities must have budgets over 300 million baht.
- Officials must be a grade 9 municipality permanent secretary for at least 8 years. And must be a municipality permanent secretary of the same municipality for at least 4 years.
- Each needs to submit an academic paper showing his or her vision of municipality management, and the paper must be read and approved by at least 3 full university professors.

¹² Local officials' rank was separated into 11 grades. Grade 9 official is equivalent to a deputy governor or deputy director general of the department. While, grade 10 official is equivalent to a provincial governor or director general of the department in central government.

¹³ Sakon Luengpaitoon, interview by author, 22 January 2010, Tokyo.

According to a municipality permanent secretary, these regulations were particularly tough and not many could reach these qualifications.¹⁴ Moreover, the number of the full university-professors who are qualified in the fields of politics and public administration to evaluate the academic papers is also very small. At present, the number of those from the three leading institutes- Chulalongkorn and Thammasat universities, and the National Institute of Development Administration- is less than ten.

The 2007 Constitution and Provincial Administration

The discussion in the previous part argues that since Thaksin became the prime minister, the status and role of provincial administration in Thailand were strengthened. The CEO governor policy was launched, and the provincial development budget was increased and distributed to every province. After the coup and the promulgation of the 2007 Constitution, the status and existence of provincial administration are guaranteed in the constitution. Chapter 5 of the 2007 constitution states that:

“The State shall pursue directive principles in relation to the administration of the state affairs as follows... 2) to organize the central, provincial, and local administration to the effect of achieving boundaries, powers and duties and responsibilities that are clear and well suited to the national development, and enable a province to have a plan and budget for its development in the interest of local residents (Constitution of the Kingdom of Thailand of 2007: section 78(2))”.

This is probably the first time in Thai modern history that provincial administration was clearly mentioned in the constitution.¹⁵ Though it is accepted that the present constitution has comprehensive and extensive provisions involving local government, the aforementioned statement can be seen as strengthening the role and status of provincial administration as well. The section consists of at least two significant elements. First, Thai public administration must consist of central, provincial and local administration. In any condition, provincial administration must exist. Second, Thai provinces must have their own individual developmental plan and budget.

This provision may also lead to conflict between provincial and local administration in provincial development in some provinces. As one of the most active Constitution Drafting Councilors and famous scholar in local government noted, this provision (section 78(2)) strengthens the status of a province and might lead to clashes between provincial and local administration in the future. This is because in the future, both provincial and local administrations will have their own separate budgets and developmental plans. In provinces where there is a good relationship between provincial governors and presidents of the PAO,

¹⁴ Sakon Luengpaithoon, interview by author, 22 January 2010, Tokyo.

¹⁵ Generally, provisions concerning provincial administration are written in the Public Administration of the Kingdom Act, not in the constitution.

there will be good coordination between these two organizations. However, in cases where conflict among them is clear, their development plans will likely contradict each other.¹⁶

At present, as a result of this provision in the constitution, every province has to prepare its provincial development strategic plan along with the budget proposal. The plan and budget are then directly submitted to the National Budget Bureau. This differs from practice of the last fifty years when Thai provincial budget proposals had to be attached to various departments' budget proposals (please see Budget Procedure Act of 1959 for details). It can be argued that the funds used by the CEO governors during the Thaksin government have now been legitimized and institutionalized by the 2007 constitution.

With respect to the provision in section 78(2), Nakharin Mektrairat another Constitution Drafting Councilor who sat on the Constitution Drafting Committee disclosed that the provision in that statement was inserted by one of the Constitution Drafting Committee members who used to be a senior bureaucrat of the Ministry of Interior and was accepted by the committee as part of a compromise.¹⁷

Amendment of the Provincial Administration Act and the Network of Former Ministry of Interior Bureaucrats in the Senate

Thai public administration has some differences from those of Anglo-Saxon countries. Essentially, it can be separated into three levels- central, provincial, and local administration. In each province, therefore, two parallel structures- provincial and local administration- have existed. Provincial administration consists of the province, district, tambon, and village. In the past when local government was weak, the tambon and village were seen as significant structures at the grassroots level. They could be considered as both the arms and legs of the district in particular and the Ministry of Interior in general. When the decentralization scheme took place, the significance of the tambon and village seemed to have dropped dramatically.

Under the Provincial Administration Act of 1914 (amended in 1972 and 1992), the kamnan and village head were heads of tambon and village respectively. The village head was elected by the people in that particular village, while the kamnan was elected from among the village headmen of that tambon by the people. Village headman term is for five years. However, both the kamnan and village head are responsible and subordinate to the district chief officer, the official of the Department of Provincial Administration (the Provincial Administration Act of 1914, amended in 1992).

In fact, the Ministry of Interior has attempted to modify the Provincial Administration Act since 2003 (Department of Provincial Administration, available at: <http://www.dopa.go.th/dopanew/doc/provincial.pdf>). However, since the coup in 2006, a

¹⁶ Wuthisan Tanchai made the comment to the participants of the “Dialogue on Implementing the Local Government Provisions of the New Constitution in Thailand”, 11-13 December 2007, Bangkok.

¹⁷ Nakharin Mektrairat, interview by author, 8 October 2009, Bangkok.

clear attempt to strengthen the status of kamnan and village head can be seen. In 2007, the Ministry of Interior submitted the draft of the amended Provincial Administration Act to the National Assembly.¹⁸ After the National Assembly agreed with the principles of that draft, it created a special committee to study and amend the details of the draft. The important elements of the draft include an extension of the terms of the kamnan and village headman. Second, the draft strengthens the role of the Department of Provincial Administration (DOPA) over the kamnan and village headman. After the draft was modified, the National Assembly passed the new Provincial Administration Act of 1914 (amended 2008). The key points of this amended law are as follows (the Provincial Administration Act of 1914 (amended 2008): sections 14 and 30).

- Instead of by popular election, the district chief officer selects the Kamnan from among the village headmen of the tambon.
- The terms of the kamnan and village headman were drastically extended. Once elected, they can remain in office until retirement at the age of sixty.
- To remain in office until retirement, every village headman must be evaluated for performance every five years. The regulations and criteria used will be decided by the Ministry of Interior. However, public participation in each evaluation is required.

Only a year after this amendment, the Provincial Administration Act of 1914 was amended again. Though only one sentence was added to the law, its meaning is extensive. It says, “the positions of kamnan, village head, tambon public health officer, assistant kamnan, and assistant village head may not be abolished” (Provincial Administration Act of 1914 (amended 2009): section 3).

An officer of the Department of Provincial administration disclosed that the move to amend the Provincial Administration Act was well planned. According to him, there was especially close coordination between the Ministry of Interior and the Governing Officer Association of Thailand (*Samakom nak pokkrong haeng prated Thai*). This association is now chaired by one of the retired officers from the Ministry of Interior who is also a senator. In addition to him, many of the current senators are retired bureaucrats from the Ministry of Interior (please see table 4 for details). This group of former interior ministry bureaucrats is one of the biggest networks in the senate. Thus, the Governing Officer Association was able to lobby representatives in the parliament and the amended draft passed easily.¹⁹ Apart from this movement, the Governing Officer Association of Thailand in coordination with the Ministry of Interior has plans to further amend the law. In particular, they would like to amend the Municipality Act of 1953. This act states that when any area is upgraded to a town or city, the positions of kamnan, village head, and their subordinates in that particular

¹⁸ The National Assembly members were recommended by the Council of National Security and appointed by the King. Of the total number of 242 members, more than 100 have a bureaucratic background.

¹⁹ Thasanai Suthapoj, interview by author, 9 January 2010, Japan (on phone).

area must be abolished within the period of one year (Municipality Act of 1953: section 12). The association and its network in the senate would like to amend the law to allow those officers to retain their positions at the town and city level.²⁰

The above discussion demonstrates that during the era of decentralization in Thailand, the bureaucracy is still able to exert influence in order to protect their interests. We can see the domination of bureaucratic forces in various decentralization commissions, the Constitution Drafting Council, as well as in the Senate. As a result of this domination, bureaucratic forces can use legislation as a measure to preserve and protect their interests. A regulation for local personnel administration, the provision in the 2007 constitution, and the amendment of the Public Administration Act are evidence of this.

3.2 National Politicians and Control over Local Government Revenue Distribution

Local Governments and Revenue

In this section, the role of national politicians, another key actor in Thai decentralization process, will be examined. Above all, we should accept that the Determining Plan and Process of Decentralization Act of 1999 was particularly significant in driving the decentralization process in Thailand. Apart from the provisions concerning the decentralization committee and determining functions and responsibilities among various tiers of public administration, this act also mentions the ratio of local government revenue to national government income. It originally states in section 30(4) that by 2001 that the ratio of local revenue to national government income must be at 20%, and must increase to 35% by 2006 (Determining Plan and Process of Decentralization Act of 1999: section 30(4)). Although the government was unable to reach the stated goal of 35% by 2006, local revenue is still quite high especially when compared to the past.²¹ It increased from around 98,000 million baht in 1999 to approximately 380,000 million baht in 2008 (please see table 5 for details).

The data from table 5 illustrates that local revenue has increased since 1999 until the present. However, recently local revenue seems have remained constant at around 25% as Thailand has faced economic deficit during the last few years. If local revenue is considered in detail, we can see that Thai local government has had an experience similar to that of other countries. Locally collected tax alone is not enough for local government to provide public services. Other sources of tax as well as central government grants are required. The

²⁰ Thasanai Suthapoj, interview by author, 9 January 2010, Japan (on phone).

²¹ As local revenue did not reach 35% of the national income by 2006, the act therefore was amended. The amended act states that since 2007, the proportion of local government revenue must not be less than 25% of the national government revenue. This proportion must increase until it reaches 35% and should reflect functions and responsibilities transferred to local governments and their ability in providing public services.

data in table 5 shows that local governments in Thailand share in the revenue from national government taxes. The value added tax is the most important shared tax, accounting for 18% of local government revenues during the past 8 years from 2001-2008. This share is however fixed by legal mandates (Suwanmala and Weist 2009: 213).

Table 5: Local Government Revenue in the FYs 1999, 2004, and 2008.

Source of local revenue	FY 1999 (Preliminary) (million baht)	FY 2004 (Estimate) (million baht)	FY 2008 (Estimate) (million baht)
1. Locally Collected Taxes			
1.1 Land and buildings tax	7,707.2	11,880.1	17,164.8
1.2 Land development tax	752.0	953.2	1,274.9
1.3 Signboard tax	818.7	1,121.1	1,640.6
1.4 Slaughter and swallow nest duties	68.2	61.1	89.0
1.5 Bird nest tax	0.00	100.0	202.19
1.6 Tobacco/petroleum tax	0.00	1,863.7	2,404.9
Total	9,346.1	15,979.2	22,776.4
2. Locally collected non-tax revenues			
2.1 Fees and fines	1,222.0	2,798.2	3,819.3
2.2 Revenue from property	4,493.2	1,344.6	1,972.5
2.3 Revenue from infrastructure services	242.1	522.2	811.1
2.4 Miscellaneous	2,213.4	2,043.8	2,832.0
Total	8,170.7	6,708.8	9,434.9
3. Revenue from tax admin. improvement	-	2,318.8	3,011.8
Total Locally Collected Revenue	17,516.8	25,006.8	35,223.1
4. Centrally Collected Taxes for Local Government			
4.1 VAT	14,085.6	26,405.5	42,385.8
4.2 Specific tax	2,145.4	1,790.0	4,000.0
4.3 Liquor tax	3,895.7	6,991.2	9,250.0
4.4 Excise tax	8,463.0	16,564.1	20,681.6
4.5 Vehicle tax	9,965.5	14,093.8	22,510.7
4.6 Property registration duties	2,688.6	14,891.7	26,952.3
4.7 Gambling tax	142.6	120.0	145.0
4.8 Royalties for minerals	260.7	650.0	1,064.0
4.9 Royalties for petroleum	301.2	950.0	1,522.0
4.10 Other	783.3	167.0	165.0
Total Centrally Collected	42,731.6	82,623.30	128,676.4
Taxes for Local Governments			
5. Shared Taxes	-	41,100.0	65,000.0
6. Grants	37,499.3	91,438.0	147,840.0
Total Local Revenue	97,747.7	241,947.6	376,740.0
Total Government Revenue	708,826.0	1,063,600.0	1,495,000.0
Sub-national revenues and grants as a share of total government revenue	13.8%	22.75%	25.2%

Source: Charas Suwanmala and Dana Weist, "Thailand's Decentralization: Progress and Prospects" in Shinichi Ichimura and Roy Bahl (eds.) *Decentralization Policies in Asian Development* (London: World Scientific, 2009), pp. 210-211.

Another important source of local revenue sponsored by the central government is grants, accounting for around 35% to 40% of local revenue in 2003. According to Suwanmala and Weist, they argue that prior to 2001 over 70% of the grants were allocated for specific investment projects. The ministry of interior allocated these grants in an *ad hoc* and highly politicized manner. The basic requirement of a decentralized system, having transparent and stable inter-governmental transfers, was not yet well established. From 2001 to 2004, the inter-governmental transfer system was in a process of transition. But, the total amount of grants and the criteria have differed every year (Suwanmala and Weist 2009: 212-213). Under the present structure, the Decentralization Committee determines the amount of shared taxes and grants, as well as the allocation among local governments. The Department of Local Administration in the Ministry of Interior distributes the grants to local government (Suwanmala and Weist 2009: 213). This can be seen as providing an opportunity for national politicians to interfere in the process of local revenue distribution.

The Department of Local Administration and Interference by National Politicians

The data from tables 5 shows that the amount of grants has increased since 1999. Only for 2010, when the government has to confront economic decline, has the national government's budget allocated to local government been decreased. With respect to national government income, it has shrunk from around 1,605,000 in 2009 to only 1,350,000 million baht in 2010. As a result, the grants distributed to local government have dropped from roughly 163,000 in 2009 to approximately 137,000 million baht in 2010 (please see table 6 for details).

Table 6: The national government income and local government revenue between FYs 2009 and 2010.

Revenues	FY 2009 (Million baht)	FY 2010 (Million baht)
1. Approximate income of national government	1,604,640.00	1,350,000.00
2. Locally collected revenues and centrally-collected revenues	251,325.23	201,100.00
3. Grants	163,057.00	136,700.00
Total	414,382.23	337,800.00
Proportion to national government income	25.82	25.02

Source: The National Municipal League of Thailand, available at: <http://www.nmt.or.th/Lists/2553/AllItems.aspx> [accessed on 12 January 2010].

Table 7: The proportion of general and specific grants to local government excluding the grants distributed to BMA and City of Pattaya

Fiscal Year	General Grant (million baht)	Specific Grant (million baht)
2006	98,357	11,556
2007	114,293	9,281
2008	109,997	21,077
2009	104,099	30,484
2010	74,262	47,978

Source: The Decentralization Committee Office, Office of the Prime Minister

Many of the national government grants can be separated into at least two different types- general and specific grants. The first type of grants is subsidized to local governments, and they can use this money in providing services transferred to them. For the latter, central government provides this grant under certain conditions. To get this grant, local governments have to write project proposals and submit them to the central government. The central government then considers and approves the projects for grants if those projects match government policies and criteria. It is widely accepted that to get this kind of grant, connections with national politicians who are in charge of departments of local administration and other concerned departments is quite important. As one local politician argues, “if we have a good connection with those national politicians who supervise the Department of Local Administration, we have a better chance to get specific grants comparing to those who do not.”²² When the proportion of national government grants is considered, we can see that the amount of specific grants has increased during last few years (see table 7). There are some reasons for central government (national politicians) to support the increase of specific grants. First, national politicians can use these grants as an instrument to steer development in local areas. Second, this sort of grant would help national politicians in broadening and tightening their political networks at the local level.

From the total amount of grants, the national government will mainly pass these grants to local governments through the Department of Local Administration, while depending on the local government program, a smaller portion will be distributed by other departments. Since it is mainly the Department of Local Administration that distributes the grants, it has become one of the most important departments in Thai public administration. Its budget is one of the highest among other departments in various ministries. From a total

²² A mayor in the Northern province in Thailand, interview by author, 20 January 2010, Tokyo.

Table 8: The ten departments with highest budget in FY 2010.

Departments and Ministries	Budget in FY 2010 (million baht)
1. Office of the Basic Education Commission, Ministry of Education	221,100.00
2. Public Debt Management Office, Ministry of Finance	198,032.00
3. Department of Local Administration, Ministry of Interior	126,878.34
4. Ministry of Public Health Permanent Secretary Office	58,170.66
5. Ministry of Education Permanent Secretary Office	38,089.54
6. Department of Provincial Administration, Ministry of Interior	28,383.94
7. Department of Highways, Ministry of Transport	26,385.86
8. Department of Royal Irrigation, Ministry of Agriculture and Cooperation	24,384.14
9. Department of Rural Roads, Ministry of Transport	20,436.24
Office of Vocational Education Commission, Ministry of Education	18,028.55

Source: The Budget Bureau Office, the Government's Budget Act of 2010, available at: <http://www.bb.go.th/bbhome/viewextf.asp?x=1&p=/FILEROOM/CABBBIWEBFORM/DRAWER29/GENERAL/DATA0000/00000045.PDF&m=พระราชบัญญัติงบประมาณรายจ่ายประจำปีงบประมาณ พ.ศ. ๒๕๕๓> [accessed on 14 January 2010].

of around 150 departments, there are only 3 departments (including the Department of Local Administration) with budgets over 100,000 million baht (please see table 8 for details).

As the Department of Local Administration becomes a significant and strategic agency for the distribution of grants, national politicians have tried to control the management of this department by appointing bureaucrats to their liking to be director general. During last four years of instability in Thai politics, the department has seen at least four directors general. On average, each director general has served for about a year before removal; though one was removed after less than five months in office (please see table 9).

Table 9: The tenure of the directors general of the department of local administration.

Name of Director General	Tenure
• Saroj Katchamat	19 March 2004 – 29 October 2006
• Somporn Chaibangyang	30 October 2006 – 19 October 2008
• Sukij Cahroenrattanukul	20 October 2008 – 11 March 2009
• Manit Wattanasen	12 March 2009 – 30 September 2009
• Pairat Sakolapan	1 October 2009 - present

Source: The Department of Local Administration, available at: <http://www.thailocaladmin.go.th/servlet/DLAServlet?visit=board&boardType=P> [accessed on 14 January 2010].

In each removal or appointment of the director general, national politicians or government parties were reported to be involved behind the scenes. For example, in the last appointment of the director general, it was reported in the media that key persons in the Bhumjai Thai party wanted to promote a government officer close to the party in charge of the department. Though the person who appointed was different from the one reported in the media, he is also close to the party. A leading Thai newspaper, the Thai Post, reported as follows (Thai Post, 15 September 2009, available at: <http://www.thaipost.net/news/150909/10773>[accessed on 6 January 2010]):

“ for the annual reshuffling in the Ministry of Interior, there are some interesting posts. For example, Mr. Kwanchai Wongsnitikorn is expected to be promoted to director general of the Department of Local Administration, an important department that controls a large amount of budget. The reasons for his selection are that, like Mr. Saksayam (Mr. Newin’s younger brother) he is a graduate of the Faculty of Political Science at Thammasat University and he also has a close relationship with others in Newin’s clique ”.

Looking at the case of Mr. Sukij we can see a clearer view of the political pressure on the distribution of grants to local governments. He was appointed director general in October 2008 when the People’s Power Party (*Palang Prachachon*) was in power. He was considered as having a close relationship with the party and also Mr. Thaksin’s family. Once the rival Democrat Party took power in December 2008 there was rumor that Mr. Sukij would be removed from office. Finally, he was removed from director general to an inactive post in March 2009. When he was removed from office, he blamed the cabinet order as being unfair and lacking legitimacy. At the same time, he disclosed to the parliamentary committee and mass media that the real reason for his removal was the political pressure over the distribution of local government grants higher than 12,000 million baht. He said he was removed because he did not respond favorably to national politicians’ requests over those grants. He told the Parliamentary Committee for Justice and Human Rights (Matichon Online, 19 March 2009, available at: http://www.matichon.Co.th/matichon/view_news.php?newsid=01pol01190352§ionid=01336&day=2009-03-19[accessed on 14 January 2010]):

“ I was removed from the position as I could not well respond to the politicians’ requests over the budget. In the Ministry of Interior, each director general is often called on [by the minister]. Especially large departments might be called on many times a week or almost every day. Among the directors, the director general of the Department of Local Administration was asked to see [the minister] most often as we controlled grants of over 12,000 million baht. Sometimes, bureaucrats are forced to do wrong things that break laws. I was pressured to break the Budget

Procedure Act. They said that if I do [as they requested], I will be promoted. But if I do not, I will be removed .”

As a result of decentralization process, the revenue of local government has increased. However, if we look closely at the revenue, we can see a high proportion consists of grants from the national government- especially specific grants. As grants are distributed to local government through the Department of Local Administration, we can see that national politicians intervene actively in the appointment of director general and that the position has become highly politicized.

3.3 Local Politicians: A Weak Collective Movement?

Functions and Resource Transfer

Since the Determining Plan and Process Act of 1999 was promulgated, many central and provincial government functions have been transferred to local government. According to the first Decentralization Operational Plan issued in 2002, 245 functions of 15 ministries and 57 departments shall be transferred to local government. At the end of the first decentralization plan in 2008²³, only 181 of those functions were devolved to local government. Apart from functions, local revenue has also been increased as a result of budget transfers. Local government’s share of national revenue increased from 20.68% in 2001 to 25.20% in 2008 (see table 10).

Officially it was reported that previous governments could not enforce the transfer of functions laid out in the first Decentralization Operational Plan for several reasons. First, when the first operational plan was implemented in 2002, extensive bureaucratic reforms were taking place at the same time. The functions and responsibilities of central government agencies were being reassigned and this made the first operational plan difficult to enforce. Second, new government policies, such as the strengthening of good governance, the CEO governor concept, sub-regional management, etc. were introduced at the time, and some of these policies may be viewed as obstacles to the decentralization process (Office of Decentralization Committee 2008: Introduction of the second Decentralization Plan). As a result, the transfer of central and provincial government functions could not be enforced as according to the 2002 plan.

These may be considered sound reasons for explaining the delay in transferring functions and responsibilities. Still, some questions may be raised. First, how did local politicians, as key stakeholders in the decentralization process, respond to the delay? Second, once those functions were transferred to local government, did local government executives

²³ According to the Determining Plan and Process of Decentralization Act of 1999, each Decentralization Operational Plan shall be revised every five years.

Table 10: The proportion of local revenues to national government income

Fiscal Year	Proportion of local revenue to national government income (%)
2001	20.68
2002	21.88
2003	22.19
2004	22.75
2005	23.50
2006	24.05
2007	25.17
2008	25.20

Source: The Office of the Decentralization Committee, Office of the Prime Minister

enjoy real autonomy over those functions? If they did not have autonomy, how they respond to this problem?

In answer to the first question, it is evident that the decentralization committee has extensive power over the decentralization process. As the law mentions, the committee has the power to propose laws and regulations concerning the implementation of the decentralization plan and also to monitor the progress of the implementation of the decentralization plan. There are twelve local politicians from various forms of local government sitting on the committee; however, we cannot see for any strong collective response of those representatives from local government over the delay. Some scholars argue that in the worse case, some departments, even after transferring functions to local government, re-created similar functions and continued to provide those services to the local areas. Obviously, this causes an overlapping of state functions (Mektrairat et al 2009: 54). The decentralization committee seems to be unable to do much about this phenomenon, because the committee does not have the power to control the expansion of the tasks and functions of central government agencies. We also cannot find any collective movement by local politicians in response to this phenomenon.

Regarding functions already transferred, it is widely accepted that local elected representatives do not have real autonomy concerning many of these issues. As Mektrairat et al wrote, once some functions are transferred to local government, it does not mean that local government will automatically have autonomy concerning those functions, because the concerned legislation has not been amended to entitle local government with power and autonomy. This can be seen quite clearly in the cases of the City Planning Act, the Buildings Control Act, the Public Infrastructure Act, and so on. (Mektrairat et al 2009: 54). The President of the Tambon Administrative Organization Association of Thailand also has a

similar opinion concerning this problem. He argues that:

“...Over the transferred functions, they are not actually transferred to us. Once they are transferred, we [local authorities] have to provide those services. But, we do not have the real power to decide and do whatever we want to do. We still have to follow the strict rules and regulations issued by central government agencies. I would say that we, in fact, only provide those services on behalf of central government. In some cases, the functions might already be transferred, but the concerned legislation has not been amended. We therefore do not have the power to enforce those tasks. Finally, everything needs to go back to the central government- we have to ask central government agencies to enforce and exercise their power for us.”²⁴

Even though this problem does have a direct impact on the management of local government, again we cannot see a collective and forceful response by local politicians to solve this problem.

The Lack of a Collective Movement by Local Politicians and the Weakness of Local Government Associations

Previous discussion illustrates that a collective and forceful movement from local politicians has hardly been seen so far. The weakness of local government associations in Thailand might be one of the reasons explaining this phenomenon. The basic structure of Thai local government is separated into the PAO, the municipality, and the TAO, with each kind of local government having its own local association. These are the Provincial Administrative Organization Association of Thailand, the National Municipal League of Thailand, and the Tambon Administrative Organization Association of Thailand. Each association has its own administrative structure separate from the others and there are no formal linkages amongst the associations. Therefore, collective activity or movement by these associations is difficult.

Not only is there a lack of formal coordination among these associations, but also each association seems to have a weak and inefficient administrative structure. Among these associations, the National Municipal League of Thailand, established in 1960, is the oldest and most institutionalized association. The objectives of the association mainly involve the promotion of coordination between municipalities themselves and between municipalities and other types of local government. More importantly, the association is the formal representative organization of every municipality in Thailand for any activity relating to other state agencies (National Municipal League of Thailand, available at: <http://www.nmt.or.th/Pages/VisionMission.aspx> accessed on 12 January 2010). But

²⁴ Nopadol Kaewsapat, interview by author, 9 June 2009, Nonthaburi.

according to the secretary general of the association, he accepts that the National Municipal League of Thailand is not very strong or as efficient as it should be. He argues that for a long time the league was dominated by the Department of Local Administration,²⁵ and it is only recently that the league was restructured and became free of domination by the department. The biggest problems of the league are the lack of qualified staff and knowledge sharing among them. The league only seems to accomplish anything because of a few influential individuals rather than because of organizational strength. In other words, without key individuals now working for the league, it is difficult to imagine how the league is able to function. The secretary general believes the league needs to gradually develop and improve its personnel resources, but this could take some time.²⁶ Other local government associations that are much newer, likely have similar problems and may even be worse off than the National Municipal League.

Recent Collective Movement by Local Politicians and Who Benefits

Even though we have not seen local politicians forcefully responding to the delay of functions transfer, recently we have seen a strong movement from local politicians, in all kinds of local government, demanding the government and parliament to amend legislation concerning local government. The purpose of the amendment is to allow local politicians to be executives in local government for more than two continuous terms. In the past, the PAO, TAO, Municipality, and City of Pattaya Acts stated clearly that no one could be an executive in those organizations for more than two continuous terms. The objective of this rule was to prevent any individual from dominating and monopolizing power in local authorities. After clear and continued efforts by local politicians since 2008, the PAO, TAO, Municipality, and City of Pattaya Acts were amended in late 2009 to allow popularly elected local politicians to hold positions as executives of local governments without term limits.

According to a leading figure in the National Municipal League of Thailand, the movement by local politicians to abolish term limits could be considered as the first collective and systematic movement by local politicians. He says: “I have to accept, this movement is the first time that we [local politicians] moved all together. It is the first time that we have a consensus”.²⁷ However, this collective movement of local politicians was highly criticized. Essentially, the amendment is viewed as beneficial to the local politicians rather than the people as a whole. The same municipal league leader also discloses, “when we lobbied the key persons involved in the legislation, we were asked by some for whom were we doing this. It seemed to some of them that no one could benefit from this

²⁵ In the past, the deputy director of department of local administration was automatically the secretary general of the league. Some of the leagues’ employees were also hired and sent to work for the Department of Local Administration.

²⁶ Thanongsak Taweethong, interview by author, 20 January 2010, Tokyo.

²⁷ Surapol Santichotinan, interview by author, 20 January 2010, Tokyo.

amendment, except for [the local politicians].”²⁸

It has been illustrated that local politicians do not have such an active role in the process of decentralization. The weakness of local government associations can be seen as an explanation; however, recent events show that local politicians have learned how to organize a collective movement in order to lobby for amendments to legislation. Nevertheless, this movement did not benefit the people in general, but rather the local politicians.

3.4 The Voters and Participation in Local Government

The Constitution of the Kingdom of Thailand of 1997 brought about significant changes to Thai local government. The comprehensive provisions on decentralization and local government in the 1997 constitution were aimed at strengthening the role and participation of the people. However, if we examine the role of the people in the decentralization process during last ten years since 1997, we can see it is quite limited. A grassroots people’s movement or campaign for local government or decentralization raised by voting public has not been seen so far.

Section 286 of the 1997 constitution, mentions public recall of local councilors and executives. The section stipulates that any local councilor or executive of local government must leave his or her office if votes cast against him or her reach at least three quarters of a turnout of at least one half of all eligible voters (Constitution of the Kingdom of Thailand of 1997: section 286). Section 287, entitles the voting public to rights over local ordinance initiation. It states that not less than one half (at least 50%) of those eligible to vote can request the president of the local council to consider promulgating a local ordinance. However, the request shall be accompanied by a draft of the requested local ordinance (Constitution of the Kingdom of Thailand of 1997: section 287).

To implement these two provisions, the Public Initiation of Local Ordinances Act and the Voting for Removal of Local Councilors and Executives Act of 1999 were promulgated. However, there is criticism that the laws are difficult to implement in practice, especially the Public Initiation of Local Ordinances Act of 1999. It states in section 4 that at least 50% of those eligible to vote have to support the initiation. And in section 5, for the voting public to initiate a local ordinance, the initiators have to submit a request letter along with the following (the Public Initiation of Local Ordinances Act of 1999: section 5):

- Name, address, and a copy of identification of each person who supports the initiation of the local ordinance.

²⁸ Surapol Santichotinan, interview by author, 20 January 2010, Tokyo.

- The draft of the ordinance along with a brief objective and principle of the draft.
- The name list of the people who are assigned to be the representatives of those who submit the letter.
- A certified letter by the representatives of the group of initiators to certify that every person who supports the draft of the ordinance is eligible and entitled with the right to do so.

It is clear that for local people to initiate a local ordinance, not only are a big number of initiators required, but also the draft of that particular ordinance is needed. In reality the above requirements are difficult to meet because it is difficult to organize a large number of supporters without a systematic arrangement. Secondly, it is difficult for ordinary voters without expertise to prepare a draft of ordinance without the support and aid of legal and government specialists.

It is also difficult to implement the law for removing of local councilors and executives by vote. The law stipulates that to initiate a removal of local councilors or executives in a small community with less than 100,000 eligible voters the request must be supported by at least one fifth of the eligible voters. In large localities with more than 1,000,000 eligible voters, support from 30,000 eligible voters is also required for the initiation of the removal (Voting for Removal of Local Councilors and Executives Acts of 1999: section 5). To remove local councilors or executives from office, there must be at least three quarters of a turnout of at least one half of all eligible voters at the vote for removal (Voting for Removal of Local Councilors and Executives Acts of 1999: section 23).

According to the Department of Local Administration, since the Voting for Removal of Local Councilors and Executives Act of 1999 was promulgated, voting for the removal of local councilors and executives has been requested only eight times. Of this number, there are just two cases where the local executives were removed from office. The Department of Local Administration does not collect data on the initiation of local ordinances, but according to executives of the National Municipal League of Thailand, as of yet there are no cases.²⁹

We argue that it is difficult to see that the voting public has played a forceful role in the decentralization process since 1997. It seems that there is little public interest in the issue of decentralization. Even though the 1997 constitution entitled the public with the rights to initiate local ordinances and to vote for the removal the local councilors or executives from office, cases of the public having done so are still rare. However, there is still a need to conduct quantitative and empirical data collecting to further confirm this argument.

²⁹ Thanongsak Taweethong and Surapol Santichotinan, interview by author, 22 January 2010, Tokyo.

Concluding Remarks: Lessons from the Politics of Decentralization

This research paper illustrates the decentralization process that has taken place since 1997. By focusing on the role of significant actors, we can see that bureaucrats as well as national politicians have a dominant role in the politics of decentralization. At the same time, it would seem that local politicians and the voting public of the localities do not seem to have as forceful of a role over the process of decentralization, and that until now their role seems to be much more passive by compared to that of the first two actors. Cheema and Rondinelli argue that since the 1990s decentralization has been seen as a way of opening governance to wider public participation through civil society, but for Thailand this is not yet a case.

When the politics of decentralization is evaluated more closely, we can see that bureaucrats are able to intervene and control the process of decentralization, because they are able to penetrate into the legislation process. Moreover, the coup in 2006 opened the door wider and further allowed them to shape acts and regulations concerned with decentralization. We have seen that laws and regulations passed have benefited the bureaucrats more than it has other actors. Concerning decentralization, the bureaucrats have preferred administrative reforms that aim to tighten the connection between central and local government. This can be seen in the 2007 constitution, which emphasized and strengthened the status and role of provincial administration. Finally, the Provincial Administration Act was revised and as a result, the role of bureaucrats, especially those from the Ministry of Interior was increased at the local level.

While the bureaucrats have had an influence over the legislation process, the national politicians have also benefited from the decentralization process by involving themselves in and steering the politics of fiscal decentralization. The amount of specific grants has increased during last few years. Because the Department of Local Administration distributes the grants, national politicians have intervened in the management of this department. This is in contradiction to the principle of decentralization in which local government enjoys autonomy in making policies and decisions. As a result of this phenomenon, national politicians have used the distribution of grants to broaden and strengthen their political networks at the local level. In turn, local politicians must be responsive to the national politicians who grant them their budgets.

The role of local politicians over the decentralization process seems to be limited and since 1997 it has been difficult to see a strong collective movement from them. The local politicians did show collective initiative once when they successfully pushed for an end to term limits, but this seemed to mostly benefit the politicians themselves rather than the voting public. As far as the weakness of local politicians is concerned, Thai local

government is structured into separate parts, each with their own associations, making coordination and other collective activities difficult.

The role of the ordinary voting public is similarly limited and despite the decentralization movement since 1997, active participation in local government by the public is still rare. Functions, responsibilities, and budgets have largely been transferred to local government. Nonetheless, local government units in Thailand are still small compared to Bangkok Metropolitan or local governments in countries such as the UK and Japan. Significant public services are still provided by central government agencies. This may answer why local people are not so interested in local government affairs and why their participation is still limited.

In summary, we should accept that there are problems and obstacles to the decentralization process. First, the coup in 2006 gave bureaucrats an opportunity to exert their influence over the decentralization process. According to Bardhan and Mookherjee, even though the status and role of Thai local government are guaranteed in the constitution, the status and role of provincial administration are also certified and strengthened by the constitution. Second, concerning fiscal devolution, the present system does not provide any instrument to limit political intervention. It seems now that national politicians can better influence the distribution of grants to local government. Third, with respect to local government structure, local authorities in Thailand are classified into many forms and each is too small to function well. As a result, they lack the personnel and technical capacity to take responsibility for some important functions. And last, the local public has little information about decentralization and limited capacity to oversee the decentralization process. Decentralization is still an exclusive topic that only a small number of people are interested in; however, if these obstacles are not solved, it will be difficult to establish strong and active local governance.

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