

## Policy Recommendations for Thailand

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### Introduction

The Partnership for Democratic Local Governance (DELGOSEA) started with the replication of best practices on local governance in February 2011. Since this time, 16 pilot cities in the five countries Cambodia, Thailand, Indonesia, the Philippines and Vietnam, have gathered experiences in implementing success stories from other countries in their own city. Transferring a best practice beyond political frameworks and cultural backgrounds of course might have impacts on the design of each replication project. After six month of replicating best practices, this paper shall share first insides of challenges and restrictions the countries faced implementing project on good local governance.

This paper will specifically concentrate on the situation faced in Thailand. The short and coherent recommendations will be followed by an analysis which explains the need for change and adaptation of certain public policies. The analysis is based on the experiences made in the Pakkred, Chiang Rai, Songkla City and Yala within the political framework. Therefore, it takes into account the national policy-making opportunities.

With this paper, DELGOSEA wishes to strengthen the awareness of policy- and decision-makers and lobby for better frameworks allowing for better local governance in Thailand.

### Recommendations

Based on utilization of Best Practices and Demonstration Projects of the local initiatives established in the project as a means for change, local governance mainstreaming or making the issue central in the governmental system is indeed a crucial challenge. Linking local-level impacts with national-level response in terms of policies, strategies, administrative structure and budget allocation are important factors of mainstreaming. The dual connectivity of both bottom-up of mainstreaming of best practices to national decision policy and from the National Policy to Local Decision body is essential and mutually supporting each other.

The Eleventh National Development Plan of Thailand (2012-2016), "Sufficiency Economy", a philosophy bestowed by His Majesty King Bhumibol Adulyadej remains the Master Principle of sustainable development. The main objectives of the 11<sup>th</sup> Plan are 1) to promote a peaceful society with good governance 2) to promote sustainable development through restructuring the economy, society and politics, and nurturing natural resources and environment, and 3) to



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prepare the people and the community to be ready for changes to the Thai people. The Sufficiency Economy Philosophy and the three objectives should be guiding principles of all local development plans, vice versa, all local development plans and projects should lead to the over-all national objectives. Followings are some specific recommendations of local governance and capacity development mainstreaming of political and legal framework.

## 1. Result and Area Based Decentralization.

Be it the decentralization of mandates, budget, manpower and relevant knowledge body, Decentralization of Power needs to be further strengthened and implemented in accordance to the needs and capacity of each locality. This system should be developed on the basis of result-oriented performances rather than, as previously done, strictly overseeing that the rules and regulations are followed. Or local governments are often ordered to perform extra mandates ordered as national/governmental policies. Rather, local government organizations should have autonomy in deciding the subsidy in accordance with the level of public participation and financial or personnel capacity in their localities.

In the project practice, it has been proved that quality of life and standard of service of community people has been evidently improved, when decision and action are respected and made on the local need responding to the resources and carrying capacity. *Therefore, it is proposed to the Decentralization Committee that logical frameworks be developed for any relevant actions within the specified timeframe, budget allocated in line with the timeframe specified, and that a system should be developed for the monitoring and inspection of local actions.*

Furthermore, in order to strengthen financial autonomy, local governments should be advised and encouraged to seek and generate income from their own local natural resources and other social and cultural capital, instead of relying on central governmental source.

## 2. Financial Autonomy.

In order to strengthen financial autonomy, local governments should be advised and encouraged to seek and generate income from their own local natural resources and other social and cultural capital, in stead of relying mainly on central governmental sources.

Some laws and budget spending regulations which restrict local financial autonomy should be enacted or improved. Local governments should be encouraged and supported to work more efficiently with private sectors to mobilize resources or to generate local incomes particularly from the



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restoration and conservation activities of historical heritage or of natural beauty.

### 3. Transboundary Partnership

From Kartamantul Best Practice, partnership beyond administrative/political boundaries of local governments should be strongly encouraged. With the bio or ecological based planning and common issue concept, municipalities should be technically and financially supported from concerned national governmental agencies. The Area-Function-Participation (AFP) model stimulated by NESDB in the 11<sup>th</sup> National Development Plan should be encouraged and implemented in local plan and development process.

Coordination of all parties of all levels is essential. In Thailand, at the provincial level, national policies and local development practices should be organized and integrated. Through the supervising and coordinating function, each provincial administration should set an appropriate and workable procedure to integrate all local governmental development plans and all other provincial, district development plans in order to adjust and avoid possible duplication and conflicts of interest and works. Department of Local Administration should develop a guideline handbook and regulations on joint investment between local government organizations for the purposes of local development, and should consider giving the provincial governor a certain degree of mandate for budget approval so that it can accommodate the work plans of integrated local development project.

### 4. Modernizing Local Administrations and Strengthening Peoples Participation by Using Web Application

- The three key national bodies (Prime Minister Office, Ministry of Information and Communication Technology, and Department of Local Administration) should take a firm action in integrating the database system which is currently unorganized.
- Provincial level data network system should be developed together with the server and independent administrator of the data system is appointed so that local government organizations can access and make use of the data in improving public service delivery.
- Department of Local Administration should act as a host for web application development and should consider setting up an "independent body for web application development" in providing public services through OSS so that duplication can be reduced and more unified service delivery is achieved.



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## 5. Institutionalizing Knowledge and Capacities and Creating Networks to Support Local Governments

Institutionalizing mainstreaming, particularly by making a standard practice is critical factor for sustainability of work. Academic institutes, nationally and regionally, should be encouraged and supported in order to develop curricula of capacity development of local government officers and other local stakeholders. "Sharing and Learning of Coachers Model" of the project is considered a success. The multi-disciplinary and multi-stakeholder nature, concrete content of knowledge, and friendly networking are essential factors for success. The practice and the process of the model should be modified and implemented in other spheres of local development.

## 6. Strengthening the Role of the Municipal League of Thailand in Sharing and Replication Knowledge of Local Governance Projects

For sustainability, the MLT has to take a serious decision and action to assess the lessons from the project and integrate in the administrative structure as well as in the process local development practices. The Environment and Land-use Subcommittee of MLT, which is the key coordinating body of the project, should engage the league in terms of directives, personnel and budget in sustaining the practice.

### Background Analysis

The policy recommendations provided in the first part are based on concrete experiences of four pilot cities in Thailand, replicating best practices from Indonesia and Vietnam. In concrete, the following observations made during the first months of replication:

<i>Pilot City: Pakkred City Municipality</i>	<i>Best Practice City: Solo</i>
<p>While Solo City is capable of making a sheer intervention in reorganizing the public space, whose features are worth preserving, local government organizations (LGOs) in Thailand cannot follow suit. Thailand has enacted relevant laws, such as Decentralization Act B.E. 2542 (1999 A.D.) and Municipal Act B.E. 2496 (1953). The first lays down the plans and procedures of decentralization and stipulates that municipalities have mandates for the development of public service delivery system, be they in tourism promotion, and preservation of customary tradition, local wisdom and culture, and a mandate to support public participation in local development. However, such mandates are not covering private sector's land, while the target area of the best practice replication carried out by Pakkred City Municipality is the old</p>	



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riverine market owned by private sector. Therefore, the municipality cannot make a sheer intervention, despite the municipal executive's policies and budget availability.

*Pilot City: Chiang Rai City Municipality* | *Best Practice City: Kartamantul Regency*

- LGOs in Thailand have been encountering difficulties, complicatedness and inflexibility in regard to legal regulations, which discourage a productive cooperation. For example, the section on the establishment of a syndicate of Municipal Act B.E. 2496 (1953) contains no clear-cut operational measures for such syndicate. Furthermore, municipal budgetary regulations pose certain constraints: in that, the expenditure spending is capped within the jurisdictional area of the municipality only. The transboundary collaboration between and among local governments is almost impossible. This has resulted in the operation of large-scale syndicates being achieved in certain localities only but not without the political motivation driven by influential politicians. Generally, such consortiums are inoperable, in spite of the relevant policies and master plans (for example, joint management of solid waste in large cities, which is supported by the policies of the Ministry of Natural Resources and Environment) because budget support cannot be secured. The impasse lies mainly in the submission procedure for budget approval during which national politicians responsible for overseeing the relevant ministries are involved. Therefore, the cooperation among LGOs is largely based on their signed MoU.
- On the contrary, the best practice of three Indonesian cities is driven by Special Autonomous Regency Legal Framework which is conducive to the integration of their manpower, technological and financial resources and missions. They have developed and formed a distinct syndicate committee as a concrete structured body and set up a cooperation office to run the missions. This body consists of four components: Planning Board, Public Works Department, Environmental Department and Legal Division. Therefore, the implementation of projects/large-scale enterprises of the three cities in an integrated manner has met with successes.

*Pilot City: Songkla City Municipality* | *Best Practice City: Yogyakarta*

- Information technology at national level of Thailand and Indonesia is not much different. But a weaker point of Thailand lies at the local scale, particularly in regard to the database system, which is a crucial element for the development of web application. The database belongs to different agencies, each being rated "confidentiality" which cannot be shared accordingly. Yogyakarta, meanwhile, is a special autonomous regency, and through the central government support, can draw in



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relevant database of every agency and develop them into a single database system, which can be employed for public service delivered through E-government system.

- The city of best practice set up an independent body mandated with the supervision and development of web application. Thus, disintegrated development of each agency is minimized and the local agency can make use of it authoritatively. However, local agencies in Thailand develop web application independently from each other. The application being developed by the pilot city of Songkla City Municipality is likely to be risky, if the central government enforces the rule requiring local agencies to use web application developed by state agency. In that case the investment for web application of Songkla will become a waste as it will not be applicable.

*Pilot City: Yala City Municipality*

*Best Practice City: Lang Son*

- The administrative regimes of Thailand and Vietnam, despite their differences, share one goal: improved public service delivery that satisfactorily meets the public needs. In Thailand, the Constitution and Decentralization Act are enacted to support public participation in local development through various enterprises and activities. However, what lacking are clear-cut guidelines and legal frameworks as to how to take joint action with the communities without violating the relevant rules and regulations. The case in point is budget spending to support public participation.
- On the contrary, Vietnam is under a socialist system by which the central government plays a commanding role and has an absolute authority in establishing the mode of One Window Service for public service delivery. Local agency is merely mandated to function in accordance with the policy established. Thus, local level implementation can proceed smoothly.
- In regard to public participation in local development, Vietnam is a country where solid social mechanisms have long been embedded, and mutual support groups at community level have been in place. This, in coupled with its socialist regime, makes it easy to draw the communities' participation in the activities of the local government. Yala Municipality, however, is working amidst different social and cultural fabrics of the Muslim population, and a certain degree of independence of the communities. Hence, capacity building, offering incentives and establishing new local rules and regulations are required to affect changes in public attitudes: in that, they are transformed from a mere recipient into a stronger co-partner of development.

In sum, key differences between best practice cities and pilot cities are as follows:



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## 1) Differences in Legal Framework

The legal frameworks of the two countries bear differences, particularly in regard to their conduciveness to efficient and flexible actions and budget allocation, the details of which are as follows:

- i. Legislations or regulations transfer the mandate for old town conservation or preservation of sites featuring valuable art forms to local agencies, as in the case of Solo who has an absolute authority in such undertaking. In case of Pakkred City Municipality, Thailand, such mandate remains, however, within the confines of the central administration.
- ii. Relevant local legislations allow for local actions to be taken under a syndicate as in the case of Kartamantul Regency in Indonesia, by which manpower, financial resources and actions are integrated. The Thai laws, on the contrary, limit any actions within the jurisdictional area of one LGO only, and there is no budgetary arrangement to accommodate joint actions. Thus, MOU forms the basis of cooperation between Thai LGOs which is narrow in scope and clear-cut support measures are lacking.

## 2) Differences in Political Regime

- i. Special autonomous regency of Indonesia enables systematic and efficient joint actions at local level.
- ii. Socialist system in Vietnam enables clear-cut chain of command and actions can be taken under the same systematic arrangement.
- iii. Under the democratic regime of Thailand, drawing public participation in any local activities relies mainly on "a sense of citizenship" and "voluntariness". A case in point is Yala City Municipality, which has focused on community participation in public service delivery. In making such efforts, the municipality has to factor in cooperation and a sense of home-based ownership of its people and importance has to be placed upon the conditions and differences of each locality, as well. Thus, replicating Lang Song best practice cannot be achieved.

## 3) Differences in database development pattern, as in the case of Yogyakarta it is found that

- i. There is a clear linkage between national agency and local level agency as exemplified by the development of E-Procurement at local level.



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- ii. The development of joint database enables various agencies to get access to the services provided and conduct inspection of illegal practices, including develop efficient data backup system
- iii. The development of web application towards specific purpose results in a unified single system of high reliability. But in case of Songkla City Municipality, the key question that may pose as a problem is the reliability of the system developed by the municipality. This is because if other relevant agency develops a central system in the future, the municipality may eventually have to resort to such system, instead.
- iv. If the data is developed with a specific purpose and in a systematic manner, efficiency can be maximized when the data is shared in public service delivery. However, Songkla City Municipality cannot produce such kind of result because certain set of data belong to other agencies, which place more emphasis on data safety than jointly making use of it.

### What effects did this have on the transfer concept itself and the replication process?

- Due to **legal and regulatory impasse** which limits the efforts of the pilot municipality in pushing forward the development of private sector's enterprise (such as private space or private market), the relevant activities towards achieving the mission under the concept transfer of Pakkred City Municipality have to be designed in such a manner that they provide indirect support, instead. This is to prevent any budgetary regulation violation. In designing implementation approaches, the focus shall be placed on the coordination with relevant agencies, such as Tourism Authority of Thailand, Provincial Administrative Organization, provincial offices of the central government agencies, The Treasury Department, local civil groups. One required activity is raising local public awareness on the need to preserve the old market so that it can serve as a power of change. But this takes a long time to bear fruits due to lack of budget support for this particular activity.
- Due to **regulatory constraints on budget spending** outside jurisdictional area of the municipality, the integration of actions cannot be achieved as much as the best practice city. As stated in transfer concept, cooperation model for integrated local development initiated by Chiang Rai City Municipality in order to work together with a number of local government organizations shall be in the initial phase translated into action through their mental commitment as demonstrated in their jointly signed MOU but it shall be not developed into a phase where manpower and budget are integrated. Likewise, the setting up of an office to make coordination among relevant local government organizations as in the case of the best practice city shall



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not yet be achieved. However, in the transfer concept of Chiang Rai City Municipality, the efforts shall be concentrated on capacity building in waste management at source, while end of pipe and in-between management shall be in the beginning the sole responsibility of each local government organization. Handbook for comprehensive waste management shall be developed to serve as a guideline for participating local government organizations, nonetheless.

- **Due to lack of a body directly responsible for** web application development that shall serve the function of public service delivery through OSS, Songkla City Municipality under the transfer concept shall develop its web application on the basis of development research. Through this, the appropriate outline of web application shall be developed in such a way that it is inclusive of all municipal missions, and shall be put on trial in the beginning. The post-trial results shall be presented to relevant national body during the national workshop. If successful, and support of relevant national body can be secured, further development shall be pursued so that the application serves as a model for other local government organizations. Besides, under the transfer concept, importance shall be directed to capacity building and fostering of service mind among service providers. This shall be the means towards risk minimization in case the municipality is legally required to use web application developed by other relevant central government agency.
- In the concept transfer from the best practice of Lang Son in Vietnam, Yala City Municipality, in its attempts to improve public service delivery, shall not adopt all technologies but shall apply some of them, such as barcode and document to be signed during the monitor of operation procedures conducted by the people and the executives. Likewise, importance shall be placed on the process of concept transfer during which **public participation shall constitute a core element**. The public shall play a part in delivering public services of the municipality. In the initial phase, the volunteers shall be tested as a collector of water and waste management bills. The incentive offered is that they will share part of the money collected. Other relevant activities designed for the volunteers are extension of technical knowledge on the preliminary inspection and repair of waterworks system and developing community-level center of complaint handling.

## Conclusion

The 'Partnership for Democratic Local Governance in Southeast-Asia' project (DELGOSEA) will support any national effort towards the implementation of the above mentioned policy-recommendations.



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DELGOSEA Thailand provides the policy-makers with holistic support in order to pursue the implementation of these policies. The first forum or channel of policy recommendations, through the Advisory Committee members of DELGOSEA Thailand which represent a great number of national governmental organizations, national academic institutes, and civic organizations which are dealing with decentralization, good governance and environmental issues. Secondly, under the supervision of the Environment and Land-use Subcommittee of the National Municipal League of Thailand, the 5 Regional Environmental Learning Centers can be strengthened in order to implement the agreed policy recommendations in its own region. And lastly, the national coaches who have gained experiences and skills from both the Good Practice and Pilot Cities can be further supported from concerned parties in order to guide other cities in the course of knowledge transfer and development activities. The number of coaches should be increased. Capacity development courses should be supported and developed by academic institutes or development organizations such as King Prachathipok Institute (KPI).

The DELGOSEA network, which consists of 32 partner cities and 11 Local Government Associations (LGAs) in five countries, will contribute to the implementation of the recommendations by providing the empirical and academic knowledge gathered through analysis and project implementation. All DELGOSEA publications are available to policy-makers in order to share already acquired knowledge and experiences.

Furthermore, DELGOSEA provides the policy-makers with a vast network of experts - our strategic partners - who have been involved in one or more instances of the project's life cycle.

On the transnational level, DELGOSEA is establishing ties with ASEAN in order to alleviate the policy-recommendations to the whole Southeast-Asian community. The support of ASEAN then shall be used to support and guide national initiatives in implementing the policy-recommendations.

Following DELGOSEA's policy recommendations will contribute to the improvement of living conditions of disadvantaged groups in Thailand by increasing their participation in local planning and decision-making.



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