

**An Update on Thailand's Decentralization:
A Look at the Local Personnel System,
Education, and Accountability**

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Abstract

Under the Decentralization Plans and Procedures Act of 1999, new roles and responsibilities have been transferred from the central government to local authorities across the country. Also, revenues have been shifted from the national budget to local governments. The reforms created thousands of new local authorities, generally with limited fiscal capacities. Many of these local governments face personnel shortages, both in terms of numbers and skills. This paper serves as an update on the status of decentralization in Thailand. It offers an overview of current local personnel problems, describes how local governments have been coping with these difficulties, and notes the impact of these personnel problems on the broader quality of local governance. To help readers understand the nature of these personnel challenges, the paper provides some detail on the difficulties that have emerged in the area of education decentralization. And the paper uses an analysis of local government accountability to explore the changing dynamics in relations between local executives and local bureaucrats.

Introduction

Thailand's highly centralized administrative and political systems began to undergo rapid decentralization with the promulgation of the 1997 Constitution. In line with the Decentralization Plans and Procedures Act of 1999¹, new roles and responsibilities have been transferred from central government units to local authorities across the country. Furthermore, revenues have been shifted from the national budget to local governments. The reforms created thousands of new local authorities, generally with limited fiscal capacities. Many of these local governments face personnel shortages, both in terms of numbers and skills. This paper serves as an update on the status of decentralization in Thailand. It offers an overview of current local personnel problems, describes how local governments have been coping with these difficulties, and notes the impact of these personnel problems on the broader quality of local governance. To help readers understand the nature of these personnel challenges, the paper provides some detail on the difficulties that have emerged in the area of education decentralization. Moreover, the paper uses an analysis of recent research on local government accountability to explore the changing dynamics in relations between local executives and local bureaucrats.

Basic Structure of Thai Local Government

Local governments in Thailand can be categorized into two main types. The general type includes Provincial Administrative Organizations (PAOs)², municipalities, and *Tambon* Administrative Organizations (TAOs), reaching almost 8,000 governments in total. There are two instances of the special type — the Bangkok Metropolitan Administration (BMA) and Pattaya City³. In all these governments, top local executives and local assemblies are directly elected by local constituencies. As of October 2011, there are 76 Provincial Administrative Organizations (PAOs), 2,078 municipalities⁴, and 5,694 *Tambon* Administrative Organizations (TAOs).

Table 1 Numbers and Types of Local Authorities (September 2006–October 2011)

Date	BMA	Pattaya City	PAOs	Municipality				TAOs	Total
				City-level	Town-level	Tambon-level	Total		
September 11, 2006	1	1	75	22	118	1,020	1,160	6,618	7,855
August 1, 2007	1	1	75	23	126	1,033	1,182	6,594	7,853
September 30, 2007	1	1	75	23	129	1,124	1,160	6,500	7,853
August 15, 2008	1	1	75	23	140	1,456	1,619	6,157	7,853
September 30, 2008	1	1	75	23	140	1,464	1,627	6,149	7,853
December 15, 2009	1	1	75	23	142	1,841	2,006	5,770	7,853
June 20, 2011	1	1	76	27	145	1,838	2,010	5,765	7,853
October 7, 2011	1	1	76	27	150	1,901	2,078	5,694	7,851

Source: System & Structure Research and Development Section, Department of Local Administration

Decentralization Updates

This section discusses some of the administrative, fiscal, and personnel aspects of decentralization.

Administrative Aspect: The Decentralization Plans and Procedures Act of 1999 called for shifting six types of responsibilities from the national to local governments. These six general types of responsibilities have been further divided into 245 responsibilities that formerly involved 11 ministries and 50 departments at the central government level. These included:

1. Basic Infrastructure: 87 responsibilities, formerly under 17 departments within 7 ministries at the national level, were to be transferred. These included transportation, basic infrastructure, city planning, and building regulations.
2. Quality of Life: 103 responsibilities, formerly belonging to 26 departments within 7 ministries at the national level, to be transferred. These included occupational promotion, social security, recreation, education, health, and slum renovation.

3. Social Order: 17 responsibilities, formerly handled by 9 departments within 6 ministries at the national level, to be transferred. Among these were democracy and equality, promotion and crisis management, public safety and social order.
4. Planning and Investment Promotion: 19 responsibilities, formerly under 6 departments within 5 ministries at the national level, to be transferred. These primarily covered planning, technology development, investment promotion, trade and industrial development, and tourism.
5. Natural Resource and Environmental Management: 17 responsibilities, formerly under the responsibility of 9 different departments within 4 ministries at the national level, to be transferred. These fell under conservation and management of natural resources, pollution control, and public area management.
6. Culture and Local Wisdom: 2 responsibilities, formerly under 1 department within a ministry at the national level, to be transferred. These cover national heritage protection. (Pattamasiriwat & Rayanakorn, 2009)

The central government began to transfer responsibilities to PAO, municipalities and certain numbers of *Tambon* Administrative Organizations (TAOs)⁵ in 2003. By 2005, 181 of the 245 responsibilities had been transferred to local governments (Pattamasiriwat, 2007). Based on the Office of Decentralization Promotion's 2003 findings, most local governments were able to carry on most of the responsibilities that had been transferred to them. This was possible because those responsibilities were generally not too demanding. However, one prominent obstacle that emerged was the problem of personnel shortages at the local level. The easiest solution to this problem would have been to transfer officials who worked in the national government to local governments to help in managing the new responsibilities. In general, however, national government civil servants resisted such transfers. Typically, these officials stereotyped local politicians as corrupt, under-educated, and as being part of local mafias. These perceptions made many national level bureaucrats resist transfer to local governments. This problem emerged particularly clearly in the area of education. Another result of the transfer of many new responsibilities to local government without the personnel to manage those responsibilities was a rise in levels of participation at the local level. Besieged local executives confronting more responsibilities but with not enough personnel and/or budgets were forced to enlist the help of their constituents in various ways, helping to draw more participation from the local people (Mahakanjana, 2009).

Table 2 Numbers of Responsibilities transferred to Local Government (2005)

Type of responsibilities	Responsibility	Number of responsibilities	Already transferred/in progress	Not yet transferred
1	Basic Infrastructure	87	71	16
2	Quality of Life	103	69	34

3	Social Order	17	9	8
4	Planning and Investment Promotion	19	14	5
5	Natural Resource and Environmental Management	17	15	1
6	Culture and Local Wisdom	2	2	—
	Total	245	181	64

Source: Pattamasiriwat & Rayanakorn, 2009

Fiscal Aspect: Local governments in general rely on subsidies from the central government. This has an unavoidable impact on local autonomy. The National Plan and Procedures Act of 1999 set goals regarding the proportion of the national budget to be transferred to local governments all over the country. This was to be 20% of the national revenue by 2001 and was to increase to 35% by 2006.⁶ The proportion of national revenue shifted to local governments rose from 13.33% in 2000 to 20.57% in 2001. The figure continued to climb thereafter; however, it failed to reach the goal of 35%. The 35% goal seems to have been abandoned. For example, it was not mentioned in the 2007 constitution which in other respects reaffirmed prior commitments to decentralization goals.

Personnel Aspect: Decentralization has produced dramatic changes in local personnel systems. As a result of the reform, control over local personnel systems has shifted

Table 3 Increasing Portion of National Revenue to Local Government (2000–2010)

Year	National Revenue (Million baht)	Local Revenue (Million baht)	Proportion (%)
2000	749,948.00	99,936.00	13.33
2001	772,574.00	156,531.00	20.57
2002	803,651.00	176,155.00	21.99
2003	829,496.00	184,066.00	22.19
2004	1,063,600.00	241,947.00	22.75
2005	1,250,000.00	293,750.00	23.50
2006	1,360,000.00	327,113.00	24.10
2007	1,420,000.00	357,424.15	25.17
2008	1,495,000.00	376,740.00	25.20
2009	1,585,000.00	414,382.23	25.82
2010	1,350,000.00	337,800.00	25.02

Source: Office of Decentralization to Local Government Organization Committees (<http://www.dloc.opm.go.th/Navigate.aspx?CategoryID=67>)

Table 4 Manpower in Public Sector (2004–2009)

Types of Personnel	2009		2008		2007		2006		2005		2004	
	N	%	N	%	N	%	N	%	N	%	N	%
Total	2,036,076	100.00	2,037,955	100.00	1,939,158	100.00	1,919,080	100.00	1,980,276	100.00	1,474,659	100.00
Civil servants	1,280,456	62.89	1,271,620	62.40	1,275,350	65.77	1,258,919	65.60	1,221,262	61.67	1,206,573	81.82
Permanent employees	224,816	11.04	237,786	11.67	248,547	12.82	258,494	13.47	258,600	13.06	268,086	18.18
Temporary employees	276,475	13.58	281,831	13.83	192,299	9.92	203,348	10.60	440,933	22.27	—	—
Public Officers	106,493	5.23	100,992	4.96	92,138	4.75	85,752	4.47	59,481	3.00	—	—
Public Employees	147,836	7.26	145,726	7.15	126,824	6.54	112,567	5.87	—	—	—	—
Central & Regional	1,628,768	100.00	1,645,010	100.00	1,570,710	100.00	1,550,236	100.00	1,659,781	100.00	1,312,343	100.00
Civil servants	1,094,592	67.20	1,100,636	66.91	1,113,325	70.88	1,117,131	72.06	1,102,792	66.44	1,106,365	84.30%
Permanent employees	168,125	10.32	178,979	10.88	188,058	11.97	195,572	12.62	199,367	12.01	205,978	15.70%
Temporary employees	259,558	15.94	264,403	16.07	177,189	11.28	151,781	9.79	298,141	17.96	—	—
Public Officers	106,493	6.54	100,992	6.14	92,138	5.87	85,752	5.53	59,481	3.58	—	—
Local	407,308	100.00	392,945	100.00	368,448	100.00	368,844	100.00	320,495	100.00	162,316	100.00
Civil Servants	185,864	45.63	170,984	43.51	162,025	43.97	141,788	38.44	118,470	36.96	100,208	61.74%
Permanent employees	56,691	13.92	58,807	14.97	60,489	16.42	62,922	17.06	59,233	18.48	62,108	38.26%
Temporary employees	16,917	4.15	17,428	4.44	19,110	5.19	51,567	13.98	142,792	44.55	—	—
Public Employees	147,836	36.30	145,726	37.09	162,824	34.42	112,567	30.52	—	—	—	—
Proportion of local personnel to the national	25.01%		23.89%		23.46%		23.79%		19.31%		12.37%	
Proportion (not including teachers and police)	44.37%		42.38%		43.84%		45.20%		—		—	

Source: Thailand Civil Service Commission, Office of the Prime Minister

significantly from the central government to local executives. Nevertheless, local governments faced severe shortages of the personnel they needed to meet their responsibilities. As stated before, many new responsibilities previously under the central government were transferred. But looking at the proportion of manpower in the central and local government (Table 4), it is clear that the numbers of local personnel are still very low compared to the number of personnel at the national level (though we see rising shares of all government personnel going to those employed at the local level). In 2004, at a time when many personnel had already been transferred, local personnel accounted for only 12.37 percent of all personnel, both local and national. In 2005 and 2006, the proportion rose to 19.31% and 23.79% respectively. The local share then dipped to 23.46% in 2007 before rising again in 2008 to 23.89% and again to 25.01% in 2009.

Table 5 Type and Number of Civil Servants in Local Government (2006–2009)

Type of Civil Servant	Year			
	2009	2008	2007	2006
Total in Local Government	185,864	170,984	162,025	141,788
Civil Servants in Bangkok Metropolitan Administration (BMA)	37,191	35,250	35,417	34,866
Civil Servants in Provincial Administrative Organization (PAO)	8,220	7,774	8,160	6,713
Civil Servants in Tambon Administrative Organization (TAO)	67,296	63,544	64,736	51,587
Civil Servants in Municipality (including Pattaya City)	73,157	64,416	53,712	48,622

Source: Thailand Civil Service Commission, Office of the Prime Minister

Shortage of Local Personnel

Since the creation of the Decentralization Committee, there has been strong opposition to decentralization, especially the transferring of education and health responsibilities. The Decentralization Committee set standards and levels of readiness that local jurisdictions had to meet before schools would be transferred to operate under local authorities.⁷ Teachers were given vetoes in the process. Transfers had to be voluntary, based on mutual agreement among school administrators, teachers, and local authorities. The Ministry of Education evaluated the readiness of each local government.⁸ Despite these safeguards, many teachers, mostly primary school teachers, protested, resisting transfer under any conditions for a number of reasons. First, they did not believe that local governments, especially the *Tambon* Administrative Organizations (TAOs), could maintain national educational standards (comparative measures suggest these are not all that high). Second, they worried about their salaries, benefits, job security, and career paths. Third, they

worried about the integrity of local politicians. They feared that local education would be used in efforts to buy votes as part of local patronage politics. As a result, during this period teachers staged a series of protests.

There were, however, teachers who supported the school transfers. Many high school and junior high school teachers wanted to see their schools transferred to local governments' control. One reason for this preference was that their schools had been receiving declining shares of the Ministry of Education's budget beginning in 2002. This change came about due to restructuring within the Ministry of Education (the National Primary School Committee was merged with the Department of General Education and turned into the Office of the Basic Education Commission of Thailand). Worried that junior high schools and high schools would lose their influence to primary schools as a result of the restructuring, they supported the transfer to local authorities. In addition, there was a concern that administrators were being shuffled among primary schools, high schools, and junior high schools. Also, there was the hope that PAOs would be able to provide their schools with bigger budgets than they could hope to command by staying with the Basic Education Commission of Thailand. Local authorities, for their part, pushed to bring schools under their authority. They argued that they should manage their educational system because they knew what the local people wanted. Some schools, located in very poor areas, were not receiving enough funding to continue operating and risked closing down with terrible results for children in those areas.

Table 6 Number of Teachers in Public Schools (January 2012)

Number of Teachers			
	Male	Female	Total
Civil servant	165,252	257,795	423,047
Permanent employee	8,831	20,263	29,094
Foreign teacher	813	369	1,182
Total	174,896	278,427	453,323

Note: With total number of students of 8,769,605

Source: Basic Education Commission of Thailand

By 2008, the Decentralization committee determined that each school's quota of teachers would not change, whether those teachers were employed at central or local government levels. Teachers could decide for themselves whether they wanted to work under local government or stay with the Office of General Education Commission. However, once a school transfer decision was announced, teachers were not free to try to transfer to other schools. The reason for this ruling was to avoid teachers leaving schools that had been transferred to a local government in search of positions with schools that had not yet been transferred to a local government. As a result of these policies, by 2009, shortages of teachers within transferred schools

were quite a severe problem and local governments increasingly were hiring teachers who remained employees of the Basic Education Commission.

Three Eras of Local Personnel

Mektrairat (2009) divided the local personnel system in Thailand into three different periods: Before 1999, 1999 to 2007, and from 2008 to the present. The first era prior to decentralization reform featured tight central control over local personnel administration. Most committees involved with the entire local personnel process included officials from the central government. For the most part, central government officials controlled the recruitment, promotion, transfer, training, and firing in accordance with central government procedures. Local personnel systems during the period between 1999 and 2007 were shaped by the Decentralization Plan and Procedures Act of 1999, which created the Local Authority Personnel Act of 1999. During this period, local personnel decisions were based on local executives' needs and required their consent. Local personnel committees created during this period included representatives from the central government and local governments. These committees operated at three main tiers: Local Personnel Standard Committees, Central Committees on Local Personnel (for PAOs, municipalities, and TAOs), and Provincial-Level Local Personnel Committees (for PAOs, municipalities, TAOs, Pattaya City, and BMA). This new committee arrangement gave local executives more authority to manage their own personnel while still facing some central government oversight (Mektrairat, 2009).

One of the most significant central government regulations is the limiting of personnel expenses to 40 percent of their budgets, excluding grants from the central government. The aim is to curb politicians' habit of trying to win votes by promising public-sector jobs. This has put stress on local governments. They have greater responsibilities, have difficulties convincing former national government civil servants to work for them, and are limited in their ability to hire more local officials by central government regulations. This dilemma has had one beneficial result of forcing local government to raise their own revenue by improving their tax collection capacity.

There were several problems during this period. First, there was confusion among local governments due to the several committees noted above. The newly established personnel committees did not have clear guidelines to follow and their responsibilities often overlapped. This confusion at times works to the disadvantage of particular types of local governments. Moreover, the fact that (central government appointed) provincial governors are the *ex officio* chairs of the Provincial-Level Local Personnel Committees overseeing PAOs, municipalities, TAOs, Pattaya City, and BMA makes it difficult for committee members to make comments contrary to what they believe to be the governors' positions on an issue. Local Personnel Standards Committees include local politicians but not local officials. This membership profile of the committee produces complaint among some local officials.

The local personnel system since 2008 has seen the creation of the Office of Local

Personnel Committees composed of the 1) Prime Minister/Deputy Prime Minister as chair, 2) the Head of the National Civil Service Commission, Secretary general of the Office of the Public Sector Development Commission, Permanent Secretary of the Ministry of Interior, and Secretary General of the Local Personnel Standards Committee, 3) five representatives from each form of local government, and 4) five respected persons. This new committee represents an attempt to solve the problems we described from the previous period. However, yet another committee may simply result in more confusion and longer bureaucratic processes.

New local governments have been critical of these personnel policies. These problems are particularly acute in the area of education given the large budgets involved, the huge numbers of teachers, and the importance of the issue for parents and their children. The discussion, however, has not given any insights into the new dynamics that are being created among local level elected leaders and bureaucrats. For that purpose, it will be useful to explore accountability issues at the local level.

Democratic Accountability at the Local Level

As stated earlier, the 1997 constitution calls for rapid decentralization reform to increase local autonomy, directly elect local representatives, and features prominently the need to decentralize power, including administrative, fiscal and political authority, to local government bodies in order to boost levels of accountability at the local level. It also emphasizes increasing local administrative autonomy by giving local governments more freedom in generating their own administrative, personnel, and financial policies.

According to Romzek and Dubnick (1987), there are four types of accountabilities. These are bureaucratic, legal, professional, and political accountability. In previous research that this author completed in 2011, the author examined the utility of the typology to understand the shifting authority and the accompanying dynamics at the local government level in Thailand.

Table 7 Description of the Four Accountability Types (Romzek and Dubnick)

<i>Type of Accountability</i>	<i>Relationship</i>	<i>Basis of Relationship</i>	<i>Accountable to whom or what</i>
<i>Bureaucratic</i>	Superior-Subordinate; hierarchies (External)	Supervision	Managerial superior; Standard operating procedures
<i>Legal</i>	Principal-Agent (External)	Fiduciary, contractual	Local/national laws, courts, constitution
<i>Professional</i>	Bottom-up	Expertise	Professional
<i>Political</i>	Responsiveness	Legitimacy	Elected officials; citizens/customers/clients

Source: Romzek, Barbara and Melvin Dubnick. 1987. "Accountabilities in the Public Sector: Lessons from the Challenger Tragedy." *Public Administration Review*, Vol. 47, Number 3, 227-238.

Bureaucratic accountability involves the responsiveness of a public officer to managerial superiors or standard operating procedures and the belief that subordinates are accountable to higher-level managers. The focus of bureaucratic accountability is on managerial control and deference to the hierarchy, and relationships are based on supervision. Legal accountability involves the expectation that public officer will follow laws, court decisions, and contract requirements. Political accountability involves the responsiveness of a public officer to a political superior such as an elected official or a citizen. Professional accountability involves the responsiveness of a public officer to professional standards, norms, and ethics. As such, public managers will be likely to grant professionals in the organization discretion as they have trust and confidence in the expertise, competence, and ethical choices of the professionals. Democratic accountability requires the balance of all these four types of accountability.

When considering the context of local government in Thailand, there are sharp contrasts between the type of accountability held by mayors and those held by local officials. Before decentralization reform, local officials were mainly concerned about hierarchical structure, rules, and regulations (bureaucratic and legal accountabilitys) rather than trying to satisfy local needs (political accountability), which is generally the main concern for local executives. Also, local officials imply that professional accountability is generally controlled by the Ministry of Interior. Because local personnel system used to be under strong control of the national government (mainly the Ministry of Interior), they seem to believe that the Ministry of Interior is their boss, not local executives or politicians.

However after the decentralization reform, the Municipality Act of 2000 required the direct election of representatives for all local governments, causing local governments around the country to adopt a so-called "strong-mayor" system — in essence, a shift from "parliamentary" to "presidential" institutions. Compared to the prior electoral system, direct election is seen by local observers as having considerably boosted mayoral powers. Local assemblies (legislative branch) now can question local executives regarding policies and administration but they cannot hold votes of no confidence. The strong-executive system does not allow the assembly to use the budgetary process to unseat the executive council, as was the case in the past (Thailand Municipality Act of 2000). With this concentration of mayoral power, mayors can hold office for two consecutive four-year terms. This implies that locally elected executives tend to be more concerned about their constituencies' needs since they are all directly elected by the local people. The new local personnel system, described earlier, would boost power of local executive councils in local personnel decisions. This has created dramatic changes within local government contexts. Career paths of local officials are now mostly under the power of local executives, forcing local officials to be more concerned about what locally elected executives want. The result is higher levels of political accountability.

The Commission on local Personnel Management of the Ministry of Interior previously determined salaries, wages, and promotions of local personnel. In contrast, after the decentralization reform the Local Authority Personnel Act of 1999

empowered locally elected executives to have input with the Local Personnel Standards Committee, Central Committee on Local Personnel (for PAOs, municipality, and TAOs), and Provincial-Level Local Personnel Committee Commission on Local Government Personnel Standards, regarding transfers (in or out) of local officials. Moreover, the role of the Ministry of Interior as a center of personnel information for local officials, such as vacancies in each local government, is now abolished. If local officials would like to be transferred from one local government to the other, they need to gather their own information through their own personal networks across local governments all over the country. The transfer also depends on the consent of both local officials and locally elected executives from both local governments. This has boosted the attempt among local officials to try to build their networks. The trend is toward lower numbers of local personnel transfers. Numbers of new responsibilities transferred from the central government means that local officials need to be able to perform such tasks in order to satisfy locally elected executives. This implies that professional accountability has now become one of the main concerns.

The situation explained above seems to paint quite a positive result of the recent decentralization reforms. However, many scholars and those from the central government are concerned about the risk that too much power for locally elected executives will boost patronage politics at the local level leading to stronger powers among local mafias who come into power through buying votes.

Typical Relationship between Local Top-bureaucratic Position and Locally Elected Executives

Based on the trend mentioned above, local top-bureaucrats (in Thailand we call this position 'clerk', for example, municipal clerk, PAOs clerks, TAOs clerks) tend to be more responsive to rules and regulations and bureaucratic processes (focusing more on bureaucratic and legal accountability), than to locally elected executives. On the other hand, locally elected executives (local politicians), who are directly elected by local people, tend to be more responsive to local people's needs (focusing more on political accountability). This creates a general perspective among local clerks that local executives tend to ignore rules and regulations while trying to satisfy local residents who have limited knowledge regarding what are the responsibilities of local governments. Local residents may request local politicians to provide services that are outside the scope of local governments' responsibilities and local executives may promise to give local residents those services during election campaigns. The general perspective among local executives is that local clerks only focus on rules and regulations without much concern about what local people want because they are not politically accountable. However, this picture has changed significantly as a result of decentralization where local executives receive more power in determining the destiny of local clerks' careers. This leads to a situation in which local clerks try harder to satisfy local executives' needs. The sharp conflict that used to characterize the relationship between local executives and clerks has declined significantly. The question is how to balance local executives' needs

against the constraints imposed by rules and regulations, bureaucratic processes, and professional knowledge.

Three Forms of Relationship between Local Executives and Local Clerks

- a) **No conflict:** where clerks and local executives can work together peacefully and cooperate in implementing local projects and development policies.
- b) **Some conflict, with workable solution:** where clerks and local executives have conflict but try to resolve their differences.
- c) **Strong conflict, with no easy solution:** where clerks and local executives cannot work together. This situation can lead to clerks suing the local executives of being 'hang' or 'kwaan' (in Thai, meaning that the clerks will be bypassed — not assigned responsibilities or involved in bureaucratic approvals) and deputy clerks assuming the roles of dealing with the local executives.

2) *Over What Do Local Executives and Clerks Typically Conflict?*

Based on results of interviews conducted, there are three main causes underlying the conflict between clerks and mayors.

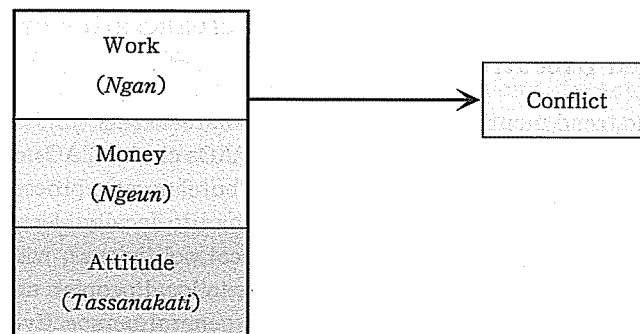


Figure 1 Main Causes of Conflicts between Local Executives and Local Clerks

Work: One cause of conflict is when the clerk strictly follows rule and regulations and bureaucratic process in dealing with local executives' proposals. When local executives make promises to local residents that may exceed local government responsibilities, clerks must determine how to respond. One possibility is to totally reject the initiative and tell the executive "no, it's not possible". This response will certainly dissatisfy the executive and local residents. Second, the clerk may try to work around rules and regulations without breaking them, without offending the executive, and all the while, still satisfying local residents' needs. This is the hard part for the clerks to try to satisfy everyone without harming themselves. A third option is to follow whatever the executive wants without much concern for rules

and regulations. This might satisfy the executive and local residents but clerks may harm themselves if their lack of oversight comes to light in the course of the auditing process.

Money: This cause of conflict is complex and important. Local governments regularly are accused of being corrupt. This is one reason why the central government has been reluctant to decentralize further and tries to keep some level of control over local governments. When a private company is granted a contract for a municipal project, "tam-nam" money is involved. Tam-nam refers to the money that a private company gives to government decision makers who award contracts, usually a percentage of their profits. Conflict can then arise depending on how municipal clerks react to the situation.

- a) There will be no conflict under the following circumstances:
 - a. Executives refuse to get involved in taking 'tam nam' money from private companies and clerks adhere to rules and regulations strictly. (This is the most desirable situation but probably not the most common).
 - b. Executives take 'tam nam' money from a private company and clerks do not block the executives. The clerk refuses to interfere with distributing 'tam nam' money so long as the quality of work meets specifications and adheres with the contract. In some cases, executives may spend this gift on local development projects or for organization development. In any case, the executive may feel 'kreng-jai'⁹ toward the clerk.
 - c. Mayors and clerks agree to take 'tam-nam' money and share it.
- b) Conflict may arise from the following circumstances:
 - a. Executives want to take the 'tam nam' money and clerks obstruct them, saying "no, it's illegal. You cannot do this. I will report the case to the National Counter Corruption Commission."
 - b. Executives want to take the 'tam nam' money and so do the clerks, but they fail to agree on a division of the spoils.
 - c. Executives do not want to accept or solicit 'tam nam' money but clerks would like to accept it.

Attitude: Local clerks' attitudes and perceptions of local governments, and of their roles in local government, influence the extent of the conflict between local executives and clerks. If clerks see their roles broadly in terms of monitoring local executives and believe that executives are always corrupt, uneducated, do not care about rules and regulations, and only want to win votes; they probably will not endear themselves to their executives. Perennial blocking of the local executives' ideas and acting as if they are the executives' boss will not contribute to a constructive relationship. Local clerks with a more sympathetic understanding of executives' challenges, as well as clerks' roles in local government and towards the local community, tend to be more successful in building a constructive relationship with local executives.

3) *Factors that Tend to Condition Conflict over these Values*

Results of the interviews indicate that municipal clerks with a 'luk-mor'¹⁰

background tend to be able to balance different types of accountability better than those who have been transferred from regional or central government units ('non-luk-mor'). As a result, they may be more familiar with local problems, the local governance system, and officials' roles in local governments. Their career paths seem to boost the possibilities for developing political and professional accountabilitys to balance bureaucratic and legal accountabilitys. They have spent enough time to adapt to various challenges, such as potential conflicts with local executives. They typically have more experience working closely with local people than do those clerks who are not "luk-mor."

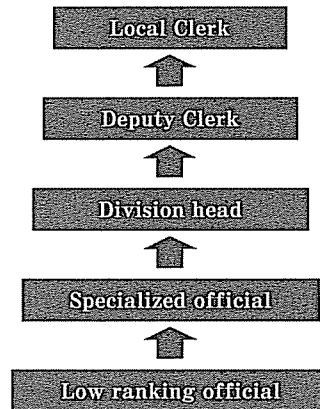


Figure 2 Typical Career Path for 'Luk-mor' Clerk

The non-luk-mor clerks, in contrast, may be prone to rigidity, to viewing themselves as guarantors of local government integrity and as being more accountable to central or regional governments and their regulations. Such clerks may be less aware of local needs, may give those needs less priority, and may have negative views toward local executives. Data indicates that most non-luk-mor clerks have been transferred from jobs as district clerks, working for regional governments, and that they are more prone to have conflicts with local executives.

As for local executives, those with past experience as bureaucrats in central or regional government units may tend to pay more attention to bureaucratic and legal accountability. This emphasis might result from their prior experience with bureaucratic systems and understanding of the importance of following rules and regulations.

4) *Techniques for Avoiding or Resolving Conflicts and Building a Constructive Relationships*

There are several tools used to create a more constructive relationship between local executives and clerks.

Clerks' personal persuasion skills: Clerks can try to persuade executives not to break rules and regulations and to follow bureaucratic process. They use the word "silpa," which means the art of persuasion and reasoning, as a way to balance

accountability. They need to show executives that they are concerned about local needs, but at the same time, they also are concerned about the executive's public image. They also need to protect themselves. They have to be able to suggest to the executives better ways of meeting the executives' needs and local needs without violating rules and regulations. Clerks who are able to balance different types of accountability will refuse to break rules and regulations as the executive's behest. Instead, they will try to recommend alternative approaches that do not require breaking the rules. As one clerk stated: "You cannot follow the rules too straight forwardly because you will not get anything done. You need to find a way around it, not to break it. If the executive would like me to break a wall in order to get him on the other side, I wouldn't do it. But, instead, I will use a ladder to climb over the wall."

Building trust: Several clerks referred to trust issues in interviews. Do executives trust clerks? Do other local officials trust clerks, and do local people trust them? In the first case, clerks need to build trust in the sense that they need to show the executives that they are working for the executives, willing to comply with their policies, willing to support their causes, as long as these do not directly contravene rules and regulations. They need to show that they are on the executive's side, eager to serve local needs, and willing to help the executives accomplish what they want. Clerks also need to build trust among local officials to inhibit undesirable political pressures. Lastly, clerks need to gain local public support by being active in the community, assuming a sort of local political identity by following up on local projects and showing the public that he/she cares about the welfare of the community.

Using mediators: If serious conflict arises, mediators might be approached. Mediators could be individuals toward whom the executive feels 'kreang jai' (reluctant to impose). Usually, they are members of parliaments from the same province, governors, deputy governors, district officers, or, in some cases, business figures.

5) *The Desired Characteristics of Local Clerks*

There are certain desired characteristics of municipal clerks in order to balance accountability, and these include:

- a) Concern for local needs
- b) Understanding the mayor's positions
- c) Understanding clerks' roles in the municipal governance system
- d) Skills in persuasion
- e) Ability to avoid getting involved in conflicts with the mayor over 'tam nam'
- f) Ability to gain trust from mayors, officials, and the public
- g) High professional skills (in order to gain trust from mayors and other municipal officials)
- h) Ability to get around the rules (bending rules) without breaking them in order to satisfy the mayors' needs
- i) Ability to gain public support by being engaged in local activities

Conclusion

Decentralization in Thailand is very much a work in progress. At the same time, that major structural reforms were being implemented, Thailand's political system began to undergo fundamental changes as well as political polarization with rising participation and mobilization. Thailand's long enduring and informal consensus at the elite level has unraveled. Hence, decentralization has been taking place in a context that represents something of a moving target. The decentralization itself was not designed with a clear strategy in mind of how to foster a politically effective constituency in support of the reform process. It will therefore be quite some time before we are able to get a sense for the strengths and weaknesses of Thailand's local governments in general. No doubt there will be problems specific to governments at the provincial, municipal, and sub-district levels as well as between relatively more and less economically developed regions. Many of the formulas for success will be found locally and will not necessarily be applicable to other locales.

At the municipal level, the dynamics of accountability are undergoing important changes. Generally speaking, a good design of institutions alone is not an adequate means of creating accountability. Ultimately, civil society and media must be engaged to make the institutions operate in ways consistent with democratic governance. This is true both at the local level and the national level. Thais have yet to design national political institutions capable of delivering accountability in a sustained way. We should not, therefore, assume that success in doing so at the local level will come easily.

Notes

- 1 As a result of this Act, the Decentralization Committee was created in January 2000.
- 2 Provincial Administrative Organizations (PAOs) are locally elected governments. Reference to "Provincial Governments", however, refers to agents of the central government at the local level, including provincial governors, district and sub-district leaders. PAOs are headed by presidents directly elected by provincial voters. Provincial governors are appointed by the Ministry of Interior.
- 3 Originally, Pattaya City was governed under the city-manager system. But after the decentralization reform, the administrative and political structure changed along the lines of other municipalities, with directly elected top executives and legislative assembly.
- 4 27 City-level municipalities, 150 Town-level municipalities, and 1,901 *Tambon*-level municipalities
- 5 The transfer process for Tambon Administrative Organizations (TAOs) was divided into two stages. The first stage in 2003 involved only the larger TAOs with higher levels of revenue. The second stage beginning in 2004 involved transferring of responsibilities to the rest of the TAOs.
- 6 There were debates among scholars and practitioners regarding how to allocate this portion of revenue to all local governments in equitable fashion. For more information, see Pattamasiriwat, 2007; Tanchai & Khumsap, 2008).
- 7 Three schools can be transferred to each Provincial Administrative Organization (there

were 75 PAOs in 2005), one high school and two junior high schools. For each municipality with experience managing education, a maximum of two junior high schools or grade schools can be transferred. For municipalities with no experience, one grade school can be transferred. This standard was used only for the year 2005.

- 8 This resulted in the amendment of the Decentralization Plan and Procedures Act of 1999. The amendment underlines the voluntary nature of education transfers, in contrast to the transfer of other responsibilities.
- 9 Kreng-Jai in the local language means.....reluctant to impose.
- 10 A 'luk-mor' clerk is one whose entire career has been with local governments. These 'luk-mor' clerks may have climbed up the ladder of local government positions, starting as a low-rank official, then moving to a more specialized position, then the head of a division, to deputy clerks, and only then to become a clerk.

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