

**The National Government Bureaucracy  
and Local Government Reform  
in the Post-1997 Thailand**

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## Abstract

This article explores the options for a conceptual framework to explain the dynamics of decentralization and local government reform in Thailand since the late 20th century. Three theoretical frameworks will be assessed to develop an explanatory model that elucidates why the implementation of local government reform in Thailand has been slow, despite favorable political and social conditions for decentralization. These frameworks are the cultural-psychological, actors' strategic choice, and historical-institutionalist frameworks. An in-depth analysis of the decentralization reform process since the late 20th century will be conducted, supplemented by in-depth interviews with senior government officials and academics that took part in the initial stage of decentralization reform in Thailand. There are four findings or academic arguments. First, central bureaucrats still have strong belief that local politicians and local bureaucrats circumvent the law for corruption; therefore many central organizations craft rules and regulations, or even adverse observations from the central auditors-general to strictly regulate local governments. Once these stricter regulations take effect, many malpractices among local governments are exposed to the public, resulting in worse public trust ratings among local governments vis-à-vis central government agencies. Second, national politicians still dominate the national committee of decentralization, which is the most powerful body dealing with decentralization in Thailand. The structure of the national committee of decentralization is still very centralized. All Thai scholars and experts, as well as local politicians and local bureaucrats in the committee are appointed by the national government. This structure is obstacle to free and neutral suggestions to strengthen fiscal decentralization and local autonomy. Third, all local politicians and bureaucrats, in all levels of local government, also have their own interests. Local politicians and bureaucrats of Provincial Administrative Organizations (PAOs) want the retention of PAOs as the largest and highest level of local government, while those of municipalities demand for an increasing amount of intergovernmental grants from central government. Those of Sub-district administrative organizations (SAOs) wish to be upgraded to municipalities status, so that they may get bigger amount of intergovernmental grants and also be granted with greater local autonomy. With these diverse self-interests, the situation remains in status quo. Fourth, although decentralization in terms of authorities and personnel have been notably transferred from central to local government since the Decentralization Act of 1999, fiscal decentralization has not improved. Local administrative organizations still rely on intergovernmental grants from central government and have very limited local levied taxes allowed by central government. From these four findings, therefore, I argue that Thailand's decentralization in the Post-2000, compared with in the Pre-2000, has been remarkably slow progress due to aforementioned reasons.

**Keywords:** Decentralization, Local Government, Historical Institutionalism, Administrative Reform

## Introduction: Problem Statement and Research Objective

Decentralization has become a shibboleth for policymakers and academics in the last two decades of the twentieth century. Turner (1999) contributes to the global trend towards decentralization based on two major historical developments. First, the Huntingtonian *third wave* of global democratic expansion led to the demise of authoritarianism in many developing countries between 1974 and 1995 (Huntington, 1991). The democratizing force accompanied an unprecedented growth in international concern for human rights. This sentiment resonates with the liberal tradition in political science. In order to ensure the full protection of human rights, devolution of power to local governments is indispensable (Diamond & Tsalik, 1999). Confluence of the democratizing force and increasing awareness of human inalienable rights provides an “impetus to decentralization through the idea that people should participate in or determine the decisions that affect their lives” (Turner, 1999, p. 2). The second development that buttressed decentralization efforts was the emergence and articulation of the New Public Management (NPM), which epitomized the global public sector reform in the 1990s. NPM followers placed heavy emphasis on technical efficiency of decentralization, while optimistically envisioning the universal convergence of public sector reform movements that revolve around decentralization (Osborne and Gaebler, 1992). Beyond the circle of NPM scholars, international donor agencies such as the World Bank and the International Monetary Fund (IMF) also emphasized the need for decentralization in the developing world under the banner of bringing the state close to the people.

While the advocates of NPM and democratization prognosticate the global convergence of political and administrative reform, the diversity of experiences with decentralization in the developing world suggests otherwise. In many countries, not only has decentralization failed to deliver on its promises, it also unleashed many serious politico-administrative consequences and, in many cases, exacerbated the existing ethnic animosity. Even more striking is the ability of certain regimes to resist the global reform movement that attempted to spread the generic pattern of decentralized governance. These drawbacks of decentralization remind us of the downfall of earlier theoretical orthodoxies, which similarly anticipated the global convergence of politico-administrative systems modeled after Western democratic pluralism (Moore, 1963).

Thailand provides an example of how decentralization appears to have achieved the opposite of the intended goals (Dufhues, Theesfeld, and Buchenrieder, 2014). After a century of heavily centralized territorial administration, decentralization in Thailand began in earnest with the 1992 pro-democracy movement that eventually led to the demise of military-dominated government. In 1994, the democratically elected parliament approved a new form of local government, the *Tambon Administrative Organization* (TAO). Further, the 1997 constitution devoted an entire provision to local government autonomy. Despite the constitutional and legal sanctions, implementation of decentralization-related policies by the central government remains ineffective and modest: “The ambitious decentralization framework developed in the wake of the 1997 constitution has been only partly implemented” (Campos and Hellman, 2005, p. 7).

Due to a vast body of central bureaucratic regulations dictating local government operations, decentralization in Thailand is “deconcentration rather than devolution of central authority” to a local level (Arghiros, 2001, p. 224). With limited discretionary decision-making power, locally elected officials frequently find themselves caught up in legal and administrative hurdles in delivering on their electoral mandates (Sudhipongpracha, 2014; Wongpreedee & Sudhipongpracha, 2014). For example, local budget appropriations, development plans, and procurement contracts must be approved by the interior ministry’s regional representatives (e.g., provincial governors, chief district officers) and not recognized as a strategic charting or decision making at the lower level.

The objective of this research is to explain why implementation of the decentralization reform in Thailand has been slow, despite favorable social and political conditions in the 1990s. Past empirical works in the Thai literature offer two explanatory frameworks, each of which has different policy implications. The first framework emphasizes lack of autonomous mentality and assertive tradition of self-governance — particularly among the rural Thais — as a major impediment to the devolution reform efforts. This cultural-psychological argument suggests that more government resources should be invested in capacity-building and attitude adjustment programs, thereby enlarging the roles of central bureaucratic agencies charged with implementing these programs (Sudhipongpracha, 2013). The second explanatory framework embraces microeconomic reasoning with specific focus on the strategic interactions between national and local politicians in formulating decentralization-related legislation. As an implicit policy implication based on this strategic choice argument, the number and influence of national politicians ought to be kept to a minimum at the time of decentralization policy formulation.

In an attempt to provide an alternative explanation, this research proceeds as follows. First, an extensive literature review will be conducted to examine the typological models typically used in several social scientific disciplines to understand decentralization. Second, an in-depth historical analysis of Thailand’s local government reform will offer an insight into how decentralization and democratization emerged at the end of the 20th century. This second part of the research will emphasize the effects of the twin processes on the dynamics of local politics and administration in Thailand. As a case in point to construct a theoretical model for local government studies in the developing world, this second part will also assess two competing theoretical frameworks — the cultural-psychological and actors’ strategic choice frameworks. Subsequently, the third part of this research will explore an alternative theoretical framework based on historical institutionalism, which argues that all political actors whose choices are restrained by certain political and institutional contexts are also capable of shaping the contextual constraints to improve their chances of success and to reconstitute their choices (Immergut, 1988; Thelen, 1999).

## I. Literature Review

### A. *Typology of Decentralization*

Like many concepts in political science, decentralization requires definitional clarity and conceptual precision. Economists refer to decentralization as the transfer of service delivery responsibilities to local governments who are assumed to be more accountable to citizens than the central government due to their proximity to citizens (Tiebout, 1956; Oates, 1972). In the economic perspective, decentralization helps to balance intergovernmental relations by making local agencies responsible for the provision of local public goods and entrusting the task of providing national public goods to the central government (Oates, 1972). By doing so, decentralization enhances technical efficiency by matching the patterns of expenditure and revenue at each government level.

Whereas economists seek a parsimonious understanding of decentralization, political scientists offer a diversity of definitions. Those with deep interest in democracy are inclined to frame decentralization in terms of political representation at the local level, while the public administration experts expect administrative efficiency from decentralization. However, decentralization throughout Thailand's modern history means more than transformation of central-local relations. Decentralization also refers to disaggregation of the public sector's dominance over firms and citizens. The disaggregation efforts were made explicit in the 1997 constitution that empowered local communities and their citizens to determine courses of actions that directly affect them (Connors, 2002).

Despite the multi-dimensionality of decentralization, existing conceptual frameworks to understand it are not sophisticated enough to capture the dynamics of decentralization in the developing world (Cohen & Peterson, 1999). Based on the history of four major civilizations, historians divide decentralization patterns into the traditional, English, French, and Russian models. Another framework takes into account where public goods and services are produced and delivered and reveals four distinct forms of decentralization: local-level governmental system, partnership system, dual system, and the integrated administrative system. Both frameworks are inadequate to deal with the increasing complexity of structural and functional designs that marked the past three decades of decentralization in the developing world (Cohen & Peterson, 1999). The two scholars propose an alternative typological framework that classifies decentralization into the following dimensions:

- *Political decentralization* denotes the transfer of decision-making power to citizens or their local elected representatives. This dimension of decentralization is attainable through free and open local elections that allow citizens to participate in local public policy making;
- *Fiscal decentralization* equips local government agencies with an ability to determine their own expenditures and with adequate resources to provide essential public services; and

- *Administrative decentralization* denotes devolution of administrative functions, including intra-organizational management and public service responsibilities, to local government units.

These three dimensions of decentralization are intertwined and all together determine the overall quality of a decentralized governance system. Political decentralization measures, such as direct election of local government executives, would be futile for advancing grassroots democracy if a democratically elected local government lacks revenue-generating authority and administrative discretion. Political decentralization without concurrent fiscal and administrative decentralization would only complicate reform efforts to empower local communities and rearrange their relationship with the central government.

### **B. Theoretical Frameworks for Understanding Decentralization**

There are several theoretical frameworks in the Thai literature that can be used to explain the dynamics of decentralization reform in Thailand. In this analysis, two competing theoretical models are discussed: the cultural-psychological and actors' strategic choice models. The former identifies Thailand's social structure and centralized bureaucratic culture as major impediments to decentralization reform efforts. The latter rooted in microeconomics places emphasis on strategic decisions made by national and local politicians during the time of decentralization policy formulation.

- ***Cultural-psychological Framework.*** The cultural-psychological model stresses the importance of traditional culture and centralized bureaucratic values in shaping the decentralization process. Based on the "loose social structure" concept, Embree (1950) observes that despite their individualistic tendency, Thai people do not have the corrective self-discipline that characterizes the American and Japanese societies. Thailand's loosely structured social system leads to its people's lack of collective decision-making and respect for the rule of law (Neher, 1979). Hence, a centralized administrative system becomes a necessary mechanism for stabilizing the country and for mobilizing resources to provide public goods and services (Diamond & Lipset, 1990; Nelson, 1998; Wongsekiartirat, 1999).

On empirical grounds, these cultural-psychological arguments overlook cultural and political transformations underpinning Thailand's social fabric over the past two decades. The 1990s pro-democracy mobilizations have given rise to a broad coalition of non-governmental organizations (NGOs) and local activists that was incorporated into the national political arena via the 1997 constitution. However, there is currently contradicting evidence about the relationship between the growth of civil society and its contributions to democratic consolidation in Thailand (Kuhonta, 2008; Kitirianglarp & Hewison, 2009). Yet, the ongoing political struggles have also widened opportunities for ordinary citizens — particularly the poor and those in rural areas — to challenge prevail-

ing political and social establishments through conventional political channels (e.g., political protests, voting in general elections) and new participatory methods (e.g., everyday interpersonal interactions) (Walker, 2008; Laverack & Sopon, 2009; Laverack & Thangphet, 2009; Sudhipongpracha, 2013a; Elinoff, 2014).

Instead, it is the bureaucratic agencies' resistance to change that has hampered citizen engagement in local politics and administration. In a comparative analysis of community-based water management in Germany and Thailand, Neef (2008) demonstrates that it is the central bureaucratic resistance — not local residents' passive mentality — that hinders a sweeping overhaul of water resource governance. Similarly, Charuvichaipong and Sajor (2006) observe that the central government's influence over decentralization has resulted in local officials' adoption of hierarchical and bureaucratic culture in managing municipal waste. Tokenistic participation and exclusion of grassroots people are particularly evident in municipal waste management in metropolitan areas. Based on these empirical works, an important question left unanswered by the cultural-psychological model is why the central bureaucratic agencies have been able to subvert devolution and withstand local popular demands for political participation.

- ***Actors' Strategic Choice Framework.*** In this framework, decentralization outcomes hinge upon who initiates the reforms and in what order the reforms are introduced (Falleti, 2010). Rooted in the microeconomic analysis of individual self-interest maximization, Falleti (2005) identifies two groups of political actors whose strategic interests dominate the politics of decentralization reform: the national politicians and locally elected officials. In this game-theory setting, the national politicians' interest is to divert public expenditures to lower levels of government. Thus, if the national interest prevails, political bargaining will end up with the devolution of administrative responsibilities to local government entities. In the resulting decentralized administrative system, national government agencies are expected to have more decision-making power than the local authorities. On the contrary, if decentralization is initiated by local politicians, direct elections of local government executives will occur. With an electoral mandate, local leaders can make autonomous decisions to improve their communities and constituents' livelihood. As a result, the decentralized governance landscape will consist of national and local politicians with equal power and prestige (Falleti, 2005).

Despite its parsimony, the strategic choice model has two main weaknesses. First, the model is too simplistic in its assumption that only two groups of actors dominate the decentralization reform (Sudhipongpracha, 2013b). In fact, lurking behind the politics of public policy making is the central government bureaucracy who is responsible for implementing the decentralization reform policy. By leaving out this important actor, the strategic choice model over-



looks the national bureaucrats' ability to influence or even shape the policy making process to advance their agencies' interests (Allison & Halperin, 1972; Allison & Zelikow, 1979; Meier, 1993). Second, the way in which decentralization reform is initiated does not always determine the degree of local government autonomy. As a case in point, decentralization in Thailand began with direct elections of local government executives and the constitutional principle of local self-governing autonomy. However, as previously discussed, Thai localities' decision making discretion remains limited. The central government bureaucracy, especially the interior ministry, continues to impose draconian rules and regulations over local governments.

- ***Historical-institutionalist Framework.*** The decentralization reforms currently undertaken by many developing countries are reflective of a protracted struggle between central and local elites during the time of modern state formation between the late 19th and early 20th centuries (Manor, 1999; Hutchcroft, 2000; 2001; Melo & Rezende, 2004; Selee, 2004). Thus, the dynamics and complexity of decentralization process can be best understood by examining the modern state, which must be analyzed with respect to its historical development (Pierson, 1996). Studies of decentralization reforms would also benefit from a historical institutionalist perspective that scrutinizes "political and economic development in historical context and in terms of processes unfolding over time and in relation to each other, within a broader context in which developments in one realm impinge on and shape developments in others (Thelen, 1999, p. 390)."

Widely used in comparative politics and public policy, historical institutionalism offers an analytic lens through which social and political phenomena can be understood as dynamic interactions among institutions that vary over time (Pierson & Skocpol, 2002). In this analytical approach, institutions are broadly defined as "the formal or informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy" (Hall & Taylor, 1996, p. 938). To understand the inter-temporal dynamics of an institution, historical institutionalism relies on the concepts of path dependency and critical junctures (Peters, 1999; Davies, 2004). The path dependency concept posits "the policy choices made when an institution is being formed.... will have a continuing or constraining influence over the policy into the future" (Marriott, 2010, p. 37). The moments at which policy choices are made and translated into actions are referred to as "critical junctures," which unleash feedback mechanisms that "reinforce the recurrence of a particular pattern into the future" (Pierson & Skocpol, 2002, p. 699).

Nevertheless, instead of a deterministic outcome, historical institutionalists assume a range of potential directions for an institution that emerge during its critical junctures (Peters, 1999). Path dependency in the historical institutional-

ist perspective does not assume linear trajectories of institutional life and change. Through the long-term dynamic processes of institutional change, multiple critical junctures shape and reshape politics, society, and public policy making (Collier & Collier, 1991; Mahoney, 2000). This macro-historical approach has been previously used to analyze various aspects of the modern state, ranging from industrialization and economic development (e.g., Gerschenkron, 1962; Rueschemeyer, Huber, & Stephens, 1992; Evans, 1995; Acemoglu & Robinson, 2002) to authoritarianism and democratic transition (e.g., Haggard & Kaufman, 1995; Diamond, 1999; Slater, 2003). Though not explicitly stated, historical institutionalism has made substantial contributions to the understanding of many issues in public administration, such as government budgeting (e.g., Kettl, 1992; Kahn, 1997) and local public service delivery (e.g., Svava, 2009; Wollman & Marcou, 2010).

Decentralization has numerous critical junctures characterized by the dynamic interactions among divergent stakeholders who “collaborate sometimes and compete at other times in order to address common issues in localities” (Saito, 2008, p. 1). As mechanism of rearranging the distribution of powers, resources, and responsibilities among different levels of government, decentralization inevitably comes under the influence of prior struggles among diverse actors during the years leading up to the founding of the modern state (Takahashi, 2012). By the late 19th and early 20th centuries, developing nations in East and Southeast Asia experienced turbulent transitions from feudalism to modernity. In this period, the process of modern state formation in Thailand gave rise to the central government bureaucracy at the expense of democratic institutions, such as a legislative assembly with popularly elected representatives. Initially adopted as the Siamese royal court’s apparatus to solidify territorial control, the central bureaucracy gradually became independent of the royal court and several decades after its formation, was able to join the army in overthrowing the absolutist regime.

This sequence of institutional emergence has an important bearing on the ongoing decentralization reform in Thailand (Sudhipongpracha, 2013a). Because the central bureaucracy came into existence before democratic institutions, its administrative actions remained unchecked by citizens and control over the central-local relations unchallenged by local stakeholders. Yet, based on the non-deterministic tradition of historical institutionalism, critical junctures over the past few decades have triggered changes in the pattern of central-local relations dominated by the central bureaucracy. Although these changes were not potent enough to drastically transform Thailand’s territorial governance system, a new legal-institutional arrangement has emerged to govern the relationship between local communities and the central government bureaucracy (e.g., the Ministry of Interior). The command-and-control mechanisms were replaced by many sophisticated regulatory frameworks for local administrative functions and also by the intergovernmental fiscal transfers that suppress local initiatives (Wongpreedee & Sudhipongpracha, 2014).

## II. Research Methods

Research methods for this research can be divided into two parts. First, in-depth interviews with senior government officials and academics were conducted to gain insights into how decentralization reform came about at the end of the 20th century. These interviewees included senior officials from the Ministry of Interior and the National Decentralization Committee. Several local politicians and local government officials were also interviewed to help understand the dynamics of local government reform from the local perspectives.

Second, official government documents, decentralization-related legislation, and news stories pertaining to local government authorities from 1997 to present were thoroughly examined. To facilitate a historical analysis, the ongoing decentralization reform in Thailand are divided into four periods:

- ***The late 20th-century pro-democracy movement (1992-1997).*** The movement culminated in the ratification of the 1997 constitution that contained a provision on local government autonomy for the first time in Thailand's modern history. Also, between 1992 and 1997, a new type of local administrative organization — the Sub-district Administrative Organization (SAO) — was created by the Parliament (Wongpreedee: 2004). These SAOs are now the smallest units of local self-government in Thailand.
- ***The 1997 constitution era (1998-2001).*** Despite the progressive 1997 constitution, the decentralization reform process was still dominated by national government officials, including national parliamentarians and the interior ministry. Between 1998 and 2001, the Parliament approved a number of decentralization-related laws that now have an important bearing on local community development and local government reform.
- ***The “Thaksin” Era (2001-2006).*** In 2001, Thaksin Shinawatra—the business-tycoon-cum-politician—rose to the prime minister's position after the country's greatest electoral landslide since 1932. However, Thaksin's leadership style was highly centralized. Large-scale bureaucratic and budgetary reforms were adopted in order to sustain his personal power as “chief executive” (Marsh, 2006). One of Thaksin's administrative strategies was the “Integrated Provincial Administrative System (IPAS)” commonly known as the “CEO Governor” policy. Before this policy was introduced, provincial governors were responsible for coordinating and supervising the implementation of programs determined by government ministries in Bangkok (Chardchawarn, 2010) with this policy in place, not only did these governors represent the interior ministry, they assumed the role of the prime minister's assistants in their provinces. All ministries and departments were instructed to devolve functions, budget resources, and decision-making powers to the CEO Governors who were directly

accountable to Thaksin's cabinet and his political clique (Painter, 2006). With this IPAS power arrangement, citizens and local government were excluded from their provinces' budgetary and planning processes (Chardchawarn, 2010). The decentralization efforts were retarded, if not halted altogether (Asawimal-kit, 2007). As a result, a complicated decentralized governance system emerged in Thailand; the country was "recentralizing, while decentralizing" (Mutebi, 2004).

- ***The "Political Turmoil" Era (2006-Present).*** Thailand has been trapped in a political crisis since the 2006 military coup d'état. While a vast body of researches addresses the effects of this decade-long crisis on the country's political and economic development, little is known about its impact on local government, local politics, and the ongoing decentralization reform. In this section, the three theoretical frameworks previously identified will be used to shed light on how the dynamics of local politics and government have unfolded over the past ten years.

Wongpreedee (2006; 2007)'s previous decentralization studies in Thailand covered the period, 1992–2006. These examine the formulation and implementation of decentralization plans, and the effect on the structure of political power at the provincial level. The methodologies used include document analysis, field research and in-depth interviews. There were four major findings:

First, since 1992, decentralization has gained enormous momentum. The Sub-district Council and Sub-district Administration Act of 1994 were born out of the political circumstances following the crisis of May 1992. Reformers initially proposed to make the provincial governor, a centrally appointed bureaucrat, into an elective post. However, the Ministry of Interior bureaucrats mounted a strong opposition, and exploited disagreements among political parties in the governing coalition, successfully diverting the reforms towards introduction of elective councils at the Sub-district level. For the bureaucrats, however, this was a mixed victory. The Sub-district Administration Act of 1994 opened up a Pandora's box, from which have sprung further decentralizations measures which have proved unstoppable.

Second, the decentralization measures implemented to date have several remaining problems. Local government organizations (LGOs) have achieved considerable autonomy through the 1994 Tambon Administrative Organization (TAO) law, several provisions in the Constitution of 1997, and the Decentralization Act of 1999. However, two main problems remain. Central government continues to resist the transfer of authority, personnel and budget to the LGOs; the target of allocating 35 percent of national revenue to LGOs by 2006 was missed by a large margin. The current structure of LGOs is highly imbalanced. Provincial Administrative Organizations (PAOs) have significantly larger budgets and smaller workloads than municipalities or Sub-district Administrative Organizations (SAOs); jurisdictions overlap; local politicians outnumber local officials.

Third, under the Thaksin government (2001–2006), there was an attempt to counter the trend of decentralization through the “CEO-governor” scheme implemented throughout Thailand in 2003. The government and supportive officials from the Interior Ministry portrayed the scheme as a further devolution of administrative power. However in reality, the scheme gave more power to the appointed governor, and forced the elective members and heads of LGOs to defer to the governor in order to gain various benefits.

Fourth, the family-based political cliques, who had become the dominant feature of the structure of provincial power in the pre-decentralization era, were generally able to retain their influence by exploiting new opportunities created by decentralization. The ability of these families to retain power was the result of having ample “war chests” of money and other resources at their disposal as well as the political capital from networks of supporters, cliques, subordinates, community leaders and vote canvassers. However, these families have had to invest in controlling the LGOs, as these have become key institutions in the structure of provincial power.

In summary, these studies argued that even though decentralization over 1992–2006 caused changes in the legal and organizational structure, it had very little effect on the power structure in the provinces. The MPs of the pre-decentralization era have, if anything, increased their power and further entrenched themselves mainly through their foremost ability to win a large portion of the vote. (Wongpreedee, 2006; Wongpreedee, 2007)

A few years later, Wongpreedee, 2010 found that even though the power structure in a province after the decentralization era did not change significantly, the behavior of local politicians had significant or big change. An in-depth case study in a province of Phitsanulok, found that the local politicians tend to give many kinds of favor for their people in their constituencies, although the power structure remained the same as a pre-decentralizing era. The local election itself has significantly granted power to the people, which resulted in adjustments in the local politicians’ election behavior (Wongpreedee, 2010: 63–67).

As Thailand embarks on its important transition to a decentralized governance system, a number of problems confronting the Thai local administrative organizations (LAOs) begin to emerge. While fiscal and political issues are two salient problems with which the majority of local government officials are concerned, personnel management poses another administrative challenge for the Thai LAOs. Confusion over lines of accountability, unclear promotional criteria, unfair fringe benefits, and the public distrust of local public officials are the primary problems found in the current personnel management system in the Thai LAOs. In 2011, efforts have been made to form a union that represents all Thai local government officials in improving the local personnel management system. There been an article to provide a preliminary analysis of “the windows of opportunity” for the emergence of the local government officials’ union in

Thailand. Based on the in-depth interviews with several local government administrators in Thailand's central region, the findings indicate that even though the right to create a union is guaranteed by the 2007 constitution, the Thai local government officials still need to develop alternative financing mechanisms for their future union, other than the annual membership fees. Multiple sources of income will strengthen the future union, so that it will not have to rely on the national government subsidies. Equally important is the Thai local officials' acknowledgement of the union's roles in promoting both the membership's economic gains and the local community's interests. (Wongpreedee and Sudhipongpracha, 2013)

In this article, the author divides the decentralization process in Thailand from 1976-2015 into three major periods as follows:

1. 1976-1992. Decentralization policies started with administrative decentralization in almost all government domains, although these policies were considered more as deconcentration rather than devolution.

2. 1992-2004. The peak of the decentralization process in Thailand. Tambon (or sub-district) administrative organizations (TAO) were officially created in 1997.

First, The TAO law was the result of demands for the election of provincial governors; initially, those demands had been made by Thai scholars and some politicians for the purpose of maximizing their interests.

Second, owing to domestic political circumstances following the political crisis that culminated in violence in May 1992, those who had previously resisted the idea of elected provincial governors could no longer reject the demands completely. Therefore, during the campaign leading up to the general election on September 13, 1992, several political parties adopted the election of provincial governors as a part of their policy platforms.

Third, the insincerity and hesitation of various political parties led to conflicts among themselves. Those conflicts provided the Ministry of Interior with the opportunity to manipulate the process of drafting what would become the TAO law. Senior MOI bureaucrats successfully allied themselves with the Interior Minister and ex officio Senators. MOI succeeded in convincing the government, in effect, to deflect the call for radical reform, as demanded by the scholars and politicians, by drafting a bill that could be accepted as moderate and could ultimately be safely enacted as the TAO law.

Although the law at first was thought to contribute little to decentralization, it was a Pandora's box. Once opened, no one could stop the wave of decentralization that ensued, and continued to gain force up to the 1997 Thai Constitution and the 1999 Decentralization Act, which led to an election of all of local executives and local councilors in every level of local self-governments' organization in 2003-2004.

3. 2004-2015. National politics face many problems that had an impact on the trust

in the national and local politicians. Decentralization policy has not slightly progressed and drawn back into the bureaucrats at the central government. Many ministries set up their own offices at the provincial and district levels instead of transferring the authorities to the local authorities. Moreover, central government agencies, i.e. the auditor-general, the Interior Ministry's department of local administration, the national office of the decentralization commission etc. set up more stricter rules, regulations, orders and an intergovernmental subsidies' formula for all of the local government organizations. Local autonomy, therefore, has been very limited.

Below are chronological incidents during 2001-2015, which affected the development of the Thai local government and the decentralization policy in Thailand, both positive and negative ones.

2001 (B.E.2544) – 2002 Abolition of the transfer of public health to the Sub-district Administrative Organization.

2003 (B.E.2546) – 2004 Limit some authorities of the Provincial Administrative Organization (or PAO).

2004 (B.E.2547)

- “CEO (provincial) governor” policy was initiated by Thaksin’s government to recentralize at least at the provincial level.<sup>1</sup>
- Thaksin also launched the bureaucratic modernization policy in 2002. Central administration was restructured; the number of central government agencies was increased from 14 ministries and 126 departments to 20 ministries and 143 departments.<sup>2</sup>
- 2004-2006 Starting of the transfer of educational authorities from the central government to local governments.

2005 (B.E.2548)

In the 2005 General election, TRT won a landslide victory taking 377 out of 500 seats in an unprecedented parliamentary majority. Also, Thaksin became the first elected prime minister in Thai history to see his administration complete a full, four-year term.

Slow down of personnel transfers from central to local governments.

2005-2006 Abolition of the 35% targeting of local revenue guaranteed by the decentralization law since 1999. The 1999 decentralization law was amended.

2006 (B.E.2549) September 2006, Thaksin was overthrown in a military coup.

2007 (B.E.2550)

2007-2008 Adjusting a portion of general grants to be higher than specific grants.

2007-2013 Central government's slowed down in transferring educational authorities from central government to the local government.

2008 (B.E.2551) Appointed government was passive towards decentralization; its political leadership's concern on the issue was very weak, and its devolution of authorities, budgets, and personnel from central to local government was not sufficient.

2008-2014 Drawing back portions of specific grants, which were higher than general grants.

2009 (B.E.2552) LAOs formally expressed their notices to return some transferred authorities, which were without a reasonable budget back to the central government (i.e. road maintenance). This action, later, was viewed by central government as a protest from the local governments.

2010 (B.E.2553) Many central governmental agencies (i.e. Auditor-General Office, Ministry of Interiors, Ministry of Education, Ministry of Public Health etc.) seemed to have withdrawn the authorities given to local governments by providing rules and regulations that stifled local governments.

2011 (B.E.2554) Prime Minister Yingluck Shinawatra's Pheua Thai Party won the 2011 election. They promised some proposals for "a self-governing province".

2013 (B.E.2556) The amnesty bill of Yingluck's government introduced to parliament in late October 2013 resulted in the mobilization of large-scale anti-government protests in November and December 2013.

2014 (B.E.2557) A military coup. The National Council for Peace and Order (NCPO) enacted an ordinance appointing all local councilors and all LAO clerks as acting LAO chief, especially for LAOs whose terms have ended.<sup>3</sup> (Elections at both national and local governments are not allowed due to the ban on all forms of political activities throughout Thailand)

Some 30 Bangkok councilors attached to BMA (Bangkok Metropolitan Administration), which is one of two special forms of LAOs apart from Pattaya City, were appointed as City councilors, especially when their term has ended.<sup>4</sup>

2015 (B.E.2558). People's wait for the expected constitutional reform and local government reform from the two military-appointed committees.

From the above three periods, the decentralization policy in Thailand has slightly progressed in the last period, even though the first two periods saw radical transformation. The slow progress on the last period was due to the central government's effort in drawing their authorities and budget back from the local governments during a period



of political turmoil, which finally ended up with two military coups. Especially, in the 2014 military coup, the National Council for Peace and Order (NCPO) eventually prohibited elections of both national and local administrative bodies. Bangkok's city council was replaced with an appointed body under retired city clerk. To some extent, this move has disrupted the learning curve and development of local democracy unavoidably.

Four observations can be drawn on the slow progress of decentralization in Thailand between 2004 and 2015.

#### ***A. Local government officials as corrupt and incompetent in the eye of central government***

Central bureaucrats still have strong belief that local politicians and local bureaucrats are corrupt, therefore many central government agencies have enacted a large number of rules and regulations that curb local government's discretionary authority. Once these stricter regulations took effect, a number of malpractices among local government officials have been exposed to the public, worsening the public trust in local government.

The cases below illustrate how stringent central regulations have inadvertently portrayed local governments as "the bad guys":

##### Case 1: Dispute over local government taxes

The Public Finance Auditing agency instructed the Rayong municipality to return the money that the municipality used to buy for some souvenir items as incentives to local taxpayers, to increase local tax collection.<sup>5</sup>

##### Case 2: LAOs' scholarship scheme

Three employment incentive programs initiated by the Ministry of Interior and the National Commission on Local Government Personnel and Standards. The *first* program requires all local administrative organizations in Thailand to provide baccalaureate and post-baccalaureate scholarships for their officials. In the *second* program, local administrative organizations have been mandated by the National Commission on Local Government Personnel and Standards to subsidize all social security contributions of their employees. The *third* employment incentive program is the local officials' annual bonus program funded by each local government's budget surplus. With these three incentive instruments sanctioned by national government agencies, the LAOs has been able to attract individuals with high academic and professional caliber to fill up many administrative positions. However, when representatives from the central auditor general office came to the LAOs for an annual financial audit, it was discovered that the three programs violate the interior ministry's Ministerial Rules and Regulations of the Budgetary Procedures in Local Administrative Organizations (B.E. 2541) by illegally creating new expenditure categories. In the PFAC financial audit report, the Mad Dog SAO was required to retrieve all the money given to its local government officials through these

programs.

In short, in 2004, the Ministry of Interior's department of local administration in a memorandum, allowed all of the LAOs to provide scholarship to local politicians and local bureaucrats to study at any educational level.<sup>6</sup> However, in 2011, the central auditor-general office disallowed such and asked all LAOs to return the money back to the (central) government since both the MOI's department of local administration and LAOs do not have mandate to provide any scholarship to LAOs, as provided by law.<sup>7</sup>

### ***B. The centralized structure of the National Committee of Decentralization***

The structure of the National Committee of Decentralization is very centralized. All Thai scholars and experts in the committee are appointed by the national politicians and bureaucrats. Moreover the local politicians and local bureaucrats in the committee are also appointed by central government. This structure has refrained from free and neutral suggestions to strengthen fiscal decentralization and local autonomy.

### ***C. Self-interests of all decentralization policy stakeholders***

All local politicians and bureaucrats, in all forms of local government, also have their own interests. Local politicians and bureaucrats of Provincial Administrative Organizations (PAOs) ask for retaining the PAOs as an upper-level local government. The Sub-district administrative organizations (SAOs) ask for upgrading their status to become municipalities in order to receive larger amount of intergovernmental grants and gain higher level of local autonomy. Below are examples for each form of LAOs' own interests, which prevent them from pushing for more decentralization,

1. PAOs, as an upper tier of LAOs in Thailand, are likely to be abolished because their jurisdictional boundaries coincide with those of the municipalities and SAOs.
2. Municipalities have the strongest professional association among LAOs, namely, the Municipal League of Thailand. However, almost all of the annual meetings of the National Municipal League of Thailand (NMT) always end up with asking for increase in intergovernmental grants from the central government. Actually, the NMT should demand for the other kinds of local levied taxes, the better ratio of local budget to central budget, and increasing a ratio of shared taxes or surcharged taxes from the central government.
3. Almost all of SAOs are located in rural areas where local levied taxes and other sources of revenue are always insufficient to provide the standard services in their area. Their shared taxes from the central government are only minimal. Therefore, almost of SAOs always ask for the intergovernmental grants. As a result, central government always emphasizes that Thai local government organizations are not ready for more devolved functions.

Although the SAOs' professional organizations, e.g., the SAOs' Chief Association, also set up its association at regional or provincial level, they lack coalitional capital to strengthen their professional organization. There is neither the code of professional conduct nor attempt to rally for more administrative autonomy.

#### ***D. Poor fiscal decentralization***

According to Cheema (2013: 6-7), there are four dimensions to fiscal decentralization. The first involves the adequacy of local governments' resources in proportion to the scope of their responsibilities. This is important because it allows local governments to deliver services to citizens and thus gain their trust and confidence. The second dimension is the percentage of local government expenditure that emanates from local governments' own resources. Where local governments are too dependent upon central government's tied grants, their autonomy is negatively affected. The third is efficiency of revenue collection and revenue sharing arrangements that promote partnerships between the central and local governments. The adequacy of financing for current and capital expenditures is a key determinant of both supply and quality. Finally, the efficient management of expenditures is equally important to maximize returns and achieve long-term fiscal balance.

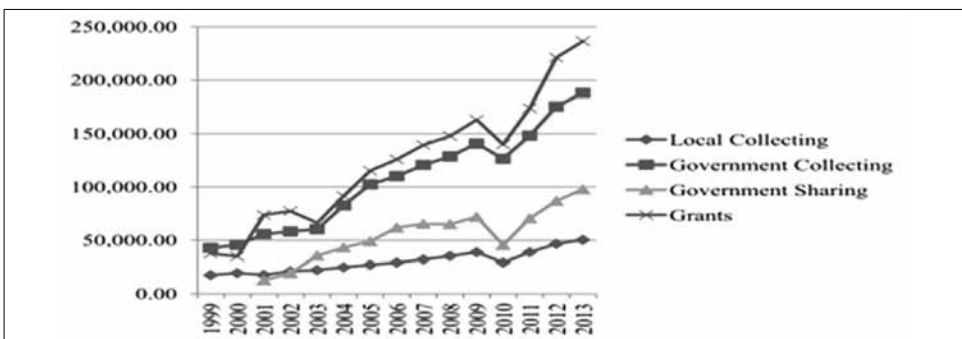
In case of Thailand, although decentralization in terms of authorities and personnel have been notably transferred from central to local government since the Decentralization Act of 1999, fiscal decentralization has not improved. According to Pumkaew (2015), local administrative organizations still rely on intergovernmental grants from central government because of a very limited source of local levied taxes allowed by central government.

The decentralization became visible two years later after the 1999 National Decentralization Act came into effect. The law laid down plans on revenue allocation for the local government organization of not less than 20 percent of the total government revenue in 2001, and to be raised to not less than 35 percent in 2006. Following the 1999 law was the Determining Plans and Process of Decentralization to the Local Government Organization Act, version 2, B.E. 2549 (2006). It specified that, from 2007 onwards, the local government organization should achieve the revenue at a minimum of 25 percent of the government's net revenue and a minimum of 35 percent as previously been set. Nonetheless, the revenue of local organizations remained low in the past decade (see table 1.1). And despite a rise in 2013, their revenue stayed at 27.27 percent while the total revenue was 572,670 million baht and the government's total revenue was 2,100,000 million baht (Office the Decentralization to the Local Government Organization Committee, 2013).

**Table 1.1:** Percentage of Local Government Organization's Revenue to the Total Government Revenue in 1998-2013

Fiscal Year	The percentage of local government revenue to the total government revenue (percent)
1998	13.1
1999	13.79
2000	13.39
2001	20.68
2002	21.88
2003	22.31
2004	22.5
2005	23.5
2006	24.1
2007	25.17
2008	25.2
2009	25.25
2010	24.3
2011	26.14
2012	26.77
2013	27.27

Source: Bureau of the Budget (2013)



Source: The National Municipal League of Thailand (2013)

**Figure 1.1:** Comparison of the Local Government Organization's Revenue in 1999-2013

unit: million baht

### III. Intergovernmental Grant:

Intergovernmental grant allocation to local government bodies began in 1999. Since 2001, the grants have become their major source of revenue (over 40 % of total local government revenue). An increase of grants began annually from 1999, and up to 6.3 times in 2013.

Two types of intergovernmental grant allocated to the local government organization are the general grant and the specific grant. The former allows the organization an autonomous decision to implement the grant under existing laws and regulations. As for the latter, it is allocated to meet the objectives as set by the government and disallows the discretion by the organization. The central government, therefore, has a control over how the money should be used. Furthermore, in spite of increasing grants, the specific grant outnumbered the general one. Table 1.2 demonstrates that, from 2011, half of the grants, or 50 percent, were the specific grant. This grant in 2013 jumped to 114,594.89 million baht or 52 percent of the total grant, or a 6-time increase within six years from 2007.

**Table 1.2:** Proportion of General Grant and Specific Grant in 2006-2013

Million baht

Fiscal Year	General Grant	%	Specific Grant	%	Total Grant
2006	98,657.00	89.5	11,556.00	10.48	110,213.00
2007	114,293.00	92.48	9,281.00	7.51	123,574.00
2008	109,997.00	83.91	21,077.00	16.08	131,074.00
2009	104,099.00	77.34	30,484.00	22.65	134,583.00
2010	74,271.00	59.24	51,091.3	39.24	125,363.04
2011	80,029.00	50.53	78,346.43	49.46	158,375.43
2012	85,695.00	41.76	119,497.08	58.23	205,192.08
2013	104,444.85	47.68	114,594.89	52.31	219,039.74

Source: The National Municipal League of Thailand (2013)

According to the Determining Plans and Process of Decentralization to Local Government Organization Act B.E. 2542 (1999), Section 12 authorizes the National Committee of Decentralization to make decision on the regulation of grant allocation to the local government organization. The allocation carries three objectives: 1) to support local government organizations for the nationwide provision of public services with acceptable standards; 2) to reduce fiscal gaps among local government organizations; and 3) to enable some local government organizations to solve problems beyond their fiscal capacity (the National Committee of Decentralization, 2011).

Therefore, intergovernmental grant allocation in Thailand is meant to diminish fiscal gaps among local government organizations so that people all over the country will be

ensured standardized public services. From all aforementioned, it is critical to investigate how and how much such objectives can be reached by the grant, with special attention to the reduction in fiscal gaps and the determination if the grant is a key mechanism towards successful decentralization to the local government organization.

Although the central government has its share of significant number of violation and corruption vis-a-vis the local government, the cases (on violation and corruption) at the local government have been exposed to the public easier than those at the central government.<sup>8</sup>

From these four findings, I, therefore, argue that Thailand's decentralization progress in the Post-2000 era has been remarkably slow due to an inadequate substantive local autonomy provided by the central government.

#### Notes

- 1 Mutebi, Alex M. 2004. "Recentralizing while Decentralizing: Central-Local Relations and "CEO" Governors in Thailand" in *The Asia Pacific Journal of Public Administration* 26 (1).
- 2 Painter, Martin 2006. "Thaksinisation or Managerialism?: Reforming the Thai Bureaucracy" in *Journal of Contemporary Asia* 36 (1) and Ockey, James 2004. "State, Bureaucracy and polity in Modern Thai Politics" in *Journal of Contemporary Asia*, 34(2).
- 3 Ordinance of National Council for Peace and Order (NCPO) no.1/B.E.2557 (2014) December 25, 2014.
- 4 All 30 Bangkok Councilors in 2014 is the current Bangkok Councilors who all have been appointed on September 15, 2014 by Wibun Sa-nguanpong, an Interiors Ministry's Permanent Secretary, according to an order number 86/2557 dated July 10, 2014 of the National Council for Peace and Order (NCPO).
- 5 Interview with Rayong Municipality's deputy municipal chief on August 27, 2015.
- 6 The scholarships scheme started on September 2004 according to MOI's circulating formal letter no. 0808.2/c 3137 dated on September 17 2004 retrieved from [http://www.dla.go.th/work/e\\_book/eb2/law3/pdf2/bt039.pdf](http://www.dla.go.th/work/e_book/eb2/law3/pdf2/bt039.pdf) on July 23, 2015.
- 7 The office of auditor general asked LAOs to return the money back to the government on February 2011.
- 8 Moug-On, Pratueng and Wongpreedee, Achakorn (2014) "*Anti-Corruption and Corruption Resolutions in Local Self- Government: A Case Study of Sub district Administrative Organization (SAOs) in the Northeastern Region of Thailand*" in *Thai Journal of Public Administration*. Vol. 12 (1) pp. 153-181.

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