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SUMMARY OF THE 2020 TDRI  
ANNUAL CONFERENCE ON  
"HACKING THE BUREAUCRACY:  
CHANGING THAILAND'S  
OPERATING SYSTEM."

ระบบข้อมูล  
และ  
ความสามารถ  
ของภาครัฐ

ระบบข้อมูลสร้าง

ผู้ใช้ต้องการอะไร?

เชื่อมโยงข้อมูล  
เพื่อใช้ประโยชน์  
ได้อย่างไร?

จะเก็บข้อมูล



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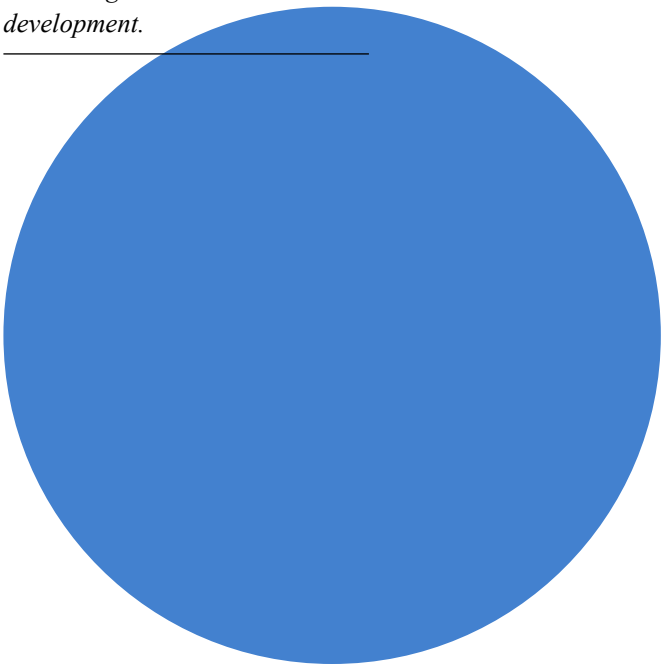
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*The Thailand Development Research Institute Foundation was established in 1984 to conduct policy research and disseminate results to the public and private sectors. TDRI was conceived, created and registered as a non-profit, non-governmental foundation, and is recognized as such by the Royal Thai Government. The Institute does technical and policy analyses to support the formulation of policies with long-term implications for sustaining social and economic development.*

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**SUMMARY OF THE 2020 TDRI ANNUAL CONFERENCE ON "HACKING THE BUREAUCRACY: CHANGING THAILAND'S OPERATING SYSTEM." THE CONFERENCE WAS HELD ONLINE DUE TO THE COVID-19 PANDEMIC.**

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## THE THAI BUREAUCRACY AS AN OPERATING SYSTEM\*

Thailand is facing challenges both new and old, ranging from its aging population, PM 2.5 pollution, the middle-income trap, and the economic difficulties that many people and businesses are suffering as a result of the pandemic of coronavirus which causes the disease known as COVID-19. Yet Thailand's bureaucratic body, which is the main government engine for dealing with such challenges, has undergone little to no upgrades over the past few decades.

A bureaucratic system may be compared to a computer operating system (OS). A computer functions through its OS, which coordinates software and hardware inside the system in order to complete a task or application according to the user's needs. In a similar vein, the Thai bureaucracy has to manage public resources, such as state personnel, government budgets, mindset, legislature, and data, in order to generate measures that address the people's needs and demands. As often as an OS needs to be upgraded in order to function more efficiently, a bureaucratic system has to improve the way it works from time to time. Otherwise, it cannot meet the needs and demands of users in a dynamic world.

*\* Summarized by Mr. Supachai Sompol and Mr. Smit Kanjanapas from the presentation of Dr. Boonwara Sumano at the 2020 TDRI Annual Conference, which took place during the period October 5-7 at its headquarters. Entitled "Hacking the Bureaucracy: Changing Thailand's Operating System," the conference was held online due to the COVID-19 pandemic.*

The quality of bureaucracy index created by the Economist Intelligence Unit indicates that Thailand's bureaucratic system has seen very little change in the past 20 years, all the while maintaining a rank lower than that of Malaysia, Singapore, and Taiwan. This is not likely a result of the lack of personnel or budget. The number of civil servants employed by the Thai bureaucratic system rose from 1.29 million in 2010 to 1.33 million in 2018. A relatively large proportion of Thailand's GDP has been allocated to the government's personnel budget when compared with more developed countries, such as the Republic of Korea and Singapore, both of which are known to have highly efficient bureaucratic systems. Thailand's 2021 government budget allocates roughly a third of its total budget to personnel expenses.

## THE OPERATING SYSTEM AND ITS CAPACITY FOR PROBLEM-SOLVING

Measures to support the populace under such emergency circumstances as the COVID-19 pandemic have unveiled several issues with regard to the Thai bureaucracy. For instance, the problem of disconnected databases between state agencies disqualifies a number of people from being able to obtain government grants. Moreover, the methods of providing assistance do not seriously take into consideration the needs of the vulnerable population, who are usually most in need of assistance. For example, persons with a severe visual impairment may have difficulty in promptly sending back OTP (one-time password) codes during registration for COVID support, while efforts to provide grants through bank accounts may leave behind a number of the poorest of the poor who never opened a bank account because they never had enough savings to do so.

If the bureaucracy is considered as the country's operating system, it would be expected that such a system should run in-house with coordination,

connecting various resources in different locations in order to fulfill the tasks demanded. In reality, the public service system comes down to units operating in isolation, with limited coordination between nodes of departments and agencies, with each maintaining its own territory of authority. What is being witnessed during the COVID-19 pandemic is that facilitating services for the wider public depends on numerous steps, much to the inconvenience of the people. While efforts at developing E-government are commendable, there is a degree of redundancy that stems from its interfacing. People need to input the same personal information that they had already given to the government every time they visit e-government websites.

Despite this situation, for the past 20 years the government has considered the need for and significance of bureaucratic reform. Guidelines for bureaucratic reform have been in place since the issuance of the Prime Minister's Office Regulations on Bureaucratic Reform 1997 and the Good Governance Decree effective 2003, which addresses some key points, such as scaling down the bureaucratic system, decentralization, and integration by using a people-centered approach. Thus, the Thai bureaucracy has known for some time what it needs to do in order to upgrade its quality. This paper is aimed at suggesting how to do those things.

## UPGRADING THE OPERATING SYSTEM: TDRI'S RECOMMENDATIONS

### 1. Task reduction

As seen in many public departments, staff are preoccupied with performing many tedious jobs that prevent them from rendering good service to the people. Such tasks should be actively reduced or eliminated by a "regulatory guillotine," or the use of technology to accomplish the tasks more efficiently, leaving only those tasks that require government authority to be executed, such as child protection or

workplace inspection. Likewise, tasks that require quick adaptation, such as the development of new skills which may at any time be disrupted by technology, may be best taken up by the private sector, with the state bureaucracy playing a facilitating role. Finally, the bureaucratic system should turn away from tasks that it cannot run efficiently, such as those that consume expensive resources but produce output of limited quality and quantity. Such tasks may be identified by unit cost of operation.

## **2. Digitalization based on the actual needs of the people**

A digital government should operate as efficiently as possible to meet the needs of the people. This can be done by designing the e-service so that people are put at the center. To save people from having to go through redundant processes, databases of different government agencies should be interconnected. For example, if someone would like to open a business, the e-service for business registration should list all relevant services, such as registering for electricity and water meters, in the application for a new office, and the licenses needed for marketing and distributing as add-on services, using the same information that the applicants had inputted during the business registration process.

## **3. Increased decentralization efforts**

Transferring authority from the central government toward local governments would help to improve public services. Decentralization would enable a more appropriate redistribution of resources as local staff are more aware of the needs and issues that arise under their jurisdiction than does the central authority. Public services could also see an improvement in their quality if delivered by local governments. Educational services are a case in point; the TIMSS (Trends in International Mathematics and Science Study) math scores of grade 4 students in schools managed by local administrative organizations are

on average higher than those of students in schools managed by the Ministry of Education.

## **4. Adjustment of budget management method**

To act more efficiently in support of the population's needs, the current budgetary management system needs to be adjusted. Currently, the usual way of setting budgets is done two years in advance on a yearly basis. Such a budgeting system may be suitable for funding the implementation of short-term policies and projects, but this method certainly renders the annual cost of budgeting impractical for conducting long-term strategic programs, and may not be able to address such emergencies as the sudden outbreak of a pandemic.

For long-term projects that need some level of flexibility, such as research and development, it might be helpful to resort to a multi-year budgeting method. Under multi-year budgeting, the goal and time frame will be set at the beginning, and the budget can be revised along the way in order to achieve goals. Monitoring is required to evaluate efficient use of the budget, and previous performance would be used to consider if activities can or should continue.

## **5. Adoption of a new mindset and work culture**

A traditional bureaucratic system works in a functional-based management system, whereby departments work in silos, and hence create a degree of inefficiency that results from a lack of coordination. TDRI's recommended approach would be to adopt an agenda-based and area-based approach, by setting an agenda that is particular for a specific area and bring together people responsible for the achievement of such an agenda. Moreover, the Thai bureaucracy should change from a work culture based on just surviving, i.e. being afraid to make a mistake and sticking to their function frames, to a performance-oriented one. This would encourage active learning, adapting, and potentially experimenting with new ways of work. Increased flexibility would encourage

more inter-departmental participation and operational planning.

All these new work mindsets and cultures can be experimented with in a “sandbox,” a specific area where rules and regulations are relaxed, relevant agencies can come together to plan and execute, and all parties are protected by law when conducting something new, and while they likely are making some mistakes as a way of learning from them.

On the whole, the proposals for bureaucratic adjustment of the Thai operating system are aimed at maximizing efficiency and effectiveness. This is done by reducing unnecessary, unsuitable, and uneconomical work with which bureaucratic personnel are currently preoccupied, designing digital government with people at the center, transferring more resources and autonomy in decentralization efforts to make more effective resource allocation, and experimenting with new work cultures and budgeting systems in a sandbox.

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## SUMMARY OF THE DISCUSSION ON HOW TO HACK THE OPERATING SYSTEM OF THAILAND'S BUREAUCRACY

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*Moderator:*

*Mr. Peerapong Techatattanon,  
Senior Manager, Creative Work and Public  
Communication, TDRI*

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## RESOLVING BUREAUCRATIC PROBLEMS: TO MEND OR BREAK THE BUREAUCRACY

*By Dr. Tavid Kamolvej, Faculty of Political  
Science, Thammasat University*

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The question of “hacking” the Thai bureaucracy begins with its capacity to identify and resolve issues

faced by the public. In this regard, the bureaucracy often has an incomplete understanding of the topics brought to its attention. A second, and subsequent concern, is the bureaucracy’s inability to take further action due to systematic and legislative barriers to its operations. Transforming the bureaucratic mindset and attitudes in order to overcome rigid protocols can prove to be an arduous task.

Thailand’s function-based bureaucracy is unable to respond to emergent issues that require a divergence away from national strategy. Such issues demand a more agenda-based and area-based approach from public agencies and their respective departments. Yet, Thailand has a poor history of efficient inter-departmental collaboration. This is further compounded by inefficient monitoring and evaluation systems. Such indicators as KPIs (key performance indicators) and OKRs (objectives and key results) are redundant when officials are not liable for the results.

Additionally, the Thai bureaucracy has demonstrated poor institutional flexibility when managing emergency issues. Its institutional components are often unsuited to responding in a timely or appropriate manner after experiencing disruptions to the status quo. This situation often lends itself to the notion that the bureaucracy ought to be dismantled and rebuilt from its foundation.

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## PERFORMANCE LIMITATIONS OF GOVERNMENT PERSONNEL AND ISSUES OF OUTSOURCING PERSONNEL ON A BUDGET

*By Ms. Sirikanya Tansakul, Member of  
Parliament, Progressive Party*

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For more than a decade, the Thai bureaucracy has seen an increase in the budget for personnel expenditures while maintaining a relatively consistent number of employed officials. Few modifications have

been conducted with regard to both anti-corruption measures and regulatory measures. The aforementioned personnel expenditures include salaries, pensions, annuities, medical expenses, and compensation. These have grown by approximately 6 percent in contrast to the number of government personnel, which has grown by about 1 percent.

Personnel expenditure accounts for more than a third of the total budget. Government agencies have been notified of this issue but precisely when appropriate action will be undertaken remains dubious. This is made all the more tenuous when legislature and regulations govern how much of the budget is allocated to personnel expenditure relative to other sectors.

This leads to the topic of outsourcing. Outsourcing can improve operational efficiency and create more efficient public services, but warrants its own concerns. Outsourced work, particularly of the administrative and janitorial variety, often encounter reports of low wages as well as minimal job security and benefits. These often emerge when government service contractors hire people at salaries below the minimum wage, resulting in a reduction in overall efficiency.

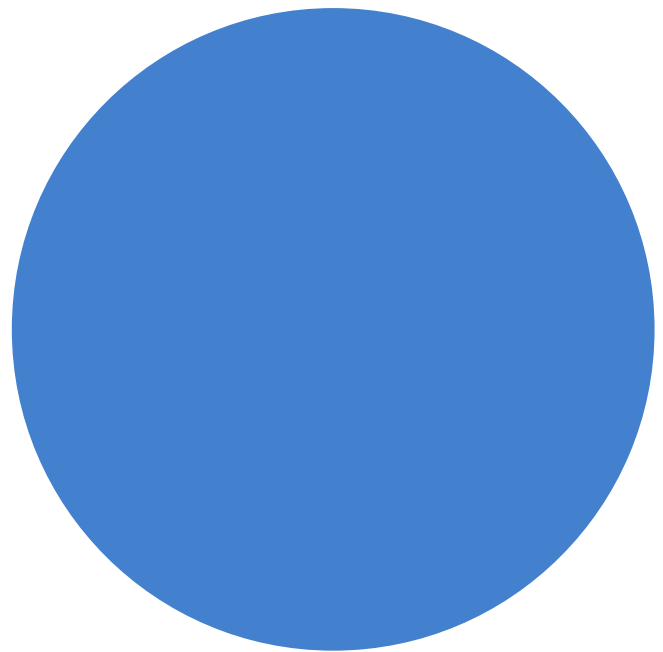
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## **DEVELOPING A BUREAUCRACY BY HACKING ITS PERSONNEL MANAGEMENT AND EXECUTIVE ORDERS**

*By Ms. Onfa Vejjajiva, Office of the Public Sector Development Commission*

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Tending to the development and well-being of the country is in the best interest of everyone, including the public sector. In this regard, cooperation from all parties is quintessential. The fact that bureaucratic regulation has undergone few modifications over a substantial period of time renders it poorly suited to respond to emerging issues. However, there is hope



yet. I believe that the Thai bureaucracy can change for the better and there are some grounds for this view. The Office of the Public Sector Development Commission has established a subcommittee to oversee the bureaucratic processes and operation of future sandbox projects. It tries to shift the central focus of the Thai bureaucracy to meet people's expectations. In order to "hack the bureaucracy," fundamental changes in the directions stemming from the central government need to take place. Such directions include national plans, government policies and strategies, all of which circumvent operational efficiency.

Throughout the operations of the Thai bureaucracy, inter- and intra-level tensions often emerge. Human capital requires clear communication and a common understanding of goals. When considering bureaucratic management, civil servants and their staff can sometimes be at odds with one another. Bureaucratic changes are often unsuccessful because the policy departments often overlook the needs of human capital and create differences in expectations. In order to improve the Thai bureaucracy, effective communication between all parties about expectations and demands is conducive toward achieving systematic change.

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## WHERE TO DRAW THE LINE IN BUREAUCRACY? WHAT THE SYSTEM SHOULD AND SHOULDN'T DO

*By Dr. Tavid Kamolvej, Faculty of Political Science, Thammasat University*

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The Thai bureaucracy has always had a poor ability for self-evaluation. The issue stems not from a concern about criteria but about *honesty*. Public works are aimed at benefiting society, of which civil servants themselves are members. As such, it is absolutely fundamental to have a degree of transparency when it comes to public services.

From the experience of teaching public policy, the goal is often policies that cannot be enforced and subsequently are devoid of legal liability. The bureaucracy therefore becomes mired in legislative concerns rather than the realization of its objectives. Additionally, a more efficient monitoring and evaluation system should be implemented. Sandbox projects should be allowed to engage in a degree of trial and error. Criticism of such projects should not revolve around discouraging experimentation, but instead, should look toward approaches that would raise bureaucratic development.

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## WHAT POSITIVE ASPECTS OF BUREAUCRACY ARE THERE? HOW DID THEIR SUCCESS COME ABOUT?

*By Ms. Onfa Vejjajiva, Office of the Public Sector Development Commission*

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Government action during the COVID-19 pandemic has exemplified some good aspects about the bureaucracy, which has demonstrated public bodies' understanding of their limitations. Public participation alongside other sectors enabled cooperation with

the government in order to fill lapses in knowledge and capacity.

The successes and advantage of the bureaucracy can be garnered from assessment of the results of external agencies. Assessments according to various indices show that bureaucratic changes have improved, as witnessed in the Ease of Doing Business Index, where Thailand improved from a position of 27<sup>th</sup> (in 2019) to 21<sup>st</sup> (in 2020). The E-government Development Index of the United Nations has also recorded and improvement for Thailand from 77<sup>th</sup> (in 2016) to 73<sup>rd</sup> (in 2018) place. The Office of the Environmental Protection Agency, which measures public satisfaction with government service provision in accordance with the Facilitation Act, has also seen Thailand shift in rank from 29<sup>th</sup> (in 2017) to 85<sup>th</sup> (in 2019). On the whole, this reflects that people are more satisfied but a lot of expectations still remain to be satisfied. In looking forward, the challenge that the Thai bureaucracy faces is how to adapt to best meet the expectations of the people as efficiently as possible.

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## THE CHALLENGE OF DEVELOPING A MORE CAPABLE CIVIL SERVICE SYSTEM

*By Ms. Sirikanya Tansakul, Member of Parliament, Progressive Party*

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The results of implementing new budget estimations or an integrated program, such as the one that actively promotes small and medium-sized enterprises (SMEs), previously warranted diverting support from agencies operating in their own way. Currently, there has been a shift toward implementing an integrated program for the development of SMEs, and prioritizing work that helps SMEs develop through different stages (the initial growth phase and later international expansion).

As it stands, however, the bureaucratic system

is unable to implement efficient policy in accordance with what political parties' campaign for, particularly over the last two fiscal years. Budgeting restraints and tight bureaucratic constraints have created evident difficulties during the COVID-19 epidemic where 2021 budgeting did not accurately reflect a country in crisis. The Ministry of Labour had programs in place to assist people unemployed as a result of the ensuing economic downturn but the indicators show that they did not respond to the crisis. The budgeting official concerned explained that this was due to early-year budgeting being unable to adjust to the situation at hand resulting in bureaucratic ambiguity. To hack the bureaucratic system, one of the aims must be to transform the people at its core. The question is how to loosen the bureaucracy in order to better meet the needs of the public. What is seen across a widespread division of departments reflects how the bureaucracy has been organized for the ease of official work not for the ease of the public so that they can receive government services.

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### **FROM WHAT BUREAUCRATIC REFORMS CAN WE LEARN? WHERE SHOULD WE GO FROM HERE?**

*By Ms. Onfa Vejajiva, Office of the Public Sector Development Commission*

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The lessons that can be extracted from bureaucratic reform are widespread. They range from integration and inter-departmental issues to monitoring and evaluation issues. Issues of communicating information in turn create ineffective policy interpretation. The execution of policies becomes a tenuous process when desired outcomes are not made clear to those carrying them out, which is an issue made worse by poor monitoring and evaluation systems.

Some issues continue to persist despite repeated

attempts to resolve them, often the result of disjointed solutions or environmental changes that require a fast and timely response. The Thai bureaucracy has no capacity for reviewing past errors and continues to apply the same policies and strategies to fix constantly evolving issues. This can be witnessed in the Public Service Executive Development Program, which was established to rethink, redo, and instill positive change in the Thai bureaucracy. Its ranks were filled with newfound ambitious young individuals. However, when faced with working with ministerial departments and agencies, these individuals were met with an immovable bureaucratic culture that never allowed them to witness effective growth. Adjusting public service requires the creation of a new bureaucratic culture that is conducive toward change and interconnectivity.

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### **LESSONS FROM A COUNTRY IN CRISIS: DO PAST REFORMS MEET MODERN NEEDS?**

*By Dr. Tavid Kamolvej, Faculty of Political Science, Thammasat University*

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In times of crises, the bureaucracy is unable to keep pace with the problems that arise. Specifically, this may be due to regulatory limitations. Such inflexibility makes keeping up with certain situations impossible. Modern operations should be formulated on the basis of flexibility, and single-minded tunnel vision should be avoided. The recommended sandbox trials open up room for operations to experiment with new policies. These would help to test for systematic errors and see how to better support and match the needs of people.

Restructuring the bureaucracy requires replacing the structure to revolve around strategic issues and developing personnel who can be flexible in their position. With a new generation of personnel ready to take on the responsibilities of a public service

system, operational flexibility should be a central aim. Positions need to be allocated on the basis of performance not merit, and flexibility in handling topics should be a central characteristic in hiring employees. This would allow for more efficient budget expenditure on personnel management.

Moreover, information should be communicated more effectively. The government response to COVID-19 has demonstrated that executive decision-making capabilities are significantly hampered by unclear information that executives receive despite having skilled personnel in their ranks. Moreover, the COVID-19 epidemic has demonstrated that bureaucratic positions tend to suffer less from emergency situations than other sectors. This is a good opportunity to attract new employees into the public sector, but the bureaucracy needs to adjust itself if it hopes to attract new ideas and personnel in its midst.

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### **IF GOOD GOVERNANCE IS ACHIEVED, WILL A BETTER BUREAUCRACY FOLLOW?**

*By Ms. Sirikanya Tansakul,  
Member of Parliament, Progressive Party*

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Concerning good governance, what Thailand needs is a balance between bureaucracy and good governance. Some issues depend on political perspectives; internal political disparity within an agency or department may create divisions that impede policy implementation. To some extent, the practices of good governance may make it possible to facilitate bureaucratic reforms. This practice depends not on *strongman politics* or large political parties, but rather, on streamlining implementation processes and creating greater cohesiveness between policymakers and their employees.

Models of good government could be practiced in sandbox environments. Although sandbox projects may help reveal key success factors, the issue of

enacting them on a nationwide scale requires a concerted decentralization movement. Successful reform depends on developing an evaluation system that can gauge issues accurately and are less prone to political divisions between members of the public service.

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### **EXTENSIVE BUREAUCRATIC REFORM SHOULD CONSIDER THREE FACTORS: CRISIS, SOCIAL DEMANDS, AND POLITICAL VIEWS**

*By Ms. Sirikanya Tansakul,  
Member of Parliament, Progressive Party*

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A central issue plaguing the Thai bureaucracy is widespread unwillingness to change or try new approaches. This is due to an overwhelming fear of authoritative suppression. The stigma of losing bureaucratic stability needs to be eliminated in order to pave the way for improved working environments and greater adaptability. A large-scale nationwide transformation is difficult to implement but is a necessary move toward achieving successful public policy. Adjusting work culture, attitudes, and mindsets takes a concerted effort. One suggestion would be to adopt a carrot-and-stick model, rewarding bureaucratic movement in light of positive performance measured by clear evaluation systems. This would enable the optimization of operating and budgeting allocations, further enabling the bureaucracy to make initial changes before committing to major ones in the future.



## LAW AS THAILAND'S INSTRUCTION SET\*

*\*Summarized by Ms. Aurapat Wongsaroj, Ms. Khemmapat Trisadikoon, Ms. Artinuch Nuamsantia and Mr. Gunn Jiravuttipong from the presentation of Dr. Kiratipong Naewmalee and Dr. Saliltorn Thongmeensuk at the 2020 TDRI Annual Conference, which took place during the period October 5-7 at its headquarters. Entitled "Hacking the Bureaucracy: Changing Thailand's Operating System," the conference was held online due to the COVID-19 pandemic.*

The law can be compared with the instruction set for a computer system. If a programmer inserts incompatible variables, this will cause the system to become clogged or even crash. Similarly, a country's legal system that is not appropriately designed will adversely affect its citizens' rights and freedom, and create compliance burdens. Moreover, enforcement

will not be aligned with the objective or the spirit of the law. On the other hand, well-designed laws benefit society and solve problems among members of the society.

## INSTRUCTION SET PROBLEMS

Law is regarded as a state's rules and regulations governing people's rights, responsibilities, duties, and behavior in society. It is also used to solve social problems according to the needs of the people. Therefore, laws need to be dynamic and adaptive to a changing social context. However, laws are not a panacea that can solve all problems. Laws are but one of the many viable measures that could be selected to solve problems. Thus, the legal approach needs to be chosen only when necessary, when it is not redundant, and when it creates the least negative impact on people's rights and freedom.

Nevertheless, the legal process generates costs for both the public and private sectors. Public agencies bear the costs of legislative processes and enforcement. At the same time, citizens are linked to various regulatory costs incurred in terms of compliance obligations in abiding by the law because the Thai Criminal Code Section 64 stipulates that people cannot claim ignorance of the law to exempt them from criminal liability. However, the responsibility to learn about laws and to comply with them may be impossible to achieve when an overwhelming number of laws and regulations are in place.

Therefore, it may be concluded that there are currently at least three challenges to Thailand's legal system.

### 1. Large number of laws and regulations

Thailand has accumulated a large number of laws and regulations over time. During the past three years, Thailand passed more than 70,000 new items of legislation. Despite the increasing numbers of laws enacted, only a relatively small number of

outdated legislation has been eliminated. Currently, there are more than 1,700 licenses; in the license system, there are more than 10,500 procedures. These legal obligations create enormous costs related to the application and the renewal of licenses, opportunity costs related to the long and complicated procedures, and compliance costs to meet all legal requirements.

The cost of licenses adversely affects the competitiveness of the market and the economy because small firms cannot bear these incurred costs while large firms are likely to pass on the additional costs into the consumer through higher product or service prices. The Animal Epidemic Act, B.E. 2558 (2015), for example, requires state approval for selling and transferring domestic eggs. The licensing fees and related expenditures can lead to a price increase of up to 2,700 baht per selling license. Of this amount, 1,977 baht is for the one-time domestically transferred egg license fee and the remaining 93 baht is for the cost of the license approval process by the relevant government authorities.

Apart from the cost of complying with the law, some legislation also establishes committees to oversee each specific area. For example, related to 215 items of legislation are 345 committees in charge. The functions of these committees are to approve and regulate the operation required by law. Even though the committee regime helps engage different groups of experts to decide on technical matters, the regime itself causes complexity and significant delays in solving problems. For example, the National Traffic Road Safety Committee holds fewer than five meetings per year, while the country has the world's ninth-highest rate of road fatalities,<sup>1</sup> with more than 20,000 deaths every year (of September 15, 2020).

### 2. Broad and unclear laws and regulations

Another problem occurs because many terms

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<sup>1</sup> <https://www.bangkokbiznews.com/news/detail/854720>

and conditions of various items of legislation are broad and unclear, causing considerable legal ambiguity which leads to different legal interpretations between the regulators and the parties under control. For instance, Section 32 of the Alcoholic Beverage Control Act, B.E. 2551 (2008) states: “No person shall advertise or display, directly or indirectly, the name or trademark of any alcoholic beverage in a manner showing the properties thereof or inducing another person to drink.” The Act itself does not clearly define the terms “advertising” and “inducing,” which leads to different legal interpretations between government officials and business operators. Such uncertainty with respect to legal interpretation, however, has subjected many business operators to monetary penalties up to 500,000 baht.

### 3. Outdated laws and regulations

In addition to the above-mentioned issues, many items of legislation are still not adaptive to changing legal and social conditions. For example, the Thai Postal Act, B.E. 2477 (1934) gives the Thai Post Office the sole authority to conduct mail services in Thailand. Any other operators that wish to deliver mail or packages must pay delivery fees to the Thai Post Office at the rate of 25-67 baht per delivery. It has been estimated that in 2013 the amount of delivery fees which the Thai Post Office collected from private operators for inbound mail deliveries was approximately 60 million baht. The monopoly power of the Thai Post Office as a sole authority to conduct mail services was also upheld in Supreme Administrative Court Order Verdict No. 352/63, stating that Kerry, a delivery company, is not an authorized mail delivery service according to Thai law. That ruling shows that the law and its interpretation do not take into account the current situation in which a private company plays a vital role in the Thai economy. The outdated law together with its strict interpretation will limit free competition in the market and could contravene the Thai

Constitution, B.E. 2560 (2017), which constrains the State from engagement in unfair competition with the private sector, except in cases of national security and on some grounds of public interest.

Therefore, Thailand needs to apply a proper regulatory impact assessment (RIA) and regulatory guillotine (RG) to develop appropriate laws and regulations that meet the country’s dynamic and changing social context.

## LESSONS FROM INTERNATIONAL BEST PRACTICES

As previously stated, two approaches to solve the problems are: RIAs and RGs. RIA is a systemic approach to assess the necessity and cost-effectiveness of proposed laws and regulations. On the other hand, RG is a systemic approach to review existing laws and regulations and ensure that they are still efficient and effective to the extent that they meet a changing and complex world without imposing unreasonable burdens on the society. Both approaches require extensive stakeholder participation and public consultation because the facts and evidence gathered from them are used to assess and analyze the efficiency and effectiveness of laws and regulations.

The RIA process was first introduced and adopted in 1980 by three countries that are members of the Organisation for Economic Co-operation and Development (OECD). Currently, more than 30 OECD countries have adopted the RIA process, which implies that RIA has become widely accepted as a best practice for policy formulation. The OECD RIA checklist contains 10 key questions that policy-makers should bear in mind: (1) the type of problems that require a regulatory solution; (2) the appropriateness of state intervention; (3) the necessity of passing a new law; (4) conflicts between an existing law and the proposed law; (5) the capability of enforcement authorities; (6) evaluation of the strengths and weaknesses of the law and regulation

through a cost-benefit analysis; (7) the impact of laws and regulations on stakeholders; (8) the clarity and comprehensiveness of laws and regulations; (9) the extent of engagement by stakeholders in public consultations; and (10) the efficiency of legal enforcement.

There are both similarities and differences in each country when conducting RIA. In the United States, for example, the RIA process is required when the proposed law will cause impacts exceeding \$100 million in value; for Canada and South Korea, the amounts are C\$50 million and 10,000 million won, respectively. However, some countries, such as Australia, instead of setting up a required threshold when RIA has to be undertaken, use a broader approach by simply stating that “any legislation has a significant impact.”

The substance of the law or regulation that is required by law to be assessed is also different. For example, the Netherlands focuses on laws and regulations that create burdens on the business sector, while Finland and France assess the impacts of laws and regulations in a broader manner, including such sectors as society, environment, and labor. No matter what approach is taken, these countries share one common ground—they have an independent institution that regulates and controls the quality of the RIA assessment report submitted by government authorities. For instance, South Korea has created the Regulatory Reform Committee, an independent agency consisting of representatives from both the public and private sectors to scrutinize laws and regulations, and report the assessment results to the President.

Similar to the RIA, one of the key factors contributing to the successful RG process is a strong political commitment to cut down on unnecessary laws and regulations. In the case of South Korea, for example, the President of that country announced in 1997 the repeal of 50 percent of unnecessary laws, which expectedly could reduce the government’s

costs by 4.4 percent of GDP and increase employment by 1 million jobs. Similarly, in Vietnam, 500 government processes were eliminated, and in Moldova, 100 obsolete legislative items were repealed within five months.

The lessons learned from international best practices show that there are three key determinant factors leading to the successful implementation of RIA and RG: the active cooperation of all sectors; an independent quality-control agency; and strong political will demonstrated by the State. The interplay among these factors could help ensure better-quality laws and regulations and good governance in terms of policy-making within the country.

## THAILAND’S FIRST STEP

The need for reforming the public sector has long been recognized in Thailand. To boost good regulatory quality, the Thai government has introduced a series of measures in line with the RIA and RG processes. In 1988, for instance, there was a law requiring that state agencies must prepare a regulatory impact assessment statement on proposed laws and have it submitted along with the proposed bill to the Office of the Prime Minister for further review before sending it to the Cabinet for adoption. The structure of this prerequisite legal report was based on the OECD regulatory impact assessment checklist guideline. Furthermore, the process of screening laws and regulations was changed right after the introduction of the so-called People’s Constitution in 1997. In 2001, a special committee was established to study if any laws contradicted the new Constitution.

In addition to the process of making better laws and regulations, the Thai government introduced the Licensing Facilitation Act, B.E. 2558 (2013), which is innovative legislation that requires all state agencies to adopt clear procedures and create specific deadlines for granting necessary licenses and permits

to operate businesses in Thailand. It is aimed at enhancing the transparency and accountability of the government. Two years later, the Royal Decree on Review of Law, B.E. 2558 (2015) was introduced; it laid down the mandatory requirements for state agencies to review every five years all legislation under their responsibility to ensure that all legislation still complied with the dynamic and changing society.

However, the assessment process was not well established at that time for five main reasons. First, since the assessment report was usually made after the approval of the legislative draft, the government authorities likely viewed the assessment process as an obstacle which created an extra administrative burden and delay. As a consequence, a large number of reports were prepared without concrete information and in-depth analysis. Second, the scope of assessments was limited only to Acts of Parliament, so RIA was not used optimally. Third, Thailand still lacks assessment guidelines that stipulate detailed procedures for writing reports. Fourth, the assessment process does not have a comprehensive framework to engage with effective public and stakeholder consultations, making public hearings less effective as there is an unequal share of representatives from the public and private sectors. Lastly, Thailand needs to have a qualified independent agency to control the quality of assessment reports and ensure that they meet international standards.

To develop the assessment process and protect the rights and freedom of the public and business sectors, Section 77 of the Thai Constitution, B.E. 2560 (2017) requires government authorities to assess the impacts of laws and regulations by using the RIA and RG approaches.

With regard to RIA as stipulated under Section 77 paragraph 2 of the 2017 Constitution, it is stated that “prior to the enactment of every law, the State should conduct a consultation with stakeholders, analyze any impacts that may occur from the law thoroughly and systematically, and should also dis-

close the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process.” Meanwhile, under the same Section and paragraph, which deals with RG, it is stipulated that: “When the law has come into force, the State should undertake an evaluation of the law at every specified time according to the law, for which consultation with stakeholders shall be conducted, to develop all laws to be suitable to and appropriate for the changing contexts.”

Besides the Constitution, the Thai government has recognized the importance of RIA/RG, and therefore introduced the Act on Legislative Drafting and Evaluation of Law, B.E. 2562 (2019), which articulates six main rules which are consonant with the principles enshrined in Section 77 of the 2017 Constitution:

1. A mandatory rule concerning the necessity to check for new legislative drafts, and conduct a public stakeholder’s consultation as well as an impact assessment;
2. A mandatory rule concerning examination of the substance of draft legislation, such as the necessity to adopt the licensing system, the use of the committees’ system, the use of officials’ discretion, the duration of the procedures, and the appropriateness of the level of criminal punishment for a wrongful act;
3. A mandatory rule concerning the conduct of an ex-post legislative assessment to ensure that the law is up to date and meets changing social contexts;
4. A mandatory rule concerning a mechanism in which the government authorities can assist people to access legislation/regulation information;
5. A mandatory rule concerning a mechanism carried out by the Supreme Court to reexamine the validity of a provision that is arguably inconsistent with the legal

- requirements as prescribe by this Act;
6. A mandatory rule concerning the creation of a mechanism in which government authorities can assist people to comply with the law.

Based on the aforementioned Act, RIA and RG have to be carried out for newly drafted legislation and regulations, which potentially creates an impact or burden on business operations and the living of people. However, there are some exceptions under Section 29 of the Act on Legislative Drafting and Evaluation of Law, B.E. 2562 (2019), such as law that has an effect within a specific period of time and that period has already passed, law that prescribes a certain course of action and such an action has already been carried out, law on the establishment or restructuring of government organs, or other laws that are prescribed in ministerial regulations. To carry out quality control of the prepared RIA and RG reports submitted by governmental agencies, the Secretariat of the Cabinet, the Office of Council of State, and the Parliament play a critical role in evaluating the accuracy and completeness of all delivered RIA reports, whereas the Legal Reform Commission is instrumental in carrying out quality checks on the RG statement report.

For several years, Thailand has been working on the elimination of obsolete laws. A TDRI study concluded that repealing about 1,000 unnecessary licensing regulations would roughly reduce the direct and opportunity costs for the business sector and people approximately 140,000 million baht (0.8% of Thailand's GDP in 2018). Cutting down burdensome regulations would not only reduce incurred economic costs but also be instrumental in stimulating increased employment and competition, as well as investment, leading to recovery of the Thai economy affected by the COVID-19 pandemic.

## RECOMMENDATIONS

In spite of Thailand's existing regulatory governance framework and strong political support for the RIA and RG processes, the country is still faced with significant challenges regarding official capability to deal with highly complex procedures in those processes. Moreover, the Office of the Council of State, which is regarded as a key agency to regulate and evaluate the quality of assessment reports, might have limited resources to assess and monitor RIAs and RGs carried out by government agencies. In addition, there are challenges in building a central database to facilitate a public consultation process carried out along with the RIA and RG processes.

Recommendations to improve RIA and RG assessments in Thailand are as follows:

- (1) Develop the capability of officials on knowledge of RIA and RG principles and processes.
- (2) Create a clear framework for RIAs and RGs, including standardized forms and guidelines.
- (3) Give importance to capacity-building of the institutions responsible for the quality control of RIA and RG assessments and reports.
- (4) Develop a system to facilitate public participation by connecting legislative information between agencies and increasing public engagement by enabling stakeholders to provide input for the decision-making process.
- (5) Consider other alternatives before passing a new law that would constitute a market intervention. Alternatives are using registration instead of licensing or revising existing law instead of passing a new one and consider using the Consumer Protection and Competition law. Moreover, government agencies should be

encouraged to experiment with regulatory options through a “regulatory sandbox” before enforcing a law statewide.

In conclusion, comparing law with a computer’s operating system gives us another approach to examine laws. When poorly designed, a law can become a burden to the public and business sectors. To avoid the situation when laws become an obstacle to development, the government needs to improve human resources and capability to facilitate the assessment and monitoring of laws and regulations. Moreover, the State must allow public participation and be aware that the law is not the only option to solve society’s problems.

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**DISCUSSION:  
DEBUGGING PROBLEMS  
IN THE LEGAL CODE**  
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*Moderator:*

*Gunn Jiravuttipong, Researcher,  
Thailand Development Research Institute*

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**WHAT ARE THE TOOLS TO SOLVE  
PROBLEMS IN THE LEGAL CODE?**

*By Pakorn Nilprapunt, Secretary-General,  
Office of the Council of State*

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Law is dynamic in nature and needs to be adapted according to changes in the society. For example, legislation on birth control will become obsolete in societies facing transformation in terms of an aging population and lower population numbers due to a low birth rate. Therefore, as the facts within the society change, so too must the law. Otherwise, the law does not reflect the society it governs. We

have seen the evolution of the approach to law and regulations. The traditional legal system is focused on commanding regimes designed to regulate areas of economic activity. The regulations impose costs and limit the rights and liberty of citizens, which has led to calls for “deregulation.” However, the risks from excessive deregulation can lead to moral hazard problems. An example is Enron, the U.S. energy firm that collapsed in 2001 because there was insufficient regulatory oversight of the company’s auditing operations, and shareholders were not informed of the realities of the company’s status. The Enron event changed the advocacy paradigm into a call for “better regulation” which strikes a balance between government intervention and public participation to create efficient legal enforcement that reflects the behavior and needs of stakeholders. Furthermore, the United Nations “Sustainable Development Goals” have advanced the paradigm to achieve the creation of “better regulation for a better life.”

There are many “command and control” laws in the Thai legal system. More than 90 percent of the country’s laws consist of a licensing system which requires citizens to apply for permission to carry out certain functions. The high number of such forms of legislation is due to the drafting process; legislators tend to use previous regulations as their reference when creating new legislation. Moreover, there is no requirement for public consultation with stakeholders. Thus, legislators are out of touch with the current social context and changes in the society. The gap in the legislative process led to the creation of Section 77 under the 2017 Constitution of Thailand, which requires a regulatory impact assessment for both ex-ante and ex-post evaluation of regulations.

While the concept of public consultation in the legislative process had been introduced in the past, government agencies have not paid much attention to the process due to particular fears and perceptions about the process. Public consultation has several

benefits and would help legislators to understand facts from a different perspective. An important aspect of conducting effective public consultation is the honesty of the public officials when listening to and engaging with stakeholders. Nowadays, many workshops are teaching about the public consultation process. However, the closed-minded attitude of some public officials will lead to ineffective public consultation.

The Office of the Council of State has advised and provided training in official public workshops to change the perception toward public consultation and reduce the formalities of the process in order to facilitate citizen engagement. Therefore, to achieve effective public consultation, the core attributes consist of (a) an honest and open mindset of government officials to engage with stakeholders, and (b) public officials who are active in revising laws that do not fit the social context. Generally, laws are not revised because of the officials' familiarity with the status quo or the new law might affect some personal interests that facilitate corruption. For example, when digital licensing was introduced into law, no legislation about digital receipts was actively followed as public officials were accustomed to the old process, making the purpose of facilitating digital licensing fail.

Moreover, among the current challenges are efforts to improve lawyers' quality. In the case of lawyers at the Office of the Council of State, the current curriculum for teaching comparative law needs to be improved. Updating the curriculum must put more emphasis on learning about the historical context and development of law. Additionally, learning must raise awareness about the need for lawyers to adjust themselves to the changing times and that the perception that law that is static is outdated.

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## WHAT ARE THE CURRENT CHALLENGES OF THE LEGISLATIVE PROCESS AND THE LEGAL SYSTEM? WHAT ARE THE APPROACHES THAT CAN BE UTILIZED IN THE FACE OF ECONOMIC AND SOCIAL CHANGES?

*By Somchai Preechasilapakul, Lecturer,  
Faculty of Law Chiang Mai University*

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The regulatory impact assessment and regulatory guillotine tools, which are widely recognized by many countries, are used to analyze and improve flaws in regulations and a country's legal system. However, the Thai legal system is not only imperfect but also in need of "detoxification." Problems arise in many social dimensions, especially on issues regarding the rights and liberty of citizens.

Thailand's legal system has three major problems:

1. There is an excessive number of laws and regulations; many of them are redundant and contain vague texts.
2. The regulatory authority is highly fragmented and polycentric.
3. There are political interventions in the legal enforcement process.

One of the good examples that reflects the three problems mentioned above is the law related to public assembly activities. Before the enactment of the Public Assembly Act, protestors had to comply with several laws and regulations, such as traffic laws, criminal laws and audio amplifier usage regulations. Each law required an individual to apply for permission from the different state agencies concerned. The fragmented nature of the legal authority, however, can result in an unbalanced degree of enforcement. Moreover, in authoritarian regimes, enforcement can concentrate on issues involving the rights and freedom of citizens.

The large number of laws and regulations is due to the State's distrust of its citizens. Therefore, the State has passed laws to regulate people's activities and behavior. Moreover, in the case of Thai law, legislative attempts have been made to regulate areas over which it is impossible to have complete control, such as morals and virtue. One of the good examples is the Alcohol Beverage Control Act B.E. 2551 (2008); in contrast, many European countries have long abandoned the creation of legislation that is aimed at achieving such objectives. Hence, laws should be focused mainly on protecting infringements on individual rights and liberty by those who trespass upon the equal freedoms of others.

Regarding the excessive number of laws in Thailand's current legal system, there were approximately 600-700 Acts in force before 2014. However, after that year, more than 800 new pieces of legislation were introduced. Moreover, the laws were created not through a representative democratic process but mainly by an appointed retired military official, which means that the laws lack understanding of the current social context and sufficient consideration for the rights and liberty of citizens. Furthermore, once enforced, these laws are difficult to revise; when an attempt is made to amend them, the process typically requires a significant amount of time. In the past, it took 36 years to revise a junta notification regarding the rights and revocation of nationality.

Moreover, legislation is frequently drafted and passed without sufficient understanding of the facts involved. Legislative discussions are documented in legislative meeting reports, especially those of the Senate, where lobbying activities can influence the final version of a draft law away from its originally intended objectives. Furthermore, the legislative process has also become less transparent over time because the available legislative meeting reports provided to the public are modified, leaving out specific aspects and details of the discussion.

Regarding the public consultation process, a

great deal of legislation is created because of political pressure, such as the Thai law relating to maternity leave in which mothers are entitled to take 90 days of maternity leave under the Labor Protection Act, B.E. 2541 (1998). Therefore, public participation should open up opportunities for participation in the political sphere. However, current laws, such as those relating to public assembly, have limited the rights and freedom of expression of citizens to participate in the political process. Thus, public consultation must not only listen to the opinion of stakeholders but also provide the opportunity for citizens to become politically engaged and express their opinions because they are another source of pressure for legislative change.

On the issue of capacity-building of the legal profession, while legal education is undeniably closely related to the legal profession's development of prosecutors, judges, and lawyers, reforming the education system alone cannot change perceptions toward laws that cause problems in Thailand's legal system, because legal institutions are based on traditional values. The most urgent reform needed is the realignment of the legal system and other institutions related to the legal system in line with the current social context, because traditional values within the society must inevitably be questioned in order to maintain the legal system.

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## WHAT ARE THE CHALLENGES OF THE LEGAL SYSTEM?

*By Yingcheep Atchanon, Manager,  
The Internet Dialogue on Law Reform (iLaw)*

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In the view of a civil society organization advocating for social change, law is not the final solution. Advocating for legislative change is rather the most objective approach for citizens to demand their government to act. However, factors disen-

gaging law from its citizens occur because laws are often difficult to understand and require time to get through. This is a result of legislative drafters having insufficient knowledge and not having crystallized the concept concerned. Moreover, the traditional drafting approach can be consistent with a fault, such as creating a commission to decide on the crucial details of the law in a subsidiary law or the specifics of license requirements. Consequently, the officials responsible for law enforcement cannot effectively perform their job because they lack a clear framework and knowledge on specific issues.

Only necessary laws and regulations should therefore be passed. Any contentious issues should be carefully considered to ensure adequate understanding. For example, when a rapidly changing technology is difficult to understand, perhaps it is unnecessary to create laws to regulate it. Thus, any attempt to regulate the future by creating a vague and ambiguous law will only limit the rights and liberty of citizens.

Moreover, once a law is passed, the enforcement period seems to remain forever. For example, the statutory speed limit of 80 kilometers per hour as stipulated in the Traffic Act, B.E. 2522 (1979) is not suitable for today's context. Another case is the ban on audio amplifiers as a response to the Cold War era's concerns about the use of foreign languages. These examples demonstrate that laws created to solve social, economic, and political problems in a certain period might not be suitable for the present, thus as time goes on, laws can become obsolete.

Enforcement also contributes to legal problems because legal officials tend to enforce laws without considering the impacts suffered by citizens; the default perception of such officials is to perform their duty as prescribed by law. However, such a perception does not take into account the legitimacy and justice of enforcement.

Thailand's legal system has a centralized decision-making process, and stakeholders have

been left out of the legislative drafting discussion, often causing drafters to misunderstand the facts and problems. The existing public consultation process is only a formality. Moreover, although citizens have the right to submit a legislative draft, it is impossible in practice because any legal drafts proposed by citizens in the past were revised so that they do not reflect the original intentions. Furthermore, the public draft must be accompanied by another government draft. Without the government draft, the legislation will not be processed further.

In summary, the problem with submitting a public legislative draft is that the citizens cannot compete and negotiate with the State's lawyers and politicians. Hence, citizens will always lose in such a legislative process.

Regarding the public consultation process, the crucial aspect is not the number of opinions, but the quality of input by stakeholders related to the problem. For example, the new Mineral Act public consultation does not include the people affected by toxic chemicals from nearby factories, because their opinions are not aligned with the people in power.

To develop legislation that can solve the challenges of society and overcome crises, legal education is essential. A traditional legal education only requires law students to learn about legal interpretations, with a rather narrow and specialized knowledge of the law. Moreover, a strict mindset will result in legal enforcement without an adequate consideration of the objective of upholding justice. Therefore, law students should be exposed to various topics and spend more time learning about economic and social problems to fully understand the root causes of legal enforcement and not just blindly enforce the law as it is written.



## ENHANCING PUBLIC DATA SYSTEMS TOWARD BUILDING A SMART GOVERNMENT\*

*Adisak Saiprasert\*\**

*Itsakul Unahakate\*\*\**

*\*This article is a revised version of the talk on “Public Data Systems toward a Smart Government,” which was a part of the 2020 TDRI Annual Conference, which took place during the period October 5-7 at its headquarters. Entitled “Hacking the Bureaucracy: Changing Thailand’s Operating System,” the conference was held online due to the COVID-19 pandemic.*

*\*\*Researcher at Social Integrity Architecture and Mechanism Design Lab (SIAM Lab).*

*\*\*\*Lecturer at the Faculty of Economics, Thammasat University.*

*“If governments are to stay relevant, we need to be willing to fundamentally rethink how we serve our citizens.”*

**Colin MacDonald**  
Chair of OECD e-Leaders

## BACKGROUND

One of the main old problems Thailand faces is bureaucratic silos. Governmental agencies seem to operate independently and separately, which leads to the ineffective provision of public services. The government often tries to solve this problem by either restructuring ministries and departments or putting public service points together in one place (the Chaeng Watthana Government Complex, for example).

A better solution would be interconnecting data. However, what we have seen recently is the introduction by government agencies of too many web services and mobile applications. The more each agency thinks that technology itself is the solution, the more applications will be produced. Such actions, however, reflect the same silo mentality. Yet, this does not mean that technologies are not helpful, but the government needs to alter existing public data management toward building a “smart government.”

## WHAT IS A SMART GOVERNMENT?

So-called smart devices are becoming more critical to human life these days and are embedded in most human activities so that people cannot think of living or working without such devices as smartphones, smart televisions, smart homes, or smart cities, in order to help improve the quality of their lives by descaling most activities into platforms or applications, facilitating visualized data, and suggesting plausible choices before making a decision. On a national scale, the “smart” concept is also leading toward “smart government.”

Smart government is an idea whereby a government uses digital technology to improve state capacity and better decision-making. Many countries around the world have adopted digital platforms that facilitate e-services instead of face-to-face services. However, adopting digital technology and devices only is not sufficient for becoming a smart government.

The public data system at the back office is the key to digital transformation in the public sector. The government first acknowledges how to design a data system, relating to what people would like to know, what datasets must be used, and how to collect and connect those datasets within the public data system.

### • Case Studies: Social Welfare Databases

Improving the public data system is a stepping stone to better public services, and social welfare databases are good examples. Empirically, not only developed countries but also developing countries can build a practical and comprehensive social welfare database. The first case is that of Chile. The Registro Social de Hogares (RSH), which was introduced in 2006, integrates data of more than 12 million people, or nearly 72 percent of the country’s population. RSH is two-way linked with other state agencies’ databases, plus those of several municipalities. This database is the heart of more than 80 social protection programs in Chile.

Another example is found in Turkey. The Integrated Social Assistance System (ISAS), starting in 2009, covers approximately 34 million citizens, or 45 percent of the country’s population. As with RSH, this system is incorporated within many government agencies. A wide variety of social assistance programs use the database, including conditional cash transfer services.

Both RSH and ISAS are examples of integrated social welfare databases. The systems are designed to collect, update, transfer, process, and use data with

ease for their citizens while being cost-effective for the states. Conversely, the comparable database in Thailand is falling behind somewhat.

In the last few years, the government of Thailand has provided many financial assistance programs for targeted groups, especially the Government Welfare Registration Program (บัตรสวัสดิการแห่งรัฐ), which is its most significant effort to create a poverty-targeting database. However, several problems concerning the data of Thais have been revealed in this program.

First, the purpose of the database itself means that the Thai government lacks the data of its citizens who are neither in the existing database of taxpayers nor members of social security funds. Second, the database is incomplete, which is reflected by both exclusion and inclusion errors.

Finally, the database is not fully utilized, which leads to repeating registration information for various aid schemes. In particular, this occurred after the announcement of the Emergency Decree Authorizing the Ministry of Finance to Raise Loans to Solve Problems, Remedy, and Restore the Economy and Society as Affected by the Coronavirus Disease Pandemic, B.E. 2563 (2020).

Then there are the burdens of the targeted groups to consider. A report by the World Bank Group (2020) confirmed these difficulties. The government of Thailand provided unprecedented fiscal assistance to firms and households, roughly 13 percent of GDP. Although the figure was the highest among selected East-Asian and the Pacific countries, there were some concerns about its efficiency.

“Challenges include connectivity to register for beneficiaries and building an integrated social registry that can provide timely information to target vulnerable groups and provide information to policymakers on program design and gaps,” the World Bank pointed out.

## HOW TO BE A SMART GOVERNMENT?

The smart government concept is mainly a combination of two ideas: citizen-centric government and data-driven government. The first idea, citizen-centric government, is not a new concept. It is based on user-centric principles which consider people as the center of the policy process. Generally, in terms of public services, people are considered the recipients of the policy output in the government-centric model. Government officers prepare a comprehensive national plan and set policy agendas. The programs and policies are then delivered for budget expenditure approval and implementation by a top-down bureaucracy. Hence, people cannot directly put what they wish into the policy formulation. Owing to this lacuna, this model may not guarantee the delivery of relevant services to citizens. A mismatch between what people need and what the government does is not entirely the same thing.

Thus, the idea of citizen-centric government is to reposition people to the middle of the policymaking process, from the policy formulation through implementation stages. People possibly may request what they would like and monitor what they receive. This process can assure that policymakers and planners induce people and communities to join in dialogues. In terms of public services, the government should not design public services just to increase organizational efficiency but rather to achieve people-friendly usage. With this citizen-centric concept, smart governments can responsively resolve problems.

The second idea, data-driven government, is when the government uses data predominantly for policy- and decision-making. On the contrary, a typical top-down model creates closed-room policymaking with insufficient information. This is one of the reasons why most policies may not be as successful as had been expected.

Nowadays, many governments worldwide use digital technology to advance the state data system,

including better data collection, data analytics, and data visualization. The government that uses data for policy processes will be more efficient in bridging the gap between citizens and the government (Wiseman, 2018).

To be a smart government, the government should begin to reconsider three procedures: smart data collecting, smart data connecting, and smart data opening.

#### • Smart data collecting

The core of smart data collecting is how to collect data while placing a minimum burden on people, that is, to collect only necessary data and to protect personal data.

Before necessitating data collection, the government must know what data should be collected and what data have been collected. Concretely, the European Union proposed the once-only principle for its members to tackle data redundancy. OECD has estimated that the 24 EU members implementing the principle would reduce the level of work by 800,000 hours per year.

Exceptionally, Estonia has adopted the once-only principle in the state data system. Citizens can approve personal data that the administration has collected only once in the e-Estonia state portal, which means that the state cannot request citizens to supply the same data twice. After that, citizens can track data usage in the system and know which authority has used their personal information.

In terms of personal data protection, the government routinely collects citizen data by its administrative units, but its citizens should have full rights to personal data protection by state law.

During the COVID-19 pandemic, many governments have requested people to install and use applications for tracking encrypted real-time location. However, most people were worried about data privacy thinking that their government was tracking them all the time without a data protection

policy. The government of Taiwan responded to such anxiety and built trust between the government and the citizens during the pandemic by announcing data protection guidelines. The government keeps real-time data for epidemiological reasons for only 28 days. After that, all collected data are deleted from the system.

In Thailand, there is another data-collecting issue: privately collected public data. Although the government may use state-owned enterprises or corporations for collecting data in the name of the government, it is necessary to be aware of the possible abuse of the information that non-governmental agencies are collecting, for example, the *Pao Tang* (Wallet) (เป๋าตัง) application, a financial platform operated by Krungthai Bank. During the COVID-19 pandemic, this platform featured a g-wallet and several stimulus package schemes, including the *Chim-Shop-Chai* (Eat-Shop-Spend) (ชิมช้อปใช้) program and the *Rao-Mai-Ting-Gun* (No One Will Be Left Behind) (เราไม่ทิ้งกัน) scheme. However, it is not clear whether or not the bank can use these data for its business purposes and whether the government can fully access the data.

#### • Smart data connecting

The problem of bureaucratic silos can be resolved by connecting data. Recently, there have been some advancements in data connection for public services. The One-Stop service, for example, is a form of data connection that links databases from a dozen administrative units. Citizens can get service across organizations in one place. The government's Smart Kiosk for data connection serves citizens through one machine; people can use their ID card for updating information and obtaining the right to public welfare.

Targeting social assistance is another area where there has been some progress on data connecting. The Thai People Map and Analytics Platform (TPMAP) is an integrated data platform for monitoring poverty

situations by targeting low-income groups. This platform links databases between basic minimum needs information collected by the Department of Community Development and the Government Welfare Registration Program. Also, platform developers have designed data visualization with short narratives in a way that enables most citizens to understand data analytics.

The two examples seem to be on the right track, but work has only just begun. Thus, the government needs one agency that connects all open public data by linking the back-office data system to the front office portal. After the announcement of the Digital Government Administration and Services Act, B.E. 2562 (Digital Government Act, 2019), the Digital Government Agency (DGA) was made responsible for being the data connector in Thailand. It also created an open public data portal <data.go.th> for accessing data freely.

#### • Smart data opening

Open data are critical for transparency, the value of social and commercial activities, and people's participation and engagement. The term means that data must be available and accessible, re-used and redistributed, and involve universal participation.

To measure the degree of open data, many institutions have developed quantitative assessments. The best known one is the Open Data Barometer. In 2016, Thailand received only 27.55 points out of 100, which means that open data were insufficient. A similar result was recorded in the Global Open Data Index (GODI) survey in 2016/17. The country scored just 34 points out of 100.

After the Digital Government Act announcement, however, Thailand has been making considerable progress in terms of open data. Both the Open Data Barometer and GODI scores now might be a lot higher than five years previously, primarily because of the introduction of the above-mentioned open public data portal, but there is always room for improvement.

Open public data can be more functional if the system is designed in consideration of various human characteristics. This is because each group of people has different demands for data. For instance, most people want to access only their own data or look at public data with an overview infographic. Active citizens might want more details and be looking for public data in a stylized fact format. In contrast, civic technology developers think of an application programming interface (API) and data sets in machine-readable formats. Smart governments should know what open data design is best for each group of users.

An example of open data adaptation is the plan of the Department of Revenue under the Ministry of Finance. The agency would like to transform the organization by using the citizen-centric model for achieving its major mission of "how people could pay tax much easier." Thus, the Department of Revenue initiated the Hackatax project for fostering participation of the general public and civic technology developers. This project is aimed at solving taxpayers' pain points, such as having to fill in too many documents for paying their taxes. The Department eventually obtained five prototypes to test in the next sandbox phase.

## CONCLUSION AND RECOMMENDATIONS

A smart government's idea of digitally transforming the state requires a comprehensive public data system that uses a citizen-centric model. The government's primary duty is to identify citizens' pain points and bring people into the policymaking process. So, a smart government does not mean that the government is trying to utilize new technological devices only but how the government engages with the citizens in every procedure.

Three recommendations are made in this article. First, in terms of smart data collecting, the government should integrate registered data with the

existing database from every governmental agency. For privately collected public data, the government needs to clarify the rights of information and the rights to use public information with members of the private sector. In the long term, the once-only principle, which is in practice reducing transaction costs, should be an essential goal.

Second, regarding smart data connecting, the government should invest more in upgrading data systems for linking other datasets and updating real-time data. Also, a national ID card for all public services would be beneficial. The government should not make things complicated by introducing a new card for each new scheme.

Finally, as to smart data opening, all the government's data should be open by default to the public. Agencies will get many comments and complaints at the beginning. However, once the system is settled and well-developed, people will trust an accurate data system. Nonetheless, the drafting of the amendment of the Official Information Act, B.E. 2540 (1997), is something that require careful attention.

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**PANEL DISCUSSION ON  
"BUILDING INFORMATION SYSTEMS  
AS A FOUNDATION FOR  
SMART GOVERNMENT"**\*\*  
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### *Speakers:*

*Dr. Suphot Thienwut, Director of Digital Government Development Agency*

*Dr. Napat Jatusripitak, Executive Chairman, Siam Matrix Consulting Company Limited*

*Dr. Thitirat Thipsamritkul, Faculty of Law, Thammasat University*

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\*\* Translated by Mr. Warakorn Awutpanyakul and Mathis Lohatepanont from the panel discussion after the presentation of Mr. Itskul Unhaketu, Lecturer at Faculty of Economics, Thammasat University, at the 2020 TDRI Annual Conference, which took place during the period October 5-7 at its headquarters. Entitled "Hacking the Bureaucracy: Changing Thailand's Operating System," the conference was held online due to the COVID-19 pandemic.

*Moderator:*

*Dr. Saowaruj Rattanakhomfu, Thailand Development Research Institute*

## **BUILDING A SMART GOVERNMENT WITH INFORMATION**

How can information and data be used to build a smart government? Dr. Thitirat Thipsamritkul argued that the role of information is critical. Information acts as a source of knowledge, a guarantor of transparency and accountability, and a resource that the private sector can use to increase competitiveness.

Dr. Napat Jatusripitak said that, compared with 5-10 years ago, the amount of information that the government holds has increased considerably. However, even as data collection remains important, an even greater challenge that the government faces is its ability to use that information. The problem is not solely related to the availability of technology but also a question of work culture. The coronavirus crisis, which is a conundrum with both public health and economic dimensions, has made clearer than ever the importance of information for policymaking that can simultaneously balance these two priorities. Additionally, the government still insufficiently disseminates information as open data resources for the public, civil society and public sector developers to use. This is especially true for private sector users who require quick and responsive uses of data. There are also certain types of information that should be available for the purpose of building public awareness about different areas, such as crime rates and road accident statistics, but such data and information no agency have so far released.

From the government's perspective, Dr. Suphot Thienwut conceded that, although the government collects a large amount of data, it still faces challenges with disclosure. Even as the law governing freedom of government information requires that the all information be made public with some exceptions,

two obstacles continue to obstruct this goal. First, much of the information stored by the state is not in digital form, or in a form that can be conveniently inspected and analyzed. The Digital Government Development Agency (DGA) has been working to mitigate this issue by converting government information into a machine-readable format so that it can be fully analyzed and utilized. Second, a number of regulations still present a barrier to data accessibility as government personnel are concerned about the legality of releasing information. The DGA has sought to resolve this problem, in cooperation with the Office of the Public Sector Development Commission (OPDC), by requiring each agency to create a data set related to at least one of the agency's missions. The data set must be accurate, up to date, exchangeable with other agencies, and conducive for further processing. The agencies are also required to discuss any regulation that presents an obstacle so that they can be reformed.

Dr. Thitirat added that the government's lack of readiness to disclose information may also be a result of the fact that some agencies do not know how to release information correctly and in a manner that is widely accepted. One way to alleviate this issue is to provide suggestions or tools to the different agencies on information disclosure. Another is to release the judgements produced by the Information Disclosure Tribunal in a way that that is systematic and easy to access as they can be used by various agencies as guidance on how information should be disclosed.

## **LINKING INFORMATION TO FACILITATE COOPERATION**

The lack of connectivity between information held by different government agencies reflects the siloed nature of how these agencies work. Dr. Napat noted that, from his experience working with data in Thailand, a problem he constantly faces is how

it is scattered in various places, with the source of information unknown. The establishment of a data center or a data warehouse that consolidates and opens an API<sup>1</sup> for retrieving and integrating information together according to the same standards will make working with data faster. He also believed that it would reduce the isolation between government agencies.

Dr. Thitirat added that many agencies still feel a sense of ownership over their data, which leads to those agencies asking those who seek their information what responsibilities they hold and what mission they have. These concerns can be reduced by explaining the duties of those agencies and pointing out that they may release their information to other responsible agencies according to the law, so that all parties feel comfortable with exchanging information.

According to Dr. Suphot, the DGA has played a role in supporting the exchange of information between and among different public agencies. This includes creating a central platform for data exchange. The DGA, in cooperation with the National Statistical Office, is also in the process of building a standard API and data catalog so that the agencies can report the data sets they currently possess, which will assist building greater information linkage and exchange, along with the eventual realization of an open data platform.

Moreover, the DGA has been acting as a coordinator among government agencies in linking information. Examples include:

- A project on removing the request for a copy of official documents, such as a copy of the national ID card, by linking the database of related agencies, such as the Department of Provincial Administration with other agencies, to reduce public burden

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<sup>1</sup> API or Application Programming Interface is a service for the exchange of data from one system to another (Source: Bank of Thailand).

when using government services

- A project on checking the travel history of people arriving from abroad who use medical services by connecting the Ministry of Public Health's patient database with the Immigration Office's travel history records, which has helped prevent the concealing of travel information by visitors and reduced the risk of COVID-19 infection among healthcare personnel

One example of an effort at integration between different agencies in which the DGA has been involved is a collaborative project between the Office of the Auditor General (OAG) and the National Electronics and Computer Technology Center (NECTEC). The two agencies used artificial intelligence to analyze the various issues for which public agencies are often investigated by the OAG, so that a list of common mistakes can be compiled and a guideline for preventing further violations can be created.

## PROTECTING DATA TO BUILD CONFIDENCE

How can public trust be increased in the capacity of the government to release information? Dr. Thitirat believed that the government must be transparent in its intention and motivation. What will the data it collects be used for? Will it be to facilitate business innovation, or for the citizenry to use in scrutinizing the government's work? The government must also prioritize privacy and safety, and it must be willing to respond to public questioning if it is criticized after disclosing information. There should also be a change in mindset: some people who work with data feel that privacy concerns are a barrier to the effective utilization of information, when prioritizing privacy actually makes it *easier* to use data.

Dr. Supot said that the DGA has contributed

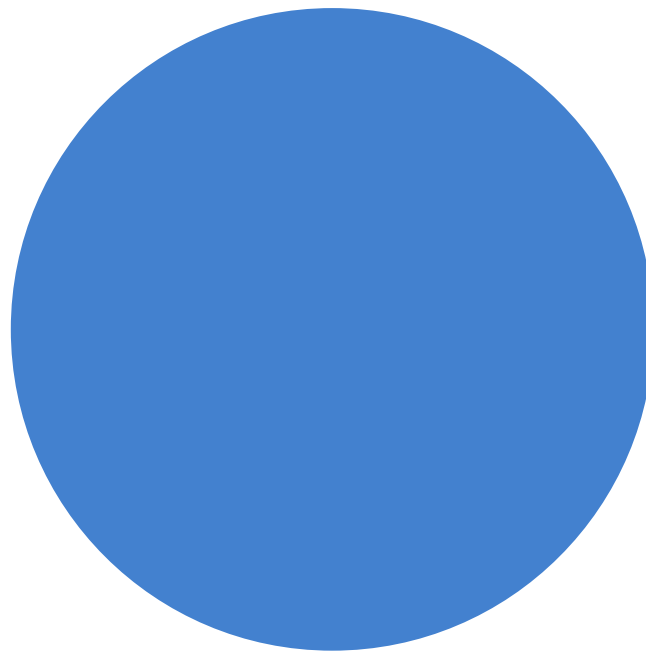
to building public confidence by establishing methods for good governance in managing public information. This has been done through outlining the rights, duties and responsibilities of all stakeholders involved in the management of information, so that all public agencies have guidelines that can be used to establish standards for methods to protect information in a safe and secure manner.

Personal information protection is also one of the DGA's priorities. An example of this task is the *Mor Chana* application, a system that stores citizens' travel history, which was jointly developed with civil society to assess the risk of contracting COVID-19. This app was designed with the principle of "privacy by design" in mind. The application's code is available for open source and open log access so that it can be inspected, the app asks for permission to retrieve and analyze data under an anonymous ID, and a committee on data governance drawing from members of the government, the public and academia was established to ensure the transparent management of such data.

## THE ROLE OF INFORMATION IN PUBLIC-PRIVATE COOPERATION

Both the private sector and civil society have key roles to play in increasing the transparency of the government's access and use of data. The DGA has participated in the development of an e-Government Procurement (or e-GP) system used by the Comptroller General's Department to facilitate public scrutiny by making the public procurement process, contract management and disbursement processes more transparent.

In addition to auditing the work of the government, Dr. Thitirat added that the private sector and civil society can also play a role in reporting the challenges and obstacles produced by the government's information disclosure, as the increased release of data can lead to unintended consequences. For example, in some



countries, greater data availability has led to more division and information-based discrimination. Although this issue has not been widely discussed in Thailand, it can still arise as the linkage of information increases. Therefore, it requires all related parties to consider all the possible effects before disclosing information.

In conclusion, building a smart government requires a good information system that can support policy implementation. This involves the systematic and transparent compiling of information, a reduction in technological and regulatory barriers to data retention and release, greater linking of data that enables agencies to cooperate more easily, and ensuring public trust by protecting privacy and safety in the use of data. Finally, the government must increase participation from players both in the private sector and civil society in information management and use in order to win the assent of all actors in society.



## THE THAI GOVERNMENT INTERFACE WITH PUBLIC PARTICIPATION\*

The Thai government public service metaphorically can be compared with a computer system, in which a user interface is important as the connection between the people as public service users and the government as public service provider. This perspective leads to a question on how the Thai government interface should look if it has to be user-friendly, real-time responsive, and relate to the people's needs.

### LEVEL OF PUBLIC PARTICIPATION

There are five levels of public participation, namely informing, giving feedback, co-thinking, co-deciding and implementing, and initiating by a social group with the government support. For the first two levels, the government actively approaches the social group to obtain feedback on its services. For the latter three, the government allows the social group to share their ideas or initiate new services and raise funds as well (see Table).

The Thai government interface still has problems, however, because most public participation is carried out in order to inform (interface 1.0) and obtain feedback (interface 2.0) without engaging all stakeholders, but only to fulfill a protocol. Moreover,

\* Summarized by Ms. Phusima Pinyosinwat and Mr. Pongtat Vanichanan from the presentation of Dr. Kannika Thampanishvong and Mr. Tippatrai Saelawong at the 2020 TDRI Annual Conference, which took place during the period October 5-7 at its headquarters. Entitled "Hacking the Bureaucracy: Changing Thailand's Operating System," the conference was held online due to the COVID-19 pandemic.

**Table: Level of public participation**

	Level 1	Level 2	Level 3	Level 4	Level 5
	Informing	Giving feedback	Co-thinking	Co-deciding and implementing	A social group initiative with government support
<b>Goal of participation</b>	To inform a social group	To allow a social group to give feedback to government decision	To co-think about policy issues with a relevant social group	To work with a social group to come up with an user-based solution with implementation	To support the social group initiative and authorize a social group to make a decision
<b>Promise to the public</b>	Interface 1.0	Interface 2.0	Interface 3.0	Interface 4.0	Interface 5.0

Source: International Association for Public Participation (IAP), [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/Communications/A3\\_P2\\_Pillars\\_brochure.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/Communications/A3_P2_Pillars_brochure.pdf)

the information provided is not yet comprehensive and well-rounded. Jargon and technical terms are frequently used, which leads to misunderstanding on the part of stakeholders.

Furthermore, the government sector does not allow the social sector, a service user, to think and participate in designing the interface. Public service is hardly accessible, and is outdated and non-responsive to users’ needs. It is essential to include the social sectors in the process of brainstorming and supporting resources because they know their needs, innovations and new ideas, which could improve the quality of government service.

### **CASE STUDY: HOW TO IMPROVE THE THAI GOVERNMENT INTERFACE THROUGH PUBLIC PARTICIPATION**

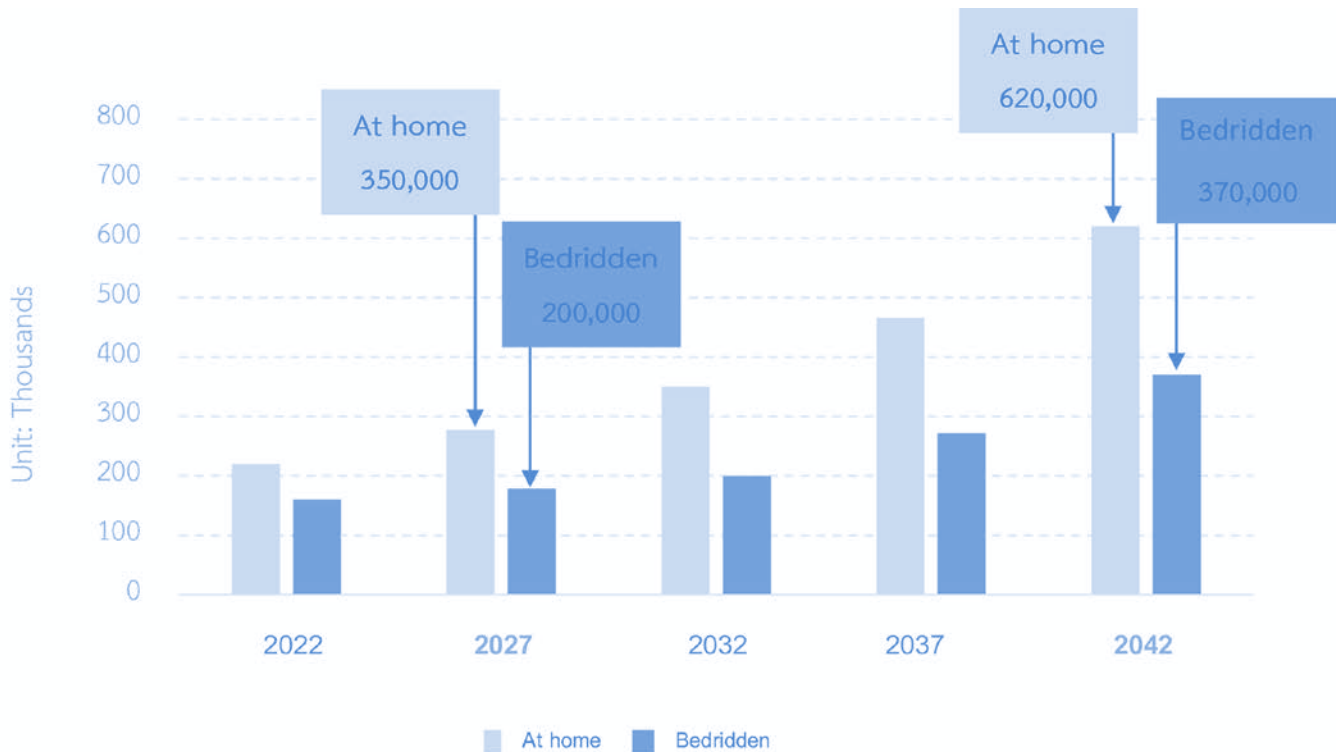
Currently, some government agencies have improved

their interface from the 1.0 and 2.0 levels to 3.0–5.0 levels; for example, the Revenue Department and the Digital Economy Promotion Agency invited start-up companies to join the Hackatax project to design new solutions for taxation. In addition, the Office of the Public Sector Development Commission hosted the project called My Better Country Hackathon, in which the social and private sectors brainstormed and came up with prototypes for the use of the relevant government agency,<sup>1</sup> e.g., a user-based application or website for patients to check their doctor’s examination schedule for making an appointment and to select convenient drug stores in a healthcare public service project.<sup>2</sup>

<sup>1</sup> <https://www.brandbuffet.in.th/2020/08/opdc-x-my-better-country-hackathon/>

<sup>2</sup> <https://www.opdc.go.th/content/NTc4Mw>

Figure: Estimated number of senior citizens needing long-term care, 2022-2042



Source: Thailand Development Research Institute, 2017.

In this report, four other interface innovation cases highlight diverse types of civic society and social group participation: (a) shortage of caregivers to assist the elderly living at home or bedridden; (b) mismanagement of plastic waste; (c) gap between the one-size-fits-all education policy and local needs; and (d) lack of transparency in government procurement. All the case studies are characterized by a very thoughtful commitment through the design of trial-and-error solutions and learning from mistakes in order to improve the quality of public services.

### COLLABORATION OF A COMMUNITY GROUP AND A LOCAL GOVERNMENT AGENCY FOR BEDRIDDEN SENIORS

The elderly population in Thailand is increasing

significantly. According to the Barthel Activities of Daily Living Index, of 320,000 Thai senior citizens in 2017 needing long-term care, around 62.5 percent were elderly living at home and the rest were bedridden. According to the survey conducted by National Statistical Office, 7-9 percent of the bedridden elderly did not have a caregiver. TDRI in 2017<sup>3</sup> estimated that the number of such seniors will continuously increase, reaching 550,000 in 2027 and 990,000 in 2042. Along with an expected increase in nuclear families, this large population of elderly people with special needs will cause a shortage of

<sup>3</sup> [https://tdri.or.th/wp-content/uploads/2017/12/OldAge\\_Insurance\\_system\\_optimise.pdf](https://tdri.or.th/wp-content/uploads/2017/12/OldAge_Insurance_system_optimise.pdf) Worawan Chandoevwit and Yos Vajragupta. (2017). Long-term care insurance system: a proper system for Thailand. Bangkok: TDRI. (in Thai)

long-term caregivers more severe than is currently the case.

Lessons from Umong Subdistrict Municipality, Saard Subdistrict Municipality, and Rangsit City Municipality demonstrated that collaboration between the Department of Local Administration (DLA), the Ministry of Public Health and local social groups is a solution to the shortage of long-term caregivers. The DLA is responsible for hiring local caregivers, providing a day-care center and patient transportation service, while public healthcare workers of a subdistrict health-promotion hospital are responsible for healthcare consultation and physical therapy. The village healthcare volunteers from the social group help in providing other secondary services, such as interacting with patients, and following up with patients at home.

This best practice, however, cannot be scaled up to all areas since each area has different capacity and level of public participation, as well as a great amount of long-term healthcare expense for patients at home. The DLA budget may be insufficient in the long run; therefore, it is important to have alternatives to fund-raising, such as a form of social enterprise. Nevertheless, public healthcare disbursement restrictions have been reduced in order to facilitate the practice's implementation, especially red tape involved with using budgets: (a) announcement of the National Committee on Older Persons regarding prescribing the rights of the elderly under Section 11 (13) under the Elderly Act 2003 (No. 2); (b) announcement of the Prime Minister's Office regarding determining the authority responsible for the protection, promotion and support of the elderly in various areas according to the Elderly Act 2003 (No. 3); (c) announcement of the Committee on Decentralization to Local Administrative Organizations; and (d) Regulation of the Ministry of Interior on Volunteers for Local Care of Local Government Organizations and Disbursement of Expenses 2019. However, the key factor is to allow the DLA to use its budget to legally hire local

caregivers to take care of elderly persons.

## **“SEND PLASTIC HOME” PROJECT TO SOLVE THE ISSUE OF MISMANAGED PLASTIC WASTE**

The problem of plastic waste contamination in Thailand is caused by households dumping all kinds of waste together without at-source segregation. Although the government is aware of the problem, most government measures, such as campaigning for households to separate their waste into various types, still provides no solution to the problem. There is a lack of a pick-up points for separated waste. As a result, some recyclable waste is disposed of with general waste and sent to landfills, which obstructs recycling.

In mid-2019, the “Send Plastic Home” project was initiated by the Thailand Responsible Business Network with other 24 partners. The main objective of the project is to encourage households to sort waste by type, including plastics, and dispose of such household waste at drop-off points for recycling. This interface innovation involves the participation of four groups: households, the private and business sectors, a waste logistics platform, and a processing and recycling plant. After the primary cleaning and sorting of plastic waste by households, the waste is taken to the designated pick-up points located in department stores, restaurants and office buildings. Later, the separated plastic waste is collected and transported from the drop-off point to processing and recycling plants by a waste logistics platform. During operations between May and July 2020, 2,268 kg of waste was recycled instead of being sent to landfill. As a result, the emission of greenhouse gases (GHGs) was reduced by 5,262 kg CO<sub>2</sub>e.

This project has also improved the effectiveness of the circular economy and contributed to a reduction in GHGs. However, the project's scaling up still has at least three barriers. First, the disposal points for

clean plastic were available at only 25 locations in Bangkok, and only seven types of waste (bags, food boxes, cups, glasses, bottles, bottle lids and film) were accepted.<sup>4</sup> Moreover, the waste logistics platforms were located in specific areas of the capital. Hence, finding new potential partners in the private sector could increase the number of waste collecting points. At the same time, the waste logistics network may expand the waste management approach to other areas. The success factor is that the government does not claim social innovations as its own work or compete with social groups. However, the government should be involved in support and facilitation measures to help in scaling-up the project, especially by increasing the number of disposal points for clean plastic to cover a wider area, easing rules to facilitate scaling operations, and expanding the market for recycled plastics as incentives for other sectors to engage in the recycling process.

### **“EDUCATION SANDBOX” SOLVES A ONE-SIZE-FITS-ALL POLICY**

Thai K-12 education is experiencing ineffectiveness in resource allocation due to the current top-down education policy. Most projects or approaches are designed and decided by the Ministry of Education. Education districts and schools have to translate those policies into practice, even when some may not suit their local context. Moreover, resource allocation is inadequate, causing educational inequality among schools. In addition, the Thai centralized educational administration tends to limit social involvement in the education process and its management at the local level. Parents, the community and the private sector do not have the opportunity to voice their needs regarding learning outcomes, despite the fact that children will live

their lives in those areas after graduating. Without school autonomy and limited social involvement, the quality of education will decline.

In order to increase school autonomy and social involvement in the management of education, Thailand Education Partnership was established to engage stakeholders and politically advocate for the Education Sandbox Act. The sandbox’s interface innovation involves participation among piloting schools, a social group, the Ministry of Education, and the Provincial Administrative Organization (PAO). The piloting schools are allowed to design their own curriculum so that they are aligned with local needs, while the social group (sandbox working team) is focused on teacher training and development, and sandbox evaluation. The Ministry and the PAO play a “connector role” by reaching out to local agencies to reduce red tape, endorse new school curricula, and facilitate the sandbox working team as it designs and promotes new learning and teaching methods for local students. More importantly, the Ministry has to capture the lessons learned and come up with a scale-up strategy. These operations require strong participation at the national and local levels in order to reduce the five most common forms of red tape affecting school management: personnel management, school curriculum endorsement, learning material flexibility, educational assessment and testing, and school management.

According to findings by TDRI, after a year of sandbox operations, principals, teachers and students have changed in terms of their perception and learning behaviors. With regard to teachers’ positions in schools, previously the sandbox principals would announce new teaching positions in line with teaching majors aligned with the national requirements for a certain student-teacher ratio. Now, they want to recruit teachers who have a positive attitude toward active learning regardless of the teaching majors to fill vacant positions. More importantly, teachers in the sandbox are now learning and are able to reflect

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<sup>4</sup> <https://www.prachachat.net/csr-hr/news-469073>

their training clearer than ever before. Changes in students have also been detected, with increasing levels of student engagement and participation.<sup>5</sup>

Even a slight change in one year becomes a good signal for improving the quality of education, but the scaling-up process is limited in practice, depending on the strength and potential of partners in different sandbox areas. Nonetheless, past lessons have shown that the government should cut red tape so that social groups and schools will willingly participate and flexibly try new ways of learning and teaching without being overly concerned that they might break some rules and regulations.

### **“INTEGRITY PACT” INCREASES THE TRANSPARENCY OF GOVERNMENT PROCUREMENT**

Government agencies need to procure goods and services for public services, but a major problem in government procurement is non-transparency at all stages of the process. First of all, a project’s proposed budget may be too high. Sometimes, drafting the scope of work and qualifications (terms of reference: TOR) seems to benefit certain contractors. The bid settlement between bidders and the attempt to rewrite a contract for specific contractors are two other stages lacking transparency. Although the government has tried to institute measures to inspect the procurement process, it cannot be examined thoroughly.

The Anti-Corruption Organization of Thailand proposed in 2015 that the Comptroller General’s Department adopt the so-called Integrity Pact as an interface for the social sector to co-monitor and co-audit procurement for projects with budgets up to 1 billion baht. The Anti-Corruption Organization

and other professional organizations were assigned volunteer engineers, accountants, and so on to be public sector representatives to observe every step of the procurement process, especially the step of drafting the TOR. They also provide suggestions and examine the government’s working process, as well as convert technical information into an understandable message for communication to the general public. The Comptroller General’s Department financially supports the Integrity Pact operation among social and government sectors and coordinates government project owners and contractors in initiating cooperation and signing the consent to disclose information publicly.

From 2015 to 2019, the Integrity Pact saved 14 percent of the government budget for 62 projects, or 50 billion baht.

Even though the results were evident, the expansion of the Integrity Pact in practice faces two limitations. First, the Comptroller General’s Department has no requirement that all public procurement programs have to join the Integrity Pact, which would require political will on the government’s side to formulate policies and amend the law accordingly. Second, expansion would require a number of additional volunteers to examine programs, together with budgetary increases. To do so, additional budgets for the operation of Integrity Pacts could be decided as a proportion of the procurement budget or the budget savings realized.

The Integrity Pact is an example of cooperation between government, and the private and social sectors to examine the government’s working processes. This could take place, however, if at least two factors were in place. First, Thailand has learned about and adopted the Integrity Pact approach of International Transparency: The Global Coalition against Corruption, which has been tried in many foreign contexts. Consequently, implementation of the Integrity Pact in Thailand did not begin with a trial and error approach. Second, the Comptroller General’s Department has established the “Integrity Pact in

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<sup>5</sup> TDRI (2020), *Progress report, Innovative Education Zone Project, funded by Thailand Research Fund. (in Thai)*

the Public Procurement and Supplies Administration Act of 2017,” which made government officials and contractors feel secure when disclosing information to the social sector.

## RECOMMENDATIONS TO UPGRADE THE GOVERNMENT'S INTERFACE

To upgrade the government's interface, three significant areas require focus as follows.

- (1) **Loosen laws:** Government agencies should loosen or issue related laws to facilitate social sectors to actively participate in thinking and implementing. Moreover, the government should minimize risks that could occur among stakeholders while implementing innovations, especially to deal with a change in government officials' role from being a service provider to a service supporter who helps a social sector and sets up a friendly system of public service.
- (2) **Information and budgetary support:** The government should provide information support, resources, facilities, and necessary budget to reduce limitations on the use of social sector innovation and support the innovation's expansion. Importantly, the government must reveal information to the public for the sake of transparency, ease of access, and user friendliness.
- (3) **Building trust with the social sector:** The government should promote participation and perceive the social sector as a long-term partner. In addition, the government must not claim innovations created by social sector to be its own work or compete with social sector. There could be a risk that the government may not be able to perform as efficiently as a social sector, and the government may lose long-term partnerships.

## GOVERNMENT'S ROLE IN ELEVATING SOCIAL AND GOVERNMENT PARTICIPATION

Lessons from three representatives of the social sector, namely Dr. Krisada Ruangareerat, Joint Secretary of Thailand Education Partnership; Mr. Suradech Taweesaengsakulthai, Co-founder of Khon Kaen City Development Co., Ltd.; and Dr. Mana Nimitmongkol, Secretary General of the Anti-Corruption Organization of Thailand, indicated that, to build cooperation among various sectors by establishing cooperative relations with the government, either a central or local agency would be the way to elevate the Thai government interface. The government should not compete with other sectors in providing public services, but communicate with social sectors to relieve anxiety and promote social acceptance for the co-creation of public services.