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**SOCIAL PROTECTION
SYSTEM IN THAILAND:
AN OVERVIEW**

*Srawoath Paitoonpong
Phacharawadee Tasee
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**IT'S TIME FOR
A NEW GOVERNANCE
FRAMEWORK**

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SOCIAL PROTECTION SYSTEM IN THAILAND: AN OVERVIEW

*Srawooth Paitoonpong
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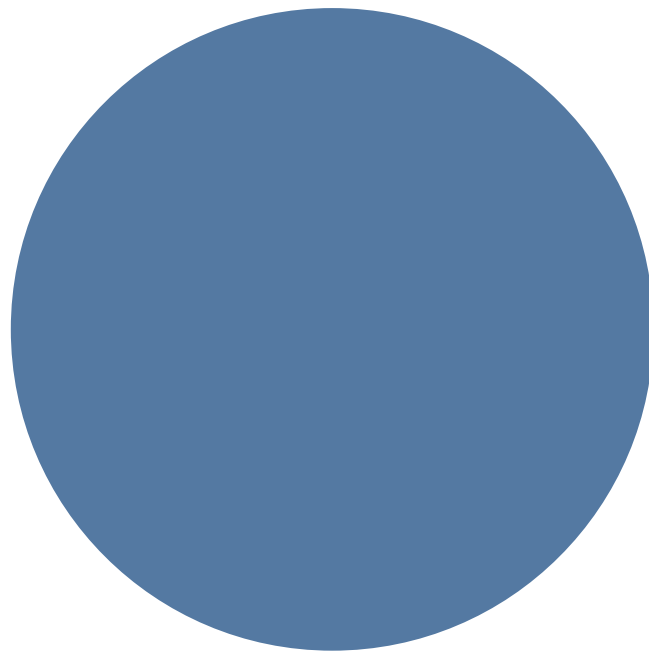


1. INTRODUCTION

Social protection¹ in Thailand covers a wide range of schemes and sectors of the population. It is principally composed of contributory social insurance schemes, non-contributory tax-financed schemes (both targeted and universal), and partially subsidized voluntary social insurance schemes. It covers primarily civil servants and their dependents, and workers in the formal sector. Vulnerable and poor people generally have access to ad hoc means-tested programs. There are universal social protection

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¹ The definition of social protection can be found in ADB (2011, 5).



schemes, which include the Universal Health Coverage Scheme and the old-age allowance scheme.

Social protection in Thailand is rights-based, as called for by the Thai Constitution, B.E. 2550 (2007);² the Social Security Act, B.E. 2533 (1990); the National Health Security Act, B.E. 2545 (2002); the Quality of Life Promotion Act for Persons with Disabilities, B.E. 2550 (2007); the Old-age Act, B.E. 2546 (2003); and the National Education Act, B.E. 2542 (1999). Social protection is also aligned with the strategic plan on social welfare for the Thai society (2012-2016) and the Eleventh Five-Year National Economic and Social Development Plan

² *The constitution was revoked in May 2014.*

(2012-2016) (Schmitt et al. 2013, iv). The Thai government has continued its efforts to strengthen the social protection system, the savings system, and community welfare, as it protects people's rights, provides welfare services, and develops the quality of life of the disadvantaged, the disabled, the elderly, and women and children (SOC 2014, Section 3.3). The policy on health care is to build a foundation to develop and strengthen public health, as it emphasizes inclusiveness, quality, and efficiency (SOC 2014, Section 5).

Thailand's social protection system is scattered across programs, such as the Government Officials' Pension System, the Government Pension Fund, the Civil Servants' Medical Benefit Scheme, the Workmen's Compensation Fund, the Social Security Fund, the Private School Teachers' Welfare Fund, the Universal Health Coverage Scheme, the National Savings Fund, the Universal Non-contributory Allowance for People with Disabilities, the Universal Non-contributory Allowance for Older People, the Compulsory Migrant Health Insurance, the Education for All Policy, and several private provident funds. More details of these programs are provided below.

2. HEALTH CARE

2.1 Universal Coverage Scheme

The Universal Coverage Scheme (UCS) provides health care for persons not covered by the non-contributory Civil Servants' Medical Benefit Scheme, the Social Security System (SSS), or other government schemes. UCS provides essential medical treatment ranging from out-patient and in-patient treatment to maternity care, childbirth, dental care, preventive care, and emergency care. Beneficiaries must register and choose a "regular service unit," which serves as the entry point except in emergency cases. Specialized-care patients are referred to a higher-level hospital at no extra charge. The UCS is financed by general tax revenues, which are channeled through the National Health Service Office (Schmitt et al. 2013, 10).

2.2 Civil Servants' Medical Benefit Scheme

The Civil Servants' Medical Benefit Scheme (CSMBS) was established by the Royal Decree on Medical Benefits, B.E. 2553 (2010), issued pursuant to the Act on Stipulation of Payment Rules in Accordance with the Budget, B.E. 2518 (1975). This non-contributory scheme covers civil servants and permanent employees, pensioners, the military, foreign employees paid by the government whose employment contract does not specify a condition on medical services for them and their dependents (legitimate children, spouse, and parents). The scheme does not cover employees of local governments and state enterprises, temporary or fixed-term government contract workers, or pensioners who chose to receive a lump-sum payment. Benefits include in-patient and out-patient treatment in public hospitals, specific private hospitals, or, in emergency cases, any other private hospitals (Schmitt et al. 2013, 5).

2.3 Social Security System's Medical Benefits

Healthcare insurance for private sector employees as well as regular migrant workers is covered by the Social Security System's Medical Benefits (SSSMB) scheme. Dependents of such persons,

however, are not covered by the scheme. SSSMB is compulsory and contributory. Section 33 of the scheme covers non-occupational injury or illness benefits and maternity. The Workmen's Compensation Fund of the SSS covers work-related injuries and illness. Although SSSMB provides a relatively comprehensive benefit package, certain medical treatments are not covered (Schmitt et al. 2013, 6, 26-27). Patients select a healthcare provider within the contracted network of hospitals.

Medical benefits for employees of state enterprises are furnished by individual state enterprises and may differ in terms of agreements or regulations from one state enterprise to another (TDRI 2013, 3-5).

2.4 Compulsory Migrant Workers' Health Insurance

Irregular migrant workers registered under Section 13 of the Foreign Workers Employment Act, B.E. 2551 (2008) are covered by the Compulsory Migrant Health Insurance (CMHI) program, which targets undocumented migrant workers who are registered (under the government's amnesty program) but does not cover their dependents. Irregular migrant workers are required to apply for a work permit, or a grace period to remain in Thailand temporarily. The medical services provided for such migrants are similar to those afforded to people covered by the UCS. The insured migrant pays 1,900 baht per year (TDRI 2013, 28).

In some migrant-intensive areas, irregular migrant workers and their dependents have to rely on treatments paid for out of pocket, or through hospital exemptions, assistance from non-governmental organizations, or purchased health cards (Chamchan and Apipornchaisakul 2012, 56).

Table 1 shows the number of people with different healthcare coverage schemes.

2.5 Long-term Care

Long-term care refers to long-term nursing and personal care of people with physical, functional, or mental limitations (WHO 2007, 6). Activities of daily living provided in residential institutions, day-

Table 1. Number of People with Different Healthcare Coverage Schemes in Thailand

(Millions of persons)

	2005	2006	2007	2008	2009	2010	2011	2012	2013
UCS	47.34	47.54	46.67	46.95	46.95	47.73	48.12	48.62	48.61
SSSMB (Section 33 & 39, WFC)	8.74	9.20	9.58	9.84	9.67	9.90	10.17	10.33	10.77
CSMBS	4.15	4.06	5.013	5.00	4.96	4.92	4.96	4.97	4.98
Veterans/private school teachers	0.13	0.23	0.24	0.24	0.23	0.52	0.64	0.61	0.49
Local officials	-	-	-	-	-	-	-	-	0.10
Population with coverage	60.45	61.04	61.63	62.02	62.39	63.06	63.89	64.53	64.96
Unregistered population	2.36	1.36	0.78	0.52	0.33	0.41	0.03	0.06	0.08
Total eligible population ³	62.81	62.39	62.41	62.55	62.70	63.47	63.92	64.59	65.04
Population with coverage (%)	96.24	97.84	98.75	99.15	99.50	99.35	99.95	99.91	99.88
CMHI (for CLM migrants)	0.27	0.28	0.30	0.31	0.32	0.18	0.11	0.11	0.12

^a Not including displaced persons and the Thai diaspora.

Abbreviations: CLM = Cambodia, Laos, Myanmar; CMHI = Compulsory Migrant Health Insurance; CSMBS = Civil Servants' Medical Benefit Scheme; SSSMB = Social Security System Medical Benefits; UCS = Universal Health Coverage Scheme; WCF = Workmen's Compensation Fund.

Source: National Health Security Office (2013).

care centers or at home, include self-care activities, such as bathing, dressing, eating, getting into and out of bed or chairs, moving around, using the toilet, and controlling bladder and bowel movements. Caregivers monitor patients to avoid worsening of people's ability to perform activities of daily living. Long-term nursing and personal care excludes basic medical and social services, but is often provided in combination with such services.³

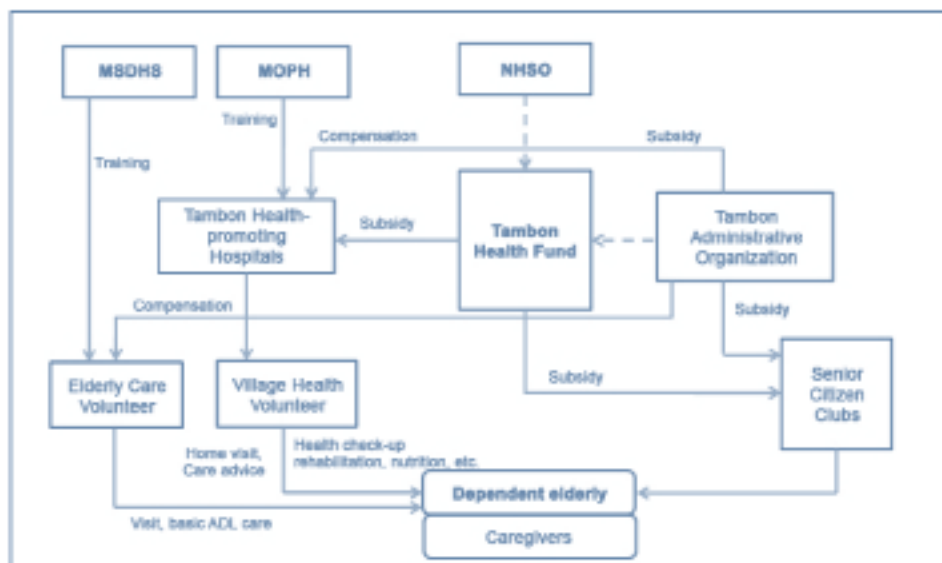
Thailand is an aging society with an elderly population that reached 8.4 million in 2010 and has been projected to rise to 12.6 million in 2020.

³ *Basic medical services include help in dressing wounds, pain management, medication, health monitoring, prevention, rehabilitation, and palliative care. Social services are lower-level care, such as home help or help in facilitating activities of daily living, including homemaking, preparing meals, providing transport, and arranging social activities. Chronic care is a broader concept that refers to partnership between patients and families, healthcare teams, and community supporters, including medical, nursing, and social programs (WHO 2007, 6-7).*

In 2011, the average proportion of the elderly with functional limitations in activities of daily living was 3.7 percent.

Thailand's long-term care system includes tax incentives, such as the Parental Care Expenses Deduction, Parent's Health Insurance Expenses Deduction and Care Services. The latter include 12 homes for the elderly provided by the national government, 13 homes for the elderly provided by local governments, home-care volunteers, subdistrict health-promoting hospitals and village health volunteers, home health care for the elderly, and various long-term care pilot projects. In addition, there are "friends-help-friends" projects implemented by Senior Citizen Clubs and a financing scheme at the community level for providing long-term care through the Tambon Health Fund utilizing a community-based integrated approach (Figure 1) (WHO 2007, 6).

Figure 1. Community-based Integrated Approach to Older People’s Long-term Care in Thailand



Abbreviations: MSDHS = Ministry of Social Development and Human Security; MOPH = Ministry of Public Health; NHSO = National Health Security Office.

Source: Suwanrada (2014).

3. CHILDREN

3.1 Free Education

Under the 2007 constitution, children in Thailand are entitled to 12 years of free education. Under the National Education Act, B.E. 2542 (1999) and Amendment No. 2, B.E. 2545 (2002), children (6-15 years old) were required to take nine years of education. That requirement was extended to 15 years in 2009, with free education provided from preschool through the high school level and vocational education, covering formal, non-formal, and informal education applicable to all children, including stateless and ethnic minority children and children of migrants. The policy covers payment of tuition fees (100 percent for public schools and subsidies for private schools), textbooks, learning materials, school uniforms, and activities that promote quality improvement among students.

3.2 Universal Child Allowance

Currently, a person insured under SSS is entitled to a child allowance of 400 baht per child

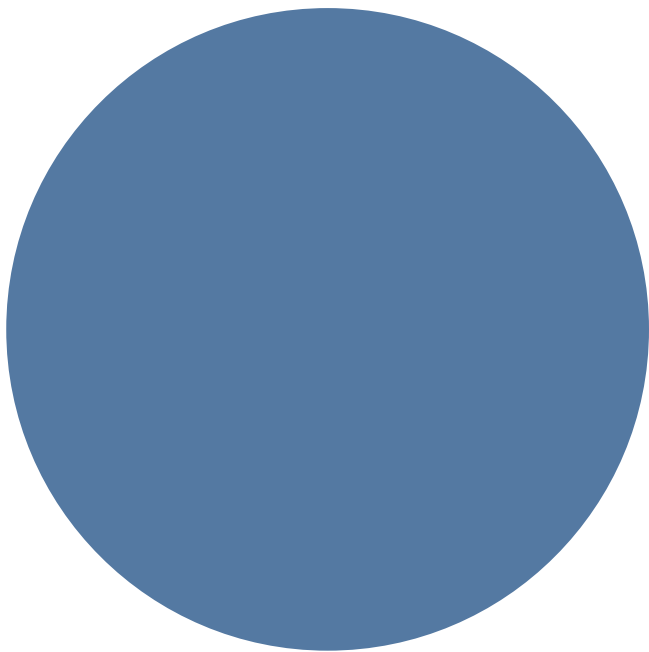
aged 0–6 years, for a maximum of two children. In addition, the government in 2015 conducted a pilot project involving a non-contributory child allowance of 400 baht per month for a child from birth to one year of age, from October 1, 2015 to September 30, 2016. Eligible were families with an income of not more than 30,000 baht a year (Pisitpaiboon 2015). On March 22, 2016, the Cabinet decided to extend the child allowance from one year to three years and increase the allowance from 400 baht to 600 baht (MSDHS 2016).

4. RETIREMENT BENEFITS

4.1 Government Officials⁴

Government officials (including civil servants, permanent and temporary government em-

⁴ There are four types of government agencies: ministerial agencies, state or public enterprises, public organizations, and government agencies in new form consisting of independent entities and juristic person funds, or funds with legal dimensions (OPDC 2008, 9). The latter two types are not discussed in this report because they are managed independently and accessing data on their social protection and financial costs is difficult.



ployees, but not including the military) are covered by many social security benefits, including old-age, healthcare, and child-related benefits. Civil servants enjoy the Government Officials' Pension System, the Government Pension Fund (GPF), and the CSMBS. The first is Thailand's oldest pension system for the public sector, as enacted in the Pension Act in 1902. The act was later amended to award pensions only to government officials. In 1939, the amended act was replaced by an act for civil servants and another for military servants. In 1951, the Pension Act superseded the previous one and was used for covering central government officials until about 1996 (Kanjanaphoomin 2004). Owing to strains on the government budget, the government pension has, since 1996, been transformed to the GPF under the Government Pension Fund Act of 1996.

Prior to the introduction of the GPF, a retired government official could choose between a lump-sum payment and a monthly pension based on his/her age at retirement, length of service, and the existence of a disability. Furthermore, the government pension is transferable to the children or other relatives of the pensioner.

Participation in the GPF is mandatory for government officials except for those who were in service before March 27, 1997, and who chose the

old pension scheme and were eligible for a pension according to the Government Pension Act of 1951 only. In December 2003, GPF had 1.2 million members, and the Fund was valued at 230 billion baht (Kanjanaphomin 2004, 13-14). In 2013, the number of GPF members was the same, but the Fund had increased in value to 632.5 billion baht (GPF 2013a, 68).⁵

Different from the benefits given to civil servants are the benefits for government employees, permanent government employees, and temporary government employees or fixed-term contract workers. The government employee system was established in 2004 to replace permanent government employees as well as civil servants, as such government employees are employed by contract, mostly on a short-term basis, and are not entitled to the social protection benefits given to civil servants (OCSC 2012, 2). Government employees are required to join SSS and make a 5 percent contribution, with an equivalent contribution coming from the employing agency and a 2.75 percent contribution from the government. The social benefits for permanent government employees on the other hand are under the Comptroller General's Department of the Ministry of Finance, and include lump-sum payment, medical benefits for them and their spouse, children, and parents, with education allowances for their children (CGD 2012).

Permanent government employees can join a provident fund on a voluntary basis by contributing 3 percent of their salary (Section 4.3.3 provides detailed coverage of provident funds). The employing agency pays another 3 percent (CGD 2012, 52). Temporary government employees⁶ do not have any medical or retirement benefits except for work-related injuries

⁵ Government officials who started official duty before March 27, 1997 and chose to enroll in the GPF can rescind their membership and return to the GPOS under a law newly stipulated in late 2014, entitled *Returning to the Pension System under the Government Pension Fund Act, B.E. 2494*, which is more commonly known as the "UNDO Law" (GPF 2013b).

⁶ Temporary government employees consist of those paid by government budget and those by local or agencies budget (CGD 2012, 56).



or illness. They also receive benefits under SSS since they are required to join it (CGD 2012, 91).

4.2 State-enterprise Employees

All state enterprise pension systems (defined benefit systems) have been transferred to provident funds, as stipulated by the Provident Fund Act of 1987. Under this scheme, employees of state enterprises receive a lump sum from their provident fund upon retirement. Medical benefits are provided individually by state enterprises and differ in agreements or regulations (TDRI 2013, 3-5).

4.3 Private Sector Employees

4.3.1 Social Security Fund

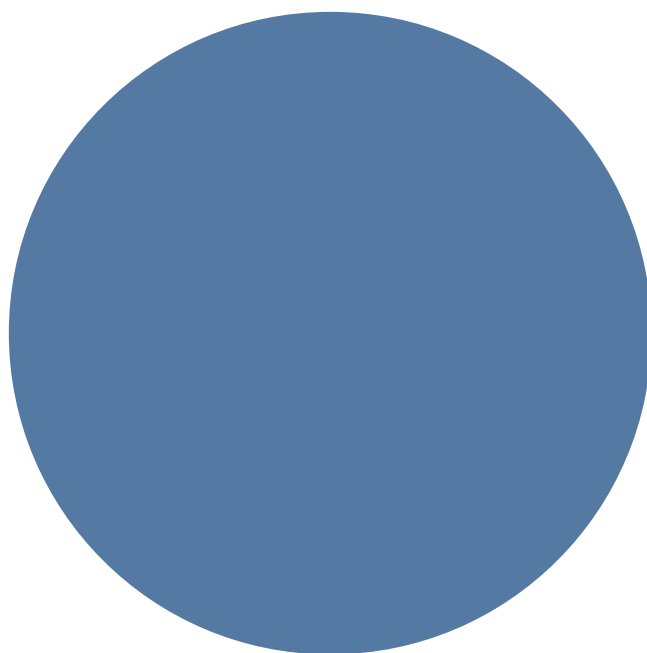
Private sector employees are protected by SSS and the Workmen's Compensation Fund (WCF). SSS, established by the Social Security Act, B.E. 2533 (1990), provides mandatory insurance (Section 33) for employees in the private sector and regular migrant workers. SSS also provides voluntary insurance (Section 39) for workers previously covered by SSS Section 33 and who are willing to continue the insurance (e.g. newly self-employed or retired

persons) and voluntary insurance (Section 40) covering self-employed or informal economy workers.

Section 33 of SSS covers persons employed in non-agricultural establishments who are 15 years of age and older. Under the scheme, employers who have at least one employee must register their employee(s). The insured are entitled to benefits for non-occupational injury or illness (health care), maternity, becoming an invalid, death, unemployment, old age, and child allowance. The employer and employee each pay equal contributions of 5 percent of the worker's salary, whereas the government contributes an additional 2.75 percent to make a total contribution of 12.75 percent of the worker's salary.⁷

SSS Section 39 covers individuals previously insured under Section 33 who have paid contributions for not less than 12 months, or ceased to be employees but wish to continue being insured. For a contribution of 432 baht per month (9 percent of

⁷ As a temporary measure to cope with the impact of the 2011 floods, the government in 2012 reduced workers' and employers' contributions from 5 percent to 3 percent for the first six months and from 5 percent to 4 percent for the last six months of 2012.



the reference salary set at 4,800 baht),⁸ the insured are entitled to six types of benefits: for non-occupational injury or illness, maternity, becoming an invalid, death, old age, and as a child allowance.

4.3.2 Workmen's Compensation Fund

The Workmen's Compensation Act, B.E. 2537 (1994) mandates any employer who has at least one employee in any type of business to contribute to the Workmen's Compensation Fund (WCF). The scheme covers employees in the formal private sector and regular migrant workers. The insured are entitled to benefits in case of work-related injuries, death, illness, and disappearance. The benefits provided by WCF include monthly indemnities, medical and rehabilitation expenses, and funeral expenses. WCF is administered by the Social Security Office.

4.3.3 Provident Funds

The Provident Funds Act was enacted in 1987 to encourage private sector employees to save for their retirement. The fund is a voluntary benefit

scheme between employers and employees who set up a fund committee to oversee the provident fund. The committee is composed of representation from the employer and elected representatives of the employees, with a fund manager selected by the committee. The Securities and Exchange Commission is the regulatory authority of the scheme. Employees' contributions are not lower than 3 percent but do not exceed 15 percent of their wages (Provident Funds Act of 1987, Section 10). The employer's contributions must not be less than the employee's contributions. This requirement, however, was revised through the amendment in 2015 of the Provident Funds Act of 1987. (Provident Fund Act No. 4, 2015).

Employees receive a lump sum at the termination of their employment or upon retirement. Segregation of the fund as a distinct legal entity from the company is required. Contributions to the provident fund by employees and employers are tax deductible, and the benefit payment is tax exempted.

4.3.4 Private School Teacher's Welfare Fund

The Private School Teachers' Welfare Fund (PSTWF) was introduced in 1974 through an amendment to the Private School Act of 1954. In 2008,

⁸To be increased since the minimum wage is higher than 4,800 baht per month.

the government enacted the Private School Act in which the PSTWF became a private entity run by a board of directors chaired by the permanent secretary of the Ministry of Education. PSTWF provides a provident fund, welfare benefits, and financial assistance to private school directors, teachers, and staff. Monthly contributions (not exceeding 3 percent of the member's total salary) are paid by the teacher, the school (equal to the member's contribution), and the Ministry of Education (twice the member's contribution).

4.4 Informal Economy Workers

Informal economy workers, i.e. self-employed workers or family workers who are not covered by any social security system, are protected by SSS Section 40. Although partially subsidized by the government, this scheme is not embedded in the law and is subject to change according to government policy. Since December 9, 2014, the scheme offers:

- (a) Package 1 – Covering illness, becoming an invalid, and death benefits; (monthly contributions: 70 baht by the insured and a 30 baht subsidy);
- (b) Package 2 – Covering illness, becoming an invalid, death, and old-age (lump sum) benefits; (monthly contribution: 100 baht by the insured and a 50 baht subsidy);
- (c) Package 3 – Old-age pension (monthly contribution: 100 baht by the insured and a 100 baht subsidy).⁹

The scheme does not provide healthcare benefits, which are already provided by UCS.

4.5 Migrant Workers

Low-skilled migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar can enter Thailand as a result of a memorandum of understanding between Thailand and these three countries. Without a work permit, the migrants can enter as "registered migrant workers" or

"nationally verified," or undocumented or irregular migrant workers.

Migrant workers covered under the memorandum of understanding and those with nationally verified status receive a two-year work permit and are entitled to the same social security rights as those of Thai workers under the WCF and the Social Security Fund (Section 33). In practice, however, most migrant workers fail to satisfy the conditions contained in Circular RS0711/W751 requiring that (a) they possess a passport or nationality registration documents and (b) their employers have registered and paid contributions to WCF.

4.6 Elderly Persons

The government policy promoting the quality of life of the elderly and their appropriate employment or activities include promoting home care, nursing homes, and hospital care through cooperation involving the public sector, private sector, community, and family as well as the fiscal system.¹⁰

4.6.1 Old-age Living Allowance

The old-age living allowance (OAA) is a universal non-contributory social assistance payment made by the government since 1993, on a temporary basis, to provide income for poor elderly persons. The allowance was later provided through the Old-age Act, B.E. 2546 (2003), which came into effect through the Regulation on Disbursement of Old-age Allowance, B.E. 2552 (2009). The scheme grants 500¹¹ baht per month to persons who are 60 years old or older, have registered and submitted an application to the local government to receive the old-age allowance, have their domicile registered in the local government district where they applied for the allowance, and who receive no other regular benefits from the government, including pension, care in a government welfare shelter, or other income or benefits (except persons with disabilities or living

⁹ For more information, see www.sso.go.th/wpr/content.jsp?lang=th&cat=762&id=4002, accessed on February 10, 2015.

¹⁰ For details, see Bureau of Empowerment for Older Persons, www.oppo.opp.go.th/pages/law/law_06.html, accessed February 20, 2015.

¹¹ As of January 12, 2016, US\$1 = 35.358 baht, or 100 baht = US\$2.80.

with HIV/AIDS).

Since October 2011, the government has applied a stepwise program to increase the monthly allowance to 600 baht for those aged 60-69 years, to 700 baht (70-79 years), to 800 baht (80-89 years), and to 1,000 baht (90 years and older) (Schmitt et al. 2013, 11).

4.6.2 National Savings Fund

The fund, stipulated in the National Savings Fund Act, B.E. 2554 (2011), started operations in August 2015 with the status of a juristic person, an independent entity which is not a government agency or a state enterprise (FPO 2011). The fund is aimed at encouraging workers in the informal sector to save, with contributions coming from the government in amounts determined by the members' contribution and the member's age. Financing comes from the government and members' contributions. The intended beneficiaries are citizens aged 15-60 years old, not enrolled in other funds receiving contributions from the government, and not under the pension systems of the government or the private sector. In essence, the fund covers workers in the informal sector, workers employed on a daily or weekly basis, temporary state enterprise employees who are not SSS members, temporary government employees, students, and local politicians. Workers enrolled under SSS Section 40 (informal workers) can be transferred to the National Savings Fund (NSF) on a voluntary basis (NSF 2015).

A member has to save at least 50 baht at a time, but total savings may not exceed 13,200 baht per year. The government contributes progressively based on the age of the member: 50 percent of the savings but not exceeding 600 baht per year for members aged 15-30 years, 80 percent but not exceeding 960 baht per year for those aged 31-50 years, and 100 percent but not exceeding 1,200 baht per year for those more than 50 years old. The NSF member will obtain the following benefits: lifetime pension upon reaching the age of 60, a lump sum payment composed of own savings and interest in case he or she becomes disabled before the age of

60, the government's contribution and interest upon reaching the age of 60, accumulated savings and interest in case the member quits before reaching the age of 60, and, for the member's beneficiaries, all the member's savings plus the government's contribution and interest in the case of death (NSF 2015).

4.7 People with Disabilities

Citizens with disabilities are entitled to a universal non-contributory disability allowance of 500 baht per month, as established by the Quality of Life Promotion Act for Persons with Disabilities, B.E. 2550 (2007), which went into effect in 2010. Eligible are Thai nationals with disabilities domiciled in the district of a local government per census period, have a disability card issued under the authority of the Persons with Disabilities' Quality of Life Promotion Act, B.E. 2550 (2007), and are not being taken care of by a government welfare shelter. The allowance is administered by the Tambon Administrative Organization under the Ministry of Interior (NSF 2015, 10).

4.8 People Living with HIV/AIDS

People living with HIV/AIDS are entitled to an AIDS Patient Allowance of 500 baht a month except for patients in Bangkok, who receive 3,000 baht a year. The allowance, given since 2004, is a universal non-contributory one¹² and is administered by the Tambon Administrative Organization under the Ministry of Interior and the Bangkok Metropolitan Administration (for Bangkok patients).

Owing to space limitations, other forms of social assistance provided by the government, private insurance companies, and provident funds are not mentioned here.¹³

Table 2 shows the fiscal costs of social protection in Thailand in 2013.

¹² See www.m-society.go.th/ewt_news.php?nid=11837 accessed February 21, 2015.

¹³ For more information, see Schmitt et al. (2013, 15); Paitoonpong (2012, 16).

Table 2. Fiscal Costs* of Social Protection in Thailand, 2013

Program	Source of funding	Costs	
		Billions of baht	Percentage of GDP
Health care		426.1	3.58
CSMBS	Government	85.9	
UCS	Government	157.3	
SSS+WFC	Tripartite contribution	41.6	
Out of pocket	People	87.4	
Non-USC	Government	54.0	
Children		285.3	2.40
Free education	Government	284.7	
Child allowance	Government	0.6	
Working-age population		248.6	2.09
GOPS **	Government	124.0	
GPF	Gov't + Worker	22.1	
State enterprise employee ***	Gov't + Worker	n.a.	
SSS 33	Tripartite contribution		
SSS 39	Gov't + worker	63.3	
SSS 40	Gov't + worker		
WCF	Employer	2.0	
Provident fund	Worker + employer	37.3	
Elderly persons (OAA)	Government	58.7	0.49
People with disabilities (Allowance)	Government	7.5	0.06
People living with HIV/AIDS (Allowance)	Government	0.4	0.0
Grand total		1,026.6	8.63

* National costs; fiscal costs = national costs minus non-government costs.

** Assuming fiscal costs = government expenditure budget.

*** Is included in PF; GDP in 2013 was 11.9 billion baht (NESDB, 2015).

Abbreviations: CSMBS = Civil Servants' Medical Benefit Scheme; GDP = gross domestic product; GOPS = Government Official Pension System; GPF = Government Pension Fund; HIV/AIDS = Human Immuno-deficiency Virus/Acquired Immuno Deficiency Syndrome; OAA = old-age living allowance; SSS = Social Security System; UCS = Universal Health Coverage Scheme; WCF = Workmen's Compensation Fund.

Sources: National Health Security Office (2013); Jitsuchon (2011); Bureau of the Budget (2013b); Social Security Office (2013); Workmen's Compensation Fund (2013).

5. CONCLUDING REMARKS

This paper provides a bird's eye view of the Thai social protection system. It was found in the study that social protection in Thailand is extensive, with a wide range of schemes and types of protection covering different sectors of the population, from children to the working-age population, and to older persons. The system is composed of contrib-

utory social insurance schemes, non-contributory tax-financed schemes (both targeted and universal), and partially subsidized voluntary social insurance schemes. There are two universal social protection schemes: the Universal Health Coverage Scheme and a universal tax-financed old-age allowance scheme.

Currently, the government policy continues to strengthen the social protection system, the savings system and community welfare, as well as

protect the rights of the working-age population, the elderly, women and children, and the disabled, providing them with welfare and developing their quality of life.

Thailand's social protection system is financed largely by the government and contributions from workers and the private sector. The total fiscal costs of the social protection borne by the government totaled about 1,026.6 billion baht (including out-of-pocket spending of 87 billion baht) in 2013, accounting for 8.6 percent of the country's GDP. Thailand's voluntary programs, such as provident funds, are widely used as major sources of savings for old age, particularly for workers in the private sector.

Precautions should be taken in the face of the current economic slowdown and Thailand's demographic transition into a complete aging society, with a declining supply of young people in the workforce. Since many social programs rely on government spending, the stability of such programs must be ensured. It should also be noted that there are considerable numbers of migrant workers in Thailand. As such, the management of social protection for migrants should be taken into consideration.

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IT'S TIME FOR A NEW GOVERNANCE FRAMEWORK

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1. INTRODUCTION

Since the Asian financial crisis that broke out in 1997, building good governance has been a hot issue in Thailand. Many Thai government administrations have since enacted various rules, regulations, and laws to promote governance of the Thai state: for example, the Regulation of the Office of Prime Minister on Building Good Governance, B.E. 2542 (1999); the National Government Organization Act (No. 5), B.E. 2545 (2002); and the Royal Decree on Criteria and Procedures for Good Governance, B.E. 2546 (2003).

Furthermore, certain government organizations also proposed strategies and plans to help establish good governance. Among them are the Office of the Public Sector Development Commission, which launched the Promotion and Development Plan for Good Governance in Bureaucracy and

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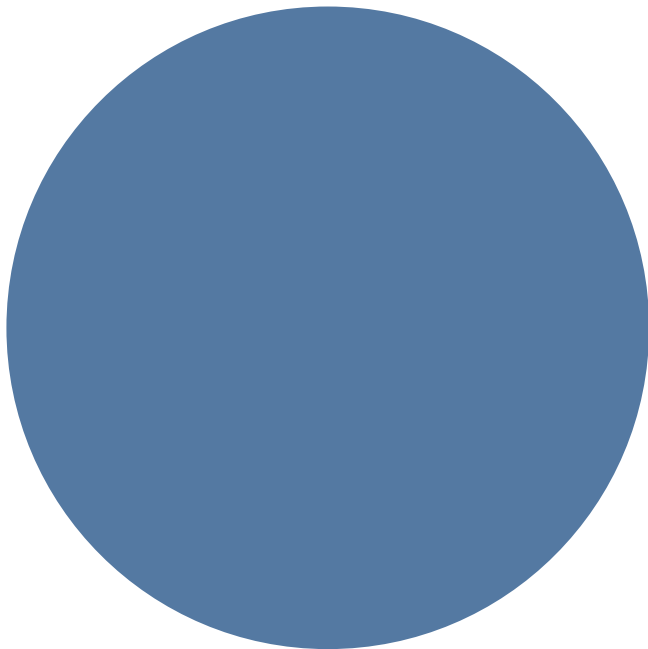


Sustainable Development, B.E. 2554 (2011) (Office of the Public Sector Development Commission 2011) and the National Economic and Social Development Board (NESDB), which launched the country's first national development plan primarily as a means to improve Thailand's governance status (NESDB 2016).

However, despite the attempts of various government administrations to boost good governance of the state, it seems as if Thailand's performance has not improved over the past two decades. Many indicators show that Thailand's governance has declined or remained stable at an unsatisfactory level during that period. To be more specific, regarding Worldwide Governance Indicators, an exercise conducted annually by the World Bank, from 2000 to 2014, Thailand's Voice and Accountability index fell from 63.5 to 25.6; its Political Stability and Absence of Violence index plummeted from 60.1 to 16.5; the Rule of Law index dropped from 65.1 to 51.4; the Control of Corruption index declined from 55.1 to 42.3; while the Government Effectiveness and the Regulatory Quality indices leveled off, ranging from 61 to 64 (World Bank 2014). Similarly, the Corruption Perception Index, ranked by Transparency International, has confirmed that corruption is

still pervasive in Thailand, as the country's score increased by only 6 points out of a possible 100 points (ThaiPublica 2015).

The present article is based on a research study, entitled *Strategies to Improve Governance in Thailand*, which was conducted during the 12th National Economic and Social Development Plan (TDRI 2016). It is argued in the study that the main obstacle facing the Thai state in its efforts to improve its governance is the repetitive practices and obsolete ideologies of the government itself, which dominate the governance reform process. Those practices and ideologies have been bureaucracy-centric and unfriendly to non-state actors, limiting the tools that reformists could use to promote governance reform. As a result, many reforms end up with a status that could be called "old governance," which is considerably less effective for making radical changes in Thailand's governance structure. It is suggested in this article that to constructively promote good governance in Thailand, the government needs to adopt a "new governance" framework and practices, encouraging non-state actors — especially citizens, stakeholders, and the press — to regulate and take the state into account. Such practices will make the



government more responsive, participatory, and transparent, resulting in the sustainable improvement of good governance in Thailand.

2. OLD GOVERNANCE FRAMEWORK AND PRACTICES

Even though good governance development plans have been discussed since 1997, until now the framework that Thai government administrations have used to promote good governance has not changed much; the governance reform framework has been excessively bureaucracy-centric,¹ emphasizing primarily the role of state actors while ignoring — or even excluding — the role of civil society and citizens. Under the current framework and practices, citizens and civil society are downgraded to the level of passive subjects, merely waiting passively for public goods and services to be delivered.

There is considerable evidence demonstrating that the current Thai governance structure is

¹ Thailand is widely recognized as a bureaucratic polity: a country where the bureaucracy constitutes the most influential group in the society and is at the center in policymaking (Riggs 1966).



excessively bureaucracy-centric or unfriendly to non-state actors. Some examples are provided below.

2.1 An overabundance of rules and regulations

The Thai government tends to address shortcomings in the legal system by creating even more laws, rules, and regulations. Too many laws and regulations enacted without careful consideration have made the state less flexible and less responsive, while increasing the costs incurred by non-state actors in operating and engaging in governance-related activities. According to Nikomborirak and Saelawong (2016), Thailand now has more than 8,000 acts (laws) in place which widely affect the people and businesses. Moreover, an even larger number of rules and regulations may have been enacted under these acts. This is because the government usually tries to fill the gaps in the legal system by topping up rules and regulations without being aware that many laws were not fundamentally necessary in the first place.

A prime case showing how an excessive number of rules and regulations is disadvantageous to non-state actors' participation is the case of accountability reform in schools. Before that



reform was implemented in 1999, public schools were unresponsive and unaccountable to students, parents, and communities. Thereafter, the reform enabled parents and students to participate in school management, by establishing school committees based in every school. The school committees, however, brought about no practical change, because schools had never had real autonomy from the central government. Every public school must strictly follow many rules and regulations set by the Ministry of Education. Therefore, decisions taken by school committees would eventually be denied if they conflict with the central government's rules and regulations.

2.2 An overcentralized regime

The assessment system of the Thai state is overcentralized and highly bureaucracy-centric. The performance of government agencies is evaluated largely by central government organizations (e.g. ministries) and senior bureaucrats. Citizens or clients' satisfaction is virtually ignored. Therefore, government agencies that directly interact with the people have a greater incentive to serve the interests of senior bureaucrats or the central government

instead of being accountable to citizens and clients. This assessment system rejects the principle that bureaucrats are the servants of civilians; rather, it reflects the fact that the Thai bureaucracy is just a tool for the state to govern citizens.

Moreover, elected local administrative organizations (LAO) in Thailand are relatively weak compared with unelected regional governments — which are under the Ministry of Interior. For example, executives of regional governments have the power to investigate, approve, and sanction executives of LAOs. Also, about 80 percent of LAOs' income comes from central government grants, and half of such grants are conditional. The central government specifies the plans and purposes of grants. The duty of the local government is merely to implement the plans, according to central government orders (Satitniramai 2012). This means that local governments which have close links with citizens and civil society have limited roles in pushing policies and development plans.

2.3 Official Information Act

The Official Information Act, B.E. 2540 (1997) (OIA) does not guarantee Thai citizens

the right to information, which is the basis for transparency, accountability, and civil society's participation. Instead, the Act serves only as a reference for how bureaucrats should process citizens' requests for information. Although the OIA prescribes that government organizations must disclose certain information automatically, the act itself, with its various flaws and weak enforcement, has failed to encourage transparency and participation from civil society. To illustrate, the OIA prescribes stronger penalties for those who disclose information than for those who refuse to disclose information; thus, officials possessing information have a greater incentive to refuse making a disclosure in order to avoid being penalized by the law. Furthermore, consideration about whether to disclose the requested information or not involves quite a lengthy process, and the OIA allows civil servants possessing information to exercise wide discretion. As a result, the cost of using the OIA is too high, as it discourages citizens and civil society from using the OIA as a means to enhance transparency and participation.

In short, as the name "Official Information Act" suggests, the Act has created a situation where "information" generally belongs to "officials," while citizens need to request information; whether they will be able to access that information, however, depends on the officials' discretion.

2.4 Governance-promotion agencies

The Thai government prefers to drive and monitor governance reform only through state organizations. Since 1997, numerous government organizations, offices, boards, task forces, and independent regulatory agencies have been established to support governance reform, such as Office of the Public Sector Development Commission, the Office of the Auditor General, the National Anti-corruption Commission, the Public Sector Anti-corruption Commission, the Thailand Ombudsman, the Law Reform Commission, the Transparent Bureaucracy Network, and the Ethics Protection





Department, among others.² Not only have these agencies worked separately without particular targets, but they have also had very weak links with civil society. Information on the performance of these agencies has rarely been published, and when it is, it is often delayed. This problem has hindered civil society from engaging with and monitoring the performance of such governance-promotion agencies.

2.5 Ethics promotion training

Another measure that the Thai government has used very frequently to enhance good governance is ethics promotion coursework conducted for the benefit of bureaucrats and civil servants. The government has assumed that the awareness and sense of responsibility of the officials who pass this type of training will increase, but the coursework has proved to be actually ineffective and inefficient. There are several reasons why the popular coursework has failed to improve good governance in Thailand. First, the primary target of such coursework is civil servants. It is unclear, however, how this bureaucrat-oriented coursework would establish strong accountability between officials and the people in the absence of civil society's support. Second, the content of the coursework is vague, and the term ethics is generally confusing. The lack of clarity in the coursework's content actually allows corruption to take place: it gives officials the opportunity to spend money arbitrarily in the name of loosely defined promotion of ethics.

Briefly, the bureaucracy-centric framework and practices, which are pervasive yet unfriendly to non-state actors, are portrayed in at least five cases. First, the rules and regulations enacted by the state are excessive in number, increasing the cost for non-state actors to participate in governance reform. Second, the civil servant assessment system favors the satisfaction of senior-level bureaucrats

² Although some task forces, boards and organizations have been established to promote good governance with close links to civil society — for instance, the Provincial Board of Good Governance and the Provincial Dhamrongdharma Center — the role of such organizations has been rather vague and limited.

over citizens, and the elected local government is relatively weak compared with central and regional governments. Third, Thai citizens do not have the right to information, which weakens the basis of transparency and their participation. Fourth, the governance promotion agencies do not have close links with civil society. Fifth, the promotion of training in ethics has failed to establish accountability between bureaucrats and citizens.

The unfriendliness of the Thai government to non-state actors has prevented civil society from engaging in governance reform, a situation that is disadvantageous for various reasons. First, citizens comprise the most important source of information. Without participation from civil society, it is very difficult for the state to know what goods and services citizens need, and how the state should deliver them. Second, if the link with civil society is missing, the state will have no one serving as a watchdog to monitor and incentivize the state to improve its performance. Although the Thai government has tried to raise bureaucrats' awareness and sense of responsibility by providing them with training and coursework, it has been proven that such steps have been ineffective and inefficient, as previously mentioned. A more effective choice would be to empower civil society to serve as a watchdog, pressuring the state and taking it into account. Despite these advantages, the old governance framework is still the dominant practice of the Thai state; unfortunately it has prevented non-state actors from participating in governance reform. As a consequence, the Thai state has lost a useful source of information, and has had no incentive to perform its duties properly.

Whether the Thai state has intentionally tried to retain the old system of governance or not, it seems that the bureaucracy-centric framework is still widely utilized. Therefore, the fate of governance in Thailand now relies mostly on state actors alone. However, since the government has not achieved substantial success in governance reform since 1997, is it not time to let non-state actors help in enhancing good governance? Is it not time to shift from the

“old governance” paradigm to “new governance”?

3. NEW GOVERNANCE FRAMEWORK

After approximately 20 years (1997-2016) under the old governance approach, it has become obvious that the current framework and practices of the Thai state — which as mentioned previously is bureaucracy-centric and non-friendly to non-state actors — have not worked to produce good governance in Thailand. This is because the reforms implemented have not facilitated civil society organizations and citizens to take part in governance. The absence of citizens and civil society from the process has made the reforms ineffective in at least two ways: first, the state has lost the opportunity to obtain crucial information from its citizens; and second, the state has no incentive to reform itself without citizens monitoring the process.

Instead of adhering to a repetitive and obsolete framework, the time has come for change. This article proposes a new governance framework that is based on the following principles: from now on any governance reform should be friendly to non-state actors, enabling and empowering citizens and civil society to regulate and take the state into account. Reforms should be focused on active roles for citizens, stakeholders, and the press.

It is important to note that, under the current system of “old governance,” most practices that tend to be bureaucracy-centric and unfriendly to non-state actors are not appropriate for civil society. It follows that, in order to strengthen the power of non-state actors, some foundations must be changed. The following recommendations call for the government to implement policies aimed at strengthening its governance.

3.1 Regulatory reform

Because excessive rules and regulations have a cost for non-state actors, the government should implement regulatory reform by canceling those rules and regulations which are obsolete and unnecessary. In considering what rules and

regulations are unnecessary, the state needs to view the legal system holistically, looking for those rules and regulations which are overlapping, conflicting, overdiscretionary, or outdated across related laws. Also, the process should be multidisciplinary, involving experts from various fields, such as law, economics, and political science, among others related to the selected area.³ During the process, the government should regularly conduct public hearings and share information with people to make the process more transparent and to gather information from stakeholders, as a part of its impact assessment process.

Moreover, after canceling obsolete rules and regulations, the government should assess the impacts of the newly drafted rules and regulations to ensure that the new laws will not be too costly for gaining citizens' participation. In the impact assessment process, the drafter should consider whether the current draft is the best choice, or whether there are any better alternatives. The cost and benefit of every option should be examined. If the drafted regulations are likely to become obsolete quickly, the government should specify a certain date on which the regulations would be reviewed. When the process has been completed, the government should publicize reasons behind the enactment or cancellation of drafts.

3.2 Citizen-centric assessment and strengthening local administrative organizations

The current assessment system evaluates the performance of government agencies by focusing on central government organizations and senior bureaucrats, thus making bureaucracy the center of the assessment system. Under this structure, civil servants do not need to serve or answer to citizens, since as long as civil servants follow the rules set by the center they will not be punished, a situation which thus marginalizes civil society from governance activities.

³ For instance, if the government launched a regulatory reform on health and medicine, the process should comprise the relevant laws, economics, political science, life science, biology etc.

To promote civil society engagement in governance reform, the current assessment should be amended to shift the roles of civil society instead of the bureaucracy into the center. The new assessment system should significantly reflect citizens' satisfaction in order to incentivize bureaucrats to serve the people more responsively. Good examples of this type of citizen-centric assessment are the Citizen Report Card (CRC) and Community Score Card (CSC) used by international organizations, such as the World Bank, United Nations, and Asian Development Bank. To acquire data, CRC primarily uses questionnaires in such macro-level areas as cities, while CSC collects data through focus group discussions with villagers in such local-level areas as communities. In spite of differences in means and nature, both CRC and CSC share the same purpose, which is to weigh the level of the citizens' satisfaction with the assessment process.

Furthermore, to facilitate the participation of civil society in governance reform, the Thai state should strengthen channels that citizens could use to become involved in governance activities: one of the most important channels would be LAOs. Thai LAOs are relatively weak; normally they have to comply with the regional or central governments in exchange for grants and stability. Therefore, even if citizens actively participate with LAOs, the policies and reforms will not be promoted in cases when they conflict with the regional or central governments. Hence, the state should give more autonomy to LAOs, allowing LAOs to respond to their constituents flexibly. Apart from that, in order to monitor LAOs' performance, rather than strict regulation from the central and regional governments, the state should instead establish direct links between LAOs and civil society. For example, the state should promote the local press, guarantee community rights, and encourage direct participation — such as participatory budgeting, proposing local ordinances, and voting for the discharge of local executives. Not only would such measures allow LAOs to have more autonomy, but they would also strengthen accountability between LAOs and their constituents.

3.3 Revising the Official Information Act

The Official Information Act, B.E. 2540 (1997) should be amended in order to secure the people's right to information, which is at the root of good governance. First, the government should introduce protection for officials who honestly disclose information, and impose penalties on those who are proven to have dishonestly refused to disclose information.

Second, to avoid highly discretionary decisions on whether to disclose information or not, the government should adopt internationally standardized criteria, such as the "prejudice test" of the United Kingdom's Information Commissioners' Office (ICO). The standardized criteria would help to determine how officials process requests, and thus limit arbitrary judgements. To illustrate, the ICO prejudice test is on the Office's website, and it clearly elaborates categories of information ranging from disclosable to exempt. To process the requests, officials must prove that the requested information falls into the disclosable or exempt categories by demonstrating risks and benefits in every scenario, such as when information is disclosed without alleviatory measures in order to avoid risk, or when information is disclosed with mitigating measures, or information is not disclosed at all. After the decision has been made, the result and supporting reasons throughout the prejudice test must be publicized. In addition, on the ICO website, there are some examples of results which were refused and those which were allowed to be disclosed. These measures are designed to increase transparency within the process of the ICO's decision to ensure that as much information as possible could be accessed by citizens, according to the principle of their right to information.

3.4 Links and accountability between governance promotion agencies and citizens

The Thai state has established many governance promotion agencies since 1997. In the first place, such professional agencies were supposed to strengthen the accountability of the state by monitoring — and penalizing — the

government. However, because of the unbalanced power between the governance-promotion agencies and the other actors concerned, these agencies have become too powerful and accountable to no one. As a consequence, these organizations have been perceived by the public as highly politicized, inefficient, ineffective, and sometimes even corrupt.

To solve this problem, the power relations between the governance-promotion agencies and society should be corrected, that is to say, citizens should be able to check and sanction the agencies, thus making the agencies accountable to citizens. The easiest way to create links between the agencies and civil society is to encourage the governance-promotion agencies to publicize disclosable information and information about their performance regularly and in a timely manner. Disclosure would make it easy for civil society to examine and criticize the performance of governance-promotion agencies, thus reducing the chances for corruption and politicization to occur.

3.5 Civics education

Instead of attempting to train bureaucrats through ethical coursework, the government should educate all citizens, starting while they are undergoing compulsory schooling. The ethical coursework for bureaucrats has failed to enhance good governance because the coursework has not empowered non-state actors to engage in governance activities. A better alternative would be to encourage civic education in the classroom. Although some degree of civics education has been in place in Thailand for some time, the quality of the current civics curriculum is questionable. First, the curriculum involves rote learning in the classroom rather than supporting students to learn through their everyday experience of politics, embedded in the students' own society. Second, the curriculum is more like Buddhist education; it does not produce political actors who will act as watchdogs in the political arena. Third, the curriculum is superficially democratic, with little emphasis on civil liberties, rights, and duties. Therefore, civics education in Thailand should be reformed. The new curriculum should be designed

primarily to emphasize the citizenship of students, illustrating that civics education occurs in everyday life; it is lifetime learning rather than rote learning in the classroom that will produce active citizens who can act as watchdogs and become involved in governance activities. Furthermore, good citizenship should not be strictly defined by the state; on the other hand, the new curriculum should encourage students to freely define what is good citizenship and what is good society (Nogsuan Sawasdee 2010).

3.6 Anti-strategic Lawsuits against Public Participation

One of the most powerful channels that can empower ordinary citizens is the press and media, but somewhat recently in Thailand the practice of the so-called “strategic lawsuit against public participation” (SLAPP)⁴ has become pervasive. To support the media and press in examining the performance of the state freely, the government should enact “anti-SLAPP” legislation. Anti-SLAPP laws which favor the press and media would help the press and media to prove that the issue(s) they are investigating or criticizing is (are) a public issue. If the defendants — in this case, media and the press — succeed in doing so, the law will in turn support the defendants automatically. For instance, if the plaintiffs lose, they will be responsible for paying all the defendants’ court expenses. In addition, during the judgement process, plaintiffs cannot put forward anything new related to the issues that the defendants were criticising.⁵ As such, anti-SLAPP laws promote the media and press to serve as channels for the empowerment of

civil society.

If all the recommendations discussed above are implemented, the basis of new governance will have been established in Thailand. These recommended measures would empower and facilitate civil society to engage in governance reform easily and effectively through numerous means, by reducing the overabundance of rules and regulations which are costly to non-state actors. They would serve to strengthen the channels for citizen participation such as LAOs and the press, building a citizen-centric assessment system, securing the people’s right to information, creating accountability links between governance-promotion agencies and citizens, and reforming civics education to produce high-quality citizens that are able to take the state into account.

4. CONCLUSION

In this article, it is argued that the Thai state’s strategies implemented since 1997 to enhance good governance have failed, because they are bureaucracy-centric and unfriendly to non-state actors. Without the involvement of non-state actors, the state loses crucial information and the incentive to fundamentally reform existing structures, which results in the failure of most governance reforms. Instead of adhering to the old governance practices and frameworks, it is proposed in this article that a new model called the “new governance framework,” be adopted in which citizens and civil society are placed at the center of the reform as the most important source of information and the ability to serve as the most powerful watchdog of the state. To achieve the new model, some policy recommendations have been suggested in this article to establish the essential basis for new governance, namely regulatory reform, citizen-centric assessment, local administrative organization enhancement, amendment of the Official Information Act, establishment of accountability between governance-promotion agencies and citizens, civics education reform, and the enactment of anti-SLAPP laws.

⁴ SLAPP is a lawsuit which is intended to censor and disturb critics. In many countries without anti-SLAPP laws, lawsuits become very costly for the media and the press, burdening them in expensive litigation in order to force them to abandon their criticism or investigation.

⁵ For example, if the defendant criticizes the public hearing process, which is required for any firm wanting to operate in a rural area because it may cause environmental harm to the people living in such areas, claiming it is invalid, the firm in question might want to sue the defendant. In this case, however, the firm could not presume that the public hearing process has been completed and begin operations in the area. Instead, it will have to wait until the issue has first been resolved in the court.

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