

Thailand

Self-rule

Institutional depth and policy scope

Thailand is a constitutional monarchy and a unitary country (C 1997, Ch. 1; C 2007, Ch. 1), which is divided into 75 provinces (*changwat*) and two special regions, the Bangkok metropolitan area and Pattaya.¹ The *changwat* are further subdivided into *amphoe* (districts), which are composed of *thesaban* (municipalities), classified as one of three types: cities, towns, and *tambon* (subdistricts). In practice the *thesaban* and *tambon* are not hierarchically ordered, with *thesaban* representing urban municipalities and *tambon* representing rural units. A key characteristic of territorial governance in Thailand is the coexistence of subnational administration and subnational autonomy. Hence Thailand's system is dual. We code the *changwat* level. We also code two special autonomous regions: the capital, Bangkok Metropolitan Area, created in 1972 at the same level as the *changwat*, and the tourist area Pattaya, created in 1978 at roughly the same level as the *thesaban*. *Tambon*, *thesaban*, and *amphoe* fall below our population criterion. There are also four statistical regions: north, northeast, south and central.

Prior to 1999, three administrative levels were in place: *changwat*, *amphoe* and various forms of municipalities. Governors appointed by the ministry of the interior headed the

¹ The 76th province was created in March 2011.

changwat and managed the deconcentrated subnational units on behalf of the ministry. The first tier also included the Bangkok Metropolitan Area, which had a directly elected governor but limited additional powers. *Amphoe* functioned primarily as general-purpose deconcentrated units. The third tier included municipal administrative organizations, sanitary administrative organizations, and provincial administrative organizations (PAO). The municipal administrations controlled urban (*thesaban*) and rural (*tambon*) areas, the sanitary districts managed semi-urban areas, and the provincial administrative organizations covered any geographic space that did not fall into one of the other two categories, typically underdeveloped rural areas (Nagai 2001). These administrative organizations had assemblies that were usually elected.

Thailand has switched back and forth between democracy and authoritarianism, and this has spurred a dozen constitutions, provisional constitutions, and charters since 1950. Between 1932 (the date of the overthrow of the absolute monarchy) and 1957, the various constitutions and coups reflected the struggle between the military and the royalist camp for control over the constitutional monarchy. From 1959-97 five constitutions and three temporary charters governed the country. The 1997 constitution was the first to be drafted by a popularly elected constitutional assembly and is known as the "People's Constitution" (Kuhonta 2008).

Central-local arrangements were affected only marginally by these authoritarian-democratic struggles. The 1933 Administrative Law which established the three-tiered administrative structure set out above remained in place until 1999.

The 1953 Municipality Act placed the *changwat* under strict central control. A centrally-appointed governor supervised policy implementation across the province and carried out

policy in the provincial administrative organization areas outside urban and rural subnational government. However, central control was fragmented because governors had little control over the deconcentrated units set up by the sectoral ministries in commerce, industry, forestry, education, healthcare, and budget, which reported back to their respective bureaucracies in Bangkok. A modicum of *changwat*-wide self-governance was incipient in the provincial administrative organizations (PAOs), which were set up in 1955. The PAOs had a dual structure: a provincial governor controlled the executive power, and a directly elected assembly had ultimate control over budget and planning, though the assembly could not exercise control over policy making since the governor cast the deciding vote.^β Hence, consistent with the secondary literature, we consider *changwat* as deconcentrated (Krongkaew 1995: 357), which score 1 on institutional depth.

Every constitution since 1932 mentioned subnational government, but the 1991 People's Constitution was the first to have a whole section. Under the 1991 State Administration Act the state structure consists of three systems: central administration, local administration, and local autonomy. In subsequent years, attempts to expand subnational powers through constitutional amendment failed (Krongkaew 1995).

The 1997 constitution paved the way for genuine decentralization. A bicameral legislature was created with a 200-seat senate (*wuthisapha*) composed in part of senators elected in *changwat* constituencies. The constitution also strengthened the principle of local self-governance (Krongkaew 1995).

But the most significant reform for the *changwat* was introduced by the 1999 decentralization law (implemented in 2000), which—while mostly concerned with decentralizing

fiscal and policy authority to the *thesaban* and *tambon*—contained some provincial provisions. The reform stopped short of recognizing self-government for the *changwat*, but it simplified and decentralized the governance structure. The *changwat* were converted into decentralized authorities. The administration was simplified: sanitary districts were converted into municipal administrative organizations. And the provincial administrative organizations obtained an elected executive alongside the appointed governor.

The dual *changwat* executive was set up in two steps. In October 2003, the government of Thaksin Shinawatra instituted the so-called “CEO” management style in the *changwat*, which brought the previously fragmented units of deconcentrated government under direct control of the governor. In March 2004, direct elections were instituted for both the chairperson of the executive committee and its councillors in each provincial administrative organization (except in Bangkok) (Mutebi 2004: 46-8). *Changwat* score 2 on institutional depth from 2004.

In 2006, a military coup suspended the constitution (Kuhonta 2008). Following eighteen months of a “stabilizing” military junta, a new constitution was drafted. The 2007 constitution mirrors the 1997 version with respect to decentralization, but it introduces significant political changes including in the composition of the senate. Subnational units’ authority was largely unaffected by the 2006-07 military regime, but a 2014 coup changed the trajectory of decentralization. The new military regime pushed a new constitution, which was approved by referendum in August 2016 and next with amendments by the king in April 2017. Despite the 2017 constitution providing local discretion on over the selection of local leaders (C2017, Ch. 14, Sect. 252; Unger and Mahakanjana 2016, 185), even prior to the passage of the new constitution the military regime had stopped allowing new rounds of local elections to take

place, though they typically allowed the incumbent to remain in office at the expiration of her/his elected term (Ibid, 184). To reflect formal retrenchment of the locally elected component of the dual executive model, the *changwat* score 1 on institutional depth in 2017.

The 1953 Thesaban Act and the 1999 decentralization law endowed *thesaban* with a good deal of decentralized authority, and *thesaban* had directly elected assemblies and executives (Krongkaew 1995). *Bangkok* was given special status in 1972, when it became a province but retained its powers as a *thesaban* (municipality). It scores 2 on institutional depth from 1972-2016. The Bangkok governor's most recent election was in 2013, but that governor was replaced by a military appointee in October 2016.² Coupled with the general reduction in authority of the *changwat*, we interpret this as sufficient recentralization of control over the BMA by the national government, and Bangkok scores 1 on institutional depth for 2017-2018. *Pattaya* was given special status in 1978 as a distinct urban area to promote tourism, which largely shields it from central government encroachment on authority even during periods of military rule. It scores 2 on institutional depth from 1978.

Changwat had no significant policy scope before 1999. Resources—personnel, budget, buildings—remained under control of the parallel system, either managed by the governor or run from the various ministries (Nagai 2001). While the provincial assembly had some authority over budget and planning, substantive policies remained firmly set by the governor who acted as an agent of the central government. *Changwat* score 0 on policy scope for 1950-98.

² <https://www.bangkokpost.com/news/politics/1114124/sukhumbhand-says-goodbye-to-bangkokians>

In 1999 the *changwat* obtained authority over infrastructure and maintenance projects, education, local traditions and culture, social work, and provision of *changwat*-level hospital and nursing services. They exercised this authority within strict national parameters. Until 2004, executive authority was monopolized by the governor who reported to the assembly on the budget and program.

The installation of a dual executive in 2004 changed this: the assembly and the executive of the provincial administrative organization gained “unprecedented powers to formulate policy initiatives, as well as to plan and coordinate local budgetary allocations” (Mutebi 2004: 48). They have competences in education, health, and social welfare, as well as economic planning. The appointed provincial governors and district officers retain the authority to supervise local authorities.^β Provincial administrative organization authorities also do not control their own institutional set-up or police, or possess residual powers. To reflect the strong hand of the central government before 2004, the *changwat* score 1 on policy scope from 2000 to 2003. Government becomes more evenly balanced between provincial self-government and central administration from 2004, which is reflected in a higher score for policy scope. The 2006-7 military junta only moderately retrenched the scope of subnational governance units and so the score remains the same despite that break in democratic governance. The ending of new direct local elections in 2014 signals the return of policy control to the center, which we reflect by reducing the score to 1 in 2017.

Until 1998, Bangkok and Pattaya, like other *thesaban*, had relatively weak authoritative competences, but the decentralization law of 1999 gave *thesaban* and *tambon*, and also Bangkok and Pattaya, broader policy competences and budgets. Bangkok, which aggregates

changwat and municipal competences but does not have residual powers or control over institutional set-up or police, scores 0 from 1972-99, 1 from 2000-2003, and 2 from 2004-16, but is reduced to 1 with recentralization of *changwat* authority from 2017-18. Pattaya, which holds basic *thesaban* competences as well as control over tourism, scores 0 from 1978-99 and 1 from 2000-10.

Fiscal autonomy

Changwat, Bangkok, and Pattaya have no fiscal autonomy. Throughout most of the twentieth century *changwat* were deconcentrated, and the central government determined revenue generation and resource-sharing. Bangkok and Pattaya's fiscal position was similar to that of the *changwat*.

The 1999 decentralization law set out a time table for greater resource transfer to *changwat*, *thesaban*, and *tambon*. The subnational units were also tasked with the collection of many taxes (Varanyuwatana 2003: 542). However, the base and rate of all taxes continue to be set by the central government. *Changwat* can only charge minor fees and license fees (Revenue Code of Thailand). The dominant source of funding comes from block grants which are controlled by the central government.

Borrowing autonomy

Subnational governments have the right to borrow domestically, but rarely do so. Until 1999, borrowing was virtually non-existent. Funds were usually borrowed by the National Debt Policy Committee on behalf of local governments (Regulation on National Borrowing B.E. 2528).

The 1999 decentralization law granted local governments the right to borrow under strict conditions. Bond issuance requires prior permission from the national government. Since 2001, subnational borrowing is encompassed in the ceiling for total annual external borrowing set by the central government. No special provisions regulate borrowing by Bangkok and Pattaya.

Changwat, Bangkok, and Pattaya score 0 on borrowing until 2000, and 1 from 2001.

Representation

Changwat have had elected assemblies since 1955; the councils of the provincial administrative organizations were partially elected (Sopchokchai 2001: 2; Mutebi 2004: 38). Provincial governors were government appointees. They played a dual role as ministry representatives and coordinators of deconcentrated ministerial offices (Krongkaew 1995: 358-9; Nagai 2001: 44). Since 2004, a directly elected chairman of the executive shares executive authority with the centrally-appointed governor. After 2017 it is unclear whether local elections will continue and in what form. Hence, *changwat* score 0 (assembly) and 0 (executive) from 1950-54, 2 and 0 from 1955-2003, 2 and 1 from 2004-2016, and 2 and 0 in 2017-2018.

The Bangkok Metropolitan Administration has a metro assembly and a metro executive, which were always directly elected (Krongkaew 1995: 359) until 2017. Bangkok scores 2 and 2 for 1972-2016. With the removal of the directed elected governor in favor of a military appointee in 2017, Bangkok scores 2 and 0 for 2017-2018. Pattaya's city assembly consists of nine elected members and eight members appointed by the minister of the interior (UNESCAP 2014; Wong 2007: 7, fn.7).^α Pattaya's assembly functions similarly to any city council: it has primary legislative authority and hires a city manager to perform executive functions (Krongkaew 1995: 359). Pattaya scores 2 (assembly) and 2 (executive) from 1978 to present.

Subnational elections were suspended under the military period from 2006-7 but local officials previously directly elected remained in office. Scores do not change.

Shared rule

Law making

Prior to 1997, only indirectly elected or appointed representatives sat in the senate in years when a bicameral legislature existed. The monarchy appointed the senate from 1947-52 and from 1968-72; from 1974-76, the house elected the senate, while from 1978-91 and 1992-97 the prime minister appointed the upper house. Thus, prior to 1997 *changwat* were neither a unit of representation in the national legislature, nor could they designate representatives.

The 1997 constitution established a 200-member senate as a directly-elected, non-partisan body with the 75 *changwat* and Bangkok as constituencies (C 1997, Ch. 6, Part 3, Sec. 122). *Changwat* representation varied between one and four depending on each *changwat's*

population, which we judge to be too unequal for a regional chamber (Kuhonta 2008: 378-80).^β
All *changwat* (including Bangkok) score 0 on law making for 1998-2007.

In August 2007 the new constitution established a 150-member senate with regional representation (C 2007, Ch. 6, Part 3); the first elections were held in March 2008. Just over half of the members (76) are directly elected—one for each *changwat* and Bangkok (Sec. 115.6). The remaining 74 members are appointed by an expert committee on the basis of technical skills, expertise, and experience deemed important to “the performance of duties of senators” (Sec. 113-4). The senate has limited powers. It is primarily a house of reflection and appointment. It may amend and delay the adoption of most ordinary laws, but cannot veto legislative proposals, raise the bar in the lower house, or initiate legislation (C 2007, Art. 147-9). The *changwat* are the unit of representation (L1) and constitute the majority (L3) in a senate that does not have extensive legislative authority (L4); *changwat* governments do not designate senate representatives (L2). Bangkok and Pattaya do not have special representation or law making rights. *Changwat* and Bangkok score 1 for 2008-2018. Pattaya has no representation and scores 0 for 1978-2018. The first elections under the 2017 constitution, which alters the size, composition, and structure of the legislature, did not come into effect until the 2019 national elections.

Executive control

Since the 1999 decentralization law, *thesaban* and *tambon* executives have met regularly with government ministries, but *changwat* representatives do not attend. Therefore, executive

control extends to Bangkok and Pattaya only, and is rolled back in Bangkok once the military begins to appoint the governor. Executive coordination was suspended by the military junta (2006-7).

Fiscal control

There is no power sharing on fiscal policy. The central government is not required to consult *changwat* regarding the distribution of tax revenues, though it may consult the local government executives about fiscal redistribution. Government ministries dealing with taxation and fiscal policy have branch offices at subnational levels, but the relationship with subnational government is hierarchical.

Borrowing control

Foreign and domestic borrowing is regulated by the national debt policy committee and foreign debt policy commission, which are composed of national-level bureaucrats and political appointees (Warr and Nidhiprabha 1996: 93-6). The ministry of the interior, the ministry of finance, and the Central Bank of Thailand control appointments. Subnational government entities cannot influence regulation of public borrowing.

Constitutional reform

Changwat, Bangkok and Pattaya cannot raise the hurdle for or veto constitutional reform.

Prior to the senate's reform in 1997, all constitutional amendments were passed by military governments, by majority votes in the lower house, or by majority votes in the combined national parliament. *Changwat* were not represented.

The 2007 constitution stipulates that amendments can be proposed by the government, one fifth of the members of the house, one fifth of the combined members of the house and senate, or 50,000 voters. A constitutional amendment requires three readings in the parliament and final adoption by an absolute majority of the combined parliament (C 2007, Ch. 15). Directly elected *changwat* senators constitute only twelve percent of all parliamentary representatives, which is too small a minority to initiate or block constitutional reform. The constitution and the special statutes of Bangkok and Pattaya do not contain provisions for consultation or co-decision on their statute.

@version, November 2020 – author: Sarah Shair-Rosenfield

References

Primary Sources

Thailand. (1985). 'The Regulation on National Borrowing, B.E. 2528 (1985).' March, 24, 1985.

Thailand. (1997). 'Constitution of the Kingdom of Thailand B.E. 2540.' October 11, 1997. Published online at http://english.constitutionalcourt.or.th/index.php?option=com_docman&Itemid=4&lang=en

Thailand. (1999). 'Determining Plans and Process of Decentralization to Local Government Organization Act B.E. 2542 (1999).' November 17, 1999.

Thailand. (2007). 'Constitution of the Kingdom of Thailand B.E. 2550.' August 24, 2007. Published online at http://english.constitutionalcourt.or.th/index.php?option=com_docman&Itemid=4&lang=en

Thailand. (2014). 'Constitution of the Kingdom of Thailand (Interim).' July 22, 2014.

Thailand. (2017). 'Constitution of the Kingdom of Thailand B.E. 2560.' April 6, 2017. Unofficial translation published online at https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en

Secondary Sources

Japan International Cooperation Agency. (2003). 'From 'Development Assistance' to a 'New Cooperation.' ' Report to the Program on 'Capacity Building of Thai Local Authorities.'

Krongkaew, Medhi. (1995). 'The Political Economy of Decentralization in Thailand.' *Southeast Asian Affairs*, 22: 343-61.

Kuhonta, Erik. (2008). 'The Paradox of Thailand's 1997 "Peoples' Constitution": Be Careful What You Wish For.' *Asian Survey*, 48/3: 373-92.

Mutebi, Alex M. (2004). 'Recentralising while Decentralising: Centre-Local Relations and 'CEO' Governors in Thailand.' *The Asia Pacific Journal of Public Administration*, 26/1: 33-53.

UN Economic and Social Commission for Asia and the Pacific. Thai Country Study.
<http://www.unescap.org/huset/lgstudy/country/thailand/thai.html>

Unger, Danny and Chandra Mahakanjana. (2016). "Decentralization in Thailand." *Journal of Southeast Asian Economies* 33(2): 172-187.

Varanyuwatana, Sakon. (2003). 'Thailand,' in Yun Hwan-Kim (ed.), *Local Government Finance and Bond Markets*. Asian Development Bank: Manila, Philippines.

Warr, Peter G. and Bhanupong Nidhiprabha. (1996). *Thailand's Macroeconomic Miracle: Stable Adjustment and Sustained Growth*. The World Bank: Washington, DC.

Wong, Jeff. (2007). 'Thailand: Decentralization, or What Next?' in Denden Alicas (ed.), *Decentralization interrupted: studies from Cambodia, Indonesia, Philippines and Thailand*. Institute for Popular Democracy for Learning Initiative on Citizen Participation and Local Governance: Quezon City, Philippines.

Self-rule in Thailand

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
Changwat	I	1950-1954	1	0	0	0	0	0	1
	I	1955-1998	1	0	0	0	2	0	3
	I	2000	1	1	1	0	2	0	5
	I	2001-2003	1	1	1	1	2	0	6
	I	2004-2016	2	2	1	1	2	1	9
	I	2017-2018	1	0	0	0	2	0	3
Bangkok Municipal Administration (Bangkok)	I	1972-1999	2	0	0	0	2	2	6
	I	2000	2	2	1	0	2	2	9
	I	2001-2016	2	2	1	1	2	2	10
	I	2017-2018	1	0	0	0	2	0	3
Pattaya	II	1978-1999	2	0	0	0	2	2	6
	II	2000	2	2	1	0	2	2	9
	II	2001-2018	2	2	1	1	2	2	10

