

Policies to Support Self-Management Areas for Social Wellbeing

Background

1. Thailand's social problems are increasingly severe at all levels, from individual to family, to community and the national level. The problem has become much more complex and interconnected in every dimension whether it be the economic problem, allocation of natural resources problem, or social, education and political difficulties. These in turn affect the quality of Thai people's lives and well-being. Major reasons making these problems worsen are: results of the government's development policies; its centralization of power and budget determination. The result is people cannot influence a development direction that corresponds to their contexts. This results in social injustice and unfairness e.g. resources are not allocated to solve problems in local communities. What has happened is an imbalance of power between the government and communities and this is a root cause of the current crisis of conflict and divisiveness. People and communities in various areas protest and demand their rights to self-management. This includes demands made by the Assembly of the Poor, protest by various groups of farmers, or those made by civil society networks in various regions. They request the government to change its development policy. And the inequality may be used as a pretext to rebel against the power of state that could then lead to a conflict between groups in the nation.
2. Although laws to establish various forms of local administration organizations have been drawn up. For example, there is an act specifying decentralization plans and procedures for local administration organizations, B.E 2542 (1999) that allow municipalities, subdistrict (tambon) administration organizations, provincial administrative organizations and Pattaya City to provide public services in their communities. Yet, transfer of tasks and responsibilities from the state to local administration organizations have so far failed to cover important issues relating to people's daily life. In addition, it is found that local administration is still in effect governed and controlled by central and regional policies, its measures, regulations and management mechanisms, especially in the case of local budget management. A clear example is local administration in education, public health and natural resources and environment management, which is still being controlled and supervised by various national laws or ministerial regulations. As for budget allocation, in 2010, local governments receive only approximately 25.26 per cent¹ of the budget. What this shows is an imbalance of power between the central government and local administration organizations.

¹ The cabinet's resolution dated May 7, 2009 (source: www.nmt.or.th/lists/2553)

3. Although local administrative organizations in many areas, including provincial administration organizations, tambon administration organizations and municipalities have undergone a good evolution in terms of decentralization, several others are found to have a problem of good governance since local political system in several areas remains politics for the narrow interest of political parties and that of their local and national financial supporters. The fact that some administrators are elected by vote-buying or that influence is exercised in various forms means local politics is not so different from national political dynamics. That is why in certain local communities, administration is done for the benefit the administrators as a group and their cliques, or for the benefit of local interest groups. Local residents have no power to manage their communities. What this shows is an imbalance of power between the local administrative bodies and the community.
4. Not only do government and local agencies have legal and fiscal power, but some agencies and independent organizations whose job is related to policy-making and some have access to funds taken from the taxpayer are also tasked to promote and support the management of problems in the community. Although the policy is to give importance to the local community's room for maneuver, yet, there is no process that clearly allows the local community to formulate and make its decision. So far, policy making, planning and decision-making processes have been based on what the central agencies have stated rather than allowing people in the community to make a decision on its own. What it truly shows is an imbalance of power between those who hold the purse strings i.e. those who are sources of funding and the communities. It also emphasizes that the principle of letting the community manage its own space or area can not be realized if there is no adjustment in the balance of power, that is, realignment in the balance of fiscal management between the central government, local governments, policy organizations, funding sources and the communities who are object of the development process.

The present situation

5. Although the mechanism of national administration is improving, but it is still a centralization of power mode. Orders still come from the center. People participation is not yet clear. Provincial government agencies do not have real power to solve problems. Solutions do not correspond to way of life and culture of the local community. People want the state to resolve a problem as soon as it occurs but either the national management mechanism or the government bureaucratic structure prevents provincial or local public offices from doing so as the latter have no authority to resolve that problem. They have to wait for orders from the central government or from relevant ministries or even for a cabinet
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resolution or legislation to come out first. As a result, solutions are delayed and problems accumulate. A case in point is a problem at a lignite power plant at Mae Tha District, Lampang Province. No fewer than seven ministries were involved in solving the problem, resulting in a delay to solve the problem and wasting the government's budget. When communities demanded that the construction of a dam be stopped and damages be compensated, they had to voice their demands to Ministry of Natural Resources and Environment, Ministry of Agriculture and Cooperatives, Ministry of Public Health, Ministry of Energy, Ministry of Interior, Ministry of Social Development and Human Security and the Prime Minister's Office, as well as having to be involved with mechanisms at the relevant departments or divisions within the ministries. All these red tape because management, policy, budget and decision-making process remain centralized at the central government level. Local communities and organizations have yet been permitted full and comprehensive participation.

6. An unjust management structure has benefited the wealthy and local or international financial capital, especially with regards to natural resources. This has created a huge gap in incomes and living standards among people in the society. That is, the 20-per cent richest own 96 per cent of the country's entire assets while the 20-per cent poorest own a mere 1 per cent. In short, wealth remains concentrated in 1 per cent of the country's population². With regard to land ownership, the laws allow capitalists to benefit from the land with no limit either in terms of a number of years or sizes of land (in *rai*) they can hold while not being required to pay a progressive tax rate although several pieces of land remain vacant and idle³.
7. Grass-roots people, laborers or farmers continue to demand for their rights, entitled benefits and interests. This process of fighting for their rights takes time, wastes a lot of resources, assets, money and incomes while family and community livelihood is lost along the way. Examples are: the Pakmun community, which protested the construction of the Pakmun Dam and been demanding compensation from the dam's impact since 1989; a movement by the Northern Small Farmers Assembly to demand some land to earn a livelihood; a problem of national parks whose boundaries after being declared a park was found to overlap with the land of many people who had long lived there; a protest against the construction of a power plant by the Bankrud-Bonok people of Prachuab Khirikhan Province; or a protest against the construction of the Thai-Malaysia gas pipeline project. Up to the present, several communities whose residents demanded for justice have lost their lands, homes, jobs, incomes, families, communities, knowledge or even their lives.

² TDRI, 2006

³ A study project of possession and exploitation of land, economic measures and laws for land exploitation for optimal benefit by the Land Institute Foundation

8. So far, the state and people sector have tried to help local communities to be able to resolve their own problems and to formulate their own development plans. There is an integrated provincial project where all development plans of the province proposed by the people sector are integrated as the province's development plan. Assemblies of community organizations and provincial health assemblies have also been established. Yet, this process of people organization has not been strong enough to solve problems due largely to not enough power given and not enough responsibilities delegated. In reality, these organizations have been relegated to merely compiling proposals, plans and budgets and forwarding them to the central government or their local administration organization.

9. As for tangible examples of strong collaboration between the people sector, local governments and local communities whereby they all can together manage their affairs with vigour, **the Mae Tha Community of Mae On District, Chiangmai Province** is one. The community managed itself to get out of a draught situation inflicted by destruction of forests due to a logging concession by the state as well as deforestation by the community's own residents. Community leaders and local people analyzed problems, visited other communities for solutions before connecting local and external problem solvers, acquiring knowledge and analyzing budgets together to solve the problem of deforestation. Here is another case. **The Namkian community in Phuphiang District, Nan Province**, was confronted with drug problem and fighting among members of the community before its leaders and some local people started finding ways to solve the problem within the community. This was later expanded to solving other problems in the same tambon in a comprehensive and systematic manner. **The Khuan Roo Community of Rattaphum District, Songkhla Province** managed a problem of leadership conflict through a conciliatory process before this was developed into a system-wide community management model. At present, the community is mobilizing funds for its own community development since the budget provided by the state is not enough. It expects to mobilize as much as Baht 9,999,999. **The Ban Mai Community at Nongbunmak District, Nakhon Ratchasima Province** managed the community's debts using its own knowledge base and its own social capital, which led to the creation of various vocational groups whose knowledge was then disseminated to other groups within the community. **Kalaynivadhana District of Chiangmai Province** is a newly-established district by resolution of the cabinet. Residents in this district call the district "Muechakee District." The new district inspires several agencies especially the Ministry of Interior to realize the so-called dream district concept where people participate in a process to build a district office and to design the office's architecture which combines formal and official characteristics with the local identity. For people in the district, they want to realize their dream of seeing "self-management at the district level" on the basis of local knowledge and wisdom. They have grouped together and called themselves the "Aemuechakee Council" to analyze community assets and to invite local residents to think, contemplate and set planning

directions in collaboration with the government from the very beginning. In short, these five communities are examples of people deciding to stand up and take the initiative to work to solve their own difficult problems. There so many, many more communities that sre capable of self-management.

10. While Thailand has so many laws, only ten are related to decentralization. They include the Municipality Act, B.E 2496 (1953), the Tambon Council Act, the Tambon Administration Organization Act, B.E 2537 (1994), the Act on Regulations to manage Bangkok Metropolitan Administration, B.E 2537 (1994), the Provincial Administration Organization Act, B.E 2540 (1997), the Act on Regulations to manage Pattaya City, B.E 2542 (1999) and the 1997 Constitution of Thailand, which was the first constitution that clearly mentioned decentralization through its 11 articles. In addition, decentralization plans and procedures were formulated for local administration organizations in 1999. Additional mechanisms were created for people to exercise their rights to remove or propose bylaws in 1999. There were also regulations to manage local administration organization personnel, B.E 2542 (1999) and the Act to change status from sanitation municipality to municipality, B.E 2542 (1999). But while there are 11 laws in Thailand involving decentralization, there are more than 700 laws that in effect limit such decentralization since most laws are enacted by the central government. And Thailand is governed by the legal state principle. As a result, ministries and departments wishing to exercise their right to act must first enact an enabling law⁴. Yet, although there are so many laws being obstacles to decentralization, local communities can still use opportunities provided by the 2007 Constitution, which aims to transfer power to local communities as seen in its Article 66, Article 78 (3), Article 87 (1), (2), (3), (4) and Article 163. These legal instruments can be used to push for studies concerning decentralization, to develop an appropriate form of self-management that is appropriate to the communities, and to pressure the government to actually decentralize power to local communities so they can realize their aspirations for self-management as intended by the Thai constitution.

Guidelines for Solutions

11. Based on the nature of problems, social capital available and legal opportunities, Dr Prawase Wasi⁵, Chairman of the National Reform Assembly, made the following comments. “We have a national crisis because we have accumulated structural problems and unfair economic,

⁴ Sumitchai Hattakan, supporting document in a forum entitled Reallocation of Power: Let Provinces Manage Themselves, the Social Management Institute, July 28, 2010.

⁵ Prawase Wasi, “Operations by local communities for the Thailand Reform,” Thailand Reform Information Center, Issara Institute News Agency.

social and administration structure. For the past 100 years, power has been centralized. This has led to a conflict between the centralized power and local self-identity. It has also led to several problems including those in the South and other places. A cause of environment degradation and cultural deterioration is centralization. This reform therefore is to decentralize this power to people to let them govern themselves. What was done from top-down must be stopped. Change your role to provide support instead. Instead of supervising them, how about supporting them? We must believe in human dignity that they can take care of their own communities. We should no longer centralize power again. Top-down bureaucracy is the national crisis. This reform must enable local communities to self-govern in a way that corresponds to their historic backgrounds and demands.”

12. Definition of self-management areas

Area means an area within a provincial context which consists of villages, tambons or subdistricts, districts, and geo-ecological areas in the province.

Self-management area means the fact that people in the local community can make decisions concerning the direction of their development, can manage and administer their own locality in collaboration with agencies, state and otherwise, and also with other organizations, in the dimensions of politics, the economy, the society and culture, and with respect to their natural resources.

Local community means grouping of local people in small to large areas who are related to each other through co-existence and who share common goals and management.

13. To allow local communities to manage themselves, government agencies and other relevant organizations should enhance the community capacity, create joint mechanisms and mechanisms within the local communities with the following guidelines, work plans and budgets on the basis of their belief, lifestyle and culture.

13.1 At the village community level – the central government together with local administration organizations must strengthen the community’s self-management capacity by formulating a community plan as conceive of it as a plan for wellbeing. A supporting budget must be allocated to support for action under the plan, in the appropriate proportion .

13.2 At the tambon level – the local community must jointly develop a self-management mechanism by integrating their community plan with the local administration organization plan, with the community organization plan and plans of other agencies and then translating them into the tambon master plan. Again, the central government

and a local administration organization must allocate budget to support action in the plan in an appropriate amount.

13.3 At the district level – the central government must provide support to create self-management mechanisms originating from the community level and the tambon level so that they can then be realized at the district level.

13.4 At the provincial level – the central government and the provincial administration organization must provide support to create self-management mechanisms at the provincial level whereby the former idea of an integrated province must be transformed into a “self-management province (in all dimensions)” in economic, social, political, culture, education, tourism and tax aspects.

14. Balancing the power between the central government and the communities, the central government vs. the local governments, local governments vs. local communities and communities vs. communities - the central government’s role must be lessened, to perform only the necessary tasks. And power should be truly decentralized to the locality in every dimension as intended by the Constitution, ranging from education to public health, natural resources and environmental management, politics and local administration i.e. tax collection and spending of it in the local communities. In addition, there has to be an allocation of money from taxes raised to enhance the capacity and workings of self-management mechanisms. The local community should play a role in management in all dimensions, including the monetary aspect.

15. Creating participatory and rigorous auditing mechanisms at all levels where ethnic diversity, religious differences and official and unofficial knowledge of all groups and sectors of the community are truly respected.

16. Independent agencies and organizations whose work is related to policy making and which are funding sources must support an enhancement and implementation of self-management mechanisms at all levels. There must be a clear plan with appropriate budget allocated to local community to make decisions on how the budget is to be spent and managing its disbursement.

Issue to be considered by the National Health Assembly

The National Health Assembly is requested to consider the Document NHA3/Draft Resolution 7.