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## Overcoming Crisis of Injustice for the Wellbeing of Thai Society Together

### 1. The situation on and process of reform of Thailand

#### 1.1 Why Thailand needs to be reformed

- (1) The Thai people have been worried about the country's future as they confront a series of problems resulting from the world's economic crisis and domestic troubles. These range from an economic system that leads to development imbalance; problems in income distribution and natural resource management; a political situation that have led to social divisiveness and social violence; corruption as well as critical social malaises from drug problems; social vices; unplanned pregnancy, crime, family; and community conflicts and violence. All of these have lead to the belief that it is time to reform systems and structures of Thai society.

There have been several researches and studies conducted overseas under the topic of "economic equality and democracy." For example, Terry Lynn Karl points out in his study that instability in new democratic countries in Latin America is due to social inequality.<sup>1</sup> Christian Houle has found that in 116 countries that he studied, economic inequality is an obstacle to the attempt to strengthen democracy; while democratic countries enjoying a relatively high degree of equality tend to be able to maintain democracy in their countries in a sustainable manner.<sup>2</sup> Carles Boix indicates that societies with high economic inequality are likely to force the poor and marginalized to react with political violence<sup>3</sup>.

- (2) Structural problems have caused unfairness and inequality. An analysis of changes of population structure, work structure, community, culture and the way people think as well as changes in technology, political awareness and politicians and changes in economic structure shows that we can classify inequality in five dimensions as follows

**Dimension 1: Economic, revenue and asset inequality** – this concerns savings, debts, the fact that people at the society's lower income strata do not have stable jobs and therefore are exposed to high risks<sup>4</sup> and unequal business opportunity.<sup>5</sup> Since 1992, the income distribution gap and social inequality has become so vast that revenues generated by the top 20 per cent wealthiest population in this country account for 54 per cent of the country's total revenues while the 20-per cent poorest population generate a mere 4.8 per cent of the country's total incomes.<sup>6</sup>

**Dimension 2: Land and resource injustice and inequality** – land ownership in this country remains very much concentrated<sup>7</sup> in a few people's hands and natural resources have been degraded due to waves of development. In addition, this is

closely intertwined with debt problems that cause more and more farmers to lose their lands while at the other extreme there are so many lands left vacant. At present, there are disputes or conflicts over lands and natural resources either between the state and communities or between private corporations and farmers. This increasing leads to conflicts and protests by people in rural areas making their voices heard in the issues of land, water, forests and resources.<sup>8</sup>

**Dimension 3: Injustice and inequality in opportunity** - In education, although the current constitution of Thailand guarantees that all Thais are entitled to quality education, yet, at present, quite a number of children in school age remain excluded from the education system because of their disability or poverty, nationality and other obstacles.<sup>9</sup> Besides, the current education system heavily focuses on the formal school system i.e. making Thai students stay in the school system on average for 8.7 years only. They are deprived of an opportunity to continue a life-long self-development process. In healthcare promotion, although Thailand does have several comprehensive health security systems whether it's the universal healthcare system, the social security system and the government/state enterprise welfare system, rights and privileges offered by these three health security systems remain unequal. Besides, inequality of medical and public health resources also prevails between Bangkok Metropolis and the provinces, between big cities and rural areas. The Thai health system is increasingly facing threats. In addition, an opportunity to get access to various resources by various groups of people is found to be vastly different especially between city dwellers and rural people, between the haves and the have-nots, and between those who can access state power and those people and communities who cannot.

**Dimension 4: Injustice and inequality of rights** – The Constitution of Thailand, B.E 2550 (2007) has extensively guaranteed fundamental rights of the individual and communities. Yet, in reality, a large number of people continue to be denied access or a right to equally exercise his voice either because they don't know what rights they have or because of existing influence, ignorance and abuse of power by government officers, legal restrictions or legal interpretation that conflicts with the rights given by the Constitution or other legislations. An example is the law on national parks whose provisions conflict with community rights that allow people to participate in natural resource management as stated in the Constitution.

**Dimension 5: Injustice and inequality of bargaining power** – Thai society consists of groups of people with diverse ideologies, culture and interests and such diversity increasingly leads to more conflicts. In addition, unequal bargaining power between conflicting parties is one of the main reasons preventing negotiations from becoming fruitful or making parties who suffer from an incident less likely to accept an offer.

## 1.2 Causes of Crisis in Thailand

The following is an analysis of causes of the crisis of social injustice that Thailand is now facing.

Main: Overcoming Crisis of Injustice for the Wellbeing of Thai Society Together

- (1) Capitalism and unfair natural resource management. An aggressively expanding capitalism which is heavily linked with globalization has not taken enough account of people's lives and the significance of their co-existence. It has violently uprooted the soul, the society, the environment and culture while widening gaps and inequalities. In addition, as capitalism is playing a greater role in politics, this leads to money politics and therefore a substandard political system, which hugely impacts Thailand's future development.
- (2) Vertical society – this describes an interaction relationship between an upper end of the social strata who have power and the lower end who have no power. Under this relationship, the society becomes less and less capable to cope with changes. People tend to behave negatively. They become more selfish. The learning from each other is minimal. Society is increasingly corrupted. There is no common goal within the society and members of the society cannot co-exist peacefully. The society suffers from problems resulting from the use of influence and a patronage system, which becomes a major impediment to economic, political and moral development.
- (3) Substandard political and bureaucratic systems – the existing political system attracts only politicians and holders of political positions with low levels of honesty and integrity. They have little knowledge and capability and tend to wield their power rather than their virtue and wisdom. The substandard political system is a major factor of Thailand's crisis together with the centralized bureaucratic system<sup>10</sup>, resulting in a system that cannot to manage the country under the new and complicated environment while being deeply dominated by power and politics. Local communities become weakening. There are conflicts among centralized state power and local culture. The bureaucracy cannot become a core to solve problems during the crisis. Together with far-from-comprehensive justice system, this leads to an accumulation of desire to take revenge in the society.
- (4) The educational system, lack of learning/awareness, and lack of wisdom are roots of all problems. In a situation where the current education system focuses mainly on learning of school subjects and fails to inculcate learning about the suffering of people outside the classroom, the nation becomes weakened. And the communication system fails to be a force of development of the nation.

### **1.3 Reform process of Thailand**

Following political crises and violence during 2006-2010, there have been attempts to start a reform process in which Thai people are encouraged to share opinions and to overcome the crisis for the country's sake. The idea is create changes in ideology, concept, system and major structures in the Thai society. This also includes efforts to invoke changes in people's actions on every issue and at every level, which to achieve this ambitious goal requires participation by all members of the society.

In July 2010, the cabinet issued a regulation of the Prime Minister's Office concerning national reform by setting up a Reform Commission chaired by Mr. Anand Panyarachun and the National Reform Assembly chaired by Dr Prawase Wasi. The Reform Office, an office under the National Health Commission Office of Thailand (NHCO), was assigned to be their secretariat. Thai people from all walks of life were invited to be part of this Thailand Reform movement through diverse means, which is planned to last three years. Both committees share a common reform goal to "promote justice to reduce social inequality."

## **2. Reforming a public policy development process vs. social reform**

2.1 Public policies are vital for setting social directions and determining social conditions. As a result, a good process for the development of public policies should emphasize extensive participation by people from all sectors. Article 87 of the Constitution of Thailand states that "the state shall do the following based on a people participation policy."

- (1) Supporting people to participate in formulating and planning economic and social development policies at the national and local levels.
- (2) Promoting and supporting people participation in making political decisions, planning economic and social development and providing public services
- (3) Promoting and supporting people participation at all levels whether through professional organizations, vocations or other forms in scrutinizing how the state exercises its power
- (4) Promoting people to be politically strong and enacting a law to set up a fund to develop citizen politics. The aim being to facilitate public activities of communities, supporting networks of groups of people forming networks in all forms, so that they can express their opinions and voice community needs.

2.2 Injustice situation resulting from the public policy process – Thailand's economic development for more than five decades has changed the country's economic and social structure. While development policy has vastly expanded Thailand's economy, it also has depleted the resource base and gravely undermined the cultural diversity that communities largely depend on. This results in extensive social impacts to groups of people in the society. Communities and rural areas compete for resources while, at the other end, demands are made to various groups of people to sacrifice what they have for the sake of the common interest.

The borderless world also allows external players especially major investors to directly interact with communities without any buffering mechanism, making conflict in the local communities even more complicated. The existing paradigm of separating the bureaucracy from capitalism is no longer enough to handle recurring problems. As a result of injustice, it drives the have-not to demand justice from the government and for them to start fighting for their cause. The results from social struggles have opened more doors for people participation, as can be seen in the enabling provisions in the 1997 and 2007 Constitutions of Thailand that allow participation of community and people sectors.

Yet, in various sectors, wider participation is still not a reality, or in other words, it remains a myth; participation of the people sector in terms of content and process to achieve justice is not yet fruitful. Although resolutions or agreements are routinely made, these are not translated into real implementation.

2.3 Injustice in the public policy process. From five case studies where the “Health Assembly” as a process was used to develop a participatory public health policy, the following is found:

- (1) Agriculture and food in crisis – It is found that results of unfair agricultural and food policies prevented farmers and consumers from participating while these favored capitalist and industrial sectors and resulted in an embrace of capitalism without social awareness and wisdom; together with the public sector’s attitude that perceives the food and farm sector merely as a tool to improve its policy objectives in other areas. These have caused the following problems: 1) land crisis – Thai farmers are losing their lands and increasingly become “hired labor” in their own lands; 2) debt crisis; 3) food resource crisis – farmers are being excluded, discriminated and alienated from the resource base in their locality; 4) crisis of wisdom and knowledge – farmers are being tied to a new set of knowledge and technology and feel alienated from traditional ones; 5) well-being crisis of both farmers and consumers which resulted mainly from the use of chemicals to make food; and 6) food insecurity crisis – despite the fact that Thailand is one of the world’s top ten food exporters, more than 20 per cent of its population are facing food insecurity and more than 10 per cent of children are malnourished.<sup>11</sup>
- (2) Water resource management – results from the public sector’s policy to manage various rivers for enough water to feed an expansion of mono-crop farming as well as industries and urban communities but this has instead violated rights to access water of various groups and the ecology. Traditional knowledge and management of water that nurtured balance in the past is replaced by a new water management system and knowledge belonging to those with power in hands who rely upon a single set of knowledge to manage the situation. This is especially evident for water distribution and flood management problems. In addition, with the state’s monopoly on water, participation of local water users has failed to create a fair and just water distribution since everything is under fragmented public offices and there is not enough and clear database. This results in discrimination and inequality among different production sectors especially those in the industrial development areas. Impacts from floods between 2006-2010 show injustice resulting from a priority given to large cities being an economic center. Together with the fact that large cities are having more advantage in terms of resources and water management techniques, this even added more losses to rural sector and pushed more burdens to rural areas suffering from the floods.
- (3) The southern development plan – results from policies of the central government which try to promote large industries and build major infrastructure to develop the southern economy have led to a vast destruction of traditional resource bases in the

South which were once its assets. Local people are requested to sacrifice some benefits for the sake of the national interest under a particular definition of national development. Groups of people in the area are deprived of their rights. They don't have much capacity to manage their own communities and are marginalized.

- (4) Health impact assessment system and mechanisms of the Thai society – the case in point is Mab Ta Put. The state's policy focusing at intensive and fast economic growth has led to a development of heavy and chemical industry in the area without preventive measures to handle future effects. While there is indeed a high economic growth rate in the area, it also creates huge environment and livelihood costs for people there. Polluted environment worsens health of residents. Overmigration into the Mab Ta Phut area destroys local culture and livelihood. Cultural assets are minimized and replaced by a more secondary and distant relationship between diverse groups of people.
- (5) Universal access to medicinal drugs by Thai people – results of the government's policies that put a priority on trade rather than patients health security prevent poor patients from getting an access to drugs they need due to their expensive prices resulted either from a monopoly and patent. In addition, with regard to Thailand's health insurance scheme, some people including the less fortunate in this society are being left out and denied the access. Inequality in healthcare services among different areas and population groups is also found.

#### 2.4 Causes of injustice in a public policy process

- (1) Results of an unequal power structure has prevented all players and stakeholders affected by policies to have equal participation in the policy process.
- (2) The structure that considers only certain types of knowledge legitimate while suppressing other existing knowledge especially local wisdom, knowledge and experiences of those being affected as well as the fact that knowledge is being monopolized by public agencies has prevented groups of people from accessing the information.
- (3) Policy decisions still do not take into consideration risks involved or negative impacts on some groups, but at the same time the state is still demanding that the minority give sacrifices for the sake of the majority interest.
- (4) Policy is not formulated based on a clear framework of accountability and therefore leads to gaps in solution via policy whenever problems arise i.e. no clear designation of the responsible agency.
- (5) The fact that a policy is managed separately by separate agencies under a separate roof since the plan is separately proposed means no single responsible person can be found and the problem cannot be solved. There is a tendency among those accountable for the policy to shuffle their responsibility between each other.

- (6) The people sector lacks an opportunity to access information at various stages of the problem. They do not participate enough. There is lack of networks to help them air their grievances voice and insert their problems into a public agenda.

2.5 Policy recommendations. These are:

- (1) Encourage people's networks and relevant organizations to join forces to create a fair public policy process that takes into consideration the value of co-existence and recognition of those peacefully fighting for justice.
- (2) Encourage the formulation of common frameworks and rules to create a public policy process that gives priority to community rights and people's participation and that enforces and educates the public while conducting a comprehensive environment and health impact assessment and putting in place a system which will be accountable for results and risks arising from policy implementation.
- (3) Strengthen knowledge/research strategy where "an area of knowledge" and "an area of policy" is opened up to recognize local wisdom as well as practical and local knowledge that had been suppressed. This can be done by developing management mechanisms that allow access to holistic knowledge and by formulating guidelines to determine technical standards for reference.
- (4) Support the searching for and the use of conflict management tools, by listening to the plight of those involved in order to understand actual causes and problems for realistic and immediate solutions.
- (5) Establish a mechanism to manage injustice at national, regional, provincial and local levels that have representations from various administrative zones. This to include representation from community and local areas, but it should also include issues-based and ecological-based representation as well. These mechanisms are tasked with determining directions, operation plans, procedures and tools to resolve injustice in both the issues dimension and the spatial dimension.

### **3. Issue to be considered by the Health Assembly**

Members of the Health Assembly are requested to consider the draft resolution on Overcoming Crisis of Injustice for the Wellbeing of the Thai Society.

## References

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<sup>1</sup> Terry Lynn Karl. "Economic Inequality and Democratic Stability." *Journal of Democracy*. 11:1 (2000) 149-156

<sup>2</sup> Christian Houle. "Inequality and Democracy: Why Inequality Harms Consolidation but Does Not Affect Democratization." *World Politics*, 1:3 (October 2009): 589-622.

<sup>3</sup> Carles Boix. *Democracy and Distribution* (Cambridge: Cambridge University Press, 2003). p 3.

<sup>4</sup> More labor suffers from economic instability. As more than 58.3 per cent of labor is in the informal sector, they are not protected by labor laws; nor are they in the social security system. They do not get an opportunity to enhance their capacity and are not paid fairly, either. (Office of Development Projects of United Nations of Thailand, *Human Security: Current and Future, Human Development Report of Thailand, 2009*)

<sup>5</sup> In the past, micro enterprises that really needed help were restricted to access tax measures since granting conditions did not match the reality of small and medium enterprises and since politics also interfered in an access to the resources. (Duenden Nikomborirak, Sirikan Lertampainon, *Access to tax privileges and funding sources of small and medium enterprises, documents in the 2010 Annual Symposium of Thailand Development Research Institute (TDRI) entitled "Reducing inequality and creating business opportunities," November 29, 2010*)

<sup>6</sup> Based on distribution data of the "poor" or those with income below the poverty line, which is Baht 1,443 a month; in 2007, 52.5 per cent of the poor was found in the Northeast and 28 per cent in the North. The "poor" in Bangkok and vicinity, the Central and the East which are development centers, clearly are proportionally fewer. (Survey of household economic and social conditions, the National Statistics Office, 2007). When compared to income per capita of populations in farm and non-farm sectors, the different is more than 100% (Survey information of employment, the National Statistics Office, 2007)

<sup>7</sup> Examples of land ownership in Bangkok indicate that 50 individuals and entities own 10 per cent of the entire land. (Duangmanee Laowakul and Aimporn Pichaisanit, 2008)

<sup>8</sup> Especially in 1994-1995, Prapat Pintopteng counted 276 protests involving land, water and forestry resources by rural people in 1994 and 335 protests in 1995. Details are in *Politics on the Road: 99 Days of the Poor Assembly*, Bangkok, Krirk University, 1998, p

<sup>9</sup> The Office of Basic Education, Ministry of Education, found that a ratio of students vs. the population that should receive basic education from 3-17 years old continued to decline while a ratio of students leaving school or disappearing between school year was



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increasing. Most were due to poverty, family problems, migration with parents and working for self-support.

<sup>10</sup> Although the Act formulating plans and procedures to decentralize power to local administration organizations, B.E 2552 (2009) has been enacted and 245 missions are to be decentralized to local administration organizations within five years while local government's income will be 35 per cent of the government's incomes, yet, in 2009, only 180 missions were transferred. Local government's budget accounted for 25.25 per cent of the government's budget only. (Information from the Office of Decentralization Commission to Local Governments, the Prime Minister Office, referenced in Human security: Current and Future, Human Development Report of Thailand, 2009, p. 58)

<sup>11</sup> The food resource work plan (2007-2010); a work plan to support food security through prototype development at a community level and a national policy movement (2010-2016); from Resources to Food Security, Rehabilitation of Natural Resources and Biodiversity for Food Security of Thai Communities and Society.