

Thai Health

2013

10th

Anniversary
Volume

Thailand Reform: Restructuring Power, Empowering Citizens

5 Outstanding Situations of the Decade

10 Outstanding Situations of the Year

**National Health Indicators
for the Last 10 Years**

10 Human Security Indicators



มีสุขภาพของชนชาติ



สสส
สำนักงานกองทุนสนับสนุน
การส่งเสริมสุขภาพ



Institute for Population and Social Research, Mahidol University
Thai Health Promotion Foundation
The National Health Commission Office

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Translated by:	Paisarn Likhitpreechakul
Edited by:	Andrew Jonathan Hall
Cover design:	Nat Roengmonkol
Layout design:	 TaiSoiDesignNew
Graphic for indicator part:	Sukanya Phomsap
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Institute for Population and Social Research, Mahidol University

999 Phuttamonthon Sai 4, Salaya, Phuttamonthon, Nakhon Pathom 73170, Thailand
Tel.: +66 2 441 0201, +66 2 441 9666 ext. 219. Fax.: +66 2 441 9333
Email: directpr@mahidol.ac.th;
Website: <http://www.ipsr.mahidol.ac.th>

Thai Health Promotion Foundation

ThaiHealth Center, 99/8 Soi Ngamduplee, Thungmahamek, Sathorn, Bangkok, Thailand 10120
Tel.: +66 2 343 1500 Fax.: +66 2 343 1501
Website: <http://www.thaihealth.or.th/en>

The National Health Commission office

2nd Floor, Building North of Health Park (Sataranasuk 6 Lane), Ministry of Public Health Complex, Tiwanon Rd., Mueang District, Nonthaburi 11000 Thailand.
Tel.: +66 2 590 2304 Fax.: +66 2 590 2311
Website: <http://www.nationalhealth.or.th/eng/>

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**Thai
Health
2013**

Preface

This volume of ThaiHealth marks the report's first decade of publication. During each of the last ten years, ThaiHealth focused on the previous year's outstanding issues, chronicled key events and presented important information to the public. Some of these situations described in our reports have seen improvements while others are stuck without significant progress in the same place or simply recurrent difficulties. In order to solve complex problems we can understand that we need a complete rethinking and restructuring of society, as well as cooperation from all parts of the society itself.

In this 10th year anniversary volume, the ThaiHealth Working Group has selected five important ongoing situations for discussion and for each compiled related events chronologically to show a clear picture of developments. The aim of this special volume is to summarize actual events while avoiding analysis and commentaries. ThaiHealth's duty is to record events for the benefit of learning for the future. The five situations chosen are: ongoing political conflict; the Deep South unrest; sexual health issues; natural and other disasters; and health system reform-a social innovation involving government agencies, civil society and the public at large.

Preface

Another special feature of this volume examines the National Health Indicators (NHIs) of the last decade. These indicators show how the Thai population has better health than before, especially relating to increased longevity and the decrease of some diseases. The health security system, which continues to improve since the health system reforms of ten years ago, also evidences progress. Today, all Thai citizens have health security and can access quality health care services. Even those with low income are protected when afflicted by diseases from high treatment expenses. However, some problems such as chronic diseases increased over the past ten years for Thai people.

This special volume of ThaiHealth also has the same sections found in regular volumes including the highlight story, outstanding situations and indicators. This volume's highlight story is entitled "Thailand Reform: Restructuring Power, Empowering Citizens" and looks at fundamental structural problems that lead to social inequality and injustice, as well as discussing solutions through strengthening people's participation in the development of their own communities.

On outstanding situations this year, the ten chosen topics include: the rice pledging scheme; a country-wide 300-baht minimum wage; impact of intellectual property rights on Thailand's drug system; asbestos; energy; industrial pollution; and self-governing provinces. This volume includes the usual short presentation of four "outstanding achievements" also.

For indicators, the human security index which includes economic, environmental and social dimensions shows how Thailand still faces several aspects of insecurity.

The ThaiHealth Working Group sincerely hopes that this 10th year anniversary volume of ThaiHealth 2013 will be useful to Thai society, leading to a learning process those results eventually in a more peaceful society for the future.

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“ThaiHealth” over the past 10 years

Since the first edition of ThaiHealth was published in 2003, Thailand’s health situation has significantly changed. While some aspects of health in Thailand have seen improvements, a number of challenges remain unresolved or insufficiently addressed.

Health indicators over the past 10 years are reviewed in accordance with Thailand’s National Health Indicator framework, which comprises of 12 sections of indicator divided into 3 components including health status, determinants of health and health service system.

Measured by life expectancy... the overall health of the Thai population has improved

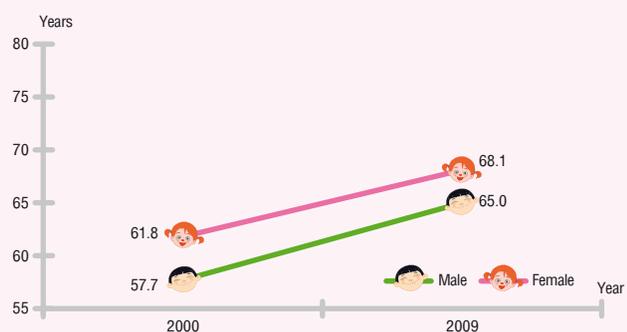
As life expectancy is an outcome indicator that can show changes in the overall health of the population, it is clear that Thai Health has continued to improve between 2003 and 2013. The three years’ increase in life expectancy at birth and six years’ increase in Health-Adjusted Life Expectancy (HALE) show that Thai people both live longer and have better health these days.

Life expectancy at birth in 2003, 2008 and 2013.



Source: Institute for Population and Social Research, Mahidol University.

Health Adjusted Life Expectancy (HALE) in 2000 and 2009

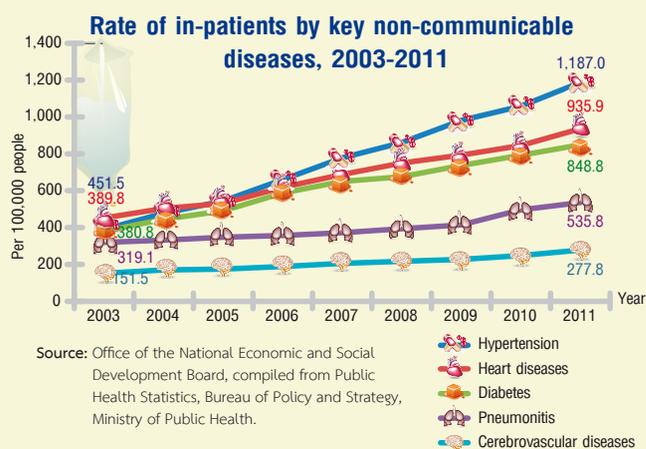


Source: Health-Adjusted Life Expectancy 2000, World Health Organization.
Health-Adjusted Life Expectancy 2009, The Thai Working Group on Burden of Disease and Injuries, International Health Policy Program.

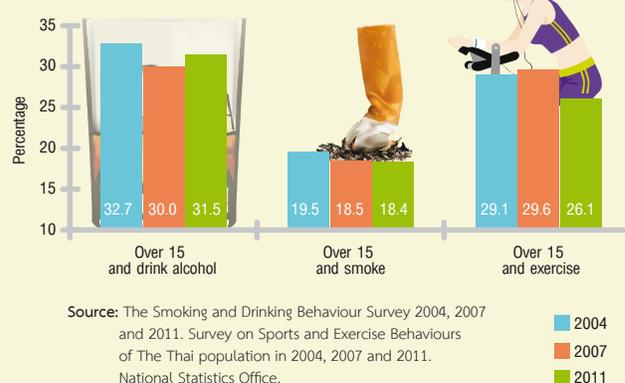
More cases of non-communicable diseases. Cancer and accidents remain top causes of death

Morbidity due to non-communicable or chronic diseases continued to increase throughout the past decade. In particular hypertension, heart diseases, and diabetes—now affecting 1,187; 936 and 849 inpatients per 100,000 population, respectively—are a result of inappropriate health behaviour and lack of sufficient health promotion and prevention.

Meanwhile, cancer and accidents remain the top two preventable causes of death in Thailand. In 2011, 95 persons per 100,000 died of cancer, comparing with only 79 per 100,000 persons in 2003.

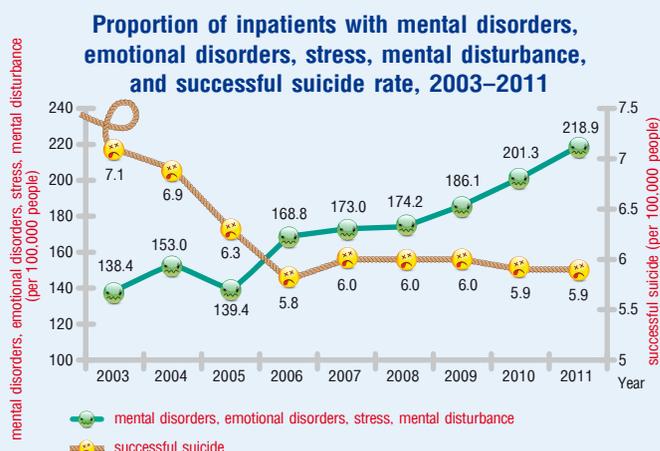


Alcohol consumption, smoking and exercise in 2004, 2007, 2011



More psychological and emotional problems, but lower successful suicide rate

Although the physical health of the Thai people has improved in many ways, the past decade also witnessed a rise in mental health problems including mental and emotional disorders, stress and psychological disturbances. The number of mental health inpatients increased from 138 per 100,000 in 2003 to 218 per 100,000 in 2011.



However, this rise could be due to either actual increase in the number of patients or better surveillance and access to mental health services.

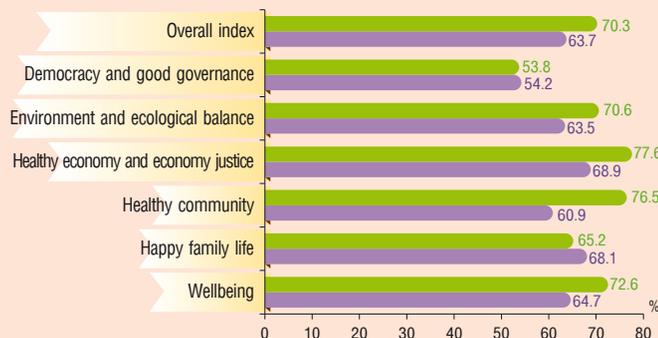
Within the National Health Indicator framework, the decrease in successful suicide rate may indicate an improvement in one dimension of mental health. Nevertheless, other mental health aspects remain in question and require continued monitoring.

Some health determinants improved, whilst others deteriorated

Family, community, society, the economy, politics and the environment are important factors which affect the health of individuals.

The improvement in the overall well-being of Thais can be seen in the “Green and Happiness Index” which rose from 63.7% in the “improvement needed” level in 2003 to 70.3% in the “moderate” level in 2011. However further improvements are needed in order to attain a “good” or “very good” level. This is particularly true for the family and political dimensions of health where situations are worse than a decade ago. In addition, income maldistribution and social inequality are issues which require attention.

Green and Happiness Index, 2003 and 2011



Note: < 60% = urgent improvement needed; 60–69.9% = improvement needed; 70–79.9% = moderate; 80–89.9% = good; 90–100% = very good.

Source: 2003 data from “Green and Happiness Index: First year of the 10th National Economic and Social Development Plan (January 2009); 2011 data from monitoring and evaluation results of the 10th National Economic and Social Development Plan and monitoring and evaluation results of the first year of The 11th National Economic and Social Development Plan, Office of the National Economic and Social Development Board.

Disparity in income and consumption expenses between the richest and the poorest groups, 2002-2010

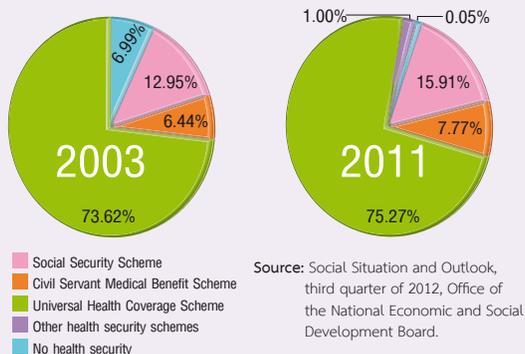


Source: Community Economy Development and Income Distribution Office, Office of the National Economic and Social Development Board.

99.9% of the Thai population has health security and protection against catastrophic healthcare expenses. Better access to health services

Since its 2001 implementation, the Universal Health Coverage Scheme continues to expand its coverage. It can be said that virtually all Thais now have health security, providing access to necessary healthcare services in times of sickness and protection against bankruptcy caused by high healthcare expenses. Healthcare expenses of low income households, which used to be significantly higher in proportion to those in other households, also continued to decrease.

Proportions of Thais with health security by type of health security, 2003 and 2011



Source: Social Situation and Outlook, third quarter of 2012, Office of the National Economic and Social Development Board.

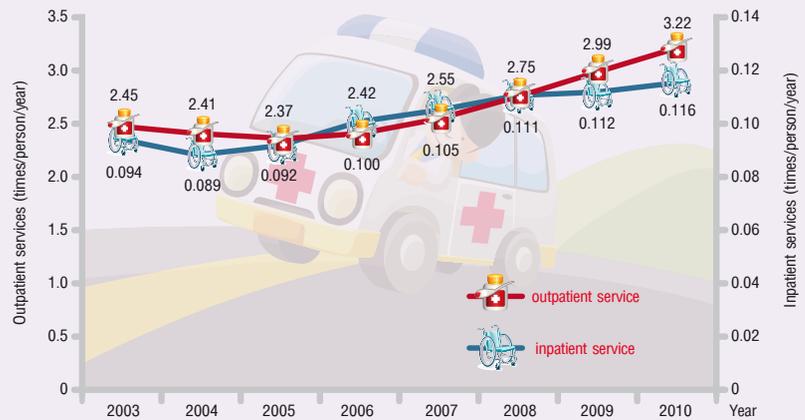
Number of household bankruptcies caused by healthcare expenses, 1996–2009



Source: The Evaluation of The First Decade (2001–2010) of The Universal Health Coverage in Thailand, Health System Research Institute.

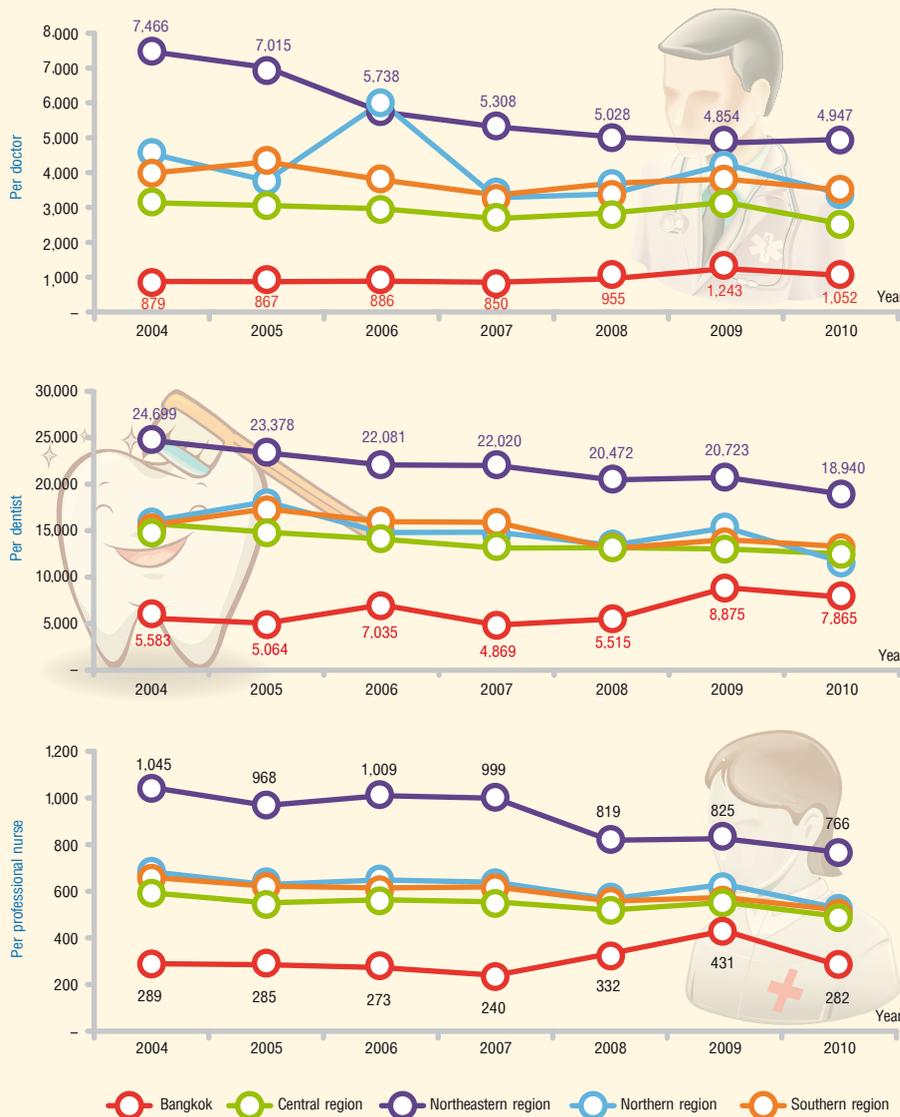
As healthcare services continue to improve and healthcare security increases in coverage, the outpatient and inpatient rates also increased annually, indicating better access to necessary healthcare services.

Outpatient and inpatient service rates, 2003–2010



Source: The Evaluation of The First Decade (2001–2010) of The Universal Health Coverage in Thailand, Health System Research Institute.

Numbers of population per one health personnel, 2004–2010



Source: The Report of Health Resource and Survey, Bureau of Policy and Strategy, Ministry of Public Health, 2004–2010.

Medical resources remain unevenly distributed

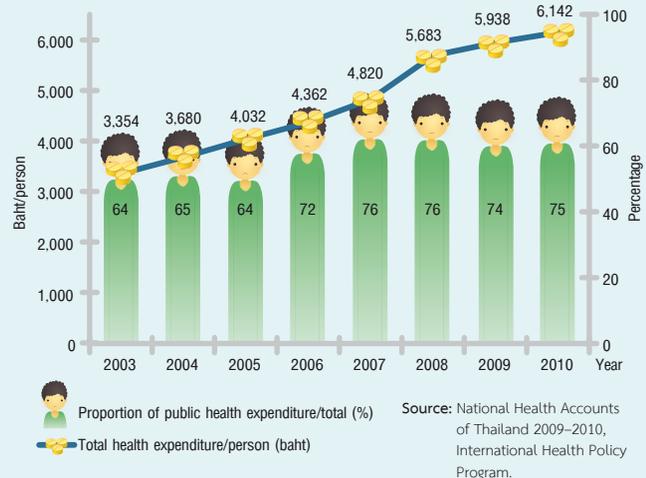
Although statistics seems to show better regional distribution of public health resources, especially for doctors and dentists, in reality resources remain highly concentrated in urban areas in Bangkok and the central region, especially if private hospitals and clinics are included in analysis.

Questions therefore remain about equal access to and quality of health services.

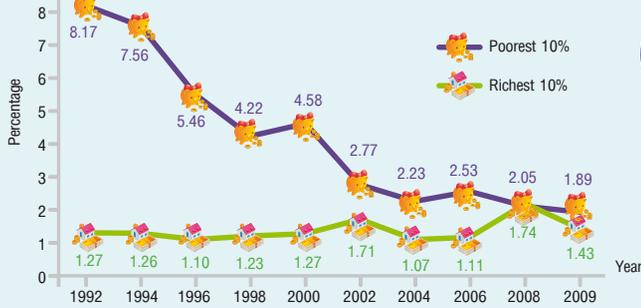
Per capita health expenditure continues to increase, mostly from public health spending.

Between 2003 and 2010, per capita health expenditure has increased at almost twice from over 3,000 baht to over 6,000 baht. Three quarters of these expenses are government health spending. The proportion of total health expenditure to GDP has slightly increased from 3.6% to 3.9% 2010 not a very high level comparing to other countries.

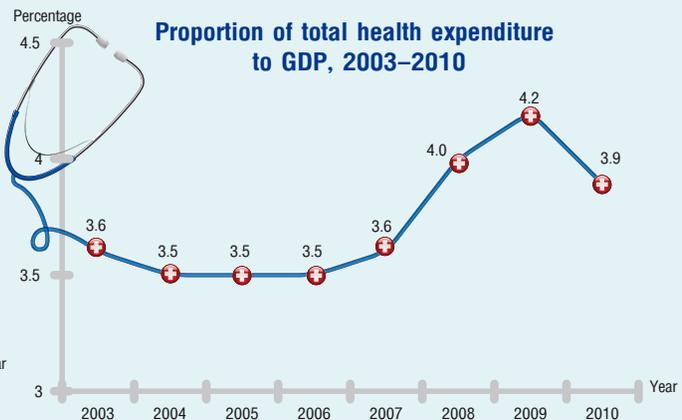
Per capita total health expenditure and proportion of public health expenditure, 2003–2010



Proportion of health expenditure to household income of the 10% poorest households and 10% richest households, 1992–2009



Proportion of total health expenditure to GDP, 2003–2010



Health expenditure of the poorest households continue to decrease whilst those of the richest households remain stable. Considering the expansion of healthcare services and health security over the past 10 years, Thailand's healthcare system could be rated as satisfactory for efficiency.

Service quality and effectiveness require continued monitoring and evaluation

In conclusion, it is to be welcomed that overall health has improved, the Thai population has comprehensive health security and universal access to necessary services and healthcare expenses decreased leading to fewer bankruptcies. However, due to limited data and comparison difficulties, service quality and effectiveness of the healthcare system over the past decade and from now on still requires continued monitoring and evaluation.



10 Indicators of Human Security

Citation:

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Citation Example

Thai Health Report. 2013. Social Security and Protection. *ThaiHealth* 2013. (page 16-17). Nakorn Pathom: Institute for Population and Social Research Mahidol University.

“Human security is the situation where all humans can live free from all forms of risks and threats to their ways of life, are guaranteed with appropriate protection against unpredictable adversities and have opportunities to fulfill their potentials for growth and live with equal dignity.”

10 Indicators of Human Security

Factors that allow a secure and peaceful life are not limited to those at an individual level. Within rapid changes of Thai society and today's world, there are in fact many complex and interconnected forms of insecurity and threats which work against human security.

This edition of ThaiHealth presents ten indicators of human security divided into three sections as follows:

Indicators 1-2 present general situations on insecurity issues of concern in Thai society and currently available social protection measures;

Indicators 3-8 present thematic human security and insecurity situations, namely human development, energy, the environment and natural disasters, the internet and IT, drug patenting and international security. These are contemporary issues which directly and indirectly impacts the lives of the Thai people.

Indicators 9-10 present fundamental causes of human insecurity and inequality due to social injustice and marginalisation of certain populations.

According to the Human Security Index (HSI) 2010, Thailand ranks at No. 103 out of 232 countries with high scores of “insecurity” in four important areas of the social fabric index. These are: 1) peacefulness, in particular, national peace and domestic safety; 2) governance in relation to political stability, violence and corruption; 3) education and information empowerment, and 4) food security in terms of adequacy and access.

Social Security and protection measures help mitigate risks and human insecurity. Thailand's challenges lie in harmonization of the differences and disparities among social security systems for populations in different sectors, appropriate integration in management and concerns about long-term financial stability of existing social security systems.

Energy is important to daily life and national development. Appropriate policies and development strategies are urgently needed to ensure sustainability. These include decreasing dependency on imported energy, developing and promoting recyclable energy and increasing the efficiency of all energy use to promote cost effectiveness and eco-friendliness.

As for the environment, we now clearly witness climate change as manifested in the form of increasingly frequent natural disasters. It has now become an important risk affecting human life and property at personal, national and global levels. Appropriate management of natural resources and the environment including natural disaster response plans are necessary in today's world.

Meanwhile, it has become increasingly clear that Thai society is "greying", as longevity increases and the number of births decrease. However, rather than focusing on declining birth rates, improving the quality of birth and upbringing of the population is more important and will strengthen human and national security in the future. Issues that require attention are, amongst others, unwanted pregnancies, infant well-being and improvement in the quality and efficiency of education.

Although only a quarter of the Thai population regularly access and use the internet, but the explosive growth of an online community is blighted with cybercrime and cyber threats that are increasingly complex and unpredictable. This is another risk which requires monitoring as well as awareness raising to ensure appropriate and creative use of the internet and IT resources.

Available data shows that drug patenting strongly impacts drug prices and medical expenses. This is particularly true for modern drugs that account for a very high proportion of Thailand's healthcare expenses. It becomes vital therefore to promote research, development and innovation in the field of traditional medicine to increase self-sufficiency, improve access to drugs and decrease the burden from expensive imported drugs.

In terms of international relations, it is clear that more issues than war and international conflicts, globalization and its effects have become pressing issues requiring attention. These other issues include developmental gaps among countries, terrorism and transnational crime, natural resource disputes and cross-border environmental problems.

Economic and social inequality, that are related to income, rights, opportunities, power and dignity are at the root of overall insecurity of Thais and Thai society. Social marginalization of certain populations also leads to violation or transgression against their rights through stigmatization and discrimination. This is another issue which requires awareness among all sectors to ensure that every human in Thailand universally and equally has security in life and is guaranteed against threats to human security.



1

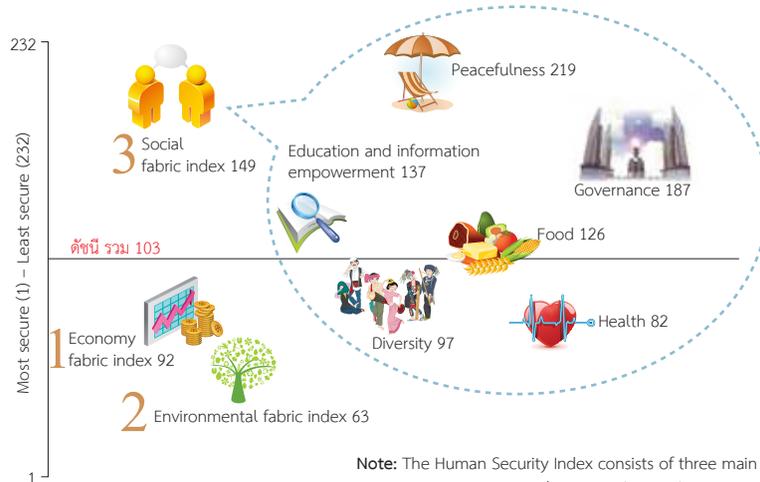
Insecurity

Thai Health Working Group

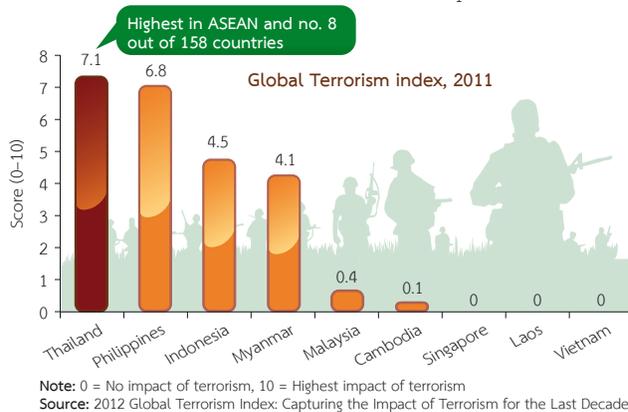
“In terms of human security, Thailand ranks at No.103 out of 232 countries. Social order is still a hot issue.”

Judging from the Human Security Index (HSI), Thailand belongs in the group of countries with medium levels of human security. Although economic and environmental securities are at high levels, social security and particularly peace, governance, education, access to information and food remain “insecure” and require attention.

Thailand's Human Security Index rankings out of 232 countries, 2010

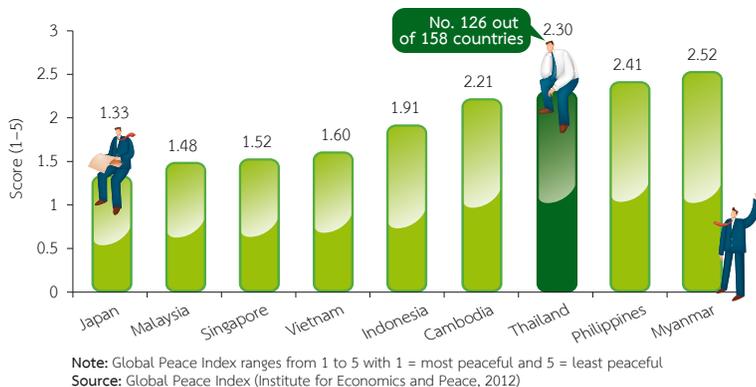


Note: The Human Security Index consists of three main components, namely economic security, environmental security and social security.
Source: Global Human Security Index, version 2.0

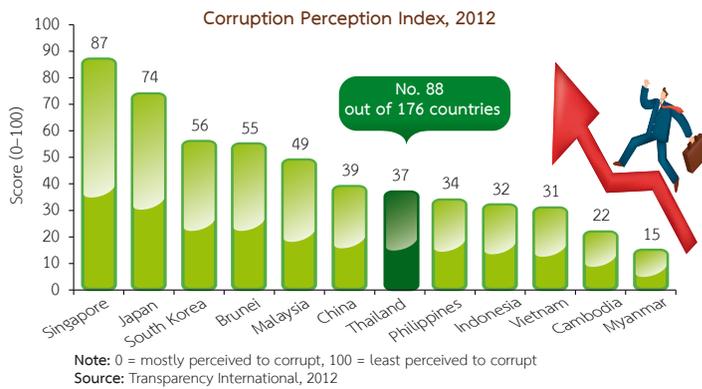


The continuing violence in Thailand's three Southern-most provinces and its consequences put the country's Global Terrorism Index at No. 8 out of 158 countries, with much more damage to lives and property within the country than in other ASEAN countries.

Global Peace Index, 2012

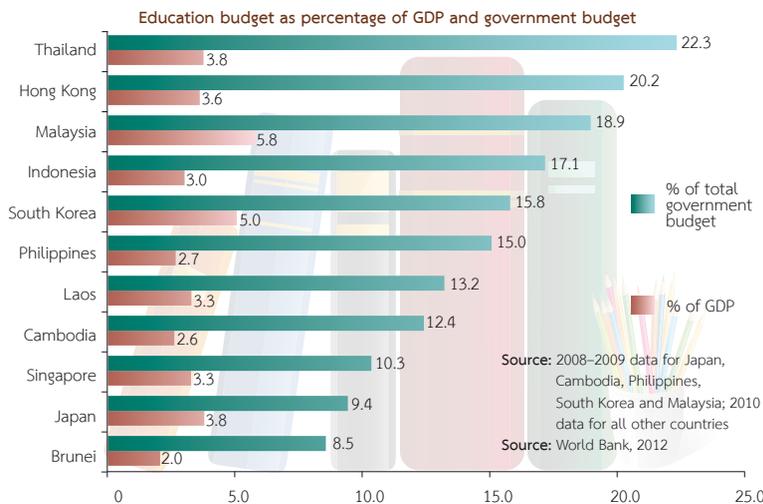


Meanwhile the Global Peace Index ranks Thailand at No.126 out of 158 countries, lower than many countries in the region.

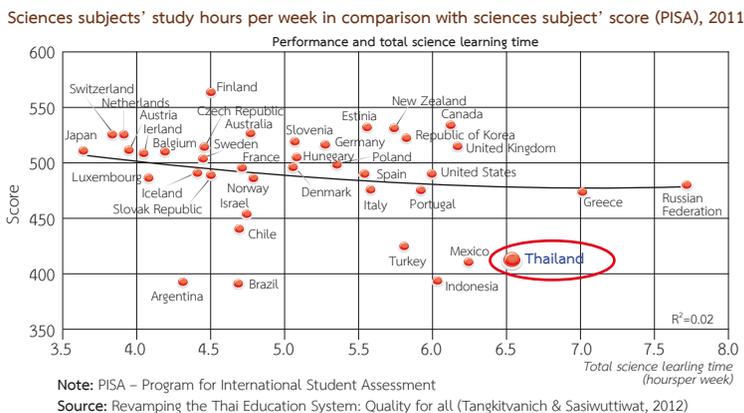


These indices reflect the absence of peace which constitutes a threat and vulnerability to the security of Thai society and all Thais.

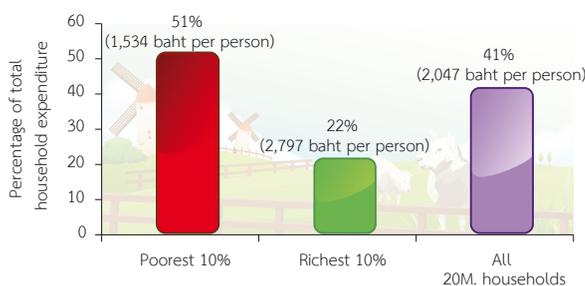
In addition, the lack of good governance and widespread corruption in Thailand is considered worse than in many countries in the region. Although Thailand's budget for education as a proportion of total government budget and GDP seems to indicate importance given to education, Thai students come up lower in term of knowledge and skills compared to their counterparts in other countries. The quality and effectiveness of the educational system must be subjected to more inquiry and improvement.



Another issue which is important to human security in Thai society is food security, including availability of and access to sufficient food, both quantitatively and qualitatively, appropriate food consumption and sustainability of food production. The reform of Thailand's agricultural sector and food production system is a key and will require the collective guidance of all sectors to ensure security and fairness.



Household expenditure on food and beverages by socioeconomic status



2

Social Security and Protection

Dr. Worawan Chandoevmit,
Thailand Development Research Institute (TDRI)

“Apart from protection against illnesses, as many as 25 million Thai workers (63% of the workforce) effectively don't have social security.”

As a safety net and source of assurance, social security in Thailand, however, still provides unequal protection to different groups of the workforce.

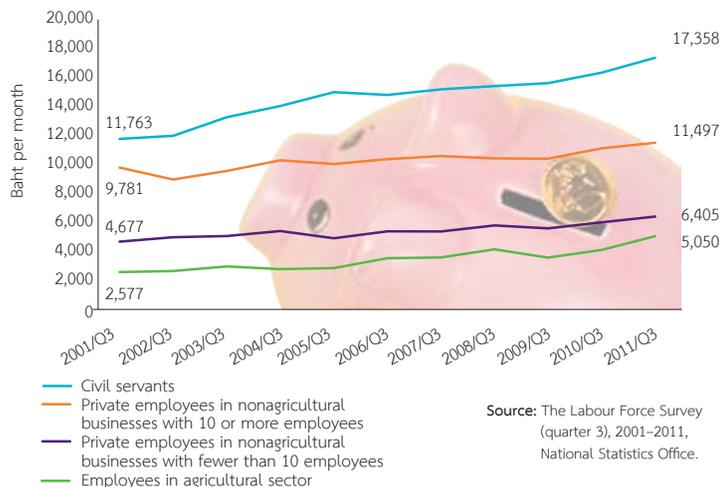
Civil servants, government enterprise employees and private employees in non-agricultural sectors receive better social protection and earn twice more than private employees in the agricultural sector who are entitled to the lowest levels of social protection.

	Illness	childbirth	death	disability	child supports	child education	old age benefit	unemployment	special support (disability, disaster, destitution)
Civil servants	✓	✓	✓	✓		✓	✓		✓
Government enterprise employees	✓	✓	✓	✓	✓	✓	✓		✓
Private school teachers*	✓	✓	✓	✓	✓	✓	✓		✓
Private employees in nonagricultural sectors*	✓	✓	✓	✓	✓		✓	✓	✓
Private employees in agricultural sector and others	✓						✓**		✓

Notes: * with own contributions ** voluntary savings through the National Savings Fund established in 2012

Risks and uncertainties affect human life at different levels, from individual and family to community, society and country levels. Social Security is a tool used to manage risks and provide protection against these kinds of unpredictable circumstances.

Monthly salaries of population groups, 2001-2011



Thailand's most important challenge towards building a desirable social security system lies in harmonizing the current systems in which populations are provided unequal protection depending on the sectors they work in. The differences include level of protection, funding sources and budgetary support from the government.

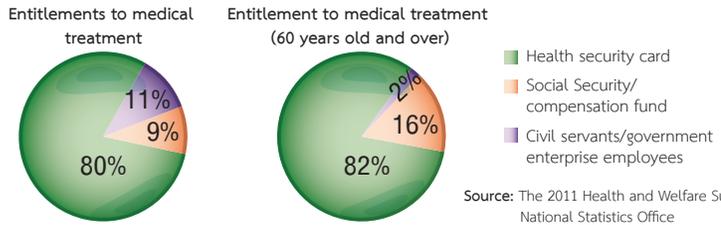
This is evidence of a lack of integration in Thailand's civil service system. While the medical benefit scheme of civil servants are managed by the Comptroller General's Department, that of private employees in non-agricultural sectors is managed by the Social Security Office and the rest by the National Health Security Office.

As in other areas of public policies, integration of database and management poses a challenge to Thailand's social security system.

However, a good social security system must be able to reassure the population of its ability to protect and manage social risks in the present and in the future based on a good foundation. Long-term financial stability of the various funds under the Social Security such as the Social Security fund, the Universal Health Coverage fund, and the Government Pension fund therefore remain a challenge.

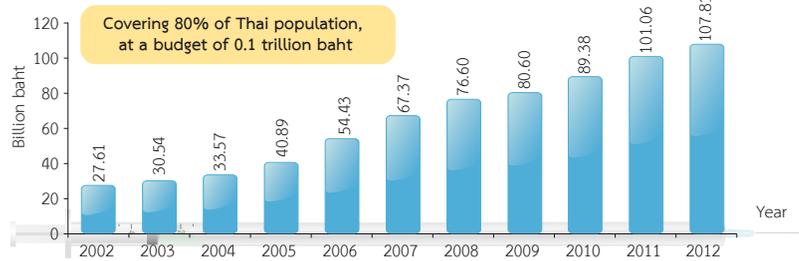


Health benefit entitlements of the Thai population, 2011



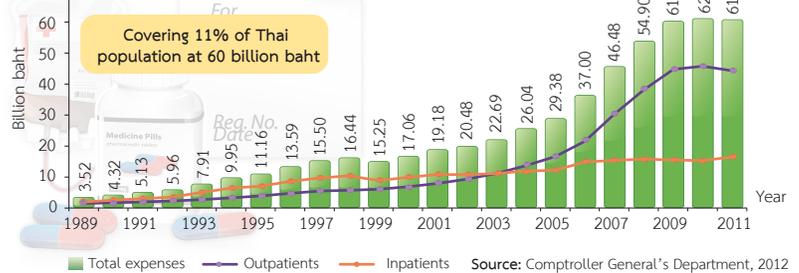
Source: The 2011 Health and Welfare Survey, National Statistics Office

Budget of Universal Health Coverage Scheme



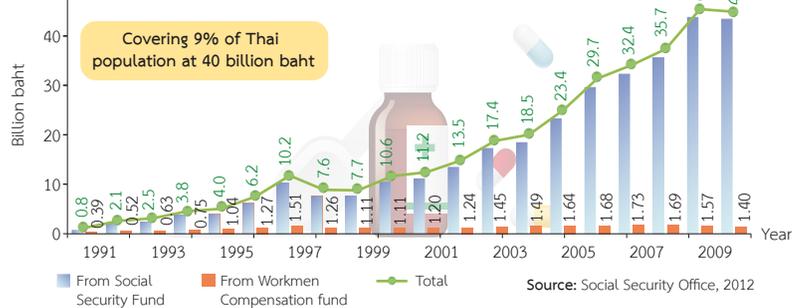
Source: National Health Security Office, 2012

Expenditure of Civil Servant Medical Benefit Scheme



Source: Comptroller General's Department, 2012

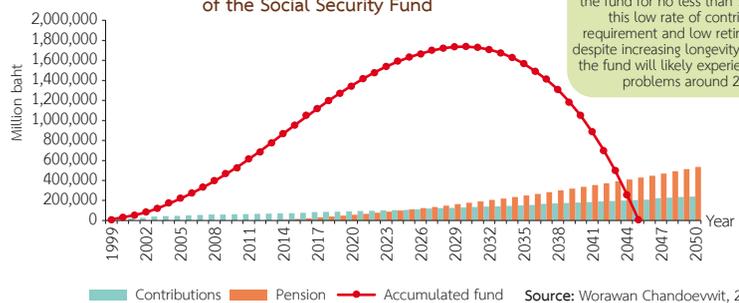
Expenditure of Social Security Scheme for health benefits



Source: Social Security Office, 2012

Although these numbers do not point to service quality, they imply inequality of health-related welfare in Thailand

Contribution inflow and pension payout of the Social Security Fund



The Social Security Fund dispenses pensions to contributors who are over 55 years old and have contributed to the fund for no less than 15 years. At this low rate of contribution requirement and low retirement age despite increasing longevity in Thailand, the fund will likely experience fluidity problems around 2045.

Source: Worawan Chandoevitt, 2009



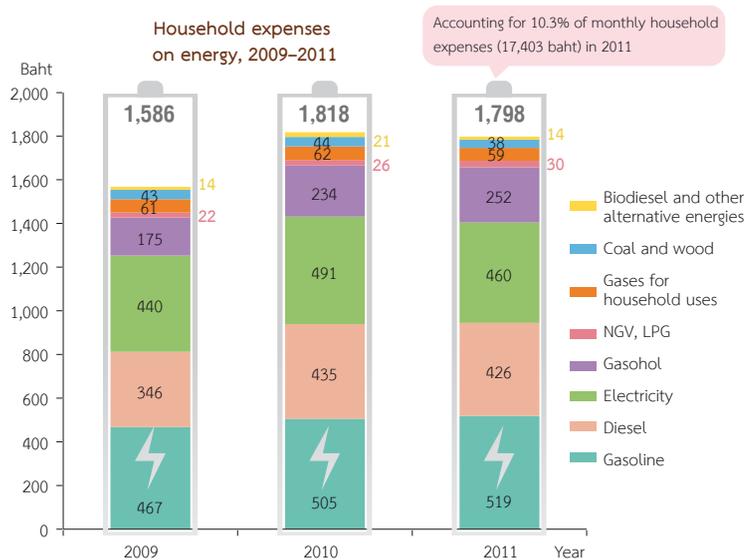
Energy

Supakit Nantaworakhan,
Healthy Public Policy Foundation

“An average Thai person uses energy at the equivalent of more than one ton of crude oil. The burden caused by energy import is more than 1.2 trillion Baht.”

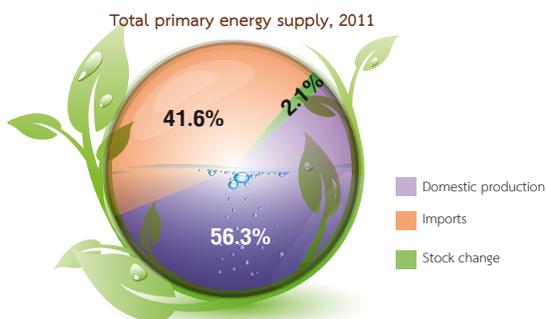
Thailand’s energy use continues to increase whilst the country largely depends on a high proportion of import. Investment to boost energy efficiency, recyclable energy appropriate to locality and eco-friendliness are therefore the solution for Thailand’s energy security.

Energy is key in daily life and national economic development. Interestingly, one tenth of Thailand's household expenses go on energy. More than two fifths of energy used in the country is imported. In the past 3-4 years, import quantity continued to increase despite price fluctuations in the market, particularly for crude oil and natural gases. This high level of dependency is a threat to economic and social stability at national and household levels.

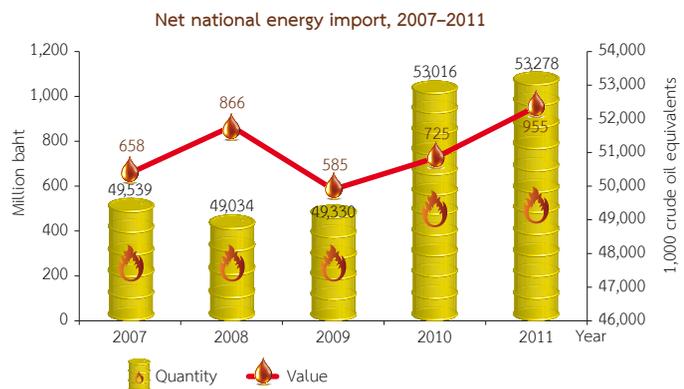


Note: The decrease in 2011 energy expenses (especially in third and fourth quarters) are considered to be due to oil price fluctuations and the flood at the end of 2011 that damaged a lot of motor vehicles and hindered transportation in many areas.

Source: Report of the Household Energy Consumption Survey, 2010–2011, National Statistics Office



Note: Total primary energy supply 127,926 ktoe
Source: National Energy Report 2011, Department of Alternative Energy Development and Efficiency, Ministry of Energy



Source: National Energy Report 2011, Department of Alternative Energy Development and Efficiency, Ministry of Energy

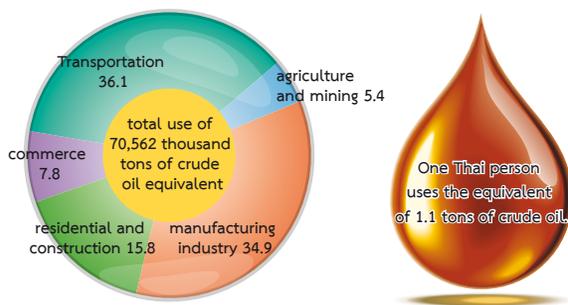
According to the Electricity Generating Capacity Development Plan 2012-2030, Thailand will build around 28 more natural gas power plants, six coal power-plants and two nuclear power plants. There is also a plan to import electricity from 14 foreign power plants.

Electricity generating capacity development plan, 2012–2030	
Type of power plants, by fuel	Capacity (megawatts)
Natural gases	25,451
Coal	4,400
Imported electricity	6,572
Nuclear	2,000
Diesel	750
Electricity-meet generator	6,476
Large Hydro power plants and small recyclable energy	9,481
Total	55,130

Source: Improved from the Electricity Generating Capacity Development Plan, 2012–2030 (third revision), Energy Policy and Planning Office, Ministry of energy, 2012

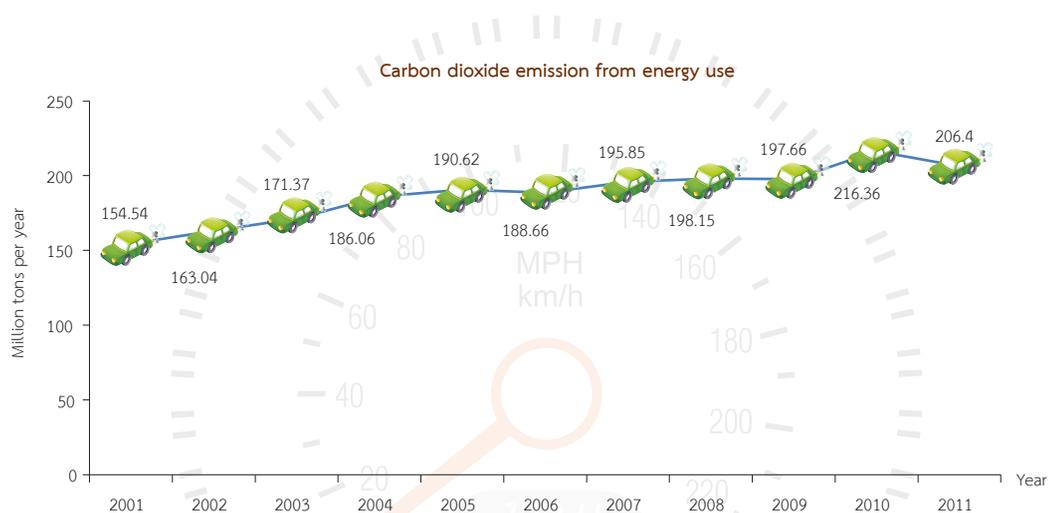
Procurement and development of electricity generating capacity is an important and urgent issue for all countries. However the environmental consequences, especially air pollution and long-term sustainability of energy sources, are inevitable consequences to address

Final energy consumption by economic sectors and per capita, 2011



Source: National Energy Report 2011, Department of Alternative Energy Development and Efficiency, Ministry of Energy

The challenge for Thailand is to maximize energy efficiency, especially in the transportation sector that accounts for more than one third of all energy consumption and develop locality-appropriate small-scale recyclable energy, especially biofuels. To ensure the security of the economy, resources, environment and society, serious collaboration by all sectors of this society are needed.



Source: Department of Alternative Energy Development and Efficiency, Ministry of Energy, Thailand Energy Situation, 2005, 2006 and 2011

4

Environment and Natural Disasters

Thai Health Working Group

“One fifth of the Thai population was affected by the floods in 2010 and 2011.”

Man-made environmental problems and climate change are issues of human insecurity that are on the rise. Appropriate management of natural resources and preparedness for response and mitigation of natural disasters are urgently required.

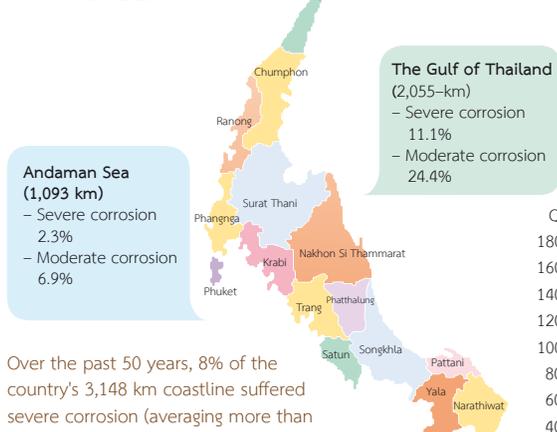
In 2012, Thailand was ranked at no. 34 out of 132 countries by the Environmental Performance Index (EPI). However, the index indicates that air and water pollution, that impacts on both humans and the ecosystem, is an area that requires serious attention. Other problems to be addressed include degradation and destruction of natural resources such as chemical overuse in

The Environmental Performance Index ranks countries based on performance indicators tracked across policy categories that include: 1) environmental health i.e., environmental burden of disease and effects of air and water pollution on human health; and 2) ecosystem vitality i.e., effects of air and water pollution on ecosystems, biodiversity and habitat, agriculture, fisheries, forests and climate change.

Environmental Performance Index and sub-indicators	Thailand's 2012 rankings (out of 132 countries)
Environmental Performance Index	34
Environmental health	62
Environmental burden of disease	35
Air (effects on human health)	115
Water (effects on human health)	49
Ecosystem vitality	41
Air (effects on ecosystem)	57
Water resources (effects on ecosystem)	93
Biodiversity and habitat	35
Agriculture	6
Fisheries	50
Forests	26
Climate change	77

Source: Yale Center for Environmental Law and Policy, 2012

Thailand's coastal corrosion, 1952–2008



Over the past 50 years, 8% of the country's 3,148 km coastline suffered severe corrosion (averaging more than 5 m per year) and 18.3% suffered moderate corrosion (averaging 1–5 m per year).

Source: Department of Marine and Coastal Resources, 2012

Quantity and values of chemical pesticides, 2005 to September 2012



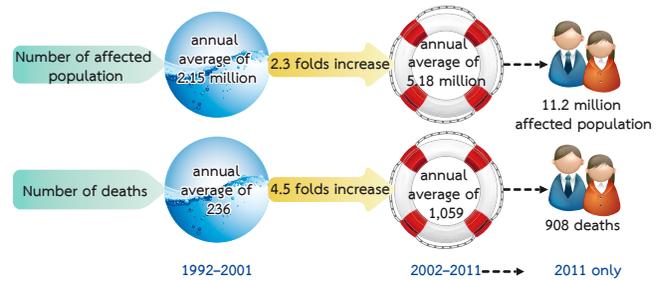
Source: Agricultural Regulatory Office, Department of Agriculture, 2012

agricultural sector, coastal corrosion and inappropriate development of coastal areas for industrial, tourism and residential purposes.

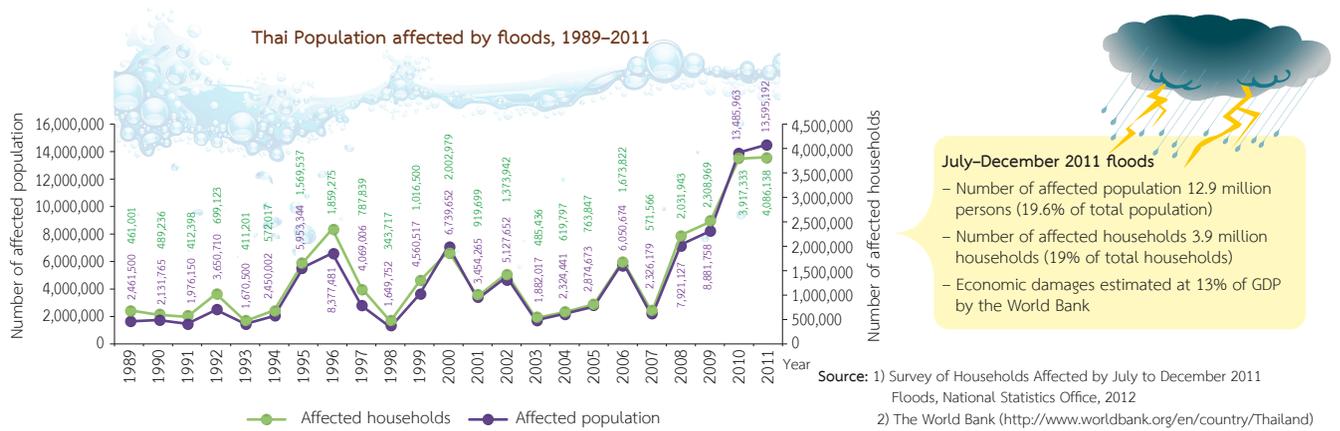
Climate change also causes more frequent and serious natural disasters, increasingly affecting human life and property. According to the World Disaster Report 2012, the number of the population affected and killed by natural disasters in Thailand in the last decade (2002-2011) has increased by 2.3 and 4.5 folds respectively when compared to the previous decade (1992-2001).

The record-breaking floods of July to December 2011 affected 12.9 million Thais (19.6% of the population) causing damage that equaled 13% of GDP according to World

Effects of natural disasters in Thailand, according to the World Disaster Report 2012

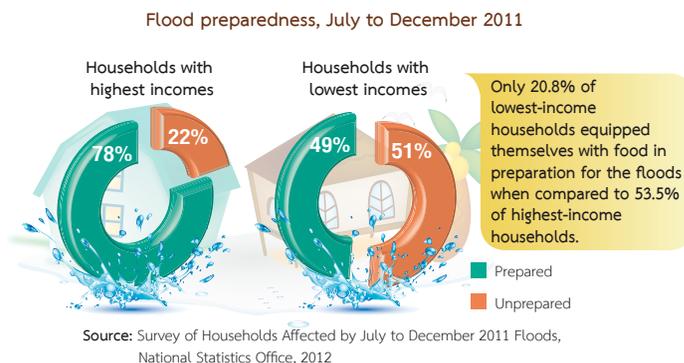


Note: In this report, disasters include both natural disasters (biological, water, geological, climate and atmospheric disasters) and technological disasters (industrial, transportation and other disasters)
Source: World Disaster Report 2012, International Federation of Red Cross and Red Crescent Societies



Bank estimates. This is an example of a natural disaster caused by climate change and environmental degradation. that also reflects inefficient water management in need of improvement.

An important lesson that cannot be ignored by policymakers and relevant agencies is management of risk caused by natural disasters, including rescue and mitigation operations for low-income populations, a vulnerable group with limited capability to prepare for and address natural disaster risks.



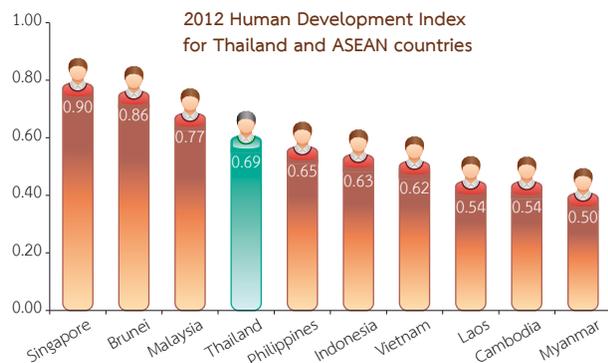


Human Development

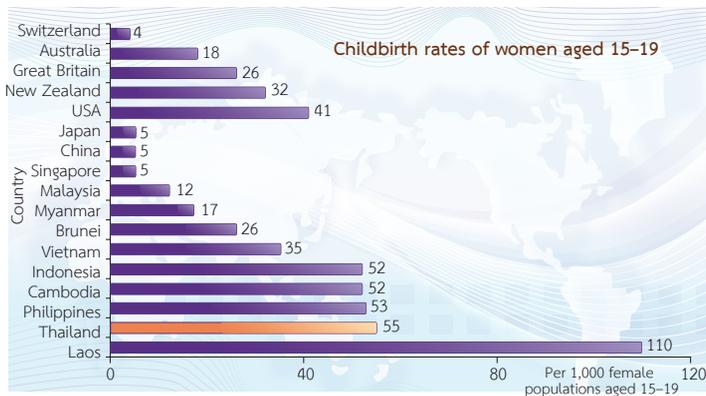
Thai Health Working Group

“Thailand ranks at no. 103 in the 186-country Human Development Index, or no. 4 among 10 ASEAN countries.”

As Thai society is clearly greying, with a higher proportion of aged population and lower proportions of children and the working-age, the key to economic and social security is human development to ensure sufficient capabilities and skills for national development.



Source: United Nations Development Program, 2013

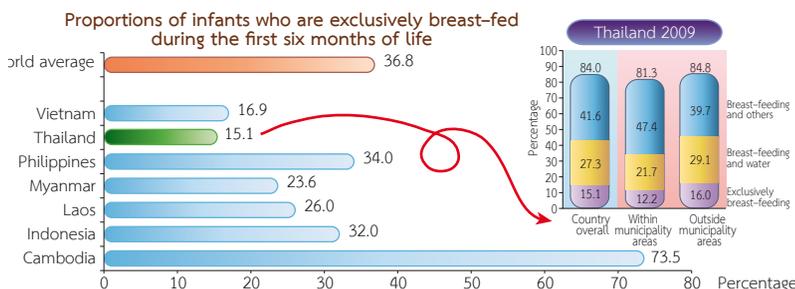


Notes: 1) Childbirth rates of women aged 15-19= $\frac{\text{women aged 15-19 who deliver a child}}{\text{total female population aged 15-19}} \times 1,000$

2) 2011 statistics for Thailand

3) 1996-2008 statistics for other countries

Source: Fact sheet No. 1 (July 2012) Sexual risk behaviours and pregnancies among teenagers: Reproductive Health Office, Department of Health, Ministry of Public Health



Note: 2009 statistics for Thailand, 2006-2010 statistics for other countries

Source: 1) UNICEF (2012) "Statistical tables for 2011", The State of The World's Children 2012: Children in an Urban World
2) Reproductive Health Survey 2009, National Statistics Office

Children are valuable resources for national development. Child birth quality and appropriate upbringing throughout childhood is, hence, vital.

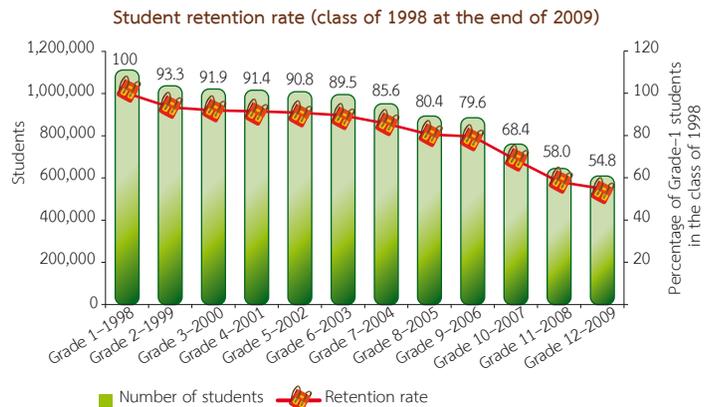
However, issues that currently require attention include prevention of unprepared pregnancies especially among teenagers under 20 years old (for which Thailand ranks higher than most countries), six-month breast feeding rates, screening for congenital and developmental abnormalities, malnutrition or overnutrition, visual abnormalities and quality of nurseries. The well-being of children in their first five years of life is key to long-term quality development and growth.

Health problems of Thai children aged 0-5

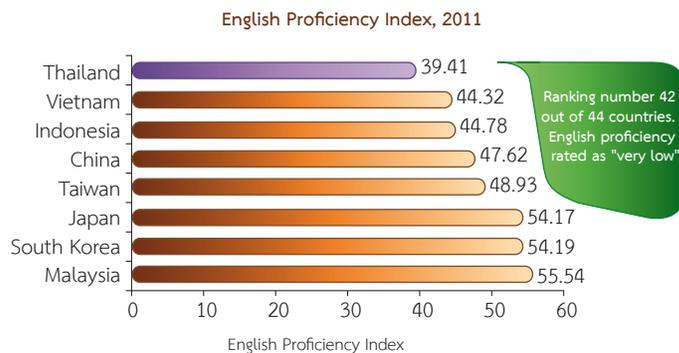
- 1) Unprepared pregnancies especially among teenagers aged under 20, that negatively affects the mother and the child and family with problems such as abortions, miscarriages, premature and underweight infants.
- 2) Congenital abnormalities such as thalassemia, thyroid insufficiency and Down syndrome.
- 3) Developmental abnormalities. It is estimated that 400,000 children aged 0-5 require developmental support and the number is increasing.
- 4) Malnutrition and overnutrition
- 5) Visual and hearing impairments are estimated to affect 400,000 children aged 0-5 years.
- 6) Substandard nurseries. More than 50% of children aged 3-5 are cared for by nurseries whilst only 29% are taken care of by parents.

Source: Policy recommendations under the "Thai future" project to promote the health of children aged 0-5, Project to evaluate health technology and policies, Health Intervention and Technology Assessment Program (HITAP), 2012

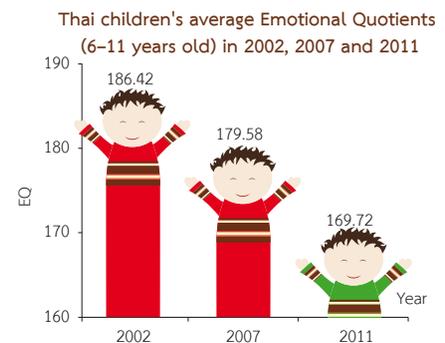
Education is also a foundation of life. According to 2009 data, only half (54.8%) of the first-grade students in the class of 1998 continued their studies to Grade 12. Equal educational opportunities and better quality of the education system are important as well as English proficiency that will be essential for national competitiveness in the future.



Source: Secretariat Office of the Education Council, Social and quality of life database, Office of the National Economic and Social Development Board



Source: English Proficiency Index, Education First (EF), 2011



Source: Department of Mental Health, Ministry of Public Health

In addition, a good education system not only imparts knowledge but also ensures human development with high intellectual and emotional quotients. The declining emotional quotients of Thai children is a challenge yet to be addressed.



6

Internet and Information technology

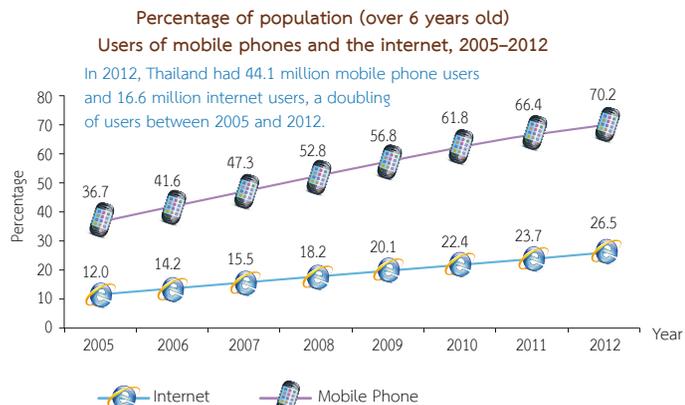
Thai Health Working Group

“Every day 1.5 million people around the world fall victim to cybercrime. That’s 18 victims every second.”

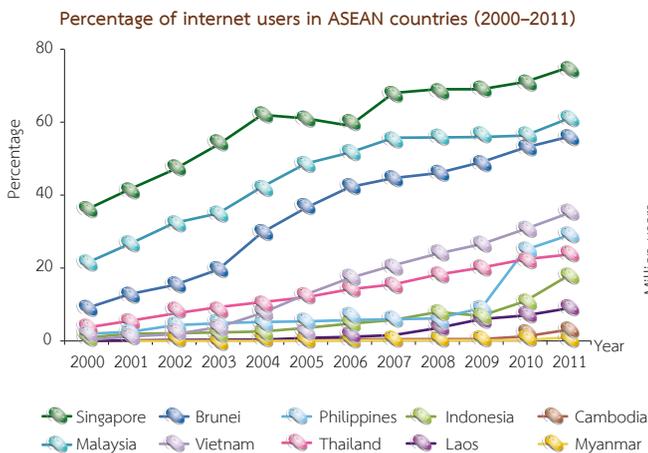
A quarter of the Thai population use the internet, a low proportion comparing to other ASEAN countries. However, as the number of users grows and the online community expands, it is necessary to prepare to address IT risks, a new threat to human security.

Information technology increasingly permeates into our daily lives, especially mobile phones and social media such as Facebook, Twitter and Instagram.

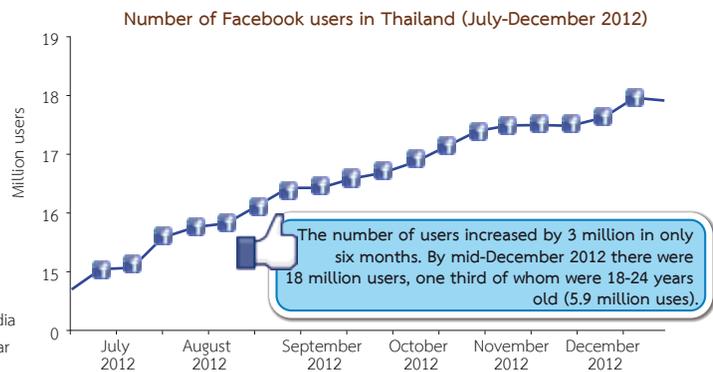
However, Thai people still have a low level of Internet access comparing to their counterparts in neighboring countries such as Singapore, Malaysia, Brunei, Vietnam and the Philippines. In terms of national and human developments, increasing IT capabilities and national competitiveness in the region is an important challenge to be addressed.



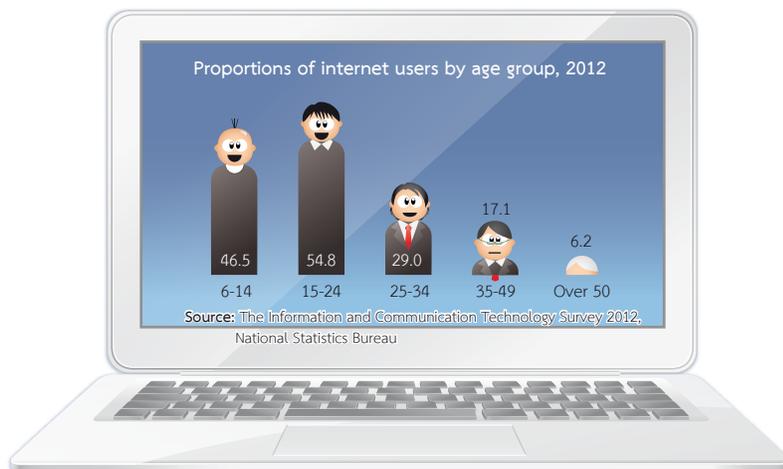
Source: The Information and Communication Technology Survey 2012, National Statistics Office, 2012



Source: International Telecommunication Unions (ITU), 2012



Source: Socialbakers, 2013

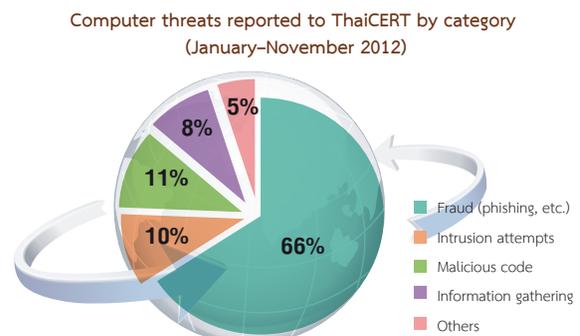


Together with the rapid expansion of internet use and online communities, attention must be paid to awareness raising in the creative use of the internet and information technology for the benefit of national and human development and capacity building especially among children, youth and teenagers (6-14 years old and 15-24 years old), that account for the largest proportions of internet users.

Cybercrime Report 2012

Based on an online survey of more than 13,000 adult internet users in 24 countries, Symantec reported that 1.5 million adults become cybercrime victims every day, or 18 victims per second, resulting in US\$ 110 billion damages per year. There is a sharp upward trend of cybercrime through social media and mobile devices such as mobile phones with incredible complexity that is much more difficult to handle. Email remains an important channel for cybercrimes. Password security, including strong passwords, is still key to cybercrime prevention.

Source: 2012 Norton Cybercrime Report, Norton by Symantec, 2012



Notes: The number of computer threats reported to ThaiCERT totaled 710 cases between January and November 2012
Source: ThaiCERT, 2012

IT threats	
Type	explanation
Fraud	can come in many forms such as phishing or unauthorized use of IT resources for personal gains.
Malicious code	programmes or software designed to cause undesirable effects to a system or the user such as viruses, worms, Trojans or spyware.
Intrusion attempts	attempts to hack/enter a system in order to manipulate or cause disruption to services. This includes attempts to hack/enter into the system through login verification
Information gathering	attempts to gather information on the system's weaknesses by scanning information about operating systems, installed software and user accounts.
Other threats	such as threatening content, attack on system readiness, unauthorised data alterations etc.

Source: ThaiCERT, 2012

Online threats and cybercrimes are increasingly complicated and interconnected causing damage to live and opportunities. Cybercrime is another IT risk that must be prevented and prepared for by relevant agencies.



7

Drug Patenting and Self-Reliance

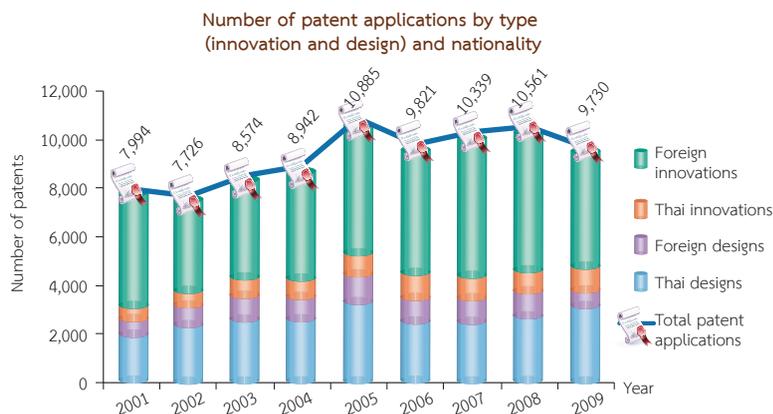
Dr.Chutima Akaleephan, International Health Policy Programme

“Almost half of Thailand's total health expenditure is for drugs, two thirds of which are imported.”

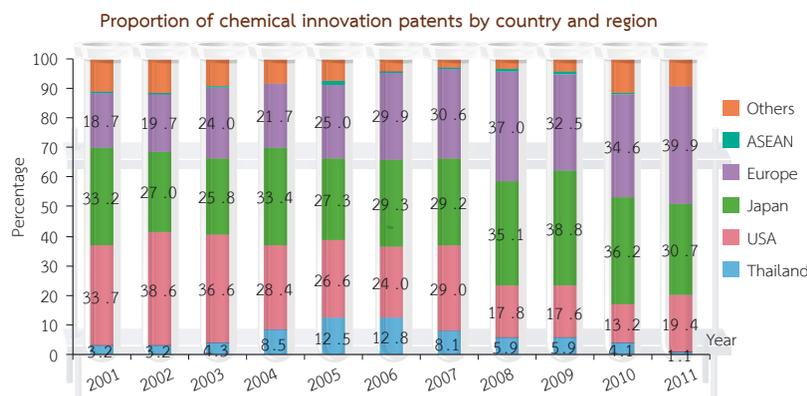
Granting patent holders with exclusive rights to manufacture and distribute drugs undermines competition. Without competition, prices of drugs remain high while access is limited only to those who can afford them. Traditional medicine and domestically-produced generic drugs are therefore alternatives for the promotion of self-reliance.

In 2009, the ratio of patent applications by Thais comparing to those by foreigners was 1:4.7. In addition, Thailand's research and development are limited to downstream processes while 90% of applications for chemical innovation patents, the majority of which are drug-related, are by foreigners.

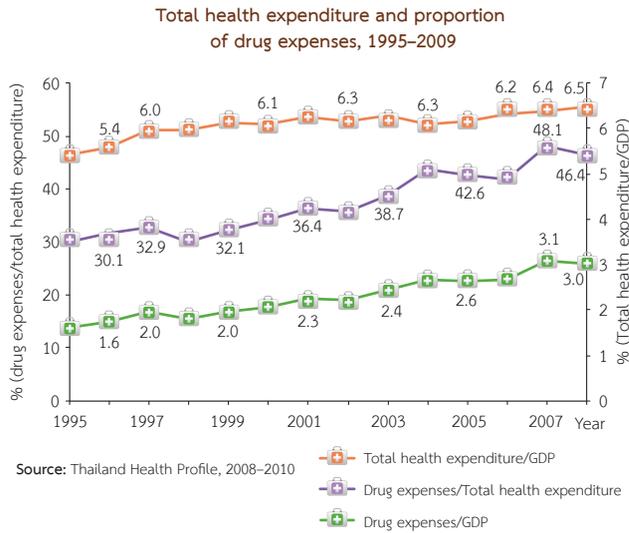
In the past, Thailand often experienced payment balance deficits for technological goods and intellectual properties in the form of royalties. The amount paid for patent purchase and patent use and consultancy fees continues to increase. In 2008, expenses outstripped income by four times accounting for 1.55% of GDP.



Source: Department of Intellectual Property, 2012

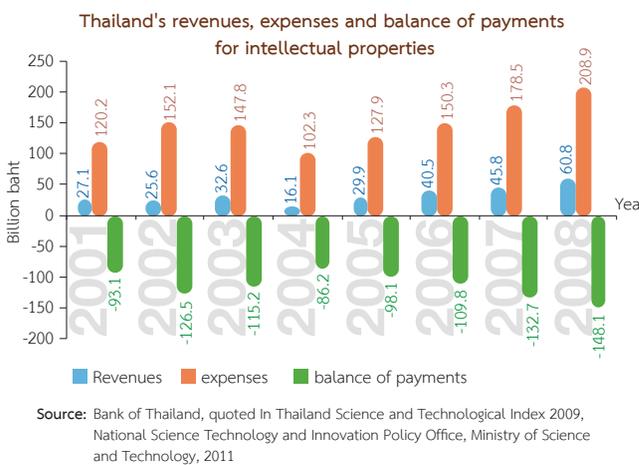


Source: Department of Intellectual Property, 2012



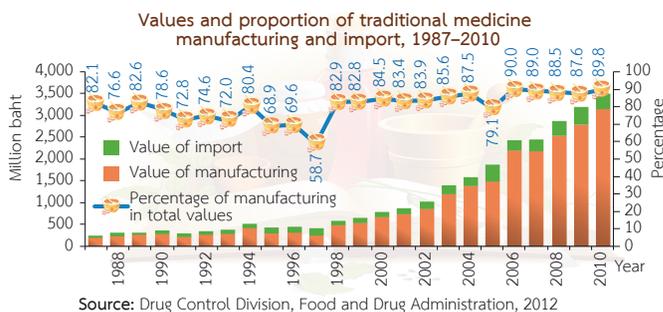
For both public and personal healthcare, modern drugs account for almost half of healthcare expenses and the proportion is increasing. While the values of imported drugs accounted for one third of all drugs used in the country in 1987, it became two thirds in 2010 mostly due to high prices, particularly for patented essential drugs.

Compulsory licensing (CL) is a built-in flexibility measure in the Trade-Related aspect of Intellectual Property Rights (TRIPS) under the



World Trade Organisation. CL allowed the Thai population better access to drugs and helped the Universal Health Coverage fund to save more than 6,000 million Baht between 2008 and 2010. In addition, more AIDS patients gained access to antiviral drugs. Every 300 million Baht budget increase helps 10,000 additional HIV/AIDS patients.

Meanwhile traditional Thai medicine continues its gradual growth with more than 90% manufactured locally. Promoting the development and manufacturing of traditional medicine and generic drugs is a path to self-reliance that should be seriously promoted.

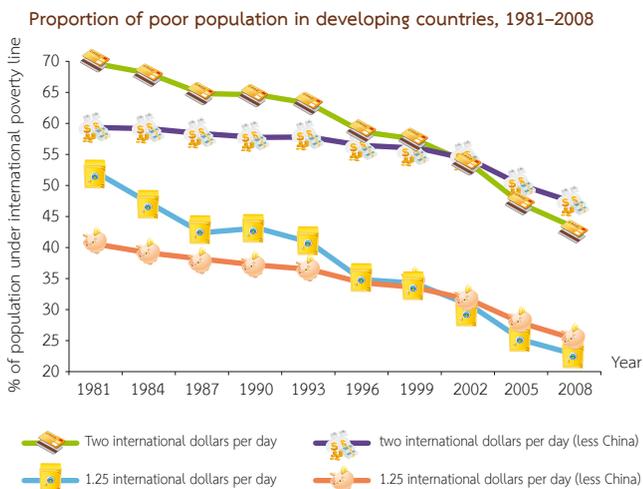


8 International Security

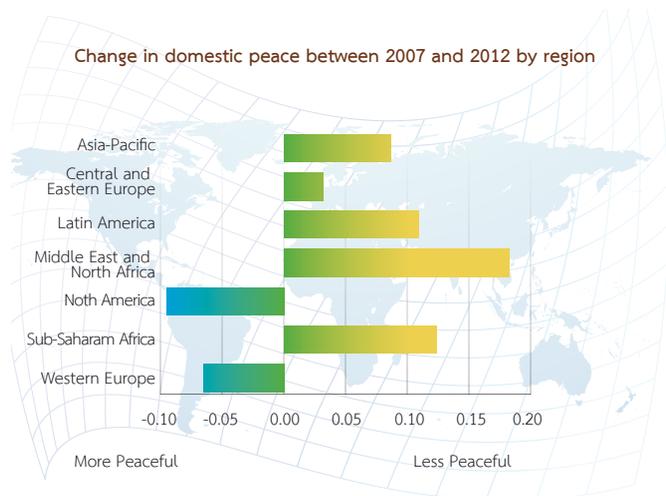
Assoc. Prof. Chantana Banpasirichote Wungaeo,
Faculty of Political Science, Chulalongkorn University

“Cross-border wars and conflicts have abated, but internal conflicts are expanding”

As globalization shrinks the world geographically and temporally, today's challenges no longer lie in cross-border wars and conflicts but economy and development which increasingly transcend countries and borders. The migration of peoples where inequality exists may give rise to both opportunities and threats to human security in a borderless world.

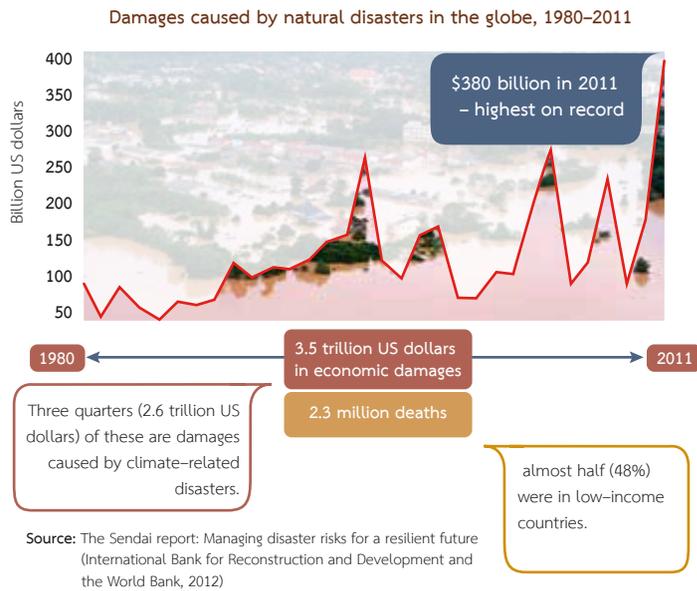


Source: Chen and Ravallion 2012, "Inequality in focus", the World Bank (2012)



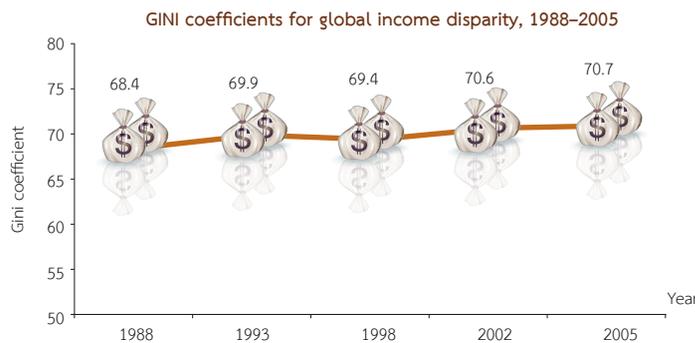
Notes: Decreased value (Negative change in score) means becoming more peaceful
Increased value (Positive change in score) means becoming less peaceful
Source: Global Peace Index 2012, Institute for Economics and Peace (2012)

There are many important international issues that may affect human security at global, national and personal levels. For example, there are: internal conflicts especially in Africa and the Middle East; poverty and maldistribution of wealth due to development and economy gaps between countries; global warming and increasingly frequent and severe natural disasters affecting global food security; transnational crime, especially those impacting personal security such as trafficking in persons and drug



smuggling; cross-border environmental problems, such as nuclear meltdown, wildfire smoke, nuclear and industrial waste; cross-border resources management, particularly when involving rivers such as Mekong River dams, border conflicts; and displaced persons due to war and development.

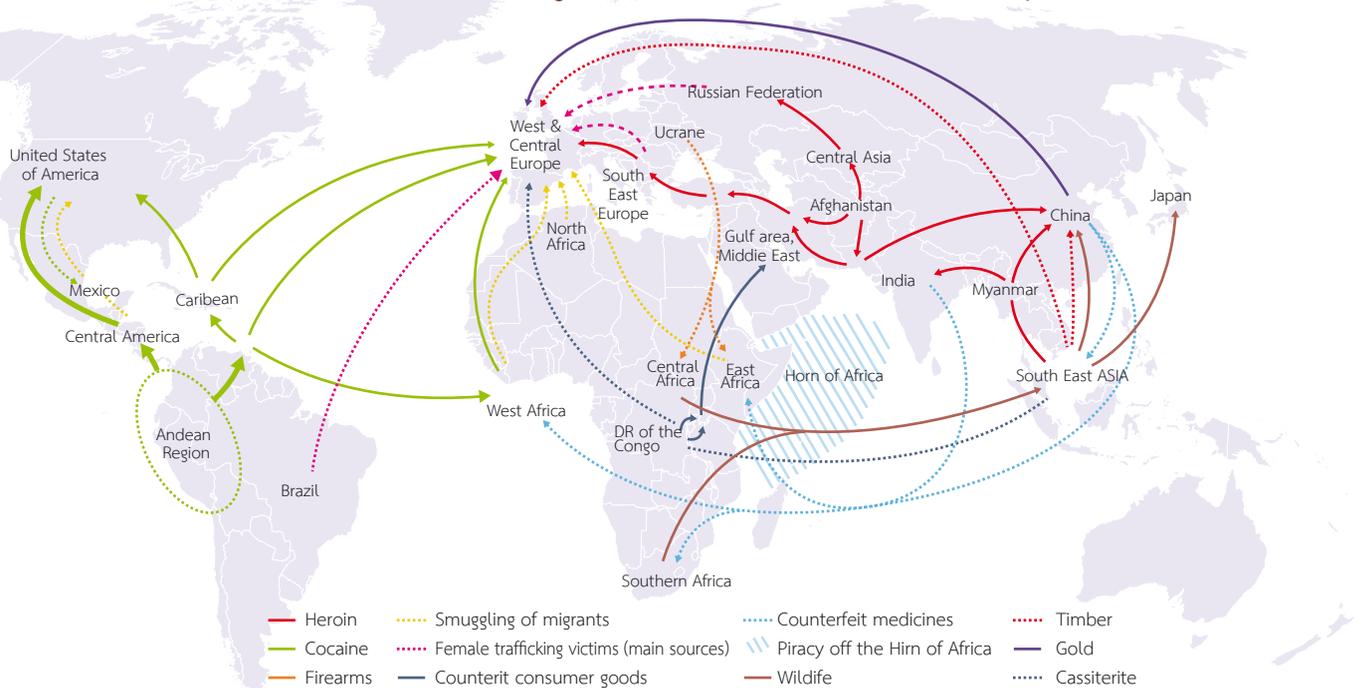
These international security problems, both old and new, are complex issues. Deliberation of causes, consequences and solutions must be conducted through collaboration and with mutual respect.



Note: 1) GINI coefficient shows global income inequality with values between 0-100%. 100% means absolute inequality.
2) The calculation of income disparity based on data at the individual level in 122 countries. Level of personal income of each country is multiplied by country-specific purchasing power parity (PPP) in 2005.

Source: Milanovic, 2012 in "Inequality in Focus", the World Bank (2012)

Global transnational organized crime flows discussed in this report

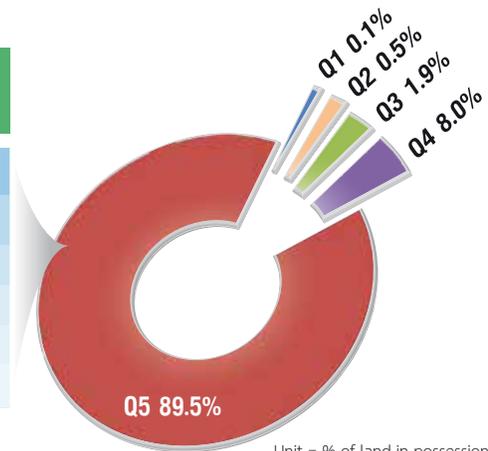


Source: United Nations Office on Drugs and Crime, 2010

“Twenty percent of the population owns 90% of Thai land.”

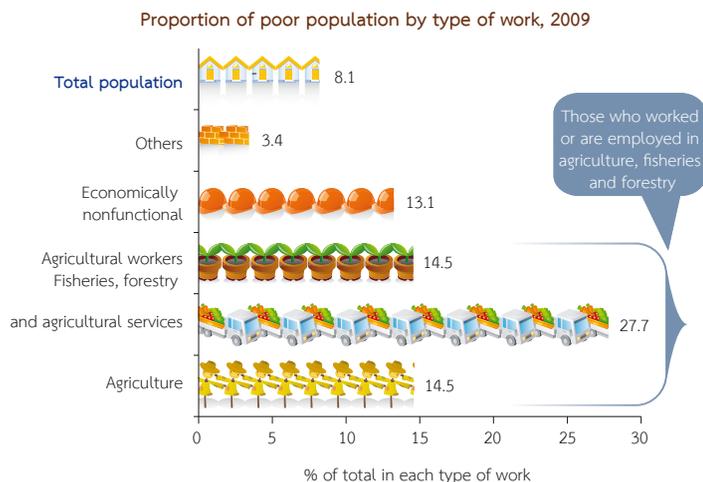
Economic, social and political justice and equality is fundamental to the promotion of social and human security. For Thailand, many dimensions of inequality remain and show no sign of abating or improving. This is a challenge for national reform and citizen mobilisation.

Land ownership of juristic persons and natural persons by land-holding quintile, 2012	
	Average size of land ownership (square two-meters)
Q1 (bottom 20%)	34.4
Q2	125.1
Q3	522.0
Q4	2,238.8
(Q5) (top 20%)	25,020.6

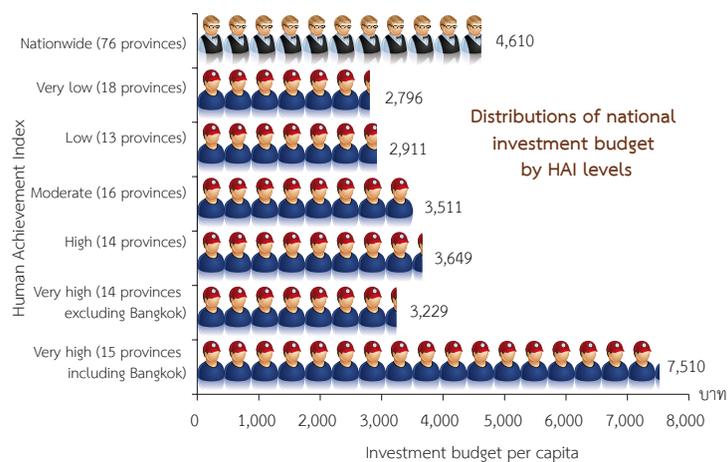


Notes: 1) Total number of land holders (natural persons and juristic persons) = 16.7 million persons
 2) Total area of land in possession = 92,918 million square two-meters
 Source: Department of Lands, calculated by Duangmanee Saowakul, 2012

In the past, national development focused on economic growth and expansion with no consideration to strengthening and ensuring economic, social and political justice in a fair and inclusive manner. This long neglect resulted in social inequality problems in relation to rights, opportunities, power and dignity in many areas and dimensions.



Source: Social and Quality of Life Database System, National Economic and Social Development Board



Notes: Human Achievement Index (HAI) data, Thailand human development report 2009; Provincial investment budget from "Decentralization and a budget for social services at TAO level" (2008) by this Sakon Waranyuwatthana.
Source: Main documents and resolution of The 2nd National Reform Assembly, 2012, Reform Assembly Committee

A clear indication is income inequality which leads to inequality in property and access to manufacturing resources, especially for those in agricultural sector who have lower income and less access to manufacturing resources than those working in other sectors.

Although the number of the overall poor population continues to decrease, the figures in the agricultural sector (including forestry and fisheries) are still higher than

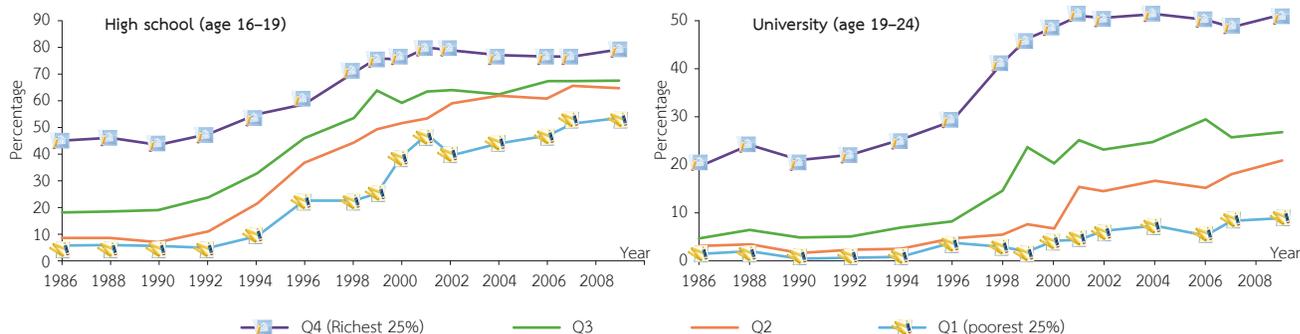
average. In addition, the ownership of land, that is an important manufacturing resource for the agricultural sector, is concentrated in the hands of a few.

Similarly educational opportunity, that directly correlates with household income and relate to provincial developmental budget, are found to be concentrated in highly developed provinces while those provinces which need more developmental budget receive very limited support.



Source: Adapted from main documents and resolution of The 2nd National Reform Assembly, 2012, Reform Assembly Committee, page 137

Ratio of high school and university advancement by income quartile, 1986-2008



Source: "Effects of Educational Responsibility on Academic Achievement of Thai Students" by Dilaka Lathapipat, 2012, calculated from The Household Socio-Economic Survey.

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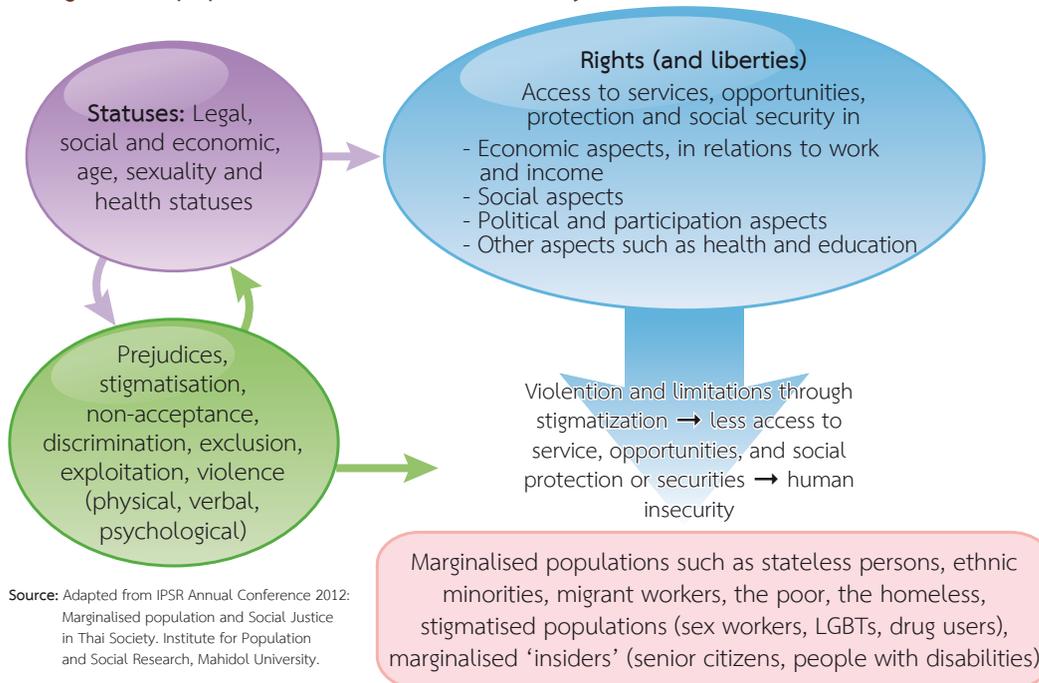
Marginalised Populations

Thai Health Working Group

“Fundamental rights—without any kind of violations and limitations through stigmatisation, social discrimination or other constraints—are a guarantee of human security that every person is entitled to”

Due to differences in legal, economic, social or political status, gender or age, some minority populations are marginalised, face risks and vulnerabilities and lack appropriate social protection.

Marginalised populations and human insecurity

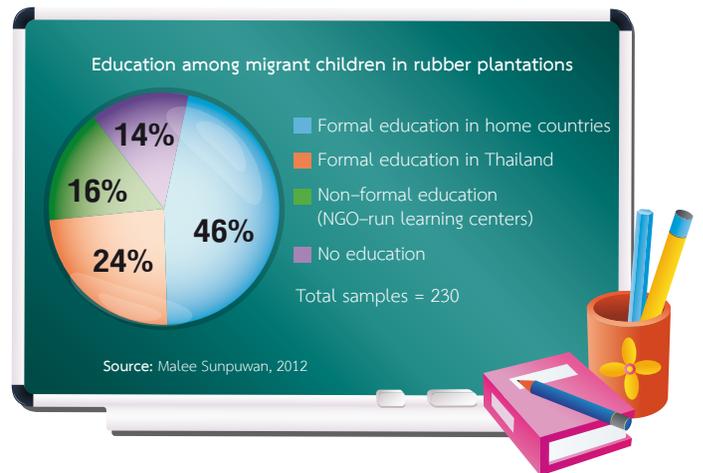


For certain populations, ‘human insecurity’ may come from the denial, limitation or violations of their rights depriving them of necessary access, opportunities, social protection or securities. These negative impacts on their rights are mostly results of ‘status problems’ due to laws, prejudices, stigmatisation, non-acceptance, exclusion and discrimination.

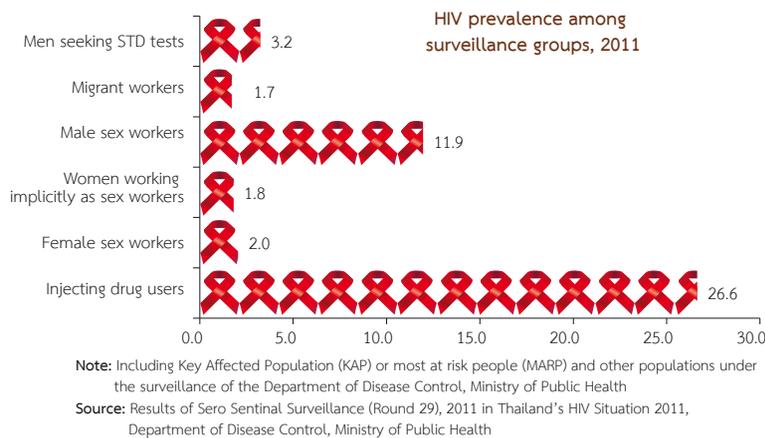
Number of marginalised population groups, 2010

Population group	Number
Ethnic minorities (National ID numbers begin with 6 or 7)	303,610 ¹
Stateless/nationality-less persons (National ID numbers begin with 0)	210,180 ¹
Migrant workers (National ID numbers begin with 00)	2,487,045 ¹
Poor people (Population living under poverty line)	5,076,700 ²

Source: 1. Kritaya Archavanichkul, 2011, quoted in Kanchana Thianlai and Teeranong Sakulsri, 2012. (Table 2, 4, 6)
 2. Office of the National Economic and Social Development Board, 2011, quoted in Kanchana Thianlai and Teeranong Sakulsri, 2012. (Table 9)

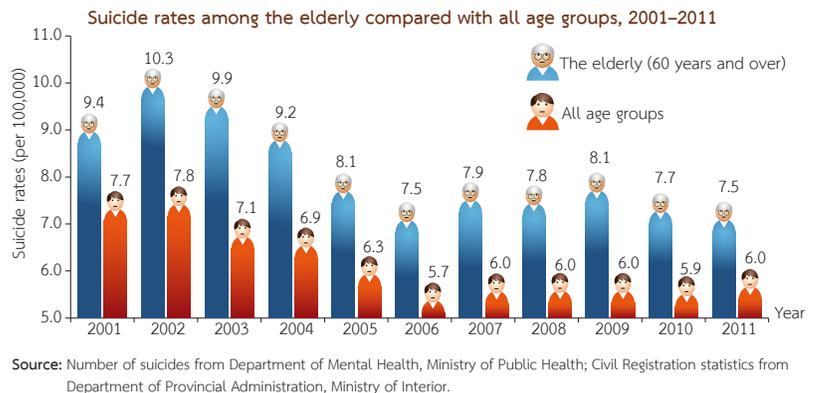


Estimated to number more than 3 million stateless and nationality-less persons, ethnic minorities and migrant workers experiencing legal status problems, are subjected to exploitation and violence and suffer a lack of protection of their fundamental rights.



LGBTs, sex workers and drug users are among those who are socially stigmatised due to their sexuality, work and behaviours that are viewed as violating social rules and norms. Although often not morally clear or black and white, this stigmatisation leads to non-acceptance and discrimination that in turn results in increased vulnerabilities to threats such as HIV infection.

Senior citizens are another important group in society as they now make up 13% of Thailand's total population. Necessary social supports and security in terms of work (if still capable), income and health are vital to prevent these former members of the 'inner circle' from becoming marginalised to the edge of society.



Note:

In this edition of Thai Health, there are two distinct sections for outstanding health situations, namely, Five Outstanding Situations of the Decade and Ten Outstanding Situation of 2012-3. All topics were selected by the steering committee and penned by experienced writers and journalists with extensive knowledge in the relevant fields.

The first draft was then edited by the Working Group, and subsequently reviewed by experts for suggestions and revisions. The Working Group would finally fact-check, add citations, revise and rewrite as necessary, and bring the articles up-to-date in their final versions.

The Five Outstanding Situations of the Decade were chosen from the Ten Situations of the Year in the previous ten editions. This year's Ten Outstanding Situations of the Year were those which received attention and exerted impact the health of the Thai populace over the past twelve months. While some of these issues are unfolding positively, others continue to be hotly contested and far from resolution, as new issues emerge and require attention.

As we celebrate this tenth edition, we hope that Thai Health will continue to play its important role in Thailand's social health history, chronicling important happenings which exert impact on the physical, mental and spiritual health of the Thai populace.

Thai Health Working Group.

April 2013

5 Outstanding Situations In The Past Decade

1

Protracted Political Conflict



In past years, Thailand's political conflict has in many ways divided Thais into groups, particularly between Yellow Shirts and Red Shirts. Three riots resulted in deaths and injuries: October 2008 (8 Deaths, 737 injuries)¹; April 2009 (2 deaths, 120 injuries)²; and April–May 2010 (94 deaths, approximately 2,000 injuries)³. These extensive and deep wounds have left Thai society facing many questions on how to reconcile different political opinion within society.

PAD Opposition to the “Thaksin Regime”

In mid-2004, those who were unhappy with the government led by then Prime Minister Thaksin Shinawatra began organising protests under the banner of the “People for the Protection of the Nation and the Monarchy”. These protests were followed a year later by more widespread demonstrations to pressure Thaksin to resign. The allegations of corruption against him⁴ included a dubious acquittal over a hidden asset case, his appointment of cronies into key positions, his interference with the court, the media and independent bodies, the privatisation of state enterprises, alleged corruption in the construction of the Suvarnabhumi International Airport and his tax-free sale of Shin Corporation to the Singaporean Government’s Temasek Holdings through legal loopholes.

In 2006, “Save the Nation” demonstrations under the banner of the People’s Alliance for Democracy (PAD) were led by Sondhi Limthongkul, Chamlong Srimuang, Pipob Thongchai, Somsak Kosaisuk and Somkiat Pongpaiboon, coordinated by Suriyasai Katasila. Wearing yellow shirts as a symbol, most of the protesters were middle or upper class urban population including academics, private company employees, civil-servants and students.

As this protest dragged on and opposition grew stronger, Thaksin dissolved the Parliament on February 24th 2006 and set an election date of April 2nd 2006. However, PAD protests continued at different locations such as Sanam Luang, Democracy Monument, Makkhawan Rangsan Bridge (adjacent to the Government House), the National Stadium and in front of Siam Paragon Department Store.

As the three opposition parties (Democrat Party, Chart Thai Party and Mahachon Party) boycotted the election, Thai Rak Thai Party won with overwhelming majority to form a government.

However, there were a large number of “No Vote” abstentions which accounted for 31.12% (9,051,706) of votes in the party list system and 33.14% (9,610,874) of votes in the constituency system as well as ballot-tearing by some voters as an action of civil disobedience.⁵

Since that time, Thailand’s political climate became increasingly intense. A move was made to reject the electoral results and petition the Constitution Court to annul them. There were also skirmishes between those who opposed and those who supported Thaksin.

PAD advanced issues of corruption and proposed moves against corrupted public officials, particularly politicians. More fundamentally, PAD proposed changes to the country’s government system by amending Article 7 of the Constitution. Believing that Thailand’s political woes stemmed from corrupt politicians and greedy voters who prevented good people from being elected and running the country, the PAD proposed the reconceptualisation and restructuring of political power with the so-called “new politics” by reducing the power of politicians and increasing the roles and power of the people. Under this proposed system, 70% of MPs would be appointed whilst only 30% would be elected.⁶ Eventually, this thinking led to the formation of the New Politics Party.

2006 Coup: Stepping Back in order to Move Forward?

In addition to the PAD street protests and political impasse, Thailand’s parliamentary politics was abrogated when the Council for Democratic Reform under Constitutional Monarchy (CDRM) led by general Sonthi Boonyaratglin staged a coup d’état on September 19th 2006 and appointed General Surayuth Chulanont, a Privy Council member, to Thailand’s premiership. On October 1st CDRM changed its status to become the Council of National Security (CNS).

CNS cited several reasons for the coup. These included the Thaksin government's responsibility in creating an "unprecedented rift in society," especially through its abuse of power, corruption and conflict of interests; interference in the independent bodies and other democratic mechanism of check-and-balance; policy failures which led to the violations of rights and liberties; and undermining national unity and coming close to committing acts of lese majeste.⁷

The coup was smoothly accomplished. A lot of people showed their support by presenting roses and food items to the soldiers while disapproving journalists and academicians begrudgingly accepted it as a solution of the last resort to the political impasse that was facing Thailand.

Although many were persuaded to the view that the coup broke up the Thaksin regime and stopped the intensifying conflict, the coup itself was a source of new conflicts. The main contentions are two particular announcements of the CNS.

Announcement No. 27 allowed political party executives to be retrospectively stripped of their electoral rights for five years if their parties were ordered dissolved by the Constitutional Court or bodies acting in the same capacity. Consequently, the Attorney General petitioned for the dissolution of Pattana Chart Thai, Thai Ground and Thai Rak Thai parties and succeeded in this request.⁸

Announcement No. 30 set up the Assets Examination Committee (AEC) to inspect acts being detrimental to the State. The AEC primarily focused on corruption allegations against the previous government in relation to concessions and procurement contracts, tax evasion and "abnormal wealth" of cabinet members. Thirteen cases were examined including the procurement of CTX airport X-ray machines, Thaksin's tax-free sale of Shin Corporation shares, the lottery machine project, the Airport Link project, FIDF's auction of Ratchadapisek real estate, EXIM Bank loans and rubber plant corruption.⁹

Once the Constitutional Drafting Committee¹⁰ completed the constitution draft, it was subjected to a referendum in which 56.69% of voters voted in favour whilst 41.37% voted against, with a 57.61% turnout.¹¹ The new Constitution came into force on August 24th 2007 and a new election date was set for December 23rd 2007.

The content of the 2007 Constitution was widely debated in political and academic circles. With the intention to 'fill the loopholes' of its 1997 predecessor, the Constitution aimed to reduce concentration and abuse of power in order to ensure transparency, morality and political ethics through a stringent system of checks and balances.

Whilst reducing the power of elected politicians, the new charter increased the power of certain institutions. For example, the Presidents of the Constitutional Court, the Supreme Court and the Supreme Administrative Court, together with the Chairperson of the House of Representatives and the opposition leader, form a selection committee to choose the members of independent bodies.¹²

In the December election, almost three quarters of the 44,002,593 eligible voters turned out to vote: 32,792,246 (74.52%) for the constituency ballot and 32,775,868 (74.49%) for the party list ballot.¹³ People's Power Party (PPP), the new incarnation of the dissolved TRT Party, won a plurality to form government with Chart Thai, Neutral Democratic, Pracharaj, Puea Pandin and Ruam Jai Thai Chart Pattana Parties whilst the Democrat Party led the opposition. Samak Sundaravej became Thailand's 25th prime minister on February 6th 2008.

Former Prime Minister Thaksin returned to Thailand on February 28th 2008. He again left for the 2008 Beijing Olympic Games and has never returned since. In October of the same year, the Supreme Court convicted and handed him a 2 years' prison term in absentia for a corruption charge in relation to the Ratchadaphisek land auction.

Meanwhile, Samak's government faced opposition from a section of the population who rejected the election results. PAD, which viewed Samak as Thaksin's nominee¹⁴, faulted his government for attempting to amend the constitution to remove charges against Thaksin and resumed their street protests as well as escalated the Thai–Cambodian dispute over the Preah Vihear Temple. The group also demanded that corruption allegations against Thaksin's government be re-investigated.

The Constitution Court finally ruled that Samak had violated the Constitution by hosting TV shows “Chim Pai Bon Pai” and “Yok Khayong Hok Mong Chao” and disqualified him from premiership¹⁵. He was then replaced by Somchai Wongsawat.

PAD continued to hold protests against the new Prime Minister in various forms. After raiding Channel 11 TV Station of the National Broadcasting Services of Thailand (NBT) on August 26th 2008, the group also raided and occupied the Government House and the Parliament on October 7th in order to prevent Somchai from announcing his government policies, resulting in a clash with the police causing two deaths and 443 injuries.¹⁶ The group enclosed Don Muang Airport which the government had been using as temporary seat of government as well as shut down Suvarnabhumi International Airport in November 2008 in order to pressure Somchai to resign.

Thai politics experienced another seismic shift when the Constitutional Court dissolved the People's Power Party, Chart Thai Party and Neutral Democratic Party on charges of electoral frauds.¹⁷ Amidst dissenting voices accusing the Constitution Court of interference in politics or “judicial activism”¹⁸, the Democrat Party under Abhisit Vejjajiva, which earned the second most votes in the election, formed a new government with Bhumjaitai, Chartthai Pattana, and Puea Pandin Parties.

Red Shirts Opposition to Extra-Parliamentarian Power

Once power changed hands, it was the Red Shirts' turn to pour into the streets to protest.

Emerged before the coup, the Red Shirt movement became strengthened under the banner of the Democratic Alliance against Dictatorship (DAAD) to oppose the use of extra-parliamentarian power to disrupt democracy. Primarily consisting of Thaksin's supporters, the DAAD later became the United Front of Democracy against Dictatorship (UDD) and protested against the constitution drafting process and illegitimate coup-making power.¹⁹

In their research “Who are the Yellow Shirts and the Red Shirts?”, Apichart Sathitniramai et al. (2013) found that the Red Shirts were more likely to be farmers and informal-sector employees while the Yellow Shirts tended to be civil servants, state enterprise employees and entrepreneurs with higher educational levels.

Those who identify themselves as Red Shirts benefited more from Thai Rak Thai Party's populist policies such as the 30-baht healthcare scheme and the Village Fund loans as they were not enrolled in the Social Security Scheme and had unfixed incomes depending on the price of agricultural products. Viewing the Abhisit government as illegitimate, these people participated in protests to oppose the military's interference in politics, political injustice and double standards. Economic inequality and poverty, on the other hand, were not the reasons for their discontent.²⁰

Yukti Mukdawijitra, one of the research team, noted that today's rural communities are the new socially aware middle-class. “They are the emerging middle-class who demands their rights... They form a new kind of local political network different from traditional communities, and subscribe to ideas broadcasted by community radios. They connect with thinkers in the cities in



the democratic struggle to demand for their rights. Rather than passively waiting, they view themselves as an active part of society with their own voices.”

Pinkaew Laungaramsri, who studied the Red Shirt movement in Chiangmai province, pointed out that the movement is complex and composed of people from different socio-economic statuses and political leanings. It cannot be easily delineated by economic lines or urban-rural gap. She found that as far as Chiangmai was concerned, economic conditions were not the reason for their protests. Rather, there were different reasons for each of the different classes and groups, some of which were political or ideological while others were economic.²¹

These research findings agree with analyses by academics such as Nithi lewsriwong and Atthahchak Sattayanurak, who also examined the ideas of lower middle class in urban and rural settings. Pasuk Phongpaichit and Chairat Charoensin-o-larn called this group a “mixture of anti-coup protestors and Thakin’s supporters”. Kasian Tejapira saw a collaboration between the grass root population and the capitalist classes while Charles Keyes, a Thai Studies scholar, viewed the protesters as “cosmopolitan villagers.”²²

Abhisit Government and the Bloody Songkran

As the Democrat Party did not win the election, the legitimacy of the Abhisit government was questioned from its first day in office. The new government was formed not only through extra-parliamentarian pressure but also through offers of important portfolios including Ministries of Interior, Commerce, Transportation, Agriculture and Energy to coalition partners. Thus, the Abhisit government became known as the “quid-pro-quo government”.²³

As a result of this situation, the government faced difficulties in advancing its agenda and addressing problems facing the country. In addition to foreign policy complications due to the Preah Vihear Temple issue brought up by the PAD, the Democrat Party could not effectively deal with the rising costs of living without running issues through the Bhumjaithai Party. The government was also powerless when corruption allegations surfaced in relation to several projects under the control of coalition partners.

Seen as benefiting from the very power that toppled Thaksin, the Abhisit government

became the target of the Red Shirt protests. Although these protests began soon after the coup and happened throughout the Samak and Somchai governments, resulting in some casualties, the protests became even more aggressive between late March and mid-April 2009 when the UDD raided the ASEAN summit in Pattaya causing it to be cancelled.

In addition to Abhisit's resignation, the UDD also demanded that General Prem Tinsulanonda and two others resign from the Privy Council. The conflict turned into one between "democratic forces" and "authoritarian Ammartayathipatai (aristocracy polity)"²⁴ and resulted in the government's announcement of an emergency decree. The ensuing military crackdown caused more than 120 injuries²⁵ and the arrest of three Red Shirt leaders: Veera Musikapong, Nattawut Saikua, and Weng Tojirakarn.

The Red Shirts regrouped in March 2010 to demand House dissolution and a fresh election. In order to stop protesters from reaching the capital, the government used different measures such as strict control of the media including the internet, television and community radios, application of the National Security Act in key areas and the establishment of the Centre for Resolution of Emergency Situation (CRES) headquartered at the 11th Infantry Division to control the situation.

But these attempts were not successful. Protests continued in several areas and using different measures. Human blood collections were splashed in front of the Government House gate, the Democrat Party headquarter and Abhisit's residence. Grenades were launched against some of Bangkok's important buildings. Despite some attempts at negotiation, the government and the protesters could not come to an agreement on the timeline for a House dissolution. Whilst the government said this action required 9 months, the protesters demanded it to be done within 15 days.

The situation intensified when protesters moved to occupy Phan Fa Bridge and Ratchaprasong intersection. The Thai Com satellite station at Lad Loom Kaew was raided and shut down. On April 9th 2010, the protesters obstructed and disarmed soldiers and there was evidences of protesters amassing weapons and being trained to use them. This gave the government a pretext to declare a state of emergency prohibiting political gatherings of more than 5 persons. The crackdown to end the protest at Phan Fa Bridge on April 10th 2010 resulted in 27 deaths, of which 22 were civilians (including a Japanese photographer).²⁶

The government's attempt to "reclaim" Ratchaprasong area with armoured tanks and snipers²⁷ and declaration of a 'live ammunition zone' put the total death toll at 94 persons²⁸ including soldiers, paramedics, journalists and protesters (March 12th to May 19th 2010). The conflict has now deepened to the point of no return.

Thailand's April-May 2010 violence became international headlines. CNN called it one of "stories that changed our world"²⁹. TIME magazine named it one of the top ten news from around the world during that year.³⁰ According to Singapore's Straits Times, the head of the HSBC Economic Research Unit considered it to be Thailand's worst and most economically damaging political conflict in the last twenty years.³¹

Conciliation Battle

The bloody government crackdown gave Thai society a severe convulsion, causing even deeper polarisation. Efforts to heal the wounds failed even after the government, as proposed by civil society, set up the National Reform Committee (NRC), the National Reform Assembly (NRA) and the Truth for Reconciliation Commission (TRC) as well as dissolving the parliament to pave way for a new election. The following reconciliation initiatives were proposed:

(1) NRC and NRA Recommendations

Two of Thailand's most respected figures, former Prime Minister Anand Panyarachun and prominent social critic Dr. Prawase Wasi, accepted Abhisit's invitations to head the NRC and NRA respectively.

NRC consequently produced a report titled "Thailand Reform Initiative: Proposal to Political Parties and Voters". The report identified structural injustice in the country's economic, political and social structures as the root cause of political problems. The resulting inequality in all dimensions and the inability of the population to protect their rights and liberties or to achieve equality were structural violence which Thailand faces. "This extreme inequality in all areas is the core problem which has led to other structural problems. The national reform must primarily address this problem."³²

Following the national health reform's assembly model, the NRA used data collected through public hearings for the analysis and formulation of appropriate public policies. Dr. Prawase Wasi emphasized that the NRA was not a reconciliation committee set up to solve conflict but one tasked with envisioning Thailand's future through addressing social injustice and inequality.³³

The first NRA made recommendations on eight areas to the government. These were: 1) reform for a fair and sustainable allocation of land resources; 2) structural reform of marine and coastal resource management; 3) restoration of justice in relation to land and resources; 4) reform for justice in the Social Security System; 5) ensuring livelihood security and a well-being society for the elderly; 6) ensuring a peaceful harmonious Thai society; 7) decentralisation to strengthen self-governance capacity of local communities and promote social justice and equality; and 8) the use of art and culture for creativity and social healing.³⁴

(2) Reconciliation and Amnesty Bills

After winning the 2011 elections, the Pheu Thai government proposed a national reconciliation agenda by introducing a Reconciliation bill (see box) in Parliament. Seen by the opposition as a move to absolve Thaksin, the bill caused commotion in the Parliament. This "reconciliation battle" also caused divisions outside the parliament among those who supported and opposed the government's bill.

Interestingly, there are four different proposals for reconciliation.³⁵

- The Nitirat Group proposed an amnesty as part of a constitution overhaul, giving amnesty to all protestors including their leaders but not to government officials at any level. A conflict resolution committee was to be set up to arbitrate amnesty considerations.

- UDD proposed a decree to give an amnesty to all protestors excluding the protest leaders and government officials at any level.

- The independent National Rule of Law Commission, set up by the Yingluck government, proposed an amnesty in the form of a Parliamentary Act, giving amnesty to all protestors and operation-level government officials, excluding protest leaders and commanding officers.

- Charoen Chankomol, after consulting with Yellow Shirt and Red Shirt representatives, proposed an amnesty bill and a conflict mitigation bill distinguishing an amnesty for protestors and protest leaders.

(3) King Prachadhipok's Institute (KPI) Proposal

A widely discussed proposal from the KPI coincided with the government's idea in relation to amnesty and withdrawal of AEC cases. It was strongly opposed by Abhisit who sent three letters to KPI director Dr. Borwornsak Uwanno and KPI researchers to revise the report.³⁶ Abhisit also

voiced similar objections in a discussion forum held by KPI and in the reconciliation commission.

Abhisit's objections were focused on the "inaccuracies and omissions" of the report where the report discussed the situation between 2001 and 2006 at Thaksin's height of power. These include Thaksin's alleged interference in the judiciary branch in his hidden assets case, his undermining of the rule of law, his interference in the independent bodies, his "policy-level corruption", the extra-judicial killings in the war on drugs and his mishandling of the Krue Sae and Takbai incidents. Abhisit also faulted the report for not completely enumerating the reasons for the junta's coup and for its biased justification for the Red Shirt protests but not likewise for the PAD protests.

But it was the amnesty and withdrawal of AEC cases which Abhisit and other Democrats most strongly objected to in this report. Calling it a "one-side reconciliation" they also criticised the report for not fully covering facts around the Red Shirt protests in April 2009 and April-May 2010, including the ASEAN summit raid, the appearances of the armed "men in black" during the April 10th 2010 stand-off and the arson acts reportedly committed on May 19th 2010.

(4) TRC Recommendations

Headed by Kanit na Nakhon, TRC was first established by the Abhisit government's cabinet resolution on June 6th 2010 and tasked to collect information and evidence around the April-May 2010 violence. It was the first time that a full-time independent body with budgetary support from the government was tasked with fact-finding around political conflicts. TRC also gained support from the later elected government and continued its mission until the completion of its two-year mandate.

TRC released its full report on September 17th 2012. The report pointed out the appearance of the 'men in black' among Red Shirt protesters as evidence of non-peaceful armed protests.³⁷ The report was met with heavy criticism for the inadequacy of evidence as the report make mentions of photographs or video clips without showing them. Others criticised the TRC for its heavy reliance on CRES accounts, interviews of government officials and government documents. The reports repeated emphasis on the 'men in black' in relation to protesters' casualties was also seen as implying violence on the protesters' part and justifying the use of force by the soldiers.³⁸

In addition, the report did not touch on the most important issue: naming the parties involved in the conflict. On some pages, the report implies that the conflict only involved Thai Rak Thai/PPP/Pheu Thai Party vis-à-vis Democrat Party while other groups such as the protesters (as well as the military, the court and the Privy Council) were only supporters of their preferred sides of the conflict without their own agenda rather than active stakeholders in the conflict.³⁹ Later, Kanit admitted to the public the incompleteness of the report.⁴⁰

As for recommendations toward reconciliation, TRC proposed that all sides use "reconciliation tools" such as dialogue and debate to reach mutually acceptable conclusions in relation to constitution amendments, promulgation of law to regulate political protests, amnesty law which clearly indicate charges and conditions for amnesty as well as reparations for those who have been unfairly treated in cases which cast doubt on the rule of law and the justice system. These cases included the conviction of political party executives for electoral frauds and the AEC case against Thaksin, which itself was widely criticised for the retrospective application of the law and the appointment of his nemesis to head the investigation.⁴¹

(5) People Information Center for Victims from April–May 2010 Crackdowns (PIC) Recommendations

PIC is a civil society group founded by politically-conscious young people and academics to conduct fact-finding in parallel with TRC investigation. The emergence of PIC was, in a way, a move against the TRC's monopolisation of truth surrounding the April–May 2010 violence. PIC's findings differed from TRC report on several points.

Unlike the TRC's bird's eye view report, PIC's report was intended to portray what happened on the ground through the details of the death of each protester to allow for a clearer and deeper understanding. With its inclusion of pictures and video clips useful as evidence for prosecution, the report demanded that these facts be verified and all guilty parties, whether the 'men-in-black', the government or CRES, be brought to justice in order to solve the conflict and pave way for reconciliation.

Reparations

After the bloody 2010 Songkran, the Red Shirt movement continued to demand justice for those killed and a prosecution against the Abhisit government. When the Pheu Thai Party won the election, the new Yingluck government issued a concrete measure to alleviate the conflict by giving 7.5 million baht compensation to the heirs of each victim killed in political violence between 2008 and 2010 as well as in the Southern unrest. This compensation was an unprecedented amount when compared to compensation for the incidents of October 14th 1973, October 6th 1976 or May 1992.

However, the Democrat Party objected to the reparation measure and petitioned to the Administrative Court for an emergency hearing to examine whether the measure constituted unfair

discrimination and whether such payout to those whose guilt had not yet been verified was valid. The party also demanded that the same measure be applied to victims of other violent incidents in the past.⁴² The court, however, rejected the petition.

Light at the end of the tunnel?

Thai society gradually adjusted itself, with voices calling for peaceful coexistence and tolerance for different opinions. For example, General Prem commented "Different opinions should not be a cause for hostility. It doesn't mean that we have to be divided or unable to work together."⁴³ Even the Democrat Party vowed to "get over" Thaksin as its 2013 New Year resolve. Analysts pointed out that if both sides could overcome their feelings towards Thaksin, the end of the conflict may be in sight.⁴⁴

Nithi lewsriwong, a prominent academic, thinks that the "*politics of the mass*" has changed. "Both the Yellow Shirts and the Red Shirts have evolved their own free wills, making it more and more difficult for those behind the scene to control them..."⁴⁵ The *politics of the mass* becomes more independent and well-grounded in their activities. The protests over the last year did not lead to political crisis. Both sides used their own media in projecting their views in the public debates—some time with reasons, other with emotions—but they did not descend into physical fights or riots. Both sides of the conflict have learned that if they do not hope to entirely annihilate the other it becomes possible to meet and exchange opinions.

Formulating a set of "full-fledged democratic" rules can be a solution to the conflict. A research project called "Peacebuilding Compared" by the Australia National University may offer some guidance, based on the example of Indonesia which emerged out of racial and religious conflicts, resource grabbing and separatist movements by adopting full-fledged democracy. The conditions



which led to the peace and solution of the conflict were: decreased power and interference of the military; free and fair media; and an effective leader to lead the peace-building process.⁴⁶

Although the Indonesian example shows that there is yet hope to end Thailand's political conflicts, reconciliation is still in doubt as there is

no agreement on the amnesty issues. Thailand still has a long way to go on the road towards the end to its current political conflicts and, beyond that, towards becoming a society of peaceful coexistence with tolerance of different opinions.



National Reconciliation Bills

Four “national reconciliation” bills, based on the following three approaches, have been introduced in the House of Representatives since May 2012.

1. Amnesty for all approach (draft introduced by former CNS President General Sonthi Boonyaratglin with 35 coalition MPs; and Samart Kaewmeechai’s draft supported by 50 Pheu Thai MPs). All involved in political protests from September 15th 2005 until May 10th 2011 will not be charged. If the case is already in court, the prosecution will be withdrawn. If already convicted by the court, the defendant will be given a blank slate. Those already serving their terms will be released and the victims can file civil cases for reparations.

2. Amnesty for all but no rights to compensation. (Niyom Worapanya and 22 other Pheu Thai MPs’ draft) The 5–article bill provides an amnesty to those who committed, are victim to or have been affected by political violence from the time of the September 19th 2006 coup. Interestingly, Article 3 gives an amnesty to the coup-makers, including individuals or bodies which complied to CNS orders. The injured persons cannot file civil cases for damages.

3. Amnesty to protesters, except those charged with terrorism and homicides (Nattawut Saikua and 74 other MP’s draft), as well as withdrawal of all cases related to the coup. The injured persons can file civil cases for reparation.

As of February 2013, all these drafts are still languishing in the Parliament as Thai society is not yet ready for reconciliation with the violent incidents are still fresh in its memory.

Source: Reconciliation drafts in parliament: Crunch time for Pheu Thai government. March 12, 2013. *Thai Rath*.



2

Into the tenth year of Southern unrest: Gearing towards dialogue

Violence in the three southernmost provinces of Thailand raged on into its tenth year in 2013, despite the 182 billion baht government spending, 150,000 strong security forces, multiple responsible agencies engaged and various strategies employed. It is now clear that the violence has become chronic. Incidents are on the rise and result in an increasing number of casualties. The unrest seems to have taken on its own life and a self-perpetuating capability¹, causing damages to a great number of lives and properties. However, the events of February 2013 showed a turning point which signals a possible move towards dialogue. However, it remains to be seen whether these events will lead to a lasting peace.

Nine years of violence and casualties

According to Deep South Watch (DSW) data, 5,501 people have died and 9,725 were injured² between the first recorded insurgent incident in the South of Thailand on January 4th 2004 and the end of 2012. Among the fatalities, 158 were teachers.³ From September to December 2012 alone, ten incidents targeted teachers⁴, followed by another incident on January 23rd (see box on Targeting Teachers). These incidents have turned more than two thousands women into widows and four thousands children into orphans.⁵

The Southern Border Provinces Police Operation Center (SBPPOC), however, reported the total number of deaths and injuries over the same period at 3,371 and 8,137 respectively. This is lower than the numbers of 4,370 deaths and 7,139 injuries previously reported at the end of 2010.⁶

SBPPOC explained that in 2011 it reviewed and categorised incidents into security-related and non-security-related cases. Only the number of casualties in cases with indications of having been caused by insurgency are aggregated and presented. The numbers of deaths and injuries were therefore revised down. However, if the

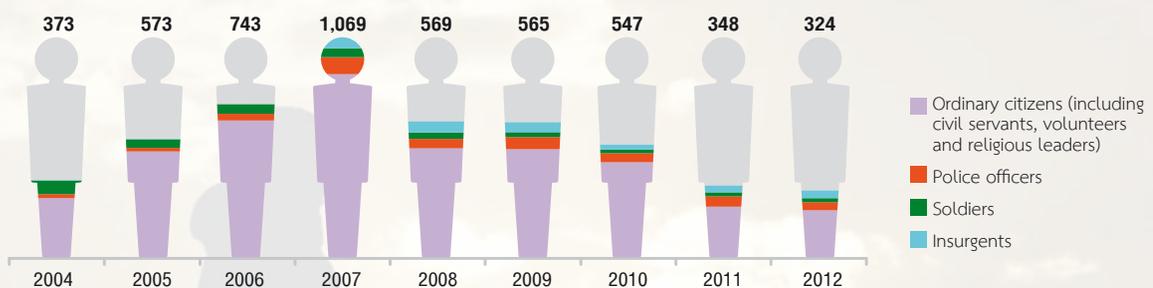
Nine years of unrest in the Southern border provinces

Number of incidents by year and by province (Total 14,074 incidents)



There are, on average, four incidents causing more than one death and three injuries per day.

Number of deaths by category between 2004-2012 (Total 5,292 deaths)



Number of incidents by type			
Shootings	7,361	Arms robberies	245
Assaults	309	Demonstrations	64
Arsons	1,518	Disturbances	2,044
Bombings	2,478	Others	4
Decapitations	51	Total	14,074



Source: SBPPOC, Yala Province.

disaggregated numbers are re-aggregated, the total would become 5,292 deaths and 9,757 injuries.⁷

The Internal Security Operations Command (ISOC) Region 4's numbers also differed from those of SBPPOC with 4,930 deaths and 9,071 injuries.⁸ *Needless to say that these discrepancies among the government agencies require a harmonisation effort.*

SBPPOC categorised the 14,074 incidents (56% of which were security-related) into 7,361 shooting incidents, 2,478 bombing incidents, 2,044 minor disturbances, 1,518 arsons, 309 assaults, 245 arms robberies, 64 protests and 51 decapitations. The rest were reported as miscellaneous incidents.

It is clear that these numbers for incidents will continue to rise. The only solution to lead the southern border provinces from violence, now agreed on by both the government and civil society, is peace talks.

In the Eye of the Storm

Nobody would have imagined that the January 4th 2004 arms robbery at the ammunition depot at the Narathiwat Ratchanakarin military camp would mark the beginning of daily losses of lives at an unprecedented level.

Somsak Issariyapinyo, native President of Pattani Chamber of Commerce, said that locals have no options but to get used to the unrest and its consequences.⁹

The forms of violence in Southern Thailand have also become progressively more bloody from arsons on schools and temples to drive-by shootings, long-range sniper attacks, assaults, videotaped decapitation and body burning, close-range shootings in front of CCTV, synchronised bombings of over 100 locations and use of car bombs. These attacks all target particularly target villagers, monks, teachers, religious leaders and civil servants.

In 2012, there were more than 10 car bombs in the South. The worst incident was on March 31st 2013 when three bombs were detonated simultaneously in three provinces: at Hat Yai's Lee Garden Hotel, a communal area in Yala and a police station in Pattani, causing 14 deaths, including a Malaysian tourist, and more than 500 injuries.¹⁰

Lack of safety undercuts investment in the Southern border provinces, despite the highest government privileges granted under the Investment Promotion Act.

Atchaka Sibunruang, Secretary General of the Office of the Board of Investment (BOI), said "The ongoing unrest is the key factor which has stunted investment growth for many years. Foreign investors are unwilling to invest, while the existing industries—whether rubber, oil palm, seafood processing or halal food—are not very successful."¹¹

DSW (2012) Srisompob Jitpiromsri agreed that "Since the beginning of the unrest, agricultural outputs which had been expanding at high rates experienced low or even negative growth."¹²

Moreover, a number of schools have been burned down. Many teachers were killed or injured while others requested to be transferred out of the area, resulting in a severe shortage of teachers and temporary school shutdowns. This has serious effects on the educational system, now in a critical condition.¹³

- The Southern provinces of Thailand have the country's lowest educational accomplishment levels, high rates of dropouts and failings and low rates of advancement to university level, especially among private school students. One third of Grade 3 students were found to be illiterate and Grade 12 students had low O-NET results across the board.

- A lot of students are lost from the educational system, especially after completion of compulsory education. Unemployment rates are high in general but there is a labour shortage

in certain jobs such as welding, construction, automobile paint work and refrigeration.

Locals in the Southern provinces face losses in all areas including life, property, economic opportunity and educational opportunity for their children.

Thaksin's mistakes

For decades, a transfer to the Southern border provinces has been a form of punishment for wrong-doing government officials. Problems such as injustice and power abuse are ignored. Thaksin Shinawatra's nonchalant approach to the 2004 arms robbery incident, the beginning of today's crisis, was one example of this negligence.

Insisting that this particularly incident was not caused by separatists or terrorists but "petty criminals," Thaksin imposed martial law and sent in security forces in response. As primary targets, pondok religious schools were repeatedly raided causing the Islamic Council Coordination Center for the Three Border Provinces to issue a statement on February 9th 2004 on ceasing cooperation with the government in resolving the conflict.¹⁴

Nevertheless, the government continued with its iron-fist approach by announcing a development plan which categorised villages in these provinces according to the involvement of their members in the insurgency. While "red" villages would receive no budget, "yellow" villages would require some issues to be addressed first and "green" ones with no insurgent involvements would receive increased budgets.¹⁵ The government expressed its confidence that these measures would bring peace to the region.

It is obvious that the government's strong-handed measures failed to quell daily incidents. Five years later, Thaksin admitted that "Violent measures in response to violence were wrong. Please take this as my official apology."¹⁶

However, the situations had already gone much further than his atonement could mend.

Fueling the fire of conflict

Throughout nine years of the conflict, several key incidents added fuel to the fire:

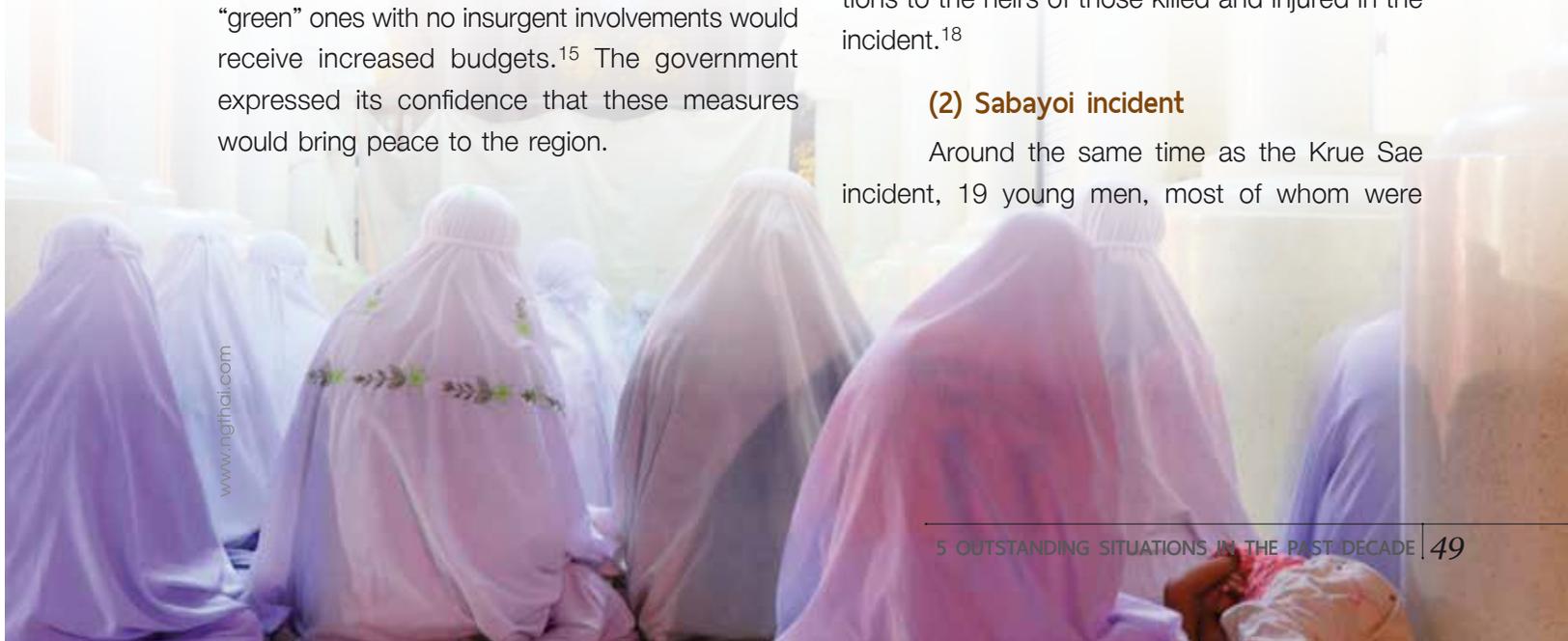
(1) Krue Sae Mosque incident

On April 28th 2004 militants attacked a police post, killing three police officers and soldiers and injuring 17 others. Later, 32 of the militants retreated to the nearby Pattani's Krue Sae mosque. ISOC Deputy Director General Pallop Pinmanee arrived on the scene at a place where 2-3,000 locals had gathered. After a stand-off from 6am until 2pm, the police stormed the mosque with grenades and other weapons, killing all 32 insurgents.¹⁷

The incident became world news headlines with heavy criticisms of the government's disproportionate response. The fact-finding mission established by the government on May 4th 2004 concluded that the government should have used peaceful means to end the standoff rather than throwing eight hand grenades into the mosque. It also recommended the government pay reparations to the heirs of those killed and injured in the incident.¹⁸

(2) Sabayoi incident

Around the same time as the Krue Sae incident, 19 young men, most of whom were



members of a football team from Sabayoi district, went to participate in a religious ceremony on April 27th 2004 and were later said to have taken part in a 25–men attack on a police post, a market and a restaurant in Sabayoi. After a standoff with the security forces, all 19 were killed.¹⁹ Relatives and locals, however, are doubtful about the cause of death in this incident, as according to Manuyi, the brother of one of the deceased, 14 among those killed were found with bullet holes behind their heads. Relatives therefore insist that should be an investigation on the real cause of deaths of these young men.²⁰

(3) Tak Bai incident

Another serious incident happened only six months after Krue Sae. On October 25th 2004, thousands of villagers gathered in front of the Tak Bai police station in Narathiwat province demanding the release of six village guards. In the security force’s attempt to end the protest, six people died and 300 were arrested. However, the following day’s official death toll was announced at 85 and more than 1,300 arrested. This sudden jump in fatalities put the Thai government under domestic and international pressure to investigate what went wrong.²¹

By early November 2004, an independent fact–finding committee concluded that the army committed gross negligence while transporting arrested men, resulting in 78 deaths from suffocation. Three army officers were subjected to disciplinary investigation and transferred out of the area in response.

(4) Prejudicial justice system

Martial law, imposed after the depot raid in 2004, was superseded by an Emergency decree instituted on July 16th 2005 after simultaneous attacks at different locations across Yala province including bombings of main electricity posts causing city–wide blackout, raids of police posts and bombings of department stores. On the one hand,

these two laws facilitated the work of the security forces as suspects could be held without charge for 7 days under the Martial Law and 30 days under the Emergency Decree. On the other, these laws resulted in a skyrocketing number of security–related cases.

Between January 2004 and December 2010, the number of security cases in the three Southern border provinces and Songkhla’s four districts rose to 7,680. Suspects were identified in 1,808 cases and arrested in 1,264 cases but the court acquitted suspects in 45% of all cases.²² Then the aggregated number of cases until August 2012 rose to 8,639 cases. Suspects were identified in 2,053 cases and arrested in only 1,459 cases. Among these, 474 cases reached the court where suspects were convicted in 192 cases (40.5%) and acquitted in the remaining 282 cases (59.5%).²³

In 2011, 214 cases reached the court and judges acquitted suspects in 168 cases. At 78.5%, this is the highest acquittal rate since the beginning of the unrest.²⁴

In addition, questions about the flaws of the justice system in Southern Thailand have been raised throughout 2010, eventually leading to the establishment of a working group to provide support both to suspects in security cases as well as those affected by the unrest, including regarding petitions for bail or temporary release, using the “Justice Fund” and other mechanisms under the Witness Protection Coordination Center for the Three Southern Border Provinces.

The challenges in the justice system in Southern Thailand also led Assistant Judge Punyawee Prachuablarb to write an article on “Appropriate criminal policies for offenders in southern provinces,” pinpointing problems as well as best practices for each step of the justice system to ensure effective problem resolution and peace, importantly without turning the justice system into another cause of conflict.²⁵

Protection of the South

The two government agencies which should in the past have been responsible for tackling the unrest in Southern Thailand were the Southern Border Provinces Administrative Centre (SBPAC) and the Civilian–Police–Military Taskforce (CPM) 43. Both were however disbanded on May 1st 2002. Then supreme military commander General Chaiyasit Shinawatra²⁶ and the National Intelligence Agency Director Bhumarat Taksadipong²⁷ agreed that the disbandment created a vacuum in intelligence and strategy.

The withdrawal of the military without transferring authority to the police added fuel to the unrest as efforts turned to focus on persecution rather than consultations with local leaders, leading to the turning point events starting on January 4th 2004.

The more violence the insurgents used, the more draconian measures were adopted in response. The Deputy Prime Minister Chaturon Chaisang, delegated by Thaksin to meet with locals and listen to their complaints, stressed that “Government officials must stop using violence. In particular, abduction by the police is causing severe grievances amongst locals.”²⁸

Despite the Thaksin government’s establishment of the Southern Border Provinces Peace Building Command on March 24th 2004, violence continued. Simultaneous bombings and terrorist attacks began to creep into Hat Yai city in Songkhla Province. Airports, department stores and hotels became targets of attacks and several countries issued travel advisories to warn their citizens to avoid travelling to Thailand’s southern border provinces.

On March 28th 2005, the government established the National Reconciliation Commission with former Prime Minister Anand Panyarachun as chairperson and social critic Prawase Wasi as vice chairperson. These two persons were joined by

other members from civil society in and outside the conflict areas, both politicians and civil servants. The formation of this 48–member commission was a response to the petition of 144 academics demanding a peaceful resolution to the conflict.²⁹

Despite the government’s restructuring of the responsible agencies and the use of the Emergency Decree after the 23 simultaneous attacks in Yala province, violence became more brutal with decapitations of civil servants and the burning of Pattani’s Promprasit temple with murders of monks and disciples. Worse still, in Tanyong Limor, two marine officers, familiar to locals, were taken hostage and beaten to death by villagers who mistakenly believed that they were involved in a gun attack on the village’s tea stall.

After the 2006 coup d’état in Thailand, the new Prime Minister General Surayuth Chulanont revived the Southern Border Provinces Administrative Centre (SBPAC) with the aim to find peaceful resolution to the conflict. In a speech in the presence of relatives of those who lost their lives during Tak Bai incident, others who were affected by the incident, religious and community leaders and hundreds of others, he made an apology saying, “*I would like to make an apology on behalf of the previous government and this government for whatever the previous governments have done. I would like to extend my hand and honestly apologise to all of you to acknowledge it as my own fault also.*”³⁰

However, this speech did nothing to calm the conflict. Eight passengers in a van were soon after shot at close range while travelling through Yala’s Yaha district. The government declared martial law and issued many prohibitions on the population against dressing like soldiers, leaving their residences between 8pm to 4am and using radio–wave communications without authorisation. The government also intensified efforts to communicate and raise awareness on these orders.

In addition, the government began a new “Protection of the South” strategy which used not only political measures but also mass manipulation operations. A combined force of soldiers, police and administrative officers would shut down a village, conduct raids on targets, “invite” suspects for questioning and send them to “voluntary trainings” in army barracks. These operations resulted in mass arrests of villagers in conflict areas for the purpose of intelligence gathering.³¹ Relatives soon started demanding intervention by human rights organisations.

The Abhisit government then enacted the Southern Border Provinces Administrative Centre Act, allowing SBPAC to operate independently from the ISOC and report directly to the Prime Minister. The violence continued, while the demand to fix the justice system went unheard as the political conflict in Bangkok took all the attention away from the South of the country.

After winning the general election, the Yingluck government restructured the responsible agencies for unity and giving them new names such as the “Integrated Center for Conflict Resolution and Development of Southern Border Provinces”, “Southern Border Provinces Conflict Resolution Policy Committee”, and the “Southern Border Provinces Conflict Resolution Integrated Committee.” But these new bodies and confusing names did nothing to lessen the violence.³²

Violence continued in many places in July 2012 including: car bombs in Sungaikoloke city center, an attack on a patrol vehicle in Yala’s Raman district and murder of police officers, a car bomb at CS Hotel in Pattani, and the close-range massacre of four patrol soldiers in front of closed circuit camera in Pattani’s Mayo district.

In response, Prime Minister Yingluck established the Southern Border Provinces Conflict Resolution Operation Centre on July 31st 2013 with the objective to create unity and effective integrated command of all 66 related agencies in

17 ministries working in the South. As an emergency measure, “safety zones” were established in 13 areas of the three southernmost provinces and Hat Yai district, with full closed circuit camera coverage. A checkpoint was set up at Hat Yai’s Kuan Meed sub-district and cross-checking with Malaysian authority on people and vehicle cross-border movements was conducted.³³

Two weeks later, in a August 14th 2012 cabinet meeting, the name of the Operation Center was changed to “Operation Center of the Strategic and Policy-Making Committee for the Resolution of the Southern Border Provinces Unrest” to avoid duplication and confusion with existing agencies. *But it remains to be seen how effective this newly set up body will be in dealing with the unrest.*

Who is behind the unrest?

Until now, no group has officially claimed responsibility for the unrest. However, it’s clear that the Patani liberation movement has been behind the violence since the beginning.³⁴ Using guerilla warfare tactics, this group operates on a need-to-know basis. Operative agents such as the armed unit RKK would only know other operative agents but have no knowledge of the overall structure while higher level agents have a broader view.

According to documents discovered by security forces and obtained from group leaders, the line of command of this organisation is divided into two wings, namely the militant and the political wings, with changes in name and organisation levels over time.

Nithi lewsriwong commented that the operational structure is confidential, organised into small sub-district units with an ability to make independent decisions and command operative agents who are not aware of the exact nature of the overarching structure. These units may use



force to gain revenues such as by collaborating with groups involved in drug trafficking, bootlegged petrol, human trafficking, gambling and other illegal activities.³⁵

According to Col Chatuporn Kalampasut, director of ISOC Region 4 Intelligence Unit, there is a connection between the insurgency, the bootleg petrol cartel and the drugs cartel with more than 300 million baht worth of seized evidence.³⁶

This opinion is supported by the research of Songkhla governor Kritsada Boonrat. Collating information from government officials, community leaders, religious leaders and “organic” leaders, as well as those who surrendered themselves to authority, his research concluded that the unrest is caused not only by a separatist movement but also has its roots in social inequality problems, unfair treatment by government officials, drug problems as well as local politics.³⁷

But a local academic Srisompob Jitpiromsri disagreed with these findings and opinions, stating that such conclusions are highly debatable as the evidence for such connections and conclusions is inconclusive. However, Srisompob agrees that the heart of the unrest in Southern Thailand is the

Patani liberation movement. This is also confirmed by other research and investigations including that done by military personnel such as Gen Samret Srirai’s and Col Shinawat Maendet, by foreign scholar Duncan McCargo in “Tearing Apart the Land” and by the Deep South Watch.³⁸

All of these complications outlined above make the Southern Thailand unrest a tough and challenging problem for all governments of the past, present and future.

Reparations for Conflict Resolution and Peace

Although agreed by all previous governments as essential measures to calm the Southern provinces, reparations for those affected by the unrest only became reality during the Yingluck government, which set up a reparation commission headed by Justice Minister Pol Gen Pracha Promnok and operationalised by the SBPAC.

A mobile registration unit and a hotline number were set up and eventually the first sum

of reparations of 2.08 billion baht was approved by the cabinet and began to be dispensed from August 17th 2012. SBPAC Director-General Pol Col Tawee Sodsong said, “We are not judging the guilt or innocence of those affected. The reparation is intended as a means for transition from violence to peace.”³⁹

This proactive measure particularly targeted those seriously affected by conflict. For each case of the 32 victims killed in the Krue Sae incident, relatives received 4 million baht reparations. The compensation for the 19 deaths in Saba Yoi incident and 85 deaths in the Tak Bai incident, as for the disappeared lawyer Somchai Neelapaijit, was set at 7.5 million baht per case. At the same time, the amount of reparation for bystanders who died in the incidents was increased from 100,000 to 500,000 baht and for those incapacitated from 80,000 to 500,000 baht.

As 19,066 cases have received reparation, totaling 1.99 billion baht as of March 8th 2013⁴⁰, the measure seems to have significantly de-escalated the conflict. Waedueramae Mamingji, chairman of the Pattani Provincial Islamic Committee, agreed providing reparations was a good start, but he also pointed out that this could not end the resolution process. He considered that the government must also make more space for peaceful dialogue as well as bring to the area improvement in quality of life as well as justice.⁴¹

Dialogue and the peace process

As Thailand enters the tenth year of the Southern unrest, opinions differ whether the situation has improved or deteriorated.

Deterioration is seen in the intensity of violence by insurgents during 2012–2013, especially as evidenced by the February 13th 2013 attack on a Narathiwat marine camp in which 17 insurgents were killed in heavy fighting.⁴²

On the intensifying and increasingly strategic attacks, academic Kasian Tejapira said, “It reflects the unchanged main strategy of the militant wing of the insurgency which has come to dominate over its weak political wing. But [with such intensified attacks] they are losing the support of the population... Even NGOs who support decentralisation of power to the locals began to call it “crime against humanity”. Most in the global community are not on their side, either. They are now making blunders, but it doesn’t mean that the violence will cease anytime soon.”⁴³

In what could be seen as an improvement, on the other hand, the National Security Council’s 2012–2014 Southern Border Provinces Administrative and Development Policy was approved by the cabinet on February 3rd 2012. One of its objectives is to “create a conducive environment for dialogue paving way for peaceful resolution to the conflict and give reassurance for all persons and stakeholders in the peace process.”⁴⁴ This focus on dialogue means that negotiation between the government and the insurgency can now be conducted in the open.

Nithi lewsriwong considered this policy as a “clear signal of the government’s attempt to stop employing violence in response, and which should be considered as a turning point in the Southern unrest situation.”⁴⁵

This turning point was followed promptly by the government’s decision to replace the Emergency Decree with Article 21 of the Internal Security Act, paving the way for peaceful dialogue and allowing those with outstanding charges to surrender themselves and undergo training courses rather than prosecution.⁴⁶

Most recently, the peace dialogue became a reality on February 28th 2013 with the signing of the “general consensus document to launch a dialogue process for peace in the border provinces of Southern Thailand” at the JW Marriott Hotel in Kuala Lumpur, Malaysia between NSC secretary–

general Lt Gen Paradorn Pattanathabutr and Hassan Taib, chief of the Barisan Revolusi Nasional (BRN) Liaison Office, also with the Malaysian Supreme Military Commander and Supreme National Police Commander present as witnesses. This deal gained the supports of the military and political sectors of Thai society as well as both international and local communities who saw it as a good sign for peace in the Southern provinces.⁴⁷

However, it remains unclear how far this NSC policy will go in practical terms or what approach it will take towards the proposal of setting up the *Nakhonrat Pattani* semi-autonomous region suggested by local civil society as a solution to transform conflict into lasting peace (See “Self-managed Provincial Administration on page 126).

Local academic Srisompob Jitpiromsri considered the peace talks as a positive change and added that local civil society, a key variable for peace, should be promoted as mediator in the peace process. Civil society groups are now drawing up a roadmap to peace in the Southern border provinces or “Patani peace process”, starting

from small peaceful spaces which aggregate into larger and larger spaces until all sectors are included in this relationship of peace.

Srisompob stressed that *“Those who are to be involved in this process may include anti-government forces, old institutions, the military, police, civilians, civil society, local populations both Thai Buddhists and Malay Muslims, and all stakeholders... leading to an agreement based on process and principles mutually agreed on by all parties.... It relies on locals to create a common space for step-by-step problem solving, as well as peace promotion in all aspects such as culture, language, religion, education, peaceful coexistence, justice in daily life and reparation and rehabilitation for losses incurred during the unrest.”*⁴⁸

How successful the use of Article 21 of the Internal Security Act and the signing of peace talk agreement are will be closely watched by all throughout 2013 as these measures impinge on the return to peace of life of the people in the Southern border provinces.



Teachers: RKK's targets from late 2012 to present

Assaults on and murders of teachers and school arsons are main goals of the RKK, due to four reasons: (1) Teachers and schools are symbols of the Thai state. (2) Cruel attacks create a climate of fear and reduce morale of locals (3) Attacks expose the failure of the Thai military and government. (4) Attacks undermine the local educational system bringing it to a complete stop.

Throughout the nine years of conflicts, 158 teachers have been killed, 150 injured and 6 permanently incapacitated. The latest victim was Chonlatee Charoenchon, a Muslim teacher of Baan Tan Yong School in Narathiwat Province who was shot in the presence of 292 teachers and students on January 23rd 2013 by four RKK militants disguised as parents.

After this incident, the Federation of Teachers in the three Southern border provinces ordered an academic suspension of 378 schools and demanded authorities to bring the culprits to justice. The Federation also demanded improvements in security measures for teachers and schools including using security forces together with village security volunteers, notifying schools by ISOC of impending school attacks and forming a “teachers’ security force” for specific protection of teachers.

Source: Mai Muangchom, February 1st 2013. If the root of problem is not addressed, more teachers will die in the Southern unrest. *ASTV Manager Online*.



Patani Liberation Movement

With the goal of independence from the Thai state, the movement uses a religious framework as a basis for an armed revolution with direct violent conflict against the Thai state. The Thai government calls it a “separatist group” comprising of:

(1) Groups which are more active in the past such as the Barisan Nasional Pembebasan Patani (BNPP), Persatuan Mepertahankan Agama Islam (PMAI), Barisan Islam Pembebasan Patani (BIPP), Gerakan Mujahidin Patani (GMP), Patani United Liberation Organization (PULO), Barisan Revolusi Nasional (BRN) and United Front for the Independence of Patani (BERSATU). Only the last three groups are still active.

(2) Presently active groups who called themselves “Patani liberators” consisting of senior members of formerly active groups and members from younger generations selected from political organisations who infiltrate local communities. These persons are also affiliated with the RKK armed group.

(3) Allied groups are those who have been directly or indirectly subjected to unfair treatments and policies of the Thai government, students and intellectuals with social awareness and ideologies.

These groups are connected as allies. The formerly active and presently active groups are tightly connected while the locally-organised groups are allied and mutually influenced through collective communication and interdependence.

The Patani Liberation movement in some areas has informal relationships with civil society, Patani dissidents living in Malaysia, Indonesia and the Middle East as well as a positive relationship with the Organisation of Islamic Cooperation. The EU and the UN, meanwhile, maintain informal relationships with groups who were key players in the past.

Source: 1. Insider Peacebuilders Platform (IPP). December 2nd 2012. *Report of the Southern Border Provinces/Patani Forum: Synthesis from the 1st–5th Seminars on Conflict Analysis Workshop*. Pattani: Project on Southern Border Provinces Peace builders Strategic Promotion and Development Seminar, Center for Conflict Studies and Cultural Diversity, Prince of Songkla University, Pattani Campus.

2. Roongrawee Chalermripinyorat and Deep South Journal. 2013. *Probing the Minds of Patani Liberation Movement*. Retrieved on February 14, 2013, from Deep South Journalism School, Deep South Watch website: <http://www.deep-southwatch.org/dsj/3676>

3 Towards “Healthy Sexuality” in the next decade



Thailand has witnessed tremendous changes in relation to sexual matters over the past decade. The public now learns from the news about various dimensions of sex which has become one of the most heated subjects throughout the decade including as it relates to gender-based violence, teenage sex, LGBTIQ rights, and unwanted pregnancies. In addition, the media and academic also discussed sex at depth from various perspectives from tradition and morality to liberties and rights. Nevertheless, “sexual health” is still primarily the domain of small government agencies and NGOs. It’s now time that politicians and policy makers pay attention to sexual health at a macro level to ensure that Thai society can survive the time bombs of sexual problems that it will surely face in the next decade.

Changing attitude towards sex over the past 13 years

Several phenomena show that Thai society’s attitude to sex has begun to change, particularly from late 2010 when 2002 fetus tissues were discovered in Bangkok’s Phai Ngoen Temple. This incident became the biggest abortion-related news in Thailand and made international news headlines on CNN, BBC and AFP. International agencies focused on the obvious contradiction between the discovery and Thailand’s supposedly Buddhist society.

The debates around this incident indicated that a lot of people no longer considered sex as something to hide. Most people now think teenagers should be given proper sex education and taught to practice safe sex, as reflected in the news headline *“More than 90% of parents support sex education to prevent abortion.”*¹

Even the more conservative government agencies such as the “Virtues Center” stated that *“Let’s not look at it as taboo. Thai society has changed... We need to solve the problems together. It doesn’t help to kick pregnant students out of school, because they will be forced to seek abortions.”*²

As a result, over the past ten years, sex is no longer seen only as a problem in Thailand. While in the past, sex was hidden for fear of enticing youngsters to impropriety, now questions are raised whether the state and religion have exerted excessive control over sex, what kind of ideology prevails in such control and how this control affects the life of the population.³

With such free and open public debates and probing questions on the ideological framework used to give meaning and to explain sex, it is hoped that increased public understanding and knowledge will increasingly move discourse away from “sex-related problems” to “sexual health”, while measures to ensure better quality of sex life will also be improved.

Outstanding sexual-related news and stories over the last 13 years (1998–2010)

According to two reports which compiled sex-related news from daily and weekly newspapers, news agencies, government bulletins, research institute newsletters and polling agencies between 1998 and 2010, the most common sex-related news items are rapes and gender-based violence whilst unwanted pregnancy, abortion and

abandoning of newborns dominate the headlines for the reproductive health category.⁴

(1) Rape remains the most common headline between 1998 and 2010, totaling 8,902 news items or 741 per year. Especially during the last three years of the research period, rapes accounted for more than half of the news items on gender-based violence, reflecting a worrying situation of sex-related danger in Thai society. The characteristics of rape in the news included:

- committed by those with power over, reflecting power imbalance in relationships.
- often excused by other factors such as alcohol use and pornography consumption. In addition, the “rape law” allows settlement which lessens the seriousness of the crime.
- interestingly, rape also happens in the context of faith and beliefs, such as that committed by monks, fortune tellers and enchanters. Rape victims are often ridiculed for their gullibility.

(2) Sexual violence. Other than rape, gender-based violence in the news numbered 6,435 items over 13 years. More than two thirds of reports related to commercial sex and sexual exploitation of women and children which often involved deception and human trafficking. Other reports related to voyeurism, clandestine photographing or dissemination of illicit images and physical and verbal sexual harassment, most commonly found in the workplace by male superiors in exchange for better grades by university lecturers and during custody or search by law enforcement officials.

Violence within relationships, whether active or past relationships, also appeared significant in reporting as well as gender-based prejudices and discriminations against women with disabilities, homosexuals and transgenders. This kind of “structural and cultural violence” is based on a mindset inclined on discriminatory treatment against certain groups. One example is the virtually forced

sterilisation of people with disabilities based on the idea that they should not be involved in sexual activity and procreation. Another example is the belief that homosexuals are mentally sick and in need of medical treatments leading to homophobia and human rights violations in various ways including in self-expression, education, employment and marriage.

(3) Reproductive health including sexual health—from pregnancy, maternal care, delivery, abortion, birth control, impotence, sexually transmitted diseases such as venereal diseases and HIV/AIDS, genital cancer and assisted reproductive technology such as surrogacy.

These news items are noticeably infused with bias and stigmatisation towards women. They often link the women's plights with abortion, newborn abandoning or infanticides and brand those with unwanted pregnancy as women with loose morality, sexual behavior problems and a lack of responsibility.

Over the past 13 years, the tone has barely changed in reporting, as reflected in headlines such as “Teenage mother throws newborn in rubbish bin”, “Monster mother abandons lifeless newborn in department store”, or “5-month fetus found. Suspected premature delivery induced by drugs.”⁵

The biggest news was, of course, the discovery of 2,002 fetus tissues at a Bangkok temple in 2010. The news was as usual followed by pandemonium and the government's knee-jerk action to raid abortion clinics. However, this controversial discovery brought the topic of abortion law amendments to the forefront again as it revealed a large number of women with unwanted pregnancy problems as well as the country's lack of options and inadequate management.

According to polls, public opinion also seemed to have shifted. More than 60% of the people polled favoured the expansion of legal abortion while policy makers disagreed insisting

that the law on abortion was already adequate and only more preventive measures were needed.⁶

Between 2008 and 2010, teen pregnancy also received a lot of attention in the media. The coverage included both the number of pregnancies as well as new suggestions as to how to solve the problem rather than the usual “say no to sex”. These reports were seen in headlines such as “School allows pregnant student to study”, “Public supports Reproductive Health Bill, allows teen mothers in school”, “Ministry of Public Health clinics to give teenage sex counseling nationwide” and “Cabinet approves pregnant students to study/take maternal leave.”⁷

Meanwhile, the Ministry of Public Health also started to conduct surveillance on teenage pregnancies as a factor which affected the quality of the future population given research showing that babies born by young women often have low birth weight and other long-term health problems. This research found an increase of pregnancy rates among teenagers throughout the country. This finding led to increased attention to the “teenage moms” phenomenon by policy makers and the media and more attention to sexual health issues, especially among teenagers.⁸

‘Sex’ and participatory public policy

In a modern society with intensifying problems which cannot be addressed by the government alone, participatory public policy processes are one of the tools that can help determine key social norms and standards.

The most concrete example of comprehensive, inclusive participatory public policy processes was the 1st National Health Assembly (NHA) in 2008. The process allowed all sectors to identify problems, promoted data collection and knowledge building and created a space for debate and collective problem solving, leading to a formal

“public policy” after the cabinet’s consideration and approval.

(1) Resolution on sexual health: gender-based violence, unwanted pregnancy, HIV/AIDS and sexually transmitted diseases

‘Sex’ was the focus of one of the resolutions coming out of the 1st NHA, namely the *Resolution on sexual health: gender-based violence, unwanted pregnancy, HIV/AIDS and sexually transmitted diseases*.⁹ This resolution was the result of advocacy by, amongst others, five civil society networks that collectively put together the policy and brought it to the NHA’s attention for consideration.

These five networks were the Network for the Elimination of Violence Against Women and Children, the United Front for Women’s Advancement, the Women and HIV Network, the Network for the Promotion of Options for Women with Unwanted Pregnancies and the Healthy Sexuality Network. These are loose networks of government agencies, NGO’s and individuals working on related issues. The formation of the NHA allowed these networks to advance sexual health issues onto the agenda, coordinated by the Healthy Sexuality Network.

The consultation process on these issues included public hearings to solicit opinions, a research team to conduct data collection and two brainstorming sessions to compose and revise recommendations in line with public hearing results. After submission to the NHA, the recommendations were reviewed and adopted as the *Resolution on sexual health: gender-based violence, unwanted pregnancy, HIV/AIDS and sexually transmitted diseases*. This resolution included the following recommendations:

- to provide well-balanced sex education to citizens of all genders and ages both in and outside the educational system.



- to form peer-to-peer groups to provide counseling before and after problems, provide options and encouragement.
- to establish sexual and reproductive health clinics which are friendly to all populations.
- to provide safe and legal abortion services, to be included as free services in all health security systems.
- to promote research and build a database on the unwanted pregnancy situation.
- to establish shelters in every province for those facing problems, providing comprehensive, inclusive and accessible services.
- to eliminate sexual and gender prejudices from all levels of the justice system.
- to enable local administrative organisations to make sexual health operational plans in collaboration with relevant networks.
- to ensure clear policies and guidelines to prevent and eliminate unsafe abortion.
- to strengthen relevant networks, local administrative organisations and communities to ensure effective operationalisation of the resolution.

(2) Resolution on unwanted pregnancy amongst teenagers

In 2010, the Department of Health in collaboration with allied government agencies and civil society developed a resolution specifically on unwanted pregnancy among teenagers in response to the increased rate of childbirth rates among teenage mothers. This increased birthrate, as considered in the key document, was said to be causing serious consequences on maternal and child health as well as population quality.¹⁰

The resolution was widely supported by other sectors in the 3rd NHA in 2010 and was passed as a cabinet resolution on April 21st 2011. The resolution includes the following recommendations:

- to establish an inter-agency mechanism between the National Reproductive Health Development Committee, National Child Protection Committee, National Child and Youth Development Committee and other relevant sectors to ensure effective mobilisation at national and provincial levels.
- to provide well-balanced sex education, ethics and morality education and appropriate support mechanisms for students with unwanted pregnancies.
- to provide funding from the local-level health security funds to local administrative organisations for the prevention and solution of teen pregnancies.
- to collaborate with the Ministries of Culture, Social Development and Human Security and Public Health, education committees, National Alcohol Beverage Committee and local Alcohol Beverage Control committees to ensure positive attitude to sex, ethics and morality, skills on sex communications within the family, diverse teenager-friendly services, and decreased alcohol consumption among teens.

- to advocate the passing of the Reproductive Health bill by 2014.

Despite the adoption of these two NHA resolutions, responsible government agencies continued with “business as usual” without taking on or integrating the recommendations into their mandates. This reflects shortcomings in addressing complex social and public health problems and an urgent need for multi-agency collaboration. If continued, this attitude towards development in line with public development of ideas could lead to more explosive sex-related problems.

Focusing on laws impinging on sexual health

(1) Amendment of the “rape law”

2007 can be said to be a year of victory for the sexual rights movement after over a decade of attempts to amend Article 276 of the Criminal Code or the so-called rape law to include marital rape as criminal offense.

This amended statute was expanded to include acts committed against a person of all genders and ages and acts using objects other than genitals. The Act also prescribes a more sensitive trial in cases between spouses. (However, the ability of the judge to lower a penalty as permitted by law at his/her own discretion is seen as an effort to compel settlement and reconciliation in the name of “protection of the family”)

In addition, Article 277 on statutory rapes was also amended to include rapes committed against girls or boys by males or females, including those using objects other than genitals. It also prescribed increased punishment for rapes of children under 13 years old. However, the statute still allows marriage between perpetrator and victim if the former is younger than 18 years old and the latter is between 13 and 15 years old, allowing impunity for a perpetrator.

(2) Promulgation of the Domestic Violence Act 2007

Also in 2007, Thailand adopted a new law which clearly criminalised domestic violence, provided protection to victims regardless of family status, and rehabilitates/punishes perpetrators depending on the seriousness of a crime.

“Domestic persons” under this protection refer to “spouses, former spouses, unmarried cohabitation partners, children, adopted children, family members including any person who lives in the same household.” Going further beyond the traditional concept of a legally married “man and wife”, this expanded definition shows a progressive idea about what constitutes the family.

The law also established new mechanisms, particularly the “husband repair workshop, a sophisticated tool to address domestic violence in which the wife may not necessarily want her abusive husband to be criminalised but behaviorally adjusted and disciplined to stop his violence.

However, challenges remain as there is yet no government mechanisms designed to implement the law.

Monitoring the enforcement of the law and analysing its conceptual framework, Varaporn Chamsanit et al. found that it will be difficult for the law to achieve protection for victims of domestic violence, mostly wives, because of the prevailing attitude towards domestic violence as a domestic matter. Meanwhile, the enforcing mechanism for the law is unclear and inadequate. The spirit of the law aims more at the protection of the family rather than protection of the victims, as can be seen in the provision allowing settlement at every step of the legal process. These researchers therefore concluded that it was hard to say that the law would have positive effects on the domestic violence situation.¹¹



(3) Reproductive Health Protection

Bill

In mid-2010, several newspaper headlines announced the intention of the Ministry of Public Health to pass a reproductive health bill to protect the right to education of pregnant students. As a result, the word “reproductive health” became a household word as debate raged on whether the law was the right way to solve the problem. (See outline of the law in the box on page 69)

Glancing over news headlines, it seems that public opinion towards the bill was more welcoming than objecting. For example, “Friends of Women Foundation supports pregnant students.” (*Khaosod*, July 9), “Popular support for the RH Bill” (*Baan Muang*, July 22), “Warakorn supports ‘pregnant student bill’” (*Thai Rath*, July 20). Even the then prime minister, in an interview, agreed to support the bill in order to solve sex-related problems among teenagers.¹²

In mid-2010, the cabinet accepted the bill in principle and submitted it to the Council of the State for review before returning it to the cabinet and the House of Representatives successively¹³. But in March 2011, the 10th committee of the Council of the State ordered the Ministry of

Public Health to review the bill for its necessity as the committee considered the bill's provisions redundant as they could be enacted by the cabinet without putting the provisions into a law.

However, after its review and minor revision of the bill, the Ministry of Public Health renamed the document the "Reproductive Health Bill" and in late 2012 sent it back for another review by the Council of the State where it is languishing as of present (March 2013).

(4) Gender Equality Bill

The Ministry of Social Development and Human Security's Women's Affairs and Family Promotion Bureau is the key agency advocating the Gender Equality Bill since its drafting in 2005 until its cabinet approval in April 2012.¹⁴

In October 2012, civil society groups, consisting of the Women Networks Reshaping Thailand, the Women's Network for the Advancement and Peace, the Sexual Diversity Network and other civil society groups submitted a people's draft attached with 15,636 signatures to the Chairperson of the Parliament. This means that both the government's and the people's drafts will go under consideration of the Parliament together.¹⁵ (See details in box)

(5) Same-sex domestic partnership bill

Thai laws recognise spousal relationships only for opposite-sex couples although in reality there are many same-sex couples who live as life partners or families and newspaper frequently headline same-sex wedding ceremonies.¹⁶ This lack of recognition deprives same-sex couples of the rights guaranteed by the constitution. Over the past three years, the Sexual Diversity Network has been advocating the promulgation of a law to recognise same-sex relationships through

collaboration with the National Human Rights Commission and several seminars.

This issue attracted the attention of the Parliamentarian Commission on Legal Affairs, Justice and Human Rights in August 2012 after prominent gay activist Natee Theerarojnapong, President of the Political Gay Group, attempted to file a case at the Administrative Court after he and his partner of 19 years were refused a marriage license by the Chiangmai City registrar. Natee said that "The existing family law violates Article 30 of the 2007 Constitution which prescribes gender equality. It is unfair discrimination on the basis of sex."¹⁷

Consequently, Pol Gen Virun Phuensaen, Pheu Thai party-list MP and Chairman of the Commission, took the initiative to draft a same-sex domestic partnership bill in collaboration with the Ministry of Justice's Rights and Liberties Protection Department. A working group was formed to examine facts and laws related to LGBTIQ rights under the premise that this issue was a matter of rights and liberty. "This law aims to enable LGBTs to live as couples. It is a question of social order, therefore relevant to the law. It will be useful as a guideline for all sectors to follow."¹⁸

The draft bill was completed in February 2013 (see box) and underwent public hearings between February and March 2013. The Sexual Diversity Network, which has long advocated the issue, hopes that the law will as much as possible alleviate the real-life problems of same-sex couples by giving them the rights to make medical decisions on behalf of their partners, to act on behalf of their partner in the justice process, to manage common properties, to make legal transactions, to receive social welfare benefits as a spouse, to reside in the country as foreign partner and to have custody over children.¹⁹

Civil Society Advocacy of Sexual Rights

Over the past decade, there has been active involvement of civil society in the issue of sexual health in Thailand. Several civil society networks emerged at national and provincial levels, as can be seen in the following five strong networks which are active at policy and operational levels in the government, private and civil society sectors:²⁰

- **Network for the elimination of violence against women and children**, formed in 2001 with the aim to amend the “rape law” to 1) include marital rape and 2) make rape a non-compoundable offense. While the former goal has already been achieved, the latter is still in limbo.

- **Women and HIV Network**, formed in 2002 by HIV/AIDS civil society groups who saw the need to address women’s sexual health. This network is based on the recognition that more sensitive and specific services are needed in order to fill the gap in HIV/AIDS work among women who face different cultural conditions and power structure relationships from men. The network now focuses on building public understanding that sexual rights and rights related to HIV/AIDS are human rights.

- **Women’s Network for the Advancement and Peace**, formed in 2000 during an NGO seminar to update the agenda for women’s issues for the 21st century. This network of 39 organisations, coordinated by Foundation for Women, monitors Thailand’s compliance with the Convention on the Elimination of Discrimination against Women (CEDAW), influences public opinion on current situations (for example, in the cases of child abuse by a senator and a murder of a woman by her professor husband) and advocates for “rape law” amendments.

- **Sexual Diversity Network**, formed in 2005 by civil society groups working on LGBTIQ

issues in close, sustained collaboration with the National Human Rights Commission to advocate LGBTIQ-friendly social, legal and policy changes. For example, the network contested the Ministry of Defense’s labelling of male-to-female transgender draftees as “suffering from permanent psychosis” in their conscription discharge papers. The network’s main goal is to build public understanding that sexual diversity is natural and non-heterosexuals must be legally protected as heterosexuals. Most recently, the network has been pushing the Same-Sex Domestic Partnership draft (see box).

- **Network for the promotion of options for women with unwanted pregnancies**, formed in March 2007 by government agencies, NGOs, academics and the media all working on the issue of unwanted pregnancy. This network met every two months to exchange knowledge and discuss challenges in their work. Coordinated by PATH and Women’s Health Advocacy Foundation, the network developed into a comprehensive support network for women, both young and adult. With unwanted pregnancies, developing educational materials and building capacity of member organisations especially in counselling skills to empower clients with choices, as well as advocating policy changes which led to the first NHA resolution.

Looking back over the last decade, sex-related challenges facing Thai society seem to have increased in intensity, with more public debates and emerging civil movements especially in the human rights dimension. “Sexual Health” activism is another effort by pertinent government agencies and NGOs to steer Thai society away from these recurring problems.

The hope for “healthy sexuality” to become reality in the next decade now relies on the supports of politicians and policy makers who must recognise the need for macro-level policies to take the country beyond these sex-related problems.



Sexual health-related laws entering the Parliament

(1) Reproductive Health Protection Act, with 6 chapters prescribing: the protection of rights to make decisions regarding pregnancy and childbirth; the duty of educational institutions to teach appropriate sex education and develop qualified sex education instructors, government-provided sexual health and reproductive health services which meet the needs of the population of all ages and genders with an emphasis on confidentiality; the protection of women with unwanted pregnancies in educational system and employment; the prevention of sexual harassment in government and private agencies; and the creation of national mechanism to enforce this law.

(2) Gender Equality and Opportunity Promotion Act. The key differences between the government and the people's drafts are:

- While the government's draft permits unfair discrimination based on academic, religious and public interest reasons (Article 3), the people's draft prohibits direct and indirect discrimination without exceptions.

- The government's draft doesn't prohibit gender-based violence while the people's draft explicitly forbids gender-based violence, sexual violence and sexual harassment.

- The people's draft has an additional chapter on the protection of and opportunity promotion for gender equality with the establishment of the Gender Equality and Opportunity Promotion Fund with government budgetary contribution to be used for reparations to victims and promoting gender equality and opportunities. The government's draft is silent on this matter.

- The people's draft requires the national committee to have a balanced member composition from different sectors and requires participation of NGOs and other sectors in the nomination of complaints committee members. In the government's draft, these positions are appointed by the Minister of Social Development and Human Security.

(3) Same-sex Domestic Partnership Bill.

Between December 2012 and January 2013, the Parliamentarian Commission on Legal Affairs, Justice and Human Rights together with the Sexual Diversity Network groups drafted this bill which is now (March 2013) undergoing regional public hearings.

The essence of the bill is:

- Domestic partners means two persons who are registered according to this Act.
- Partnership can be registered when both persons are of legal age.
- Domestic partners according to this Act are regarded as legally married couples.
- One partner may use the surname of the other partner.
- Regarding property, the Civil Code's Chapter 5 on family and Chapter 4 on properties of husband and wife are applicable *mutatis mutandis* (i.e. rights to property of same-sex domestic partners are the same as those of married heterosexual couples).

- Regarding inheritance, the Civil Code's Chapter 6 on inheritance is applicable *mutatis mutandis* (i.e. same-sex domestic partners have the same rights to inheritance as married heterosexual couples).

- Domestic partners have the same rights as family members such as the rights to file criminal complaints on each other's behalf, to be involved in criminal cases as stakeholders according to the Criminal Procedural Code, to be considered as a 'domestic person' in the Domestic Violence Act, and to be legal guardians of his/her partner if the latter is declared legally incompetent.

4 Thailand in the midst natural disasters

It is often said Thailand is luckier than other countries in the region as natural disasters are infrequent and when they do happen, the consequences are mild.¹ However, this conventional knowledge may no longer be true. As the world is reeling from climate change, global warming, rising sea levels and intensifying natural disasters, to which humans have contributed, Thailand is also increasingly suffering the consequences.



<http://www.isnhotnews.com>



<http://4.bp.blogspot.com/>



<http://www.howmanypeopledied.net>

As natural disasters are causing unprecedented damage, it is surely time for Thailand also to review its preparedness in dealing with such occurrences that have intensified over the past ten years and will become even more frequent in the future.

Disasters in the backyard

Thailand Meteorological Department classifies natural disasters into 8 categories, namely: tropical cyclones, earthquakes, floods, thunderstorms, landslides, storm surges, wildfires and droughts.² Some of these natural disasters are regular occurrences whilst others, for example earthquakes, are rare.

There are even rarer natural disasters that only happen once in a century or millennium. One example is a meteor disaster that happened in

February 2013 when a 7,000-ton meteor exploded 30–50 kilometers over Chelyabinsk in Russia’s Ural region. The explosion spread over more than 100,000 square meters damaging more than 3,000 buildings whilst around 1,100 people were injured generally by broken glass.³

This blast warned of the need for a planet-wide strategy to handle this kind of extraterrestrial danger. In particular, the number and orbits of meteors bigger than 30 kilometers in diameter need to be mapped out as their impact with Earth would cause planet-wide extinction similar to what happened to dinosaurs millions of years ago. In addition, there are many meteorites little known to astronomers.⁴

Internationally, disasters can be classified into natural, epidemic or man-made occurrences. The latter category include wars, riots or destruction of natural resources. For Thailand, the

Disasters in Thailand by category

Category (period)	Number of occurrences	Damages		
		Injuries	Deaths	million baht
Floods (1989–2011) ^a	>40,000	>2,000	>2,000	12,591,810
Tsunami (2004) ^b	1	11,775	5,401	44,491
Mudslides (1988–2012) ^c	35	>500	541	>2,053
Storms (1989–2009) ^d	36,024	1,367	842	505,155
Fire (1989–2009) ^d	46,986	3,775	1,635	2,441,861
Droughts (1989–2009) ^d	No data	No data	No data	1,331,474
Transportation-related hazards (1989–2009) ^e	1,771,018	1,135,923	248,357	39,762
Wildfires (1998–2009) ^f	60,307	>1,027,288 <i>rais</i> in 60 provinces		

Source: Thai Health. 2012. Modified from 18 Disasters Facing Thailand and Risk Managements. 12 October 2012. Retrieved on 27 January 2013, from Thai Publica online newspaper website: <http://thaipublica.org/2012/10/18-disaster-risk>

^a Department of Disaster Prevention and Mitigation, and Thai Health 2012 titled “The Greatest Flood of a Century: Warnings for Change) *Thai Health 2012* (pp. 34–40). Nakhonpathom: IPSR, p. 38.

^b Research and International Cooperation Bureau, Department of Disaster Prevention and Mitigation

^c Do not occur every year. More details at Bureau of Environment Geology, Department of Natural Resources. 30 March 2012. “Landslide records”. Retrieved on 27 January 2013 from website: www.dmr.go.th/download/Landslides/event_landslide1.htm

^d Disaster Mitigation Directing Center, Department of Disaster Prevention and Mitigation.

^e Central Information Technology Center, Royal Thai Police.

^f Forest Protection and Fire Control Office, National Park, Wildlife and Plant Conservation Department.

Ministry of Interior's Disaster Mitigation Directing Center classifies disasters in similar way to the Meteorological Department. The Center also collects and utilises data on non-natural disasters such as transportation-related disasters, emerging and re-emerging diseases, disasters caused by insects, animals and pests, fires, hazards from chemicals and other hazardous materials as well as drought and unusually cold conditions.

From the table, floods appear to cause more damages in Thailand when compared to other disasters, particularly the great floods of 2011. However, more people are killed and injured by motor vehicle accidents that rank among the top causes of death in Thailand. Such incidents also result in damages to families and society, medical expenses, loss of labour and productivity as well as emotional and economic distress to families. Ninety percent of motor accidents are caused by negligence, traffic rule violations and drunkenness.

Meanwhile, the Northern region of Thailand suffers from smoke caused by wildfires every dry season. This situation has become worse since 2007 seriously affecting the health of local populations. Dr. Phongtape Wiwatanadate, Director of Chiangmai University's Air Quality Management and Research Center, revealed that Chiangmai residents are seven times more at risk of lung cancer than the general population and the risk will only increase in the future.⁵

Many natural disasters are exacerbated by men. An obvious example was the mudslide in Nakhon Si Thammarat's Ban Katoon Nua village on 22nd November 1988. Carrying along logs and other debris, the landslide caused wide destruction reaching as far as Ban Kiriwong which, like Ban Katoon Nua, is a low-land area surrounded by mountains. The disaster caused 230 casualties, damaged around 1,500 houses and 6,150 *rais* of farmland and results in total damage of around 1 billion baht.⁶

More recently, the heavy rains from 10th to 11th August 2001 at Phetchaboon's Ban Nam Kor village caused a landslide that wiped out many houses and killed 147 persons.⁷ *Both tragedies were a result of deforestation that reduced the water-holding capacity of the soil and this causing abrupt landslides.*

Another human aggravation increasing the risk of natural disasters is construction and 'development' that obstructs waterways. A serious flood occurred in Hat Yai between 21st to 23rd November 2000 as the floodways that used to flow from U-Taphao canal and Hat Yai to Songkhla Lake were replaced by the Lopburi Ramesuan Road (built in 1990), Airport-Kuanlang Road and railway tracks. Meanwhile other canals had become shallower, leaving low-lying Hat Yai District vulnerable. This big flood caused more than 10 billion baht in economic damages and the death toll was officially put at 35, not including foreigners (An unofficial death count was however as high as 233).⁸

It seemed that Thailand had become so used to such natural disasters that recurring damages did not translate into awareness and preparedness. This complete complacency, however, suddenly changed on 26th December 2004 when a massive earthquake west of Sumatra in Indonesia caused a tsunami that devastated six Andaman coast provinces.

Tsunami: A Wakeup Call

Most Thais feel earthquakes to be a remote matter. But as a matter of fact, people who settled in Thailand have long faced earthquakes, as can be gleaned from stories, legends, inscriptions and historical annals. For example, the Ngoen Yang Chiang Saen annals tell of repeated earthquakes in 1015 that flattened the city of Yonok into a swamp while the Nan annals record an earthquake that rocked and toppled the tops of several stupas



and viharas in the Lanna region including Nan, Chiangmai, Lampoon, Lampang, Phrae and Payao. Dr. Bradley also recorded an earthquake that originated in Burma that was felt in Bangkok in 1839 during the reign of King Rama III.⁹

These historical records have never been used by modern Thailand as a foundation of knowledge and preparedness to handle earthquakes. Most Thais only know about the occasional mild tremors and the 14 groups of fault lines in 22 provinces.¹⁰

As earthquakes are felt to be remote, Thailand was left off guard when a 9.3-richter earthquake occurred at a depth of 28.6 kilometers in the ocean west of Northern Sumatra in Indonesia on 26th December 2004. With energy equivalent to 23,000 times the Hiroshima atomic bomb¹¹, a resulting tsunami ravaged many countries ringing the Indian Ocean including Indonesia, Sri Lanka, India, Thailand, Somalia, Maldives, Myanmar, Tanzania, Bangladesh and Kenya. In Thailand, six provinces (Phuket, Phangnga, Ranong, Krabi, Trang and Satun) faced the worst tsunami in the Andaman Sea's history without any protection or preparedness.

Paying the price of ignorance means a high number of casualties, as Thai people learned for the first time the danger of tsunamis. According

to the Department of Disaster Prevention and Mitigation's Research and International Cooperation Bureau, this tsunami killed 5,401 people, injured 11,775 whilst 2,921 persons went missing. The total damage was put at 44,491 million baht—14,491 million in physical damages and 30,000 million in economic and tourism losses.¹² In addition, the tourism industry was destroyed along with local fisheries, natural resources and much coastal environment.

The 2004 tsunami ranks amongst the most deadly natural disasters in modern history killing more than 230,000 people in 14 countries whilst 44,000 more are still missing. The most affected countries were Indonesia, Sri Lanka, India and Thailand respectively with total damages of approximately US\$2.8 billion or 840 billion baht.¹³

As a result of the tsunami, Thailand started to implement multi-level preparedness for tsunamis in order to reduce losses to life and property. These measures included national and local warning systems, awareness-raising campaigns to educate the public and evacuation plans.

While the tsunami was a wakeup call to people living on the Andaman Coast, the 2011 floods played the same role providing a wakeup call for those living in the Chao Praya plains.

The Great Floods of Urban Suffering

According to the Department of Disaster Prevention and Mitigation, total flood damages in Thailand amounted to 130 billion baht from 1989 to 2010. The year 2010 was the year with the highest damage at 16.338 billion baht.¹⁴ This amount, however, pales into insignificance in the face of what would occur in 2011.

Beginning in June 2011, heavy rains from several tropical storms including “Hai Ma”, “Nok Ten”, “Hai Tang”, “Nesat” and “Nalgae”¹⁵ put Northern Thailand in distress early in the rainy season. Flooded areas expanded down the Central Region as the government failed to cope with the vast volume of water. Already retaining the biggest volumes of water in their history, large dams including Bhumiphol, Sirikit and Pasak were unable to deter the flow and had to release flood water downstream unopposed. Had the Irrigation Department released some water during the August lull, the disaster would have been mitigated.

The immediate question that required answering in the face of these floods was *whether there was water mismanagement*. Theera Wong-samut, then Minister of Agriculture and Cooperatives, admitted in a Parliamentary session that his agency ordered the delay of water release to allow rice farmers to harvest.¹⁶ Soon after, the Electricity Generating Authority of Thailand issued a statement that the release of water from Bhumibol and Sirikit Dams did not cause the floods.¹⁷ Even today, two years later, such questions still remain unanswered.

The vast volume of water that existed at that time continued down the Chao Praya plains unopposed. After dikes burst, Nakhon Sawan was flooded. This was a warning for people in the capital of Bangkok further downstream where drainage channels such as rivers and canals in the path were in similarly neglected un-dredged conditions and obstructed by various constructions

including buildings and bridges. Compounded with disorganised water management, the draining of flood water was at best chaotic at that time.

Mr Premisiri Kasemsan, Director of Bangkok’s City Planning Department, said that the previous Bangkok Metropolitan Administration Ordinance No. 25 designated as water draining areas the 72 square kilometers beyond the dikes in Minburi, Nong Chok, Lad Krabang and Klong Sam Wa. However, that area is now full of water obstructions including the Suvarnabhumi International Airport, Lad Krabang Industrial Estate, a Motorway and Bangna–Trad Road, essentially turning this designated water draining area into a water-retaining area.¹⁸

Along with the attack of the quickly expanding floods, chaos descended on Bangkok and neighboring Pathum Thani and Nonthaburi provinces. High-rise public spaces like expressways and crossovers were turned into parking lots by panicking car owners, leaving little room for transportation. Evacuation orders were repeated to deaf ears as some people refused to leave their houses for fear of burglary and continued to live on the upper floors or roofs of buildings. Food and water were in shortage. Electricity and tap water were cut. The large amount of distributed relief bags failed to meet demand.

With no experience of living with water, *the number of deaths from drowning during the floods was as high as 1,085. Shockingly, 155 (14.3%) of these persons died from electrocutions*, mostly in Bangkok Metropolitan area. This chaos caused the Ministry of Public Health’s Bureau of Epidemiology to conduct a study for the purpose of prevention as the percentage of flood-related electrocution deaths should be lower than 3% of all electrocution cases.¹⁹

Ironically, the Flood Relief Operation Center (FROC) formed by the government to coordinate relief operation was submerged under water at its location in Don Muang Airport leaving relief bags floating in the water.

With the water showing no sign of receding, popular pressure mounted at water gates around Bangkok. Several were forced to open and shut at the whim of local masses. Sandbags and dikes were destroyed as fast as they were built. As a result, Prime Minister Yingluck issued Directive no. 17/2011 on 20th October 2011 to designate Bangkok as a “serious disaster zone” according to the Disaster Prevention and Mitigation Act 2007, thus ordering the police force to maintain public order and prevent people from destroying the Klong Sam Wa draining gate, its equipment, structures, ground or sandbag dikes.²⁰

However, this order was not heeded as the demolition of dikes continued. In particular, the demolition of Don Muang dikes by local masses led by Pheu Thai Party MP Karun Hosakul on 20th October 2011 flooded and contaminated the water canal used for the production of tap water²¹, causing the quality of tap water to fall below WHO standards.²²

Eventually, the flooding situation ended in January 2012, leaving behind a massive garbage mountain in Bangkok piling up at the rate of 12,000 tonnes per day.²³ The World Bank estimated the total damage of the floods at 1.4 trillion baht²⁴ and the amount of money needed for economic revival at 755 billion baht.²⁵

The floods affected more than 13.5 million people and a total area of 150 million *rais* in 65 provinces.²⁶ Seven industrial estates were submerged under water. The total amount of

industrial sector damages (both within and outside industrial estates) was 474.75 billion baht with the heaviest damages in electronics and automobile industries. The floods also affected 285,000 SMEs. The amount of damage in the agricultural sector was put at 270 billion baht whilst infrastructure suffered 220 billion baht in damages, especially transportation infrastructure.²⁷

The Department of Disaster Prevention and Mitigation began to pay out compensations to the affected flood population according to government criteria as follows: 1) 30,000 baht for each house entirely damaged by the flood; 2) 20,000 for partial house damages; 3) 10,000 baht for loss of job opportunities; 4) 1,500 baht for rent; and 5) 25,000 baht for death rites.²⁸ However, even months after the floods, compensation payments were not completed in all areas. While several households have repaired their houses, others decided to leave them damaged, unsure whether floods would return.

The government tried to rebuild confidence by using a 12 million-baht budget to hold an exhibition entitled “Dedication to Water Management for Public Interest” from 31st August to 3rd September 2012. This was followed by a water draining drill. However, after the drill was conducted in Western Bangkok on 6th September, the eastern part of the drill had to be abruptly cancelled the following day due to heavy rain.

The bursting of dikes and flooding of Sukhothai’s Muang Municipality on 9th September



2012 also destroyed the credibility of the so-called Yingluck Model that aimed to unify all information from all water-related agencies from upstream to downstream into a “single command center”.²⁹

Drought: A Farmer’s Nightmare

Thailand has always handled seasonal disasters in a reactive piecemeal manner: relief bags for flood victims; blankets for those in cold-stricken areas; water distribution and artificial rain in the dry season when farmers are usual sufferers. According to statistics, from 1992 to 2011 the number of provinces affected by drought ranged between 51 and 60. The severest drought in 2005 affected 71 provinces and caused 7.5 billion baht in damages.³⁰

In the past, the Northeastern region was known to have suffered most from drought with the largest numbers of persons facing water shortage for domestic use and agriculture, thus resulting in damages to the largest area of agricultural products. This is due to the fact that the region lies beyond the reach of the Southwest monsoons. The situation is exacerbated in the years when no tropical cyclones pass through the area.³¹ The sandy soil and lack of soil coverage due to deforestation also contribute to the poor situation.

Today, droughts have expanded beyond the Northeastern region and become more complex. For example, Lampang province in Northern Thailand recently experienced areas of severe drought and areas of heavy flooding simultaneously.³²

Thawatchai Samrongwattana, Permanent Secretary for the Land Development Department, said that Thailand could experience desertification as soil degradation and deforestation results in high rates of soil erosion as well as an increase of saline soil. This is compounded by lower than average rainfall due to climate change.³³

The situation continues despite various government measures to address the challenge such as digging of ponds and ground water tanks, installing water pumps, distribution of giant water jars and water, initiating artificial rains giving debt moratorium to farmers and declaring areas of drought disaster. Villagers in some areas of Thailand resort to traditional superstitions such as cat parades to pray for rains at such times of drought.

National Disaster Plan for Tsunamis, Floods and Droughts

Today, tsunami preparedness appears to have made more progress with drills practiced annually. However, when an 8.6-Richter earthquake again shook northwest of Sumatra in Indonesia on 11th April 2012 with a tremor that could be felt throughout the Southern region and on Bangkok skyscrapers, it was not reported by any public television channel because they were all broadcasting a special event through the national broadcasting system known as TV Pool. This incident prompted the National Broadcasting and Telecommunications Commission to make an announcement on the criteria and guidelines for radio and television broadcasters in the event of disasters and emergencies.³⁴

The worsening smoke situation in the Northern Region of Thailand also prompted Chiangmai residents to demand the government to end yearly ad hoc measures and provide short-term, medium-term and long-term solutions.

The biggest pressure for disaster preparedness however came after the great Chao Praya plains floods of 2011 as foreign investors in the industrial sector threatened to leave the country unless the government produced concrete flood prevention plans quickly.

As a result of this pressure, the Yingluck government immediately announced a water management framework by establishing three

committees: the National Rehabilitation and Future Building Strategies Committee to discuss with and regain the confidence of investors; the Water Resources and Flood Policy Committee to draft short and long term plans; and the National Water Resources and Flood Management Committee to execute plans to prevent future floods and droughts.

Following from this, a 7th February 2012 resolution to establish a permanent “single-command” water management organisation was endorsed by a Parliamentary Act. This organisation would work at three levels: the Water Resources and Flood Policy Committee was tasked with formulating policy for the Water Resources and Flood Management Committee to implement whilst the Office of the National Water Resources and Flood Policy and Management Committee would act as a Secretariat.³⁵

The government also enacted a decree to authorise a loan of 350 billion baht for the water management plan in 17 river basins in the Northern and Central Regions and across the country as well as additional water bodies in Bangkok. This included funds for the construction of water drainage systems, designated water retention areas and small and large reservoirs with a total area of no less than two million *rais*.

In addition, the Ministry of Science and Technology’s Hydro and Agro Informatics Institute donated “Media Boxes” to local organisations to monitor water situations as a basis for issuance of warnings from community to national levels.³⁶

Regarding industrial estates, the government produced a Cabinet Resolution on 5th June 2012 authorising a budget of 3.2 billion baht to build dikes around 6 industrial estates within a two-month timeframe.³⁷

Even though PM Yingluck Shinawatra reassured the public of the water management plan by personally inspecting the single-command center system from upstream to downstream, a Bangkok Poll conducted by Bangkok University Research Center showed that as many as 69% of Bangkokians polled had zero to very low level of confidence in the government’s water management.³⁸

Civil Society’s Self-Help

As the shortcomings of the government’s disaster relief became evident in terms of limited coverage, untimeliness, bureaucracy and lack of coordination among different agencies, civil society and community groups filled in the gap.

One outstanding example was the emergence of a network for tsunami victims and community rights who worked with government agencies in installing warning systems for earthquakes, tsunami and landslides as well as providing manpower support for disasters in other parts of the country.

The great flood of 2011 also witnessed an impressive emergence of civil society movements. The comprehensive Thai Flood website (www.thaiflood.com) became *the* information center for flood victims to find latest flood situations and warnings, hotline numbers and other important flood related information. The website is still operational.

Another example was the distribution by volunteers of handbooks on the provision of care for children and families. Implemented by the Thai Health Promotion Foundation’s Children and Youth Project in collaboration with Mahidol University’s

Faculty of Veterinary Science, this handbook provided guidelines on how to care for flood victims and assess their physical and mental health problems in a timely manner.³⁹

Other government agencies also produced disaster management plans and conducted drills in accordance with risk mapping with the local Disaster Prevention and Mitigation offices acting as main coordinating bodies. For example the Chiangrai (Region 15) Disaster Prevention and Mitigation Office conducted an emergency drill with a scenario of heavy floods and a mudslide; Uttaradit Army Battalion conducted a drill with related agencies simulating helicopter rescue of disaster victims; Ang Thong Public Health Office conducted a drill with related agencies on the scenario of chemical leaks from an ice factory; and Ranong Disaster Prevention and Prevention Office coordinated a tsunami evacuation drill with Bang Ben villagers who were among those affected by the 2004 tsunami. A disaster relief drill was also conducted by the medical emergency response team (MERT), in collaboration with the military and Disaster Prevention and Mitigation officers at Chakrapong Reservoir in Pranburi. This was organised by the Ministry of Public Health's Department of Medical Sciences and the Emergency Medicine Association of Thailand to prepare for disasters such as floods, flash floods and landslides.

In an opening speech at the 4th National Health Assembly entitled "Disaster Preparedness and Health Management" on 2nd February 2012, Dr. Prawase Wasi said that Thai society will continue to face many disasters in the future whether of a natural type or other such kinds such as economic, social, environmental and political disasters.

Dr. Prawase Wasi proposed six ways to cope with such disasters⁴⁰:

1. Thai people should change their worldview, mentality and way of thinking to increase

vigilance against disasters as well as constantly update their information. Most Thais were previously unprepared and caught off guard by disasters as they were unaware of their own risks.

2. Strengthen local communities around the country for disaster preparedness and health management. Conduct local surveys of potential risks and prevention and mitigation, available tools and disaster communication strategies. Conduct regular drills.

3. All universities should have a disaster research center to study local geography and potential disasters and build close collaboration within local communities.

4. Build a communication system to share information and facts in an equitable manner.

5. Build national policy and strategy decision-making mechanisms for disasters by establishing a national disaster prevention committee chaired by the Prime Minister. In addition to members from related government agencies, the majority of the committee membership should include community leaders, representatives from academia and independent bodies who will appoint qualified person(s) to execute disaster management policies and strategies in an uninterrupted manner.

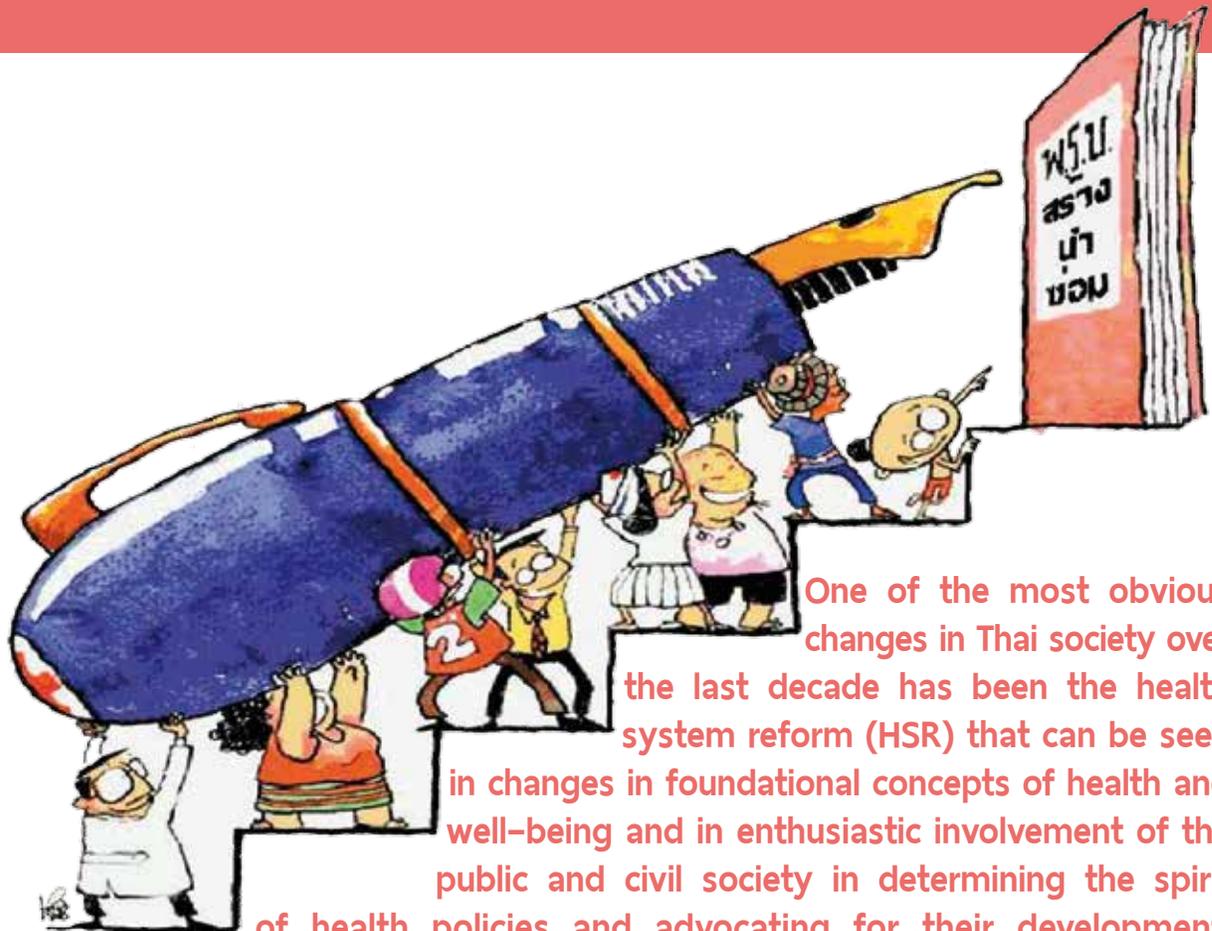
6. Enact a national disaster prevention law that integrates all disaster-related knowledge and defines the duty and responsibilities of related bodies.

Although no-one can have an idea what the next disaster facing Thailand will be and when it may happen, one thing that should be learnt from all these disasters is that Thailand is no longer immune to disasters. Floods, storms, landslides, unusually cold conditions, drought, earthquakes and tsunamis are all facts of life that have to be faced. The best way to handle these occurrences is to acknowledge the risks and prepare ourselves for them.



5

Second decade of Health System Reform



Source: National Health Commission Office (NHCO)

One of the most obvious changes in Thai society over the last decade has been the health system reform (HSR) that can be seen in changes in foundational concepts of health and well-being and in enthusiastic involvement of the public and civil society in determining the spirit of health policies and advocating for their development. The establishment of these new health concepts remains a powerful force today and continues to grow although new challenges, obstacles and problems surely lie ahead.

After the 1997 Constitution came into force, there were many changes in the key structures of Thai society. These were for example related to political reform, administrative reform, decentralisation and expansion of civil rights and political involvement. As one of the most important, HSR witnessed increased involvement of the public and civil society in determining public policies and became one of the most profound changes in Thailand's public health history.

First decade of HSR

The HSR of the last decade was a result of a long struggle since the 1980's by a number of medical and public health officials who foresaw an impending public health crisis and the need for comprehensive reform. HSR started after the establishment in 1992 of the Health System Research Institute (HSRI) to build foundational knowledge on health systems. HSRI produced several projects and findings what benefited the HSR movement by reflecting on common problems faced by Thailand and countries around the world.¹

Between 1996 and 2000, the Senate Standing Committee on Public Health and its working group produced a report on national health with a key recommendation calling for HSR. This was submitted to the Senate in March 2000.

In the same year, the Regulation of the Prime Minister's Office on National Health System Reform required establishment of the National Health System Reform Committee (HSRC). The committee was charged with the tasks of

implementing HSR and drafting the National Health Act to determine the system, structure, mechanisms, regulations and conditions of the national health system within three years (later extended to five years, and again until the completion of the drafting process). The National Health System Reform Office (HSRO) worked as the committee Secretariat.

*HSR revolutionised Thailand's health concepts. Most important perhaps was the expansion of health beyond bio-medical aspects and the widening attention beyond organs and diseases to well-being in its social, cultural and spiritual aspects.*²

The "Building health leads fixing health" policy shifted the "key to health" from going beyond paying visits to the doctor when sick to the notion of health promotion and other measures beyond medical treatments. In addition, diverse health traditions were also included into the health system such as indigenous knowledge, Thai traditional medicine and folk medicine.

Key principles of the National Health Act 2007

- "Health" is not confined to disease and treatment but means "the state of a human being which is perfect in physical, mental, spiritual and social aspects, all of which are holistic in balance."
- Moving away from the previously reactionary health system against illnesses towards proactive "building health leads fixing health" model emphasizing prevention.
- Health is a part of human dignity and values. Everyone enjoys the right to live in a healthy environment and environmental conditions, to receive or refuse medical services and to comprehensive health protection as well as a duty to protect themselves, family and community to ensure health.
- Establishing the National Health Commission, National Health Commission Office with the duties to prepare the Statute on National Health System as a framework and guide for National Health System, to create tools such as the Health Assembly for public involvement in setting policies and strategies, health impact assessment and other mechanisms to unify the works of the academic, civil society and political sectors.

Source: National Health Commission Office. 2009. *National Health Act B.E. 2550 (2007)*. Nonthaburi: National Health Commission Office.; Prawase Wasi. 2003. *The Silent Revolution: National Health System Reform*. Nonthaburi: National Health System Reform Office.

Although with a main goal to reform conceptual framework and health services, the HSR movement led to a complete revolution of the overall health system through the “triangle that moves the mountain” strategy, that is, simultaneous movements in academic, civil society and political sectors.³

This tripartite alliance strategy begins with a review and production by academia of well-

rounded and well-grounded knowledge on which a desirable system of well-being to suit new changes can be based. Next is participatory movement within civil society and consensus making through seminars to exchange opinions on health throughout the country across all sectors including individuals, groups, community leaders, local representatives, civil societies and government agencies. Inclusivity becomes a strength and

Key principles of the Statute on National Health System B.E. 2552 (2009)

- Framework and guide on policy making, strategic planning and operationalisation of the country’s health system through recommendations from the national health assembly and academic knowledge management. To be submitted for the Cabinet to approve and translate into directives to government agencies. To be reviewed at least every five years.
- Philosophy and key concepts of the health system: The health system is a holistically interconnected system of health-related factors with considerations of human rights, dignity and values, social justice and equality, self-reliance according to the self-sufficiency philosophy, good governance, knowledge and wisdom.
 - Provision of health security and protection to all people.
 - Health promotion through five strategies: formulation of appropriate public policies; healthy environment and environmental conditions; community strengthening; capacity building of individuals, families and communities; and reform of public health service system.
- Prevention and control of diseases and other health-threatening factors is to be interlinked at all levels with participation of all sectors.
- Public health service systems must be efficient and effective, have a “human heart” focus on public good rather than profit and subjected to quality control.
- Promotion of indigenous knowledge, Thai traditional medicine, folk medicine and other alternative medicines in an equitable way and in accordance with the ways of life, culture and tradition of the community to ensure accessibility as health options for the populations. Establish Thai traditional medicine hospital of high standards.
- Ensure a strong consumer protection system by providing capacity building and information to consumers, promoting participation of consumers, organisations and network and ensuring efficient redress mechanisms.
- Promote the development and dissemination of health-related knowledge. Disseminate health-related information with the public interest in mind.
- Develop health personnel in sufficient numbers and with fair distribution. Health system finance must be sustainable, transparent and non-profit oriented.

Source: National Health Commission Office. 2009. *Statute on National Health System B.E. 2552*. Nonthaburi: National Health Commission Office.

power leading to the acceptance of consensus by the political sector.

As a result of this process, the draft law on national health was debated and finally promulgated as the National Health Act B.E. 2550. The Statute on National Health System was also created two years later.⁴

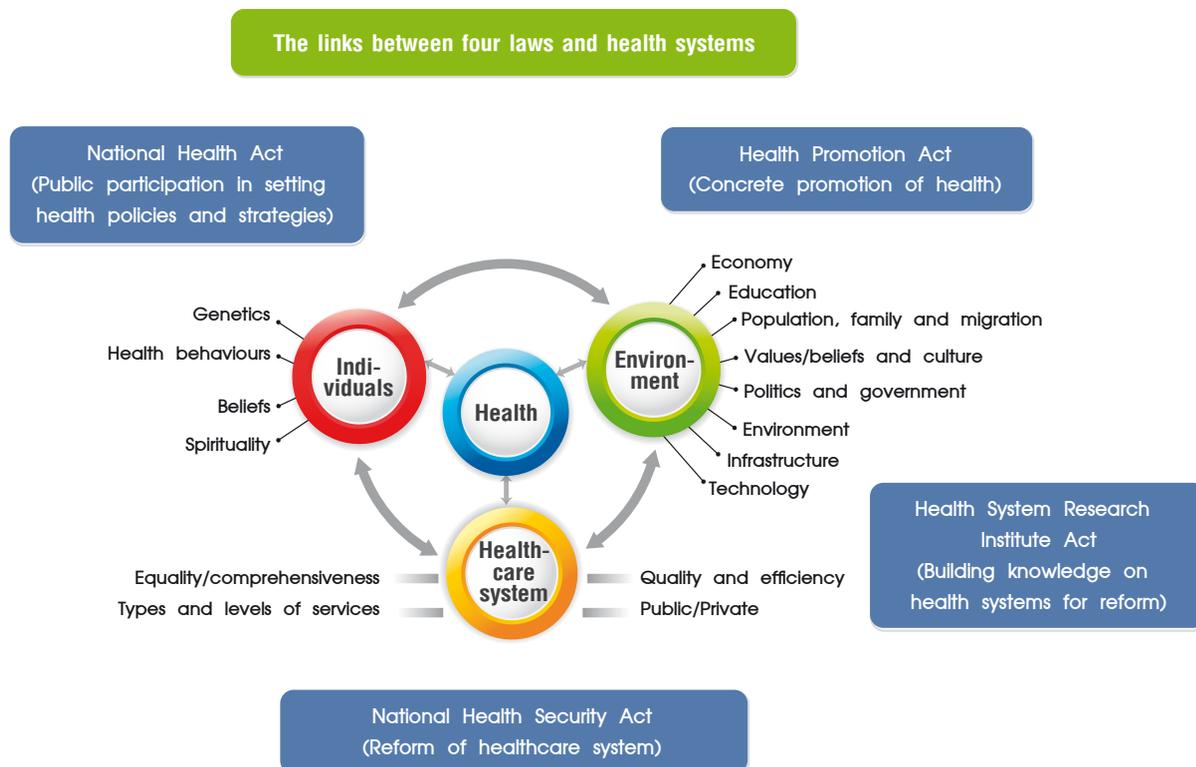
From civil society grassroots to the Health Assembly

“Health Assembly” became a familiar word over the past decade referring to the process of gathering, discussion, exchange, learning, debate and problem solving on the various dimensions of health by the public, organisations and civil society. This process has led to the development of recommendations which are then forwarded to the government for adoption as public policies. Health assemblies became a forum where different

groups of the public and civil society actively engage themselves in health-related issues as well as providing a mechanism for advocacy.

As summarised by Dr. Amphon Jindawatthana, the role and status of the Health Assembly today, after a decade of evolution, is: (1) a mechanism for development of public policies for holistic health emphasising health promotion rather than treatment and going beyond medicine and public health; (2) a participatory democracy; (3) a process to strengthen the people and social movements through participatory development of public policies for health at community, local and national levels.⁵

Since the demonstrative 1st Health Assembly in 2001 with the aim to advocate HSR and a national health law, hundreds of thousands of people have participated in hundreds of health assemblies in different shapes and forms that have sprung up all over the country. There are



Source: Adapted from Amphon Jindawatthana. 2003. *Life reform, social reform*. Nonthaburi: National Health System Reform Office, p.54.

assemblies which are area-specific such as provincial and regional health assemblies, as well as those with specific themes such as health assemblies on agricultural chemicals, on well-being and on children, youth and family.⁶

The National Health Assembly has also been held annually from 2008 until the present divided into four groupings, namely: (1) 77 provincial groups or networks; (2) 65 groups of civil society, communities and private entities; (3) 35 academic or professional groups; and (4) 57 political, administrative, government agencies or groups.⁷

Health Assembly resolutions from each session are not only implemented locally but also submitted to the Cabinet for approval and issuance of directives for implementation by government agencies. There are, for example, resolutions from these assemblies on: sustainable development based on economic, social and environmental self-reliance; on the creation of educational opportunities for youths in the Deep South; industries which suit the area's potentials and needs without negative influence on local ways of life and health⁸; on universal access to drugs; on the promotion of a relationship between healthcare personnel and patients' relatives; on "international medical hubs;" on Thailand as an asbestos-free society; on food safety and management of old reused cooking oil; and on sustainable management of small river plains with participation of all networks and allies.⁹

Although health assemblies cannot force implementation by related agencies, they are all the more effective because, as Dr. Amphon Jindawatthana explains "The health assembly's soft power is effective, even more so than cabinet directives, because the people who made the resolutions are the ones who will follow up with government agencies on the implementation of the resolutions. All of our achievements, the National Health Act, the health assembly, the Statute on National Health System or even the

Health Impact Assessment are strengthening the communities."¹⁰

Four Cornerstones of HSR

The four organisations that acted as mechanisms and tools in the HSR were: (1) the Health System Research Institute (HSRI); (2) the National Health System Reform Office (HSRO), which later became the National Health Commission Office of Thailand (NHCO); (3) the Thai Health Promotion Foundation (ThaiHealth); and (4) the National Health Security Office (NHSO)¹¹. Although different in roles and missions, all four organisations adopted the "triangle that moves the mountain" strategy to push for HSR.

Health System Research Institute (HSRI)

Established under the Health System Research Institute Act 1992, the HSRI is an independent academic body with a mission to build a knowledge base in the different dimensions that are necessary for HSR. Even after the promulgation of the National Health Act B.E. 2550 (2007), HSRI maintained its academic mission to support policy decisions of the National Health Commission and sub-committees and health assemblies. It also focused on knowledge dissemination for development of fair and sustainable health systems through strategies such as ensuring fairness in health security system, strengthening the governance system, strengthening the community health system, creating fair policies and developing health research system.¹²

In addition to its main responsibility of building knowledge necessary for HSR throughout the past 20 years, the HSRI also co-founded healthcare related entities such as the International Health Policy Programme in 1998 and the

Healthcare Accreditation Institute in 1999 as well as advocated for the Health Promotion Act 2001 which itself led to the establishment of the Thai Health Promotion Foundation and developed the Health Impact Assessment, all in 2001.

Moreover, the HSRI also prepared the National Health Personnel Strategic Plan (2007), the Asian collaborative research on emerging and re-emerging diseases (2007), established the Thai Health Institute in 2007, the Health Intervention and Technology Assessment Programme in 2007, Drug System Research and Development Plan in 2008 and the National Healthcare Financing Development Office (2010–2012).¹³

At present, the HSRI has seven subsidiary agencies called “affiliated institutions”, namely: the Central Office for Healthcare Information; the Medical Audit Development Office; the Institute for Development of Human Research Protection; the Health Insurance System Research Office; the Institute of Health Promotion for People with Disability; Thai CaseMix Center; and the Thai Health Information Standard Development Center.¹⁴

National Health Commission Office [NHCO] (or formerly the National Health System Reform Office [HSRO])

Established in 2000 by a Cabinet order as an independent office under the HSRI to promote public participation in health system reform, the HSRO was tasked with: drafting a national health law within three years; changing the mentality on health among Thai people from “health repairing” to “health building” as part of the “triangle that moves the mountain” strategy; supporting participation of the public, communities, societies and relevant organisations in participatory decision making; supporting academic activities to build knowledge for HSR; forging collaboration between civil society, communities, political sector, government agencies, academia, professional organisations and other relevant groups and agencies for HSR.

After the National Health Act came into force in 2007, the HSRO became the NHCO, a government agency and juristic person under the Office of the Prime Minister, acting as Secretariat for the National Health Commission. The NHCO was tasked with the main mission of knowledge building and management for HSR, supporting the development of public policies on health through health assemblies and HIA, forging society-wide collaboration, conducting public communication and coordination between agencies and sectors.¹⁵

Thai Health Promotion Foundation (ThaiHealth)

Established by the Health Promotion Act B.E. 2544 (2001) as a body under the Office of the Prime Minister, the ThaiHealth is financed mainly by the 2% excise taxes on tobacco products and alcoholic beverages to be used as a fund to promote health and discourage the public from health risk behaviours. The ThaiHealth acts as a catalyst for academic, public and government sectors to advocate public policies on health using “tri-power model.”

Firstly, power of wisdom refers to the expansion of knowledge in an equitable and fair manner across all sectors. Secondly, social power refers to the mobilisation of all allies and networks to campaign and conduct health surveillance in an uninterrupted manner. Lastly, power of policy refers to the expansion of public participation in formulating public policies.¹⁶

Today, the ThaiHealth provides grants with six main objectives through 13 projects coordinated by 11 bureaus.¹⁷ The main objectives are:

- Objective 1: Reducing key risk factors. There are four projects, namely: the control of tobacco consumption; the control of alcohol consumption; the prevention of motor accidents and disasters; and the promotion of exercise and sports for health.



- Objective 2: Developing processes to reduce other risk factors. There are two projects, namely: the control of health risk factors and the well-being of specific populations.
- Objective 3: Developing well-being models. There are three projects, namely: a community well-being model; a child, youth and family well-being model; and an organisational well-being model.
- Objective 4: Expanding innovative space through a public innovation project.
- Objective 5: Raising awareness and new values through a socially-responsible marketing communication project.
- Objective 6: Promote capabilities of health system and services through the project to promote health through health services and a project to develop systems and supporting mechanisms for health promotion.¹⁸

National Health Security Office (NHCO)

Since PM Thaksin Shinawatra’s “30 baht healthcare” scheme was implemented in 2001–2002 as one of the biggest changes in Thailand’s healthcare system, Thai people have been entitled and have access to the same set of health services across the country. Once the National Health Security Act 2003 came into force, health security was transferred from the Ministry of Public Health to a new organisations: the National Health Security Committee (NHSC), that regulates the quality and standards of healthcare services; and the National Health Security Office (NHCO). This development completely transformed Thailand’s healthcare services by reforming the healthcare financial system and strengthening primary healthcare services.

The effort to ensure universal health coverage built a new kind of relationships in the healthcare system. The NHCO plays the role of service buyer through paying service providers to

provide services to the people who are entitled, thus ensuring equitable and fair access to health-care for all.

Over the last decade, the NHSO has built a healthcare system to provide access to treatments, prevention and rehabilitation, especially for costly diseases such as coronary heart disease, cerebrovascular disease, HIV/AIDS, tuberculosis, cancer, chronic renal failures, diabetes, hypertension and motor accident trauma. The benefit package has also been expanded to include organ transplants such as heart and lung transplants and liver transplant in children less than 18 years old.

The number of entitled population under national health security increased from 45.35 million in 2003 to 48.12 million in 2011, including 99.95 percent of those with no health insurances (excluding those waiting for verification of legal status, overseas Thai nationals and non national)¹⁹. Most recently, 12 improvements were made to the benefit package as follows:²⁰

1. Life-threatening injuries can now be treated at any service provider without advance payments.

2. All people living with HIV/AIDS will be treated in an equal manner. Personal information will be linked online so that patients can transfer to a new service provider when they move without disrupting the drug regimen.

3. All terminal chronic renal failure patients will fall under the same criteria when requesting services. Services are uninterrupted, regardless of changes in entitlement.

4. All patients receive necessary drugs in an equitable manner in accordance with treatment standards.

5. Online consultation with specialised experts (remote medicine) between local primary healthcare services and large hospitals have begun and will have national coverage within two years.

6. Improvement in quality of food for hospitalised patients.

7. Patients older than 70 years old can access special service channels without queuing in public hospitals.

8. Patients can request services at nearby service providers cutting waiting time and expenses by 75%.

9. Ability to change service providers more often (up to 4 times per year) including in case of moving.

10. Only a national identity card is required for registration or change of service provider.

11. Service providers from community level hospitals will provide services to outpatients without a lunch break.

12. All people will receive screening tests to reduce risks and prevent chronic diseases.

Although the 30-baht fee was scrapped by the Surayudh government in 2007, it was reintroduced in 2012 by the Yingluck government as co-payment when the patient receives medications from a community-level hospital or above or from participating private hospitals. This fee is exempted for 21 previously exempted groups of people.²¹

Challenges and obstacles for HSR in the next decade

Although HSR has shown signs of success, there remain challenges in the academic, civil society and political sectors, as former PM Abhisit Vejjajiva said in the 2010 National Health Assembly:

“The next challenge is to link the health assembly to all sectors, especially government agencies. Several issues concern several ministries in several dimensions, and there is always the issue of conflict of interest... I think the biggest challenge is to identify the way to link these reso-

lutions to the relevant parties to push for concrete realisation.”²²

An issue that many are closely monitoring is the politics and conflicts within HSR itself. As the NHSO buys and negotiates the prices of services on behalf of the public to reduce costs for hospitals and patients, this leads to conflict with other government agencies and the private sector. Those who have lost out from the universal health coverage scheme include other ministries, hospitals and drug companies.²³ For example, the red blood cell-stimulating drug for chronic renal failure patients has been negotiated down from 670 baht to 228.50 baht per bottle, a US-made heart catheter for coronary heart disease patients from 70–80,000 baht down to less than 30,000 baht and soft artificial optical lenses from 40–50,000 baht down to only 2,800 baht.²⁴

In addition, the NHSO’s payment for salaries and compensations to health-care personnel is tied up with the per-head expense budget to prevent overconcentration of doctors in big city hospitals. This has become a bone of contention, in addition to “reasons” provided by hospitals for financial losses (often due to a hospital’s own mismanagement.)²⁵

Another challenge is the alleged “domination” of HSR by the four “cornerstone” organisations, that is, the Rural Doctors Organisation and other public health organisations. This has resulted in opposition and attempts to take over leadership by the political sector including the Ministry of Public Health which has lost the power to dictate policy and

budget. The medical associations also contend with NHRO the issue of litigation against malpractice.²⁶

The opposition to HSR started to become clear with the political appointment of the National Health Security Committee in order to change the direction of health security and the control over a budget of over 200 billion baht²⁷ (once the three NHSO funds are consolidated under NHSO management.)

As a result, the second decade of Thailand’s HSR is not without obstacles. Although the last decade witnessed the support of the political sector, it now seems that politicians with unclear motives are bent to wrestle control from the four cornerstone organisations.

However, the HSR will likely push ahead due to the spirit of the reform which emphasizes public participation of all sectors in creating and advocating public policies on health, organising the health security system to ensure equitable and quality access, and a movement of well-being based on knowledge and morality.



Source: National Health Commission Office (NHCO)

**10 Outstanding
Situation In
The Year 2013**



1

Debate of the Year: the Yingluck Government's rice-pledging scheme

Thai people have produced rice for centuries but only entered into commercial production in around 1855 with the signing of the Bowring Treaty. The 150 years of experience in domestic and international trade however has not created an efficient market for Thai farmers to make a decent living. All past governments had to interfere in the market with different measures. None of these measures however has proven as controversial as the current measures adopted by the Yingluck government.

Every government's rice intervention measures have been subjected to a varying degrees of criticism, depending on the political leanings of the critics in question. In the past, most criticisms was aimed at technical aspects of interventions such as the appropriate prices to be set or the level of corruption involved. However, the extent of the criticisms hurled at the Yingluck government's 2012 rice-pledging scheme, both related to theory and practice, are more extensive and in-depth than at any other time in rice policy history.

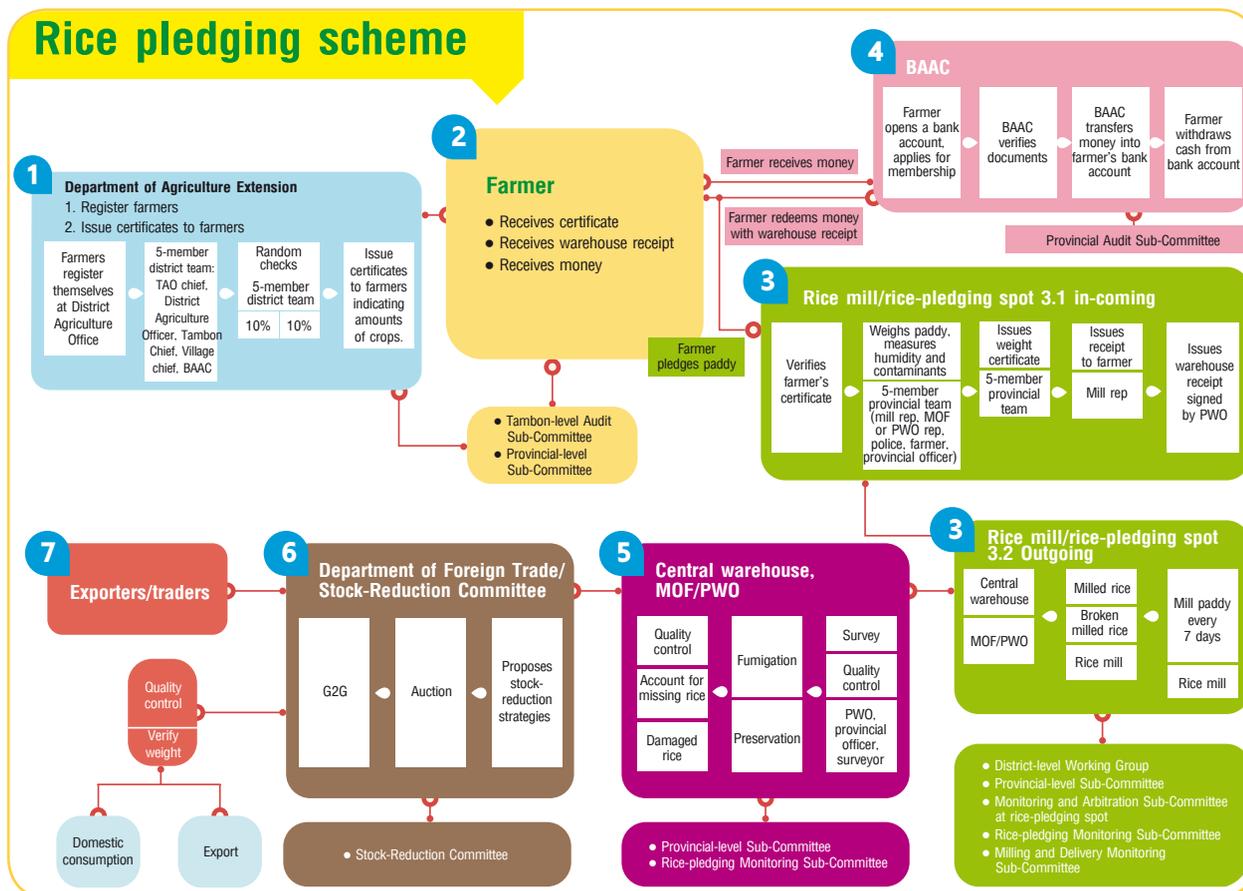
The majority of voices coming from of the public and the media want the scheme scrapped because “poor farmers do not benefit from it”, “mounting debts impact on the Thai economy”, or even worse, “this destroys Thailand’s long established rice trade.”

The minority, however, support the new scheme because they think it increases the income for all farmers, both rich and poor, spreads the profits away from the same cartel which has long controlled the market, and, most importantly, strengthens and increases political leverage of farmers in an unprecedented way. This is reflected in the Ministry of Commerce’s statement that “[As a result of the scheme,] farmers fetch better prices for their rice and have more money to spend. The price of rice in domestic and international markets rise and the government can collect more taxes. Overall, this scheme doesn’t make a net loss and it moves the rice industry to a higher level.”¹

Rice Pledging: Old wine in new bottle

Rice pledging did not start during the term of the Yingluck government. Such measure has been adopted, scrapped and recycled many times over the last few decades.

During 1970–71, Chamnian Saraphak, then a manager of the Bank of Agriculture and Agricultural Cooperatives (BAAC), witnessed the drop in the prices of rice at the beginning of the harvest season and suggested to farmers that they could ‘pledge’ their crops until prices improved a few months later. In 1974, Admiral Sonthi Boonyachai, Chair of the National Rice Policy Committee (NRPC), was informed by rice traders that the prices dipped as low as 2,000 baht per tonne due to depressed prices in the global market. BAAC therefore started another rice pledging scheme to absorb excess rice off the market and increase demand.²



Source: NRPC. 2012. *Rue Luek Rue Ching Chamnam Khao* (“Facts on Rice Pledging Scheme”). pp. 8-9.

The Prem Tinsulanonda government also successfully implemented a rice-pledging scheme, giving farmers no more than 80% of the market price for their rice that must later be taken back. Every government since then has used similar measures to intervene in agricultural markets when prices are low.

Typically, the NRPC would authorize funds to BAAC to implement a rice-pledging scheme whilst the government would pay interest on behalf of farmers. The cap was gradually raised from 80% to 90% and finally 100% of market prices. Pledged rice would be kept at private barns and the Marketing Organization for Farmers (MOF) and BAAC would co-issue a warrant receipt for the pledged rice to farmers that could be used as guarantee to take out a loan from BAAC.³

During the Thaksin government, the pledging prices of rice skyrocketed to 7,000–10,000 baht per tonne for Jasmine rice and 5,300–6,600 baht per tonne for regular rice. Prices were later reduced by the Surayudh government due to a budget cut. The subsequent Abhisit government chose however to pay farmers the balance between market prices and government-guaranteed prices without rice-pledging. Such differences were rather small in some years.

The Yingluck government then completely changed the rice-pledging landscape by offering to accept unlimited amounts of rice at prices significantly higher than the market. In practice, this meant purchasing the rice from the farmers as it was unlikely to be sold at such high prices in the market.

Questions to be answered by the Yingluck Government

When the current rice-pledging scheme was implemented there was loud opposition especially from economists and the opposition party who raised the following points:

1. Financial burden

It is estimated that the government had already spent 260 billion baht for the last two harvest seasons (2011–2012 wet-season and 2012 dry-season). TDRI estimated that by the end of the 2012 dry-season harvest on September 15th 2012, the government would have spent 300 billion baht.⁴ The World Bank conducted a study on the financial burden of the scheme in 2012–2013 and estimated that the government will have to spend 432 billion baht (3.8% of GDP), higher than the previous year's 376 billion (3.4% of GDP).⁵

2. Storage

The Bank of Thailand indicated that almost of all the wet-season and dry-season rice produced in 2012–2013 would be sold to the government putting the stock on November 19th 2012 at 14 million tonnes. From this amount, 2 million tonnes was carried over from before 2011. The Ministry of Commerce however stated that the combined capacity of private and government barns is 30 million tonnes such that storage was not a problem.⁶

3. Losses

As the government cannot sell rice at high purchase prices, Kittirat Na Ranong, Deputy Prime Minister said that the government would make a loss of about 50 billion baht from the scheme. However, TDRI academic Ammar Siamwalla suggested that the real loss would be more than 100 billion baht. *“As the government buys the rice with no limits, the longer the scheme is implemented, the more rice the government will end up with. Meanwhile, the rice cannot be sold at a loss. This would in the end be the government's own undoing.”*⁷

4. Loss of opportunities in international markets

Criticisms have also been hurled at the ability of the government to identify markets to sell

the rice. Most believe that the government cannot compete with the ability of the private sector to sell rice. The government-to-government (G2G) sale is also questioned. Although the government claimed that it has secured G2G contracts to sell big lots of rice to several countries, especially China, the Chinese Ambassador Guan Mu later contradicted the claim stating that the Chinese government did not buy G2G rice from Thailand and the real buyers were private sector who bought in small lots.⁸

NRPC published a pamphlet titled “*Rue Luek Rue Ching Chamnam Khao*” (“Facts on the Rice Pledging Scheme”) to disseminate information on the scheme including sales from the government’s rice stock. It listed G2G deals with Indonesia, China and Cote d’Ivoire of 7.328 million tons in total between January 1st and October 18th 2012. Out of this amount, 2.2 million tonnes was outstanding stock from before the scheme. It also stated that 1.46 million tonnes, or around 20% of the contracts, had already been delivered between January and September 2012 and another 0.3 million tonnes was expected to be delivered between October and December 2012, totaling 1.7 million tonnes. It was also expected that by December 2013, a total of 5.6 million tonnes would have been delivered.⁹

However, it has been remarked that the last G2G delivery was actually made between January and August 2011 when the government exported a total of 0.268 million tonnes (0.218 million tonnes to Bangladesh and 0.05 million tonnes to Indonesia.) There is no evidence of G2G exports between September 2011 and December 2012.¹⁰

According to the Customs Department, G2G exports until September 2012 totaled only 649,425.358 tonnes (China 105,407.319 tonnes, Cote d’Ivoire 236,892.85 tonnes, Indonesia 305,925.715 tonnes, Philippines 1,123.487 tonnes and Bangladesh 75.987 tonnes.) These numbers



differs from the government’s claim by as much as 0.8 million tonnes.¹¹ Most recently (February 2013), the Ministry of Commerce said that more than three million tons of rice had been delivered and in 2013 the government would continue to focus on big-lot G2G sales.¹²

Economists and rice exporters almost unanimously agree that the government’s rice pledging scheme reduced Thailand’s competitiveness in the international market because it further raised the price of Thai rice, already higher than produce from competing countries before the scheme began. As a result, in 2012 Thailand for the first time lost its long-held position as the world’s top rice exporter.

According to the Thai Rice Exporters Association, the amount of actual rice exports in the first 11 months of 2012 totaled 6.4 million tonnes at a total value of 135.254 billion baht, a 37% decrease from 10.1 million tonnes and 25% decrease from 178.809 billion baht from the same period in 2011. The average price of exported rice was 684 US dollars per tonne, a 16% increase from the previous year. The five top markets for Thai rice were Nigeria (1,259,782 tonnes), Iraq (732,241 tonnes), South Africa (357,351 tonnes),

Cote d'Ivoire (355,330 tonnes) and Indonesia (330,069 tonnes.)¹³

Mr Boonsong Teriyapirom, Minister of Commerce, said that the aim of the Government was not to retain the top position as rice exporter in term of quantity. Even though Thailand exported only 5–6 million tonnes—less than India’s 8 million tonnes and Vietnam’s 7.5 million tonnes—the revenue earned was at 3 billion US dollars—higher than both India (2 billion dollars) and Vietnam.¹⁴

5. Corruption

The rice pledging scheme is also criticised for the corruption which is believed to plague every step and level of the scheme. Pol. Lieut.

Col. Pong-in Indrakhao, Department of Special Investigation, said that the scheme contains many loopholes that can be exploited for corruption. For example, Government officials such as the Tambon or District Agriculture Officers may take bribes and register as farmers those who are not; farmers may give false information; the participating mills may cheat; corruption can happen at the storage barns; and surveyors may carelessly or intentionally fail to conduct proper surveys. Finally, when the rice is in the government’s control, the DSI found that there have not always been rice exports as the government claimed. Some companies, aided by officials, issue faked documents such as invoices, byway bills and payment receipts while there was at times in reality no export to a foreign



Source: Democrat Party. Rue Luek Rue Ching Kong... Chamnam Khao ("Facts on Rice Cheating Scheme"). pp. 17-23.

Against the scheme	In favor of the scheme
<p>– The scheme is a market intervention that violates economic principles. The Government’s set prices are much higher than market prices and therefore farmers sell all their rice to the Government. Even rice from neighbouring countries is smuggled in to the country to be sold to the Government. This is a distortion and destruction of the free market.</p> <p>– <i>“Before the scheme, rice production and trade were efficiently determined by the market. This helped Thailand become the producer of rice with the best quality. Everyone in the rice production and trade played a role in the improvement and control of rice quality and was paid in proportion to their costs and labour.”</i>¹⁶</p>	<p>– As the market mechanism is weak, the Government decided to increase the income and leverage of farmers and help get them out of debts, as well as increase the prices of rice in the market.</p> <p><i>“Prices had hardly changed over the past 20–30 years. Before the scheme, prices were at 6–8,000 baht per tonne. After all the expenses, farmers get 2–3,000 baht only.”</i>¹⁷</p> <p>– The Thai rice market is not really free. Some traders and exporters had long held a monopoly as they had the power to transfer all the risks to the farmers who had the least leverage in the market.¹⁸</p> <p>– A free market without the need for Government intervention is a utopia which no country can achieve.¹⁹</p>
<p>– TDRI estimated that the Government would make loss as much as 110 billion baht (or 31.7–38.2% of the country’s investment budget) with its set prices which are much higher than market prices.²⁰</p> <p>– Rice traders estimated that the 11 million tonnes of paddy purchased by the Government would yield 8 million tonnes of rice after milling, at a final cost of 800 US dollars per tonne. Compared with the global selling prices of 400–450 dollars per tonne, that means a loss of 350–400 dollars per tonne.²¹</p> <p>– The Government would face a liquidity problem if the rice could not be sold. It will have to take out more loans which will increase the burden on national budget.</p>	<p>– The debt burden from the scheme accounts for only 6.6% of the country’s overall debt, the great majority of which was inherited from past Governments.</p> <p>– The actual loss would be smaller than TDRI’s estimate. TDRI used for its calculation market prices which are 100 dollars lower than the prices Thailand used to sell at.²²</p> <p>– The budget used in the scheme will benefit farmers—therefore a budget well spent and definitely better than spending on “out-of-order weaponry” [bought during the previous government].²³</p>
<p>– Thailand is missing opportunities in the international rice market as the high set prices will increase costs in all sectors and push up the prices of rice for export.</p> <p>– Exporters can no longer compete with Vietnam and India.</p> <p>– Thailand lost the position of the world’s rice trading center and top rice exporter, which it had held for more than 30 years.²⁴</p>	<p>– Thailand should focus more on exporting rice with high quality rather than cheap rice. The key is to enable farmers to sell rice at decent prices in order to raise their incomes and livelihood.²⁵</p> <p>– The only people who benefited from Thailand’s top world ranking over the past 30 years were mill owners and exporters. Farmers, on the other hand, continued to be poor.²⁶</p>
<p>– The Government has to shoulder large stock and losses. Selling the rice domestically would depress local prices.</p>	<p>– The Government has been working hard to sell the 7–8 million tonnes of rice in its stock through G2G sales. MOU’s have already been signed with several countries including Bangladesh, Indonesia, Philippines and some African countries.²⁸</p>

Against the scheme	In favor of the scheme
<p>– Consequentially, there will also be a shortage of storage barns. As long as the rice remains in stock, its quality continues to deteriorate. The barns and warehouses altogether cost the Government more than 800 million baht in rent.</p> <p>– There are continued doubts over the alleged G2G sales that have yet to be delivered and those contracted but have yet to be sold. Rice exported over the last 9 months was usually processed by private exporters and not the Government.²⁷</p>	
<p>– The real beneficiaries of the scheme are large-scale farmers who own lands or rich farmers who buy rice from small-scale farmers and sell it to the Government. These are rich farmers (39%) and middle-class farmers (42%) from all 9.9 million farmers. Poor farmers make up only 18% of all farmers who benefit from the scheme.²⁹</p>	<p>– TDRI’s numbers do not accurately reflect the realities of Thai farmers and cannot account for the complex rice-production relationships between farmers from different socioeconomic statuses let alone costs of production, rice consumption behaviours and other conditions. It doesn’t matter that middle-class farmers make up a large proportion of beneficiaries as poor farmers also benefit.³⁰</p> <p>– In the 2011–2 wet-season, “poor” farmers (from BAAC definition, those who pledge less than 200,000 baht worth of rice.) accounted for 80% of those participating in the scheme and received a total sum of 57.9 billion baht (48.9%) or an average of 85,000 baht per head. For the 2012 dry-season, poor farmers accounted for 56.4% and received a total of 32.6 billion baht (23%) or an average of 96,000 baht per head. <i>“These are certainly better benefits than they had received prior to the scheme.”</i>³¹</p> <p>– Not all farmers participated. They must first get registered. The scheme has enrolled 900,000 out of four million registered farming households. If unregistered farming households are included, there are 5.8 million households out of which 3.8 million have remaining rice for sale after consumption.³²</p>
<p>– The scheme floods the Thai market with low-quality rice as it sets the humidity requirement only at less than 15%. This encourages farmers to grow fast-growing low-quality rice. A number of farmers admitted that they specifically grew such rice in order to sell to the government.</p>	<p>– Farmers are well aware that high-humidity rice will fetch only 12–13,000 baht per tonne. To fetch better prices, they need to grow high-quality rice such as Pathumthani rice (16,000 baht/tonne) or Jasmine rice (20,000 baht/tonne).³³ As the government does not impose a timeframe, farmers have no need to produce fast-growing low-quality rice.</p>
<p>– As one of the government’s populist policies, the scheme is hurting the rice industry and the country’s finance. The political leverage of farmers is gained at the expense of the economy of a very important crop. Democracy should not be not only tangible but must also be responsible.³⁴</p>	<p>– The key to self-determination is to elect representatives to manage resources and opportunities on people’s behalf. Mass politics bring out populist policies that are not by themselves bad. Although irresponsible policies are a possibility, there are ways to mitigate the risks.³⁵</p>

country because high-quality rice had already been smuggled out and sold elsewhere. In a no-confidence debate, the opposition party also alleged that some people with connections to the Government had set up companies pretending to be buying rice from the government to sell to another country where in fact no such purchases and sales took place.

The Jury Still Out

The Yingluck government continued with its rice purchase scheme in 2012-3 amidst widespread criticism as it seems to believe that the scheme will help secure the votes of farmers who not only dominate the government's support base but also control the country's main food production.

Rice-pledging scheme and fairness

Entire budget = 459 billion baht

Expected loss = 130 billion baht after sales

Number of registered farmers = 3.4 million

Farmers not benefiting from the scheme = 1.9-2.2 million

60-65%

Farmers benefiting from the scheme = 1.2-1.5 million =

35-40%

(Farmers producing small amounts of rice, farmers growing rice for own consumption, farmers growing organic rice, non-participating farmers due to complex processes and other barriers.)

Rice seasons and proportion participating in the scheme

- 1.14 million wet season farmers,

7 million tons, 120 billion baht

- 1 million dry season farmers,

12.8 million tons, 190 billion baht

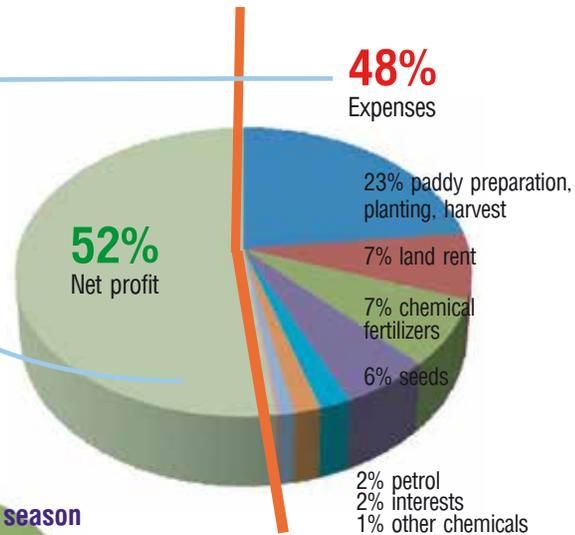
Wet season 78%

Dry season 22%

200-300%

Farmer's income and expenses for 2008-9

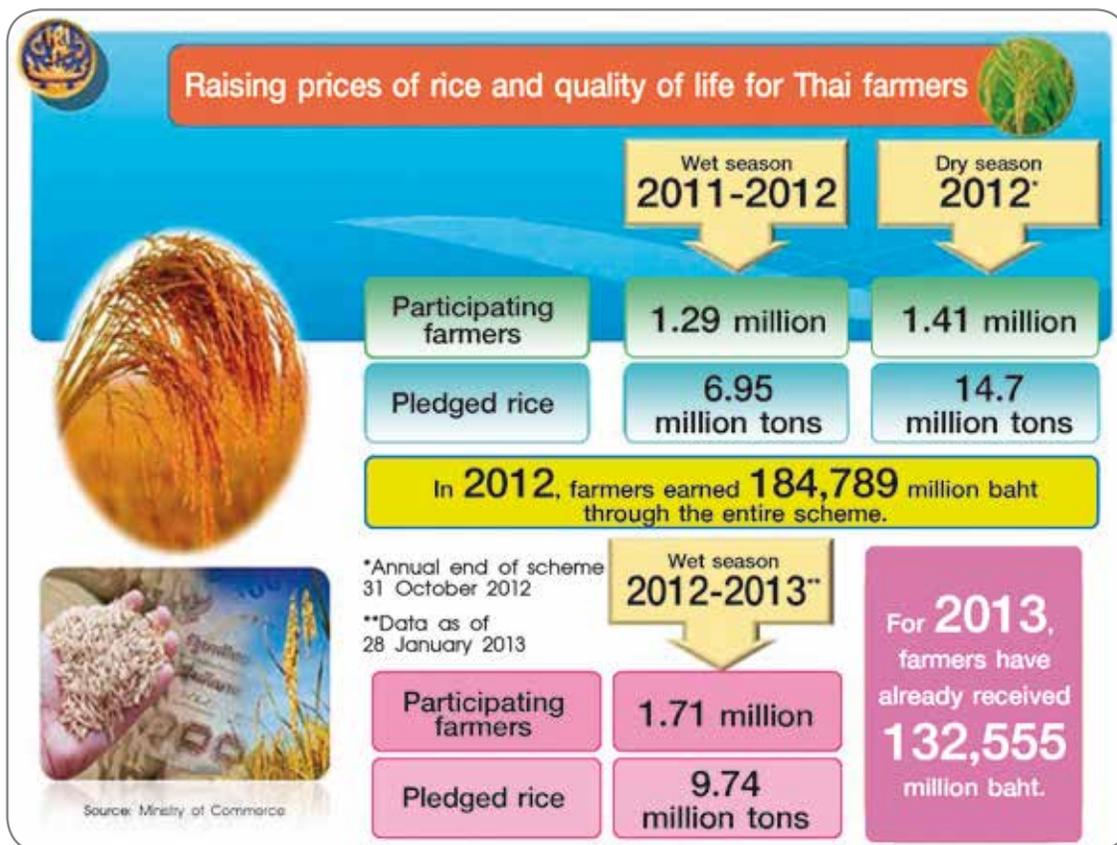
Prices of 16-20-0 fertilizers increased from 700 to 850-900 baht. Land rents in the Central Region have also increased after the implementation of income-guarantee scheme and rice-pledging scheme.



Source: Biothai. 12 October 2012. *Rice Pledging – Data and analysis for easier understanding*. Retrieved on 22 January 2012 from <http://www.biothai.net/node/14974>.



<http://www.sxc.hu>



Source: "Is the rice-pledging scheme losing hundreds of millions?" 15 February 2013. *Prachachattarakij*. Retrieved on 20 February 2013 from http://www.prachachat.net/news_detail.php?newsid=1360918646

However one observation, although not solidly supported by data, is that the scheme has brought about changes by spreading the profits beyond the rice-producing and trading business. Traditionally, it was the rice exporters, traders and mill owners who were in control of Thailand's rice trade. The scheme has brought Government agencies, the Government itself and those close to the Government into the business. The Government can now determine the price of rice in the domestic market as well as control exports.

For better or worse, the scheme has completely transformed the face of Thailand's rice trade. Farmers who have been exploited for decades now can sell their rice with profits for the first time in their lives.



2

Impacts of Intellectual Property Rights Negotiations on Thailand's Drug System

The Free Trade Agreement (FTA) negotiation framework between Thailand and the European Union, which includes negotiation on drug patents, was recently approved by the Thai Parliament on January 29th 2013. The FTA has solid support from capitalists but is at the same time strongly opposed by government agencies and civil society, both of whom are concerned that the impact of the FTA on the country's access to drugs and general public health have not been a primary part of the considerations. Opponents are concerned that Thailand would be at disadvantage if the negotiation is conducted within the framework of intellectual property rights (IPR) as drug patenting will then allow a monopoly with wider and longer impacts. As a result, Thailand may become more dependent on imported drugs with higher prices, the local drug industry may be weakened and the public's access to drugs may be impeded.



Structural problems facing Thailand's drug system

Thailand boasts an internationally-acclaimed health security system under which the population has universal access and people can afford treatments even for diseases with high treatment costs. Although the Thai health system has become a model for neighbouring and other countries

around the world¹, it is not without its own problems, especially when it comes to inequality. While the budget for 4.9 million civil servants is as high as 62.195 billion baht per year, the national health security system gets a budget of only 120.846 billion baht per year to cover 47.7 million people. As a result, the civil servant healthcare system costs four times that of the national system.²

Drug Patenting and FTA Negotiations

A **patent** is a legal document issued for the protection of an invention. The patent holder has, for a fixed period of time, exclusive rights to produce, use, sell, possess to sell, solicit to sell or import the protected invention. Patents create incentives for new inventions, encourage foreign investments and leads to transferal of technology from the inventor to the public through the disclosure of the details of the invention. However, the exclusive rights of patent holders may make the products difficult or expensive to access, especially products that are essential to life, such as medicine.

In general, developing countries have a lower capacity to patent new inventions and less purchasing power to access patented products. As a result, such countries usually provide less stringent patent protections. Developed countries however often use multilateral negotiations like the WTO forum to force developing countries to tighten patent protection in line with the Trade-Related Aspect of Intellectual Property Rights (TRIPS), which specified minimum levels of protection for seven types of intellectual properties including: copyrights and related rights; trademarks; geographical indications; industrial designs; patents; integrated circuit layout designs; and undisclosed or confidential information.

TRIPS requires all party countries to grant patents to inventions in all technological fields including pharmaceuticals. This is one reason why challenges relating to access to drugs are on the rise in developing countries as multinational drug companies or big pharmaceutical companies gain monopolies through drug patenting. As a result, TRIPS has specific provisions on drugs such as the protection of undisclosed information and the flexibility allowed in adopting certain measures for public health purposes including; the exception on drug registration as necessary (to facilitate immediate market entry of generic drugs after the patent of the original drug expires); parallel import (to allow imports from another country of cheaper versions of patented drugs without authorisation of the patent-holder in the country); and compulsory licensing (CL, which a government or authorised entity can use as necessary such as in the case of emergency for non-commercial/public purposes.). These measures encourage competition between the original drugs and generic versions to increase access of the population to the concerned drugs.

Source: 1. Poonsin Wongkolthut (Ed.). 2010. *TDRI Special Report: Developing Thailand's Drug Patent System and Preparedness for the Impacts from FTA Negotiation on Drug Patenting*, 18(83, June): 5-7.
2. Suchart Chongprasert. 2007. *Ten Q&As about TRIPS*. Nonthaburi: Generic Drug Industry and Intellectual Property Rights Group, Drug Control Department, Food and Drug Administration, Ministry of Public Health.

In addition, national healthcare expenses have also been increasing at an annual rate of 9%, accounting for 4% of GDP.³ The proportion of healthcare-related expenses (medicine and treatments) in 2011 accounted for 6.5% of total household expenses.⁴ In 2010, drug expenses accounted for 35% of all healthcare-related expenses.⁵

Dr. Samrit Srithamrongsawat, Director of the Health Insurance Systems Research Office, described the situation as follows: “Service providers order as much supply as they can. Patients don’t need to pay anything out of their own pockets. Hospitals also earn the differences in drug prices. But those who benefit most are pharmaceutical companies, especially those importing drugs. In 2008, Thailand paid 270 billion baht in drug

expenses. 65% of this was for imported drugs. This gave the drug companies astronomical profits because there is no price ceiling.”⁶

In fact, there are many structural problems in Thailand’s drug system waiting to be solved, including: inappropriate drug uses; false advertisements of drugs and food products; unethical marketing by drug companies; an out-of-date Drugs Act that is ineffective against old and new problems⁷; as well as an inefficient patent database and IP validation system that cannot cope with the problem of evergreening patent.⁸

While these challenges have not been solved, Thailand’s public health and drug systems must now face a new and even bigger challenge, that is, FTA negotiations on drug-related intellectual property issues.

TRIPS Plus

TRIPS Plus is an obligation to protect patents beyond TRIPS requirements. Its most important features include:

- 1. Data exclusivity** is a protection of exclusive rights to data from clinical trials that prevents governments from using the data to register a generic version, even when the drug is not patented in the country or the patent has already expired or been revoked.
- 2. Extension of patents beyond 20 years and increased level of protection**, such as allowing patented drug to be registered for new patents when used or manufactured in a different way. This enables the drug to dominate the market even longer.
- 3. Increased restriction on the use of public health measures** such as compulsory licensing, parallel import and drug registration, to limit the population’s access to the drug.

In addition, there are requirements not to object to patent application before issuing the patent, the use of international arbitration which allows a multinational pharmaceutical company to sue the government if it claims to have suffered from the country’s public health policies and the use of border control measures which require customs officials to seize generic drugs being imported or transported if suspected of violating IP.

Source: Kannikar Kittivejjakul. 2011. Thai people’s access to drugs: Lessons from the past for the future. in Yuphadee Sirisinsuk (Ed.). *Situation Report on Drug System 2011*. Bangkok: Drug Surveillance and Drug System Development Group, Faculty of Pharmacology, Chulalongkorn University, p. 20.

Drugs and trade negotiations

Economically powerful countries often employ measures to force developing countries to tighten their patent laws to levels higher than the minimum TRIPS requirements, especially in exchange for trade privileges in bilateral and multilateral negotiations. Thailand revised patent laws in 1992 in accordance with TRIPS, expanding patent protection to include drugs and extending the length of protection from 15 to 20 years.⁹

According to the report of Thailand's Food and Drug Administration (FDA), in 1990 before the amendment of the Patent Act (Second Edition) 1992, the value of imported drugs accounted for 32% of the total value of all drugs. However, after this amendment the value and proportion of imported patented drugs began to rise, reaching 69% of the total value in 2010, while the proportion of domestically manufactured drugs fell to just 31%.¹⁰

This trend is likely to continue. It is estimated that by the end of 2012 the proportion of patented imported drugs will top 75% while domestically manufactured drugs will account for only 25% of total value.¹¹

If this situation continues, Thai people will have increasing difficulties in accessing new essential drugs and the country will have to shoulder a heavy economic burden.

As a result, access to drugs has become a hot issue relating to intellectual property (IP) negotiations. An example is the US–Thai FTA negotiation between 2004 and 2006 when academics called the US's demand as “more terrible than expected.”¹² Several agencies including the FDA, the Department of Intellectual Property, the Department of Trade Negotiations, the Ministry of Commerce, the National Human Rights Commission, the National Economic and Social Advisory Council and the National Health Commission Office agreed that although the FTA

could yield economic benefits, ***Thailand should not yield to demands that go beyond TRIPS***, especially in the extension of patent protection period, drug data exclusivity and border control measures that patent holders may abuse in order to stunt competition from domestic drug manufacturers.¹³

This position was in line with opinions and recommendations of several UN organisations such as the World Health Organisation (WHO), the United Nations Development Program (UNDP) and the United Nations AIDS Programme (UNAIDS). Moreover, the United Nations Conference of Trade and Development (UNCTAD) issued a briefing paper advising developing countries against yielding to IPR demands beyond TRIPS, especially regarding drug data exclusivity issues, and to retain as much flexibility in relation to TRIP in national laws as possible in order to use such laws as a tool to solve public health problems.¹⁴

However, the issue became heated again in the second half of 2012 when the EU and the US sent signals that they will cut the privileges of many Thai products under the Generalised System of Preferences (GSP). Thai exporters of prawns stated that, as a result, frozen prawns from Thailand would be slapped with a 12% tariff (up from 4%) and seasoned prawns 20% (up from 7%) such that they requested the government to open FTA negotiation with the EU. As these new trade negotiations may take up to two years, exporters suggested that the Government offer certain concession in exchange for the EU's delay of the measure or otherwise Thailand's prawn exports would lose out to rivals with GSP privileges such as India, Vietnam and Indonesia.¹⁵

On the other hand, civil society and public health agencies were of the opinion that the increase in GDP that an EU–Thai FTA may boost was not worth the possible negative impacts on the healthcare system. For example, drug data exclusivity, one of the EU's strongest demands,

would result in an increase of 81.356 billion baht in Thailand's annual drug expenses, affecting the Thai population's access to drugs, quality of life and health as well as the development of Thailand's pharmaceutical industry.¹⁶

Impact of the EU–Thai FTA Negotiation Framework

Many sectors of Thai society have voiced concerns about the EU–Thai FTA negotiation. The National Economic and Social Advisory Council submitted recommendations to the Cabinet on the issue whilst a group of 84 academics in the fields of pharmacology, medicine, public health, social development, consumer protections and human rights protection sent a letter to Prime Minister Yingluck Shinawatra. The Food and Drug Administration also submitted relevant information to the House of Representatives' Public Health Commission and the Monitoring Committee on Impacts of FTAs on Health and Health Policies under the National Health Commission submitted a letter to Deputy Prime Minister Kittirat Na Ranong and Plodprasop Suraswadi, Chairman of the National Drug System Development Committee. This letter was also submitted to other related agencies.

The Ministry of Commerce then tabled the EU–Thai FTA negotiation framework for consideration of the Cabinet, resulting in a Cabinet resolution on December 4th 2012. A public hearing was then held on January 23rd 2013 at the Office of the Permanent Secretary of the Ministry of Commerce. However, no high-ranking executives from the ministry were present.¹⁷

The Parliament elevated consideration of the FTA framework as an urgent agenda topic and the Framework was then approved on January 29th 2013.¹⁸ The framework is said to be in line with WTO agreements such that it follows rules set down in TRIPS and not TRIPS plus.

Soon, actual negotiations on the EU–Thai FTA and TPP agreement will begin with the hope that both trade agreements will come into force in the beginning of 2015 in order to extend GSP privileges demanded by the business sector.¹⁹ However, all eyes will remain fixed on IPR negotiations in relation to drugs and Thailand's overall health system given fears that capitalists and big pharmaceutical companies will exploit this opportunity to renegotiate terms to their benefit

A common position from many parts of Thai society remains the same, that is a rejection of any demands beyond TRIPS to prevent monopolisation of drugs for longer time and with higher prices. It is clear that increased patent protection does not lead to new drug development or transferal of pharmaceutical technologies to Thailand, as previously claimed.²⁰ The only impact of patent protection are increased dependency on imported drugs, higher health-related expenses and more difficulties in accessing drugs.



3

The 300-baht minimum wage hike: equalising incomes or destroying SMEs?

A 300-baht minimum wage was already in place in seven pilot provinces in 2012, amidst nationwide concerns over rising costs for entrepreneurs against widespread cheers from workers. Despite the attempts of the business and industrial sectors to halt a further increase in the minimum wage, the policy went into effect on January 1st 2013. How the new policy will impact the country will likely to be known soon.



Overall picture of Thailand's labour market

Thailand's labour market relies heavily on cheap labour. One reason is that the Thai economy is export-led and must maintain competitiveness by keeping costs low, including labour costs. Meanwhile, the majority of Thailand's export products are made to clients' orders. Such exports do not leave many benefits for the Thai economy. Neither do these orders improve labour productivity, manufacturing innovation or technology. These reasons contribute to why Thailand remains in the category of a middle-income country.¹

Discussions on the minimum wages are not new. The low minimum wages have long left workers with insufficient income to meet their costs of living. However, raising the minimum wage would increase the costs of production and impact on the prices of goods and employment rates. There may as a result of any wage increase be lay-offs by some low-margin businesses that could not shoulder the increased expenses.

Populist policy for workers

The Pheu Thai Party's election platform on a 300-minimum wage hike was highly controversial from the beginning, with both strong support and strong opposition. Although the party amassed a large number of votes from the 38 million workers, the wage increase policy implementation was delayed by the great floods at the end of 2011 that affected half of the country and badly damaged the industrial sector. The Government, as a result, announced the implementation of minimum wages to 300 baht in only seven provinces at first, namely Bangkok, Nonthaburi, Pathumthani, Samut Prakarn, Samut Sakhon, Nakhon Pathom and Phuket. A nationwide implementation of the minimum wage only began on January 1st 2013. This biggest increase in

wages since 1973 however came with a condition that there would not be another raise for at least 2–3 years.

A study found that the increase of minimum wages from 245 to 300 baht per day, an increase of 22.45%, has had different effects on different industries. In large-scale industries which account for about 50% of all industries, labour costs make up only 0.61–9.61% of production costs, while in small and medium-size industries that account for the other 50%, labour costs account for 10–30% of production costs. Meanwhile, labour costs account for 30–35% of production costs in the agricultural sector, 30% in the transportation sector and 3–5% in retail and wholesale businesses. The total number of workers in the formal sector currently numbers 16.39 million workers.²

Support and Opposition Before April 1st 2012

Opposition from employers to the minimum wage increase was to be expected. However, labour unions surprisingly added to voices of dissent as Chalee Loysoong, Chairperson of the Thai Labour Solidarity Committee, demanded that the government immediately raise the minimum wage to 300 baht across the country, and not just in the seven provinces, as promised before the election otherwise he would organise a demonstration and file a case at the Administrative Court. Mr Loysoong reasoned that the Government should raise wages for labourers across the country as it has raised salaries for civil servants.³

On the other hand, entrepreneurs presented data on the negative consequences that a wage increase would place squarely on owners of small and medium enterprises (SMEs) that may even cause many of them to shut down and others to move their production bases to neighbouring countries such as Cambodia, Vietnam and Myanmar.⁴ A group of forty-two businesses

Minimum wages before being raised to 300 baht on January 1st 2013

Provinces	Originally	After April 1 st 2013 raise	Provinces	Originally	After April 1 st 2013 raise
Phuket	221	300	Nakhon Si Thammarat, Angthong	174	243
Bangkok, Nakhon Pathom, Nonthaburi, Patumthani, Samut Prakarn, Samut Sakhon	215	300	Chumporn, Pattalung, Loei, Satun, Srakaew	173	241
Chonburi	196	273	Prachuab Kirikhan, Yala, Samut Songkram, Surat Thani	172	240
Chachaoengsao, Saraburi	193	269	Narathiwat, Udorn Thani, Ubon Ratchathani	171	239
Ayutthaya	190	265	Nakhon Nayok, Pattani	170	237
Rayong	189	264	Trat, Lampoon, Nongkhai, Buen Karn	169	236
Phang-nga	186	259	Kamphaeng Phet, Uthai Thani	168	234
Ranong	185	258	Kalasin, Khon Kaen, Chainat, Suphanburi	167	233
Krabi	184	257	Chiangrai, Nakhon Sawan, Buriram, Phetchabun, Yasothon, Roi-Et, Sakon Nkhon	166	232
Sakhon Ratchasima, Prachinburi	183	255	Chaiyaphum, Mukdaharn, Lampang, Sukhothai, Nongbua Lamphu	165	230
Lopburi	182	254	Nakhom Panom	164	229
Kanchanaburi	181	252	Pichit, Pitsanulok, Phrae, Mahasarakarm, Mae Hong Son, Amnat Charoen, Uttaradit	163	227
Chiangmai, Ratchaburi	180	251	Tak, Surin	162	226
Chantaburi, Petchburi	179	250	Nan	161	225
Songkhla, Singburi	176	246	Sisaket	160	223
Trang	175	244	Payao	159	222

Source: Office of the Permanent Secretary to the Ministry of Labour, Bureau of Labour Economics, Office of the Central Wage Committee, *Table displaying minimum wages according to the resolution of the Wage Committee.* 17 October 2011.

filed a case to the Administrative Court demanding the raise to be stopped, claiming that the Government had interfered with the function of the Central Wage Committee⁵ and the move negatively impacted on the wage structure with a result that some businesses would cease to exist. However, the court denied their request.⁶

Will the Raise Destroy SMEs?

Anusorn Kraiwatnussorn, Assistant to the Labour Minister, said before the April 1st wage hike that this policy would benefit 5.4 million workers and that translated roughly into 500 million baht more spending power per day.⁷ This increase in purchasing power would send ripple effects across Thai society.

However, the Central Wage Committee studied the impact of the hike in seven pilot provinces in June and found results similar to the survey by the Thai Chamber of Commerce and the Chamber Commerce Council of Thailand that more than 80% of SMEs bore the brunt of the hike in several ways. These included higher costs, decreased income, sales drops, lower competitiveness and inability to grow. Only about 17% of companies did not experience any effects.⁸

Another study by Dhurakij Bundit University research center entitled “100 days of 300-baht minimum wage and effects on SMEs in seven provinces” found similar results. 87.5% of the 638 SMEs surveyed in the seven provinces experienced a negative impact from the wage hike. 73.2% managed to cope with the impact whilst 14.3% could not cope and faced problems relating to rising production costs. In particular, 28.7% of SMEs in the manufacturing sector said that they had experienced more serious impacts than expected. Only 12.5% said that they were not impacted at all.

Kiatanan Luankaew, Director of the research center, said that although most SMEs could cope

with the impacts, many other risks remained including volatile politics, a depressed global economy and the rising costs of living. The wage hike would only make SMEs even more vulnerable and 130,000 SMEs may have to shut down or cease to formally exist over the next 12–18 months if the Government didn't implement measures to mitigate damages.⁹

Meanwhile, other provinces began to experience side effects from the hike in the seven provinces. Workers began to demand wage increases and became picky with work offers. Some workers moved to work in the seven provinces. Several factories in these other provinces faced labour shortages. Dilaka Latthapipat, a TDRI researcher, said that “*The wage increase, which doesn't come with increased labour skills, will cut companies' profits. Many SMEs will disappear in the long run. In the end, only big companies will dominate the market.*”¹⁰

Reducing Inequality and Changing Thailand into a New Economy?

This is what some people expected to happen after April 1st 2012 and again after January 1st 2013. The clearer the signal of the Government's intention to go through with the policy, the louder the opposition became. Another poll by Bangkok University found that 64.3% of economists considered the policy to be misguided¹¹ but still other economists and the Government insisted the benefits outweighed the disadvantages.

Kittirat Na Ranong, Deputy Prime Minister and Minister of Finance, said that the wage hike would help expand the economy due to increased purchasing power and reduce the economy's dependency on export. In a way, it encouraged entrepreneurs and workers to increase their own capabilities.¹²

One advantage of the hike that many academics agreed on was its equalising effects against the long-existing inequality in Thai society. This idea is intimately connected with Thailand's current political climate. Yongyuth Chalaemwong, TDRI's director for Labour Development Research, was of the opinion that, although the policy has some negative effects, they were not as bad as predicted. On the contrary, the wage hike forced businesses to overhaul themselves in order to increase productivity. It also made the Thai economy more conscious of the use of wages to reduce economic inequality.¹³

Nithi Iewsriwong expressed his approval of the policy and saw in such a policy the start of a new direction for Thailand's economic growth in line with the Meidnes-Rehn theory of economics, named after the Swedish economist who developed it.¹⁴ This theory proposed that in an economic system with large wage inequality, low-technology businesses will depend on low-skilled labors and pay them less than high-technology businesses. However, this led to a vicious cycle of wage inequality. In the end, the economic system would have increasingly low productivity and experience lower standards of living. As a result, in order to

escape this vicious cycle and become a high-productivity economy, it was necessary to reduce wage inequality and such a system would automatically eliminate low-productivity businesses.

However, at the same time, it was important that the Government implement measures to increase the skills of workers while boosting economic growth with measures such as investments in infrastructures and social welfare. These measures would encourage growth in demands. While there would be an expansion and investment increase in high-tech businesses, workers with improved skills would be required. In the end, productivity would increase along with living standards.¹⁵

Sixteen remedial measures: useful or useless?

Apart from presenting negative consequences, there was not much that the otherwise powerful business lobby such as the Federation of Thai Industries (FTI) and the Thai Chamber of Commerce could do to stop the wage hike due to popular support for the policy. As a result, industry then demanded that the government



implemented measures to mitigate the detrimental impacts on vulnerable SMEs.

On January 8th 2013 the Cabinet issued 16 remedial measures, namely:

(1) *Measures to increase liquidity/lower costs* such as loans for hiring, loans for manufacturing, guaranteeing bank loans for existing and new clients.

(2) *Tax measures* such as reducing social security contribution rates, cutting corporate taxes, making wage increases tax-deductible, making employee training costs tax-deductible, allowing tax exemption for machinery, reducing withholding taxes and fees.

(3) *Measures to increase labour productivity* such as loans from a Skills Development Fund and mobile skills-development “clinics”

(6) *Measures to increase revenues for certain businesses* such as increasing rates allowed for meetings of government agencies.

(7) *Measures to promote sales* such as organising “caravans” of cheap products to sell to workers at their work sites.¹⁶

However, Thanit Sorat, FTI Secretary-General, considered these sixteen measures insufficient to help SMEs. He said: “Overall, these government measures help SMEs little. Many of the measures have little relevance or effects. For example, the cutting of fees is minuscule compared with the rising costs.”¹⁷

Wage Hike: A Means, Not an End

Now that the wage hike is implemented countrywide, it will take a while before its positive and negative impacts become visible.

Nithi lewsriwong said that even though the wage hike can elevate Thailand to another economic level in the future, it must be accompanied by other measures. The government must pay attention to different viewpoints and promptly implement measures such as:¹⁸

1. Maintain the country’s infrastructure advantage in logistics and high-speed internet.

2. Allow foreign workers to access the same wages and benefits as Thais to prevent job-grabbing and reduce exploitation

4. Increase productivity through skills-development

5. Improve educational quality at all levels

6. Protect and rehabilitate local and national natural resources

7. The higher wage will cause the agricultural sector to lose workers resulting in widespread social impacts and market monopolisation by multinationals. The government must do more to ensure that independent farmers would survive with security equal to or better than workers in the service and industrial sectors.

Another important aspect in response is changing the mindset of entrepreneurs. Thailand must now end its dependence on cheap labourers as a means to keep costs low and retain competitiveness. The country must now put emphasis on the quality or values added from the goods and cost-effectiveness. The country should use the minimum wage as a mechanism to develop workers’ skills so that they could develop to their full potential and are paid accordingly, in line with the “creative economic development policy.”¹⁹

In the end, the wage hike is not a goal as reducing inequality and improving living standards of workers depends on several factors. Increasing the minimum wage for workers without giving them the power to organise and additional leverage is no different from making repeated charity contributions. It is necessary to build a sustainable mechanism whereby the minimum wage reflects the labour reality without depending on politicians. Whether this Pheu Thai Party’s populist policy will pave the way for such as system remains yet to be seen.



4

Thailand as an asbestos-free society

Although not attracting as much public attention over the past year as political and economic issues, the conflict over the ban on asbestos use in Thailand was an all-out fight where both those advocating for and those opposing the ban used mass mobilisation techniques, scientific discourse and presentations on the positive and negative consequences of the ban to support their positions. Without the public as audience however, the aspiration to become an asbestos-free society in Thailand remains distant.



What is asbestos and what is it for?

Asbestos is a naturally-occurring inorganic mineral with an appearance of long thin fibrous crystals that can be divided into two groups: (1) the Amphibole group such as Crocidolite, Amosite and Anthophyllite that have straight needle-like crystals; and (2) the serpentine group such as Chrysotile and that have rope-like curly crystals composing of mini-fibers.

Asbestos has good qualities such as strength, flexibility and resistance to tensile pressure, heat, acid, alkali and other chemicals which make it desirable for many industrial products including roofing tiles, ceiling insulation, brake pads and clutches, fire-retardant clothes, cement pipes and insulation materials. In Thailand, imported asbestos usually falls into the serpentine group, generally Chrysotile, whose flexibility allows it to be made into a large surface.¹

Asbestos in Thai Industries

Thailand has imported both Crocidolite and Chrysotile since 1975. When the Hazardous Substance Act B.E. 2535 (1992) came into force, Crocidolite was classified under the third category of hazardous substances prohibited from being imported, manufactured, exported or possessed unless authorised by the Ministry of Industry's Department of Industrial Works. According to statistics, Thailand imported 181,348 tonnes of asbestos in 2002 or 3.3 kilogrammes per person.² In 2010, Thailand imported 79,250 tonnes of asbestos, ranking the world's No. 6 behind only China, India, Russia, Indonesia and Uzbekistan. The combined consumption of these six countries accounts for 78% of global consumption of asbestos.³

Originally, asbestos was used in five brands of roofing tiles: namely Diamond, Olarn, Siam Cement Group (SCG), Super and Five Rings.⁴

However, between 2007 and 2010, SCG and Mahaphant Fiber Cement Co, Ltd, owner of the Five Rings brand, stopped using asbestos in their products this reducing asbestos import by 50–60,000 tonnes per year.⁵ Currently only Olarn and Diamond brands continue to use asbestos in their roofing tiles.⁶

Towards an Asbestos-Free Society

Chrysotile has been used in industries since the 19th century because of its ability to strengthen industrial products. However, a person who has been exposed to asbestos fibers for 15–30 years can develop diseases such as lung cancer, mesothelioma and peritoneal cancer.⁷ More than a century later, 52 countries banned the use of asbestos due to the increased awareness of its hazard. In Thailand, a similar movement has been mobilised by NGOs working in health, consumer protection and labour rights issues through forums such as the National Health Assembly.

The Third National Health Assembly endorsed the strategic goal of making Thailand an asbestos-free society on December 17th 2010 and submitted related recommendations to the Cabinet. On April 12th 2011, the Cabinet approved in a resolution to prohibit the import of Chrysotile and certain products containing Chrysotile which can be substituted by other materials or products. The Department of Industrial Works was assigned to draft a master plan for the ban of asbestos import and manufacturing of asbestos within five years in five groups of products, namely: smooth tiles, rubber flooring tiles, brake pads and clutches, asbestos-cement pipes and roofing tiles. The Department of Disease Control in collaboration with the Ministry of Interior's Building Control Bureau is tasked with informing local administrative organisations about the removal, repair and renovation of buildings with asbestos-containing construction materials.⁸

However, the Cabinet resolution did not result in a concrete manufacturing and import ban. Instead, it was taken by businesses as a signal to hoard asbestos. The amount of 2011 import jumped to 81,411 tonnes from 79,250 tonnes the previous year.⁹

The opposition to the ban by the asbestos-related industry further delayed its implementation by the Ministry of Industry. Industry claimed that although the Cabinet approved the ban on asbestos use within 2012, it did not lay down a definite timeframe and the ban may have been too rushed without a balanced impact study with inputs from different agencies.

Pongthep Jaruampornpan, acting Secretary General of the Department of Industrial Works, said that: *“The impact study found that some countries issued a comprehensive ban, while others banned only certain products. The reasons for the bans also vary regarding political, economic and durability issues.”*¹⁰

A rumour that the government may delay the ban for another 3–5 years prompted the Thailand Ban Asbestos Network to advocate a ban on production, sale and import of Chrysotile-containing products by 2013, starting from five groups of products, namely: smooth tiles, rubber flooring tiles, brake pads and clutches, asbestos-cement pipes and roofing tiles.¹¹

Asbestos?

The key to the debate lies in the health impact of asbestos. Information from the WHO, the International Agency for Research on Cancer and the International Labour Organization clearly shows that all forms of asbestos are carcinogenic thus causing lung cancer, pharyngeal cancer, ovarian cancer, silicosis, pleural thickening and pulmonary edema. Even exposure to a small amount of asbestos can cause a disease. Around

the world, 125 million people are exposed to asbestos and every year around 107,000 people die from asbestos-related lung cancer.¹²

Sugio Furuya, coordinator of the Japan-based Asian Ban Asbestos Network, cited the 2012–2016 WHO–Thailand Collaborative plan which stated that as the world’s No.4 importer of asbestos¹³, Thailand would face health burdens and massive expenses in the future, especially related to illnesses amongst construction workers who are most exposed to the material.

Between 2008 and 2011, Thailand had two mesothelioma patients hospitalised in the Central Chest Institute of Thailand. Both had history of working for decades in factories with exposure to asbestos.¹⁴

Attributing the disease to asbestos exposure, however, is difficult because of the long incubation period and lack of national statistics. The Bureau of Occupational and Environmental Diseases estimates that if Thailand doesn’t ban asbestos use, there will be 1,137 patients per year in the next 25–30 years.¹⁵ In addition, the country’s lack of physicians specialised in occupational health makes it impossible to prove the cause of disease when workers are diagnosed with lung cancer, thus leaving the employers with impunity from their negligence.¹⁶

Harmless Asbestos?

On the other hand, the opposite side of the debate, led by Olarn Tile Company, with academic support from the Chrysotile Information Center, actively lobbies against the ban by submitting letters to the Prime Minister, holding seminars, organising foreign “study tours” for the media and threatening academics against disseminating negative information on the health risks of asbestos.¹⁷



This group argues that Chrysotile poses no risks because it cannot withstand the acidity of human body and that its half-life of only 15 days means that there's no accumulation in the lung. The main argument lies in the fact that there is no clear scientific evidence to show that Chrysotile is the direct cause of mesothelioma. In addition, it is argued that 90% of manufactured Chrysotile is used in the cement industry where the mixture with cement will change its chemical structure and stop it from spreading by air. If used properly, asbestos therefore allegedly has no negative impact on health.¹⁸

A Chrysotile Research Center study¹⁹ entitled "Social and Economic Impact of a Chrysotile ban" conducted by Huang Ingwei, head of Assumption University's Department of Business Economics, shows that Thailand imported more than 3.2 million tonnes of Chrysotile between 1985 and 2010, 90% of which was used in the roofing tile industry. A Chrysotile ban and removal of all Chrysotile-containing roofs would cost the

country 450.97 billion baht. This amount would increase to 464 billion baht if pig farms, schools and hospitals were to be included in the ban. The study also cites the case of the US where a ban was later lifted because of the lack of evidence to link Chrysotile as cause of mesothelioma. It concludes that the government should appoint a working group to study the overall impact of a ban.²⁰

This call against the ban was echoed by the National Pig Breeders Association, Pheu Khunatham Foundation, Bangkok Metropolitan Community Network and the network of people impacted by the ban who insisted that Chrysotile posed no negative health impact.

Dr. Somchai Bowornkitti, a respiratory expert at Siriraj Hospital, said that over the 30 years that asbestos has been imported for industrial use in Thailand, there have been 36 cases of mesothelioma reported in the country. However, none of them have been scientifically confirmed as caused by asbestos exposure.²¹

Asbestos-Free Society but Only On Paper

The debate on asbestos' health impact continues, even though the April 2012 Cabinet resolution already laid down appropriate steps. In its second paragraph, the Cabinet approved the approach to ban the import of Chrysotile and certain Chrysotile-contain products as well as prohibiting the manufacturing of Chrysotile-containing products where other materials or products could provide a substitute.

However, the Ministry of Industry chose to implement only paragraph 3 of the Cabinet resolution, that is, to produce a plan to ban the import, manufacturing and sale of asbestos and all asbestos-containing products. The Ministry commissioned Chakkrit Siwadechathep, from Sukhothai Thammathirat Open University's Faculty of Health Sciences, to study and draft a plan to that effect. It also gave a 3–5 years grace period before a permanent ban came into effect depending on product categories²² as follows:

1) **Rubber flooring tiles**—Year 1–2 for research and development, ban comes into effect in Year 3.

2) **Smooth tiles**—Year 1–2 for new product development, Year 3 new technology to take over using paper pulp and PVA.

3) **Roofing tiles**—some manufacturers already stopped using asbestos whilst others have a five-year grace period. Year 1–2 for research and development, Year 3, ban comes into effect, Year 3–5 for development of asbestos-free small tiles and Year 5 a complete ban.

4) **High-pressure or cement pipes**—Year 1–2, 25% reduction, Year 3, 50% reduction, Year 4, 75% reduction and Year 5 a complete ban.

5) **Brake pads and clutches**—Year 1–2, research and development for replacement materials, by the end of Year 2, ban comes into effect for asbestos in brake pads and clutches for motorcycles and passenger cars, Year 3–5, research and development for trucks and buses and by end of Year 5, a complete ban.

This postponement by the ministry disappointed those who supported an immediate ban. Health-related agencies and organisations, in collaboration with civil society and academics, launched a campaign to disseminate information about asbestos' hazards and health impacts.

The government attributed the delay to the volatile political situation this *“making it impossible to get the Ministry of Industry to issue a ban within this year. However, Suranan Vejjajiva, Secretary to the Prime Minister's Office, has ordered the Ministry of Industry to look into the issue again due to its harm to health. Besides, there's the fact that several companies have already stopped using it.”*²³

Even as the debate on health hazards of asbestos rages on with evidence from both sides being put forward, Thai society seems to have chosen and started to walk on the path to becoming an asbestos-free society.



5

Industrial pollution: unsolved problems

Thailand's industrial sector has grown hand in hand with the use of chemicals which impact on the environment in many ways including: disposals of chemicals and other hazardous wastes; water and other kinds of pollution caused by factories; heavy metal contamination in water sources and soil; and accidents involving hazardous materials. The prosperity brought by industrial development in Thailand has come at the expenses of the health of the population, especially workers who are afflicted by industrial pollution and hazardous chemicals. This problem is becoming more and more widespread and intensified in all regions of the country.



Skyrocketing number of complaints

According to the Ministry of Industry, in the 2012 fiscal year (Oct 2011–Sep 2012) 185 complaints were lodged concerning environmental degradation caused by industries. The most common complaints were in relation to odors (65 cases), water pollution (51), noise pollution (47), dust (29), smoke (19), mining (5), waste and hazardous materials (4) and government officials/miscellaneous (25).¹ This total is twice as high as the 79 complaints received by the Ministry's Bureau of Inspection and Evaluation in the previous year.²

This increase compliments the statistics collected by the Center of Excellence for Environmental Health, Toxicology and Management of Chemicals which shows that accidents involving chemicals are on the rise,³ especially involving combustible gases and fuels. Most of these accidents happened during the storage process,

followed by during use, manufacturing and transportation (see pie chart below).

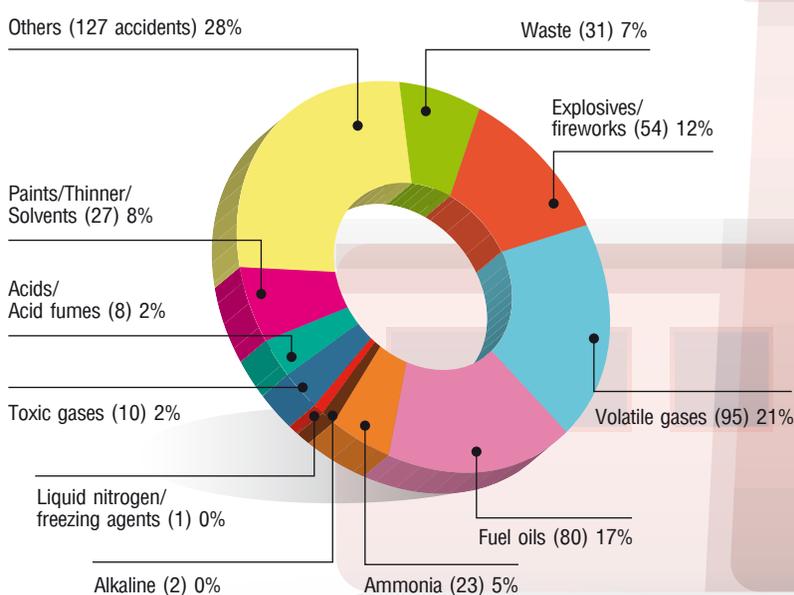
Although industrial pollution happens in all industrial areas across the country, the highest concentration is in the Eastern region where many factories are located.

Map Ta Phut recurrences and non-functional mechanisms

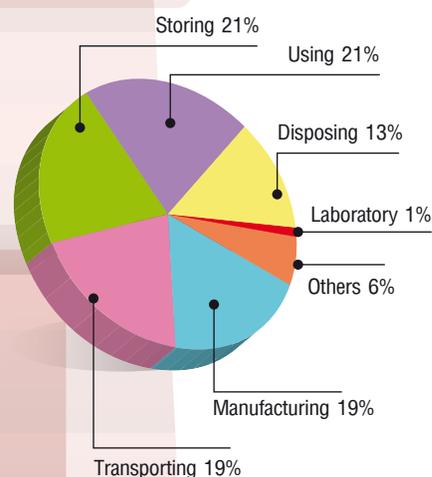
In addition to the general pollution that locals in Rayong's industrial area must face on a daily basis, accidents involving chemicals continue to repeat themselves as though the industries and relevant government agencies had not experienced and learnt from such incidents before.

On May 5th 2012, an explosion and fire broke out at the BST Elastomer factory, owned by the Bangkok Synthetics conglomerate, in Map

Number of accidents involving chemicals between 2008 and 2012, by type of chemicals



Number of accidents involving chemicals between 2008 and 2012, by activities



Source: Chemical Information Management Unit, Center of Excellence on Hazardous Substance Management, Chulalongkorn University. *Number of accidents involving chemicals between 2008 and 2012*. Retrieved on March 7, 2013 from website <http://www.chemtrack.org/stat-accident-number.asp>

Ta Phut, whilst workers were cleaning a big chemical tank. The explosion was attributed to fire sparks caused by heat. Local were panicked. Eleven people were killed and 142 were injured by the explosion and chemical exposure.

The fire barely went out before another incident happened in the following afternoon as 138 people were taken to the hospital after inhaling sodium hyperchloride, a chlorine compound, leaking from Aditya Birla Chemicals located at East Hemaraj industrial estate.⁴

Dr. Suraphon Maleehuan, Director of Map Ta Phut Hospital, said that these back-to-back incidents were the worst accidents ever in term of casualties since the establishment of the industrial estates.⁵

Kanchana Teliyachote, acting director of Map Ta Phut's Bureau of Public Health and Environment, said that the responders failed to follow a drill. There were no vehicles at designated spots to pick up those affected by the incidents and deliver them to a safe place as previously agreed.

Phusit Phokphalakorn, director of Wat Map Chaloot school, said he received a text message on his mobile phone about the BST explosion 40 minutes after he heard the explosion. The first message only mentioned the explosion without any details regarding the factory or chemicals involved.

It is clear that these incidents reflect not only the carelessness of the factory and the monitoring failure of the high-risk petrochemical industry but also the failure of an emergency preparedness plan. As there was unjustifiable delay and lack of details in the notifications and no evacuation as planned, locals had to rely on instincts to escape chemical exposure.

After these back-to-back incidents, criticisms became. A chlorine leak had already happened at the same Aditya factory in June 2010. Although this incident led to a meeting to update the provincial prevention and mitigation strategic plan against chemical hazard incidents under the framework of the 2010–2014 National Disaster Prevention and Mitigation Plan, *the national committee did not submit the plan to the Cabinet, and there were no official directives in relation to it.*

Somporn Pengkham, Director of the Health Impact Assessment Coordinating Unit, as one of the organisations tasked with improving and mobilising the plan, said that it was necessary to make all factories disclose the information in terms of type, category and quantity of chemicals used in the area so that the local community was aware and prepared in times of disaster and so that doctors could correctly diagnose and treat those exposed.⁶

In addition, there should be an independent unit responsible for sending out notifications with a prompt line of command to assess the situation and coordinate with appropriate agencies to solve the situation. After the incident, there should also be an independent team to monitor and follow up on compensation for affected workers and locals as well as conduct an impartial investigation on the cause of the incident.

Waste Dumping: Repeated and Ignored

Clandestine dumping of industrial waste is not new. The Department of Special Investigation (DSI) has traced popular routes for this illegal activity in Samut Prakarn, Chachoengsao, Rayong, Nakhon Pathom, Samut Sakhon, Saraburi, Ratchaburi and Chonburi. This lucrative network consists of factories, disposers, transporters, corrupt civil servants as well as local and national

level politicians.⁷ In 2012, several incidents happened:

– *Chachoengsao*–KSD Recycle Co. Ltd. dumped chemical waste, bought from Amata Nakorn Industrial Estate, in a dumping ground in Chachoengsao’s Panom Sarakam district. In February, locals noticed smells and sludge and made a complaint to the authorities. The inspection found phenol and many heavy metals at higher levels than standards. Chachoengsao province experienced similar dumping at 11 locations, 6 in Panom Sarakam district and 5 in Plaeng Yao district. As a result, the Provincial Public Health Office warns locals against using water from nearby natural sources.⁸

– *Chonburi’s Nong Ree sub-district*–Hazardous industrial waste was found dumped in a 10-rai pond between April and May 2012. Inspecting authorities found that the landowner also operated a factory without a permit. Gasoline and hydrocarbon contamination was detected.⁹

– *Samut Prakarn*–Industrial waste was dumped into sewage on the Old Sukhumvit Road near Bang Pu Industrial Estate. Testing of samples found heavy metals including nickel, zinc, lead and chromium as well as volatile organic substances which are carcinogenic.¹⁰

– *Prachinburi*–Industrial waste was dumped into the stream near the coal power plant and paper pulp factory in Sri Mahaphot district in January 2013. Local fish population was found to have lead accumulation at 3–11 times the acceptable level. Hair of locals who consumed these fish and live within 2-kilometer radius was found to contain higher lead accumulation than the 1.00 ppm reference concentration that would be harmful to brain development. More than 60 locals travelled to Bangkok to submit a letter to the Permanent Secretary of the Pollution Control Department demanding an immediate solution to the problem.¹¹

Greenpeace Southeast Asia pointed out the legal loopholes that allow factories to send their waste to the “rehabilitator” without any kind of monitoring mechanism to ensure that the waste is being treated according to the required academic and environmental standards. This allows the “rehabilitator” to dump the waste at no costs.¹²

After these incidents came to light, the Department of Industrial works inspected 101 industrial rehabilitating plants in target areas and found 66 of them to be sub-standard. After the Chachoengsao incident, the Deputy Permanent Secretary of the Ministry transferred the Provincial Industrial Officer out of the area as a punitive measure. He declared that the Department of Industrial Works must be more stringent in issuing permits for new industries and work in collaboration with provincial officers to ensure compliance.¹³



Beyond Pollution-plagued Development

Over the past two decades, Thailand has promulgated laws and improved regulatory structure to control pollution. These include the Hazardous Materials Act B.E. 2535 (1992), Factory Act B.E. 2535 (1992), Enhancement and Conservation of National Environment Quality Act B.E. 2535 (1992) as well as the establishment of the Ministry of Science, Technology and Environment, Pollution Control Department, Department of Environmental Quality Promotion and Office of Natural Resources and Environment Policy and Planning.¹⁴

Yet Thai society faces increasingly aggravated pollution problems along with industrial development without any sign of control.

Kobkul Rayanakorn from Chiangmai University's Faculty of Law said that Thailand has all the laws it needs. The problem, however, lies in the implementation of laws which focuses only on end-point control such as setting standard values. However, the total [from all factories combined] may exceed the capability of the environment to cope. Moreover, environmental impact assessments only examine each project but does not take into account the bigger picture. Once there is a problem, all factories deny responsibility by insisting that they follow the standard values.¹⁵

Penchom Saetang, Director of Ecological Alert and Recovery Thailand (EARTH), said that over the years there has been a relaxation of many regulations such as those minimum distance between factories and communities and on

industrial waste disposal factories. On the other hand, the promotion of industrial investment increased. For example, the amendment of the Industrial Estate Act facilitated freer investment by changing industrial estates into free enterprise zones with enormous privileges such as customs and VAT exemptions.¹⁶

In addition, the Pollution Control Department is seen as a paper tiger because it only has the authority to inspect and make recommendations to other relevant agencies such as the Department of Industrial Works but it cannot shut down problem-causing factories.

EARTH Deputy Director Walaiporn Muksuwan, an expert on chemicals management, said that the Enhancement and Conservation of National Environment Quality Act is limited because it focuses on rehabilitation rather than prevention. Recently, the Pollution Control Department has developed the 2012–2016 pollution control master plan which incorporates more prevention measures such as recycling, reuse, reduce, and clean manufacturing. However, these voluntary measures, although they can incrementally transform into a more preventive framework, are insufficient as the situations are quickly deteriorating.

The alarming situation of industrial pollution should be a wake-up call to all social sectors to change their mentality from problem-solving modes to prevention modes. Mandatory measures such as transparent reporting of pollutant releases should be in place¹⁷ so that the Thais will not have to suffer more industrial pollution in their lives.



6

Energy: Why are we paying more?

Energy has always been a heated issue. Thai society has never been given a clear explanation for high energy prices. What is clear is that price setting remains in the hands of PTT, the only giant in the business, which has been transformed from a state enterprise into a public company. As the energy business has always been intimately linked with politics, when gasoline and gas prices skyrocketed, protests ensued. The inevitable target is PTT.



Fuel prices: political tool for all times

Since populist policies became a staple of Thai politics, gasoline and gas prices have been a political tool to curry favour with the population. For example, the Abhisit government pegged diesel prices by reducing excise taxes from 5.70 baht to 0.005 baht per liter. This cost the government more than 45 billion baht and drew heavy criticism.¹

In her August 24th 2011 inauguration speech, Yingluck Shinawatra announced a policy to gradually float diesel and gas prices to alleviate the burden on the Oil Fund. But soon, the mounting popular pressure forced the government to back down and reduce the fund levy on diesel, gasoline 91 and 95. As a result, fuel and gas prices in Thailand remained lower than they should be.

Not only the government is missing the 6.16 billion baht per month which could go into the Oil Fund. In addition, the low gasoline price, at almost the same price as gasohol, stalls the government's gasohol promotion plan. In order to increase gasohol use, the government had to reduce the gasohol levy to increase its appeal.²

Energy restructuring

The situation went downhill nevertheless. To make it worse, the government also decided to use the Oil Fund to subsidise LPG prices. In early 2012, the National Energy Policy Council (NEPC), chaired by Prime Minister Yingluck, started to float energy prices. LPG prices in the transport sector were to increase by 0.75 baht per kilogramme every month until the end of the year (from 18.13 to 27.13 baht) whilst household LPG prices remained fixed. NGV prices were to increase by 0.50 baht per kilogramme every month (from 8.50 to 14.50 baht). The Energy Policy Administration Committee suggested a solution to increase the gasoline and gasohol levies by one

baht per liter and diesel levy by 0.60 baht per liter as well as to reinstate excise taxes on diesel.³

The government said that these changes were intended to make prices reflect true costs and change the role of the Oil Fund to be that of stabilising oil prices as originally intended. These legitimate reasons are hard to argue with. However, populist policies are addictive. Truck and taxi drivers organised road blocks to protest against increasing fuel prices and won concessions from the government. As a result, Minister of Finance Kittirat Na Ranong "explained" that the increase was a misunderstanding due to miscommunication.⁴

But even after protestors went home, questions still remained. Civil society groups then started to dissect price distortions in energy business.

Why are fuels expensive in Thailand?

Oil prices consists of three parts: the cost of the oil, marketing markups and taxes and Fund levies. Chotichai Suwannaporn, PTT's Assistant Director for energy policy and economics, explained that the cost of the oil is similar across brands because it references the international market while marketing markups vary depending on the level of competition in the country. However, the most important issue which makes oil more expensive in Thailand than in other countries is the taxes and the Fund levies.⁵

Regarding the oil cost, PTT explains that the oil cost reflects the wholesale price in Singapore which is the regional hub. But PTT cannot give a satisfactory answer when asked why Malaysia and Indonesia oil prices do not reflect Singapore's wholesale price. Singapore's refinery cost which is 6–7 times higher than that of Thailand means that PTT is pocketing more profits. PTT argued that if Thai oil prices are lower than those in Singapore, oil will be smuggled out. This response

was met with another question as to why Malaysia and Indonesia do not share this concern.

According to the Department of Alternative Energy Development and Efficiency, the average retails prices in 2010 for gasoline 91 were 36.62 baht and gasoline 95 at 41.26 baht while the Singapore wholesale prices were 17.28 and 17.65 baht respectively. The question remains why such a big difference exists.⁶

As more and more information is revealed, questions are raised about the 12.54% concession fee that the government charges. This is considered very low comparing to other countries with the same levels of resources. Meanwhile, the concession holder gets to keep as much as 87.46%. The details of the contract also raise questions about transparency, fairness and freedom of information.⁷

In addition, Thailand can produce as much as 40% (and rising) of the raw materials to be refined for domestic consumption, ranking among the world's top 30 out of 224 countries, and is self-reliant with 100% refinery capacity for domestic consumption. It begs the question why Thais hardly reap benefits from the concession.⁸

Recently, ML. Kornkasiwat Kasemsri, a member of the Senate subcommittee on Energy

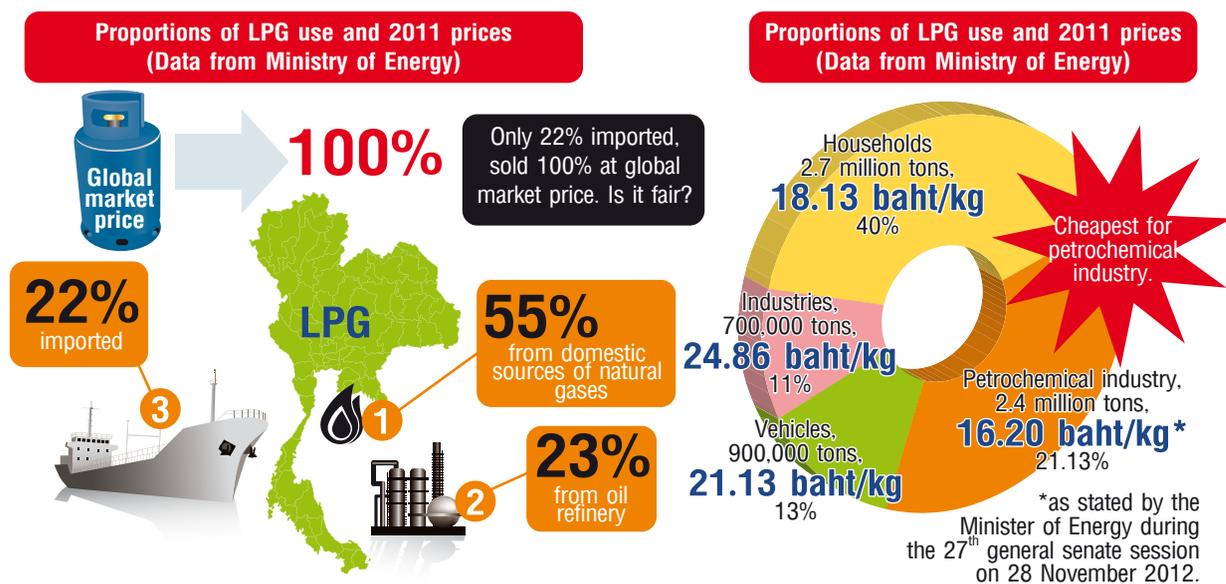
and Good Governance, alleged that Thailand has massive sources of petroleum and accused the government of colluding with the private sector to hide the truth.⁹

All of this combined to make some academics and civil society continue to ask why Thai people are paying high fuel prices.

LPG subsidy for whom?

Meanwhile, another controversy revolved around natural gases (i.e. NGV and LPG), especially LPG which is used both in households, transportation and industries, particularly the petrochemical industry.

Originally, Thailand was able to produce enough LPG for domestic consumption. However, in 2008 there was a shortage of LPG resulting in the import of 452,000 tonnes because of increased use in transportation, according to PTT and government agencies. However, a Senate report shows that the petrochemical industry's use of LPG accounted for 26% of the total (1.23 million tonnes) in 2008 and increased to 33% (1.7 million tonnes) in 2009, while paying a lower price than other sectors (see graph below). Meanwhile, the



Source: Foundation for Consumers, 2013, *Exposing facts about LPG: Who is Robbing Thailand?*, Bangkok: Foundation for Consumers.

proportion of LPG use in transportation decreased from 16% to 13% over the same period.¹⁰

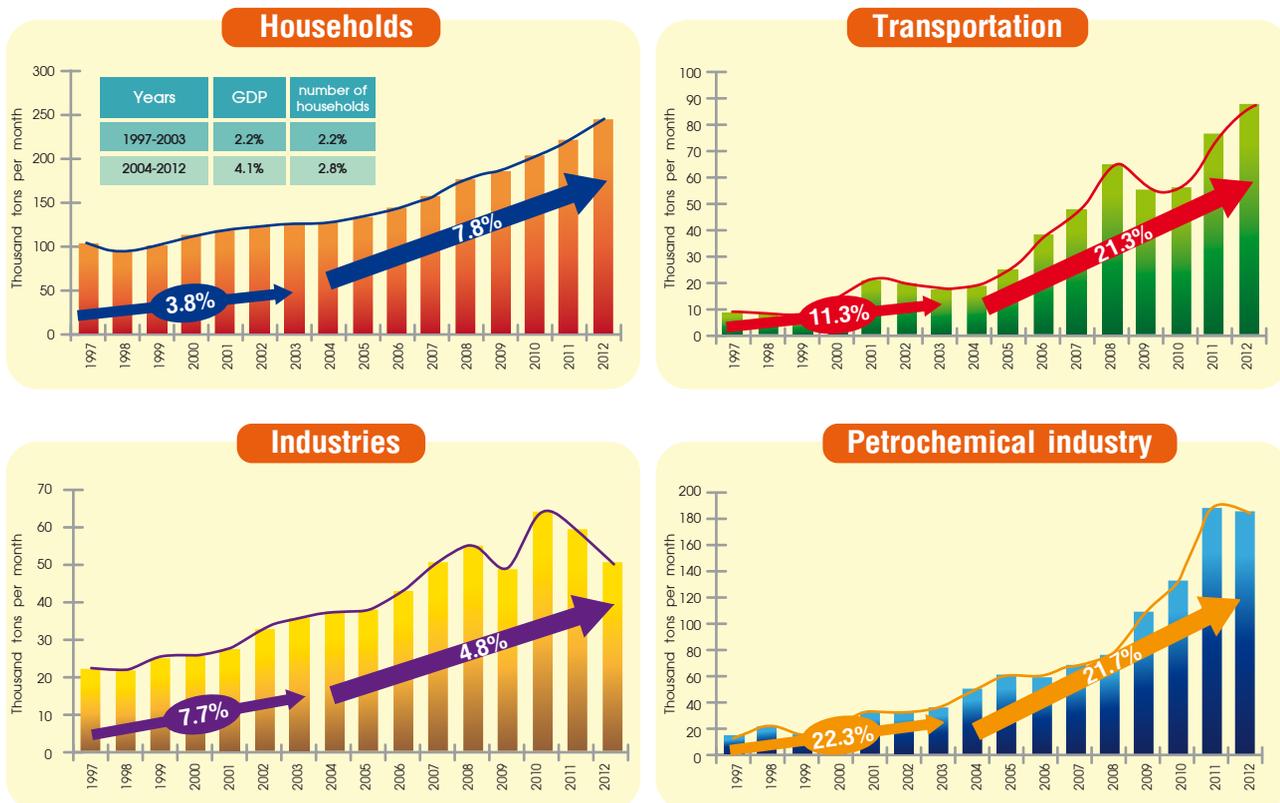
As LPG was announced by the government and PTT to be in short supply, there was a campaign to encourage more NGV use. One of the incentives was to make NGV cheaper by using the Oil Fund to subsidise LPG and NGV.¹¹ This was a reason why the Oil Fund went into the red. The data from June 10th 2012 showed that most of the Fund's losses were due to LPG and NGV subsidies (15.21 billion baht) while the losses from gasoline price fixing amounted to only 1.4 billion baht.¹²

The pressure to raise LPG prices mounted again around the end of 2012. The Ministry of Energy increased LPG prices across all sectors in mid-February, due to losses made by the Oil Fund

and PTT. Civil society networks, however, revealed the other side of the story showing the vested interests behind the subsidy. While LPG price for households were at 18.13 baht, for transportation 21.38 baht and for non-petrochemical industries 21.38 baht, petrochemical industries, the second biggest consumer, was paying only 16.20 baht. This implied that the subsidy was helping the petrochemical industry while putting the burden on the general population.¹³

Another interesting fact is that while Thailand can produce 5.5 million tonnes of LPG per year and imports another 1.4 million tonnes, the petrochemical industry, most of which are PTT's subsidiaries, use as much as 2.1 million tonnes per year, accounting for the largest amount of imports. The LPG output from the 6th Refinery

LPG Demands by sector



Note: 2012 data is Jan-Jun average.

Source: *LPG demands by sector*. 27 February 2012. Retrieved on 6 March 2013, from Foundation for Consumers website: http://www.consumerthai.org/main/index.php?option=com_content&view=article&id=2757

Unit in Rayong, the biggest in the country, is sold only to these PTT subsidiaries while households, transportation sectors and other industries had to use more expensive imported gases shouldering a burden of 23 billion baht in total between 2008 and 2011.¹⁴

However, due to rising costs of living in 2013, the Ministry's plan to restructure LPG prices was put off for a few months. The Ministry explained that it needed to reorganise groups to be subsidised and also communicate with the public on issues raised by NGOs.

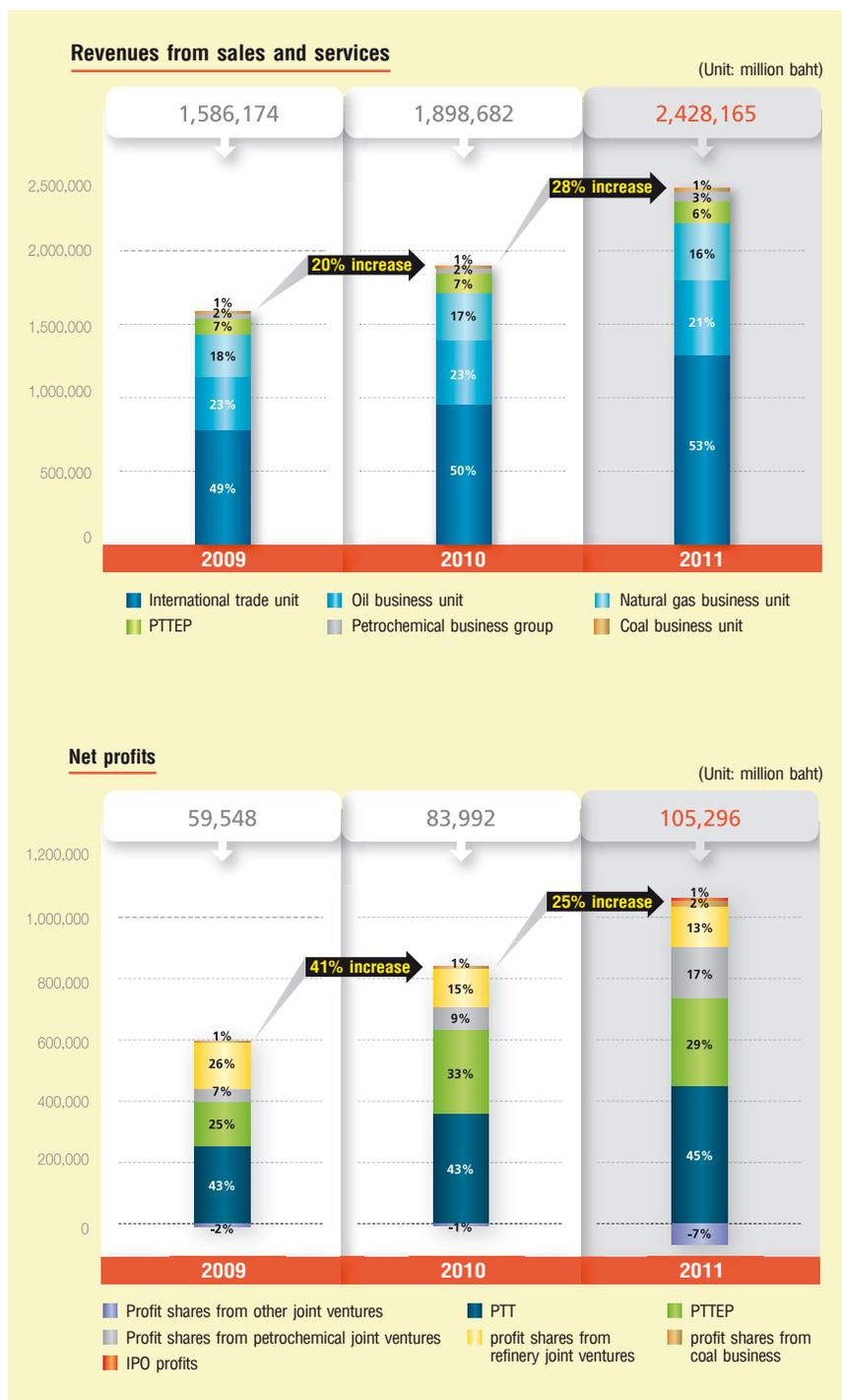
PTT-style free monopoly?

A question must be asked: what brought Thailand's energy business to this point?

PTT was transformed from a state enterprise into a public company by the State Enterprise Capital Act B.E. 2542 (1999). The fact that all PTT shares were sold out in the first 77 seconds of its IPO gave rise to allegations that they were bought by nominees of politicians.

With the Ministry of Finance as a major shareholder, PTT's status is also ambiguous. There have been several instances where the government implemented measures to benefit PTT. For example, although the Supreme Administrative Court ordered

the gas pipeline network given to PTT before its IPO to be returned to the public, the order has not been executed. Worse still, PTT was allowed to merge and acquire other refineries and gradually became a virtual monopolist with 85% of market share.



Source: PTT Public Company Limited. 2012. *Annual Report 2011*. Bangkok: PTT Public Company Limited, p.13.

PTT's massive profits have always been a magnet. PTT's executive board is always filled with high-ranking officials from the Ministry of Finance, Ministry of Energy, Office of the National Economic and Social Development Committee, Office of the Attorney General and business tycoons with close connections to politicians. Deunden Nikomborirak, TDRI's research director for economic system management, calls PTT a "free monopolist".¹⁵

PTT has yet to respond to many of the allegations against it. It chose to answer some questions in Parliament, often evasively.¹⁶ Many other questions, however, are left unanswered.

In addition to increased transparency, more accountability and anti-monopoly efforts, Thailand also needs a national energy plan. Manoon Siriwan, an energy expert, disputed some civil society group's claims that Thailand has enormous energy wealth. However, he pointed out that Thailand has

never had a national energy plan based on 20-years model of demand and supply. Such a national plan requires participation from all sectors and should be promulgated as law. The Ministry of Energy should be tasked with its implementation without political interference.¹⁷

As politicians are in cahoots with business out of mutual interests, the restructuring of Thailand's energy sector cannot rely solely on political will. Breaking the monopoly and realizing a national energy plan will require staying power of many sectors. However, at the moment civil society remains the only hope for change as it discloses information to raise awareness so that the society will pay serious attention to the issue and not just make fleeting complaints when prices rise.



7 NBTC and Thailand's broadcasting/telecommunication future

As transmission frequencies are national resources, the National Broadcasting and Telecommunications Commission (NBTC) has a very important role in setting policies and supervising Thailand's development in broadcasting and telecommunication, affecting the lives of 65 million Thais. Over the past two years, NBTC has been in the headlines on many issues. These include DTAC's signal failure, Thailand's Got Talent scandal, satellite concessions, community radios, EURO Cup blackouts, 3G auctions and self-censorship in TV drama "Nua Mek," not to mention NBTC's own internal matters such as giving themselves a handsome salary raise. These problems very well reflect Thai society in the digital age.



NBTC: Long time in coming

NBTC is an independent body established under the Act on the Organisation to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010)¹, also known as the NBTC Act, promulgated in accordance with Section 47 of the 2550 Constitution (2007).

NBTC is tasked “*to distribute the frequencies... and supervise radio or television broadcasting and telecommunications businesses as provided by the law to utmost public benefit,*” with the Office of the National Broadcasting and Telecommunications Commission (ONBTC) as Secretariat. While the commissioners were yet to be appointed (December 20th 2010 to October 6th 2011), the National Telecommunications Commission (NTC) former telecoms regulatory body acted on an interim basis as the NBTC.

At the end of the months-long nomination and selection process, the Senate voted to endorse 11 commissioners from 44 names submitted (22 by selection and 22 by nomination). These were ACM Taresh Poonsri (Chairperson), Col Natee Sukolrat (Deputy), Col Setthapong Malisuwan (Deputy), Lt Gen Peerapong Manakit, Suthiphon Thaveechaigarn, Pol Col Thaweesak Ngamsanga, Prasert Silapipat, Thawatchai Jitpanan, Supinya Klangnarong, Prawit Leesathapornwongsa and Gen Sukit Khamasundara. These Commissioners were appointed on October 7th 2011² amidst criticisms that more than half belonged to the military network with many transmission frequencies in their hands. Even the appointment of Supinya Klangnarong as civil society representative was questioned for the reason that she took part in the drafting of the NBTC Act herself.³

The 3G Epic

3G is short for the third generation of communications technology which enables faster wireless data transfer with more frequency channels and higher data transfer volume. It increases data transfer efficiency as well as enhances voice and multimedia services. Adoption of 3G would also increase Thailand’s broadband access.

Thailand has for several years attempted to upgrade to 3G. In 2008, the ICT held consultations with the NTC and all mobile telephone service providers on the upgrade from 2G to 3G with the High-Speed Data Packet Access (HSDPA) technology under existing contracts.⁴ However, due to frequency and equipment limitations as well as disagreements among concession-contracting agencies, the attempt went nowhere.

Again, in the following year in 2009, NTC put on auction the 2.1 GHz frequency for 3G services. This would be a one-time purchase of 15 years lease as opposed to previous contracts in which concessioners must pay 20–30% fees to the frequency owner. A complaint was lodged against the auction and it was put off. The following year, the new NTC made a resolution to issue a permit for 2100 MHz frequency for 3.9G or HSPA+ technology with 20 times faster data-transfer rate. It also changed the number of permits from four (three permits of 2x10 MHz, and one permit of 2x15MHz) to three permits (all 2x15 MHz) to reduce disadvantage gaps among service providers.⁵ As a result, the Communication Authority of Thailand and TOT filed a complaint to the Administrative Court and the Supreme Administrative Court ordered the auction to be cancelled.

A third attempt was made after the NBTC appointment. The two main points of criticism were:



1) Reducing the maximum amount of frequencies each operator could win to 15 MHz and dividing the total 45 MHz into 9 slots of 5 MHz each. TDRI's Somkiat Tangkitvanich saw the auction under such conditions as a "national joke" because *"there is no need to divide the frequencies into small pieces of 5 MHz. No matter how they are divided, each of the 3 main operators will win equal amount of frequencies of 15 MHz each. Most importantly, there will be collusion and the final bids hardly exceed the minimum bids. The only thing that may encourage competition is the different frequency bands. But that's much less important than the amount of frequencies an operator can win."*⁶

2) The minimum bid was set too low at 4.5 billion baht a piece, even lower than the 6.44 billion-baht estimate of the NBTC-commissioned study conducted by Chulalongkorn University's Faculty of Economics. It appears unreasonably low when taking into account the concession fees (48 billion baht per year in 2011) which the operators no longer have to pay.⁷

However, this time around the criticisms and six complaints lodged at the Administrative Court did not stop the auction. As a result of the October 16th 2012 auction, only three slots made more than minimum bids. These were bids by Advance Wireless Network (an AIS subsidiary) at 4.95, 4.95 and 4.725 billion baht. The remaining six slots made just the minimum bid of 4.5 billion baht, and three each went to Real Future (a True subsidiary) and DTAC Network (a DTAC subsidiary). The total amount of 41.625 billion baht was only 2.78% higher than the minimum.⁸

The 3G epic continued as some called for the auction to be voided and a new auction organised whilst others demanded anti-corruption investigation. Even the minority vote within NBTC recommended a review of the auction.⁹ However, it seems that Thais now have a hope to use 3G technology in the near future.

EURO Cup blackout vs paper tiger

NBTC's effectiveness was tested when free television channels 3, 5, and 9 became blank screens in front of subscribers of True Visions during the EURO 2012 football tournament.

GMM Grammy, the rights-owner, cut a 50-50 revenue-sharing deal with channel 3, 5, 9 and DTV (cable TV) for advertisements during the matches. It also sold set-top GMM-Z boxes to fans who wanted to watch the matches whilst cutting the transmission to True Visions' satellite. Thana Thienachariya, GMM-Z's CEO, said that the rights owner, Union of European Football Associations (UEFA), required rights holders in each country to limit broadcasting to their own country's territory. The matches could not therefore be broadcasted through satellite systems which lacked such control. The general public, however, would still be able to view matches on free TV using antennas.¹⁰

The dispute was sent to NBTC. True Visions claimed that the deal was unfair to their two million subscribers and another ten million households who use other satellite television boxes as they would have to buy another set-top box for the tournament.¹¹ NBTC, however, warned that if True could not broadcast the matches as previously advertised, it would be liable to a daily fine of 20,000 baht. Meanwhile, Grammy sent a letter to UEFA for clarifications to which UEFA replied that free TV channels on True Visions are considered Pay TV and therefore not allowed to broadcast the matches.¹²

Sarinee Achavanuntakul, independent researcher, citing copyrights experts opinions, commented that UEFA and FIFA normally license broadcasting rights regardless of TV systems and the broadcast must be in a “pass through” fashion without editing or interruption and has nothing to do with sublicensing. The problem arose out of the different definition of “Free TV”. While Channel 3, 5 and 9 saw their responsibilities limited only to over-the-air broadcasting and not relaying of signals to satellite providers, the public considered Free TV as a public service which everyone had equal right to access regardless of equipment.¹³

This issue resulted in public disappointment towards the NBTC who failed to end the blackout throughout the tournament. This was due to the lack of rule on “mandatory channels” which were required of all providers to provide regardless of systems.¹⁴ In addition, NBTC also lacked effective tools and mechanisms to supervise broadcasting businesses and was not abreast with the nature of deals and practices in a business with such intense competition.

Community radios

Radio made a comeback as a popular media outlet during the period of Thailand’s political turmoil. NBTC is expected to regulate the

7,000 plus small radio stations including community radio, small commercial stations, political radio, religious channels and regional channels.

NTC announced interim rules for the license application of community radio while the NBTC was yet to be established. It extended the broadcasting trial period twice on May 21st 2010 and March 17th 2011 with the end of the trial period on January 10th 2012. On November 29th 2011, NBTC extended the trial period for the 6,601 stations already authorised for temporary transmission for another 300 days.¹⁵

Criticisms arose once the NBTC announced its licensing regulations to become effective on September 20th 2012. Phra Rattawee Thitawiro, a disciple of Luangta Maha Bua, who runs the Siang Dhamma radio station, said that this new regulation required new radio stations to reduce transmission power to 500 watts, the antenna length to 60 meters and transmission radius to 20 kilometers. As a result, it caused difficulties to followers of Siang Dhamma Radio’s 126 radio stations across the country. Signatures of more than 100,000 forest monks and lay people were unsuccessfully submitted for the amendment of this regulation. To add salt to the wounds, a charge was made against a Siang Dhamma radio in Petchabun’s Lom Sak district. As a result, more than 2,200 forest monks organised an “excommunication” ceremony against the NBTC.¹⁶

A complaint was also made to the Parliamentarian Anti-Corruption Commission that NBTC violated the right and liberty to operate community radio stations and that it lacked transparency in its conduct of public hearings on antenna length, transmission power and repetitious license fees.¹⁷

A group of community radio operators lodged a complaint to the Administrative Court that NBTC’s regulation to license only operators who had been authorised before July 24th 2009 caused damages to those who did not qualify and

demanded that NBTC register new operators, stop the arrest or prosecution of operators and scrap licensing steps which were overly complicated and troublesome.¹⁸

NBTC then extended the application deadline to February 18th 2013 as more than two thousands operators had yet to submit their applications and stated that those remaining unregistered after this period would be shut down. In the first round, NBTC approved one-year licenses for trial operation to 515 community radio operators. These consisted of 404 commercial stations, 67 public services radio stations and 44 community services stations. Then another 143 more stations were licensed in the second round (93 commercial stations, 30 public services radio stations and 20 community services stations).²⁰

This was all, however, seen as only a PR exercise. The self-categorisation by radio stations with no verification was also criticized as a loophole for fee evasion. In addition, many wanted to see NBTC's role to evolve from regulation and prosecution of violating radio stations to nourishing growth and development.²¹

NBTC's great roles yet to be fulfilled

Critique from academics in the public forum entitled "NBTC: A year of satisfaction or disappointment?"²² reflect the expectation of Thai society on NBTC. There were those who saw NBTC as yet unsatisfactory because of its shortcomings in conceptualisation and solution to challenges. NBTC continues to be seen as just a paper tiger.

Indeed, the establishment of NBTC was a success in the struggle for rights and liberties aimed at wresting the power of communications from the hands of the government and capitalists to the control of the public. NBTC's conceptual framework should center on the supervision of the media to ensure that all people in all groups, sexes and ages have the rights and liberties to access communication channels in an equitable manner. Chiranuch Premchaiporn, Prachatai director, said that "*The most important supervisor of the media is the people themselves. In a society which believes the population to be intelligent and can become more intelligent, the role of NBTC is to promote and open the space for the people to voice their concerns and objection to false information disseminated by the media.*"²³

NBTC's missions ahead will provide the opportunity for the eleven commissioners to prove themselves worthy of their jobs. These include 3G-related issues, repossession of airwaves, TV digitalisation, and content regulation in broadcasting and telecommunications. While NBTC must not be just a paper tiger, it also should not turn into a tiger that turns against the people itself.



8

Provincial self-governing: Grass root challenge to centralised authority

A province is a regional administrative unit under the Ministry of Interior since the 1932 revolution. Over the past 80 years, there has been increasing decentralisation in Thailand, especially in the late 1990's. This devolution resulted in promulgation and amendment of several laws concerning decentralisation and local administrative organisations. In addition, the establishment of the Reform Committee and the Reform Assembly in 2010 to solve the ongoing political conflicts also led to a proposal of provincial self-governing which has met with enthusiastic, positive responses from provincial communities around the country over the last year.



Fruit of decentralisation?

In the late 1990's, decentralisation has led to many changes. Several provisions in the 1997 constitution led to the promulgation and amendment of several laws pertaining to decentralisation and local administrative organisations (LAO) between 1998 and 1999. In particular, the Act Determining Plan and Process of Decentralisation to Local Administrative Organisations B.E. 2542 (1999) laid down a framework on the transfer of duties and revenues from the central government to local governments and measures for allowing the people to directly elect their own leaders in a next stage.

However, the process has encountered considerable opposition and delays, especially in local preparedness to provide public services, education, public health services and fiscal management. Concerning the latter issue, although the law requires the central government to distribute no less than 35% of national budget to local administrative organisations by the 2006 fiscal year, a later law cancelled this timeframe and the proportion of local revenues remained at 25% in 2010.¹

In addition, the close supervision of LAOs by the central government and its local agencies deprived LAOs of freedom to manage their own affairs, thus posing serious questions about the central government's control. Several LAOs nevertheless went ahead with self-governing. For example, the Chiangrai Provincial Administrative Organization (PAO) established its own school whilst the Phuket PAO bought land and buildings from Phayathai Hospital and turned it into a public hospital.²

Regardless of the delay and failure of decentralisation or the strength of LAOs and enthusiasm of the local population, the concept of provincial self-governing is compatible with Section 78 (3) of the Constitution³, aiming at:

*“delegating powers to local governments for the purpose of autonomy and self-determination of local affairs, enhancing local governments to participate and act in compliance with the directive principles of fundamental State policies, develop local economics, public utilities and assistances and information infrastructure in the localities thoroughly and equally throughout the country as well as **developing into a large sized local government organisation a province ready for such purpose with due regard to the will of the people in that province.**”*

In fact, there have been attempts at claiming the power for self-governing in several provinces in the past. Phuket passed a resolution on independent administration since 1982, drafted the Nakhon Phuket Administration Bill in 1987 and proposed a local administrative concept of Phuket Metropolitan Administration on April 3rd 1993.⁴ Provinces in the Deep South with multi-ethnicity populations have brought up the topic from 2004 to 2006 in order to solve ongoing violence and leading to the idea of establishing Nakhonrat Patani.⁵ Chiangmai is another province leading the self-governing movement.

National-level conflicts leading to local-level solutions

After the 2008 to 2010 political conflict, the Abhisit government established the Reform Committee and the Reform Assembly to find solutions to conflict. Before ending its mandate, the Reform Committee chaired by Anand Panyarachun proposed that the conflict has its roots in the inequality inherent in the power relationships in terms of incomes, rights, opportunities, power and human dignities. The Committee recommended an overhaul of the power structure through decentralisation and transfer of power to local self-governing governments.⁶

This was in agreement with the findings of the Reform Assembly chaired by Dr. Prawase Wasi who believed that “A *stupa* must be built from a foundation. A society’s foundation lies in local communities which occupy every square inch of the country. If the local communities are strong, so is the country’s foundation, enabling it to support the stability of the whole country.”⁷

Eight provinces in the Northern Region, eight in the Northeastern Region, five in the Central Region and five in the Southern Region have so far announced their readiness to pass laws for self-governing and abolish regional administration, leaving the province and the local municipality as two-tier parallel structures (as opposed to Bangkok’s one-tier provincial administration).⁸ Many agreed on the common goal of self-governing at different levels (see Table 1 below).

Table 1 Locally Self-Governing Movements

Provinces	Movements
Chiangmai, Phuket, Bangkok, Pattani	Drafting a bill to establish a self-governing administration
Amnatcharoen	Self-determination through the building of a People’s Constitution
Khon Kaen, Leoi, Ubon Ratchathani, Lampang, Samut Sakhon	Developing provincial-level policies and strategies – Khon Kaen Declaration–8 strategies for “Khon Kaen in the next decade” – Drafting Leoi’s framework for the future –Drafting provincial-level policies and strategies (“Ubon’s Future”) for the next decade. – Using the Reform Assembly and the Public Policy Development network to formulate provincial-level policies. – Develop multilateral mechanism to develop public policies to ensure “Samut Sakhon as a City of Happiness”
Sra Kaew, Songkhla, Nonthaburi	Self-determination through public policy development at provincial and local levels.
Mookdahan, Phitsanulok, Nakhonpathom	Develop and advocate certain issues such as community welfare (Mookdahan), local disaster management mechanisms (Phitsanulok and Nakhon Pathom)
Chiangrai	Developing provincial-level reform mechanisms
Chaiyapoom, Sukhothai	Collaborating with provincial-level Reform Assembly organising network, developing work mechanisms, using Reform Assembly resolutions for advocacy

Source: Reform Office in “People’s Constitution for Self-Governing: Solution for Conflicts/Inequality”, *Banmuang*, December 7, 2012. Retrieved on January 20, 2013 from www.banmuang.co.th/2012/12/รัฐธรรมนูญประชาชนจัดการตน/



Towards the dream of self-governing

• Chiangmai

“Chiangmai has the second fastest growth rate, following only Bangkok. Central government policies cannot respond to this fast pace. In addition, Chiangmai has its own culture and identity. Development directions from the central government has weakened the communities, such as the Thai-language-only schools which do not teach local language, the use of irrigation system to replace local small dams, Forestry Department regulations which contradict the local way of life. These policies from the central government create problems for local communities and have long been opposed. In addition, Chiangmai has its own educational institutions and local knowledge. These are reasons why it’s time for Chiangmai to govern its own affairs.”⁹

Chiangmai has developed the idea of self-governing for at least 20 years with a campaign to elect its own governor in 1990. In 2006, there were discussions among members of the Chiangmai’s Friends group, university lecturers and former politicians who were collectively known as the Khon Muang Council. In 2008–9, there were discussions about self-reliance and a “CEO Governor”. In June 2009, the discussion expanded to include other sectors including LAO representatives, academics, thinkers, writers, folk artists and NGO networks who asked main questions on the direction of the city’s development and how

to enable the people, NGOs, business sector and LAO’s to participate in self-governing in accordance with the city’s context and capitals.¹⁰

The exchanges in several forums and concrete movement in 2009–2011 by the Baan Choom Muang Yen network and the Chiangmai Citizen Network for Self-Governing working group led to the drafting of the *Chiangmai Metropolitan Administration bill* by Chamnan Chanruang. This was then subjected to public opinion and would later be backed up by signatures as required for a submission to Parliament as a People’s draft law.

The main points of this bill were to abolish regional administration leaving only the central government and local government. The latter would have the power to determine policies, regulations, ordinances, fiscal finance, personnel and local administrative structure with the exception of four main areas, that is, military, monetary, foreign affairs and justice (courts). The new structure would be balanced among three pillars, that is, the Governor, the Chiangmai Metropolitan Administration Council and the people’s Council. Thirty percent of taxes collected in Chiangmai would go to the central government whilst 70% would remain with the Chiangmai Metropolitan Administration.¹¹

• Phuket

Phuket is another province faced with the problems of imbalance between local resource distribution and development direction. Phuket’s self-governing movement started in 1982 with the submission of the resolution “Phuket and independent administration” to the Parliament. In 1987, the Nakhon Phuket Administration Bill was drafted, with an aim to establish Phuket Metropolitan Administration in 1993. The “CEO Governor” idea was broached in the Thaksin government in 2001 with a proposal for a 15-member Phuket Provincial Committee.¹²

Self-governing demands became loud again as businessmen, environmental activists, local media and academic exchanged ideas and

established the Phuket Citizen Network for Self-Governing working group at the end of October 2011. More activities were organised in the following year around June 24th, designated as Phuket's "Day of Historical Change", with an announcement of a common goal to advocate for Phuket's self-governing and the establishment of Phuket People's Council. The three main demands were: 1) the central government must expedite the creation of a mechanism to transfer power to Phuket; 2) the central government must assign sufficient budget commensurate with Phuket's development and problem-solving processes; and 3) The central government must ensure that all sectors in Phuket, represented by the Phuket Committee for Self-Governing, participate in all development plans and solutions to make Phuket a livable and sustainable place.¹³

• Pattani

Even though it has been previously proposed in the past, the notion of Nakhonrat Pattani came to attract attention again after violence flared up in the three Deep South provinces.¹⁴ Gen Chavalit Yongjaiyuth said that "In the past, only measures to improve economic conditions and livelihood were used. These are not the right approach. To solve the problem, we must solve political problem by giving power to the people though the notions of "flowers of diverse colors", that is, coexistence in diversity, "each-takes-one-step-back" and "supreme-power-to-the-people."¹⁵

This was in agreement with the recommendations made by academics and local civil society after organising public hearings in all 37 districts affected by the conflict (all in the three southernmost provinces and 4 in Songkhla). All agreed that the only way to resolve conflicts in an area with racial, religious and cultural diversity was that the government must decentralize power and allow the local population's participation in self-governing and sense of ownership.

In the seminar titled "Nakhonrat Pattani under the Thai Constitution: a tangible dream?" on December 10th 2009, the Pattani Metropolitan Administration Bill was drafted with the aim for submission to the Parliament. With main principles similar to the Bangkok Administration Act, it combined Pattani, Yala and Narathiwat provinces with four of Songkhla's districts, namely Chana, Tepha, Sabayoi and Natawee districts, all under the Pattani Metropolitan Administration.¹⁶ This special zone administration was to be run by a Governor who was elected by the local population rather than appointed from Bangkok.¹⁷

Despite some opposition, this idea became increasingly prominent in the Southern provinces. A survey in the following year found that the local population had increased expectation for self-governing. As Chaiyant Chaiyaporn concluded:

*"Democracy is like a quilt, made up of small pieces of clothes. These pieces of clothes are like the rights that must be mutually respected. Democracy must be in place, for peace to prevail. The Southern provinces are like a flower of a different colour. The question is whether we will allow other flowers to exist. The existence of an alcohol-free or a Bahasa Yawi-speaking city is not a problem. What's important is the central authority to guarantee rights and liberties in the area, and to ensure that together with decentralisation there will also be true justice and equality."*¹⁸

If these conditions could be realised, then the passionate dream of the people in the Deep South to govern themselves as Nakhon Pattani will not be far from true.

In the next decade, we will likely see that many provinces will join forces to actively advocate for self-governing. It will be one of the most important changes in Thai society.



9

Migrant Workers and Thailand's Health Security System

When discussing the impact of the 3 million low-skilled migrant workers on Thailand's healthcare system, a contentious point is the fact that migrant workers outnumber locals. As most don't have any kind of health security, they account for most of the resources, running hospitals into debts and personnel shortage. The solution to this problem to ensure fairness to both Thais and migrant workers is yet to be found.



In addition to migrant workers who are without health security, there are also hundreds of thousands of “aliens” (not having Thai nationality) who cannot access healthcare services. The question is how the Thai health-care service system is dealing with the groups of people who are seen as “problems”, what are the government policies and what are the real causes of the problems?

Categories of Migrant Workers

Although Thailand has since 1996 started implementing measures to cope with undocumented migrants from Myanmar, Laos and Cambodia, it was only in 2004 that the Cabinet for the first time made a resolution to allow not only migrant workers but also their dependents to temporarily reside and apply for permission to work in Thailand. Today, we can divide low-skilled migrant workers into four groups, namely¹:

1. **“Registered workers”** are those who have been given the residential rights (Thor.Ror.38/1) and a national identity number beginning with 00, after having undergone a physical examination. They also get a work permit and must buy a health insurance card at 1,300 baht.

2. **“Nationality-verified workers”**—since 2004, registered migrant workers who have gone through the process of nationality verification become legal migrants and enter the Social Security System. Those working in enterprises exempted from Social Security System will have to buy the yearly health insurance cards.

3. **“Imported workers”** are migrant workers who have been officially imported in accordance with the 2002 Thai-Myanmar and 2003 Thai-Cambodian and Thai-Lao agreements² which allow the same entry into the Social Security System, access to healthcare and other benefits as Thai workers.

4. **“Unregistered workers”** are those working without a work permit regardless of residential rights (Thor.Ror.38/1), estimated to number more than two millions.

Unprotected “aliens” in Thailand’s Health Security System

Unregistered workers are only one group of unprotected “aliens” in Thailand. Because Thai laws define as “aliens” those who lack Thai nationality, even those who are born in Thailand and have never left the country, or those who have lived in the country for a long time. These included ethnic minorities, hill tribe populations, stateless people, rootless people and those without civic registration status. They can together be called people with “personal legal status problems”. Today these ‘aliens’ are divided into three groups.

1. *Those without Thai nationality, but have lived in Thailand for a long time and have been surveyed according to the government policies.* This group includes ethnic minorities according to the Ministry of Interior announcements who have a national identity number beginning with 6 and their descendants who have national identity number beginning with 7. Most of them have recently been included in health security scheme following the 2010 Cabinet resolution which “returned” healthcare benefits to 457,409 people with “personal legal status problems” located in the service areas of 172 healthcare facilities in 15 provinces across the country from April 15th 2010 onwards. A fund was set up for this purpose under the charge of the Office of the Permanent Secretary for Public Health. However this fund doesn’t cover stateless and nationality-less persons who were not included in the Cabinet resolution, regardless of having been counted in the population registration.³

Migrant workers and aliens without Thai nationality and their health protection

Category	National ID number beginning with	Number	Health protection
Ethnic minorities as announced by Ministry of Interior.	6 and 7	260,930 ^a	Most are entitled to health security through the Returning Entitlements Fund
Those with no registration status, those missed by surveys, former ethnic minorities and their children.	0	170,714 ^b	None
Those with no registration status – Students – Rootless people – Those who made contributions	0	91,524 ^b	Entitled to health security through the Returning Entitlements Fund
Migrant workers from three neighboring countries having work permit but not yet passed the nationality verification scheme	00	167,881 ^c	Entitled to purchase health insurance card (1,300 baht)
Dependents of migrant workers	00	no data	None
Dependents of migrant workers according to April 26 Cabinet Resolution	00	17,457 ^d	Purchase of health insurance card (1,300 baht)
Nationality-verified (73,603) ^c and imported migrant workers (93,265) ^c		826,868 ^c	Social Security System ^e
Dependents of nationality-verified and imported migrant workers, and their children born in Thailand	7	no data	None
Those without registration status	–	no data	None

Source: ^a As of November 2011, Bureau of Registration Administration

^b As of November 2011, Bureau of Registration Administration

^c As of December 2012, Office of Foreign Workers Administration

^d between June 15 and July 14, 2011

^e Framework on public health operations for migrant workers according to the April 26 Cabinet resolution

2. *Those without registration status who were surveyed under the “2005 strategy to solve personal status and rights problems” with national identity number beginning with 0.* This group can be sub-divided into four categories, namely: a) those missed by the previous surveys and civic registration of ethnic minorities; b) alien students; c) rootless persons; and d) those who “have made contributions to the country”. Only the last three groups are covered by the Cabinet resolution to “return” healthcare benefits to those with “personal legal status problems”.

3. Children and dependents not more than 15 years of age of registered or nationality-verified migrant workers. Children who came with their migrant worker parents into Thailand or those born in Thailand are allowed temporary residence in the country together with their parents. However, they are not entitled to health security except dependents registered in accordance with the April 26th Cabinet resolution who are allowed to purchase health insurance.

Migrant workers and those with personal legal status problems in Thailand’s health security system

It is clear that there are still many groups of “aliens” who are not protected by any health security system (see table). Dr. Rapeepong Suphanchaimart of International Health Policy Programme (IHPP), estimated that there are around two million people with problems of legal status and health rights⁴ (including ethnic minorities, hill tribe populations, stateless people, refugees living in camps along the Thai–Myanmar border, unregistered migrant workers and those without registration status)–out of whom more than 100,000 are children. A recent study estimated that in Bangkok alone there were as many as 30,000

children and descendants under 15 years of age of migrant workers in 2012.⁵

Several studies are in agreement that most of these migrant workers and those with personal legal status problems usually buy over-the-counter drugs to treat themselves. They only visit public health facilities only when seriously ill or involved in an accident and pay out of their pockets. In the case that they cannot afford it or can only pay in parts, the hospital can use the fund money to bridge the balance. In reality, healthcare workers are often found unwilling to provide services to such people as they are felt to be a burden on the system, not to mention the language barrier between medical personnel and non-Thais.⁶

A 2012 study found the situations of the problems faced by hospitals to be unchanged. However, more problems are expected as Thailand joins the ASEAN Economic Community in 2015 (see box).

Thailand’s healthcare resource management plans in the past, especially for medical personnel, only took into account the needs of the Thai population. Migrant workers and those with problems of personal legal status and health rights undeniably add the burden on Thailand’s healthcare workers however.⁷

MoPH Policy

After the government relaxed labour policies to allow employment of undocumented migrant workers in 1996, the Ministry of Public Health (MoPH) can be said to have created no clear specific policies regarding services to this population group. MoPH only follows the responsibilities as set by the Cabinet resolution on migrant worker registration from year to year. Its main duty is to provide physical examination as a requisite for the issuance of work permits. In 1998, migrant

Problems faced by hospitals at present:

1. Insufficient personnel to serve Thais and migrants
2. Language barrier with migrants
3. High bed occupation rate by migrants. Hospitals cannot charge migrant patients who lack health security
4. Most migrant workers enter the Social Security System without knowledge on how to choose hospitals and exercise their entitlements
5. Contagious and chronic diseases such as drug-resistant tuberculosis, elephantiasis, malaria, diabetes, hypertension, HIV/AIDS, etc.
6. Maternal & infant health problems. Many neonates and some post-partum mothers require intensive care due to tetanus infection.

Problems expected after 2015 AEC integration:

1. Temporary shelters will be discontinued. NGO health workers in those facilities will withdraw. The population in the shelters and in neighboring countries will pour into the public health services.
2. More incidents of contagious diseases infiltrating into the country

Source: *Healthcare Personnel Board worries of increasing number of migrant workers, recommends hiring from neighboring countries*, 3 November 2012. Retrieved on 11 January 2013 from the National Health Commission Office website. http://www.nationalhealth.or.th/index.php?option=com_content&view=article&id=487:2012-11-09-10-50-47&catid=3:newsflash&Itemid=72

workers began to be required to buy a health insurance card, originally at 500 baht and gradually increased to 1,300 baht at present.

However, MoPH has implemented two programmes in provinces with prominent migrant worker populations. These are *the contagious disease surveillance programme* and *the family planning*,⁸ health promotion and disease prevention programme. These services include migrant workers and family members, regardless of work permits.

Migrant healthcare workers and volunteers: neglected resources

Throughout the last two decades, MoPH has gradually developed a system to suit this population. One innovation is the development of migrant healthcare workers and volunteers who help improve medical services both quantitatively and qualitatively. They play an important role as assistants to disseminate knowledge and conduct surveillance on contagious disease in the migrant worker communities.

Today, some healthcare facilities in areas with prominent migrant populations hire these migrant healthcare workers and train migrant

health volunteers with the money from the migrant worker health insurance system. This is an option that is decided by healthcare facilities in each area, with no objection from MoPH.⁹

However, this practice may run into a financial problems in the near future as most migrant workers will be absorbed into the Social Security System which does not have yet a clear policy or budget for hiring these migrant health personnel.

Problems faced by migrant workers in the Social Security System

As mentioned earlier, registered and nationality-verified migrant workers will soon be absorbed into the Social Security System. The total number at the end of 2012 was approximately 800,000 persons. In reality, however, less than half actually accessed this programme. The Ministry of Labour stated in November 2012 that 530,156 migrant workers have undergone nationality verification but only 217,972 or 41% actually entered the Social Security System. And even after entering the system, such workers will still face plenty of problems; for example:¹⁰

(1) *Problems from employers.* For example, some employers with many migrant workers choose not to make contributions to the Social Security System after they miss the 15-day due date to avoid fines.

(2) *Problems of access.* For example, migrant workers have to wait for the Social Security card to be issued or otherwise they cannot get reimbursement for healthcare services at public hospitals. The delay in issuing the card means they cannot access services.

(3) *Problems from migrant workers themselves,* as they often lack the knowledge of their own entitlements and benefits and lack the

understanding of rules and regulations. These problems exacerbate if they cannot speak Thai.

It is also found that after the entry of migrant workers into the Social Security System, the incidents of some diseases such as tuberculosis and syphilis also increased. Migrant workers under the Social Security System also appear to have four times more pregnancy rates than those under MoPH's insurance system. This is likely because of the 13,000 baht childbirth benefit which is seen as an incentive to giving birth.¹¹

Fair and feasible solution on the ways

A challenge in the health management of aliens and migrant workers in Thailand is how to cultivate attitude of practitioners so that they view migrant workers as part of Thai society and community. Since 2005, government agencies and NGOs have been advocating for the "*migrant worker health care service strategy*". This proposes an establishment of a separate MoPH-managed health insurance fund for all groups of migrant workers which may be extended to their dependents and unregistered migrant workers. Unfortunately, its implementation was interrupted by the 2006 coup.¹²

In 2012, after conducting a study on the impact of migrant workers and persons with personal legal status problems on the healthcare system, IHPP proposed the following measures to the Healthcare Personnel Committee as solution to the ongoing and impending problems:¹³

(1) Conduct a study on issuing regulations for the hiring of foreign health workers in Thai healthcare facilities. Interpreters can be hired as temporary government employees and doctors and nurses can be imported and licensed for specific areas and time periods.

(2) Develop a remuneration system to commensurate with work burden for healthcare personnel with heavy workload.

(3) Conduct a survey study to estimate the trend of migrant workers and the necessary manpower in healthcare system to plan for the future.

On January 15th 2013, the Cabinet made a resolution to approve “*MoPH as the main agency to provide medical and public health services to all aliens outside the Social Security System at their own expenses.*” The Minister of Public Health gave an interview on March 15th 2013 that migrant workers will be freely allowed to purchase health insurances for themselves and their dependents from May 2013 regardless of their immigration status. The fee for children is 365 baht per year, inclusive of physical examination. Adults, on the other hand, must purchase and undergo a 600–baht physical examination before purchasing the insurance at 1,300 baht.¹⁴

Most interesting is the statement of Dr Charnwit Tharathep, MoPH’s deputy permanent secretary, who said that the Ministry has a project to expand health insurance scheme to cover all marginal populations in Thailand who still lack health benefits. Meanwhile, health benefits will

gradually be “returned” to ethnic minorities without Thai nationality, with Chiangmai as pilot province in 2013.¹⁵

Requiring all migrant workers to buy health insurance will help lessen the burden of hospitals. Studies in 2003 and 2004 found that the revenues from migrant workers’ health insurance purchases are higher than the costs of services, even when the purchase rate is half of the number of migrant workers given work permits in those years.¹⁶

In order to solve the problems from the impact of migrant workers to healthcare system, requiring all migrant workers and those with personal legal status problems to purchase health insurance cards will create a large enough fund to erase the deficits of hospitals and allow them to hire additional staff according to the actual number of clients.



10

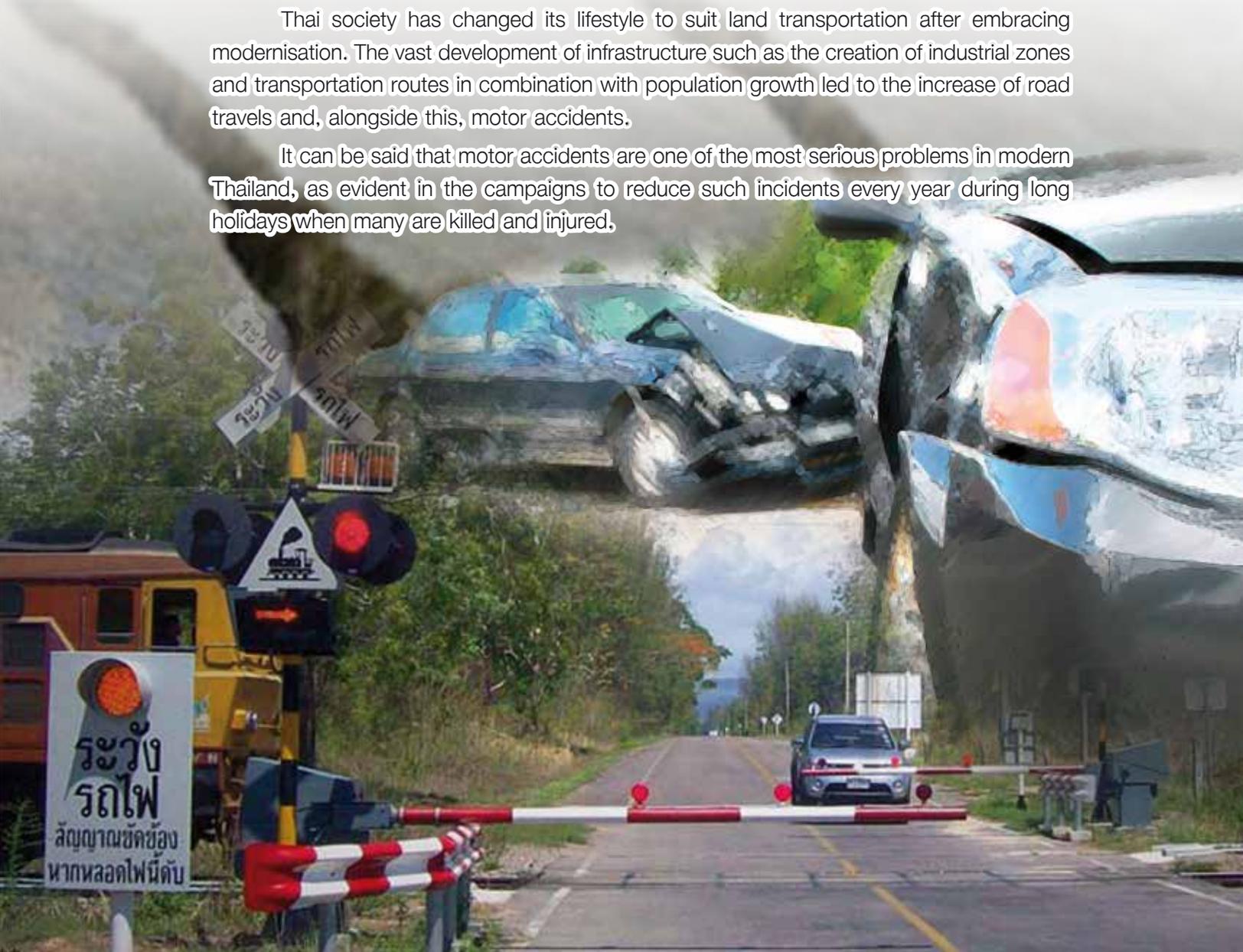
Motor accidents and Thailand's deadly roads

Each year, 12,000 people are killed on Thai roads. In addition to the irresponsible driving culture, an important cause of death is the danger from the roads themselves. Problems include lack of clear sign posts and lighting, damaged road surface, and substandard Y-junctions, long a target of criticism.

Motor accidents: a chronic problem

Thai society has changed its lifestyle to suit land transportation after embracing modernisation. The vast development of infrastructure such as the creation of industrial zones and transportation routes in combination with population growth led to the increase of road travels and, alongside this, motor accidents.

It can be said that motor accidents are one of the most serious problems in modern Thailand, as evident in the campaigns to reduce such incidents every year during long holidays when many are killed and injured.



According to the Road Safety Group Thailand (RSGT), in the decade between 2000 and 2009, there were 983,076 motor accidents in Thailand with 124,855 deaths and 151,286 injuries. A survey of 50,272,371 people over 18 years conducted by the National Statistics Bureau in 2010 found that 1,546,337 had been involved in road accidents. Among these, 1,189,133 were injured and 11,386 were maimed. The Ministry of Interior also recently reported that more than 10,000 people died in road accidents in 2011. That is 33 deaths per day or 3 deaths every hour on average.¹

MoPH estimate that road accidents cost the country more than 100 billion baht in damage, injuring more than 100,000 per year. In addition to economic loss, these accidents also cause social problems to the families and children of those killed and injured.² Motor accidents, therefore, are a problem that has afflicted the country for far too long and should be urgently solved.

Past investigations of motor accidents mostly focused on driver behaviours or vehicle conditions. However, another important factor to be considered is the danger from road conditions or accident-prone areas. A report on motor accidents³ reveals that more than one third of accidents on the Department of Highways roads involved collisions with roadside objects or loss of control, hence showing that a considerable number of roads are in less than optimal or even unsafe conditions.

Expressway dive-crash: Hot issues

The most terrifying accident in 2012 was probably that which killed 21-years-old Matawee Wattanakul, daughter of actor Kowit Wattanakul, and her 22-years-old friend Chakrapong Charoenphol on August 9th after her Mercedes 300E collided with a concrete bar at the Ratchavibha Y-junction on the elevated expressway and fell onto the ground below. As there had earlier been two similar incidents at the same spot, the junction is noted for its danger and a necessity for measures to prevent future incidents.⁴

Not long after this incident, another similar accident happened on August 20th when an oil company manager's Chevrolet crashed into a signpost at the Chatuchote Y-junction on the elevated expressway and dove into the thickets below. Rescuers had to fork-lift the completely destroyed car and use crow bars to pry out its injured driver. The police suspected that the car was moving at high speed and upon arriving at the junction the driver may have been unsure with the direction or sleeping.⁵

Another accident happened on August 27th at 00:30 when a Volkswagen turned upside down and caught fire at the Prachanukul Y-junction, with marks of the bumper's collision against the signpost. The car moved another 400 meters before coming to a stop with two people injured. The driver admitted to having consumed alcoholic drinks and at the junction decided to change lane at the last moment, resulting in the crash.⁶



Dangerous Y-junctions

All these three terrifying incidents in the space of one month involved a Y-junction, leading the general public to shift focus beyond driver behaviour to the accident-proneness of Y-junctions.

Back in 2010, Sattrawut Ponboon from Thailand Accident Research Center (TARC) and lecturer at Asian Institute of Technology's Faculty of Engineering made a remark about the accident-proneness of what he called "Y-shape fishbone junction" after he found multiple accidents involving them, and always with fatalities. This is allegedly because the Expressway Authority of Thailand (EXAT) constructed such a junction as an inclining ramp with a high road bump at intersections in front of the expressway wall in order to absorb impact. This model however is no longer used in other countries because it can cause a fast-traveling car to fly over the barrier and fall onto the ground below.⁷

On the other hand, Suwat Chaopricha, President of the Engineering Institute of Thailand, said that the three incidents cannot be solely attributed to the road design. Other factors such as driver's level of consciousness, time of accident and traffic signs must also be considered. He insisted that the sloped Y-junction is appropriate because if hit by a car traveling with moderate speed, the car can deviate to either side.⁸

RSGT director Dr. Thanapong Jinvong said that there are more than 100 concrete bars at Y-junctions in Bangkok, similar to the one involved in Matawee's accident. These slopes are situated particularly in the elevated parts and the exits of the expressways without any barrier or warning sign. After a fast-traveling car hits such a bar, it will fly off the expressway. Prevention can be made by increasing the lighting in the area, putting warning signs in place that can be seen early on and installing shock-absorbers to reduce the impact and possibility of such incidents.

Similar dangerous locations are: Rama VI and Yommarat exits of the second-phase expressway; Sri Ayutthaya crossover; Rama IX elevated road; Borom Ratchonnani elevated road; and Ratchavibha junction. All these are constructed with Y-junctions. A car traveling at more than the limit of 30–40 kilometers/hour would likely fly off and fall onto the ground below if it hit the concrete bar.⁹

TARC's Kunnawee Kanitpong said that similar accidents often happened 3–4 years ago. The reason for such accidents around the Y-junction, known in engineering terms as a "gore area," is because the driver is driving at a high speed, indecisive or unsure about direction. Sometimes the Y-junction is located behind a hump in the road and the driver cannot see it until too late.¹⁰

To solve this problem, academic and related agencies agreed that crash cushions should be installed at Y-junctions on elevated expressways and roads. Rectangular-shaped crash cushions are similar to roadside barriers but made of high-quality metal-enforced polycarbonate. It has a spring-like quality and can absorb shocks from cars traveling at more than 80 kilometers per hour.

Bangkok's dangerous road survey

As to be expected, after the Matawee accident, related agencies began a survey on dangerous roads in Bangkok. Aiyanat Thin-aphai, EXAT governor, identified 13 risky spots: Chatuchote exit, Ram-Intra 1 exit (heading toward Minburi), Ram-Intra 1 exit (heading toward Laksi), Pracha Uthit exit, Rama IX elevated junction, Dao Khanong-Samut Sakhon exit, Tha Rua elevated junction (heading toward Tha Rua/Dao Khanong), Bang Na K.M. 9.2 exit, Bang Plee Noi entrance, Bang Pakong 1 entrance, Phayathai elevated junction, Bang Khlo elevated junction and Klong Prapa 1 exit.

EXAT implemented two types of preventive measures. Proactive measures involved warning motorists about the risks, installing speedometers and ensuring compliance to traffic rules. Reactive measures are intended to reduce risk and mitigate damages and losses such as installing shock absorbers, blinker lights, speed-reducing raised platforms, light-emitting barriers, high-friction surface as well as imposing speed limits.

According to statistics, there are more than 1,000 accidents per year (most involve collision) on the 200-km expressway system with an average death toll of 10–20 per year. However, the number of deaths jumped to 30 in 2011.

Bangkok deputy governor Teerachon Manomaipiboon said that a survey under former Governor Pichit Rattakul found more than 70 dangerous locations in Bangkok. Most are well-known spots such as the “100–death Ratchadapisek curve.” In addition, there are 18 dangerous spots on the elevated road systems: four on Chaturathit flyover, six on Borom Ratchonnani elevated parallel roads, four on Ratchavibha flyover, one on Ekamai Nua flyover, one on Bang Kapi intersection flyover, one on Ram Khamhaeng intersection flyover and one on Rama II intersection flyover.

BMA’s Traffic and Transportation Department is charged with making these spots safe for motorists by installing crash cushions on all the Y-junctions mentioned above. It is also responsible for improving the conditions around the area such as putting more rumble strips to reduce speed, increasing the number of retro-reflective road studs and signposts at intersections, and installing more warning signs and direction signs, speed limit signs and signs indicating upcoming curves.¹²

Danger from road surface collapses

Another dangerous road condition is the collapse of road surface which happened in several areas in 2012:

- On March 18th, the surface of inbound Rama IV road collapsed into a big hole of 5 meters in width and 2 meters in depth near Witthayu intersection, under Thai–Belgium Bridge, opposite Lumpini Subway station (Gate 2).

- On April 2nd, a pavement collapsed into a hole of 3 meters in depth, 5 meters in width, and 22 meters in length in front of the Charoen Krung Grilled Chicken restaurant on Rama III road between Soi 21 and 23 in Bang Kho Laem district. This was caused by the collapsed of the adjacent dike.

- On April 11th, a burst water pipe gave rise to a hole of 0.6 meters in diameter and 1 meter in depth on outbound Phayathai road in front of the Bangkok Art and Cultural Center near Pathumwan intersection.

- On August 3rd, the surface of the flyover over Premprachakorn canal collapsed into a hole of 3 meters in width and 1.5 meters in depth near IT Square department store, due to corrosion of the road’s sand under-layer.

- On August 9th, the surface of Soi Sukhumvit 31 collapsed into a hole of 1 meter in depth, 1 meter in width and more than 3 meters in length in front of Sawaddee Wittaya School. This happened because the Bangkok Water Authority failed to drain water out of a construction area where there was a burst pipe. The soil was further weakened by the rain and collapsed.



As a result, BMA started conducting a survey using the ground penetrating radar (GPR) device and found 155 dangerous spots, such as on Serithai, Lad Pla Khao, Ladprao–Wang Hin, Soi Chokchai 4, Nakhaniwat, Sukhonsawat, Nimit Mai, Soi Ram Khamhaeng 24, Sri Nakharin, Ratsadorn Pattana–Ram Khamhaeng intersection, end of Soi Ram Khamhaeng 108, Sahaburanukit Ratchawong, Yaowarat, Charoen Krung, Rama I, Rama III, Rama IV, Sukhumvit, Petchburi, Phaholyothin, Bamrung Muang, Suk Sawat, Rama V and Rama VI. After surveying these spots, BMA immediately filled all underground holes discovered.¹³

What most Bangkokians are still unaware of, however, is that such collapse can happen any time because of the large construction projects going on including high rise buildings, large water pipes, and underground train lines.

Country road dangers

Many people are killed and injured in road accidents across the country, especially during long holidays like New Year and Songkran (Thai New Year). The most common cause of accidents is driver behaviours such as lack of discipline, speeding, negligence or drunk driving. However, another factor that must also be taken into account is the danger inherent in some roads which contribute to repeated accidents.

There are about 87 “killer curves” across the country, according to a Department of Highways study. In 2006, there were 12,919 motor accidents with 1,647 deaths and 11,129 injuries. Across the country, 786 spots are identified as accident-prone spots with multiple incidents. Some are involved in no less than 3 accidents in the same year. Most of these are located in multi-prong forks and curves.¹⁴

Every province has such accident-prone spots. There are ten in Phrae.¹⁵ In Khon Kaen,

these locations are in front of the Lotus Extra department store, between Khon Kaen–Nam Phong, opposite Tesco Lotus Non Muang, in front of SR Furniture, in front of Siam Kubota, in front of Khon Kaen University Demonstrative School, Khon Kaen University’s Mo Dindaeng entrance, in front of Sirikit Heart Center at Kangsadam intersection, Soi Sawaddee before the U–turn, in front of the Administrative Court and in front of Raja Machinery. Every month no fewer than four people die at these spots which, when combined, account for 300–400 accidents per year.¹⁶

Road–rail intersections

Accidents at road–rail intersections are another kind of often–heard accidents which almost always results in fatalities. The Accident–Reduction Network reports that there are as many as 150 of these accidents per year with hundreds of casualties, causing great damage to the economy.

According to the State Railway of Thailand (SRT), there are 2,449 road–rail intersections in the country, 988 of which do not have barriers. SRT is in the process of installing barriers at all intersections over the next five years.

Yutthana Thapcharoen, SRT Governor, said that in 2011 SRT had spent more than 400 million baht to put barriers at 121 intersections. In 2012, barriers were installed at 79 more intersections to be followed by 256 more in 2013. It is believed that this effort will effectively reduce accidents at road–rail intersections.¹⁷

How to live on dangerous roads

The repeated losses from motor accidents and the factors already mentioned can only lead to the conclusion that road accidents should be a national agenda item in which all sectors must join forces to tackle the problem. In addition, roadside accidents account for 40–45% of all accidents occurring on national highways.¹⁸

On January 31st 2003, the government established the Road Safety Directing Center to be in charge of this matter. A 2009–2012 road safety master plan was drafted, while the years 2011–2020 have been declared the “Decade of Road Safety”.

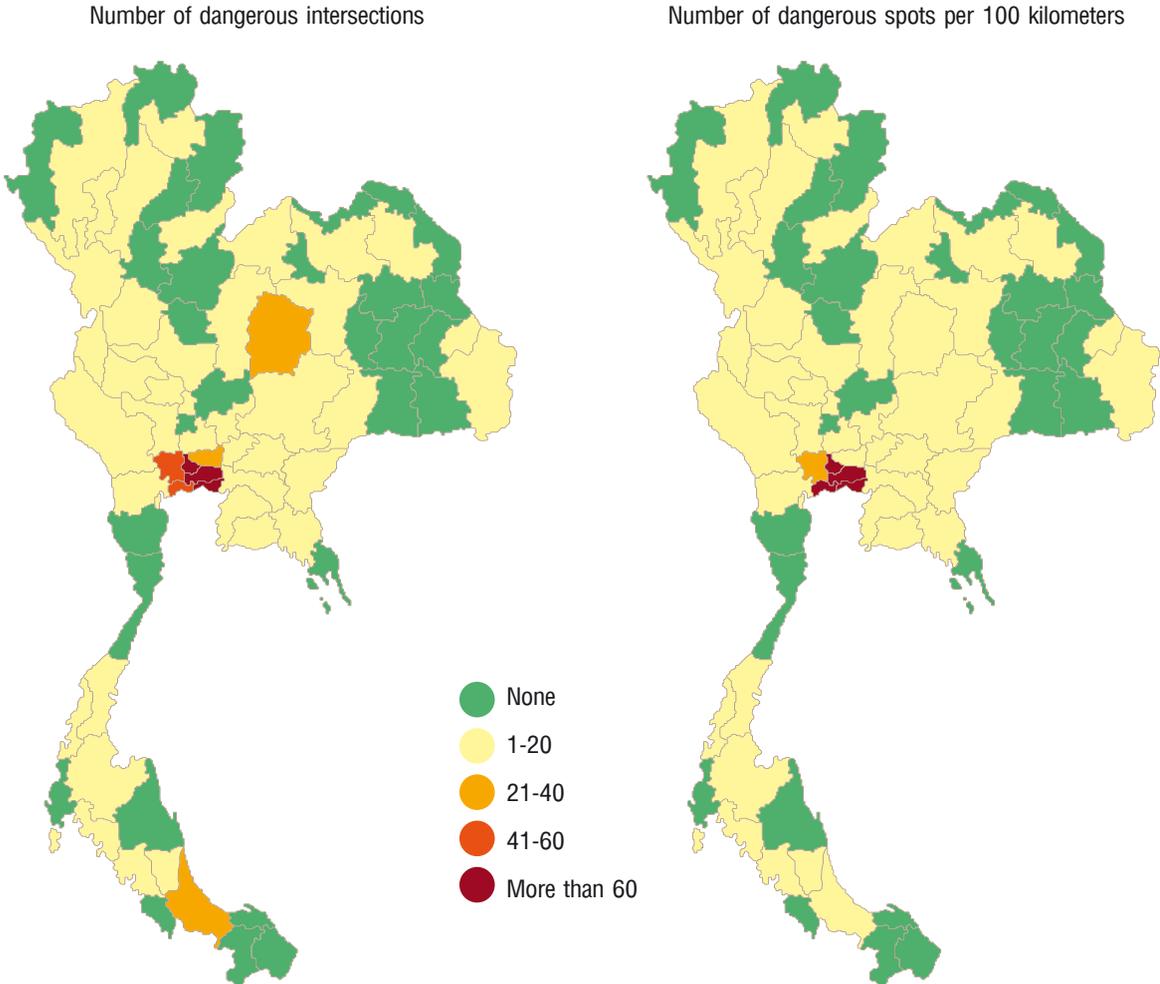
Meanwhile, several civil society groups such as RSGT, Thai Roads Foundation, Road Safety Watch network and TARC have participated in solving the problem with different roles in public relations and dissemination of information on the situation.

However, the success in ensuring road safety in Thailand must depend on the collective

awareness of Thai society as a whole. Important are the cultivation of responsible driving cultures such as ensuring that all motorists and passengers wear helmets/seat belts, stopping dangerous habits such as drunk-driving or using mobile phones while driving, and ensuring effective law enforcement. Equally important is the building of safe roads and roadside areas with safety of motorists, passengers and pedestrians as a priority. If these goals are achieved, this will significantly reduce the frequency of accidents/incidents as well as related mortalities and morbidities in Thai society.



Number of dangerous intersections, and number of dangerous spots per 100 kilometers in 2008 by province



Source: Paiboon Suriyawongpaisarn (ed.) 2011. *Report on Thailand’s road accident situations 2010*. Bangkok. Thai Roads Foundation and Thailand Accident Research Center, Asian Institute of Technology, p.38.

4 Outstanding

Domestic workers get seven more labour benefits

The Ministry of Labour issued Ministerial Regulation No. 14 (B.E. 2555) in accordance with the Labour Protection Act B.E. 2541 (1998) to extend more labour benefits to both Thai and migrant domestic workers. It was published in the Government Gazette on November 9th 2012.

The seven new benefits are: (1) at least one day off per week; (2) employer-determined traditional holidays of at least 13 days per year including Labour Day. If a holiday falls on a weekly day off, the next day will be taken as holiday instead; (3) After a year of employment, the worker is entitled to up to additional six days off per year; (4) The employee can take sick leaves per medical illnesses. If a sick leave is longer than three days, the employer can demand a doctor's certification; (5) If the employee is less than 18 years old, the employer must pay wages to the employee directly; (6) Employees working on a holiday must be paid; (7) Employees must still be paid during sick leave for up to 30 days.

Non-compliance by employers will be punished according to the law. For example, a fine of up to 20,000 baht for the violation of sections 1 and 7 applies. A fine of no more than 100,000 baht or imprisonment or both for violation of 6 is also laid down.

The next question, however, is what mechanism will be used to monitor compliance to these new Regulations.

1

Foundation of the Bhikkhuni order in Thailand

Female ordination is a basic right as a human for women who wish for spiritual well-being. As the status as a renunciate is conducive to intensive practice of the Dharma, there have always been women who would like to become ordained as bhikkhunis (female monks) in Thai society. The first Mahayana bhikkhuni in Thailand was Bhikkhuni Woramai Kabilsingh, who was ordained by Mahayana Sangha in Taiwan in 1971. She is also the mother of Bhikkhuni Dhammananda (formerly Associate Prof Chatsumarn Kabilsingh), Thailand's first Theravada bhikkhuni, who was given a samaneri ordination in 2001 and bhikkhuni ordination in 2003 in Sri Lanka.

The Sri Lankan Sangha has re-established the bhikkhuni ordination in accordance with Theravada monastic rules for the benefits of female Buddhists around the world including the US, India and Sri Lanka through the help of Mahayana bhikkhus and bhikkhunis. This has resulted in an increasing number of samaneris and bhikkhunis in many countries. There are now approximately 8,000 such people in Korea, 6,000 in Taiwan, 2,000 in Vietnam and 1,500 in Sri Lanka.

In Thailand, there are now no fewer than 20 Theravada bhikkhunis of Sri Lankan lineage, around 10 Mahayana bhikkhunis of Taiwanese lineage and no fewer than 30 Theravada samaneris of Sri Lankan lineage. There is also an increasing number of bhikkhuni monasteries located in Bangkok, Chiangmai, Yasothorn, Samut Sakhon, Uthaithani and Songkhla. Not only serving to disseminate the teachings of the Buddha, these places also complete the "four companies" in Buddhism consisting of male monks, female monks, male lay persons and female lay persons. There have been increasingly positive opinions from the communities and society at large towards these bhikkhuni monasteries with increasing participants during ceremonies and activities as well as constant financial support.

2

Accomplishments for Health

“Khru Sorn Dee” project to nurture and honour dedicated teachers

“Khru Sorn Dee” (KSD) is one of the field projects of Thailand Reform to ensure equitability and fairness in Thailand’s future, run by the Quality Learning Foundation (QLF). The project aims at the improvement of teaching quality and increasing the number of teachers who are dedicated and effective in imparting knowledge to marginalised children and youth. Such teachers must excel in teaching, have continued improvements, show results in students’ life achievements and be role models.

Started in 2011, the project chose 20,000 KSD teachers—600 of them received QLF scholarships to become teachers for marginalised children. By the end of the project in 2013, there will be 60,000 KSD teachers across the country or 2–3 KSD teachers in every Tambon.

In May 2012, the QLF announced a list of 18,871 KSD teachers and 549 QLF scholars as well as the ten provinces with top achievements. Each KSD teacher received a certificate of honour and a 10,000 baht support and each QLF scholar received a 250,000 baht budget for a 18-month project to improve the quality of learning for marginalised children and youth.

3

Bo Kaew community’s three years of transition from the dispossessed to organic farmers

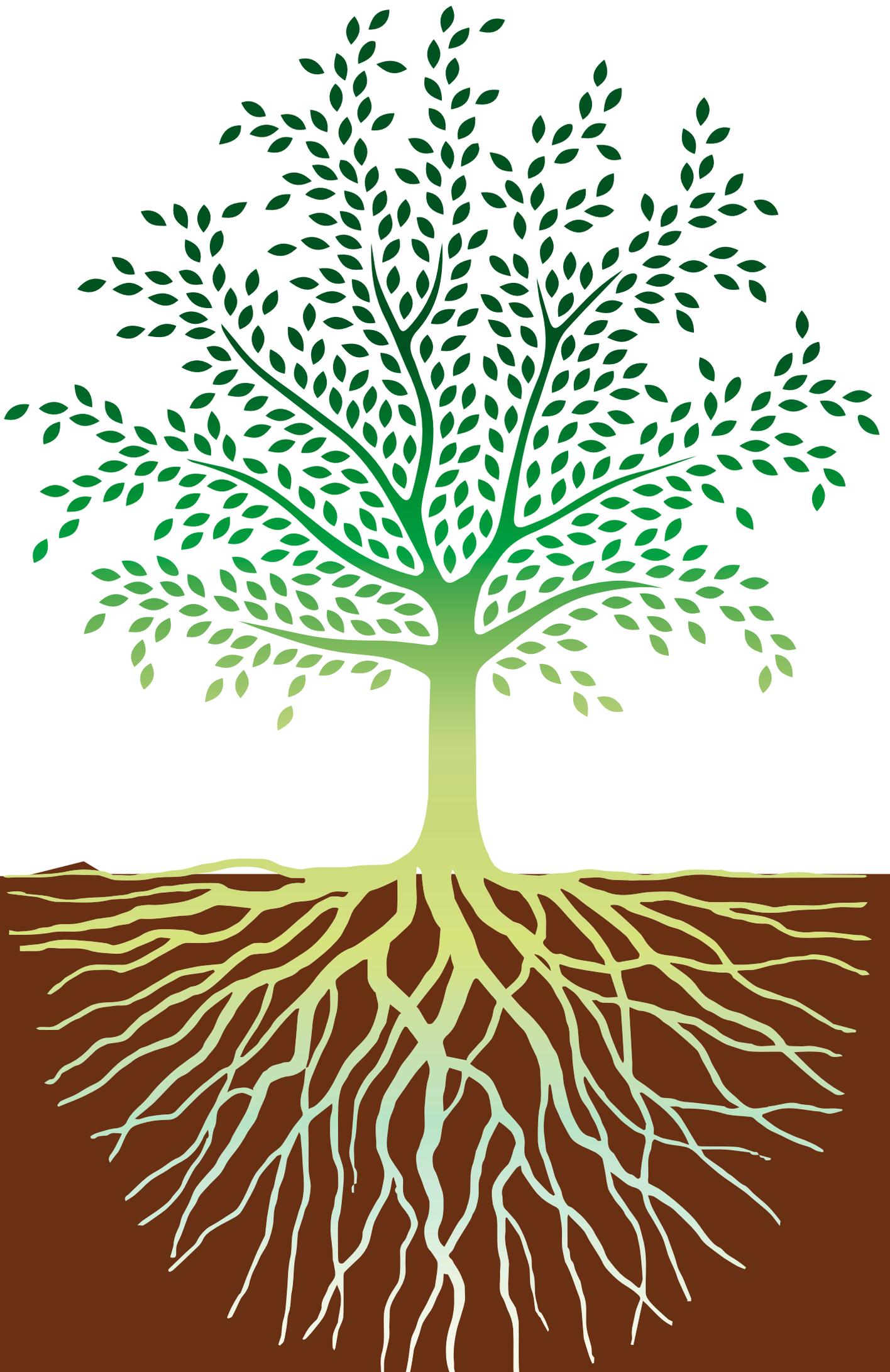
On July 17th 2009, villagers in Chaiyapoom Province’s Bo Kaew community retook the land that was taken from them by the Forest Industry Organisation (FIO) in 1978, dispossessing them of the land they depended for livelihood. Over 30 years under FIO, these pieces of land were degraded by the industrial plantation of Eucalyptus trees.

After retaking the land, villagers spent three years to return fertility to the land and identified ways to revive it with organic agriculture.

Now in its third year, the Northeastern Region Land Reform Network with allied organisations and Bo Kaew community agreed to open the community to visitors in order to build understanding on their struggle, the ecologically-friendly use of organic agriculture and the harms of imposing “economic crops” such as Eucalyptus on the local way of life.

The activities involved exchanges of knowledge and ideas between the villagers, academics and the general public on land reform and the development of organic agriculture in order to put forward the network’s recommendations to the government on measures to solve land and natural resources problems.

4



Thailand Reform:

Restructuring Power, Empowering Citizens

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Thailand Reform:

Restructuring Power, Empowering Citizens

Why Thailand Reform?

Thailand is facing many complex challenges. However, the most important challenge is long-neglected social inequality and injustice.

Inequality and injustice are diseases which undermine the potentials of individuals and societies, taking away energy to move forward. Afflicted societies and all their related parts lose balance and, like a sick body, cannot properly function to their fullest potential. If left untreated, society can deteriorate to the point of no return.

There have been several attempts in the past to solve problems of inequality and injustice in Thai society but they always have failed to yield lasting results. Some problems were temporarily solved, but again returned later--sometimes even worse in severity than the time before. The reason for this reoccurrence is that the “solutions” were made in the framework of centralised power through a government structure while the certain structures that lead to inequality and injustice were not sufficiently addressed. In addition, affected communities and populations did not have opportunity to take part in finding the solution, leaving the root causes of the challenges intact. As a result, inequality and injustice continues to increase, widening the gaps between Thais.

These ripe conditions of “social pathology” today are in need of remedy in order to rebalance Thai society and allow all parts of this society to function to full capacity and in coordination, just like a healthy body.

It is high time for Thailand Reform!

Inequality in Thai Society

Differences exist in all societies because each person is born with different attributes like the differences in the five digits on one’s hand. However, being different does not mean being unequal. Differences will not become serious social problems unless affected by external factors. These factors can come in many shapes and forms but the most important is the power structure in a society which permits unequal rights and opportunities to access essential resources.

The socially-caused inequality in rights and opportunities is called by academics “inequality in power relations”. In a society with such inequality in power relations some people or groups have more rights and opportunities to access essential resources than others, leading to inequality and injustice in many aspects of social life. This can be seen concretely in five areas: income, rights, opportunity, power and dignity.

Table 1: Inequality in Thailand

Aspects of inequality	Evidence
Assets and income	<ul style="list-style-type: none"> • The richest 20% owns 69% of the country's assets whilst the poorest 20% owns only 1%. • In 2010, there were 70,181 savings bank accounts with more than 10 million baht belonging to around 35, 000 owners. The combined amount of money totaled 2.9 quadrillion baht or 40% of all savings. On the other hand, there were 70.1 million accounts with less than 50, 000 baht. The combined amount of money totaled 300 billion baht or 4% of all savings. • In 2010, five hundred Thais who owned most stocks in the stock market came from only 200 wealthy families. • Rayong Province has the highest GDP per head at 1,035,536 baht per year while Si Saket has the lowest at 29,174 baht per year.
Land	<ul style="list-style-type: none"> • In 2004, 889, 022 agricultural households did not have land. 517, 263 had insufficient land to make a living. 822,379 households had land but no deeds. On the other hand, 30% of land holdings belonged to rich people who left them unutilised or insufficiently utilised. • In 2010, 580 senators and MP's had a total land holding of 69,942 <i>rais</i> or 120 <i>rais</i> each on average (2.5 rai = 1 acre) • A study of land holdings in eight provinces in 2008 found that in four provinces the 50 top land owners held together more than 10% of all the land in the province.
Water and energy	<ul style="list-style-type: none"> • In 2009, there were 131 million <i>rais</i> of arable land. Out of this total amount, 36 million <i>rais</i> (27%) received water from irrigation- 17 million <i>rais</i> in the Central Region, 9 million <i>rais</i> in the Northern region, 6 million <i>rais</i> in the Northeastern Region and 4 million <i>rais</i> in the Southern region. • Floods management measures divert water away from and protecting Bangkok and the industrial estates whilst leaving outlying areas and rural agricultural land underwater, as often seen in big floods over the last 5 to 6 years. These measures are unequal and unfair and a violation of the rights of those inundated. • In 2006, three large department stores in Bangkok (Siam Paragon, Ma Boon Khrong and Central World) consumed 279 million units of electricity, more than quadruple that used by the province of Mae Hong Son for the entire year (65 million units).
Marine and coastal resources	<ul style="list-style-type: none"> • In 2009, the amount of marine animals caught in trawl nets averaged 23 kilogrammes per hour compared with 132 kilogramems per hour in 1966. 91% of animals were caught by commercial vessels which account for 12% of all vessels whilst the 6, 000 households in the fishing communities caught only 9%
Development budgets	<ul style="list-style-type: none"> • Fifteen provinces with the highest Human Achievement Index received the most investment budget per capita (7,509.52 baht) whilst the bottom 18 provinces received the least investment budget (2,796.30 baht). To reduce inequality the opposite should be the case (Data from 2008).

Social inequality leaves those at the bottom rung of a social ladder with little power of self-determination whilst those at the top rung not only can determine their own lives but also can determine the lives of those below them.

Studies conducted in many countries over the past decades show that inequality (especially

in income) is significantly correlated with important health and social indicators. Conclusions consistently show that a society with large income inequality will have high rates of health and social problems such as physical and mental morbidities, obesity, teenage mothers, low academic achievements among children, violence, crime and incar

Table 1: Inequality in Thailand

Aspects of inequality	Evidence
Access to bank loans	<ul style="list-style-type: none"> • Almost three quarters of loans lent out by commercial banks concentrate in the industrial and service sectors in Bangkok and its peripheral areas whilst the agricultural sector in rural areas, which employs 38% of the workforce, receives only 1%. This widens the gaps between sectors.
Business competitiveness	<ul style="list-style-type: none"> • Over the past 30 years, the 20 biggest companies registered in the stock market had together more than 70% of total stock values in 2010. These 20 companies are subsidiaries of the same company or belong to the same group, thus holding high competitive advantages. • The biggest companies in the stock market are often those with connection to government policies such as banking, telecommunication, construction and state enterprise semi-monopolies.
Education	<ul style="list-style-type: none"> • In 2006, the government's budget for university-level education averaged 30,150 baht per student per year but 13,397, 15,793 and 17,295 baht for kindergarten, primary and secondary schools respectively. The emphasis on university level favours students from richer families as they have more opportunities to reach university level, thus widening the gap between rich and poor. • The richest 10% receives twice as much government budget per head than the poorest 10% at all educational levels. • Only 0.7% of the population in Roi-et Province are uneducated while the proportion is as high as 37.5% in Mae Hong Son Province, despite the government's policy to provide free education to all at basic levels.
Labour	<ul style="list-style-type: none"> • Wages have barely increased when compared to rising productivity. Between 2000 and 2008, real wages (adjusted for inflation) increased only by 5 points whilst productivity increased by 22 points, that is 4.4 times the increase in real wages. On average, productivity rose by 2.75 points per year whilst real wages increased by only 0.625 points.
Health	<ul style="list-style-type: none"> • The population to doctor ratio and the population to hospital bed ratios in the Northeastern Region are six and four times higher than those in Bangkok respectively • In Nakhon Panom province one doctor takes care of 9,537 people on average whilst in Nakhon Nayok province one doctor takes care of only 762 people, a 13 folds difference.

ceration. It is not wrong to say that inequality is a kind of disease.

Inequality can be clearly seen in Thai society in the context of the access to and management of four essential resources, namely: economic, natural, social and political resources.

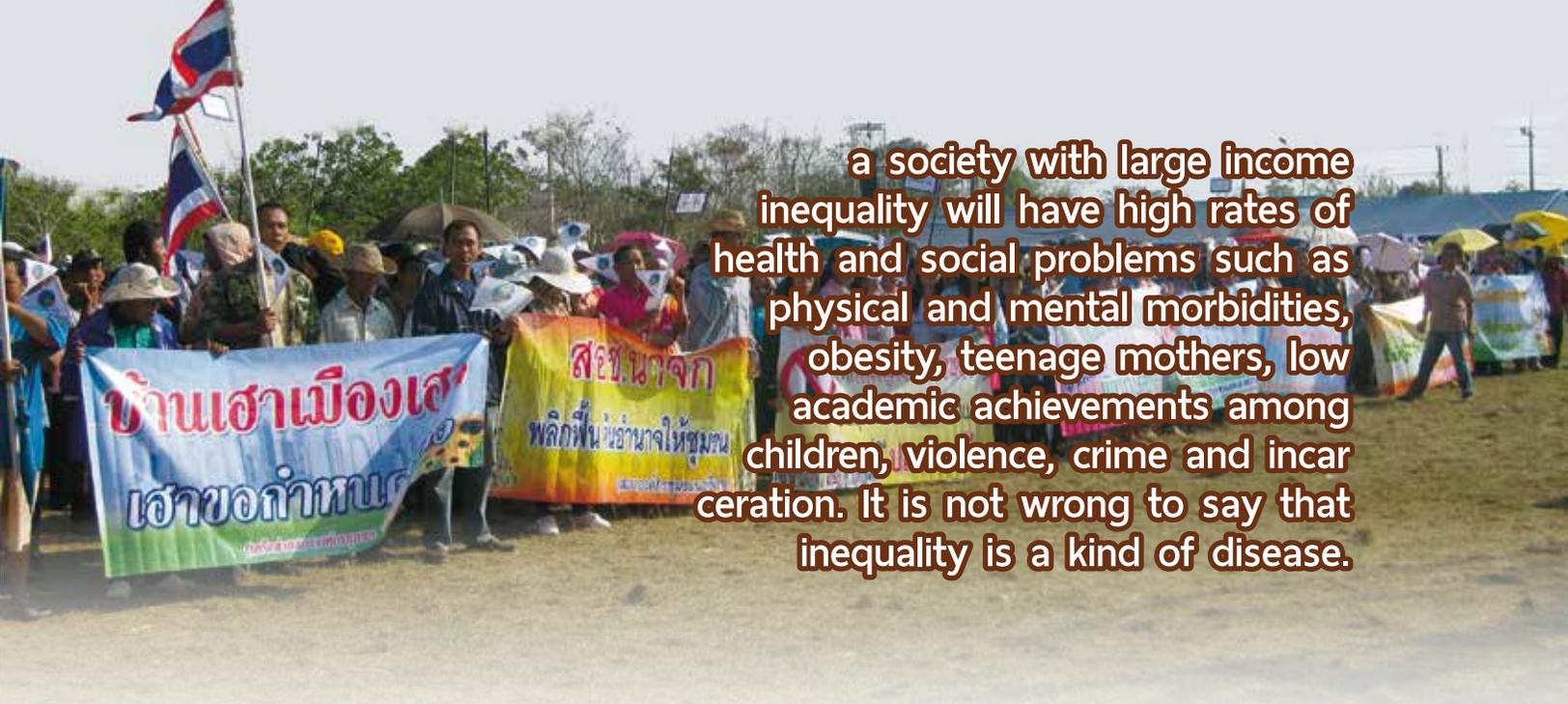
Data given in Table 1 is sufficient to show that Thailand is facing a social inequality crisis. Such inequality is a disease which undermines potential of the population and directly effects the country’s sustainable development.

Thailand Reform must begin by identifying the causes of inequality and then aim at changing them.

Table 1: Inequality in Thailand

Aspects of inequality	Evidence
Health	<ul style="list-style-type: none"> In 2007, 24.1% of babies were born in Tak province with lower than average birth weights. Only 8% in Satoon province fell under this categorisation. In 2010, the welfare system for civil servants and families (5 million beneficiaries) spent 12,000 baht per head on average whilst the universal health care scheme (48 million beneficiaries) spent 1,958 baht per head. In addition, non-government employees in the Social Security System have to pay contributions at a rate of 1.5% of monthly salary. The amounts paid by the government for healthcare per head vary greatly. The Social Security group, unlike the other two groups, is at greatest disadvantage as they need to make contributions out of their own salary for their healthcare.
Justice system	<ul style="list-style-type: none"> There are approximately 240,000 inmates across the country. More than 90% are poor people. The claim that poor people tend to break the law more often is less credible than the claim that poor people and rich people have different capabilities to escape the hand of the law. Out of all inmates, approximately 50,000 people have been incarcerated before their cases reached final verdicts, most of whom are poor people without money to bail themselves. The rest of the inmates are those whose cases have reached the final verdicts but were imprisoned in lieu of fines per court decisions because they had no money. In 2010, 500 people stood accused in 131 cases in relation to land, forestry and public land. Out of these, 38 were prosecuted under Article 97 of the Enhancement and Conservation of Environmental Quality Act BE 2535 (1992)- better known as “Global Warming” cases. If the court fines against them, these poor villagers will have to pay 32,841,608 baht in damages. In contrast, many factories release pollutants and many investors are engaged in deforestation of reserve forests to grow “economic plants” and contribute to global warming with impunity. This is an example of double standards in the justice system.

Source: Sarinee Achavanuntakul, 2011. Decharat Sukkamnoed and Supanee Sarinkham, *Lopsided Thailand* (no date).



a society with large income inequality will have high rates of health and social problems such as physical and mental morbidities, obesity, teenage mothers, low academic achievements among children, violence, crime and incarceration. It is not wrong to say that inequality is a kind of disease.

Centralised Power Structure: The Root Cause of Inequality

Power inequality leads to social inequality in many aspects and doesn't exist in a vacuum but is supported by many formal and informal structures. Most important among these structures is the centralised power structure of the Thai state.

Centralised power means that anything to do with the management of social affairs lies in the hands of the central government including policy setting, budgets and administration through its ministries and departments. Within this system, each department has its own responsibility according to its mandate. However, all departments share one characteristic, a top-down nature of the way they function. Each department therefore stands alone in the country's administration with little relationship to others.

Centralisation has a long history in Thailand since the era of absolute monarchy when all the administrative and executive power was centered on the monarchy, despite some attempts to decentralise in the same way as in a civilised nation. Even after the 1932 revolution which ended absolute monarchy, there was no concrete policy to decentralise power to allow self-governing by local communities (see Box 1).

Under the present system, the central government is the center of the power to administer and manage all economic and social developments. It has lines of administrative command to the regions and communities through local administrative organisations such as Tambon Administrative Organisations, Municipalities, Provincial Administrative Organisations, the Bangkok Metropolitan Administration, and the Pattaya Administration but these all depend directly on the government through the various ministerial departments while the local communities and populations possess no power. The only form of democracy is indirect or representative democracy where the people elect their representatives but are allowed little participation when it comes to important matters that have direct impacts on them and their communities.

Indeed, centralisation greatly benefited the country in the early days as it ensured unity and helped the country escape the jaw of colonialism. It also helped the country maintain its identity through modernisation periods. However, as the world continued to change, centralisation without people's participation was not only unbeneficial but in fact detrimental to social progress.

It is apparent today that the communities and populations affected by central government's policies are not allowed participation in the

Revolution Attempts Before 1932

Before the 1932 revolution, there were attempts to turn the country from an absolute monarchy to a democracy since the reign of King Rama V.

1. The 1884 letter asking King Rama V for a Constitution. Led by Prince Pritsadang (1851-1934), the nobilities and civil servants at the Royal Thai Embassies in London and Paris signed a letter requesting King Rama V to turn the country into a Constitutional monarchy with an elected parliament and government. However, the King rejected the request, judging that the country was not yet ready for such a system. After this, the prince lost favour of the King and stayed in self-exile for many years. He was ordained as a monk and became the abbot of the first Thai temple in Colombo, Sri Lanka between 1905 and 1910.

2. Thianwan's democratic ideology. Thianwan Wannapho (1842-1915) was a progressive thinker, writer and journalist. Written under pseudonym "Tor Wor Sor Wannapho", his articles and books criticising the current form of administration prompted King Rama V to issue responses. His essay entitled "*Dreaming with open eyes*" mentioned "[establishment] of a Parliament, allowing the Chief Representative to advise the government both on the merits and demerits within specified time. In my dream, first there will be voting to select those with intelligence, and assign them to all the ministries until things are in order." Thianwan was later imprisoned for 17 years.

3. The failed 1911 rebellion by 100 military officers, most from the army, who plotted to turn the country into a democracy like other "civilised nations". The plan was leaked and all were arrested on February 27th 1911. Three of these persons, including the 28-year-old leader Captain Leng Sichan, were sentenced to death, twenty to life imprisonment, and the rest with prison terms. However, all were later pardoned and released.

The 1932 revolution should have been the best opportunity to decentralise power to the localities. In reality, little has changed in the power structure until today. Although the center of the power is no longer the monarchy, power still concentrates in the central government and is exercised through various ministries and departments without decentralisation to concretely allow local communities to govern themselves.



Source: <http://th.wikipedia.org/wiki/ความเคลื่อนไหวสู่การเปลี่ยนแปลงการปกครองสยาม> Retrieved on January 26, 2013

administration of public affairs as they should. In addition, centralisation stands to benefit those who are connected to the center of power such as politicians, civil servants and capitalists more than most of the people who are not as well connected. Centralisation systems allow those with power more rights and opportunities to access essential resources than those in the lower rung of power structure leading to abuse of power and economic and social inequality and injustice as seen in Thailand today.

In addition, centralisation also leads to extreme inequality between the capital and other big cities on the one hand and rural villages on the other thus stunting the opportunity and potential of local communities and populations to self-govern. In the long run, centralisation renders local communities and their populations passive recipients of government care even when the government policies fail them.

This system leaves local communities too weak to solve their own problems and dependent on government mechanisms. However, government agencies are in reality distant and unreliable due to resource limitations and lack of thorough understanding of local problems. As a result, problems are left chronically unsolved and become increasingly serious over time. Some problems lead to protests which become too hot for the government to handle. Other problems are politicised, exacerbating the challenges yet further.

Overall, centralisation weakens communities as well as the State as communities cannot take care of their own affairs whilst the State cannot efficiently solve problems for the population. When faced with multinationals in the globalised context, the State can barely protect national interests.

This power structure, where Bangkok leads local communities, is also an impediment to democracy as it makes difficult the participation, monitoring and control of the State by the people.

As government power is strong, the people's power becomes weak.

In today's borderless world, centralised government is becoming increasingly outdated and detrimental to the country as a whole (see Box 2). It stalls-or, some say, even sets back-the country's development, while other countries pull ahead.

Centralisation has become a "culture" that exists in all areas of society, not just in administration and public policy-making. It is present in almost all circles at every social level, infiltrating the way that Thai people think and solve problems. Whether relating to project planning, organisation structure or solution strategies, centralisation is almost always obeyed even though it has become a low-efficiency approach in today's world.

As Thailand has long been dominated by a centralised culture, Thailand Reform cannot happen if there's no change in the power structure. One solution to centralization is devolution of power from the central government to local communities and populations. While centralised power may strengthen the government, it weakens the people-an undesirable reality.

Decentralisation Is a Must

Professor Prawet Wasi astutely analysed Thai society today as a stupa with a strong top but weak foundation. Like such a stupa, Thai society is unstable and likely to topple because the top (i.e. the central government) is powerful while the foundation (i.e. local communities and people) are weak and faced with many challenges that they cannot solve by themselves. The crisis of inequality we face today is a clear sign that Thai society is weak and unstable.

In the past, local communities had self-governing capabilities and self-sufficiency. A study of Thailand's pre-capitalist village communities by



The Downside of Centralisation

Over a century of centralisation has caused at least six serious challenges to Thai society by:

1. Weakening local societies so that they can no longer manage their own affairs as all power is concentrated in the central government. Communities that should be able to manage most of their own affairs are incapacitated and rely on central mechanisms such as the Cabinet, ministries and departments.

2. Creating conflicts between centralised power and local culture. Local culture is important as it is a way of life of the people in the locality that is diverse and unique in each locality. The population is content when allowed to live their lives in their own way. However, the central power often wants all populations to live the same way leading to conflicts and sometimes violence, as seen in the three Deep South provinces of Thailand. In fact, there are other forms of conflicts which cannot be solved by centralised power.

3. Weakening the State because of its emphasis on power rather than knowledge. This makes the Thai State unable to solve problems such as poverty, environmental degradation or violence. The Thai State is in a state of failure.

4. Nourishing corruption because the more power concentration, the more corruption. As an example, Switzerland was full of corruption a hundred years ago when the country was centralised. However, after decentralisation and direct participation in administration of the people and organisations, corruption disappeared. Centralisation is the source of corruption. To solve corruption problems, it is necessary to decentralise.

5. Undermining politics. In a centralised society, political winners take all. Some people therefore make investments in politics and the political battles become increasingly intensified, turning to monetocracy. Other means such as violence are also used to win power in order to dominate the country. However, if power is decentralised, such winner-takes-all politics is not possible. Those who enter politics will do so for the service of the country.

6. Facilitating coup d'état. As power is centralized, it takes only a few hundred soldiers to take over the country. If the power is decentralised, like in India, it will not be possible to conduct coup d'états in this way. It is easy to make a coup in Thailand because the target is centralised.

Centralisation is the country's structural challenge that few people think about in Thai society. Most are concerned with individualistic aspects such as teaching people to "do good". Structural problems, however, are more difficult to understand and solve such that most people don't consider them.

Source: 1) Interview with Dr Prawet Wasi (January 17, 2013)
2) Dr. Prawet Wasi, *Thesaphiwat* (Publication date unknown)

Professor Dr. Chattip Natsupha portrays a clear picture that before the central government intruded to “organise” all aspects of life, local communities had the power and freedom to manage their own affairs including administration, profession, peace and order, health, culture, religion, knowledge, conflict management and justice. Local communities were once self-reliant and strong. But once the central authority wrested away this power, these communities started to lose balance and self-reliance despite plenty of resources and social capital to build their strength on.

As such, a serious Thailand Reform must involve loosening the grip of Bangkok’s power and unleashing the power of local communities to self-govern.

Although local administration in Thailand has a long history, the structure of local administrative organisations (LAOs) has barely changed. In essence, LAOs are still under the supervision of Bangkok as different ministerial departments set policies, budgets, functions and supervise all of the above matters. All important affairs, plans and projects start in Bangkok and flow through the “administrative pipeline” to the regions, provinces, districts, sub-districts and communities respectively. It’s a matter of course that as the “pipeline” becomes smaller away from Bangkok, the amount of flow becomes smaller too.

Although LAO executives are elected by the people in the localities, they are still largely controlled by the central government. Meanwhile, there is little change in terms of the people’s power which is limited to voting at elections.

With such characteristics, Thailand’s administrative system differs from those in other societies with genuine decentralisation where people in the localities have the power to manage all important matters by themselves.

With the 1997 and 2007 constitutions, it was hoped that decentralisation would materialize and LAOs would have full freedom and indepen-

dence to manage themselves (see Box 3). However, an analysis of provisions on decentralisation by *Assistant Professor Dr. Apichart Sathidniramai* found that decentralisation has run into obstacles and has not genuinely achieved the levels envisioned by the Constitutions as although the Constitutions provided that LAOs are independent to run local affairs as willed by the people in the localities in accordance with self-governing principle, in reality several laws in relation to LAOs have provisions running counter to the Constitutional provisions. These are most obvious in relation to finance and personnel management, which are most important for the independence of LAOs.

Dr Apichart’s analysis of LAO budgets between 2003 and 2011 found that only 10% of LAOs’ revenues came from local taxes whilst the remaining 90% came from taxes that the central government collected and shared, the national budget and government support (which came with political strings attached).

Even relating to personnel management, it can be seen that LAO executives are under control of the central government. Although local people can start impeachment process against LAO executives, they don’t have the power to make the final decision which belongs to administrative officers under the central government’s command (i.e. the district chief, Governor or Minister of Interior). The laws in relation to these two matters have not been amended in line with the Constitutional provisions.

The lack of independence in these two areas can deeply affect the behaviour of LAO executives as they will be more inclined to serve the interests of the central government rather than the people in their localities.

In conclusion, although the Constitution provides for devolution of power for local self-governing and self-administration, the realisation of these provisions still faces significant difficulties

as the ministries and departments of the central government still hold tightly onto power. To reform Thailand, it's unavoidable therefore to reform the power structure.

Returning Power to Local Communities and Populations

Reforming power structure is done by devolving power to the localities and allowing them more independence.

Professor Anek Laothammathat calls this by a short simple phrase: “returning the power to the people and the communities”. This wording makes clear that power once belonged to people and local communities. But once the central government took over local administration, this power was wrested away into the hand of the central government. The first task for Thailand Reform is therefore to return the power to local communities and populations.

The most important goal of decentralisation is to strike a balance between the central government, the local government and the people so that power doesn't concentrate in one hand to ensure that the local government which is closest to the community can self-govern.

But how, then, to centralise?

On April 21st 2011, the Reform Committee proposed that the reform of power structure or decentralisation “must be done as far as removing the line of command from the central government to the local governments in several aspects.” This does not mean taking over all the power of the central government which still has full power in managing all the affairs above local level. The power transferred from the central government must increase the LAOs' self-governing independence in all important dimensions, balanced and supervised by the people's power. Decentralisation to the local level must not create a new centralisation locally but “must be the same in essence as the overall decrease of state power and increase





An important spirit of the power structure reform is to unleash the people's creative force in all localities that together make up the country. In order to meet this goal, it is necessary to align direct democracy with representative democracy.

of people's power." This is an important principle of the power structure reform which will lead to Thailand Reform.

An important spirit of the power structure reform is to unleash the people's creative force in all localities that together make up the country. In order to meet this goal, it is necessary to align direct democracy with representative democracy.

Direct democracy is when the people in the localities directly participate in self-governing in all important matters including policy-making, directing and monitoring LAOs' functions. On the other hand, representative democracy means electing representatives to run LAOs to protect the people's interests. All elected LAO executives must conduct their work in the name of the people and be supervised by the people in every step of their work. In this way, the LAOs will have two types of democracy working in synergy, resulting in a strengthening in the communities and consequentially in the country as a whole.

If power structure reform is successful, the power of the central government in managing social matters will decrease in several respects but remain unchanged in matters beyond local

levels such as foreign affairs, defense and national policy making. In addition, the central government will continue to play an important role in national-level coordination. This change will not affect Thailand as a unitary state but will strengthen and reduce pressure on the government.

Power structure reform involves two main issues. First, identifying what are the important things to achieve in decentralisation and how to make sure that the transferred power from the central government will not become concentrated in LAOs. Secondly, the re-organising of power between the State and the people/LAOs. These two issues have already been discussed by the Reform Committee as proposed in the *Recommendations on the Reform of Power Structure* summarised in Table 2.

In addition, in order to make the people realise the concrete results of reform, the Reform Committee has proposed an administrative framework and mechanisms necessary to ensure fairness in the access to essential natural, economic, social and political resources as detailed in the *Recommendations for Political Parties and Voters on Thailand Reform Framework*. These recommenda-

Decentralisation: 2007 Constitutional Provisions and Remaining Obstacles

Decentralisation to local governments became concretised for the first time in the 1997 Constitution, which was then torn up by the 2006 coup d'état. The concept came back again in the 2007 Constitution with the following provisions:

1. Independence of LAOs Section 281. The State shall give autonomy to local government organisations in accordance with the principle of self-government based upon the will of the people in the locality and promote the role of a local government organisation as a principal provider of public services and encourage it to participate in the decision-making for solving problems in the locality.

Section 282. The supervision of a local government organisation shall be exercised in so far as it is necessary and founded upon clear rules, procedures and conditions and shall not substantially affect the principle of self-government based upon the will of the people in the locality.

2. Power of LAOs Section 283. A local government organisation shall have general powers and duties to oversee and provide public services for the benefit of local residents and enjoy autonomy in laying down policies and carrying out administration, public service provision, personnel administration, and finance, to effectively answer the needs of the people in the locality.

3. Budget and revenues of LAOs There shall be a law determining plans and processes of decentralisation for the purpose of delineating powers and duties and allocating revenues between the Central Administration and Provincial Administration, on the one part, and local government organisations, on the other part, or amongst local government organisations themselves, having regard to the expansion of decentralisation commensurate with the level of capability of local government organisations of each type. In addition, there shall be a law on local revenues for the purpose of determining powers and duties in connection with the collection of taxes and other revenues of local government organisations.

4. Personnel management Section 284. A local government organisation shall have a local assembly and local administrative committee. Members of a local assembly shall be directly elected by the people.

Section 288. The appointment and removal from office of officials and employees of a local government organisation shall be in accordance with the suitability to and the need of each locality and the personnel administration of local government organisations shall be subject to a uniform standard with possibilities of joint development or reshuffles of personnel amongst local government organisations, and shall also be made upon prior approval by the Local Officials Committee as a central body in charge of local personnel administration.

Section 285. If the people consider that any member of the local assembly, any member of a local administrative committee or any local administrator of that local government organisation is not suitable to remain in office, such voters shall have the right to cast votes removing such member of the local assembly, such member of a local administrative committee or such local administrator from office.

5. Public participation and good governance Section 287. Local residents have the right to participate in the administration of a local government organisation. For this purpose, a local government organisation shall also make available means for such public participation. In the case where any act to be performed by a local government organisation may have a material impact on the livelihood of local residents, the local government organisation may inform the public of details thereof for a reasonable period of time prior to such act and shall, in the case where it deems appropriate or receives a request by persons having the right to vote in an election in the local government organisation, cause to be conducted a public hearing prior to such act or may cause to be conducted a referendum for deciding on the matter, as provided by law. A local government organisation shall report its operation to the public in matters concerning the preparation of budgets, expenditure and results of work performance for the year in order to enable public participation in the scrutiny and supervision of the administration of the local government organisation.

However, in reality local administrative organisations are not independent and continue to be heavily supervised by the central government in relation to finance and personnel management as relevant laws have not been amended to align with the Constitution.

Source: The Constitution of the Kingdom of Thailand BE 2550 (2007)

tions count as an important aspect of the reform process. Due to lack of space, these recommendations are summarised in Box 4 for an overall picture of all the related issues involved.

Building a mechanism to ensure fair access to resources for all groups of Thais is a challenge (such as is land reform or tax reform) and requires strong political will and social consciousness of all sectors.

Enhancing the People's Power

In addition to the reform of a power structure and fair access to resources, Thailand Reform must aim at enhancing the power of the people. It is not enough for reform only to transfer power from the central government to LAOs; people in the community must also be empowered. The question is: What mechanism can enhance the power of the people?

Table 2 Important issues in the decentralisation process, as proposed by the Reform Committee

Issues	Important points
Roles of the central government and local administrations	<ul style="list-style-type: none"> • The central government has the full power to exercise authority on matters that are important to the whole country such as foreign affairs, defense and overall public peace and order. • The local administrations are responsible for the livelihood of the people in the locality including economy, environment, society, culture, health and hygiene, disaster, peace, order and justice. • Abolish regional administration. Turn the provincial offices of central government into academic support units providing only services which are part of the central government's responsibilities such as taxation and issuance of passports.
Local administrative structure	<ul style="list-style-type: none"> • Consists of two main mechanisms. 1. Existing public self-governing mechanisms such as civil society. 2. Local administration with the powers transferred from the central government. • Elected executives and members of the local council must recognise the existence of civil society mechanisms and support extensive public participation.
LAO powers	<ul style="list-style-type: none"> • Full power in the management of resources and using necessary mechanisms to ensure fairness in resources and environment, economic, social and political management. • Has the power to protect the people in its locality from any harmful impact of globalisation, whether or not they results from treaties signed between the central government and other countries.
Finance and personnel management	<ul style="list-style-type: none"> • The central government must transfer the power to collect taxes such as land and environmental taxes to LAOs. • The central government must share more tax revenues with LAOs and increase the share of the local government from the current 27% to 35% • Give LAOs the power to develop their own personnel management systems as appropriate, especially in the selection process and incentives in order to attract local talent. • Give the power to the people to supervise and assess the achievement of LAO executives through transparent, fair processes.

Local Communities as Starting Point

As a matter of fact, a basis for strengthening the power of the people already exists in Section 287 of the 2007 Constitution that requires “the people in the locality shall have the right to participate in administration of the activities of the local government organisations. The local government organisation shall provide the method so that the people can participate in such activities.”

In addition, as a key principle of decentralisation, the Reform Committee also requires that LAOs recognise the power and roles of the people, communities and (non-government) civil society as key actors with the rights of participation in all steps of local administration to allow the people a key role in self-governing.

However, despite the principle being present in theory, if local administration is not based on a correct conceptual paradigm, the power of

Table 2 Important issues in the decentralisation process, as proposed by the Reform Committee

Issues	Important points
Power relationships in the management of local affairs	<ul style="list-style-type: none"> • All development plans, projects and options proposed by the central government that may impact on the quality of life of the people in the locality must be given approval by the people. The decision on these plans, projects and options must belong to the local government and local people. • Build networks of collaboration with LAOs in the same area and in other areas
Promotion of public participation	<ul style="list-style-type: none"> • Recognise the roles of the people and communities in natural resource management, art and cultural conservation, rehabilitation of the elderly and the handicapped and local development plans. • Facilitate the registration of community and civil society groups as juristic persons • Enable community and civil society groups to become service providers with self-management capabilities. • Transfer budgets in commensuration with the number of service users.
Check and balance between LAOs and communities	<ul style="list-style-type: none"> • Use direct democracy and representative democracy in parallel. LAO executives and council members are elected with a civil society committee functioning as a link to facilitate public participation in decision making and local administration. • Give the people the power to remove LAO executives and council members from office through referendums.
Community and civil society development	<ul style="list-style-type: none"> • The central government and external bodies providing support to LAOs must not undermine the strength of the communities and their people. • The central government must establish a provincial-level fund for the purpose of developing civil society organisations that is managed by civil society network mechanisms. • Promote learning and negotiations between the central government, LAOs and the people in determining the direction of national and local development without top-down domination like in the past and as is the case currently.

Source: Summarised from: Reform Committee. (2011). Recommendations on Power Structure Reform.

the people may not emerge or be sustainable. The correct concept is to take the local people, communities and civil society as the starting point of all administration. This is the only way to ensure that all administration aims at the protection of the interests of the people and their communities. This is the only way to ensure that executives are mindful and responsible to local people and communities and to stimulate enthusiastic organization and participation of the people and communities in sustainable self-governing.

Ultimately, such enthusiastic participation in self-governing will turn the people from apathetic “subjects” of government actors to “citizens” who are ready to mobilise the administration of local affairs themselves.

There are many reasons why the localities should be the starting point of local administration. First, localities are the closest administration units to the people. Secondly, localities have the necessary resources ready to be mobilised including economic resources, environment, manpower, knowledge, organisation, institutions and culture.

In addition, making localities the starting point of local administration means giving importance to balanced coexistence among all people in the communities and between people and the environment. Other factors such as power or money only facilitate the peaceful life of the people. Furthermore, this reform also coincides with the framework of power structure reform which, as already mentioned, aims at self-governing of the people and local communities.

Professor Prawet Wasi calls this concept “*Thesaphiwat*”, meaning the kind of development which takes the people and local communities as the starting point in all matters.

This kind of development does not emphasise the power at the top but focuses on the strength of local life and balanced existence of those at the ground level, that is, local

communities. These local communities are many and diverse across the breadth of the country. They are comparable to the foundation of a stupa. The stronger these communities are, the more stable the whole country is. *It is straightforward logic that overall stability requires a strong foundation whether it's a stupa or a country.*

Integration of Cross-Sectoral Power

If localities are taken as a starting point, it will be easier to mobilise all power and resources to strengthen the society. This will also facilitate collaboration and connect all sectors together. All stakeholders must take a part in integrated local self-governing whether LAOs, religious organisations, educational institutions, economic bodies, public health organisations or justice agencies.

Overall, this alliance is made up of three main allies, namely, the community, LAOs and other bodies. Each part has sufficient resources that can be mobilised to strengthen the local communities.

- The community itself has leaders, resource persons, experts such as folk doctors, entrepreneurs, groups aggregated by age or profession, community councils (under various names) and institutions such as temples, schools and markets. All these resources can be mobilised for the same goal, that is, the wellbeing of the community. In addition, a community can collaborate and exchange with others in the same environment or those sharing the same infrastructure or national resources (such as water sources, forests and energy sources).

- LAOs (Tambon Administrative Organisations, Municipalities, Provincial Administrative Organisations, the Bangkok Metropolitan Administration, the Pattaya Administration) are government organisations responsible for managing public affairs together with local communities and people. The strength, transparency and importance given

Reforming what?

Citing many aspects of extreme inequality afflicting Thailand that had led to increasing conflicts and violence, the Cabinet issued an Office of the Prime Minister Regulation on Reform on July 5th 2010. Soon after, a Reform Committee (chaired by Anand Punyarachun) and a Reform Assembly (chaired by Dr Prawet Wasi) were established for a three-year term to drive Thailand Reform (The Reform Committee resigned on April 15th 2011 due to the dissolution of the Parliament).

The reform has three idealist aims on the Thai people's quality of life as follows:

- A life with dignity and equality as a human being with social participation, responsibility towards the collective good, and opportunity to develop their own potentials in the physical, mental, knowledge and spiritual aspects.
- A life in the way of peace without threat from others or each other and in a healthy environment.
- A life with security of essential factors to life and social protection mechanisms.

An important mission in the reform is the decentralisation of the power and mechanisms necessary to manage and ensure fairness in accessing natural, economic, social and political resources. Each consists of several aspects as follows:

The reform must create mechanisms to ensure fairness in the access to these resources:

Natural Resource

- Land
- Minerals
- Forest
- Water
- Marine and coastal
- Environmental and ecological

Economic resources

- Capital
- Labour
- Agricultural
- Taxes
- Market
- Commercial and industrial
- Energy

Social resources

- Education, learning and wisdom
- Religion and spirituality
- Culture and identity
- Communication
- Public health system
- Urban quality of life
- Security of life and property

Political resources

- Power structure
- Decentralised power
- Decentralised budget
- Justice system
- Dissemination and access of information
- The armed forces



to public participation is very important to the strength of LAOs. In addition, collaboration and exchange with nearby LAOs is also necessary for local development.

- Other allied bodies may vary from one area to another. However, in most areas there include individuals (such as professional leaders, philosophers and artists), organisations (such as development organisations both government and non-government) and institutions (including educational, religious, public health and media institutions). These allies have diverse knowledge and experiences. Once brought together in a synergic manner, these actors will be a source of great strength.

If all these three groups in the same locality can be integrated, they will become a strength to mobilise local self-governing.

Local Self-Governance

The truth is localities cannot be strong without local self-governance. In practice, this means that the local communities must manage all of their affairs without waiting for the assistance of a government authority or other powers.

Today, the concept of “local self-governance” is gaining currency among local development circles. Its real meaning lies in the mobilisation of all allied bodies in the locality to participate and direct local development through the strength of people in the particular locality.



How to strengthen local communities

What are the roles of the “LAOs for Reform Committee” in Thailand Reform?

The Committee is one of the many groups which join forces in the Thailand Reform movement as part of the Reform Assembly Committee. This committee primarily aims to use existing LAO power to strengthen the foundation of society at a community level in parallel with the Thai Health Promotion Foundation’s Project 3 (community health) which I chair. The reason we use the local administrations as the unit for our movement is because it has the people, resources and organisations which are government agencies already in charge

of quality of life and womb-to-tomb care.

The strength of the community depends on many things. Public participation in local administration is important but not sufficient. The people must have a vision and consciousness about self-management of one’s own community.

Decentralisation, of course, must happen. But the local administration must be more independent. As of now, the central government has not transferred the full power in finance, personnel management and mandate to LAOs. In this respect, Thailand’s LAOs are light-years behind their counterparts in other countries.

Recently, some communities aiming at local self-governance have progressed as far as creating their own Constitutions as a master plan for governing their public affairs. Most of these Constitutions focus on health. This is appropriate because using health as a core issue can expand the extent of activities into many areas whether economic, social, cultural or environmental. Health is a holistic concept of wellbeing in all areas of life. Examples of such Constitutions include the Tambon-level health Constitutions of Tambon Peuay (Amnat Charoen Province) and Tambon Chalae (Songkhla Province) as well as the provincial-level health Constitution of Amnat Charoen Province.

Similar self-government movements are emerging in many areas of the country and will continue to increase and strengthen in the future.

Reform-Enhancing Mechanism

The aforementioned Constitutions are a result of citizen mobilisation. Through repeated exercise of collective learning and full participation, knowledge, ideas and problem-solving approaches become crystalised into a consensus in the form of a community Constitution.

Over the past several years, there have been many similar mobilisations whose goal was to identify collective agreements on public policies or guidelines on issues affecting the population at large such as health, economic, environment

How ready are our LAOs to receive the power transfer do you think?

Each LAO is different, but that's not important. The important thing is that we don't have to wait until they are absolutely ready in every way before transferring power and mandate. Better to see what they can do and let them do it. If they are not ready, our duty is to help them become ready with money, manpower, equipment, or conducive laws that allow them to do it.

Over the past ten years, there have been many strong and ready LAOs. They exchange knowledge and experience. In many areas LAOs and the people are one and the same, they can manage their own communities to a certain level according to their conditions and limitations, as far as their independence allows. Therefore, ready or not is not the point. The point is whether the government has a policy to decentralise and if yes, they need to make LAOs ready.

What's more difficult? Financial independence or promotion of public participation in local self-governing?

More difficult is the financial independence issue which depends on the central government's policy. Today the government does not have a policy to promote local administration through decentralisation. Perhaps in ten years, it may not be any better. Ten years ago, the government gave more importance to decentralisation. Today, if we look at the central government, we know it is almost impossible. But if you look at the foundation, there's a lot of enthusiasm, because they can finally managed themselves. The LAOs learn from each other and form a network.

Public participation can happen if we promote awareness amongst people. People's attitudes must change from seeing themselves as "subjects" of State power like in the era of absolute monarchy to "citizens" who are not apathetic to community problems. This is a power to drive the communities and the country forward.

Source: Interview with *Somporn Chaibangyang*, former deputy permanent secretary of the Ministry of Interiors and president of the Local Administrative Organisations for Reform Committee. 8th January 2013.



and political issues. From local to national level, organising an assembly is a popular mechanism in citizen mobilisation.

In short, an assembly is a social process that allows all diverse sectors including local citizens and communities, businesses, academia and government agencies to widely exchange with and learn from each other with the goal of knowledge and consensus building. This process is systematic and ongoing, leading to policy recommendations which will be proposed to relevant agencies for adoption and implementation.

An assembly is an important mechanism to strengthen citizen mobilisation for peaceful change. The strength of an assembly lies in the wide democratic participation of all sectors.

Although the assembly movement first occurred in Thailand more than ten years ago, the first assembly to be legally recognised was the National Health Assembly under Chapter 4 of the National Health Act BE 2550 (2007). Article 41 of this law requires the establishment of the National Health Commission (NHC) in charge of organising a National Health Assembly at least once every year. In addition, the Commission also organises regional and thematic health assemblies and provides support for their organisation by citizens following the NHC-defined criteria and guidelines.

As of 2012, there have been five national health assemblies and many more regional and thematic assemblies. Health assemblies are an important social innovation and powerful social

mobilisation by people. Other similar mobilisations include the Reform Assembly which was established by the 2010 Office of the Prime Minister Regulations on Reform.

Although the Reform Assembly is still a new social movement, the massive latent energy in diverse sectors of the population and the enthusiasm of local communities helped make it become massively popular overnight. As evident in the successes of the two past National Reform Assemblies in 2011 and 2012, this is an unprecedented phenomenon in Thailand.

People's Power Is the Answer

The emergence of a self-governing movement in many local communities shows that Thailand Reform is possible when the people are strengthened without having to wait for complete power structure reform through decentralisation. If local communities are taken as a starting point, the people in the locality can join forces to mobilise their own communities to manage their own affairs through collective learning and decision-making as an assembly. This is truly a participatory democracy.

All these self-governing communities scattered across the country are beacons that will continue to increase in number and gradually become a network. Strong communities which can manage their own affairs will give rise to strong provinces, strong regions and strong country-just as a strong foundation supporting a stupa.

In the final analysis, the success of Thailand Reform depends less on the legal reform of power structures than on the strengthening of the people in local communities through participatory democracy as a strong population become 'citizens' who are the driving force of the country's development. That is why the final answer to Thailand Reform lies in the people's power.



Self-governing province: Amnat Charoen

One year ago on February 13th 2012 the people of Amnat Charoen adopted the “People’s Constitution of Amnat Charoen” through consensus and participation by representatives of all sectors including government agencies, the people, non-government organisations, religious organisations, the business sector and academia. The Constitution which was born out of a mechanism of collective learning and thinking by all the people laid down the basic framework for becoming a self-governing province.

Amnat Charoen is Thailand’s 75th province, with a population of 372, 137 persons (0.56% of the country.) With an average income per head of 31,800 baht per year, it is one of the poorest provinces in the Northeastern region. The main income of the province comes from agriculture, transportation and retail. As its rich natural resources were threatened, civil groups became aware of impending problems and, through collective analysis, identified structural inequality as the root cause.

Amnat Charoen people have had long history of organisation since the days of the Cold War struggle between communist ideologues and the Government. This may be the start of the province’s important civil groups such as teachers’ groups, local development groups and local representatives who became key leaders in the drive to turn Amnat Charoen into a Province of wellbeing. These groups worked shoulder to shoulder with local communities, while in connection with non-local organisations with similar goals.

The turning point of the reform drive was the recognition of the roles of the people through public learning and participation from the level of the village to Tambon, community organisation council and provincial levels. The primary goal of the power structure is to collectively solve local problems with the power of the local communities coordinated by the community organisation council which provides the main support. The community organisation council is an important foundation for the empowerment of Amnat Charoen people in collaboration with local resource persons and media. The movement aims at turning Amnat Charoen into a “Wellbeing Province” under the framework set out in the People’s Constitution of Amnat Charoen.

The whole process has the support of several non-local organisations such as the Thai Health Promotion Foundation, Community Organisations Development Institute, Thailand Reform Office and the Thailand Research Fund.

It may be yet too soon to say whether the people of Amnat Charoen will achieve their goal to ensure social justice and reduce inequality but at least there is a sign of good things hopefully to come.

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5 Outstanding Health Issues

1. Protracted Political Conflict

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5. Second decade of Health System Reform

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- ## 10 Health Issues
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4 Outstanding Situation

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The **Process** of Writing the **Thai Health Report 2013**

Health indicators

The process

1. Select interesting and important issues to be included in the health indicators through a series of meetings of the Steering Committee
2. Identify experts to be contacted, then hold meetings to plan each section
3. Assign an expert to each approved section to prepare a draft
4. Brainstorm the draft papers, considering suitability, content, coverage, data quality, and possible overlaps
5. Meetings with experts responsible for each section, to review the draft papers and outline key message for each section
6. Broad review of the draft papers by experts, followed by revisions of the papers

Guidelines for health indicator contents

1. Find a key message for each section to shape its contents
2. Find relevant statistics, particularly annual statistics and recent surveys to reflect recent developments
3. Select a format, contents and language suitable for diverse readers

The 10 health issues and showcasing Thai people of the year

Criteria for selecting the health issues

- Occurred in 2010
- Have a significant impact on health, safety, and security, broadly defined
- Include public policies with effects on health during 2010
- Are new or emerging
- Recurred during the year

Health showcases are success stories in innovation, advances in health technologies, and new findings that positively affected health in general.

Procedur/e for ranking the issues

- A survey was conducted using a questionnaire listing significant issues in 2010 before the survey date. The situations obtained from the survey were ranked using a Likert scale with three levels: high (3 points), medium (2 points), and low (1 point).
- The ranking data were analyzed using the SPSS statistics package. Issues with high mean scores were given high priority.
- The Steering Committee for the Thai Health Report Project made the final decision to approve the content.

The special topic

There are two types of special topics: target group oriented and issue oriented. The types alternate each year. The topic is sometimes selected from the 10 health issues.

Important criteria in selecting the special topic include:

- Political significance
- Public benefits
- The existence of diverse views and dimensions

Working process

1. The Steering Committee met to select the topic
2. The working group outlined a conceptual framework for the report
3. Experts were contacted to act as academic advisors
4. The working group compiled and synthesized the contents. Each article's content were thoroughly checked for accuracy by academics and experts.
5. The report was revised in line with reviewers' suggestions.

Steering committee 2011

Dr. Suwit Wibulpolprasert	Office of Permanent Secretary, Ministry of Public health	Committee Chair
Dr. Vichai Chokevivat	Institute for the Development of Human Resource Protections	Committee
Dr. Amphon Jindawattana	National Health Commission Office of Thailand	Committee
Dr. Pongpisut Jongudomsuk	Health Systems Research Institute	Committee
Dr. Pinij Farnuayphol	National Health information System Developing Office	Committee
Dr. Narong Kasitpradith	Bureau of Policy and Strategy, Ministry of Public health	Committee
Dr. Choochai Supawong	Office of the National Human Rights Commission of Thailand	Committee
Assist. Prof. Apinya Wechayachai	Faculty of Social Administration, Thammasat University	Committee
Ms. Suttalak Samitasri , PhD.	Institute of Nutrition, Mahidol University	Committee
Ms. Uvadee Katkanklai	National Health Foundation	Committee
Ms. Parichart Siwaraksa	Freelance Researcher	Committee
Ms. Benjaporn Chatrakul Na Ayuthaya	National Statistical Office	Committee
Ms. Waranya Teokul	Freelance Academician	Committee
Mr. Ms.Pibhop Thongchai	Foundation for Children	Committee
Mr. Surin Kitnitchi	Klongkanomjeen Community, Sena District, Ayutthaya Province	Committee
Ms. Benjamaporn Chantrapat	Thai Health Foundation Promotion	Committee
Assist. Prof. Churnrurtai Kanchanachitra, PhD.	Institute for Population and Social Research, Mahidol University	Committee and Associate Secretary
Assist. Prof. Chai Podhisita, PhD.	Institute for Population and Social Research, Mahidol University	Committee and Associate Secretary
Assist. Prof. Kritaya Archavanichkul, PhD.	Institute for Population and Social Research, Mahidol University	Committee and Associate Secretary
Mr. Chalernpol Chamchan, PhD.	Institute for Population and Social Research, Mahidol University	Committee and Associate Secretary
Ms. Kullawee Siriratmongkhon	Institute for Population and Social Research, Mahidol University	Program assistant
Ms. Pannachat Tipsuk	Institute for Population and Social Research, Mahidol University	Program assistant
Ms. Sasinee Thapsuwan	Institute for Population and Social Research, Mahidol University	Program assistant

Experts

Reviewers

Dr. Suwit Wibulpolprasert

Dr. Vichai Chokevivat

Ms. Parichart Siwaraksa

Office of Permanent Secretary, Ministry of Public Health
Institute for the Development of Human Resource Protections

Freelance Researcher

Experts Health Indicators: 12 National Health Indicators

Dr. Thaworn Sakulpanich

Dr. Prawase Tantipiwatanasakul

Dr. Kanitta Bundhamcharoen

Ms. Chitpranee Vasavid

Mr. Rangsarn Pinthong

Ms. Sawitri Thayansilp

Health Insurance System Research Office

Department of Mental Health

International Health Policy Program

International Health Policy Program

Pollution Control Department

National Institute for Children and Family Development,
Mahidol University

Special Advisor for HIA: Mechanism For Healthy Public Policy

Dr. Wiput Poolcharoen

Dr. Amphon Jindawattana

Mr. Decharut Sukkumnoed, PhD

Ms. Paranee Sawasdirak

Ms. Somporn Pengkum

Mr. Sakesiri Piyavej

Policy Research and Development Institute Foundation

National Health Commission Office of Thailand

Faculty of Economics, Kasetsart University

City Planning for Social Network

National Health Commission Office of Thailand

PTT Aromatics and Refining Public Company Limited

The Writers 10 Health Issues Team

Ms. Oueiporn Taechutrakul

Ms. Piyanart Worasiri

Ms. Nattaya Boonpakdi

Mr. Kritsada Supawattanakul

Freelance Writer

Freelance Writer

Woman's Health Advocacy Foundation

Freelance Writer

The Thai Health Report Team

Assist. Prof. Churnrurtai Kanchanachitra, PhD.

Assist. Prof. Chai Podhisita, PhD.

Assist. Prof. Kritaya Archavanichkul, PhD.

Mr. Chalernpol Chamchan, PhD.

Ms. Kullawee Siriratmongkhon

Ms. Pannachat Tipsuk

Ms. Sasinee Thapsuwan

Main Editor

Editor "HIA: Mechanism For Healthy Public Policy"

Editor "10 Health Issues"

Editor "12 National Health Indicators"

Research assistant

Research assistant

Research assistant

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ThaiHealth Working Group.

April 2013

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