

# Thai Health

2014

“  
Self-management  
Communities:  
”

## Foundation of National Reform



ปัญหาของแผ่นดิน



สุขภาพ  
คนไทย



สสส. สำนักงานคณะกรรมการ  
สุขภาพแห่งชาติ



ศูนย์วิจัยประชากรและ  
สุขภาพ มหาวิทยาลัยมหิดล

**11**  
Obesity  
Indicators

**10**  
Health  
Issues

**4**  
Outstanding  
Achievements

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**Thai  
Health  
2014**

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Last but not least, we would like to express our appreciation for the moral supports from all readers of Thai Health which keeps us dedicated to improve the quality of Thai Health even further in the future.

Thai Health Working Group  
March 2014

# Preface

With this volume, Thai Health has entered its second decade of existence. Over the last ten years, we have solicited readers' opinions on how to improve Thai Health further. Most readers would like the content and format kept as it is, with only some minor changes. Those suggestions, including explanations for tables and graphs and the use of simple language have been incorporated into successive volumes of Thai Health.

This volume's special feature entitled "Self-managing communities: Foundation of national reform" presents the stories of local communities whose strength allowed them to successfully achieve their goals and overcome problems. Although differing in methods, these communities share certain characteristics such as broad participation and strong leadership. These strong communities, that can solve their own problems, make for a very strong foundation for sustainable national reform.

This year's 10 outstanding health situations include some of the most debated government policies such as the rice-pledging scheme, the 2-trillion-baht loan and the 350-billion-baht water management mega-project as well as controversial social and environmental issues such as disgraced monks and the ICJ verdict on PreahVihear dispute. Four success stories are also presented: Thailand's victories in international sports; World Soil Day; Siriraj Hospital winning international prize for thalassemia researches; and DrKraisid winning international nutritionist award.

This year's health indicators focus on obesity, the silent threat which causes many negative health consequences. The report presents the obesity problem in Thailand, related factors and impacts from various angles in the hope that readers will become more aware and use this information to combat obesity.

Thai Health Working Group is grateful to all readers who have over the last ten years followed Thai Health, as well as provided feedbacks, suggestions and moral support which keep us dedicated to improve the report even further. We hope that you find this volume of Thai Health useful as always and continue to support us in the future.

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11

Obesity  
Indicators



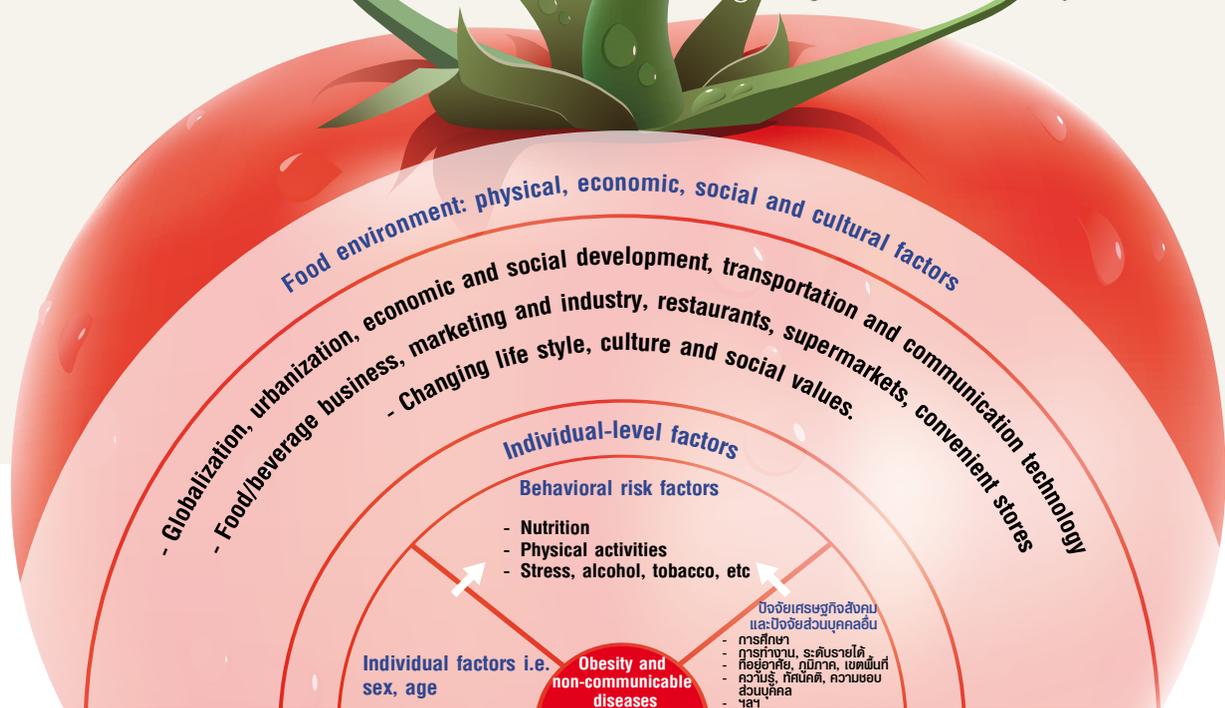
# 11 Obesity Indicators

Today, non-communicable diseases and behavioral risk factors account for an increasing proportion of illnesses and premature deaths amongst the Thai population. A 2009 study on disease burden found that obesity was a silent threat of kinds and the first and sixth most important risk factor for poor health among Thai women and men respectively.

The 2009 National Health Examination Survey found that more than one third of adult Thais (over 15 years old) were overweight or obese, with a Body Mass Index (BMI) of more than 25 kg/m<sup>2</sup>. This finding provided a number of overweight or obese persons more than double the result of the first survey in 1991. Different data sets clearly indicate that the overall Thai population (female, male, children, those in working age, the elderly, wealthy, middle-class, poor, urban or rural) are increasingly becoming obese

when compared with their counterparts in other ASEAN countries. The prevalence of obesity in Thai men is now ranked at the fourth highest in ASEAN while that of Thai women is the second highest after Malaysian women.

In Thailand, obesity afflicts more the well-to-do population with unhealthier eating behaviours than those with lower incomes. However, with increasing purchasing power and lower prices of fast food, junk food and drinks with high sugar contents, obesity will become



Obesity: individual level factors and food environment

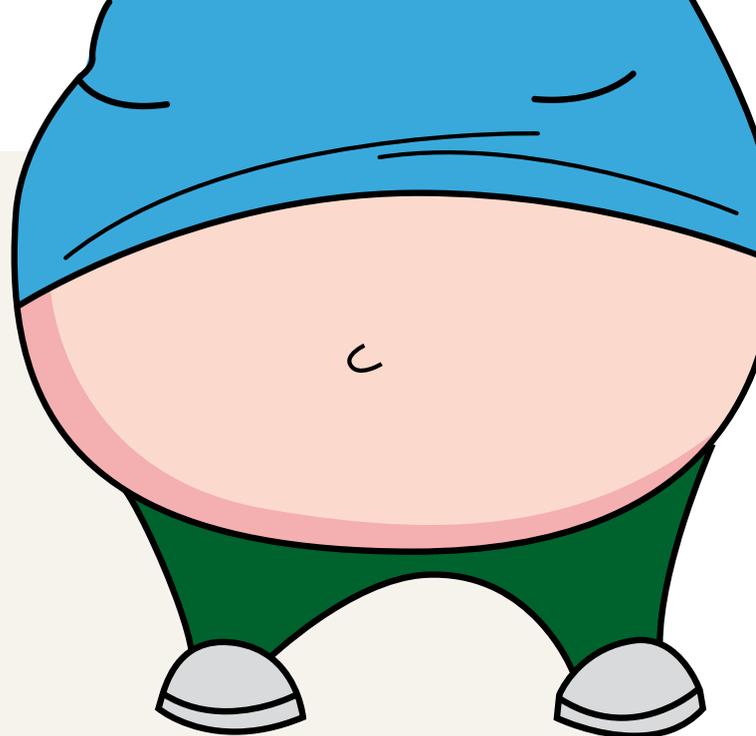
a more serious health threats for middle and low income populations who have lower purchasing power and more limited options in buying healthy food, as is the trend in developed countries.

The worsening obesity problem has various causes both resulting from individual-level factors and the food environment, whether physical, economic, social or cultural.

A changing life style, less labour intensive jobs and ease of transportation and communication all contribute to physical inactivity among urbanites who spend most of their time in front of computers, the television, on the telephone or passively commuting. Apart from time for sleep (average 8.4 hours), Thais spend as much as 13.3 hours on activities with “very low levels of body movement”. In addition, a 2012 survey found that only 71.7% of Thai men and 62.4% of Thai women have adequate levels of physical activity.

On the other hand, while energy burning through physical activity and exercise is on the decrease, energy intake from food and beverage consumption is on the rise and exceeds daily needs. This increased energy intake comes especially from snacks and beverages with high levels of sugar, fats and sodium. Eating out and ready-to-eat food consumption is also on the rise. The majority of such food consumed is more sugary, oily, salty and calorie saturated than self-cooked food. On the other hand, vegetable and fruit consumption is lower than recommended levels these days.

These unhealthy eating habits are partly a result of a changing food environment. The fast growth of food/beverage markets and industry, restaurants, superstores and convenient store franchises affects the availability and accessibility of food, especially unhealthy food, in terms of



quantity and variety. Such food has become easily accessible by people of all ages and areas, especially among children and teenagers who comprise the most vulnerable group. Certain values and attitudes in Thai society also need to be readjusted. For example, Thai society continues to hold to the view that obese children are “cute” and healthy and that they will grow out of obesity by themselves. Similarly, new values and attitudes need to be cultivated whereby considerations are given to nutrition and energy balance when buying food rather than simply tastiness, preference or appetite.

This 2014 edition of Thai Health presents 11 obesity indicators divided into three sections. The first (indicators 1-3) touches on the current situation of obesity, burden and impact. The second (indicators 4-9) deals with the causes of increasing obesity in Thailand. The third and final section (indicators 10-11) are recommendations on an individual-level as well as policies and measures to be taken to tackle obesity challenges in Thailand.



# 1 How Obese is the Thai Population?

More than one third of Thais are overweight and one tenth are obese.

Over the past two decades (1991–2009) the proportion of overweight and obese Thais over 15 years of age has doubled (from 17.2% to 34.7%) and tripled (from 3.2% to 9.1%) respectively. Over-nutrition, especially amongst pre-school and school children, must be a health priority in which all sectors increasingly should become aware of and collaborate together to resolve.

Overweightness and obesity can be easily assessed with the Body Mass Index (BMI). BMI is calculated by dividing body weight (kg) with body height (m) squared. One is considered overweight when the BMI is greater than 25 kg/m<sup>2</sup> and obese when the BMI exceeds 30 kg/m<sup>2</sup>. In addition, one is considered to have “metabolic syndrome” if the waistline exceeds 90 cm (male) and 80 cm (female).

## How to identify obesity and “metabolic syndrome”

Body weight criteria	International criteria	Asia-Pacific criteria
	BMI (kg/m <sup>2</sup> )	
Underweight	< 18.5	< 18.5
Normal	18.5-24.99	18.5-22.99
Overweight	≥ 25	≥ 23
Borderline obese	25-29.99	23-24.99
Obese	≥ Over 30	≥ Over 25
Waistline criteria	Waistline (cm)	
	Metabolic syndrome (male)	≥ 101
Metabolic syndrome (female)	≥ 88	≥ 80

Source: National Health Survey Office. Report of the 4th National Health Examination Survey (2008-2009)

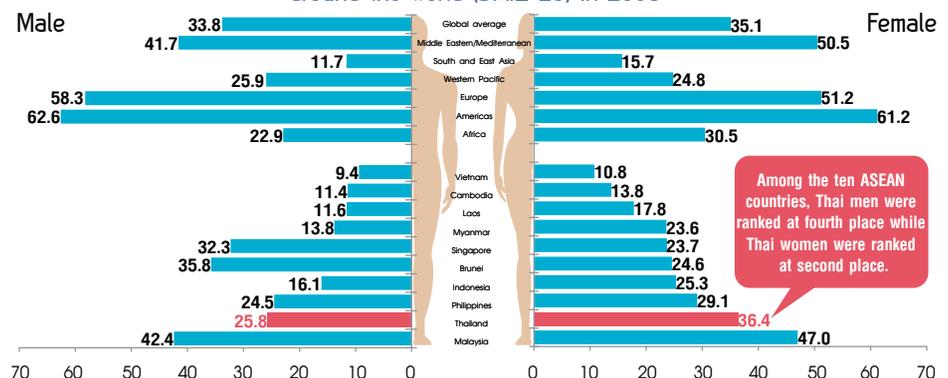
## Proportion of overweight and obese Thais markedly increased between 1991 and 2009



Source: National Health Survey Office. Health Signs Newsletter, January 2011, quoting data from the report of the 4th National Health Examination Survey (2008-2009)

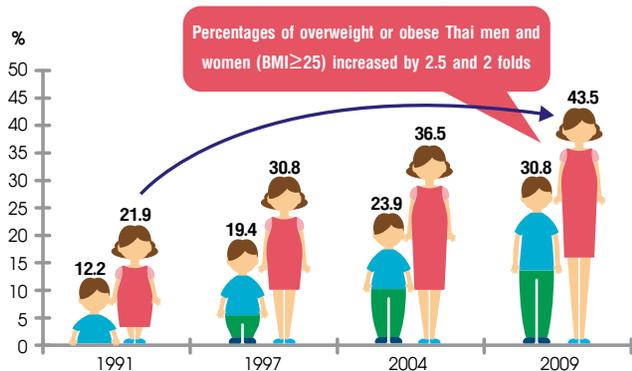
Obesity appears to follow a country’s development level and quality of life. The prevalence of overweightness and obesity in Thailand is rising fast with Thai women faring worse than their male counterparts in almost all indicators.

## Percentage of overweight or obese populations (over 20 years old) around the world (BMI ≥ 25) in 2008



Note: age-standardised estimation  
Source: WHO, World Health Statistics 2013.

### Thai men and women became more overweight or obese between 1991 and 2009.



Note: Only 18-59 age group  
Source: National Health Survey Office. Report of the 1st - 4th National Health Examination Surveys

### Thai women are doing worse than Thai men in all indicators

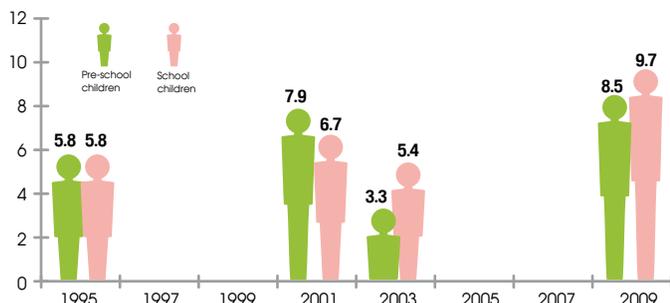
2009	Men	Women	Total
Average BMI (kg/m <sup>2</sup> )	23.1	24.4	23.8
Prevalence of overweightness (%)	28.4	40.7	34.7
Prevalence of obesity (%)	6.0	11.6	9.1
Average waistline (cm)	79.9	79.1	79.5
Prevalence of metabolic syndrome (%) (Waistline over 90cm in men and 80 cm in women)	18.6	45.0	32.1

Note: Only those over 15 years old  
Source: National Health Survey Office. Report of the 4th National Health Examination Survey

Compared to other countries in the region, Thais are the second most obese population in ASEAN after Malaysia, ranking at fourth place and second place for males and females respectively.

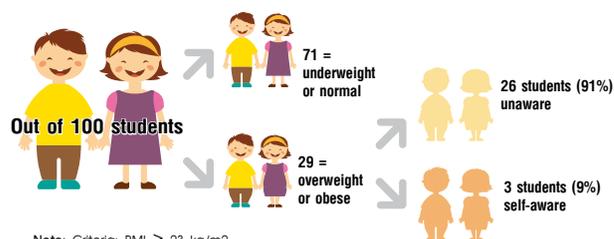
Most worrying is the rising trend of child obesity. The 2009 survey reveals how around one tenth of Thai pre-school (1-5 years) and school (6-14 years) children were overweight or obese. If Thai society fails to recognise and solve this situation, these children will become overweight and obese adults, thereby intensifying the negative impact of obesity on the future of the country.

### Overweightness and obesity among Thai children, 1995-2009



Note: Preschool children = 1-5 years; school children = 6-14 years. Data from the 2nd National Health Examination Survey, 1995; Project on Holistic Development among Thai Children, 2001; the 5th Food and Nutrition Survey, 2003.  
Source: Ladda Mo-suwan, in Report of the 4th National Health Examination Survey, 2008-2009, "Children" section.

### Overweightness and obesity among university graduates in seven universities in Chiangmai Province.



Note: Criteria: BMI ≥ 23 kg/m<sup>2</sup>  
Source: Wannapa Lekuthai et al, 2011.

In addition, many Thais are unaware that they are overweight or obese. Self-awareness is an important first step which leads to individual-level behavioural changes to reduce obesity. However, awareness needs to be coupled with policies and measures to curb obesity at the public-level with collaboration from all sectors.



# 2 The Inequality of Obesity

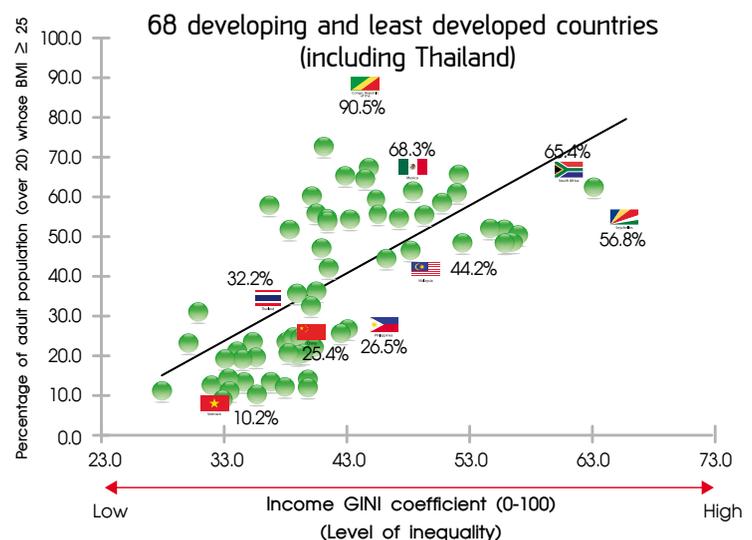
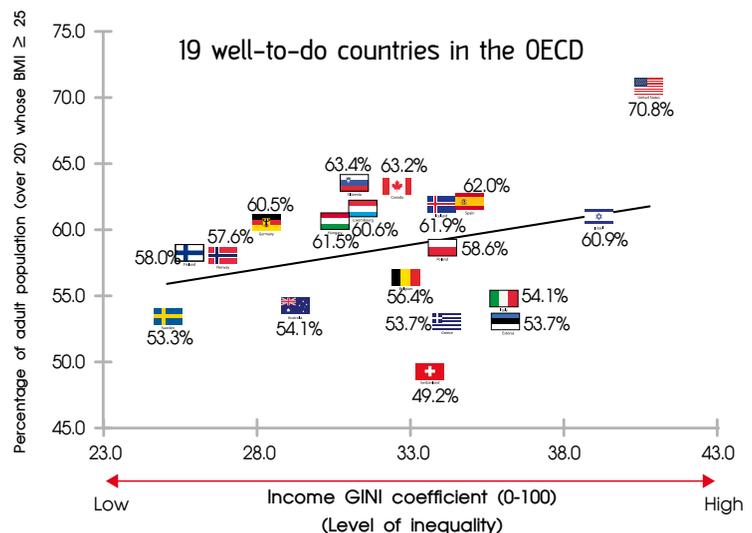
**“The rich are still more at risk than the poor.”**

Obesity is a problem for “rich people in poor countries and poor people in rich countries.” Although overweightness and obesity tend to be a problem mainly for well-to-do Thais, the problem is now increasingly afflicting the poorer population also as the country’s development level and income per capita rise.

The obesity situation among Thais vary from region to region dependent on the level of development and socioeconomic conditions. Bangkok has the highest proportion of overweight and obese adult population over 15 years old (almost 50% among women) whilst the Northeastern region has the lowest levels. Obesity is clearly more prevalent among urbanites than rural dwellers. The richest 20% of Thais are 1.5 times more likely than the poorest 20% to be overweight or obese.

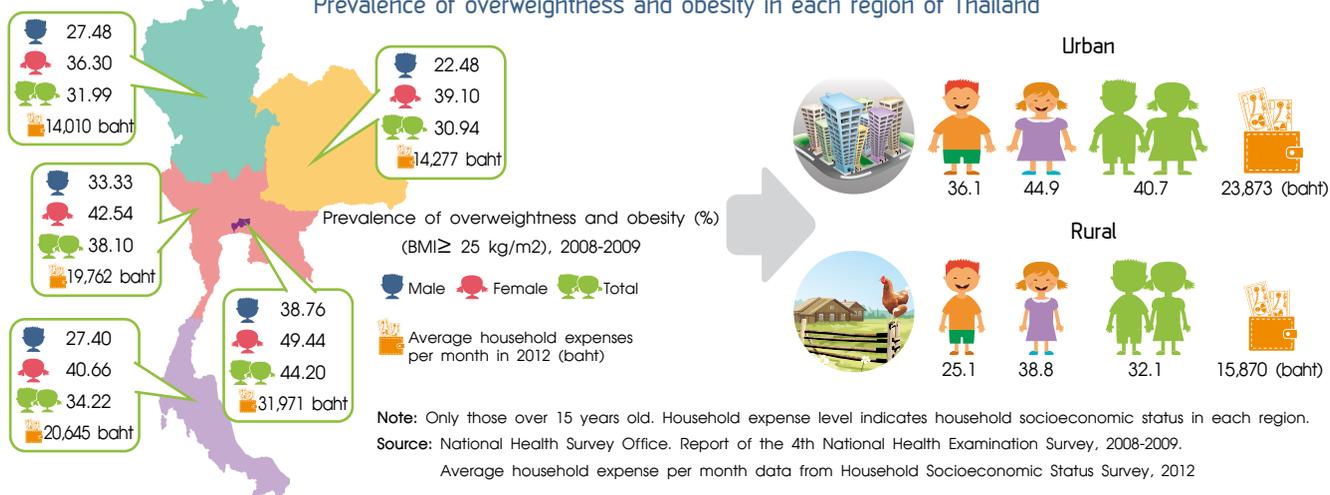
Although obesity tends to be more of a problem for the rich than the poor, experience in other countries show that as a country’s development level and quality of life rise, the poor will become more vulnerable because of their more limited options to buy healthy food. The decreasing prices (compared with increased purchasing power) of fast food and junk food with low nutrition and high calories are factors contributing to rising obesity among those with low incomes.

Prevalence of overweightness and obesity, compared against income inequality in different countries

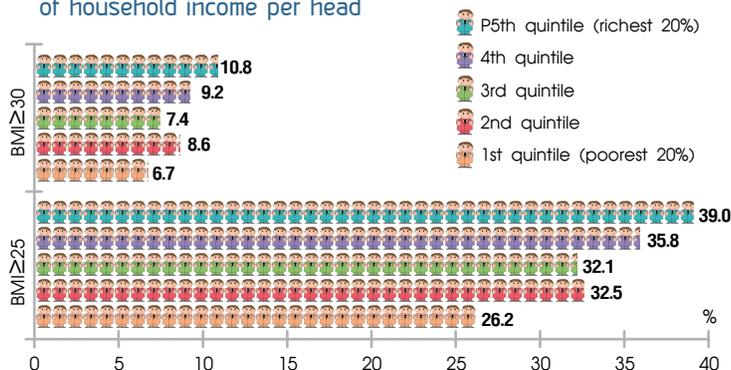


Source: Global Health Observatory Data Repository, WHO. Income GNI coefficient data, Human Development Report 2013.

## Prevalence of overweightness and obesity in each region of Thailand



## Prevalence of overweightness and obesity by level of household income per head



**“Obesity is a problem of rich people in poor countries and poor people in rich countries.”**

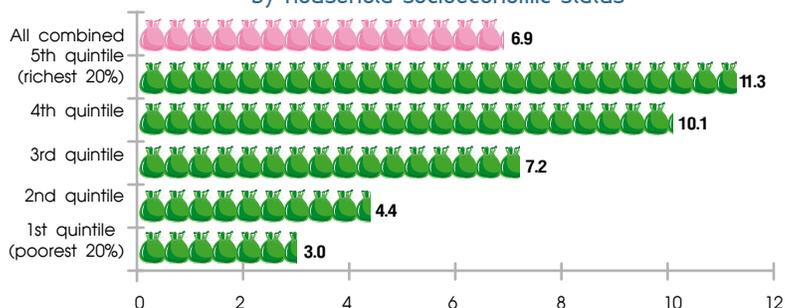
Before 1989, the relationship between socioeconomic status and child obesity in developed countries could be positively correlated (the richer the more obese), negatively correlated (the poorer the more obese), or at times there were no correlations at all. However, since 1989 no study in children aged 5-18 years of age has shown a positive correlation. On the other hand, positive correlations can still be found in developing countries including Thailand which means that child obesity is found more in children from well-to-do families more than in poorer families.

Source: Adapted from Ladda Mo-suwan (2010) in Wanee Nithiyayan (2010), editor.

Data from countries around the world, including high-income, developing and least developed countries, show that socioeconomic gaps correlate with obesity situations. The more unequal a society is, the more prevalent obesity tends to be in that country. Tackling the obesity problem therefore cannot involve only individual-level solutions but must include structural changes aimed at reducing inequality within the population.



## Percentage of children aged 0-59 months with over-nutrition, by household socioeconomic status



**Note:** 1. Socio-economic status measured by household wealth index.  
 2. Child over-nutrition = weight/height ratio over +2 standard deviations (SD) according to reference criteria

**Source:** National Statistics Bureau, 2007. Survey on the situations of children in Thailand, December 2005 – February 2006.

## Prices of unhealthy food decrease against income

Over the past 10 years (2002-2011), when comparing food prices against income, Thai people can now afford 2.45 times more hamburgers, 2.27 times more fats, 1.99 times more carbonated drinks, 1.42 times more ready-to-eat food and 1.4 times more sugar. On the other hand, the populations purchasing power to buy meat, fish, marine animals and fruit remains more or less the same as before.

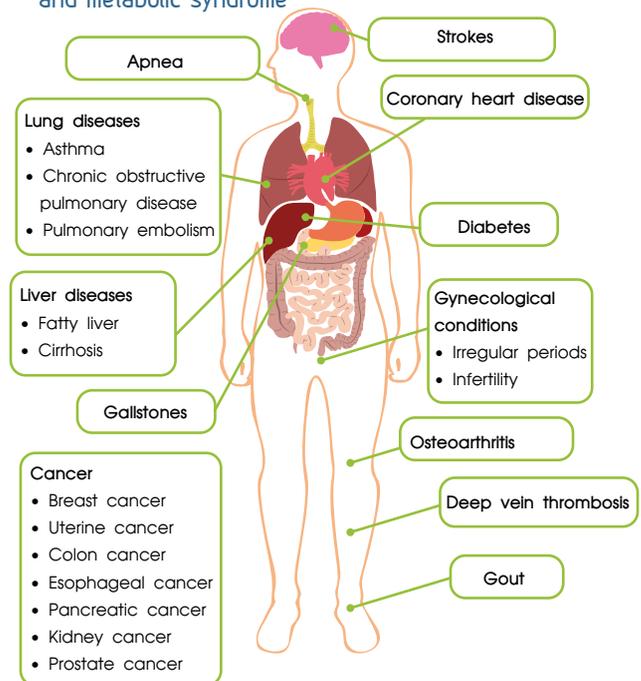
# 3 Obesity-Related Risks

“Obese people are three times more at risk of diabetes and twice more at risk of hypertension, heart disease and osteoarthritis of the knee.”

“Overweightness and obesity are important factors which increase risks of other diseases and complications all with adverse impacts on the quality of life and happiness of the Thai population.”

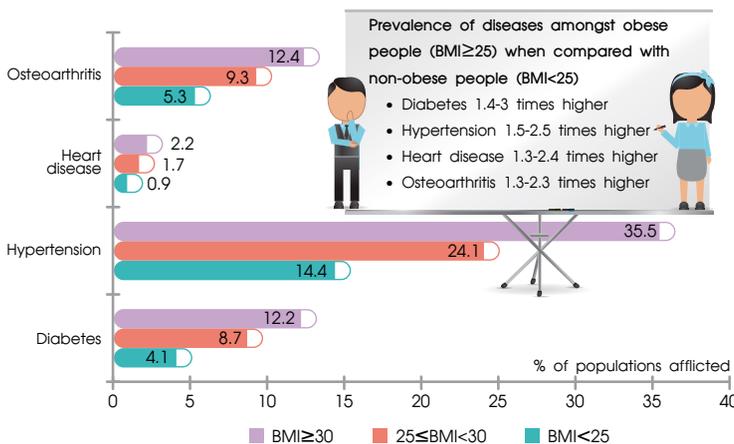
Many health studies have confirmed that obese people have increased relative risks of other diseases and disorders when comparing to those with those persons with normal BMIs. Syndromes or health risks with sharp risk increases resulting from obesity include adult diabetes, gall bladder diseases, hypercholesterolemia, dyspnea and apnea whilst moderate risk increases are found in terms of coronary heart disease, hypertension, osteoarthritis, hyperuricemia or gout.

Diseases and disorders associated with obesity and metabolic syndrome



Source: Adapted from Wannee Nithiyanan's "Obesity and metabolic syndrome in Thailand"

Prevalence of diabetes, hypertension, heart disease and osteoarthritis by BMI, 2008-2009



Source: Wichai Ekpalakorn, compiled from the Report of the 4<sup>th</sup> National Health Examination Survey, 2008-2009.

morbidity in a quarter of male diabetic patients and more than half of female diabetic patients, whilst also the main cause of morbidity in approximately a quarter of male patients and a third of female patients with coronary heart disease.

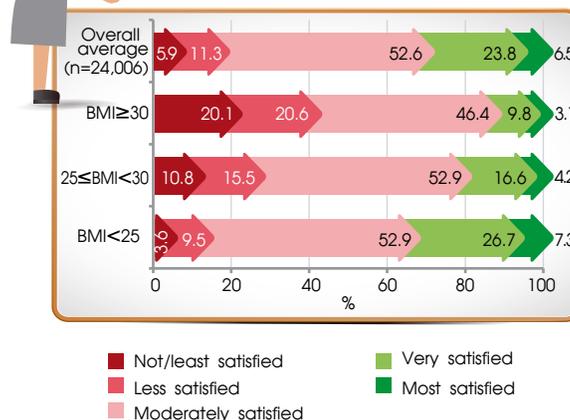
From 2009 prevalence data for diabetes, hypertension, heart disease and osteoarthritis of the knee, it is clear that obese Thais (BMI ≥ 30 kg/m<sup>2</sup>) are 2 to 3 times more likely to suffer from these conditions than those with appropriate weight. Obesity is the main cause of

Percentage and numbers of patients whose morbidity may be caused by overweightness and obesity (BMI $\geq$ 25 kg/m<sup>2</sup>), 2009

Disease/disorder	Percentage		Number of inpatients*		Number of outpatients*	
	Male	Female	Male	Female	Male	Female
Diabetes	24	52	63,376	274,451	10,361	41,945
Coronary heart disease	25	33	6,743	6,537	17,251	18,177
Osteoarthritis of the knee	23	15	16,296	29,578	788	2,057
Pulmonary embolism	15	22	22	36	38	128
Hypercholesterolemia	11	15	4,346	9,653	9	37
Hypertension	5	15	20,537	92,211	1,044	5,325
Colon and rectal cancer	8	9	915	1,050	2,160	2,171
Strokes	4	5	3,218	3,016	17,251	18,177
Depression	4	3	430	817	47	104
Gall bladder diseases	2	12	218	2,108	433	3,797
Uterine cancer	-	17	-	504	-	897
Breast cancer	-	2	-	649	-	712
Total			118,862	427,418	34,801	78,028

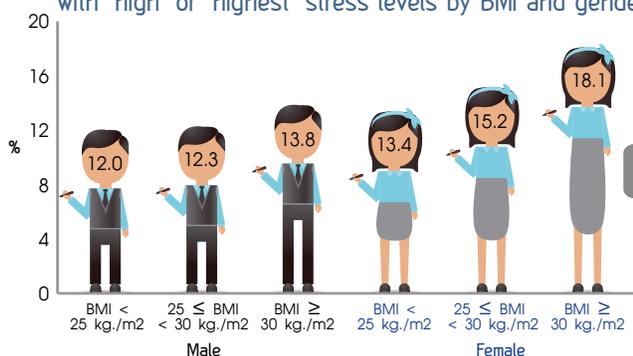
Source: Montarat Thavorncharoensap et al, 2011.

Level of self-satisfaction with one's own health amongst working-age population (18-59 years) by BMI, 2012

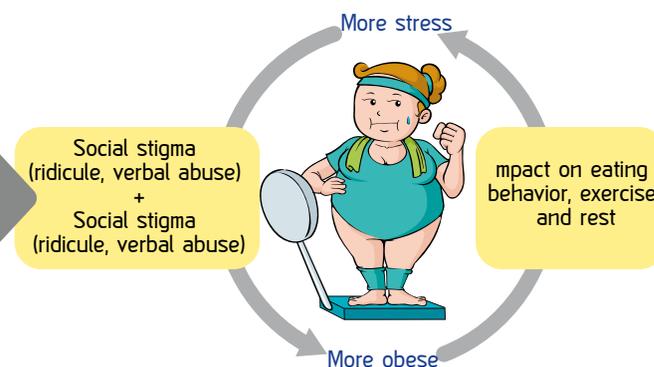


Source: Institute for Population and Social Research, Mahidol University, Project on Happiness Conditions of Thailand's Working-age Population, 2011-2014, with 24, 006 respondents aged 18-59 years.

Percentage of working-age population (18-60 years) with "high" or "highest" stress levels by BMI and gender



Note: Stress level is measured from stress derived from work, family, personal life and other factors. When data was analysed, it was found that stress levels and BMIs are correlated with statistical significance in both genders.



In addition to increased physical health problems, obese people also suffer psychological impacts resulting from their weight that cannot be neglected. Data from the project on happiness conditions of Thailand's working-age population in 2012 shows that the level of satisfaction and happiness towards one's own physical health decreases with a rise of BMIs. Moreover, social values which emphasise slim bodies, especially among women, also make the obese more at risk of psychological and stress-related challenges.



# 4 Disease Burden and Impact

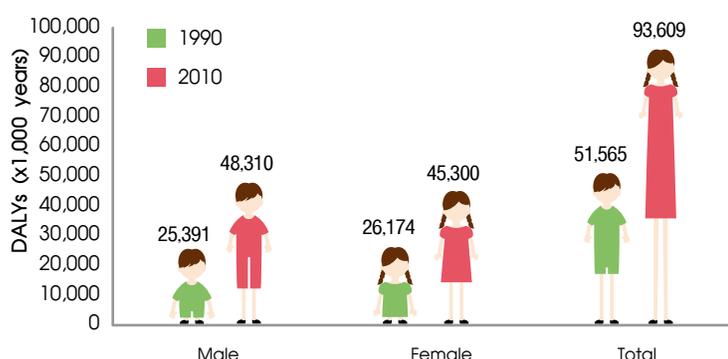
**“At present overweightness and obesity is the No. 1 risk factor threatening the health of Thai women.”**

Contagious diseases and child malnutrition used to be the most important factors which negatively impacted the health of the Thai population in the past. However, diseases from changing lifestyles such as overweightness and obesity have now become top risk factors causing illnesses, disabilities and death.

Overweightness and obesity are factors which increasingly cause the loss of disability-adjusted life years (DALYs) worldwide. DALYS is a method used to measure the health status of a population by adding the number of years lost due to premature deaths and illnesses or disabilities.

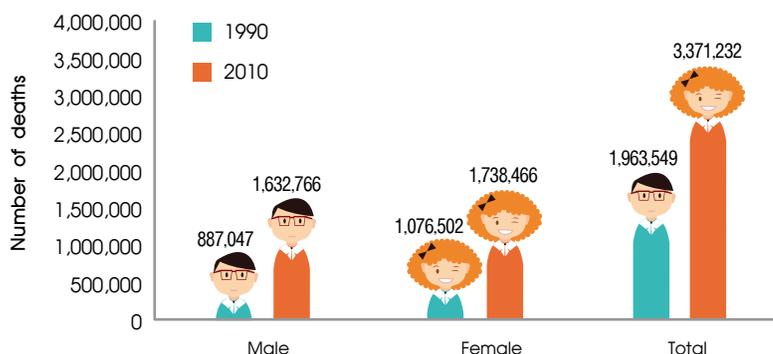
Over the last 20 years (1990-2010), the global obesity situation has clearly worsened and this can be evidenced from the increased DALY loss and number of deaths worldwide due to almost doubled BMIs. In Thailand, this trend is similarly becoming obvious. The most worrying group of people at risk is Thai women who have lost almost twice as many DALYs as their male counterparts. Most importantly, overweightness and obesity have become the No. 1 risk factor threatening the health of Thai women today, much higher than unsafe sex, which was the top risk factor in 2004.

DALY losses caused by high BMIs worldwide, 1990 and 2010



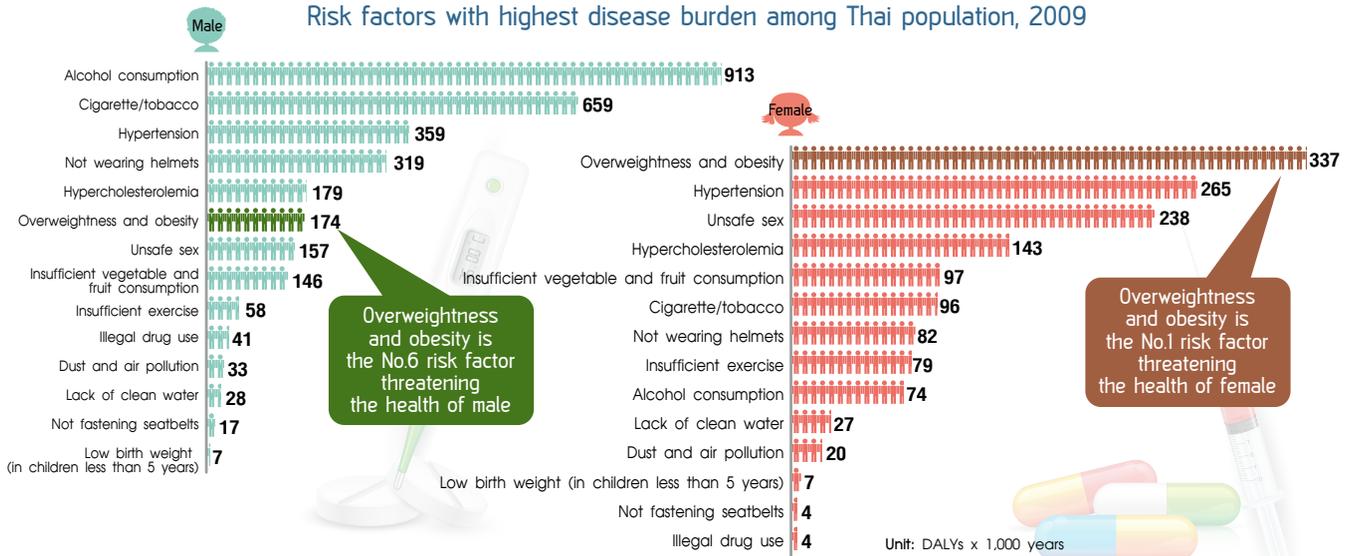
Note: DALYs = Disability-adjusted life years  
Source: Stephan S. Lim et al, 2012

Number of deaths caused by high BMIs worldwide, 1990 and 2010



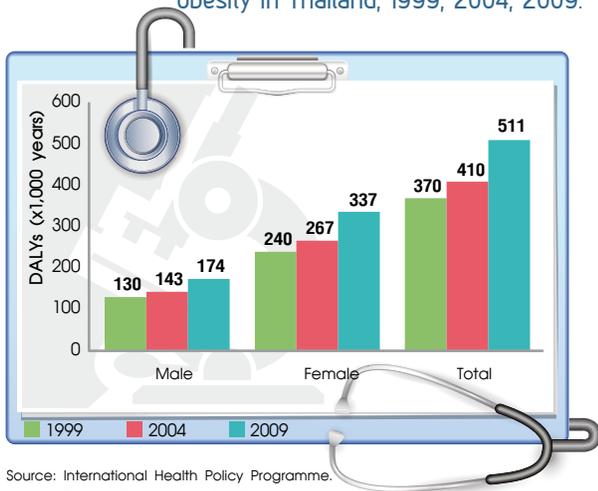
Source: Stephan S. Lim et al, 2012

## Risk factors with highest disease burden among Thai population, 2009



Source: International Health Policy Program, 2013. Report on Disease burden from Risk Factors amongst the Thai Population, 2009.

## Trend of disease burden from overweightness and obesity in Thailand, 1999, 2004, 2009.



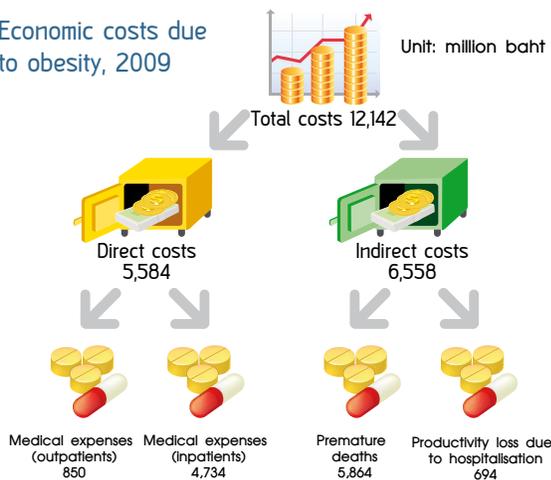
Source: International Health Policy Programme. Disease Burden from Risk Factors amongst the Thai Population, 2004. Report on Disease Burden from Risk Factors amongst the Thai Population, 2009.

The disability-adjusted life year (DALY) is a measure of overall population health, expressed as the number of years of health losses or health gaps which are the sum of years of life lost (YLL) and years lived with disability (YLD).

Moreover, DALYs due to obesity also impact on the economy as the country must spend resources on medical treatments while losing labour and productivity from illnesses and premature deaths.

The economic cost of obesity was put at 12,142 million baht. From this amount, direct costs of medical expenses accounted for 5,584 million baht whilst indirect costs of losing labour and productivity due to illnesses and premature deaths cost the country 6,558 million baht.

## Economic costs due to obesity, 2009



Note: Data of patients suffering from obesity and from other diseases caused by overweightness and obesity (namely diabetes, hypertension, osteoarthritis of the knee, coronary heart disease, strokes, colon and rectal cancer, obesity, breast cancer, depression, gall stone, uterine cancer, and pulmonary embolism).

Source: Montaran Thavorncharoensap et al. 2011.



# 5 Changing Lifestyles

**“Thai children spend more time with various forms of media. They spend as many as 8-9 hours per day using the internet, watching television and using a telephone or online chat programmes.”**

The lifestyle of people today is markedly different from that in the past. Work is less labour-intensive and more sedentary. Transportation has become convenient with private vehicles and extensive networks of mass transit systems. New technologies have also made it possible to access entertainment without moving.

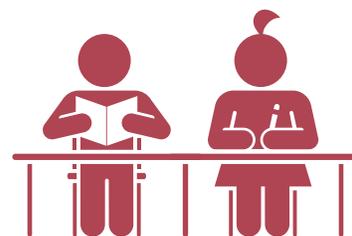
A day in the life of a Thai



Physical activities 2 hours;



sleep 8.4 hours;



low-movement activities 13.3 hours

Source: Exercise for Health Division, Department of Health, 2012, National Survey on Physical Activity.

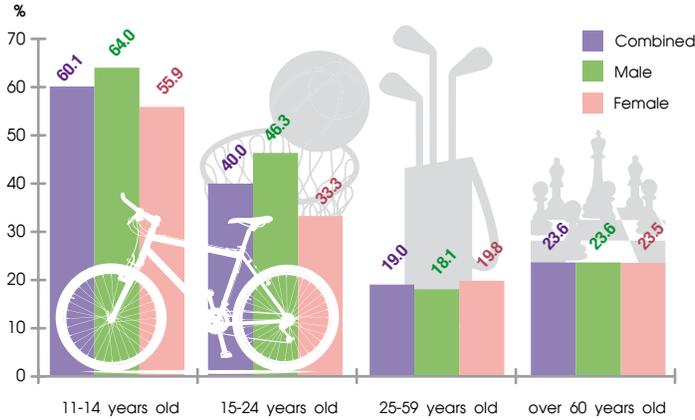
Have you thought of how you spend your time from getting up in the morning until going to bed at night, and how those activities affect your health? The modern lifestyle has radically changed from that of the past. At present, the Thai population spends as much as 13.5 hours per day on low-movement activities and only a total of 2 hours per day for activities with physical activity. Women spend the least time on physical activity with only 62% having adequate physical movement. In addition, time spent on exercise and sports is low across all groups. This is particularly true for those of working age of whom only 20% have exercised or played sports in the last month.

Percentage of people who have adequate physical activity by gender and age group

Age group	Percentage of those with adequate physical activity	
	Male	Female
All age groups	71.7	62.4
5-14 years old	74.4	60.6
15-29 years old	75.3	57.7
30-49 years old	69.9	64.5
50-59 years old	74.5	70.5
60 years and over	62.3	56.2

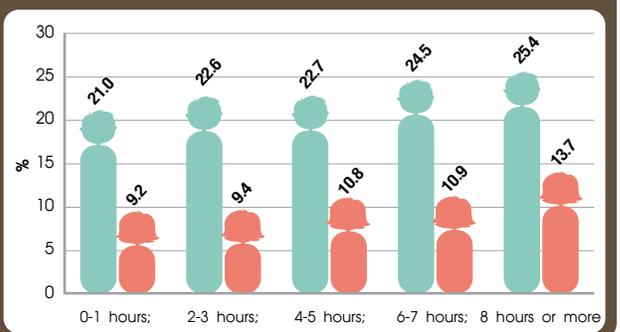
Source: Exercise for Health Division, Department of Health, National Survey on Physical Activity, 2012.

Percentage of population who exercise or play sports by age group, 2011



Source: National Statistics Bureau, 2012. Survey on Exercise and Sports Behaviours of the Population, 2011.

Percentage of those with overweightness and obesity by numbers of hours per day spent on watching television or online.



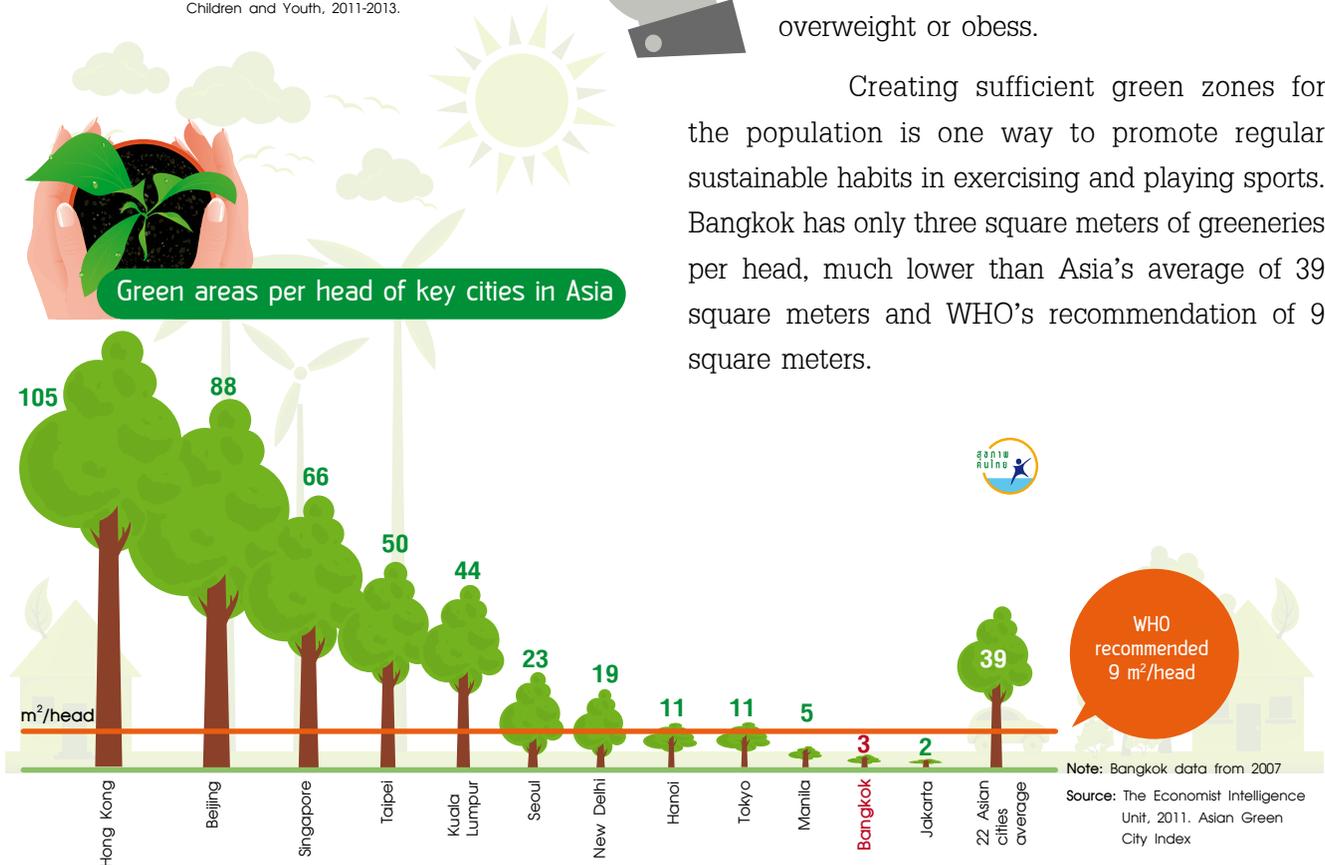
Source: Banks et al., 2011

Moreover, technology has become an indispensable part of modern life. People now spend more time on various forms of media especially amongst children from primary to university levels. These children spend as many as 8-9 hours per day on the internet, watching television and using a telephone or online chat services. All this “screen time” is taking away the time that such persons should spend on physical activities and thus results in increased risks of becoming overweight or obese.



Source: Project to Monitor the Situations of Children and Youth. Important Situations related to Children and Youth, 2011-2013.

Creating sufficient green zones for the population is one way to promote regular sustainable habits in exercising and playing sports. Bangkok has only three square meters of greeneries per head, much lower than Asia’s average of 39 square meters and WHO’s recommendation of 9 square meters.



Note: Bangkok data from 2007  
Source: The Economist Intelligence Unit, 2011. Asian Green City Index

# 6 Food and Beverages

**“Calories derived from fats increased from 9% to 24% in 40 years.”**

Eating behaviour importantly contributes to overweightness and obesity. Nowadays people tend to eat out and buy more ready-to-eat foods. Children tend to eat less vegetables but more fatty food and snacks. Around one third of the working-age population drink carbonated beverages or sweet drinks every day.

The eating behaviour of the Thai population has drastically changed. This can be seen in the proportion of calories derived from fats in food which has increased from 9% in 1960 to 24% in 2003.

Calories derived from each nutritional group as percentage of total calories, 1960–2003.

	Year				
	1960	1975	1986	1995	2003
 Protein (%)	10.8	11.5	11.5	13.2	13.9
 Fat (%)	8.9	13.1	21.8	22.2	23.9
 Carbohydrates (%)	78.9	71.0	66.7	64.3	62.1

Note: Each survey used a different number of respondents and age group criteria.

Source: Bureau of Nutrition, Department of Health, the 4th Survey on Food and Nutrition Situations in Thailand, 1995; and the 5th Survey on Food and Nutrition Situations in Thailand, 2003.

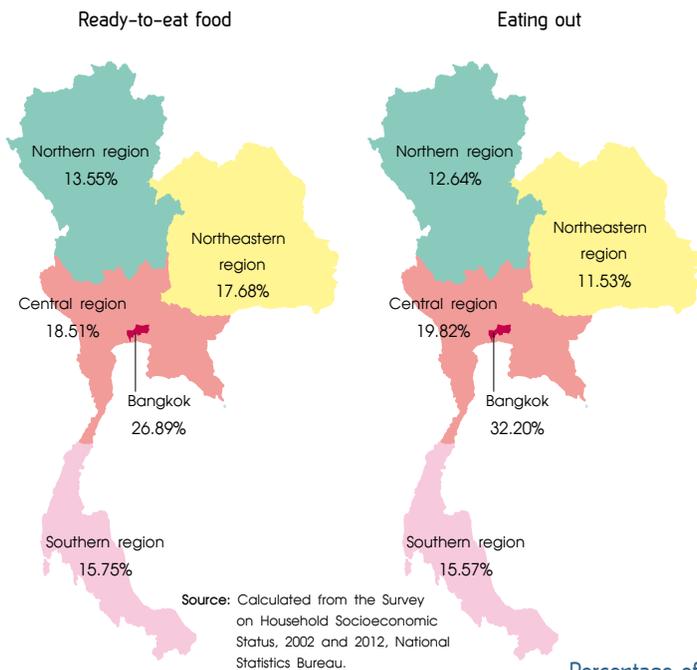
Percentage of average food-related expenses per household, 2002 and 2012.



Source: Calculated from the Survey on Household Socioeconomic Status, 2002 and 2012, National Statistics Bureau.

With today’s rat race lifestyle, eating out and buying ready-to-eat food has become a more convenient option. Data on food-related expenses of Thai households in 2002 and 2012 show that the proportion of expenses used to buy ready-to-eat food has risen whilst expenses for buying rice, flour and vegetables for self-cooking have reduced.

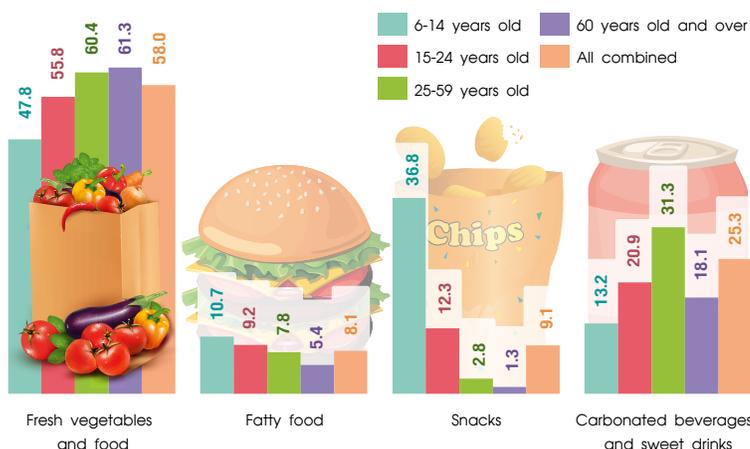
Percentage of food-related expenses per household by region, 2012



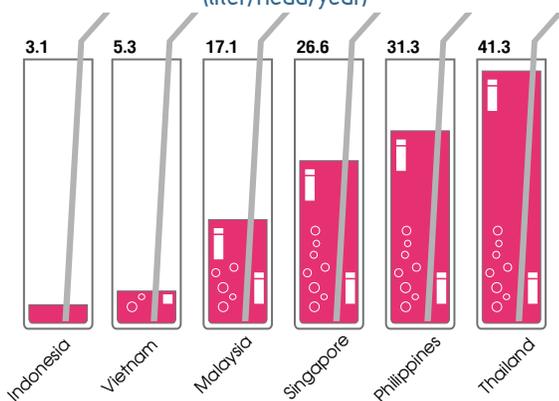
Eating out and buying ready-to-eat food has greatly affected eating habits of Bangkokians who spend almost two thirds of their food-related expenses on such items. This food often contains higher levels of calories than self-cooked food because the food tends to be cooked with large quantities of cooking oil.

In term of food type consumed, children aged 6-14 years are the group at most risk and who need to be monitored as this group eat the smallest proportion of vegetables and fruits per day and the largest proportion of fatty food and snacks. This eating habit will result in more worrying situations of overweightness and obesity in the future.

Percentage of population who eat certain food on a daily basis by age group



Consumption of carbonated drinks, 2011 (liter/head/year)



Regular consumption of sugary carbonated drinks can be another cause of overweightness and obesity. Thailand has the highest rate of carbonated drink consumption per head in ASEAN at 41 litres per year. In addition, other non-carbonated sugary drinks are also widely available. Around one third of the working-age Thai population reported daily consumption of carbonated beverages or other sweet drinks.



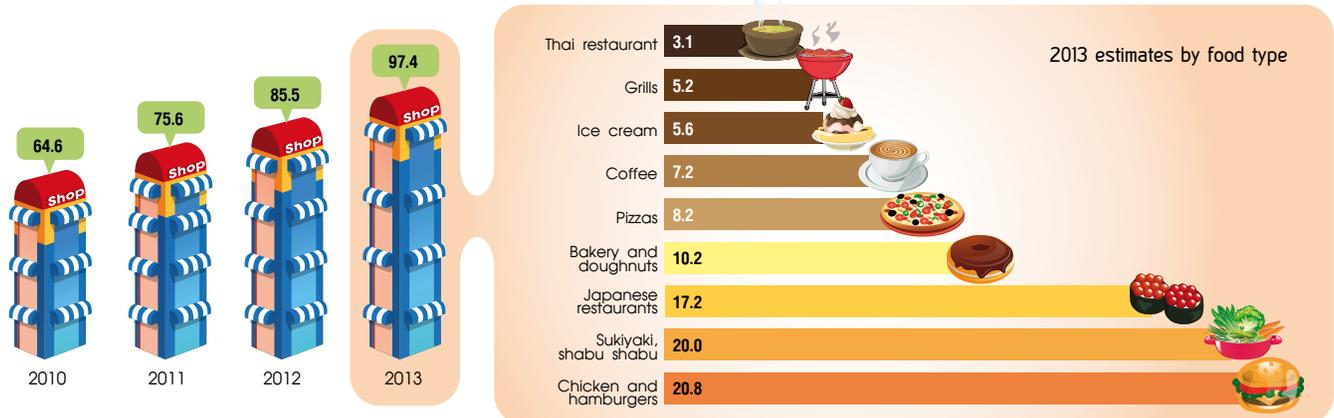
# 7 Food Environment

**“From food franchise businesses worth 97.3 billion baht, 20% of businesses are chicken and hamburger fast food joints.”**

Most people do not always choose to eat healthy food because eating behaviours are more complicated than a matter of health awareness. Food which is easily accessible, convenient and fast or which “gives more value for money” is often more popular these days.

The food environment exerts influence on people’s eating behaviours. Today’s hurried lifestyle forces people to choose food which is easily accessible and fast from the ubiquitous number of food franchises or convenient stores.

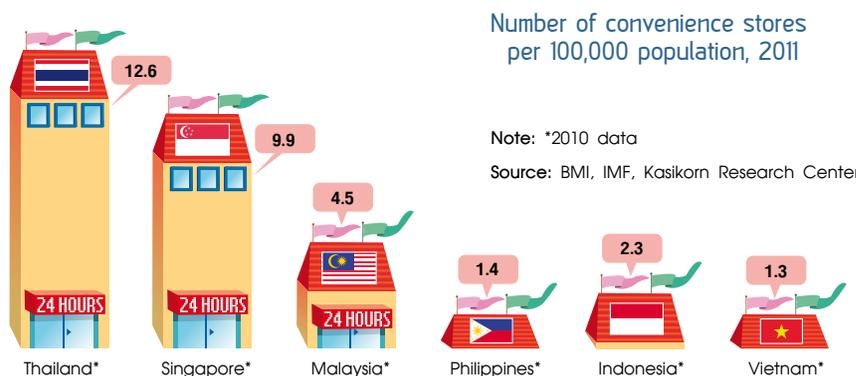
Total value of food franchise



Note: units of billion baht

Source: Kasikorn Research Center, as published in Thansettakij Newspaper, 29 June 2013.

The food franchise business in Thailand continues to grow annually with a market value of 97.43 billion baht in 2013. 20% of food franchise businesses are chicken and hamburger fast food joints. Thailand also has the highest number of convenience stores per population in ASEAN. With 12.6 branches per 100,000 population,



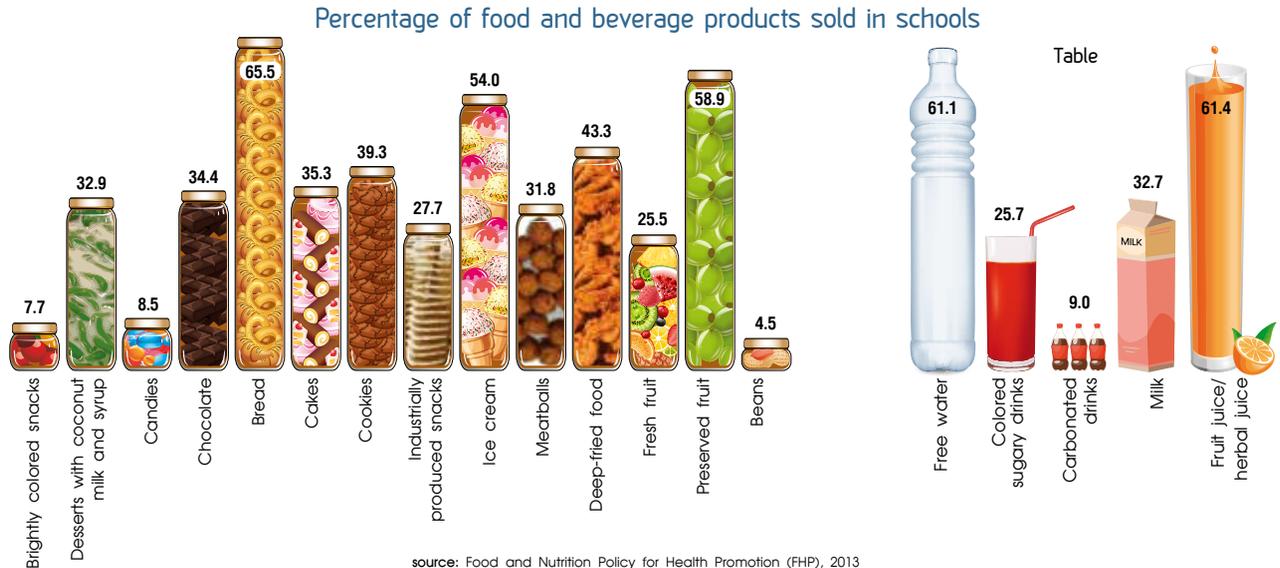
Note: \*2010 data

Source: BMI, IMF, Kasikorn Research Center

such stores are present in every province and almost every district. These shops however rarely

sell fresh fruit and vegetables. Most carry only industrially produced food items such as snacks, frozen food and sugary drinks.

For children, the food environment, especially in schools, exerts a strong influence on their lunch and snack choices. Research shows more schools now sell bread, preserved fruits, ice cream and deep-fried food compared to schools selling fresh fruit.



**Beverage values of advertising for carbonated drinks and industrially produced snacks, 2006–2009**

Type	2006	2007	2008	2009
Carbonated drinks	2.1	2.2	2.1	2.4
Industrially produced	2.7	2.5	2.4	2.4
- Crackers	1.6	1.5	1.5	1.6
- Candies	0.7	0.7	0.7	0.4
- Chocolate	0.4	0.3	0.3	0.3
Total values of advertising for carbonated drinks and industrially produced snacks	4.8	4.8	4.5	4.8
Total values of food advertising	16.7	16.4	16.4	17.8
Proportion (%)	28.8	28.9	27.4	27.2

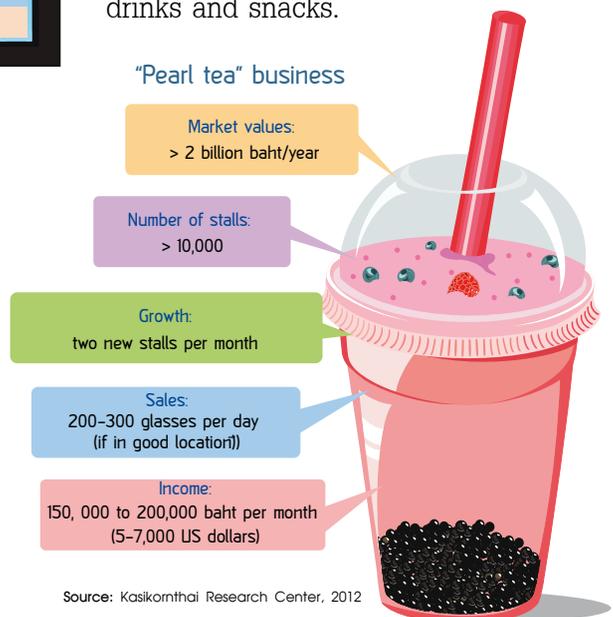
Note: units of million baht  
Source: Media Spending, 2011

Promoting healthy eating behaviour to effectively prevent overweightness and obesity therefore cannot rely only on methods of raising awareness of nutritional values amongst people but must also address and focus on an increased understanding on a population’s food environment and how this impacts consumption behaviour.



Advertisements and commercials are also factors which cannot be ignored and that influence eating habits. High competition forces those in the food business to employ various means to win market share. In 2009, the total value of food advertisements was 17.8 billion baht, almost a third of which was advertising for carbonated drinks and snacks.

**“Pearl tea” business**



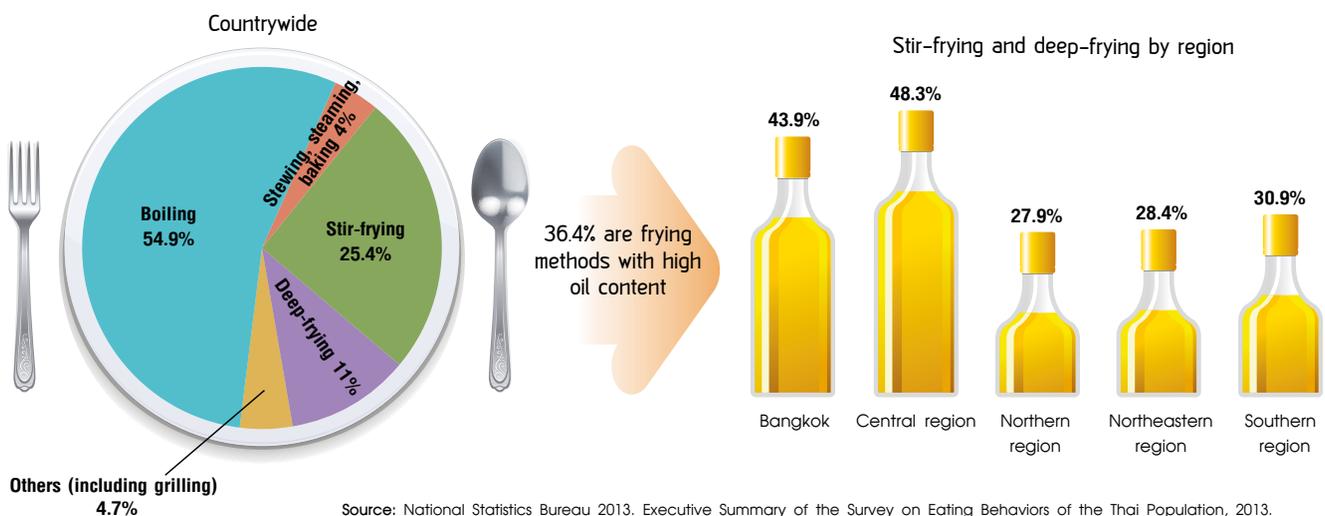
# 8 Values and Attitudes

**“When choosing food, Thai people consider tastiness to be the most important factor, whilst nutritional value comes in at fifth place.”**

Obesity in Thailand is also a result of inappropriate/outdated values and attitudes. The increasing problem of child obesity needs urgent and increased understanding in order for a solution to be found.

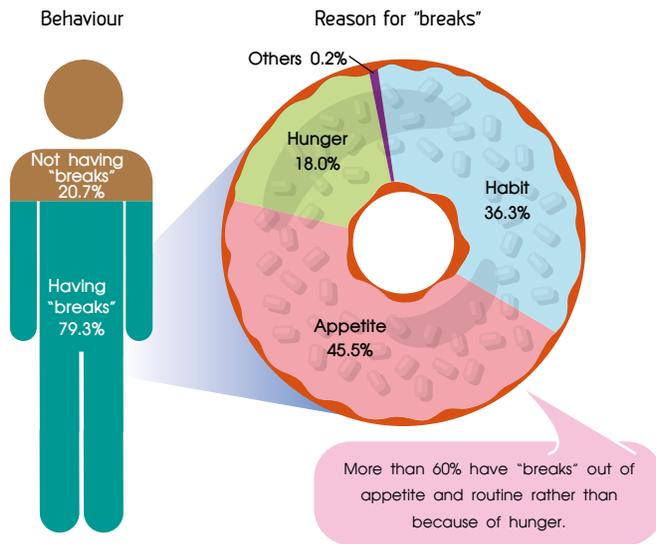
Cooking methods and attitudes towards eating out are factors which can partially explain obesity in Thailand. Research found that Bangkokians and those residing in the Central region of Thailand have the highest prevalence of obesity, stir-fry and deep-fry their food more often and are more likely to eat out or buy ready-to-eat food than cooking when compared to those people residing in other regions.

Regular cooking methods amongst the Thai population (over 6 years old), 2013

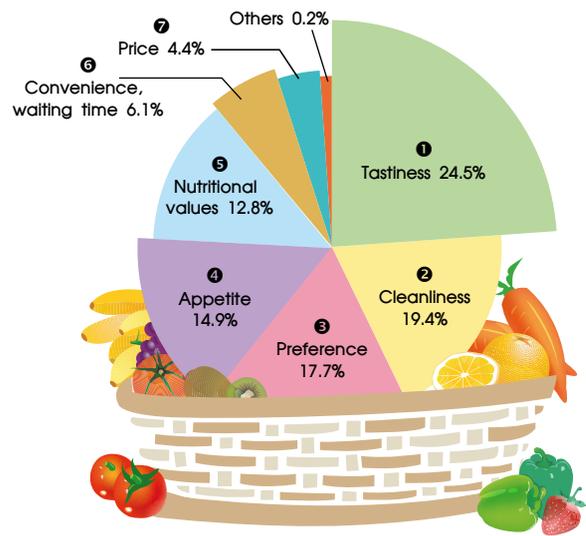


When choosing food, Thais put less importance on nutritional values than on appetite or preference. In order to curb obesity, the custom of having “breaks” with food or sweets during meetings or school breaks should also be reconsidered.

### Behaviour and reason for having 'breaks' amongst Thais over 6 years old



### The first thing Thais consider when buying food



Source: National Statistics Bureau 2013. Executive Summary of the Survey on Eating Behaviors of the Thai Population, 2013.

A partial cause of the child obesity problem results from values and attitudes of Thai people. It is believed that chubby children are “cute” and that the chubbier children are, the healthier and stronger they are. It is also believed that such children will also grow out of their chubbiness by themselves with time. These beliefs need to be reconsidered and readjusted. Parents and caretakers should set examples to children by evidencing healthy eating and exercising behaviours. Both healthy eating and sufficient exercise are all important for a child’s nutritional development. The current social reality reveals a situation where Thai families have fewer children, spoil their children, especially in terms of food consumption, and this can lead to over-nutrition and obesity.

### Attitudes and values in relation to child over-nutrition.

**Attitudes and values in relation to child over-nutrition.**

- "The fatter, the healthier, the stronger"
- "Eat more. Finish everything, so that you grow fast."
- "Children will grow out of obesity by themselves"
- "Chubby kids are cute."
- "Just eat it if you feel like it."

A study in Khon Kaen province found that amongst parents of children aged 0-5 years old with overnutrition...  
 48.2% think that chubby kids are cute  
 53.8% insist that children finish food on their plates  
 59% feed their children irregularly or allow food outside mealtime  
 56-62% give fatty food, sweets, food with coconut milk  
 25.6% believe children will grow out of obesity by themselves

A study in Bangkok found that single children and youngest children are most at risk of obesity

Foreign studies show that a child has an 80% chance of becoming obese if both parents are obese. If only one parent is obese, the chance of a child becoming obese is 40%. If neither parents are obese, the chance of a child becoming obese is only 14%.

Source: Kanchana Luangubon, 2009

Source: Narisara Pheungphosop, 2009

Source: Suphawadi Likhitmatkul, 2010



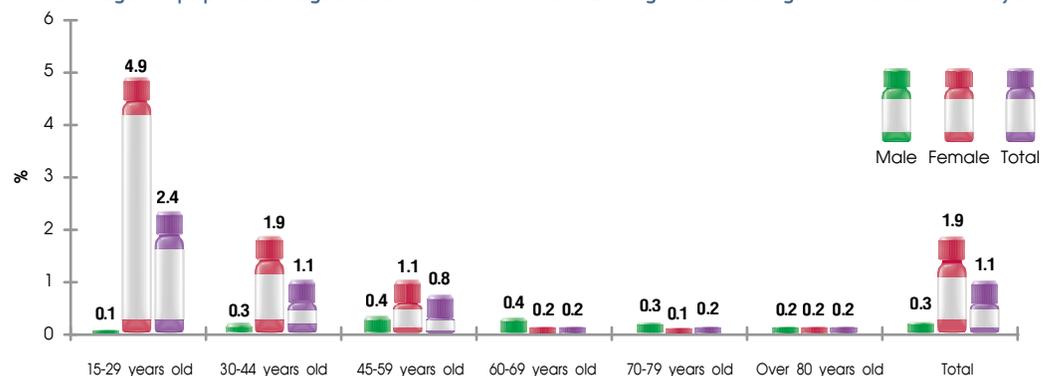
# 9 Marketing Mechanisms Targeting the Obese

**“Between 2012 and 2013, Food and Drug Administration, Thailand found violations of law in more than half of advertisements for food supplements.”**

Whether due to the rising trend of health consciousness or obsession with slim celebrities, many people are now paying more attention to their bodies. This has opened new business opportunities for “inventions” to lose weight including “drugs”, supplements such as coffee or weight-loss training courses. Without careful discretion when choosing products or services, consumers risk losing money and compromising their health by using these “inventions”.

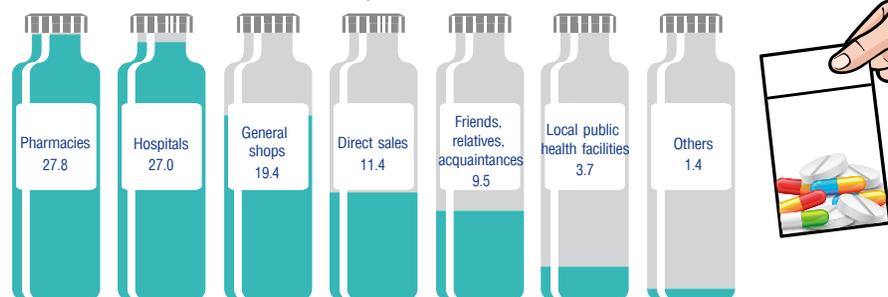
Young women between the age of 15 and 29 are the group with the highest proportion of use of weight-loss “drugs”, reflecting their wish to attain slim bodies. It is worrisome that many young women obtained these drugs from unreliable sources such as general shops, direct sales, friends, relatives or acquaintances. These drugs may not be approved by Thailand’s FDA and may contain dangerous substances such as sibutramine. Sibutramine can result in increased risks of

Percentage of population aged over 15 who have used weight-loss “drugs” in the last 30 days



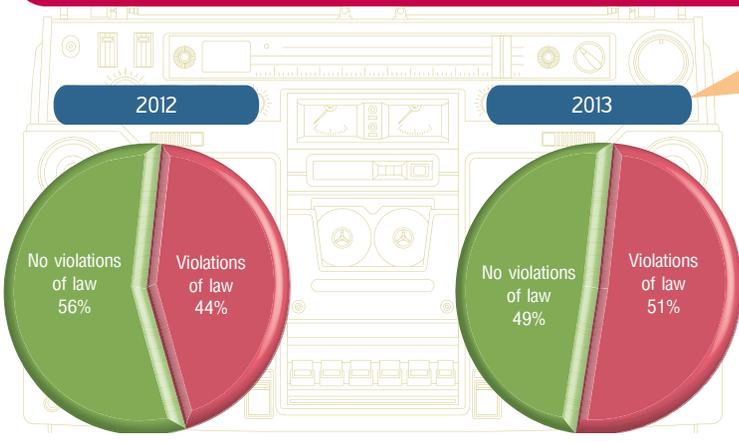
Source: National Health Survey Office. Report of the 4th National Health Examination Survey, 2008-2009.

How Thai population aged over 15 years old obtained weight loss “drugs” (multiple answers)



Source: National Health Survey Office. Report of the 4th National Health Examination Survey, 2008-2009.

**FDA's investigation findings of food supplements, 2012-2013**



**Prosecution**

- 1** Sale of food with inaccurate labels. Fine of up to 30,000 baht.
- 2** Sale of counterfeit food with misleading labels. Penalty of 6 months to 10 years imprisonment and a fine of 5,000 to 100,000 baht.
- 3** If found to contain sibutramine, the food is classified as impure, with penalty up to 2 years imprisonment or a fine of up to 20,000 baht.

Source: FDA, 2013

coronary heart disease and cerebrovascular disease. Between 2012 and 2013, the Thai FDA found violations of law in more than half of advertisements for food supplements.

Intense competition also forces weight-loss centers to use aggressive strategies to attract customers including promotions, new “treatments”, latest weight-loss “technologies” and equipment or new products, including the presently popular “weight-loss coffee”.



As long as consumers demand “easy” ways to lose weight, there will always be a market for new marketing strategies with often exaggerated effectiveness claims or unsafe substances that can provide fast results, despite the risk of possible prosecution of those involved in such advertising and sales.



# 10 How to Fight Obesity

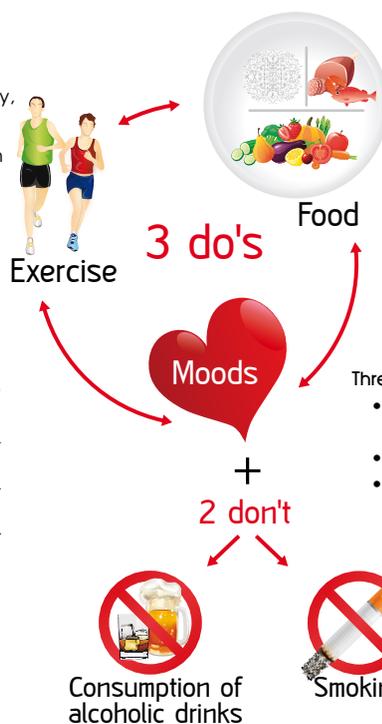
**“More than 80% of the Thai population have read nutrition labels but only one fifth think they completely understand the content.”**

The key principle in fighting obesity is to maintain balance between calorie intake and calories burnt. It is therefore necessary to promote measures to raise awareness on the importance of food nutrition and educate the public on this issue effectively.

The “3 do’s and 2 don’t” is such an initiative to fight obesity. The 3 do’s are: (1) nutritionally appropriate eating behaviour; (2) regular exercise; and (3) watching one’s own moods. The 2 don’t to be avoided are: (1) consumption of alcoholic drinks; and (2) smoking. Both of the latter can undermine one’s health. These behavioral changes must be implemented at an individual level starting with appropriate awareness and attitudes, especially concerning food nutrition.

## Three do’s and two don’t

- At least 30 minutes per day, five days per week
- Increase physical activity in everyday routines such as walking up the stairs, fast walks, doing household chores and waving arms forcefully back and forth.



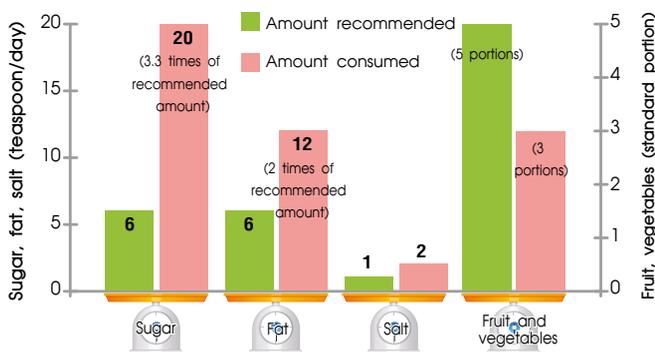
Fighting obesity with nutritionally proportionate food  
Balancing nutrition on a 9” plate

- Two parts fiber, minerals and vitamins can be in vegetables
- One part carbohydrates can be found in rice and other starches
- One part protein can be fulfilled by low-fat meat and beans
- A small plate of low-sweetness fruit or a glass of low-fat low-sugar milk may be added.

### Three measures

- Prevent emotional stimuli which encourage appetite
- Refrain oneself against eating
- Remind oneself and others on the need for healthy diets and exercise. Support each other.

Amount of sugar, fat, salt, fruit and vegetables daily consumed by Thais compared against daily recommended amounts



Source: Khonthai Raipoong Network, 2008

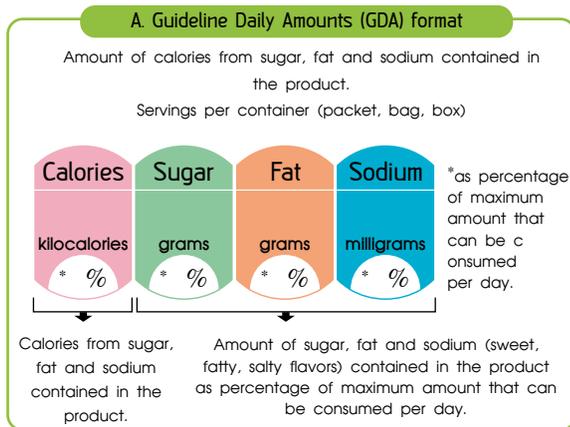
Note: 1 teaspoon = 4.2 grams

One standard portion of vegetables = one ladle of cooked leafy vegetable or the equivalent

One standard portion of fruit = 6-8 mouthfuls of papaya, watermelon or pineapple or the equivalent

Source: Data on sugar, fat and salt from the Bureau of Nutrition, Department of Health (sugar from the 2007 Sugar Cane and Sugar Committee Report; fat from the 2003 Survey on Food and Nutritional Situations in Thailand; and salt from the 2007

## Read nutritional labels before buying



At present, Guideline Daily Amounts (GDA) is mandatory in five categories of products

- 1) Deep-fried or baked potatoes
- 2) Popcorns
- 3) Deep-fried crackers
- 4) Cookies, biscuits
- 5) Cream-stuffed wafers

GDA will also be extended to cover chocolate, baked goods, instant meals, frozen meals and other snacks on a voluntary basis in the future.

**B. Standard format (full)**

**Nutritional Facts**

Serving size: ..... (.....) **1**

Serving per container: ..... **2**

Amount per serving

Total calories ..... kilocalories. (Calories from fat ..... kilocalories)

		% Daily Value*
Total fat	..... g.	.....%
Saturated fat	..... g.	.....%
Cholesterol	..... mg.	.....%
Protein	..... g.	.....%
Carbohydrates	..... g.	.....%
Fiber	..... g.	.....%
Sugar	..... g.	.....%
Sodium	..... mg.	.....%

% Daily Value\*

Vitamin A	.....%	Vitamin B1	.....%
Vitamin B2	.....%	Calcium	.....%
Iron	.....%		

Thai Recommended Daily Intake (RDI) for Thais aged over 6 years are based on a 2,000 kilocalorie diet.

Each individual may have different calorie needs. A person with a calorie need of 2,000 kilocalories per day should receive the following:

Total fat	less than	65 g.
Saturated fat	less than	20 g.
Cholesterol	less than	300 mg.
Carbohydrates		300 g.
Fiber		25 g.
Sodium	less than	2,400 mg.

kilocalorie per gram: fat 9, protein 4, carbohydrates 4

**3**

**4**

- 1** Amount of product per serving
- 2** Number of servings per container (packet, box, can)
- 3** Amount of nutrition per serving (and % of daily values)
- 4** Amount of nutrition recommended per day

## Nutritional label and Thais

### A. Percentage of respondents who have read nutritional labels



87% have read nutritional labels before buying products

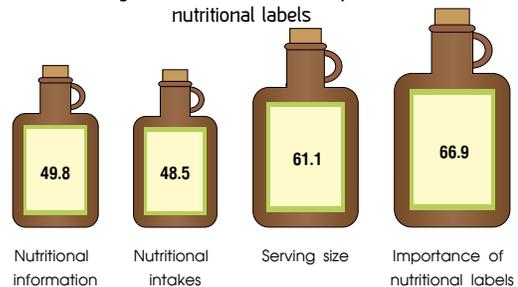
Out of these

- Three quarters think they partially understand the labels
- Only 20% think they understand completely

Note: 1,330 respondents in four regions (excluding Bangkok)

Source: Prapaisri Sirichakrawan, Praphasri Phuwasathien, Achiraya Khamchansupasin. Study on Consumer Attitude, Knowledge and Understanding of Nutritional Labels and Applications. Full Report of the Project to Update Ministerial Announcement on Nutritional Labels, FDA, March 2008.

### B. Percentage of those who accurately understand nutritional labels



Past reports and surveys show that Thais consume 2-3 times more sugar, fat and sodium than the recommended amounts and only three fifths of Thais consume the recommended daily amounts for vegetables and fruit. This eating pattern results partly from the lack of knowledge and awareness on appropriate amounts of nutrition and calories that should come from each type of food and drinks in any particular day.

Although surveys show that the majority of Thais have read nutritional labels before buying food and drinks, the proportion of respondents who think that they entirely and accurately understand the importance of nutritional labels, serving size, amount of recommended intake and nutrition-related knowledge is low. Designing educational materials to be disseminated through various channels as well as designing more attractive easy-to-understand labels should be considered.



# 11 Anti-Obesity Plans and Measures

One of Thailand's health targets, as for many countries around the world, is to stop the rise of obesity by 2025.

Obesity is an increasingly important risk factor and an increased cause of death and chronic non-communicable diseases worldwide. To solve this problem is a challenge and health priority for the international community and also for Thailand.

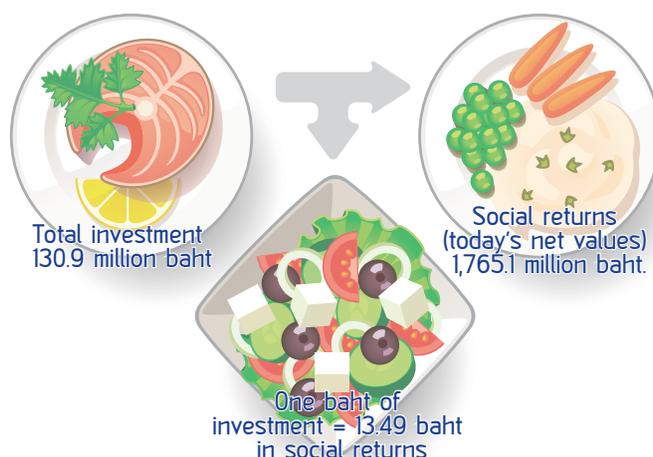
Halting the rise of (or if possible, cutting) the prevalence of overweightness and obesity is one of nine health targets recommended by WHO in order to prevent and reduce the burden from morbidity and mortality caused by non-communicable diseases.

The attempt to curb obesity in Thailand began when the issue was approved as one resolution in the 2<sup>nd</sup> Health Assembly in 2009. The first operational plan to battle overweightness and obesity (2011-2558) was drafted with four main objectives in mind, that is, to:

- 1) Ensure better eating habits of Thais across all age groups;
- 2) Ensure increased exercise in all age groups;
- 3) Improve the health system to better treat those with obesity problems;
- and 4) Develop systemic capability at a national level to better manage obesity problems.

Tax, price control and other measures against marketing strategies (especially for food and beverage products targeting children and students) should be carefully studied, understood and then implemented as necessary.

Social returns on "Sweet Enough Network" and "Network of Fatless Bellied Thais", 2008-2012



Note: Discount rate of 3% per year  
Source: Worawan Charnduaywit, 2012

Past studies both in Thailand and abroad have shown that investments to improve the population's health including curbing obesity pay off in the end. Policymakers should choose measures which are most cost-efficient, feasible and, most importantly, based on empirical facts and evidence. However, a reliable standard database on eating behaviours and nutrition of the Thai population itself is still an important challenge to establish.



## WHO and Thailand's targets in the prevention and reduction of morbidity and mortality from chronic non-communicable disease, 2010–2025

Target	WHO's voluntary targets	Thailand's indicators
<b>Group 1. Mortality and morbidity</b>	1. A 25% relative reduction in risk of premature mortality from CVDs, cancer, diabetes, chronic respiratory diseases.	25% reduction (*in 30-70 age group)
<b>Group 2. Risk factors for chronic non-communicable diseases</b>	2. Halt the rise in diabetes and obesity	Same as WHO
	3. A 25% relative reduction in the prevalence of raised blood pressure or containing the prevalence of raised blood pressure, according to national circumstances	Same as WHO
	4. A 30% relative reduction in prevalence of current tobacco use in persons aged 15+ years	Same as WHO
	5. At least a 10% relative reduction in the harmful use of alcohol, as appropriate, within the national context	Same as WHO
	6. A 10% relative reduction in prevalence of insufficient physical activity	Same as WHO
	7. A 30% relative reduction in mean population intake of salt/sodium	Same as WHO
<b>Group 3. Healthcare system and policies which are responsive to the reduction of chronic non-communicable diseases</b>	8. At least 50% of eligible people receive drug therapy and counselling (including glycemic control) to prevent heart attacks and strokes	Same as WHO (in 40+ age group)
	9. An 80% availability rate for the affordable basic technologies and essential medicines, including generics, required to treat major NCDs in both public and private facilities	Same as WHO

\*For Southeast Asia, WHO added a tenth target, that is, a 50% relative reduction in the proportion of households using solid fuels as the primary cooking source.

\*\* Documents for the 6<sup>th</sup> Health Assembly (Draft resolution 6, Appendix 1)

## WHO and Thailand's targets in the prevention and reduction of morbidity and mortality from "Best buys" and "Good buys" against unhealthy diet and physical inactivity

Risk factors	Best buys	Good buys
Unhealthy diet	Reduce salt intake in food Replace trans-fats with polyunsaturated fats Promote public awareness about healthy diet	Restrict marketing of food and beverages to children Replace saturated fat with unsaturated fat Manage food taxes and subsidies Offer counselling in primary care Provide health education in worksites Promote healthy eating in schools
Physical inactivity	Promote public awareness about physical activity (via mass media)	Promote physical activity (communities) Support active transport strategies Offer counselling in primary care Provide physical activity in worksites Promote physical activity in schools

**Note:** To tackle non-communicable diseases, WHO identified four underlying risk factors, that is: tobacco use, harmful use of alcohol, unhealthy diet and physical inactivity. "Best buys" and "good buys" are considered under four key criteria: i) health impact; ii) cost-effectiveness; iii) cost of implementation; and iv) feasibility of scale-up, particularly in resource constrained settings.

Source: WHO, 2011.

## Measures to be advocated under the “Operational plan to combat overweightness and obesity 2011-2015”

Four main objectives	Examples of measures to be advocated
To promote sustained regular behavior of healthy consumption	Breast feeding; regulation of baby/toddler food market; production/marketing/consumption of health-oriented food, beverages and snacks; criteria definition and categorization of food with high fat/sugar/sodium contents; regulation of food sold in educational institutions.
To promote sustained regular behavior of adequate healthy physical activities	Creation of conducive environment for physical activities (through city planning including public transportation, recreational space and public services); curriculum to promote physical activities among students and educational personnel; model organizations/communities; policies on physical activities in organizations and communities.
To develop and strengthen a system to manage and provide care for overweightness, obesity and their consequences	Tools and guidelines to screen for overweightness and obesity; consultation guidelines; Diet Physical Activity Clinic; proactive health surveillance; efficient user-friendly overweightness/obesity database; public health finance system to promote anti-obesity measures.
To enhance the capacity of the said system	Integration of works across agencies and levels; collaboration among all sectors and levels; knowledge-management mechanism; national-level public forum for experience-sharing, report, follow-up and evaluate obesity situation.

Source: International Health Policy Program, 2013. Full report on operationalization of strategic plan to combat overweightness and obesity.

Measures	Products	Challenges in the Thai context
1. Food and beverage taxes.	Snacks (toffees, crunchy snacks, chewing gums, ice-cream); beverages (carbonated and other non-alcoholic drinks); and sweetening syrups for making sugary drinks.	<ul style="list-style-type: none"> <li>● Types of products to tax/subsidize</li> <li>● Tax/subsidy rates</li> <li>● Impact assessment of tax/subsidy</li> <li>● Guidelines for implementation</li> <li>● Alternative measures to be used in parallel</li> </ul>
2. Price subsidy for agricultural products such as fruit and vegetables	Mostly the main staples such as rice, corn starch, wheat	
3. Both measures combined		

Source: ThaksapholThamrangsee, IHHP. Full report of the public forum on “food tax advocacy”

### Recommendations for the survey on consumption behaviors and nutrition

Demographic groups	Data collection	Key indicators
<ol style="list-style-type: none"> <li>1. Newborns and toddlers (up to one year old)</li> <li>2. Children (1-5 years-old preschoolers and 6-14 years-old school children)</li> <li>3. Working age (15-59 years-old)</li> <li>4. Senior citizens (over 60 years-old)</li> <li>5. Pregnant and breastfeeding women</li> </ol>	Interviews with questionnaires, focusing on the frequencies of consumption and quantities of consumed food.	Divided into four categories: <ol style="list-style-type: none"> <li>1. Behavioral information such as breastfeeding, meal frequencies, etc.</li> <li>2. Information on food and nutrition such as quantities of consumed food.</li> <li>3. Information on factors influencing consumption such as prices, number of food sources (such as nearby markets, convenient stores),</li> <li>4. Nutritional status such as weight/height ratio, lipid profile, etc.</li> </ol>





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10

**Health  
Issues**





# 1 The Civil Movement for Democracy and Thailand's turning point

In 2013, Thai politics reached another important turning point as hundreds of thousands of protestors, united under the name of the Civil Movement for Democracy (CMD), forced the government to withdraw an amnesty bill. Later renamed the People's Democratic Reform Committee (PDRC), this group upped their demands against the government, which they viewed as illegitimate, in the hope of removing it from office and paving the way for a national reform. PDRC's months-long protest built a momentum of support for political reform.

PDRC's protest led to dissolution of the House of Representatives and disrupted general election from being carried out in several provinces of Thailand. The conflict between the redshirt-supported government and PDRC resulted in several armed attacks on PDRC

protestors on several occasions.

What would be the next stage of Thai politics? Is there light at the end of the tunnel? Who will emerge as losers or winners? Will there be a national reform? These questions will be in the minds of those who watch the situation unfold.

Thailand's political problems during 2013 were the continuation of ongoing political turmoil as mass protests against the Thaksin administration in 2006 led to increased political involvements of civil society, the media and other sectors. Following the 19<sup>th</sup> September 2006 coup, which overthrew the Thaksin government, deep polarization continued unabated and surged again during the rule of Yingluck, Thaksin's younger sister. The Yingluck government's mismanagement of several issues gave

rise to mass opposition. Similar to the previous Thaksin government, the Yingluck led government faced allegations of widespread corruption, wasteful spending on populist policies and authoritarian control of the legislative branch in a way that was called “parliamentarian dictatorship” by the opposition.

Although various anti-government protests had occurred throughout the year, the biggest demonstration near the end of 2013 was fueled by public fury against a blanket amnesty bill and a constitutional amendment to change the senate composition. Resulting in the formation of the PDRC, the protests also led Yingluck to dissolve the House of Representatives toward the end of 2013, after having been in office for a little over two years.

## Pre-amnesty bill protests

Mass protest against the Yingluck government emerged in mid-2012 when the “Pitak Siam” (Protecting Thailand) group proposed a “freeze” on Thailand, demanding that politicians cease all political actions for five years to allow reform. After its disbanding, Pitak Siam became a part of the People’s Movement to Overthrow the Thaksin Regime (PMOTR) and the Network of Students and Citizens for Reforms (NSCR), which played separate roles in the anti-government movement from mid-2013.

PMOTR demanded that: 1) the government show loyalty to the monarchy by stopping activities including Thaksin’s speeches which were deemed disrespectful to the institution; 2) Yingluck and Defense Minister General Yutthasak Sasiprapa resign; 3) the government withdraw the amnesty bill and reconciliation bill which would pardon all parties in the political conflict; 4) the influence of

the so-called Thaksin regime should be removed from Thai politics.<sup>1</sup>

On 4<sup>th</sup> August 2013, PMOTR gathered near King Rama VI statue at Sala Daeng intersection near Lumpini Park, joined by Santi Asoke’s “Dharma Army”. Two days later, the protestors relocated inside the park for safety reasons. Although PMOTR moved to occupy the Government House on 8<sup>th</sup> October, they returned to the park on 10<sup>th</sup> October after the police negotiated for access to the Government House for the Chinese Prime Minister’s official visit between 11<sup>th</sup> to 13<sup>th</sup> October. Refusing to return to the park, some of the protestors founded the new group called NSCR and continued their protest at Urupong intersection.

## Anti-amnesty bill protest

In August 2013, the Pheu Thai government proposed an amnesty bill into parliament. The earlier drafts would have pardoned protesters but not their leaders and those accused for crackdowns on protesters. However, Prayuth Sirippanich, deputy chair of the committee reviewing the bill, made a decision to include all of the above actors in the amnesty. The bill was passed by the House of Representatives after the second and third readings in the early hours of 1<sup>st</sup> November 2013, ignoring dissent of the opposition party and civil society. This led to strong public anger against the government.

Suthep Thuagsuban and other Democrat Party leaders led a protest against the bill at Samsen train station from 31<sup>st</sup> October, based on the objection that it would exonerate Thaksin and allow him to return to Thailand. On the other hand, the United Front for Democracy against Dictatorship (UDD) and some redshirts also opposed the bill because it would exonerate ex-PM Abhisit Vejjajiva

and Suthep, who were accused of ordering the bloody crackdown on protesters in April and May 2010.

The government was soon forced to back down by the sheer number of protesters which grew into the hundreds of thousands, as well as the 11<sup>th</sup> November Senate rejection of the bill with a 141–vote majority. As a result, the bill was suspended for 180 days<sup>2</sup> and the government promised that it would withdraw it and other similar bills.

Despite the government’s retreat, Suthep continued with the protests, attacking the government’s attempt to amend the Constitution’s provision on the composition of the Senate. The Yingluck government had proposed that the Parliament consider an amendment to make the Senate a completely elected body, rather than half appointed. This proposal was criticized as an attempt at a total domination of the parliament by the government and its political party. A case was filed at the Constitution Court regarding the constitutionality of the amendment. Agreeing with the petitioner, the Court on 20<sup>th</sup> November found that the amendment was against Article 68 of the 2007 constitution, stating that the amendment would lead to a completely dominated “husband–and–wife” parliament.<sup>3</sup>

After a triumph over the amnesty bill, the protestors changed their goal to the removal of the Yingluck government and the so–called Thaksin regime. They announced four “civil disobedience” measures, namely: 1) a general strike from 13<sup>th</sup> to 15<sup>th</sup> November, demanding that people did not go to work or school; 2) stopping paying taxes; 3) decorating houses or vehicles with the Thai national flags and carrying whistles; 4) blowing whistles in the face of the Prime Minister, ministers or their associates without talking to them.<sup>4</sup> Suthep

made a speech that the goal of the protest was to uproot the “poisonous tree of the Thaksin regime.”<sup>5</sup>

On the other hand, the UDD organized a pro–government demonstration at the National Stadium between 24<sup>th</sup> November to 1<sup>st</sup> December, whilst Suthep–led protestors began to seize several government offices such as the Bureau of Budget, Ministry of Finance and the Government Complex in Chaeng Wattana in the hope to shut down government functions and force Yingluck’s resignation. During this time, there were clashes between pro–and anti–government protesters in front of Ram Khamhaeng University, resulting in 4 deaths and 57 injuries.<sup>6</sup>

#### **Suthep’s six demands for reform:<sup>7</sup>**

1. Eliminate corruption once and for all.
2. Corruption cases must have no limitations of statute.
3. Reform of the police force. Place the police force under the command of governors.
4. Citizens can effectively collect signatures to remove politicians from office and can elect governors.
5. Enact regulations to ensure that government officials act in accordance with virtues, not patronage system.
6. Eliminate populist policies. Make education, social, transportation and health care issues national agendas.

PDRC also demanded the appointment of a Prime Minister who was acceptable to all the people to follow through with the national reform agenda before holding a general election.<sup>8</sup>

The protests led by Suthep then formed the People’s Committee for Absolute Democracy with the King as Head of State, also known as the People’s Democratic Reform Committee (PDRC), comprising

of representatives of professionals, academics, NSCR, Silom Street entrepreneurs group, the Network of entrepreneurs for democracy, the “Dharma Army”, PMOTR, labour federations and employees of state enterprises. Suthep took the position of PDRC Secretary General on 29<sup>th</sup> November 2013.<sup>9</sup>

In order to increase pressure on the government, on 30<sup>th</sup> November PDRC protestors raided the compound of the Communication Authority of Thailand and other places. The move resulted in clashes with the police in three areas including one at the Chamai Maruchet Bridge. Police barriers were set up, water cannons, tear gas and live ammunition as well as cherry bombs<sup>10</sup> were used and these clashes resulted in many casualties.

Mounting pressure forced the prime minister to dissolve the House of Representatives on 9<sup>th</sup> December 2013. However, PDRC demanded that Yingluck also resign from the position of caretaker Prime Minister to pave the way for a Prime Minister more acceptable to all people. While PDRC insisted on political reform before holding a general election, the government insisted on carrying out the reform after a general election which was scheduled by the Election Commission to take place on 2<sup>nd</sup> February 2014. Nevertheless, the government also complied with the protesters’ demands to set up a national reform council,<sup>11</sup> but the idea was coldly received by the protesters.

**Number of injuries and deaths from political violence.<sup>12</sup>**

Area	Injury	Death	Admitted to the hospital
Bangkok	730	20	6
Province	43	3	N/A

Source: Produce by Bangkok Emergency Medical Service March 17, 2014

## The 2<sup>nd</sup> February election

When the Prime Minister dissolved the House of Representatives and declared a general election for 2<sup>nd</sup> February 2014, the PDRC announced its demand for pre-election reform and organized a campaign to disrupt the election at every stage from candidate application to advance voting and the general voting. During 23<sup>rd</sup> to 26<sup>th</sup> December 2013, the protesters obstructed the Thai-Japan sport stadium to prevent the application of party-list MP’s resulting in a clash with the police which left one policeman and one protester dead and 148 injuries.<sup>13</sup> Firearms were also shot from unknown directions.

Later, a video clip surfaced showing black-clad armed men on top of the Ministry of Labor building near the site of the clash. The Royal Thai Police admitted that these persons were policemen but denied that they fired shots. The casualties led PDRC to express regret and proposed that the government postponed the election while the EC act as mediator to negotiate an agreement.<sup>14</sup>

On the other hand, the Pheu Thai party was of the opinion that a general election was the only solution to the political impasse whereby the people would have the power to determine the direction of the country. As the constitution required an election to be held within 45–60 days after the house dissolution, the government considered itself without the power to postpone<sup>15</sup> the election and insisted that the EC carry out its mandate to its full ability.<sup>16</sup>

Meanwhile PDRC protestors used many tactics to disrupt the general election, from blocking the applicants off the application sites, shutting down post offices to prevent the transfer of ballots and ballot boxes<sup>17</sup> and blocking off voting stations during the 26<sup>th</sup> January 2014<sup>18</sup> advance voting.

## Chronology<sup>19</sup>

30 October	Suthep declared a mass demonstration the following day, after the House of Representatives scheduled the third reading of the amnesty bill.
31 October	Demonstration began at Samsen train station.
4 November	Protesters moved to the Democracy Monument.
11 November	Suthep made the four-point demands, identified nine PDRC leaders, resigned from his MP position.
19–20 Nov	UDD's first gathering at National Stadium
20 November	Constitution Court declared unconstitutional the proposed amendment on Senate composition.
24 Nov–1 Dec	UDD's second gathering at National Stadium
24 November	Biggest demonstration around the Democracy Monument, hundreds of thousands participated
25 November	Protesters disrupted 13 strategic locations. Suthep led a seizure of the Ministry of Finance Prime Minister Yingluck extended the area under the National Security Act in order to contain the protest.
27 November	Protesters seized the Government Complex at Chaeng Wattana.
29 November	PDRC launched—with Suthep as secretary-general.
30 Nov–1 Dec	Clashes in front of Ram Khamhaeng University, injuring 64.
1–3 Dec	Protesters clashed with police near the Government House, injuring 221.
9 December	Protesters retreated from Ministry of Finance, returning to Nang Lerng protest site.
22 December	Blockade on six streets for half of the day.
26 December	Clashes at Thai–Japan sports stadium, injuring 160.
1 January 14	Suthep announced “Bangkok Shutdown” on Jan 13 <sup>th</sup> 2014
13 January	Blockade on nine streets
15 January	Government-organized meeting to decide whether to postpone the general election. However, the five EC commissioners and invited representatives from the PDRC, Democrat Party, Office of the Auditor General and the Criminal Court did not attend. The meeting decided not to postpone the election.
17 January	A grenade thrown at the protesters while marching on Banthat Thong road, killing 1 and injuring 41
19 January	A grenade exploded at the protest site near the Victory Monument, injuring 29, 8 of them critically
21 January	PM declared State of Emergency in Bangkok, Nonthaburi, Pathumthani's Lad Loom Kaew district and Samut Prakarn's Bang Plee district
24 January	Constitutional Court reached a unanimous 8:0 decision that the election date can be postponed, and a 7:1 decision that the cabinet and the EC should together determine the date.
26 January	Advance voting took place, disrupted by PDRC protesters in some areas. Clash near an advance voting station, killing a PMOTR leader and injuring 12.
1 February	PDRC clashed with redshirt protesters who tried to retrieve ballots and ballot boxes from Lak Si District Office, injuring 6.
2 February	General election Voters in Din Daeng district protested against PDRC for obstructing their voting stations and demanded their rights to vote. Voting took place in 83, 813 out of 93, 952 voting stations.
5 February	Criminal Court issued arrest warrants for 19 PDRC leaders for violating the Emergency Decree.
9 February	An M-79 grenade shot into the PDRC's Chaeng Wattana protest site, injuring two.
10 February	Suthep made a fund-raising walk to pay lawyer fees for farmers filing their cases against the government.
14 February	Center for the Administration of Peace and Order (CAPO) reclaimed the protest site from Maghawan Rangsang Bridge to Misakawan intersection. An M-79 grenade was shot into the building of the Criminal Court.
17–18 Feb	Suthep led some protesters to the Government House to prevent CAPO from reclaiming the site. NSCR cemented Gates 1, 2 and 5 of the Government House to prevent the cabinet from entering.
18 February	Clashes between police and protesters while the police tried to reclaim the Phan Fa Bridge protest site, injuring 71 and killing five.

21 February	An RGD-5 grenade was shot into PDRC's Ratchaprasong site, injuring six.
23 February	Grenades and guns were shot into PDRC's protest site at Ying Charoen market in Trat province, killing three and injuring 41. An M-79 launcher was used to fire a 40mm grenade into the crowd in front of Big C department store's Ratchadamri branch, near the PDRC's protest site, injuring 24 and killing three.
28 February	Suthep announced disbanding of all existing protest sites and relocated all protesters to inside Lumpini Park. The monk Buddha Issara refused to cooperate and continued to lead the protest at Chaeng Wattana protest site.
7 March	M-79 grenade fired at PDRC's Lumpini Park protest site, injuring five. Administrative Court ordered the Prime Minister to reinstate Thawin Pliansri as secretary general of the National Security Council within 45 days.
11 March	M-79 grenade fired at PDRC's Lumpini Park protest site, injuring three, one of them critically.
12 March	Constitution Court declared admissible the petition to rule on the validity of the general election
14 March	Civil Court granted temporary protection to Sathit Segal, a PDRC leader, from CAPO's deportation order.
21 March	Constitution Court made a 6:3 decision declaring that the 2 February election invalid as it violated Article 108 paragraph 2 of the 2007 constitution.

PDRC actions enraged and mobilized other citizens who insisted on exercising their right to vote to organize activities such as candle-lighting in Bangkok and the provinces.

PDRC actions significantly impacted the electoral process. Out of the 93,952 ballot stations nationwide, only 83,813 (89.2%) could function on the election date. The voter turnout was at 47.72%. 71.34% of the ballots were valid whilst as many as 11.97% were invalid. 16.69% of voters chose not to vote for any applicant. Out of 77 provinces, only 59 provinces (306 constituencies) managed to organize voting. No voting was conducted in 37 constituencies in nine provinces—Chumporn, Surat Thani, Krabi, Ranong, Trang, Phuket, Phang-nga, Songkhla, and Pattalung—because these provinces failed to register candidates due to the blockades, failed to receive ballots for the voting of party-list MPs and/or did not have personnel to man voting stations.

As a result, the EC could not announce official results but announced the dates for advance voting and general voting in compensatory election for the

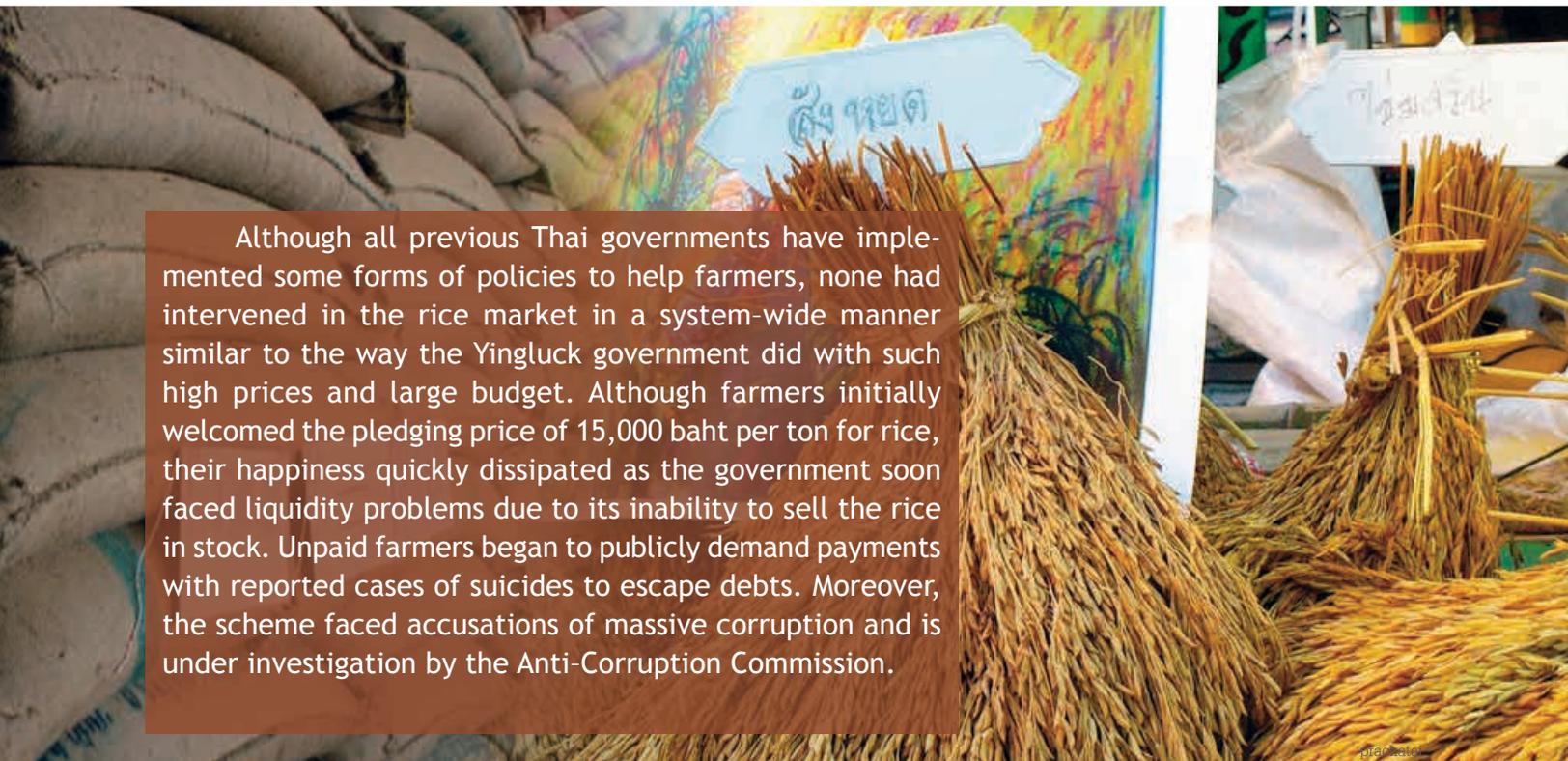
missing constituencies on 20<sup>th</sup> and 27<sup>th</sup> April 2014. However, this timeline became moot when the Constitution Court annulled the February 2<sup>nd</sup> elections.

## **Polarization and peaceful solution. Is there light at the end of the tunnel?**

Thailand's political conflict shows no sign of coming to a peaceful democratic solution. The political struggle played out not only in the street, however. Even "independent bodies" created by the 2007 constitution and the judicial bodies also played critical roles in this conflict and were often criticized by political groups for alleged partiality. Despite the lack of a foreseeable solution, negotiation will surely continue between the government and PDRC leaders. It is clear that Thailand is facing a critical challenge in accommodating different factions under democratic norms. However, the reform movement is likely to yield long-term improvement of the political process and state mechanisms to respond to society's needs and better accommodate citizens participation in the future.



# 2 Rice Pledging Scheme: Solution or Problem?



Although all previous Thai governments have implemented some forms of policies to help farmers, none had intervened in the rice market in a system-wide manner similar to the way the Yingluck government did with such high prices and large budget. Although farmers initially welcomed the pledging price of 15,000 baht per ton for rice, their happiness quickly dissipated as the government soon faced liquidity problems due to its inability to sell the rice in stock. Unpaid farmers began to publicly demand payments with reported cases of suicides to escape debts. Moreover, the scheme faced accusations of massive corruption and is under investigation by the Anti-Corruption Commission.

The scheme became the most controversial public policy in 2013, stirring heated debates among supporters and denouncers due to its wide-ranging impacts not only on the agricultural sector but on the public, private, civil society sectors and the country's macroeconomics.

After ThaiHealth touched on this topic in our 2013 issue, criticism against the scheme has become even louder during 2014 as the government faced liquidity problems due to its inability to sell the rice in stock and then failed to pay farmers for several months after pledging. Accusations of corruption also led to a case being filed with the Anti-Corruption Commission to investigate high-ranking officials involved in the scheme. In order to understand the

problems, it is necessary to grasp its fundamentals as well as 2013/2014 rice output data before identifying appropriate solutions.

## Fundamentals of the scheme

The rice pledging scheme is a pricing policy which uses paddy as collaterals for loans to farmers in the beginning of the harvest season when prices are low. By paying back the loan and interest at the end of the harvest season, farmers can “withdraw” and sell the paddy to the market at better prices.

With a history that goes far beyond the Yingluck administration, rice pledging schemes were initiated under the Prem government with the aim to encourage farmers to delay the sale of rice by

depositing it with the Bank for Agriculture and Agricultural Cooperatives (BAAC). In return, the farmers were given advanced cash at lower than market prices. The paddy was not sold but stored at the Public Warehouse Organization (PWO) to be withdrawn by farmers when prices improved. Except for a break between 2009 and 2011 under the Abhisit government, which preferred the “price guarantee”<sup>1</sup> policy of direct subsidy, the scheme has been in continuous use until the 2013/2014 season.

The revolution in the scheme came when the Thaksin government raised the pledging prices above market prices in order to stimulate farmers’ consumption and spending. The prices were set high and farmers were not expected to reclaim their paddy. With a 2001 target of 2.5 million tonnes of dry-season rice and 8.7 million tonnes of wet-season rice, the government’s spending in the scheme ballooned from 2.938 billion baht in 1997/1998 to 19.83 billion baht in 2002/2003. In other words, the Thaksin government and all subsequent ones (except Abhisit’s) played the role of a private company in the rice business to buy, stock and sell rice from 2002/2003 until 2013/2014. Despite some minor adjustments, the policies followed the same pattern of using government mechanisms to control the domestic rice trade.

## 2012/2013 policy

In 2012/2013, the Yingluck government allowed each farmer to participate in the scheme twice per year regardless of the season. The scheme was set between 1<sup>st</sup> October 2012 and 31<sup>st</sup> January 2013, although the actual pledging process lasted until 15<sup>th</sup> September 2013. The scheme did not set an upper limit for amount of rice that could be pledged, although a pledging of more than 500,000

baht would require the provincial sub-committee’s approval. During that season, a total of 22 million tonnes of paddy were pledged (Northern region 9.5 million, Central region 8.5 million, Northeastern region 4 million, and Southern region 0.33 million). The PWO played a central role, along with 869 private rice mills as storage sites and 627 mills as additional pledging sites. With the existing rice stock at millions of tonnes, the scheme increased the pressure on the government to reduce the stock by auctions and government-to-government trade.

## Rice pledging scheme over the years

As the flagship policy that won them the 2011 general election, this scheme was a serious matter for the Yingluck government, Pheu Thai Party and Thaksin. The scheme ran smoothly in the first season, as the government took in all the paddy pledged. However, limitations were imposed in the following season and the price was lowered to 12,000 baht before being raised back due to pressure from farmers. The limit was also imposed that a household couldn’t pledge more than 350,000 baht worth of wet-season paddy (humidity <15%) and not more than 300,000 baht worth of dry-season paddy (humidity <15%).<sup>2</sup>

Despite widespread criticism of the scheme from the beginning, the Yingluck government stuck to its guns. In mid-2013, however, clear signs of troubles emerged when Supa Piyajitti, deputy permanent secretary of the Finance Ministry and the scheme’s auditor-general, pointed out that the scheme accumulated a 0.4 trillion baht loss. Several academics including TDRI researchers suggested that the government end the scheme or substantially change its mechanisms in order to control the damage.<sup>3</sup> In addition, Professor Dr.Kriengsak

Chareonwongsak stated that the scheme eroded the country's security because it was inefficient, created massive budgetary burden, undermined the competitiveness of Thailand's rice business, increased state dependence and was extremely prone to corruption.<sup>4</sup>

However, the government pushed ahead while concealing the actual trade figures and identities of alleged buyers. Commerce Minister Boonsong Teriyaphirom and his deputy Nattawut Saikua did not give answers to the satisfaction of the public while maintaining that the scheme did not incur a 0.26 trillion baht loss.<sup>5</sup>

As criticism mounted, Boonsong was replaced by Niwatthamrong Bunsongphaisan. But the scheme was left intact and the government claimed that it had sold millions of tonnes of rice to foreign governments. However, the Chinese authority did not confirm the claim that China has bought one million tonnes for five consecutive years.<sup>6</sup>

Regarding benefits to farmers, several studies showed that farmers benefited from only 30–40%

of the schemes budget. A study by Nipon Poapongsakorn<sup>7</sup> found that farmers in the medium income bracket of 100,001 to 600,000 baht per year benefited most, accounting for 74.6% of wet-season rice and 73.1% for dry-season rice. This means that the majority of beneficiaries were not poor farmers whom the government claimed to help.

The biggest problem with the scheme, however, was its massive losses. MR Pridiyathorn Devakula, fiscal policy expert, calculated that the scheme incurred a total “accounting loss” of 0.23 trillion baht in 2012/2013 season alone—110 billion baht in price differences, 48 billion baht for the 4% annual interest, 52 billion baht in 10% yearly depreciation and 20 billion baht<sup>8</sup> in storage costs and other expenses. He said that with such a massive loss, it was prudent to reassess the scheme's cost-effectiveness to see whether it effectively improved the lives of farmers. In addition, measures should be employed to stop the leaks which went to mill-owners, exporters, corrupt officials or politicians. He also suggested that the government consider alternative policies that could better help farmers.

Number and rate of farmers who benefit from the Rice pledging scheme.

Farmer's income	off-season paddy field		off-season paddy field	
	people	amount (million baht)	people	amount (million baht)
poor (1–100,000 baht)	439,919 (52.3)	24,122 (20.4)	196,804 (32.0)	11,108 (7.8)
moderate (100,001–600,000 baht)	393,590 (46.8)	88,352 (74.6)	384,286 (62.5)	103,690 (73.1)
wealthy (over 600,000 baht)	7,882 (0.9)	6,030 (5.1)	33,309 (5.4)	27,034 (19.1)
<b>total</b>	<b>841,391</b>	<b>118,504</b>	<b>614,399</b>	<b>141,833</b>

Source: Nipon Poapongsakorn. 2013

## Farmers' mob

Despite problems and allegations of corruption, the government continued with the scheme, while accusing the opposition of preventing farmers from becoming wealthier. In the 2013/2014 season, the government ran into liquidity problems as the Commerce Ministry faced difficulty in selling the rice in stock. As a result, farmers who failed to get paid by the BAAC several months after pledging started demonstration in several provinces.

- On 9<sup>th</sup> January 2014, around 2,000 Buriram farmers blockaded the provincial government complex after more than 50,000 of them failed to be paid for 4 billion baht worth of pledged rice after more than 3 months.

- Farmers from five provinces (Nakhon Sawan, Phichit, Sukhothai, Kamphaeng Phet and Phitsanulok) blockaded the National Highway No. 117 (Phitsanulok–Nakhon Sawan) at Phosai Ngam intersection on 17<sup>th</sup> January.

- Farmers from six Eastern provinces blockaded Rama II and Phetkasem roads near Wang Manao Ramp on 1<sup>st</sup> February.

- On 5<sup>th</sup> February, Nong Khao farmers blockaded the Kanchanaburi–Suphanburi road near Nong Khao intersection–the main entrance/exit of Kanchanaburi.

- Uthaithani farmers entered Bangkok in a caravan of trucks with the aim to shut down Suvarnabhumi International Airport on 20<sup>th</sup> February. However, they cancelled the plan after a negotiation.

In addition, many farmers joined PDRC's anti-government protests in Bangkok demanding that the Yingluck government resign from the position of caretaking government in the hope that

a new government would solve their problems more effectively. The government replied that it had a plan to secure a loan of 0.13 trillion baht to pay for the pledged rice. It claimed that the loan required approval by the Election Commission, because a caretaking government could not incur binding debts on subsequent governments. However, the EC rejected the request, indicating that it had no authority to authorize the plan.<sup>9</sup> The government then sought a loan from financial institutions such as BAAC, Government Savings Bank (GSB), Thai Military Bank, Krung Thai Bank, as well as the Social Security Fund. But this request was met with strong reactions from the public and the employees of those institutions fearing that the legally problematic loan would destabilize the institutions. Most academics agreed that the government should try to sell the stocked rice rather than seek a loan.

When GSB disclosed that it had authorized a loan of 20 billion baht to BAAC under the scheme—five billion baht of which already remitted—the disclosure provoked fury among GSB clients and employees, causing a rush to withdraw money<sup>10</sup> totaling 92 billion baht between 17<sup>th</sup> to 19<sup>th</sup> February (comparing to 32.8 billion baht in deposit).<sup>11</sup> With sharp decrease in fluidity, GSB was forced to cancel the loan and its President Worawit Chailimpamontri took responsibility by resigning. This incident made other financial institutions wary of the government's plan to auction government bonds and stay away from any involvement in the scheme.<sup>12</sup>

The government then invited the public to make personal deposits at BAAC, which had created a fund to assist farmers. Aiming to raise 20 billion baht, it raised 121 million baht on its first day (3 March), consisting of BAAC's donation of 10 million baht and a public donation of 543,000 baht.<sup>13</sup>

# Rice-pledging Scheme

Paid and awaiting payments to the farmers

Lower Northern region of Thailand		
Province	paid (million baht)	awaiting payments (million baht)
Nakhon Sawan	1,700	8,500
Kamphaeng Phet	1,800	7,900
Phichit	1,300	7,400
Phitsanulok	1,200	6,600
Sukhothai	736 million baht	4,300

Northeastern region of Thailand		
Province	paid (million baht)	awaiting payments (million baht)
Ubon Ratchathani	1,400 million baht	6,900
Surin	942 million baht	5,700
Nakhon Ratchasima	874 million baht	5,100
Si Sa Ket	605 million baht	4,300
Kalasin	1,600 million baht	3,800



Source: ดูชัดๆ โครงการนำจำนำข้าว รัฐบาลจ่าย และ ค้างจ่ายให้กับชาวนา. ข้อมูล ณ วันที่ 9 มกราคม 2557. Retrieved 10 March 2014, from ASTV Manager website : <http://www.manager.co.th/Home/ViewNews.aspx?NewsID=9570000011258>

Opening to the general public on March 5<sup>th</sup>, the fund totaled 509,387,382.04 baht<sup>14</sup> as of 7<sup>th</sup> March, according to BAAC.

## Conclusion

The rice pledging scheme has been a tool employed by successive governments to control the domestic rice trade although the higher than market price mechanisms have only been used over the last decade. However, this process has been a subject of debate as to whether and how much poor farmers benefited from the scheme and whether the assistance they received was worth the massive amount of taxpayers' money and high level of corruption. Whether the scheme needed to be reviewed or scrapped altogether has also been consistently debated. These questions are not only up to the politicians to decide but for all sections of society.

On the one hand, Thailand cannot leave prices of agricultural produces entirely to the volatile market. That is the reason why government intervention is common. On the other hand, government intervention should be within limits and accepted norms, that is: 1) it should benefit poor farmers who are most vulnerable to market volatility; 2) the government must choose the most effective means within its own limitations; and 3) the government must keep in mind the issue of distributive justice among farmers, consumers and taxpayers. Farmers deserve to be helped not as an act of kindness but because they bear the brunt of economic measures to keep the costs of living low for everyone.



# 3 Two Trillion Baht Borrowing Bill and Thailand's Future

The Yingluck administration proposed a bill to secure a two-trillion baht loan for the purpose of upgrading Thailand's long neglected transportation system which has left the country comparatively underdeveloped. However, the enormous amount, the irregular budgetary means and the shady project management aroused suspicions of its transparency and cost-effectiveness, leading to the filing of a case at the Constitution Court questioning its constitutionality.

Transportation infrastructure, whether by land, water or air, is a country's lifeline for the movement of people and goods. One hundred years ago, Thailand was the region's leader with modern trains and transportation system. However, without constant upgrading, the country has lagged behind neighbours whilst logistics and energy costs have skyrocketed. There is an urgent need for an overhaul of the transport system in order to make Thailand ASEAN's transportation hub from 2015 onward.

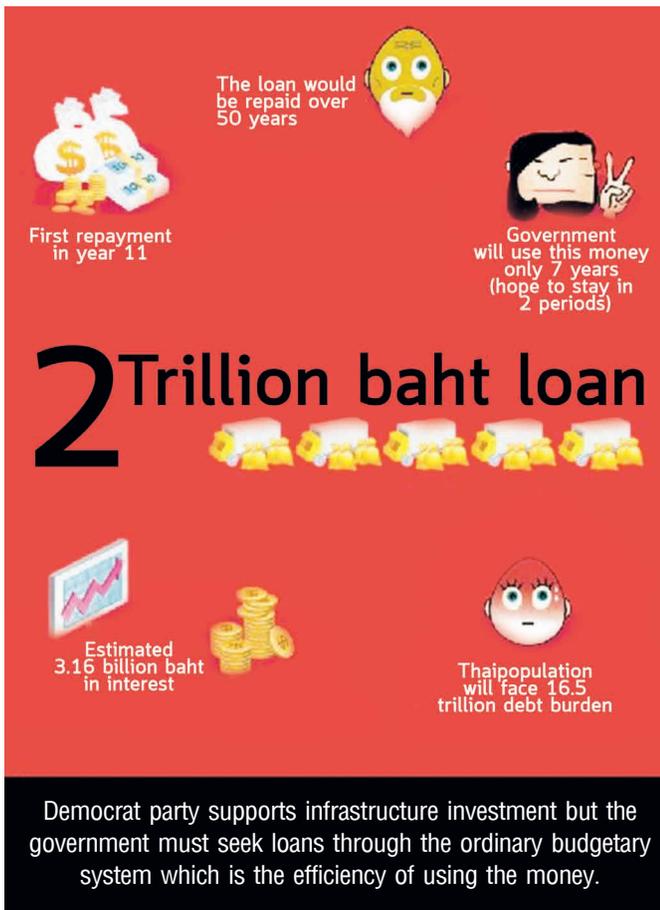
After having postponed three times,<sup>1</sup> on 27<sup>th</sup> February 2013 the Yingluck cabinet approved the bill authorizing the Finance Ministry to secure a loan for the improvement of transportation infrastructure—better known as the “two-trillion-baht borrowing bill”. It was a seven-year (2014–2020) large-scale investment to improve Thailand's transportation infrastructure, especially the rail system, in order to increase the country's competitiveness. The details of the bill were drafted by the Finance



Ministry, while its Public Debt Management Office identified potential loan sources.<sup>2</sup>

The mega-project stimulated both supports and criticisms. Most agreed with the idea of improving the transport system but criticized the lack of clarity and feasibility studies. Questions were also raised regarding the potential heavy losses that could be incurred by some projects such as the high-speed trains, the formulation of the mega-project as an act of parliament, its budgetary method, as well as the government's transparency in project management.

TDRI expert Somchai Jitsuchon pointed out that unlike previous borrowing outside the budget, this biggest-ever loan was put before Parliament for approval as an Act of Parliament.<sup>3</sup> The use of annexed lists also raised the question of legality. If the plans were found to be against the law or could not be strictly enforced, the bill would become a blank check for the government. On the other hand,



Source: “กรณี” จาก เงินกู้ 2 ล้านล้าน ล้มล้าง พ.ร.บ. หนี้สาธารณะ แบบหนี้ 50 ปี “สุรนันทน์” ได้ วิสัยทัศน์สั้น. March 24, 2013, Retrieved January 5, 2014. from Matichon Online Website: [http://www.matichon.co.th/news\\_detail.php?newsid=1364123165&groupid=00&catid=01&subcatid=0100](http://www.matichon.co.th/news_detail.php?newsid=1364123165&groupid=00&catid=01&subcatid=0100)

if the plans must be enforced strictly to the letter, the projects would lack flexibility in implementation.<sup>4</sup>

The then deputy PM Kittiratt Na-Ranong argued that after paying off the loan over fifty years, the country would emerge stronger with assets that would last many decades more. More importantly, he said that the loan needed no servicing during the first ten years.<sup>5</sup>

## The origin of the bill

The past decade saw prolonged disruption to the improvement of Thailand’s infrastructure

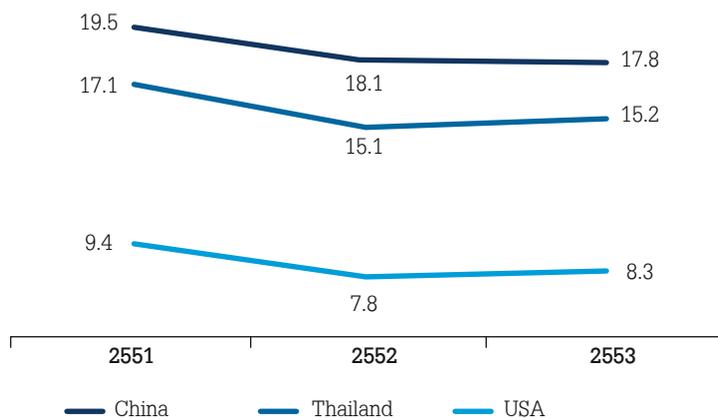
because the government budget earmarked for infrastructure was not sufficient for a systematic upgrade. This was particularly true for the rail system which costs and burns less fuel than the road system. As a result, the ratio of road transport has jumped to over 80%, costing the country around 700 billion baht per year.<sup>6</sup>

This was why the Yingluck government proposed the bill to bypass the treasury as conventionally required by law. This way, the government would only need to report on the loan status, implementation progress and evaluation to the Parliament every fiscal year. The bill’s main objective was to improve infrastructure to support urbanization, trade and investment. It aimed to establish Thailand as the region’s transportation hub, increase competitiveness, reduce logistics costs and facilitate movement.

Eighty-one percent of the sum of budget would go to the development of rail transport including double-rail train systems, new rail lines, high-speed train systems, and mass-transit train systems in Bangkok and the suburbs. The rest of the budget would go to road system (international highways, motorways and terminals), water transport and 41 border checkpoints.

The 2013–2014 Global Competitiveness Report of the World Economic Forum<sup>7</sup> placed Thailand at 47<sup>th</sup> in term of infrastructure out of 148 countries (one position lower than the previous year). The country still trails behind Asia’s leading countries in term of roads, waterways and especially rail systems, whose disasters including accidents and derailments often make headlines.

Compared logistics of Thailand,  
USA and China (2008-2010)



Source: NESDB., NDRC and CSCMO's 22<sup>nd</sup> Annual State of Logistics Report

## NESDB's endorsement. LRCT's constitutionality concern

Chanvit Amatamatucharti, deputy secretary-general of the National Economic and Social Development Board (NESDB), said that NESDB had worked with the government to select suitable projects to be included in the bill, which aimed to inspire investor's confidence with a clear direction of the country's development and earmarked funding over the next 7–10 years. NESDB would play the role of studying and reviewing the projects proposed by relevant ministries after they receive cabinet approval.<sup>8</sup>

Meanwhile, the Law Reform Commission of Thailand (LRCT) agreed that these projects would benefit the economy through the development of new transportation system with concrete plans. However, LRCT was concerned by the length and costs of the project which exceeded all previous projects. LRCT also questioned the constitutionality of the bill with its lack of clarity. It recommended that the government must actively keep the public informed on projects with possible impact on the

environment, health or quality of life. Another concern was that the mega-projects would be legally binding and constrain subsequent governments over the periods of the projects.

In addition, LRCT was also worried by the fact that the bill did not have measures to hedge against short and long term risks such as lower than expected economic growth. Some projects may be cost ineffective or badly invested. It proposed that the projects be conducted on a need to basis using regular fiscal budget and subjected to well rounded assessment studies on their environmental and health impacts. The information should be accessible to the people before implementation and open to adequate and inclusive public hearings.<sup>9</sup>

## Public approval. Concerns of corruption and risk management

According to a Krung Thep poll, most leading economists agreed that the mega-projects would benefit the economy. 96.6% reaffirmed the need to increase the country's competitiveness in the AEC. 56.7% preferred the projects formulated non-legislatively due to concerns of potential problems whilst 25.0% thought legislation was an appropriate way out of the fiscal constraints.

What worried most economists was the ballooning public debts which would put the country in difficulties if the economy was to slow down as well as potential liquidity problems which may arise as the government carried out several costly policies at the same time. In addition, economists lacked the confidence that the government would be able to curb corruption associated with the projects.<sup>10</sup>

## TDRI's concerns over corruption

TDRI researchers commented that the projects were cost-ineffective and prone to corruption, increased government expenses on infrastructure maintenance, lead to high public debts, increased costs to the public, and diverted limited budget away from other priorities such as education and public health.

TDRI was particularly worried about the lack of transparency before, during and after the projects. The case of King Power Duty Free was used as an example of similar lack of transparency as the company was given concessions to sell duty-free goods without complying with the Act on Private Participation in State Undertaking. Another notorious example was the Hopewell Elevated Train project whose contract loopholes allowed Hopewell to sue the government for damages. In the end, the arbitrator ordered the Transportation Ministry and the Railway Authority of Thailand to pay Hopewell more than 11.889 billion baht in damages.<sup>11</sup>

## Suggestions from Academia

Assistant Professor Dr. Pracha Khunnathamdee, lecturer at Thammasat School of Economics, suggested that the government must gear the projects toward public services, publicly disclose essential information, especially the results of feasibility studies, specify clear conditions on loan management and project management and require the use of domestic materials as well as technology transfer within a limited timeframe. In addition, the government must implement projects to develop non-tangible assets (such as studies on technological and innovative resources) as well as institutional and mechanism potentials.<sup>12</sup> TDRI researchers

proposed that in order to curb corruption, the government must conduct feasibility studies, ensure good governance in all investment projects and strictly enforce relevant laws.<sup>13</sup>

## Latest development

At 2:50 am on 20<sup>th</sup> November 2013, the Senate passed the bill with all articles intact by a vote of 63:13 and 3 abstentions.<sup>14</sup> The Democrat Party demanded that the House of Representatives file a case at the Constitutional Court to determine the bill's constitutionality. In addition, there was recorded evidence<sup>15</sup> that a Pheu Thai MP voted on behalf of other MPs to pass the bill, resulting in criticism of the due process.

After Yingluck dissolved the House of Representatives on 9<sup>th</sup> December 2013, questions arose regarding the bill's validity because it has not yet been endorsed by His Majesty the King's signature, pending the Constitutional Court's decision.

On 8<sup>th</sup> January 2014, the Constitution Court began the first session to hear the testimonies of the Democrat Party leader and legal advisers as well as the caretaking Finance Minister.<sup>28</sup> Finally, on 12<sup>th</sup> March the court issued a 9:0 decision that the content of the bill violated Article 169 paragraph 1 and Article 170 of the Constitution and a 6:2 decision (one abstention) that the process was unconstitutional.

The court reasoned that Section 169 required the payment of State funds to be made only when it had been authorized by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance. This rendered the bill unconstitutional and therefore invalid.<sup>29</sup>



## Various opinions towards the bill

### Pros

- Necessary investment to support trade expansion due to AEC integration, and to connect with China's huge economy.<sup>16</sup>
- Well-directed investment to reduce logistic costs and energy consumption, spread production from Bangkok to other regions, support AEC integration, promote economic growth and increase competitiveness.
- Clear continuity to boost investor confidence and facilitate future investment plans.<sup>17</sup>
- Formulation as an Act of Parliament necessary as regular fiscal budget is insufficient for large-scale investment.<sup>18</sup>
- Ratio of public debts to GDP is still at manageable level. Loan will be sourced locally, helping domestic economy to expand, increasing tax collection and promoting competitiveness.<sup>19</sup>

### Cons

- Legality. Section 6 of the Constitution provides that "The Constitution is the supreme law of State. The provisions of any law, rule or regulation, which are contrary to or inconsistent with this Constitution, shall be unenforceable." Section 169 requires that "The payment of State funds shall be made only when it has been authorized by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance..."<sup>20</sup>
- Inter-generational burden. The loan's servicing period of 50 years imposes massive debts on the next generation.<sup>21</sup>
- Corruption. The executive branch will have exclusive power to decide over this massive budget including decisions to make changes to the projects whilst the legislative branch will only have the power to pass the bill and approve the annexed lists.<sup>22</sup>
- Lack of studies on cost-effectiveness, environmental and health impacts. There may be efforts to cut corners in order to complete the projects within seven years.
- Fiscal risks. The investment plan lacks clarity. The government did not propose other income-generating plans.<sup>23</sup> Public debts may balloon to 60% of GDP if there is economic slump or bubble burst.<sup>24</sup>
- Diverting budget away from other priorities, especially social development, human development and innovation. May impact the country's competitiveness in terms of labour skills. It is not clear whether the projects will increase or decrease inequality.<sup>25</sup>
- Puts too much power in the hand of the executive branch to determine the details of the project throughout seven years, which exceed the term of Parliament, and therefore overstep the power of future Parliamentarians.<sup>26</sup>
- Creating massive public debts over 50 years. Combined with other mega-schemes such as rice-pledging scheme and water management project, it may render the country unable to service debts when export incomes decline.<sup>27</sup>



## 4 | Oil spills and toxic substance management

The July 2013 oil spill off Rayong Province in Thailand was one of the biggest headlines in 2013, as the oil slick turned the white sand of the popular Koh Samed Island's Ao Phrao beach into black asphalt. Although PTT Public Company, which caused the spill, publicly apologized and made a recovery effort, the local community remains concerned about future impacts on health and the environment, whilst the government paid more attention to tourism.

### Blackened sea of Ao Phrao

On 27<sup>th</sup> July 2013, Thailand faced one of its worst environmental disasters when a large amount of crude oil leaked from a pipeline in the Gulf of Thailand and found its way to the island of Koh Samed, a popular tourist destination within a national park, and Ban Phe on the mainland fifteen kilometers away.<sup>1</sup> Most of the crude oil was carried into Ao Phrao, blackening its water and sand.

PTT Public Company made a statement that around 50,000 liters<sup>2</sup> of crude oil leaked at a location 20 kilometers southeast of Map Ta Phut port, while a Greece-registered tanker Malan Plato was transferring crude oil to the company's refinery plant through a pipe. Satellite images of the Geo-Informatics and Space Technology Development Agency showed crude oil extending northeast reaching Ao Phrao, which was immediately declared a disaster area by authorities.<sup>3</sup>

## Containment efforts

The first containment attempt was made by encircling a large oil boom around the spill and scooping the slick from the water surface onto boats, as well as spraying chemicals to clump and sink the oil to the seabed. White-clad men with masks appeared on the scene applying absorbent sheet on the blackened sand, scooping beached oil and shooting water jets to clean rocks.

Dr. Pailin Chuchottaworn, PTT's CEO, made a public apology on 1<sup>st</sup> August 2013 and insisted that PTT and its subsidiary PTT Global Chemicals (PTTGC) were doing everything they could to clean the spill and rehabilitate the area with efficiency and effectiveness, following its existing "Security, Safety, Health and Environment Management System (SSHEMS)".<sup>4</sup> He insisted that after the accident, PTT closed all valves in the pipeline and therefore only 54,341 litres of oil between the ship and the receiving end of the pipeline was spilled. He added that the company had followed all appropriate steps in managing oil spills by spraying chemicals from boats and helicopter to eliminate surface oil. But due to the strong wind and tide, the spill escaped the oil boom before reaching Ao Phrao.<sup>5</sup>

However, civil society and academics demanded more accountability from PTTGC, questioning its slow response and lack of transparency. Penchom Saetang, Ecological Alert and Recovery Thailand director, gave an interview on the Green World Website expressing concerns that "Giving incomplete information can exacerbate the situation. The public needs to know the amount of oil leaked, as well as the effects on the environment and marine animals of the chemicals used to remove the oil."

On 5<sup>th</sup> August 2013, twenty-five civil society organizations co-issued a second statement demanding that PTT release all relevant information as to facilitate the collaboration of all sectors in solving the problems, identifying the actual causes of contamination, assessing impacts and damages, appropriately rectifying the situations and putting in place preventive measures for the future.<sup>6</sup>

In the statement, ML Kornkasiwat Kasemsri, a leader of the "PTT Oil Spill Monitor" group, pointed out that the internationally accepted procedure recommended by the Pollution Control Department is to contain the spill with oil boom and use mechanical pump to remove the spill from the surface. If the oil boom cannot contain the spill, two boats with V-shape lines of buoys can be used to trap the spill before pumping it onto boats. These measures not only make expensive equipment redundant but also leave no environmental impacts. On the other hand, chemicals are to be used only as the last resort.<sup>7</sup>

They cited as a bad example the Montara oil spill, Australia's worst oil-related disaster, which involved another PTT subsidiary. On 21<sup>st</sup> August 2009, there was an explosion on PTTEP-Australasia (PTTEPAA)'s West Atlas oil rig in the Timor Sea off Australia's coast, spilling 29,600 barrels of crude oil into the sea, covering an area of almost 90,000 square kilometers.<sup>8</sup>

The Australian government set up the Montara Commission of Inquiry to investigate the incident, and Australia's Department of Sustainable Environment, Water, Population and Community demanded that PTTEPAA conduct, at its own expense, a study of the impact on marine ecology



for 2–5 years, as well as a long-term environmental study and data collection. In its report, the National Offshore Petroleum Safety and Environment Management Agency (NOPSEMA) demanded a reform of government agencies which regulated and monitored offshore oil rigs because of their failure to prevent the Montara disaster and proposed a draft of guideline to handle future incidents in the most effective way to mitigate damages. Later, the Australian Court found PTTEPAA guilty on four charges including violating against the law governing offshore oil rigs and endangering others. PTTEPAA was fined 510,000 Australian dollars (around 14.28 million baht)<sup>9</sup> in addition to the 9.724 billion baht<sup>10</sup> of damages it had already paid between 2009 and 2012.

### **Economic, Community and Environmental Impacts**

Apart from ecological and environmental impacts, the spill also had immediate effects on the local economy. It was estimated that more than 32,422 SME entrepreneurs in the tourism and related businesses, fishery, frozen seafood manufacturers and others were badly affected as tourists dwindled not only in Ao Phrao but also other Koh Samed beaches. The incident also shook local fisheries. The entire food chain of the ecosystem was affected from planktons to mangrove forests by the sunlight necessary for photosynthesis was blocked out, reducing the amount of dissolved oxygen.<sup>11</sup>

Dr.Thon Thamrongnawasawat, deputy dean of Kasetsart University’s Faculty of Fishery, explained that the universal principles of oil spill cleanup is to “keep the coast and the seabed intact. That is,

to avoid the contact of oil with the sedimentary floor, which would make it much more difficult to clean up than on the surface.”<sup>12</sup> The breakdown of the oil is made difficult with lack of oxygen. Even after the “cleanup”, coastal fishermen noticed that seven out of ten crabs collected in traps were dead. Although autopsies were not done to identify the cause of deaths, their gills were found to be covered with black oil slick.<sup>13</sup>

One month after the incident, more than 32,000 people signed a change.org petition demanding the government to set up an independent committee to investigate the incident. The signatures were attached to a letter submitted to the government on 27<sup>th</sup> August by the “PTT Oil Spill Monitor” group, consisting of EARTH, EnLaw, Greenpeace (Southeast Asia) and GSEI. However, the government’s only response was a letter from the Office of the Secretary of the Prime Minister stating that it had urged relevant government agencies to look into the matter.<sup>14</sup>

## Guideline for Oil Spill Disasters

The existing “national plan to prevent and eliminate oil-related water pollution” designates the Committee on Prevention and Elimination of Oil-related Water Pollution as the main responsible agency in such incidents. Established on 6<sup>th</sup> January 1995 by the Regulations of the Office of the Prime Minister on the Prevention and Elimination of Oil-Related Water Pollution, the committee has the authority to control, direct, oversee, take charge of, monitor and evaluate the elimination of oil-related water pollution, as well as disseminate information to the public and report to the Cabinet. The committee works in collaboration with the following organs:

**Coordinating center** (operated by the Marine Department)

**Control Center** (operated by the Marine Department and the Royal Thai Navy)

**Operating units** (consisting of the Marine Department, Royal Thai Navy, provincial authority/Bangkok Metropolitan Administration, Environmental Conservation Association consisting of oil companies)

**Supporting units** (consisting of the Royal Thai Air Force, the Royal Thai Army, Department of Civil Aviation, Marine Police Division, Meteorological Department, Department of Disaster Prevention and Mitigation, Office of Natural Resources and Environmental Policy and Planning, Pollution Control Department, Department of Fisheries, Department of Marine and Coastal Resources).<sup>15</sup>

## Oil slick management

The aim is to reduce the impact on the people and the environment as much and as quickly as possible, by conducting one or more of the following:

1. Contain the spill with oil boom, and remove as much oil from the surface as possible;
2. Use chemical dispersant to break the slick into small droplets which can be decomposed by microorganisms
3. Burn the oil slick under appropriate conditions such as in the open sea (this is an efficient method, but causes large amount of smoke)
4. Use absorbents to pick up small spills on beaches
5. Coastal cleanup (dump site for a large quantity of trash is necessary)

6. Use microorganisms to decompose the slick (more time consuming)

7. Leave the slick to naturally evaporate and decompose under the sun, waves and wind (in the case of a spill far from land)<sup>16</sup>

## No closure for Ao Phrao

After more than three months of cleanup and rehabilitation, the Ministry of Natural Resources and Environment reopened the Khao Laem Yaa-Koh Samed National Park to visitors on 1<sup>st</sup> November 2013, after the values of sea water at Ao Phrao were reported to be within suitable standards for recreation. In order to ensure that the ecosystem returned to normal condition, PTTGC in collaboration with researchers from Chulalongkorn University, Kasetsart University and Burapha University, initiated a one-year survey and evaluation of coastal environment on seven aspects, namely oceanology, coral reefs, sea grasses, rocky beaches, sandy beaches, mangrove forests, rare animal species and pollution. To revive the local economy and livelihood, the company also used a media campaign entitled “Better Samed” to highlight the recovery and invite visitors back to the island.

However, the local community begged to differ in approach. Weerasak Kongnarong, leader of the Bang Kra Cheu traditional fishery association, said that “It is good that the advertisement shows the island to be safe and open for tourism again, as it will revive our livelihood which has been heavily affected. But it should have been announced only after water, marine animals and sand samples had been tested to ensure that they are safe for recreation

and consumption. No fishermen would say anything to scare off consumers and tourists, but even we are not sure that the marine animals will not cause long-term danger to consumers.”<sup>17</sup>

As of August 2013, it would appear to the naked eye that there is no oil slick left off and on Samed Island. However, the coastal sediments at Ao Phrao were found to contain a higher level of petroleum hydrocarbons and the surface sand was found with a higher amount of petroleum than at other beaches such as Ao Wai. It is not clear whether these are within safe ranges, as standards are non-existent. Dr.Somphop Rungsupha, from Chulalongkorn University’s Aquatic Resources Research Institute, emphasised that “The only real guideline to the rehabilitation of oil-damaged beaches is to continue with rehabilitation in order to revive it back to natural conditions as much as possible.”<sup>18</sup> The local community is still worried by the environmental and health impacts of the spill, as government offices failed to inspire confidence. Left with few options, the Ao Phrao community joined civil society in the monitoring of the long-term effects on ecosystem and human health and demanded that their community receive legal remedies.



# 5 From Mae Wong Dam to the 350-billion baht water management mega-project

The 2011 devastating flood, the proposal of the 350-billion baht water management mega-project and the opposition to the construction of Mae Wong Dam are all interrelated events which have made new records on the levels of damages, costs and public mobilization. It remains to be seen if these movements will lead to permanent social change or remain a fleeting phenomenon.

## Mae Wong Dam and its discontent

The protest against Mae Wong Dam entered public consciousness with the 388-kilometers Nakhon Sawan-Bangkok “March against Mae Wong Dam’s EHIA” led by Seub Nagasathien Foundation (SNF) Secretary General Sasin Chalermklarp.

The march began on 10<sup>th</sup> September 2013 as low profile. However, as the movement approached Bangkok, the number of participants dramatically increased, hitting almost ten thousand as they reached the final destination at the Bangkok Art and Cultural Center (BACC), making history in term of public participation in environmental issues.

The public enthusiasm surrounding Mae Wong Dam is partly due to the use of the new media to reach a wider section of the population, bypassing the mainstream media which often ignores environmental issues in favour of other news. Sasin and his team continuously updated their status on Facebook and other online media regarding their activities



throughout the march, whilst participants upload their ‘selfies’ to show their friends.

In parallel, SNF and forty-five other organizations under the banner of “Network of environmental conservation organizations” issued a document entitled “Why we must reject Mae Wong Dam”<sup>1</sup> to educate the public and propose alternative solutions to solve the local problem of floods and droughts. The information was disseminated mouth to mouth, online and in the mainstream media, quickly increasing public awareness.

Using social media to disseminate information is suitable for the new generation of audience who

prefers their media in concise, easy-to-understand and vibrant forms such as video clips. Popularity can be tapped to raise awareness on social issues amongst new target groups. Successful examples during this campaign were the four-minute YouTube clip made by Sri Nakarinwirote students of Social Communication Innovations (uploaded on 26<sup>th</sup> September 2013)<sup>2</sup> and the “Mae Wong Dam Exclusive” episode of “Cho Khao Teun” news satire program (uploaded on 21<sup>st</sup> September), which topped more than 200,000 views each (as of January 2014).<sup>3</sup>

Towards the end of the march, several celebrities also jumped on the social media band wagon, tweeting the “No to Mae Wong Dam” messages on their Facebook, Instagram and Tweeter accounts,<sup>4</sup> which helped expand social awareness further to children, teenagers and other celebrity watchers who were not previously targeted by environmental campaigns. As a result, more than 120,000 people<sup>5</sup> signed the petition against Mae Wong Dam on change.org, making it Asia’s most signed petition.

Public participation also increased due to actions of politicians who were insensitive to public opinions. For example, Plodprasop Surasawadee, deputy Prime Minister and chairman of the Water and Flood Management Committee, said that:

“I would like to thank them for caring about the forest and animals. But I love the Thai people more. I choose the lives of the Thai people [over forest and animals]. We can regrow forests and repopulate animals. But with the floods, there will be no people and the country cannot survive. The government has already made the decision to build Mae Wong Dam and won’t change its mind. Although building the dam will damage the forest, but we will grow three times more trees than those

destroyed. I would like to invite the protesters to help us. We will pay and find a place for them [to grow trees].”<sup>6</sup>

In addition, Plodprasop insisted that Mae Wong Dam project would go ahead even if it reduced only 1% of the flood problem, because it is only one of the government’s nine anti-flood plans. He claimed that the 21 small and large dams soon to be built would be effective countermeasures against the floods when combined.<sup>7</sup>

These plans also helped extend the movement’s parameter to include all government’s policies impacting on ecosystems, especially the 350-billion baht water management mega-project. On 2<sup>nd</sup> November 2013, the protesters again marched from BACC to the Victory Monument to urge and build more opposition against the project, which affected the natural environment of Mae Wong National Park.

The Green Move Thailand national volunteer network was set up to promote sustainable development which did not encroach upon the environment and community rights, and to monitor public policies involving the environment. Its main target was the water management mega-project which aimed to build more than 20 dams in reserve forests.<sup>8</sup> For that reason, the Mae Wong Dam march empowered and paved the way for public participation in monitoring and voicing opinions against government mega-projects which affected the environment, economy and society. This may yet lead to much bigger social change in the future.

## Next round: the 350-billion baht water management mega-project

One cannot understand the significance of the anti-Mae Wong Dam movement without taking into

consideration the water management mega-project. As a direct result of the floods which devastated the country from late 2011 to early 2012, the Yingluck government proposed the biggest ever water management project in Thai history with a budget of 350 billion baht. Entitled “Sustainable Water Management and Flood Control System”, the mega-project consisted of ten modules (see table 1) and included reforestation in the Northern Region, construction of dams and reservoirs for water catchment, linking the four main tributaries of the Chao Phaya River and construction of floodways on the eastern and western banks of the Chao Phaya river. Chaired by Plodprasop, the Water and Flood Management Commission (WFMC) was set up to manage the project. He said that the bidding, designing and construction will run in parallel, although the construction could begin only after the designs had been approved. This is hoped to speed up the process from the usual 10–12 years to 5 years.<sup>9</sup>

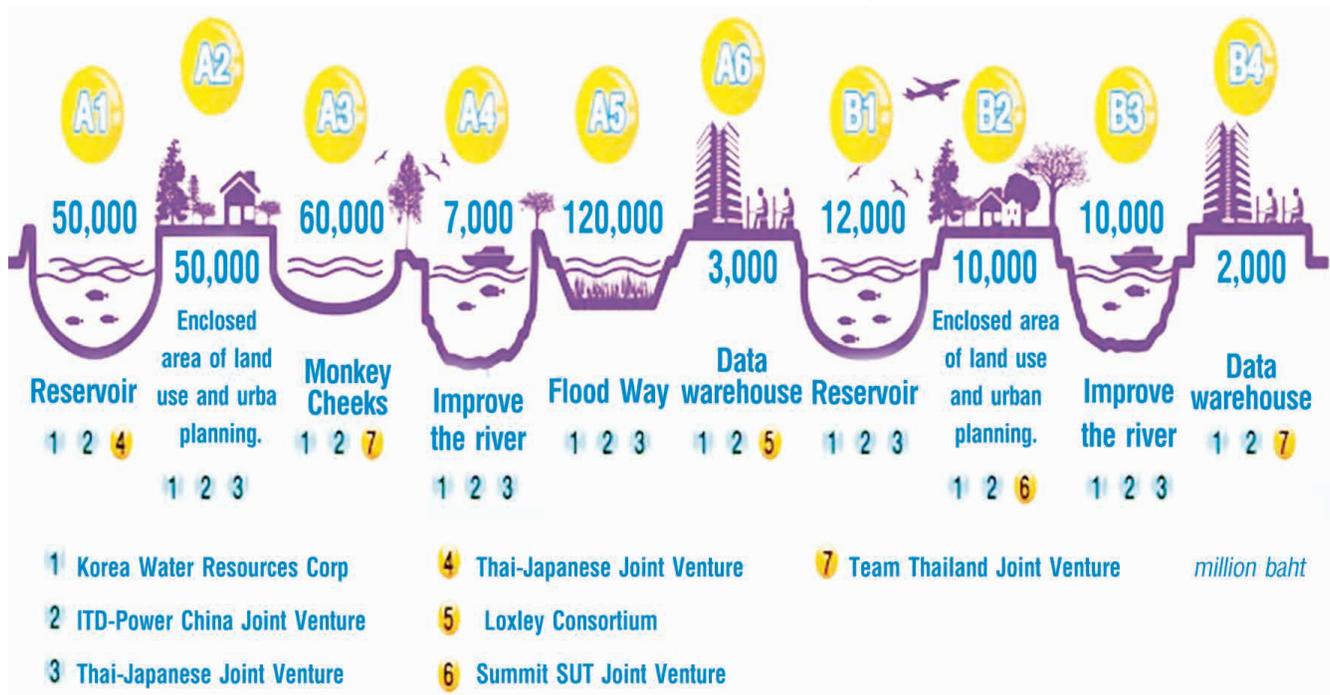
## Civil society movement

To expedite the project, several pieces of legislation were enacted and amended. Concerned about lack of oversight, civil society organizations demanded access to details of project implementation and petitioned the Administrative Court to suspend the mega-project (See Table 1). The Court ordered the government to hold public hearings in accordance with the Constitution. As a result, WFMC held public hearings in 36 provinces between 15<sup>th</sup> October and 6<sup>th</sup> December 2013. These one-day hearings were hastily organized and open only to those who registered online.

As the rushed process did not genuinely allow participation by all stakeholders, people in the affected areas voiced their strong opposition and roundly rejected the public hearings, as well as the EIA and HIA information presented by the Government.

Srisuwan Janya, President of the Stop Global Warming Association and civil society leader in the

Figure 1 10 Module for Water management



Source: โครงการน้ำ 3.5 แสนล้าน โครงการยักษ์เปลี่ยนประเทศ ที่คนไทยไม่รู้ไม่ได้. September 30, 2013. Retrieved January 15, 2014. from OK Nation Blog Website: : <http://www.oknation.net/blog/pasalarksee/2013/09/30/entry-1>

## Mae Wong Dam

Issues	Detail
General information	An embankment dam. 730 meters long, 10 meters wide and 57 meters high. The dam will withhold a reservoir of 250 million cubic meters in an area of 13,000 rais spreading over Mae Wong National Park in Kamphaengphet and Nakon Sawan provinces. Construction costs are estimated at 13 billion baht (as of 10 April 2012).
EIA	The Environment board denied approval of the project in four EIAs in 2538, 1998, 2002 and 2547 and ordered the Department of Irrigation to find a better integrated water management method than environmentally damaging dams. The Ministry of Natural Resources and Environment submitted an urgent letter to the cabinet secretariat on 23rd March 2012 stating that the Mae Wong Dam project goes against the spirit of the National Park Act and does not comply with the approval criteria of the National Park, Wildlife and Plant Conservation Department.

Source: "Nine things you should know about Mae Wong Dam", Dr.Non Phanitwong @siamensis.org

petition, pointed out that "The hearings for stakeholders were not complete. The government did not follow the court order. For example, only the component modules were subjected to public hearing rather than the master plan as ordered by the court. The process should have begun with public hearings of the master plan in all 65 provinces affected by the 2011 floods. The results from the hearing can then be incorporated into the plan. It will then be subjected through five stages of the EHIA which would take at least two years. From the experience of Map Ta Phut, two years would be the minimum time required. You cannot make shortcuts."<sup>10</sup>

As a result, civil society again petitioned the Central Administrative Court for an urgent hearing on the issue of public hearings, and added five more charges against the government. The petitioners gave a final statement on 9<sup>th</sup> January 2014.

## Water management mega-project's future amid opposition

After the dissolution of the House of Representatives on 9<sup>th</sup> December 2013, the government postponed public hearings in the last three provinces due to election laws. As of March 2014, the Central Administrative Court has not ruled on the case. It remains to be seen how the next government will handle the issue and how the civil society will react.

What's interesting in all of this is the active interest and participation of local communities which closely followed the developments and participated in public hearings, as reflected in the incidents of heated arguments with officials reported by the mainstream media and social media. Some local communities and civil society organizations created online channels to raise awareness and mobilize public support for the causes which involves their own communities. On Facebook, there are pages created like "An eye on the river. Stop hurting the Mae Krong", "No to Klong Mae Ping" and "Water Management Project Watch", "Chompu river plains conservation group." These activities will further forge a countrywide alliance to oppose the water management mega-project with its lack of transparency and public participation.

## Government actions and civil society actions in the water management mega-project

Government actions	Civil Society Movement
<p>26<sup>th</sup> January 2012 The Decree “authorizing the Finance Ministry to secure a loan of no more than 350 billion baht to establish the water management system for Thailand’s future” came into force.<sup>11</sup></p>	<p>2<sup>nd</sup> May 2013 The Central Administrative Court began the first hearing on the case which the Stop Global Warming Movement and 45 citizens lodged against the water management mega-project.</p>
<p>5<sup>th</sup> February 2013 Six consortiums were announced as qualified in the first round of selection.</p>	<p>27<sup>th</sup> June 2013 The Court ordered the government to conduct impact studies and hold public hearings for stakeholders in accordance with Section 57 paragraph 2 and Section 67 paragraph 2 of the Constitution, before awarding contracts for each module.</p>
<p>3<sup>rd</sup> May 2013 Bidding opened for qualified consortiums.</p>	
<p>17<sup>th</sup> May 2013 In view of the project’s enormous budget and risks, the Anti-Corruption Commission made a unanimous resolution to submit to the cabinet their recommendations for the prevention of corruption and damages to the State.<sup>12</sup></p>	<p>10<sup>th</sup> October 2013 The Stop Global Warming Movement and 45 citizens petitioned to the Supreme Administrative Court for an emergency hearing to cancel public hearings in 36 provinces which they viewed as violating the Central Administrative Court ruling of 27 June.</p>
<p>10<sup>th</sup> June 2013 ITD Power China JV won the technical designs for the project and was awarded five modules at 190 billion baht, while K Water won two modules at 162 billion baht.<sup>13</sup></p>	<p>15<sup>th</sup> October 2013 Lampoon residents rejected the project to construct large reservoirs in favor of smaller ones for fear of land expropriation and impact on their lives.</p>
<p>19<sup>th</sup> June 2013 The cabinet approved a loan of 314.33787 billion baht in accordance with the Decree.<sup>14</sup></p>	<p>22<sup>nd</sup> November 2013 Locals booed government officials at the Samut Songkram public hearing. Samut Songkram Institute of Technology students blocked the road to prevent vehicles of officials from leaving and had skirmished with riot police.<sup>15</sup></p>
<p>27<sup>th</sup> June 2013 Three days before the Decree expired, Pongpanu Sawetarun, deputy permanent secretary of Finance Ministry, signed a loan contract of 324.60627 billion baht with four financial institutions, namely: Bangkok Bank, Krung Thai Bank, Thai Farmers’ Bank and Government Savings Bank.</p>	<p>27<sup>th</sup> November 2013 At Moobaan Chombeung Rajabhat Institute, Ratchaburi governor reaffirmed the unanimous public decision to reject the project.</p>
<p>17<sup>th</sup> September 2013 The Office of the National Water and Flood Policy announced public hearings in 36 provinces with expected 40,000 participants and a budget of 184,643,920 baht.</p>	<p>9<sup>th</sup> January 2014 Petitioners made final statement to the Court.</p>
<p>26<sup>th</sup> December 2013 The Election Commission ordered the three last hearings in Nakhon Pathom, Kanchanaburi and Bangkok to be postponed until after the general election.</p>	



# 6 P4P: Remedy for public health ills?



Brain drain from the public health system into private healthcare has long been a chronic problem. The Ministry of Public Health proposed a solution through the “pay for performance” (P4P) system so as to provide incentives for increased productivity.

But this idea resulted in a heated debate. Some argued that P4P would exacerbate challenges faced by encouraging healthcare professionals to move from rural to urban areas as well as worsen the quality of healthcare services as P4P focused more on quantity. It remains to be seen whether P4P is the right medicine for public health ills.

The proposal by the Public Health Minister Dr. Pradit Sinthawanarong to introduce a P4P system became headline news in public health circles in early 2013 and led to a widespread protest and chaos, especially amongst rural doctors.

## What is P4P?

P4P or “pay for performance” is a remuneration system which compensate all healthcare professionals—whether in healthcare services, administration or research for the amount and quality of work beyond required standards.<sup>1</sup> The system is the Ministry of

## 2013 Remuneration system

First part: Re-categorization of community hospitals to better correspond to present conditions	
<i>First step:</i> Re-categorizing hospitals according to area into urban, regular, specific-1 and specific-2 with different lump-sum remuneration packages. This was to be done in two phases to allow adjustments and problem identification in order to increase efficiency and minimize gaps. The first phase was between 1 April 2013 and 31 March 2014 and the second phase starting from 1 April 2014.	
Second part: Adoption of remuneration packages with two components	
First component: Lump-sum remuneration for those working in remote community hospitals or with difficult access.	Second component: P4P remuneration to ensure fairness within and between professions for each and every health-care personnel.
<i>Second step:</i> Adjusting the lump-sum remuneration to ensure fairness, in accordance with the first part of the system.	<i>Third step:</i> Add P4P remuneration according to instructions.
Took effect on 1 April 2013, with a transition period of one year. Full-adoption on 1 April 2014.	

Public Health (MOPH)'s latest attempt to boost productivity with a motivational measure and solve personnel and resource distribution problems by increasing remuneration to levels comparable with private hospitals.<sup>2</sup>

In principle P4P appears to be useful but it is confusing why the MOPH proposal to adopt the system led to a strong resistance.

Originally, both the entire Thai public and the private sectors—including in public health—used to operate through an “entitlement” culture whereby employees automatically received salaries regardless of outputs. This began to be replaced by P4P in the private sector more than twenty years ago.

P4P was not entirely new to the public health system however. The first adoption of P4P into the Thai public health system took place over thirty years ago under the family planning campaign when community hospitals were paid extra for every female tubal ligation operation performed. The measure met with great success and was ended when the target was reached.<sup>3</sup> Another early adoption

was the payment system for overtime work outside official working hours as an incentive for doctors and nurses. Despite certain problems, this was a successful voluntary measure to promote better patient care.

### The Controversy

As soon as the government announced adoption of the P4P system, a controversy begun as it was understood that urban doctors would be paid more than rural doctors in rural areas due to the different numbers of patients. Dr.Kriangsak Watcharanukulkiat, President of the Rural Doctors' Society, led his members in donning black costumes and burning an effigy of the Public Health Minister Dr.Pradit Sinthawanarong. Kriangsak said that the feelings of rural doctors were hurt by Pradit's comment that they lacked the professional commitment [to help improve public health system]. He complained that the minister had never worked in rural areas and, as a result,<sup>4</sup> was not aware of the reality that adoption of the P4P system would demoralise rural healthcare personnel and lead to



more brain drain to the private sector and more personnel shortage in remote areas.<sup>5</sup>

Chulalongkorn School of Dentistry's Dr.Thongchai Vajirartepaisan said that, rather than “pay for performance”, the system should be called “pay for service” because the more patients one receives the more money one gets. He added that under P4P service quality would suffer as personnel aimed to meet higher targets.<sup>6</sup>

Takbai Hospital director Dr.Somchai Srisombat said that P4P would widen inequality among personnel, especially in the administrative line of work.<sup>7</sup> This was because:<sup>8</sup>

First, per-service payments will increase such as payment per suture or operation. Such system would not promote the well-being of patients because it was reductionist, rather than focusing on holistic health.

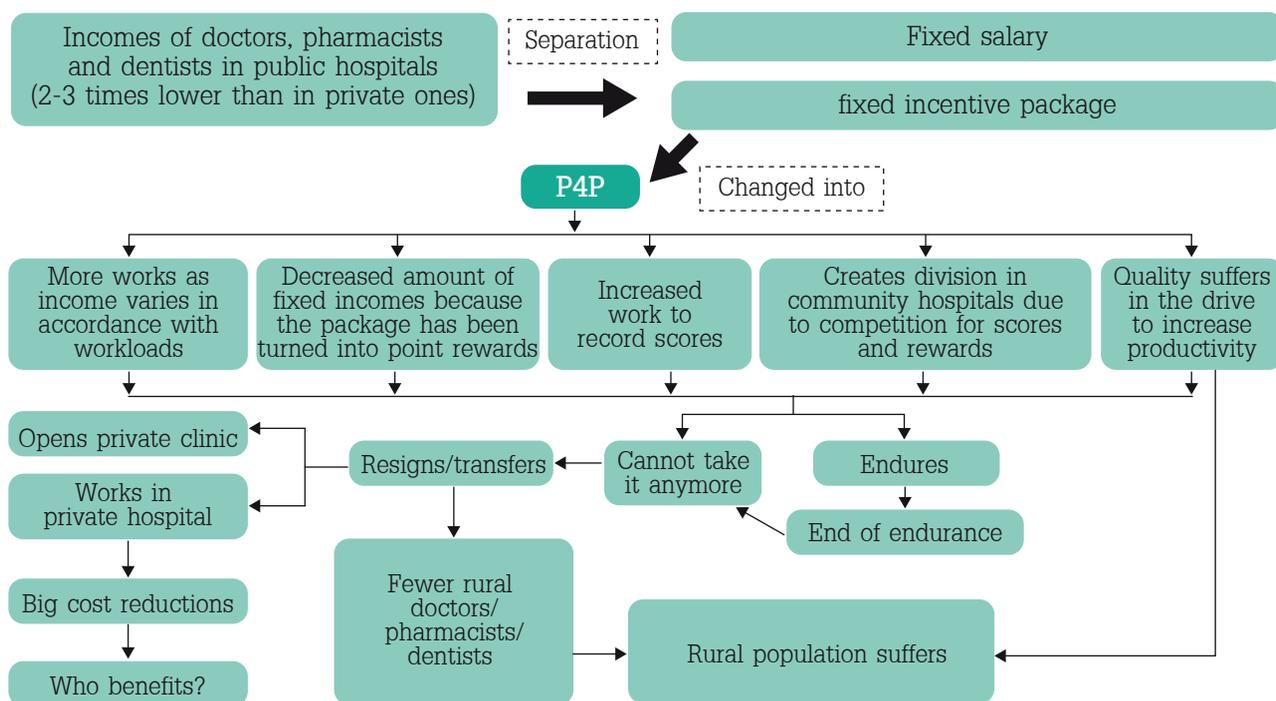
Second, rural doctors were concerned that the lump-sum remuneration would be replaced altogether with the P4P system. This was a sensitive issue because these doctors are paid in fixed amount for working in difficult environments with resource shortages. If their pay systems were replaced by P4P, their package benefits would become significantly smaller.

Third, the re-categorization of hospitals also caused concerns. Under the original system, community hospitals were classified into: small (regular area, remote area 1 and remote area 2); medium-size (regular area, remote area 1 and remote area 2); and large hospitals. However the new system would categorize hospitals into small hospitals in regular areas, small hospitals in specific areas-1, small hospitals in specific areas-2, medium-size hospitals in regular areas, large hospital in regular areas and hospitals in urban areas.

As a result, all 737 community hospitals would be reclassified into 591 small, medium and large hospitals in non-urban areas and 33 hospitals in urban areas. The remaining 113 hospitals in remote areas would retain their categories, despite title changes to specific areas 1 and 2. These remaining hospitals were all hospitals in the three southernmost provinces, remote islands, border areas and most remote towns such as Pangmapha and KhunYuam Hospitals in Mae Hong Son Province and Umphang Hospital in Tak Province.

Under the new system, all medium-sized and large hospitals were automatically classified as “regular” and “urban” by the virtue of their size rather than by actual geography, affecting the rates of lump-sum remuneration which were paid in accordance with category.

In the first phase from 1 April 2013, the small hospitals in regular and specific areas 1 and 2 would not be affected, while the lump-sum remuneration for medium-size and large hospitals in regular and urban areas would be reduced. In the second phase from 1 April 2014, hospitals in specific areas 1 and 2 would not be affected either, while remuneration for all other hospitals in regular areas regardless of



Source: <https://www.facebook.com/pages/ชมรมแพทย์ชนบท#sthash.q56no8Vz.dpuf>

size would be reduced and compensated by P4P. Lump-sum remuneration for hospitals in urban areas would be replaced by P4P altogether. After the two phase implementation, there would be an evaluation for appropriate adjustments and changes.

Amid strong opposition, Pradit gave an interview on 26<sup>th</sup> April 2013 for Thai Rath newspaper addressing concerns that “P4P will by no means lead to more resignations. It can only raise the morale levels of all doctors and other healthcare professionals, especially those with heavy workloads or difficult tasks.”<sup>9</sup> He also received support from representatives of regional and general hospitals who said that P4P was a move in the right direction, ensuring fairness for professionals and benefits for the people. In addition, MOPH permanent secretary Dr. Narong Sahamethaphat appeared on Channel 11’s “Meet the Prime Minister” programme on 8<sup>th</sup> June 2013 stating that “P4P will improve the quality of service and maximize the efficiency of resource utilization.”<sup>10</sup>

Although the chronic brain drain problem would drag on without consensus on P4P, the more interesting question was what we learned from this whole controversy.

The public health system has suffered a high rate of brain drain as MOPH loses at least 600 to 700 doctors per year. According to a 19<sup>th</sup> March 2013 MOPH report, the number of combined resignations of all healthcare professionals from 2007–2012 was 792, 736, 650, 622, 711 and 675 respectively. It is therefore understandable why P4P was discussed and eventually adopted as a measure to solve the personnel shortage problem.

As a matter of fact, P4P had been adopted by MOPH before the Yingluck government. In 2546, it was piloted at Pan Hospital in Chiangrai Province and Soong Noen Hospital in Nakhon Ratchasima Province as additional remuneration on top of basic remuneration. In 2008, it was expanded to cover Kaeng Khoi Hospital in Saraburi Province, Makarak

## Lessons learned from P4P

Pros	Cons
<ol style="list-style-type: none"> <li>1. Healthcare workers are more motivated</li> <li>2. Improved morale</li> <li>3. Incentives for creativity and innovation</li> <li>4. Increased productivity</li> <li>5. Better quality of services</li> </ol>	<ol style="list-style-type: none"> <li>1. Tasks with zero or low scores are neglected.</li> <li>2. Work distribution and team development become worsened, as each worker tries to improve their own individual indicators.</li> <li>3. Negative attitude and opposition among those who lack understanding, information or participation in the system.</li> <li>4. Resentment of perceived unfairness, due to score differences between departments or work types.</li> </ol>

Hospital in Kanchanaburi Province, Mae Chan Hospital in Chiangrai Province and Phanom Sarakham and Bang Khla Hospitals in Chachoengsao Province. The meeting to identify lessons learned from the pilot project, held at Phan Hospital between 22<sup>nd</sup> and 24<sup>th</sup> September 2008, summarized the pros and cons as follow:<sup>11</sup>

However, the pilot project did not provide answers to the questions whether and how P4P improved services, reduced complaints, affected the number of medical errors or reversed brain drain problems. Although the project showed P4P's limitations and complexities which needed to be resolved before actual implementation, the Public Health Minister nevertheless decided to go ahead with nation-wide implementation.

A 2008 WHO study in Estonia found that P4P may lead to focus diversion to procedures with 'scores' rather than ensuring health. A study by Bruin et al conducted in the USA, Germany and Australia and published in a 2011 British journal found that P4P increased productivity but there was no evidence that the quality of services improved. On the contrary, there may have been negative effects due to efforts to maximize scores.<sup>12</sup>

To be fair, each remuneration system has its own weaknesses. The entitlement system has the risk of furthering brain drain while P4P may cause some tasks to be more preferred than others and lead to perceived unfairness. The problem is not which system has the better principle but how to turn it into practice.

Apiwut Pimolsaengsuriya, an organizational and personnel development expert who acts as consultant to several public and private organizations, commented that "P4P is a good and highly appropriate concept for improving performance and rewarding high-performers. The problem does not lie in principle, but in practice. It begins when administrators see P4P as a project rather than a process, because it requires sustained system-wide integration and implementation which cannot be done overnight."

P4P is only one example of a good principle turned into a failure when implemented. Although we cannot turn back time, these past mistakes can be our lessons for the future.



# 7 Lead poisoning in Klity stream: Setting precedents in environmental and health rehabilitation for affected communities

For almost forty years, the Lower Klity community suffered from illnesses, animal deaths, lack of safe water and even deaths due to the lead contamination in the Klity stream which was used for consumption and agriculture. The lessons from Klity reflect the larger problems in environmental and health protection for communities across Thailand. It took the community fifteen years to prove the criminal conduct of the polluter and make government agencies accountable in their mandate to solve environmental and health problems of the population.



## Industrialization and health impacts

Industrialization is a key development policy for raising income levels but in many cases it negatively impacts the environment and health of communities despite the existence of regulatory laws.<sup>1</sup>

Thailand's industrialization has caused a wide range of pollution of the air, soil and water as well as affected agriculture and the health of people in nearby communities. These impacts resulted in civil society demand not only for environmental impact

assessments (EIA) but also health impact assessments (HIA), leading to the promulgation of Section 62 paragraph 2<sup>2</sup> of the 2007 constitution which requires that "Any project or activity which may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organized, and opinions of an independent organization, consisting of representatives from

private environmental and health organizations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity.”

Nevertheless, the related legislation only requires eleven types of industry to conduct EIA and HIA as required by the constitution. Due to this loophole, the infamous lead poisoning at Kanchanaburi province’s Lower Klity village came to highlight the chronic shortcomings and failure of public health protection in the face of industrialization.

## In the beginning

The Lower Klity community (Village 3, Na Suan Subdistrict, Sri Sawat District<sup>3</sup> and Village 4, Chalae Subdistrict, Thong PhaPhum District of Kanchanaburi Province) are ethnic Karen people who have lived in the areas for hundreds of years.<sup>4</sup> This population of about 400 people<sup>5</sup> used to earn their livings by farming in the forested areas bordering Thung Yai Naresuan Wildlife Sanctuary before permanently settling in the present villages in 1897.<sup>6</sup>

Served by smaller streams from the Thung Yai Naresuan forests, the Klity stream is the community’ source for consumption, bath, laundry, food and feeding domestic animals as well as their center for recreational and cultural life. Each member of the community adhere to the communal rule not to pollute the water or overfish. They also hold regular ceremonies to beg pardon from the stream for any violation made.<sup>7</sup>

The centuries–old nature–harmonious lifestyle of the Lower Klity villagers was turned upside down when a private mining company was authorized to

operate in the area in 1967. Eight years later, they found more sediments in the stream bed and pungent odor from the now brown turbid stream. The water caused dizziness when drunk and itchiness when bathed or swam in. Dead fishes floated on the surface in droves while almost all domestic animals, particularly buffalos, died with frothing mouths. And with no apparent reason, villagers began to suffer from unusual illnesses, such as numbness in their extremities and bodies, joint pains, skeletal pains, severe headaches and stomach aches. Many family members died prematurely, women miscarried and babies were born weak, with more than 30 children dying in their infancy.<sup>8</sup> The traditional medicine that the community used to rely on could not help with these symptoms and for the first time people had to travel the long distance to seek help from modern medicine, however to no avail.

## Lead poisoning and the suffering of Lower Klity villagers

These problems led the villagers to investigate the cause and solution of their challenges. The villagers finally identified the cause of the problems in the toxic discharge released from the lead mines into the upstream. Representatives were sent to meet with the mine manager several times but negotiations were unsuccessful. The villagers then sought help from government agencies such as the local district offices, patrol police, school teachers and ethnic minority development agencies but the problems remained unsolved.

The issue became public in 1998 when an NGO led by the Karen Studies and Development Center became aware of the problems and led the press to conduct an investigation. The news of illnesses and deaths of villagers due to lead poisoning



reported by newspapers, radios and television led to involvement of several government and private agencies. However, their actions were limited to reactive measures such as measuring contamination levels. Moreover, they did not involve or inform the Lower Klity villagers of the processes they undertook.

In 1999, the Department of Health for the first time conducted a blood test for all villagers<sup>9</sup> and found the levels of lead in their bloodstreams to be many times higher than in an average person. In 2002, officials from the Kroeng Krawia public health office finally posted a sign “Consumption of water and fish from Klity Stream prohibited until further notice”<sup>10</sup> next to the stream. The chronic negligence of the polluter and government authorities over the years have put Lower Klity villagers under tremendous pressure.

## Justice process

The situations changed drastically when the Lower Klity villagers interacted with and received support from NGOs, educational institutions and the media. For example, the Karen Studies and Development Center provided consultation and social support to the villagers. Eight villagers were sent for treatment at Rajvithi Hospital’s Professional Health Clinic where their chronic lead poisoning

was diagnosed and treated until the lead levels decreased and their health improved. In addition, Lower Klity villagers requested legal support from the Lawyers’ Association of Thailand in demanding justice and systematically solving their environmental and health problems.<sup>11</sup> A team of lawyers from the Lawyers’ Association of Thailand and the Environmental Justice Project began field investigations together with NGOs and the media.

Finally, in 2003 the eight patients treated for lead poisoning sued the mining company for contaminating the Klity stream.<sup>12</sup> In 2007, the Appellate Court Region 7 (Environmental cases) ordered the polluting company to pay 29,551,000 baht<sup>13</sup> in compensation to the eight plaintiffs.<sup>14</sup> Later that year, 151 more villagers sued the same company, and the same court ordered the company to pay them 36,050,000 baht in compensation.

In both lawsuits, the court found the mining company to have committed serious crime<sup>15</sup> by releasing toxic discharge into the Klity stream. The compensation ordered by the court included medical expenses before and after the lawsuits as well as damages for the losses of livestock and the losses of access to clean water. However, as of the end of 2013, the community has not yet received compensation as the defendant appealed to the Supreme Court.<sup>16</sup>

In parallel to suing the polluting company, in 2004 Lower Klity villagers also filed a complaint at the Administrative Court against the Department of Pollution Control (DPC) for negligence and delay in performing its duty.<sup>17</sup> The villagers demanded that the Klity stream be rehabilitated back to normal without delay so that it could be used by the community again. After almost a decade, the Supreme Administrative Court ruled in the villagers' favour, ordering the DPC to rehabilitate the Klity stream until the lead levels in the water, streambed, water plants and animals fell under standard levels for more than one year. The court also ordered DPC to pay each petitioner a compensation of 177,199.55 baht as the deprivation of food, access to natural resources and biodiversity that their lifestyle traditionally relied on had occurred.<sup>18</sup>

It took the Lower Klity villagers' 15 years to prove the guilt of the polluter and make the government agencies accountable in stopping lead contamination and solving environmental and health problems. Although in 2013–2014 the Department of Pollution Control began the process of the environmental rehabilitation of the Klity stream, the health problems of the villagers remain. As public health authorities have not been involved in the

rehabilitation plan, there are no clear preventive, rehabilitative or surveillance measures to safeguard the health of villagers.

## Fighting against corporations and the State

Despite the environmental and health problems, Lower Klity villagers found the strength to fight by first sending their leaders to speak with the mine manager, but to no avail. They started to feel that fighting against the mine owner was as ineffective and frustrating as “kicking the mountain”.

“We went to tell the mining company about the toxic discharge. They pretended to agree, and then did the same. Later they insulted us by daring us to sue them if we want compensation, as though we were not smart enough to do so. When we got support from Ajarn Non<sup>19</sup> and the media people, we decided to sue them,” said Yaseu Nasuansuwan, deputy chief of Lower Klity village.<sup>20</sup>

The lawsuits pitted them against the mine owner and the Department of Pollution Control in the Criminal and Administrative Courts. The villagers continued to keep their morale high, despite the illnesses and loss of loved ones.

Signs of Do not drink water and Do not eat fish caught from this river in Lower Klity village. (posted in year 1999)



Source: มูลนิธิสิทธิธรรมสิ่งแวดล้อม (ENLAWTHAI Foundation)



1955 First mineral processing plant in Klity (Bo-Ngam)

1921

First permanent villagers' settlement



Lead Concentrate Co. Ltd. established a mineral processing plant in North Klity village next to Klity creek

1964

1975 Villagers saw waste water dump into the creek. Many dead fishes, dirty water, however water was tastes the same but after consumed such water, villagers suffered from illness.

1980-1981 The mine did not have a good water management system and released its waste water into the Klity creek in rainy season. They released its waste water 3 days and closed for another 3 days repeatedly.

1978 6 villagers made complain to Lead Concentrate Co. Ltd. about dump waste water in to the creek.

1989-1998 The villagers suffered from illnesses which were diarrhea, headache, bone diseases and numbness. Some people lost their sight while some people died. Some children born with brain damage while some children born with disability. Many pets and cattle continued to die.

1988 Lead Concentrate Co. Ltd. build another pond for the Lower Klity villagers but it made the previous pond unusable. At the meantime, the mining company released its waste water into the Klity creek on a regular basis.

21 April 1998 sent letter to director-general of Department of Pollution Control and asked to check water pollution.

April 1998 Lead Concentrate Co. Ltd. claimed that the water management system was ruined because of the windstorm so its waste water leaked to Klity creek.

22 April 1998 Matchon, Khaosod and Bangkok Post newspaper published about Lower Klity villagers.

1998

6 May 1998 sent letter to Department of Health in Kanchanaburi and asked to health checkup the villagers.

23 April 1998 Ministry of Natural Resources and Environment ordered Lead Concentrate Co. Ltd. to stop the mineral processing plant.

mineral processing plant closed

20 May 1998 Karen Studies and Development Centre and Seub Nakhasathien Foundation sent letter to director-general of Ministry of Natural Resources and Environment about to revoke the license of Lead Concentrate (Thailand) Co. Ltd.

27 April 1998 Department of Pollution Control came to investigate by collected sample water, sediment and water animals. It was found that water animals near the mines had high levels of heavy metal contamination especially near the mineral processing plant and within 8 km. radius.

8 February 1999 Villagers received the first blood test by The Public Health Department. It showed that the amount of lead in Lower Klity villagers' blood was many times higher than in the average Thai adult.

19 June 1998 Pollution Control Department had a meeting with other agencies (Ministry of Natural Resources and Environment, Department of Health, Royal Forest Department and Lead Concentrate Co. Ltd.) and concluded that Lead Concentrate Co. Ltd. had to remove lead-contaminated sediment from Klity village and to explore and study the contamination before proceeding.

1999 Water in the creek still have black and red color with bad smell that causes headache. Dr. Orapan Methadilokkul issued papers certifying that villagers had indeed suffered from lead poisoning.

24 May-21 June 1999 Lead Concentrate Co. Ltd. started to remove lead-contaminated sediment in KC2-KC3 area in the total of 3753 tons. And the company prepared to build a rock check dam.

2001-2002 Villagers and children continue to die while some people lost their sight. Many people start to receive treatment from Rajavithi Hospital.

22 May 2000 Pollution Control Department examined Klity creek by collected sediment sample from KC2-KC3 area but still found that there were high level of lead-contaminated sediment.

29 July 2002 The Public Health Department officer put the sign of "Do not drink and eat fish in the creek temporary"

2002

End of rehabilitated, only monitor of environmental quality.

2003

Villagers start to sue at the court.

January-February 2002 Lead Concentrate Co. Ltd. builds 2 rock check dams, one is 4.5 km. away and another one is 8 km. away from the mineral processing plant.

30 January 2003 (Civil case-1) 8 Lower Klity villagers sue the Lead Concentrate Co. Ltd. at the court of Kanchanaburi ask for compensation, medical expense and rehabilitation of the creek for 119,036,400 Baht

2002-present after rock check dams were build, Lead Concentrate Co. Ltd. did not suck the lead sentiment out from the creek at all.

23 February 2004 (Administrative case) 22 representative villagers sue the Department of Pollution Control for neglect to solve their problem and delay the process of rehabilitation of the creek.

March 2004 Pollution Control Department claimed that the experts from other agencies suggested that they should not suck the lead sentiment out from the creek so they ordered to stop the process. And they will take environment sample to follow up the lead sentiment level.

15 August 2006 (Civil case-1) The civil court orders the company to compensate 4,260,000 baht to the villagers: the company and villagers appeal to the appeal court.

3 March 2006 Pollution Control Department claimed that they had a meeting with international experts and concluded that it wanted the creek to recover naturally.

19 October 2007 (Civil case-2) 151 villagers ask for compensation from the Lead Concentrate (Thailand) Co. Ltd. at the court of Kanchanaburi.

21 May 2008 Pollution Control Department claimed that they had a meeting with international experts and concluded that the creek should recover naturally. But the Pollution Control Department should do something in addition to ensure that the contaminated sediment will not cause environmental impacts.

18 December 2007 (Civil case-1) The appeal court orders the 29,551,000 baht compensation to be paid to the villagers.

2009-Present Pollution Control Department trying to manage the lead-tainted sediment that remains underground since 2000-2002 which previously leaked into creek and this problem never solved.

6 May 2008 (Administrative case) The central administrative court orders the Department of Pollution Control to compensate 743,226 baht to the villagers.

July 2011 Pollution Control Department proposed rehabilitate Klity Creek project to replace the naturally recovery process but had to stop because of the order from the court of Kanchanaburi. However, Pollution Control Department then proposed the improvement of 2 rock check dams because it was found that the 2 check dams in the creek could not collect the sediment anymore.

20 December 2010 (Civil case-2) The villagers win the case in the civil court; the court orders the company to compensate 36.05 million baht to the villagers. In addition, the company has to finding ways to clean and restore the creek or pay the villagers to do it under National Environmental Quality Act B.E. 1992.

29 November 2011 (Civil case-2) The court ordered the company to compensate 36.05 million to the villagers. But, the court threw out the request for the clean-up, saying the 1992 Environmental Protection Act does not authorise plaintiffs to ask the court to order polluters to clean up their pollution.

2012

There is still lead in the water, villagers still ill, a series of lawsuits still continue.

Although they were faced with unfamiliar procedures, lack of confidence, language barriers and worries the villagers overcame the problems by familiarizing themselves with the justice process with help from their legal team. In addition, they also learned how to build up a community decision process and strengthen community-wide participation from individuals, NGO's, academics and members of the press.<sup>21</sup>

Sompong Thongphachailai said, "We villagers wanted to fight our own fight. We know that outsiders are trying to help us, but we also wanted to help ourselves. Our limitations are that we are not up to date with the news and the laws. If there's anything new, keep us in the loop, because this is our fight and we want to fight it ourselves."<sup>22</sup>

Lower Klity village may be just a small remote community with imperfect command of the Thai language and little comprehension of the legal system, but they chose not to take their problems lying down. For more than 16 years and still ongoing, the community has stood up for themselves to demand the respect for their own rights and the environment, through determination and adherence to their unique way of life in close connection with the Klity stream.

But their struggle is far from over. While monitoring the rehabilitation of the stream by the Department of Pollution Control as required by the court order, the villagers must continue to assess

health risks within the community and find measures to ensure health and safety of every member. One such measure is a project to provide clean tap water to every household, built with a seed fund from within the community and additional external support. In addition, they also collaborate with civil society networks to strengthen countrywide communities and advocate legal reform to ensure mechanisms to support those whose health and environment have been affected by industrial pollution.

## Emerging norm in health and environmental protection of communities

The Lower Klity villagers' plight should make it clear to the Ministry of Industry the fact that careless industrial development can cause illnesses, deaths, environmental damages and other health impacts on people. Public health authorities must also play a key role in monitoring the health of communities before any industry with health risks is founded, as well as conduct surveillance for health impacts which may result from such industry. The Ministry of Public Health must put in place a policy to develop equipment and specialists to cope with health problems caused by industrialization and environmental degradation.





<http://www.obec.go.th/sites/obec.go.th/files/photos/21906/227527.JPG>

## 8 Assistant teacher recruitment exam scandal: Reflection of Thai education system

The recruitment exam for the positions of assistant teachers in public schools is a highly competitive affair, with applicants in the tens or hundreds of thousands vying for a few thousand openings. In early 2013, Thai society was shocked by the news that exam administrators and high-ranking officials were involved in systematic cheating in this annual test. It begs a question on how Thailand's education system suffers from this and other chronic problems such as corruption, ethics and teachers' ethics and quality.

Corruption has been a chronic problem in the Thai education system, despite efforts of the government and educational institutions to clean this issue up. The news in early 2013 of massive cheating in the assistant teacher recruitment exam still shocked Thai society however as it implicated as many as 344 applicants, the director of the administrating school who was accused of selling answer sheets and some high-ranking officials in the Office of Basic Education Commission (OBEC). The exposure also gave rise to some soul searching

questions about the quality of Thai education and the ethics of teachers, which inevitably affects the children who are the country's future.

### Massive cheating machinery

The recruitment exam for the positions of assistant teacher<sup>1</sup> in public schools is a highly competitive affair with applicants in the tens or hundreds of thousands vying for a few thousand openings. In the past, the Teacher Civil Service and Educational Personnel Commission put the

## Cheating in the teacher assistants' exam<sup>2</sup>

The Department of Special Investigation suspects that central administrative officials, local administrative officials and the applicants were involved in cheating in the teacher assistants' exam. And it has been prepared in the beginning which have evidences as followed

1. Have announced that Office of the Basic Education Commission (OBEC) will conduct the exam for teaching assistant itself which previously having each educational zone conduct exams to recruit teacher assistants.
2. Have hired Chan Wanich Security Printing to be the printing house.
3. Have hired Thai Post to deliver the papers to each educational zone which previously done by the local administrative officer of each educational zone come to pick up.
4. Have sent some people to take the test in other areas in order to match the fields needed. (6-12 December 2012)
5. There was a re-examination seating to benefit the examinees.
6. Have trained how to use cellphone two days before the exam (10 January 2013).
7. Have delivered exam's answer one day before the exam (night of 12 January 2013)
8. Have written answers to be use in the exam room (12 January 2013)
9. Have taken the written answers into the exam room (13 January 2013)

qualification criteria, exam questions and grading under the responsibility of each education region. However, Suchart Thadathamrongvech, then-Minister of Education, issued a new ministerial regulation assigning OBEC as the sole responsible agency in all steps of the examination. For the following exam in 2012, Rajabhat Suan Dusit University was commissioned by OBEC to administer the exam with no reported problems before OBEC took the task of administering the exam upon itself in 2013.

In a press conference on 20<sup>th</sup> March 2013, the Ministry of Education and the Department of Special Investigation (DSI) announced that there was believed to have been massive cheating in the exam administered on 13<sup>th</sup> January 2013 in several North-eastern education regions. Cheating methods involved having a substitute sit in the exam, receiving answers by SMS, using communication devices to receive answers and bringing answer sheets into exam rooms. Among the 9,242 applicants who qualified for the 2,161 available positions, 486 re-

ceived unusually high scores.

A fact-finding committee later found that the answer sheets to four exam subjects had come into possession of a gang which then sold them to applicants for between 400,000 and 700,000 baht each. It was found that certain high-ranking OBEC officials were involved. DSI also discovered that a Nakhon Ratchasima school director sold the answer sheets to 48 applicants, pointing to evidence that more than 5 million baht<sup>3</sup> was transferred into his bank account before and during the exam. Out of the 344 implicated applicants, some were expelled after being given a position whilst others resigned. Investigations were also carried out into others who filed complaints.

### Statistical evidence implicating 344 applicants

Without concrete evidence, how did the Ministry of Education and DSI identify cheaters from tens of thousands of applicants?

Dr. Chob Leesaw, a statistics expert who chaired the statistical analysis committee, revealed that the year's results heavily deviated from the normal bell curve, as more than 90% of applicants scored more than 500—as opposed to three as to be expected statistically. Such result is statistically very improbable. If that's not enough, 344 among these “top” applicants chose the wrong answer “A” instead of “B” to the relatively easy Question no. 34 of the General Knowledge subject, which had a difficulty index of 71% (71% of applicants would answer correctly). This happened because the stolen answer sheets were copied and sold to the cheaters before an OBEC official noticed an error in the original question and substituted it with a new one.<sup>4</sup>

## Loopholes during exam administration

Panida Kambhuna Ayutthaya, Ministry of Education permanent secretary and chairperson of the investigation committee, said that loopholes were found in many steps of this examination.<sup>5</sup> OBEC officials were careless in the process of creating exam questions and holding the question makers incommunicado, as well as in the custody of exam questions while transferring them from the PC computer to a laptop.

## Why cheat?

Adisorn Naowanon, Rajabhat Nakhon Ratchasima University dean of Graduate Studies, said that many people apply for the teaching positions because they are attracted to perks such as long vacations, free healthcare for spouses, children and parents and a remuneration package which is better than many other civil servant posts.

For the Northern and Northeastern populations, teaching and joining the police forces are the two easiest options in public services into which parents can support their children with relatively low investment.<sup>6</sup>

## Cheating and ethics in education system

According to a Suan Dusit Poll, 82% of respondents found the scandal to “seriously affect” the credibility of the Ministry of Education because teachers were role models for children, whilst 27% thought that corruption was entrenched in all circles and difficult to eradicate. 50% believed that strict preventive measures and harsh punishments would solve the problem, while 41% believed in cultivation of positive values among teachers.<sup>7</sup>

However, although Thai society in general believed cheating to be unethical, Thai students seem to have a different attitude. A study entitled “Attitude of student on cheating examinations” by NIDA (National Institute of Development Administration) Associate Professor Phanitchanat Siripanich found that 16% of students had cheated in examinations before whilst 30% had helped friends cheat. What's most worrying is that these students viewed cheating as slightly wrong or not wrong at all, and those who have helped cheating—even when they consider it seriously wrong—continued to do it regularly. More concerning, such attitude does not limit itself among students. A dean of a leading university has recently been removed from position<sup>8</sup> for modifying his child's grades in eight subjects.

## Cheating and Education Quality

The chronic problems of corruption, unethical conduct and dismal teaching quality have seriously affected the quality of Thai education. Although many Thai students have won top international prizes such as the Academic Olympics medals in mathematics, physics, chemistry and robotics, the overall education quality, however, trails behind most of ASEAN. The World Economic Forum's 2013 Global Competitiveness Report put the quality of Thailand's primary education at a 86<sup>th</sup> ranking out of 148 countries (4 rankings lower than in 2012) and 7<sup>th</sup> among the ten ASEAN countries—ahead only of Laos, Cambodia and Myanmar. The same report put the quality of Thailand's higher education and training at a 66<sup>th</sup> ranking (6 rankings lower than in 2012) and 5<sup>th</sup> in ASEAN—ahead of Philippines, Vietnam, Laos, Cambodia and Myanmar.<sup>10</sup> These rankings show the reality of Thai education which undermines the country's ambition to be ASEAN's economic hub.

## Shortage of qualified teachers

In addition to the above mentioned challenges, there are other issues which need to be urgently solved. Many teachers teach in subjects they are less than proficient in; there is shortage of teachers in specific fields; and many schools cannot fill the positions they need teachers for..

In the 2013 assistant teacher examinations, only 1,536 applicants or 7% out of 21,773 passed the required 60% mark. Moreover, in Nakhon Ratchasima Region 3, there were a record high number of those who failed the exam and none of the applicants with a mathematics major passed the

required mark in their subjects.<sup>11</sup> These shocking revelations bring to light the low standards of would-be teachers.<sup>12</sup>

The reason for the shortage of qualified teachers lies in the lack of planning for personnel development as the government has shifted its focus to other fields which suffered shortage and left development of teachers with little support.

Regarding the inability of schools to fill the positions in need, Minister of Education Chaturon Chaisaeng said that within five years the shortage of teachers and other education personnel will worsen as 155,225 teachers would reach retirement. There will be a shortage of 51,462 positions in basic subjects such as English, mathematics, Thai language and science.<sup>13</sup> The reason for this is because the government has a policy to downsize and many teachers will opt for an early-retirement package.<sup>14</sup>

The ways to alleviate these problems are to encourage later retirement, redistribution of teachers to areas suffering from shortage, ensuring that teachers teach the subject they are proficient in and recruiting more teachers. There is also the mismatch problem between the fields teachings are graduating from and those in which they are needed.

However, increasing the number of teachers will not be enough and more technology will be needed to bridge the gap. For example, geographical information systems will be used to improve the distribution of teachers and regulations which impede appropriate recruitment of teachers must be amended.<sup>15</sup>





Border disputes occur in all parts of the world. Although the International Court of Justice (ICJ) ruled in 1962 that the Preah Vihear Temple belonged to Cambodia, the dispute over the temple between Thailand and Cambodia is far from over. Tension rises along the shared border every now and then, as both sides claim possession of the area in the temple's vicinity,

The ICJ's 2013 decision which ordered both countries to jointly determine the perimeter of the temple is extremely important for the future of the bilateral relationship and the de-escalating of long-brewing tension. This very decision, however, has been interpreted differently by the parties.

## 9 Preah Vihear Temple Dispute (Continued)

Although the ICJ ruled in 1962 that the Preah Vihear temple belonged to Cambodia, the dispute over the temple between Thailand and Cambodia did not end. A new round of violence erupted when the temple was granted “World Heritage” status by UNESCO in 2008, at Cambodia’s nomination. As both Thailand and Cambodia claimed sovereignty in an overlapping area in the temple’s vicinity, Cambodia requested the ICJ to interpret the meaning and extent of the original 1962 judgment. This interpretation could result in the loss of territory for the losing party. This important turning of events happened in the middle of conflict and tension between the two countries over the past few years that resulted in military clashes and serious threats to the lives of people along the border.

The interpretation of the 1962 judgment became one of the key events for Thailand and Cambodia, as well as an indicator for the future of their bilateral relationship. This issue started to dominate the headlines from early 2013 when Thailand’s Minister of Foreign Affairs Surapong Tovichakchaikul admitted that Thailand’s chance of winning the case was slim and the best Thailand could hope for was status quo in the case that ICJ rejects Cambodia’s request for interpretation. His statement was widely criticized as being too soft on Cambodia.<sup>1</sup>

### 2013 ICJ Decision

On 28<sup>th</sup> April 2011, Cambodia made a request to the ICJ to use its jurisdiction under Section 60

of the ICJ Statute to interpret the 1962 decision after Thailand accused Cambodia of trying to take over the area in the temple's vicinity for the purpose of registration as a "World Heritage" site. Under the Abhisit government, the dispute erupted into military clashes which spread to other areas such as the area near Ta Muan Temple in Surin province in April 2011 and caused soldier and civilian casualties on both sides.<sup>2</sup>

As a result of the clashes<sup>3</sup> and the wish to manage Preah Vihear Temple as a World Heritage site, the Cambodian government requested the ICJ to make a clear decision on the ownership of the land in the temple's vicinity. Cambodia wanted the court to declare that Thailand had the obligations to withdraw Thai armed forces and other agents from the temple and its vicinity.<sup>4</sup> Thailand, on the other hand, did not have any problem regarding the ownership of the temple but would like the court to clearly determine the extent of the temple's "vicinity".<sup>5</sup>

On 11<sup>th</sup> November 2013, the ICJ made a unanimous (?) decision that it had the jurisdiction under Article 60 of the ICJ Statute to interpret the 1962 judgment as requested by Cambodia. The court also ruled that Cambodia had sovereignty over the Preah Vihear promontory as defined in paragraph 98 of the present decision. As a result Thailand must withdraw all armed forces, police or any other state agents from this area.<sup>6</sup>

The decision was received with diverse reactions. Some said that Thailand was thoroughly defeated and had lost the disputed territory but the Thai government appeared content with the decision which they said was highly beneficial to the country. Meanwhile, Hor Namhong, Cambodia's deputy prime minister and Foreign Affairs Minister who headed

Cambodia's legal team, said that both parties had won and must organize meetings to agree on how to comply with the decision.

Thai senator Rosana Tositrakul made a statement in the parliament on 13<sup>th</sup> November 2013 that in 1962 Thailand had lost only the temple, but as a result of the 2013 decision Thailand lost the whole promontory to Cambodia. Kasit Phirom, Democrat MP and former Minister of Foreign Affairs, questioned what legal principle the ICJ used in its decision to give the entire promontory to Cambodia and whether the Thai people, State and government should accept it.

## ICJ battle

The ICJ began the first hearing in July 2011, and issued a temporary order on 18<sup>th</sup> July 2011<sup>th</sup> at both Thailand and Cambodia remove their military personnel from the disputed area and vicinity, ask ASEAN to send representatives to observe the withdrawal and prohibit Thailand from obstructing the free access to the temple by Cambodia and personnel authorized to administer the temple as World Heritage site.<sup>7</sup> The court then scheduled another hearing between 15<sup>th</sup> and 19<sup>th</sup> April 2013, during which the two parties summarized and highlighted their key arguments. During the hearing, Judge Abdulqawi Ahmed Yusuf asked the two parties to define the "vicinity" of the temple as they understood it.<sup>8</sup> Subsequently, the two parties submitted their arguments, explanations and maps to the ICJ by 3rd May 2013.

Thailand's factual and legal arguments can be summarized as follow:

- 1) The Court does not have the jurisdiction to interpret the 1962 judgment because the latter is clear and had been agreed upon by both parties

until Cambodia wished to extend the perimeter of the temple after its 2007 registration as a World Heritage site.

2) Thailand has duly complied with the 1962 judgment by demarcating the temple and its vicinity of 0.25 square kilometers with barbed wire fence and clear signs. This has been accepted by Cambodia all along.

3) Cambodia's request for interpretation focuses on the question of frontier demarcation and the Annex I map (also known as the 1:200,000 map) which is not the operative part of the decision. In principle, interpretation can be made only on operative part.

4) The "vicinity" of the temple according to the original judgment is not necessarily Cambodian territory. The line demarcating the temple does not necessarily demarcate borders between the two countries. Besides this, the line Cambodia referred to in the Annex I map in the present case is different from the one in the original judgment.<sup>9</sup>

After approximately six months, the ICJ read out its judgment on 11<sup>th</sup> November 2013 that Cambodia has sovereignty over all of the Preah Vihear promontory.

1) The court pointed out (paragraph 98) that the limits of the promontory of Preah Vihear consists of natural features. To the east, south and south-west, the promontory drops in a steep escarpment to the Cambodian plain. The parties were in agreement in 1962 that this escarpment, and the land at its foot, were under Cambodian sovereignty. To the west and north-west, the land drops in a slope, less steep than the escarpment but nonetheless pronounced, into the valley which separates Preah Vihear from the neighboring hill of Phnom Trap, also known as Phu Makhua in Thai.

2) In the north, the limit of the promontory is the Annex I map line, from a point to the north-east of the Temple where that line abuts the escarpment to a point in the north-west where the ground begins to rise from the valley, at the foot of the hill of Phnom Trap. In the north, the court did not describe the geography and noted Thailand's argument on the difficulty of transposing the Annex I map and of ascertaining the precise location on the ground of the Annex I map line in the area described. As paragraph 99 states, the parties to the case before the Court have an obligation to implement the judgment of the Court in good faith. It does not permit either party to impose a unilateral solution.<sup>10</sup>

Although the above judgment roused different reactions and even resentment among different groups, Weerachai Phalasai, Thai ambassador to The Hague and head of the Thai legal team, said that it was in Thailand's favour in several ways. Most importantly, Thailand did not lose the disputed 4.6 square kilometer territory including Phu Makhua to Cambodia. In addition, the ICJ did not make a ruling on the question of the international border nor acknowledge the 1:200,000 map which Cambodia used in determining the international border beyond the temple. The only thing that Thailand lost was the line prescribed by the 1962 Cabinet resolution which the court did not accept.<sup>11</sup>

## Interpretation regarding territory

What interested the Thai public most about the judgment was the issue of "territorial loss". To answer this question in the positive or negative depended on what position one took. If one accepts the line defined by the 1962 Thai Cabinet resolution, the ICJ judgment which rejected it meant a "territorial loss". But, as a matter of fact, the 1962

Cabinet resolution did not reflect the 1962 judgment as it only manifested the unilateral will of the Thai government to yield as little ground to Cambodia as possible. The ruling did not define the promontory nor any geographical features to demarcate the temple's vicinity and the ICJ pointed out that Thailand's unilateral resolution has always been objected by Cambodia.

After the judgment, the Thai government appointed a committee, chaired by the Foreign Ministry permanent secretary Sihasak Phuanketkaew and the ambassador to The Hague Veerachai Plasai as secretary. The committee was tasked with conducting a thorough study of the judgment, ensuring public understanding of the judgment through a Thai-language translation and advising the government on how to implement the judgment. Sihasak made an initial statement that the court did not consider the line defined by the 1962 Cabinet resolution to include all "vicinity" because it did not extend to the Thai police station located to the northeast of the temple. He added that Thailand could not determine the exact perimeter of the temple's "vicinity" – which is defined in the judgment by the promontory – without a thorough study of the judgment and a survey of the actual geography. What can be verified by the judgment however, he said, was that the "vicinity" is not the same as the 4.6 square kilometer disputed territory and the Annex I map has no binding on Thailand as otherwise insisted by Cambodia. This meant that the court also recognized Thailand's arguments.

In addition, the court accepted Thailand's argument on the difficulty of transposing the line on the map to draw the "vicinity" of the temple on precise location on the ground, especially on the northern side. As a result, both Thailand and

Cambodia must collaborate to resolve the issue without acting unilaterally.

Most importantly, Thailand will adhere to the four principles in future negotiation with Cambodia as approved by the Parliament. These are: 1) peaceful resolution; 2) protection of Thailand's sovereignty and interests; 3) maintaining relationship with Cambodia as a neighboring country and fellow ASEAN member; and 4) maintaining Thailand's honour and integrity in the international community.<sup>12</sup>

## Conclusion

The ICJ judgment has defused long-mounting tension between Thailand and Cambodia by forcing both countries to mutually demarcate the temple's vicinity, which will become possible once the bilateral relationship improves. But as of the end of 2013 the Thai government had yet to make formal gestures in regards to the judgment nor had it defined the size and location of the temple's vicinity on the ground.

Previously, the Foreign Minister Surapong had said that once the government made an official position, it had to be confirmed by the parliament in accordance with Section 190 of the constitution. Then it would be followed by bilateral talks to resolve the issue through the joint commission.<sup>13</sup>

However, after the Yingluck administration became a caretaking government upon the dissolution of the House of Representatives on 9<sup>th</sup> February 2014, all further official actions on the Preah Vihear issue had again to be put on hold while ground-laying work continued. Whether the Preah Vihear saga will drag on depends on the policy of Thailand's next government.





# 10 The disgraced monk Nen Kham and Thai Buddhism's crisis of faith

Buddhist monks promote the faith in Buddhism when they study and live a life of austerity in accordance with the teachings of the Buddha. But monks who become materialistic and pursue the path of wealth and power risk disgracing themselves and ending up subject to money or sex-related scandals.

The scandal surrounding Nen Kham became one such example, after photos surfaced of his conspicuous consumption of luxurious goods and scandalous behaviors, resulting in widespread criticism and condemnation. The problem of disgraced monks is not one of troublesome individuals but also a structural problem because the outdated, ineffective Sangha Act prescribes the ecclesiastic structure and limits the ability of the State and civil society to monitor and control monk behaviors.

A scandal surrounding a former monk made the headlines for weeks in 2013 and even resulted in an investigation by the Department of Special Investigation (DSI). Nen Kham, formerly Phra Wiraphol Chattiko, was head of the Wat Pa Khantitham monastery in Kanthararom district, Sri Saket

province. He was well known for his sermons infused with supernatural powers, which also fill his popular books with titles such as “No More Rebirth” and “Nirvana is Real”. Although only 34 years old, he was called “Luang Pu”—a term used for highly respected and typically senior monks—by his disciples and followers, among whom were high-ranking officials and wealthy businessmen who provided him large donations.

A scandal broke out when pictures emerged of his unbecoming behaviors including sporting luxurious handbags in a private jet and pressing his face against a Mercedes.<sup>1</sup> These pictures aroused widespread criticism. The media started digging up more details of his life and unearthed a shocking picture of him sleeping with a young woman.<sup>2</sup> He

was also accused of boasting supernatural qualities—a cardinal sin in Buddhism—because he posed himself as an arahant (one who has attained enlightenment) in his books “No More Rebirth” and “Flawless Diamond”. These accusations led to an investigation by the Office of National Buddhism (ONB).<sup>3</sup>

The scandal around the monk’s behavior and large amounts of donation money led to a DSI investigation in which the former monk was slapped with eight charges including false advertisement (an offense under Article 14 of the Computer Crime Act for a claim that the deity Indra asked him to build a giant emerald Buddha image); statutory rape of an underage girl (violation of the Criminal Code sections 277 and 317 paragraph 3); tax evasion (for his luxury car); illicit drug use; use of false education qualifications (offense under the Private University Act); homicide (as a result of reckless driving); money laundering (using donation money to buy private properties and open foreign bank accounts); and boasting of supernatural powers.<sup>4</sup>

Using a standing invitation as an excuse, Nen Kham traveled abroad and went at large. Subsequently, the Ubon Ratchathani and Sri Saket ecclesiastical council defrocked the disgraced monk in absentia on 13<sup>th</sup> July 2013, due to grave violations of monastic rules including violating the celibacy vow.<sup>5</sup> A representative later reported that the monk had disrobed himself at a Thai temple in the USA on 26<sup>th</sup> July<sup>6</sup> although his whereabouts were after that unknown.

Scandals surrounding monks who deviate from the path of the Buddha’s teachings are not uncommon. In a famous case long before Nen Kham, the former monk Yantra faced similar charges of violating his celibacy vow and boasting false

supernatural powers to defraud followers. Recently, an artist painted and entitled his painting “Crow-like Monks”<sup>7</sup> to depict and criticize “debasement elements” in the saffron robes who can no longer be called monks because of their materialistic or depraved behaviors. That there are so many such “parasites” upon the Thai Sangha reflects the dire situation that Thai Buddhism is facing which may lead to a crisis of faith in the future.

## Donation and religious property management

What is often associated with disgraced monks is irregularities with donation money. In the case of Nen Kham, there were many complaints that he misappropriated donation money by misusing it for wrong reasons such as buying houses and luxury cars. These complaints led to an investigation by the Anti-Money Laundering Office (AMLO), whose deputy director later disclosed in a press conference that according to information from financial institutions, more than 200 million baht<sup>8</sup> of donation money was circulating in Nen Kham’s and Wat Pa Khantitham’s bank accounts which were opened to receive donations for the construction of a giant emerald Buddha.

In addition, ONB ordered its provincial offices to review whether Wat Pa Khantitham branches in their provinces were properly set up according to the law, who owns the land where the monastery is located, whether it had been notified to the head of the provincial ecclesiastical council, whether the monks staying there have had permission from the same, and where the donation money went.<sup>9</sup>

In addition, it is known that the original Wat Pa Khantitham itself faces an allegation for misuse

of land. The 68-year-old Mrs Lon Manat said that for merit-making she donated the 15-rai land in Kanthararom District to the former Phra Wiraphol for the purpose of building a temple because at that time the monk had been expelled from the village cremation ground. However, ten years after the request to build had been submitted to the Department of Religious Affairs, the temple had not been built, and even the permit granted expired after 5 years. Once she asked for explanation, she was told that a monastery will be built instead of the promised temple.<sup>10</sup>

The legal status of a monastery is a key to regulating donation money. According to the 1962 Sangha Act, a Buddhist temple is a juristic person whose enterprise and properties must be managed by the abbot in accordance with the law and related ministerial regulations which clearly specifies how to manage donation money and other properties. If money is a result of temple activities, the temple can keep in cash not more than 3000 baht whilst the rest must be deposited in a bank account under the name of the temple, rather than individuals. There must be at least three persons in charge of the account, namely: 1) the abbot; 2) a lay leader appointed by the abbot; and 3) another person appointed by the abbot as appropriate. All three must undersign a check for withdrawals.

Where and how donation money should be kept and managed must be in accordance with the donation purposes or managed in the same way as money from temple activities mentioned above. Withdrawals cannot be done at the whim of individuals.

The problem of Wat Pa Khantitham resulted from the fact that it should have been more

appropriately called a monastery, due to its lack of legal status as a temple. Ministerial regulation no.1 (1964), issued in accordance with Articles 6 and 32 of the 1962 Sangha Act, prescribes how to set up, merge, move and dissolve a temple and the granting of royal permission for the use of the land.<sup>11</sup> However, the Law did not mention the kind of monasteries that are common across the country today.

The fact that these monasteries were not legally registered also led to loose management of properties and money as they monasteries didn't have to comply with relevant laws and regulations. In the case of Wat Pa Khantitham, the bank accounts were under individual names allowing money to be withdrawn and transferred without control and leading to the misuse of donation money. It was for this reason that Nen Kham chose not to establish the monastery as a temple with legal status.

## The Sangha Act in lay context

On the one hand, the problem of ill-behaved monks and misuse of donation money partly stems from individual misconduct. On the other hand, this is also a result of the failure to effectively regulate and monitor monk's behaviors of the top-down ecclesiastical structure established by the 1962 Sangha Act. Even when a scandal breaks out and is known by the lay community and the media, the disgraced monk remains untouchable as long as there is no order from the top of the Sangha. The 1962 law broke Thai Buddhism's self-governance and took authority and power from the "fourfold assembly"—namely the monks (bhikkhu), the female monks (bhikkhuni), the laymen (upasaka) and the laywomen (upasika)—and placed it in the hands of a bureaucratic structure not dissimilar to the lay civil servant system.



For centuries, the prosperity of Buddhism in Thailand<sup>12</sup> has depended on the triangular relationship between the Sangha, the lay community and the State. In the past, local people used to have the power to check the behavior of monks through their supply of tangible necessities and temple construction. These can be withheld from misbehaving monks, forcing them to disrobe.

Monks, on the other hand, have the duty to study the teachings of the Buddha and provide spiritual guidance to the local people. They have the moral authority to check the behaviors of lay followers and censure those with disgraceful behaviors so that they reform themselves.<sup>13</sup>

The State has the duty to protect Buddhism from internal and external threats. Internal threats are those who become ordained for material gains or who behave in unbecoming manners. The State must investigate and, if found guilty, defrock such monks. The State must also eliminate external threats from agents of other faiths which aim to undermine Buddhism.

The three versions of the Sangha Act promulgated over the last century have brought fundamental changes to Thai Buddhism. As a result of the law, the long-standing triangular relationship completely broke down.

By creating a bureaucratic hierarchy that has the exclusive power to punish or reward monks, the Law took away the local community's ability to monitor monk's behaviors through the supply of tangibles. As a result, disgraced monks remain untouchable or even are protected by superiors.

As all three versions of the Act gave comprehensive power to the ecclesiastical council, the State merely became "secretary" and ceased its

responsibility to monitor and protect the Sangha from internal and external threats. With the lay Buddhists sidelined and the State acting only as secretary, the Sangha suffers from lack of check and balance from both sides.

## The Sangha Act in the Sangha context

General Sarit Thanarat's 1957 coup d'état had the effect of destroying the Sangha's hitherto democratic structure established by the second Sangha Act. His third Sangha Act of 1962 centralized all power in the body of the Sangha Supreme Council. This oligarchy of ten-plus appointed senior monks headed by the Supreme Patriarch holds all the branches of powers—legislative, executive and judicial—over all Thai Buddhist monks until today.

The strength of the third Sangha Act is that the King, as the head of State, has the power to appoint the Supreme Patriarch, thus maintaining a level of lay control on the Sangha. However, its weakness lies in the fact that the great majority of monks have no involvement in their own governance. The Sangha, as a result, developed without check from the lay community and the State. As most members of the Sangha Supreme Council are of advanced age, the council is slow in solving problems plaguing the Sangha and coping with internal and external threats.

## The "Fourfold Assembly" bill

As the 51-year-old Sangha Act became obsolete and inappropriate for today's situations with only a minor amendment in 1992, there has been growing demand for a new Sangha bill, based on a balanced triangular relationship between the lay community, the Sangha and the State. The "fourfold assembly"<sup>14</sup> bill is one such proposal which

aims to eliminate bureaucratic structure from Sangha governance.

Under this bill, the State would play the role of promoting Buddhism from a distance by providing necessary budgets. It would also play a protecting role of eliminating internal threats by investigating misbehaved monks and allegations, as well as eliminating external threats such as war, terrorism, cultural invasion or propagation of heretical beliefs through the use of State apparatuses and powers. However, the administration of the Sangha would be left to self-governance among the “fourfold assembly”.

Moreover, the local community would be given back the power to monitor monk behaviors through the supply of tangible necessities, namely food, robes, abodes and medicine including the construction of temples and other religious objects. Locals themselves would select monks and novices to stay in their temples and monasteries as well as elect the abbots and mentors for new monks. If the ecclesiastical rankings would remain under the new law, they would also be bestowed by the lay community to well-deserved monks.

In addition, monks would have the duty to study and follow the Buddha’s teachings and monastic rules, teach the lay community and provide psychological sanctuary to the population. Monks are expected to give spiritual guidance in the community-wide efforts to solve social problems such as poverty, drugs and gambling as well as lead the society in the directions compatible with Buddhist principles and away from crises, whether political, economic, social, cultural, public health or environmental.

## Conclusion

Buddhist monks promote the faith in Buddhism when they study and live a life of austerity in accordance with the teachings of the Buddha. But monks who become materialistic and pursue the path of wealth and power risk disgracing themselves and ending up subject to money or sex related scandals.

The Sangha Act has made a bureaucracy out of the Sangha where all allegations are adjudicated by superior monks within a system of patronage which protects disgraced monks whilst the lay community and the State have little power to intervene.

Each of the three versions of the Sangha Act reflects the secular regime of its time. The first followed the absolute monarchy model, while the second a democratic type of government and the third a dictatorship. However, while the country has drastically changed over the past 50 years, the third Sangha Act still remains intact. By failing to address today’s issues, a structural problem has now been created. The solution is to draft a new Sangha bill which suits the current situation of Thai society.

The prosperity of Buddhism in Thailand has long depended on the balanced triangular relationship between the Sangha, the lay community and the State. The new Sangha bill, in the form of the “fourfold assembly” bill, will concretize this relationship and include the lay community and the State, in tandem with the democratic type of secular government and the Buddha’s words, when he said that “Whether Buddhism will prosper or decay depends not only on the Sangha, but on the fourfold assembly.”



# 4 Outstanding

## Dr.Kraisid honoured with international nutritionist award

1

Senior advisor of Mahidol University's Institute of Nutrition, Professor Emeritus Dr.Kraisid Tontisirin, was honoured with the Lifetime Achievement Award 2013 by the International Union of Nutrition Science (IUNS) for his dedication to the development of nutritional science. Dr Kraisid has published more than 90 papers aimed at combating malnutrition in developing countries and he is also the Thai Health Foundation's evaluation committee chairperson. Dr Kraisid is the eighth recipient of this award which is given out every four years.

IUNS also named Professor Emeritus Dr.Khunsakorn Thanamit, another senior advisor of the Institute, as a "Living Legend" for her important role in the development of nutrition in Thailand. In addition, Assistant Professor Prapasri Puwastien received the Professor Nevin Scrimshaw Award, an award given to honour nutritional scientists with outstanding contribution to domestic and international nutritional databases.

## Siriraj won thalassemia awards

2

Siriraj Thalassemia Center was honoured with the Sultan Bin Khalifa International Thalassemia Award as a Center of Excellence by the H. H. Sheikh Sultan Bin Khalifa Al Nahyan Humanitarian and Science Foundation. The Emirati Foundation also presented the Sultan Bin Khalifa Grand International Award for Scientific Achievement to Professor Emeritus Prawase Wasi from the Division of Hematology, Department of Medicine, Siriraj School of Medicine.

Siriraj Thalassemia Center has provided comprehensive care and cures for thalassemia patients for more than a decade. Professor Prawase Wasi has studied and published more than 200 articles on the hereditary nature of this genetic disease. His hematology textbook has been used to educate generations of Thai physicians.

# Achievements

3

## World Soil Day

To honour His Majesty the King's many years of works in soil resources conservation and contributions to soil science, the United Nations in December 2013 endorsed the Food and Agriculture Organization's resolution to celebrate December 5th His Majesty the King's birthday, as World Soil Day. In addition, the UN designated 2015 as the International Year of Soil to emphasise the role and importance of soil resources in global food security.

In 2012, the International Union of Soil Sciences Chairman Dr. Stephen Northcliff presented His Majesty the King with the Humanitarian Soil Scientist award.

4

## Year of sports excellence

2013 can be called a golden year for Thai sports as many Thai athletes struck gold in international competing arenas. Thailand's national women's volleyball team won its second consecutive Asian championship whilst the 18-year-old Ratchanok "May" Intanon went on to become women's singles World Champion after winning the World Junior Championship for three consecutive years.

Thai athletes also won the highest number of gold medals in the 27th Southeast Asian Games, hosted by Myanmar. The national men's football team, women's football team, men's futsal team and women's futsal team all also won gold medals for the Football Association of Thailand. In addition, the national men's and women's volleyball teams and sepak takraw's teams also won gold medals, as did several other track and field athletes.

**Reference format:**

Thai Health Report. 2014. Self-managed communities: foundation of national reform.  
Thai Health Report 2014 (pp. 90-114). Nakhon Pathom:  
Institute for Population and Social Research, Mahidol University

**Note:** some images credit to National Health Commission Office of Thailand (NHCO),  
and Thai Health Promotion Foundation.

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Self-management  
Communities:

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**Foundation of  
National Reform**



## Local communities must be at the core of Thailand's reform strategy and the most appropriate way to achieve this reform is to allow as much community self-management as possible.

### Local communities as the country's foundation

All of the Thai population lives in some form of community, from small to large or from rural to urban. The smallest communities are villages, which combine together to form *Tambon*-level communities, often referred to as “local communities” or simply “communities”.

These communities are not only home to human being but also include natural resources and the environment. These communities are a source of jobs, ways of life, culture and relationships from familial to professional and religious, the total sum of which makes up a society.

Thailand is made up of tens of thousands of these communities. It would not be wrong to say that these communities are Thailand and that Thailand's foundation lies in local communities.

Imagine the state of national and human security if these communities lack power to learn to solve their own problems, passively waiting for help from the government. On the other hand, what if these communities were empowered to manage their own affairs, equipped with learning potential and ability to adapt to changes and solve both internal and external problems.

This article takes as its starting point the fact that local communities are the country's foundation. As a result, a sustainable national reform process must start from local communities. Local communities must be at the core of Thailand's reform strategy and the most appropriate way to achieve this reform is to allow as much community self-management as possible.

## Local Communities

According to the Local Organisation Council Act BE 2551, “community” means a group of people with common interests and objectives to help or support one another or conduct activities or enterprises in accordance with the law and morality for the common interests of members. A community has continuous administration and an organisational structure that can express collective will. “Local community” refers to geographical communities at the village or *tambon* level.

Sociologically, a community is a group of people who regularly and continuously share ways of life, communications and relationships due to shared geographic location or mutual interests such as profession, culture or belief.

According to these definitions, a community may not have clearly defined geographical boundaries. Members of a community do not necessarily live in the same location, for example, the association of sugar cane growers, association of transport entrepreneurs or online social networks.

However, this article addresses only geographically defined communities in rural and urban areas. In rural areas, villages are small community units. Groups of villages which share resources and infra-structures such as roads, water sources, energy and public health comprise *tambon* level “local communities”. In urban areas, there are different levels of

legally established communities such as slum communities and real estate housings communities. Many urban communities are grouped under “municipalities” which can be at *tambon*, *muang*, or metropolitan levels. In general, rural and urban communities differ in term of forms, structure and membership diversity.

### Local communities and local administrative organisations

1. By level*	Number Village
Village	74,944
Tambon	7,409
District	927
Province (excluding Bangkok)	76
2. By category**	
Provincial Administrative Organisations	76
Metropolitan municipalities	30
Muang municipalities	172
Tambon municipalities	2,081
Tambon Administrative Organisations	5,492
Special Administrations (Bangkok and Pattaya)	2

**Source:** \* Department of Provincial Administration, 2011. Accessed on 15th February 2014 at <http://www.agriinfo.doae.go.th/year54/general/village54.pdf>

\*\* Department of Local Administration, 2012. Accessed on 15th February 2014 at <http://www.dla.go.th/work/abt/index.jsp>



**Instead of strengthening local communities, government-led development projects weakened them and destroyed their identity, as well as social and intellectual capital and natural resources.**

## Local communities in transition

Since the 1932 Revolution until today, policy change in economic, social and political matters as well as international affairs have directly and indirectly shaped local communities. In particular, development paradigms and projects by government and private organisations since the end of World War 2 were intricately linked with the evolution of Thai local communities. Self-management is but the latest wave in this process of community transformation.

In a study on political economy of pre-1932 Thai villages, Chatthip Natsupha demonstrated that most local communities of the time were free and self-sufficient, not only economically but also in social, health, religious and administrative aspects. This did not mean that these communities were completely isolated and independent from state power. The distance from the power center meant that state power had limited direct influence on village life. Local communities had to rely on themselves in all respects.

Contacts with other local communities were a matter of course, especially through bartering and local networking where money and the market played very limited or no role at all. Despite the gradual permeation of capitalism, most Thai rural communities were not part of the modern economy or global community, even two decades after the 1932 Revolution.

World War 2 then brought tremendous damage to Thailand and resulted in the need for massive rehabilitation. The State used this situation as a reason to justify its role to implement and manage development policies and programmes through a multilevel government mechanism.

The subsequent Cold War saw the USA, as leader of the Free World, increase its influence in many regions including Southeast Asia to counter the expansion of communism. Development became a mantra to win the hearts and minds of the masses during the Cold War, resulting in many policies and projects that strongly impacted on local communities from the late 1950's.

With fear of losing to communism if the government failed to improve quality of life, its power was used to design and impose development projects upon passive local communities. The concrete results can be seen in the establishment of dedicated agencies within the Ministry of Interior to take charge of such matters, namely the Community Development Department and the Office of Accelerated Rural Development (upgraded into a department before finally being merged into another department).

“Development” during this phase was based on the idea of modernity. As development was equated with modernisation of local communities, the government doubled its efforts to build symbols of modernity such as roads, electricity, sewage systems, schools, health offices and hospitals. On the one hand, these infrastructures made life in local communities easier. On the other hand, as the power and influence from the outside world flooded into the villages, increased contact between local communities and the outside world drained the communities of their resources (including human resources) in the long term. The great majority of local communities could not cope with such fundamental changes and completely lost their independence.

Instead of strengthening local communities, government-led development projects weakened them and destroyed their identity, as well as social and intellectual capital and natural resources. This was the main downside of such development.

In the late 1970’s, a new movement of community self-management emerged in Latin America, before spreading to other regions including Thailand. This movement emphasised self-reliance of local communities, with the belief that local communities have the capacity to manage their most important affairs including natural resources, human resources, intellectual capitals and health.

The evolution of basic public health is a prime example which shows the capacity of local communities to rely on themselves in health-related issues. Such example also focuses on the potential of local communities in natural resources, social and cultural capital based on the belief that these strengths or capital exist in all communities. As a result, a new developmental trend which emphasises the importance of local culture became the accepted norm in both government and non-government development agencies.





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In essence, an assembly is a participatory process in which the people and communities collectively determine and design development policies for self-management.

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As community culture-based development became mainstream in the 1980's, it led to the widely accepted notion of local intellectual heritage ('local wisdom or community wisdom'), especially in the public health and agricultural fields. Alternative agricultural approaches including self-reliance agriculture and mixed-crops agriculture strongly emerged, based on the local intellectual heritage and the revival of local culture and unique ways of life. Local communities were persuaded to return to their cultural and intellectual roots, believed to be their strengths.

However in the 1990's, the collapse of communism and the end of the Cold War made redundant the struggle for the hearts and minds of the masses. The Thai government shifted its focus to trade. A clear example is the “turn battlefield into marketplace” policy of the Chatchai administration (1988–1991). As a result, the blossoming of local culture and wisdom in development came to a halt. Over the next decades, even the role of NGOs waned, whilst local communities were increasingly pulled into the capitalist market.

After the short-lived “turn battlefield into marketplace” policy, a new “community movement” emerged when a loose structure began to form among a number of communities which have absorbed the ideas of community rights and self-reliance from their interactions with NGO's. To address their own problems, communities created forums for idea exchange and debates, while some local communities, coordinated by NGO's, began to protest against the government and assert their rights to protect local resources. This development in fact led to the development of civil society, a new idea for Thai society at that time.

The 1997 economic crisis affected all levels of Thai society. Local communities became a focus of attention as a model society which managed to absorb economic shocks more effectively. At the same time, the new 1997 Constitution (and subsequently the 2007 constitution) gave unprecedented level of freedom for local self-management. His Majesty the King's “sufficiency economy” philosophy received attention as a “remedy” to mitigate negative effects of economic crises. Consisting of three main principles of moderation,

immunity and rationality, the sufficiency economy stood as the key philosophy in the 9th National Economic and Social Development Plan (2002–2006), although it received only a certain level of responses from local communities.

During the 2000's, the expansion of “sufficiency” communities was too slow to counter the capitalistic torrent. This was not helped by the then Government's populist policies which also targeted rural communities. Most local communities were swallowed into capitalism-driven development, leaving sufficiency as an alternative option taken up by only a small number of communities.

On the other hand, the community movement which started around 2000 maintained its momentum in the areas of health reform and the protection of natural resources, the environment and community rights. One good example is the movement for health reform which can be traced back to the 1990's. The movement gave birth to the “assembly movement” in general and the “health assembly movement” in particular. These assemblies are social innovations designed to advocate policy changes from local to national levels. Although this development took its birth in the health reform movement, it has diversified into different forms with different objectives across local, regional and national levels including through the national health assembly, thematic assemblies, regional assemblies and community organisation assemblies. In essence, an assembly is a participatory process in which the people and communities collectively determine and design development policies for self-management. It should also be mentioned that the intense activism of the assembly movement since 2001 also became a main drive behind the National Health Act BE 2007. (See Box)

During the mid-1990's, local communities became the center of attention, not only as the victims of capitalistic exploitation but also as the hope for the revival and fundamental reform of Thai society. Certain positive signs can make the society at large realise that local community self-management is the best approach to development and a force that can no longer be stopped.

The first positive sign of change was the decentralisation stipulated in the 2007 Constitution and other organic laws including the Community Organisation Council Act BE 2551. This legislation aimed to empower the communities “with the capability for sustainable self-management, including a role in national development, democracy strengthening and good governance. This process is in line with the Constitution which guarantees the rights of communities and the people to play a key role in the development of local communities in accordance with their diverse ways of life, culture and local intellectual heritage.

The second positive sign was the “awakening” of increasing numbers of local communities across the country. Many of these communities showed successes in self-management. They are living examples, whose experiences can be shared with other communities and appropriately applied to their own capacity.

Community self-management has at least two major benefits. The first is that the local population can design and steer development to match their needs. This kind of people-driven development is more sustainable than that which is planned and designed by outsiders. The second benefit is the strengthening of the people who have gone through the participatory process to collectively learn and think.

## From health assembly to assembly movement

“Assembly” is a social innovation to open public space so that all sectors of society can engage in public policies as a form of participatory democracy, in addition to representative democracy. These sectors include civil society organisations, NGO’s, professional organisations, academia, political groups and government agencies at local, regional and national levels.



The first such assembly took place in Thailand in 1988 when the National Epidemiological Committee in collaboration with the Ministry of Public Health organised the “National Public Health Assembly”. The idea to establish a “Public Health Council” was proposed to coordinate public health development across ministries and disciplines, although this never came to fruition.

No other assemblies took place again until 2000 when the Office of the Prime Minister regulations on National Health System Reform delineates the process for the drafting of a national health law, with the Health System Reform Office in charge and the Health System Reform Office (HSRO) as Secretariat. HSRO was tasked with a mission to develop a collective learning process among all social sectors. This was accomplished by a tool labeled “participatory healthy public policy (PHPP)”, later became known as a “health assembly”

In 2001, while the national health bill was being drafted, the “Health Marketplace” fair was organised with a demonstrative national health assembly. In 2002, a national health assembly was organised to discuss the national health draft law. Afterwards, six other national health assemblies were organised on a regular interval. Once the National Health Act 2007 was passed, the first formal National Health Assembly was held in 2008. Until now, the National Health Assembly has been organised five times and the sixth session was held during 17–18 June 2014. In addition, communities and allied organisations have also been given support for the organisation of regional and thematic health assemblies in tandem with national level events.

As a policy-making process with equal opportunities for all, health assemblies have received attention and been modified to various other issues from local to national levels. For example, the National Reform Assembly has been held three times between 2011 and 2013 by the National Reform Assembly Committee. Moreover, there were “family assemblies”, “children assemblies”, “people with disability assemblies”, community organisation assemblies as well as many other thematic and regional assemblies.

The reason that assembly style policy making processes become increasingly popular is not only because the process is participatory and democratic but also because the resulting social contracts or policies are highly effective in practice. This is due to the fact that policies are made with consensus by all sectors who have a sense of ownership in the issue and who play a role in realizing the policy goals.

Source: <http://www.samatcha.org/?q=ha-introduction>; <http://www.reform.or.th/>

The above series of changes have completely transformed the face of local communities in Thailand. In the first phase, communities were passive recipients of the government's development projects which equated development with modernization. As a result, communities were modernised yet undeveloped, as observed by Norman Jacob through his research more than 40 years ago. This kind of development policy makes local communities weak and dependent, losing not only their identities but also social capital and natural resources.

The second phase which emphasises self-reliance, local culture and intellectual heritage did not make local communities strong and self-reliant in a sustainable manner either however. Although local culture and intellectual heritage are strong foundations, they can hardly be built upon without self-management. In a way, local communities were seen as an ideal set against the background of globalised changes. In the end, the communities were not empowered. In some cases, communities actually became even more vulnerable because the younger generation preferred change whilst the decision-making process was still concentrated at the center or outside the community.

The third phase under the capitalist/populist policies in the 1990's and 2000's saw local communities completely swallowed up by capitalistic/populist policies. All aspects of local communities were geared towards the market from production, labour and natural resources as well as local traditions and culture. However, some of the more progressive communities became politically awakened to their rights to protect local environment and natural resources from exploitation. There was an unprecedented level of demonstrations and protests, hundreds in some years. Local communities were

no longer passive victims but became agents in the budding civil movement both in rural and urban areas. The emergence of "health assemblies" at different levels was also a concrete result of the civil movement whose goal was self-management. This was a trend that commands attention today.

## Toward self-managing communities

Analyzing macro-level changes over the past few decades, one obvious feature is the government's ineffectiveness in addressing important problems. These shortcomings catapulted communities into demanding self-management instead of waiting for government or NGO help. The government ineffectiveness is evident in the following three important areas:

### 1. Management of natural resources and the environment

Without a doubt, the resources for agriculture which had long sustained local communities were shifted to the industrial sector by export-led economic policies. Sometimes resources were even taken away from communities with implicit government involvement or through unjust social structure, causing problems to communities in terms of forestry, water sources, minerals, land grabbing or industrial waste. Due to ineffectiveness mechanisms, the government failed to address these problems at a community levels, let alone tackle their root causes.

### 2. Decentralization

Decentralization was a key principle stipulated in the 1997 and 2007 Constitutions as well as organic laws, especially the Act on Planning and Stages of Decentralization to Local Administrative Organisation BE 2542. However, implementation has stagnated leaving local administrative organisations (LAOs) and local communities with limited capability to



**These days the nation state has become too small for the big problems of life and too big for the small problems, especially in a centralised state like Thailand.**



manage their own affairs. LAOs still largely depend on the central government for their budgets. Although this Act required that the government disburse at least 35% of the national budget to LAOs by 2006, the stipulation not only failed to materialise but was amended in 2007 to remove the deadline.

As of 2013, LAOs only received 27% of national budget. More importantly, a portion of the budget provided by the central government is earmarked for specific purposes such as school lunches for children or payments to healthcare volunteers, leaving LAOs with little freedom to manage their own budgets. Moreover, the dispensing of LAO budget is still constrained by many laws and regulations, leaving the central government largely in control, which is against the spirit of decentralization. In addition, although public participation has increased, most LAOs still operate in the same bureaucratic manner as before and fall short of the constitutional intention to encourage public participation. In conclusion, decentralization with the purpose of self-management is yet far from reality.

### **3. Income redistribution**

Since the first National Economic and Social Development Plan was conceived half a century ago, Thailand's national income has remained concen-

trated in the hands of a tiny proportion of the population. The richest 20% earn more than 54% of the total 2011 national income. Rural dwellers earn less than urbanites. The agricultural sector which employs the majority of workers only account for 10% of national wealth. Most agricultural households are in debts, while the urban poor live in despair. Despite the government's continued policies to reduce income gaps, this situation remains, betraying the ineffectiveness of these policies. This is in addition to unequal access to services such as education and healthcare resulting from inefficient income distribution policies.

The government ineffectiveness is understandable because, to quote the observation made by the post-WWII American intellectual Daniel Bell (1919–2011) more than twenty years ago, these days “the nation State has become too small for the big problems of life and too big for the small problems,” especially in a centralised State like Thailand. It is no surprise therefore that people in local communities recognise government ineffectiveness and become active in solving their own problems.

It is obvious that all local communities have civic-minded citizens, including individuals, groups, leaders, non-leaders, the educated middle class or retired civil servants, who are aware of the problems

facing their own communities. By making others in the communities realise the possibilities of managing their own affairs, these people can bring about a mass-collaboration for self-management.

## Local community self-management

Those who have observed social movements over the past few decades would have witnessed certain community welfare initiatives. In the beginning, these initiatives emerged as the rural population identified inaccessibility to most government services as an important problem they faced.

Early examples are the “One-baht-a-day savings group” initiated in 1980 by a Songkhla teacher Chob Yodkaew, and a similar savings group initiated by the Trad’s Venerable Subin Panito in 1990, long before the government or NGOs began to pay attention to the issue of community self-management. These two outstanding social innovations demonstrated the ability of local communities to manage their own affairs in specific issues.

At present, these ideas have spread across the country. It’s estimated that there are more than 40,000 savings groups with total savings in excess of ten billion baht. Responding to the lack of access to government welfare services and formal loans, these groups were formed to give mutual supports to members and alleviate financial burdens by providing loans at low or no interest for the purpose of debt reliefs, emergencies and children education. These schemes were also used as a tool to encourage values development within a community.

Later on, NGOs such as the Thai Health Promotion Foundation (THPF), the Office of the National Health Commission (ONHC) and Community Organisations Development Institute (CODI) came to play important roles in encouraging and nurturing more community self-management. THPF, under Bureau 3 and others, manages a lot of projects to improve community health through community efforts. ONHC organises regional assemblies to help local communities determine appropriate policies and approaches to achieve health in all four dimensions, while CODI has a mission to strengthen community organisations as the foundation for social and national development.



Chob Yodkaew

ที่มา: <http://thaipublica.org/2013/05/chob-yodkaew/>



Venerable Subin Panito

ที่มา: <http://v-reform.org/wp-content/uploads/2012/07/พระอาจารย์.jpg>

As a result, an increasing number of communities have adopted the self-management approach. Some aim at comprehensive self-management whilst others have written community constitutions as a road map to achieve the goal of community health through a variety of activities. These activities include savings groups, occupational groups, welfare groups, youth groups, housewives groups, organic agriculture groups, and organic fertiliser groups. Examples are Kanchanaburi's *Tambon Nong Sarai* community, Amnat Charoen's *Tambon Puay* community, Chachoengsao's *Tambon Ban Song* community and Sangsan Nakhon Rangsit community. Some communities, however, focus on specific issues such as disaster management or road safety, but they also follow the self-management approach.

The importance of community self-management can be seen from the fact that “self-management constitution” was one of the key issues reviewed and approved by the 3<sup>rd</sup> National Reform Assembly (31 May–2 June 2013), that recognised local communities are the country's foundation and many have shown self-management potential. The concept aims to encourage local communities to create a Constitution (also known as a community master plans.) as a self-management roadmap in order to strengthen community-wide participatory processes. The National Reform Assembly resolution not only confirms the importance of but also lends legitimacy to national reform based on the idea of community self-management.



## Tambon Puay health constitution

About half an hour away from Muang Amnat Charoen district is Tambon Puay, the first tambon in the Northeastern region with a tambon level health constitution. This is the story of how they did it.

It started with the aspiration of 7, 200 inhabitants to “live a happy life in physical, mental, social and intellectual terms by the year 2016 through communal sharing and collective learning”.

The first phase was the acquiring of knowledge from outside, identifying the problems facing their community and analysing the community’s strengths and weaknesses through community meetings, which they casually call “thinking and talking space”. After such process, the community came to a consensus that their aspiration for happiness could only be achieved with their own hands.

The second phase of the process was the mobilisation of all parts of the community including the family, temples, schools, administration and public health officials, as well as representatives of all related groups and organisations to discuss the content and approach of the social contract called a “health Constitution”. After six months of debate, the community finalised a draft which was then unanimously adopted in March 2011.

This health Constitution consists of ten chapters and 41 articles. The more important chapters are: Chapter 3 on consumer guarantee and protection, control of diseases and other health threats; Chapter 4 on health promotion; Chapter 5 on the preservation and development of health related local intellectual heritage; Chapter 6 on development and dissemination of health knowledge; and Chapter 7 on development of health personnel. Although the Constitution focuses on health issues, there are a number of provisions connected to the economy, social issues, the environment, natural resources and learning.

Several provisions in the Constitution have been concretely implemented. For example, in accordance with Chapter 4, a large number of community members were convinced to refrain from alcoholic drinks during the Buddhist Lent (rainy season retreat). Some shops voluntarily stopped selling alcoholic drinks during the same period, as well as during other Buddhist ceremonies, thereby helping reduce costs for the hosts. The community environment has also improved as: garbage separation and community forest are now better managed; problems of juvenile delinquency and violence have been almost completely eliminated; and drug problems have also lessened.

The process leading up to the Constitution and its success so far resulted from strong leadership and community-wide participation, built upon the community’s strong fundamentals. Although it may be too early to assess how the Constitution’s objectives have been attained, these preliminary outcomes from self-management are a good sign for more successes to come.

**Sources:** 1. *Tambon Puay Health Constitution No. 1* (2011)  
2. Interviews of *Tambon Puay* leaders, 2 January 2014.



## Self-management constitution

The 3<sup>rd</sup> National Reform Assembly (31 May–2 June 2013) passed a resolution on the self-management constitution. This is an important step for national reform from the bottom up.



### The important resolution:

- promotes, by all means, the scaling up of the development and drafting of self-management constitution in all communities, whether or not one already exists, with support from relevant government agencies, community organisations as well as academia and civil society.
- supports local community organisations and civil society to make a declaration of collective will and synthesise local constitutions into a national civil society constitution.

- ensures the establishment of a “Civil Society Constitution for Reform” network to advocate the implementation of the essence of the Constitution by government agencies as well as monitoring its compliance.

- demands government agencies, particularly local administrative organisations, Political Development Council, King Prajadhipok Institute, the Community Organisations Development Council, the Law Reform Commission, the Public Sector Development Commission and other relevant agencies to support the implementation of self-management Constitutions.

### This resolution was a result of the awareness on the following:

(1) Local communities are the foundation of society and important agents of change in social reform. However, most communities are currently weak and marginalised, lacking the power to manage their own affairs. Nevertheless, many local communities have shown the capability and potentials to manage their own affairs.

(2) To reform and strengthen Thai society in a sustainable and balanced manner, it is necessary to begin by promoting more opportunities for local communities to manage themselves.

(3) Self-management is the exercise of power and expression of collective will, which can lead to the reform of the democratic process and society. It is also an important approach for the structural reform of society from the bottom-up, as well as increasing fairness in the relationship between the government and citizens.

**Source:** Summarised from National Reform Office website. <http://www.reform.or.th/assembly-national-2556/> Accessed on 10<sup>th</sup> February 2014.

## Case studies

The following communities are two examples of the numerous self-managing communities which exist today in Thailand. One is a comprehensively self-managing community whilst the other is a community in a Bangkok suburb. These communities were selected because of their success, which has been recognised by numerous awards. Although differing in geography, population, socioeconomics and motives for self-management, both communities share certain features which can be valuable lessons for other communities.

### Case study 1

#### *Nong Sarai* Community: Happiness-oriented self-management

*Nong Sarai*, a medium-sized tambon in Kanchanaburi's Panom Thuan district, is an example of a community which follows self-management principles with happiness as the bottom line.

At present, more than 3,000 *Nong Sarai* inhabitants from 900 plus households in nine villages, like their neighboring communities, earn their living by growing rice, sugar cane, corn and raising farm animals. After twenty years of increasing dependence on chemicals and machinery for agriculture, the communities have found that problems have mounted

with serious impacts on their lives while happiness was in short supply. The community therefore developed a mission to solve these problems and bring back happiness.

A few decades ago, *Nong Sarai* farmers used to grow rice once a year, depending on rain water. Although their incomes were meagre, they had little expenses as they could readily find food in the natural surrounding without the need to buy it. It was so easy that "if one wants to eat fish, one can start the water boiling while going to cast a net in the pond. One can catch enough fish to feed the whole family, without today's fear of residual chemicals." The community also could rely on free reciprocal help from neighbours for rice planting and harvest. When ill, they sought helps from the village medicine man, rather than going to the doctor or a hospital. The pace of life was much slower.

However, once irrigation arrived in 1979, everything changed. Farmers began to grow rice twice yearly, whilst chemical fertilisers, pesticides and machinery became indispensable. Although the community earned more, expenses also increased both for production and for consumption due to the prevailing capitalist/consumerist lifestyle. Some years when prices of produces were high, the community could afford to pay off expenses. But in other years, villagers would make big losses which put them in debt. Eventually, most families were plunged into debt and the overall happiness declined.

#### Learn, think and solve

It was not that the villagers were unaware of the problems. From 1992, small groups of community members began experimenting with new ideas, borrowed from seminars, trainings and experiences of other communities especially those in the Southern region where self-management had already taken



roots. In order to focus on existing problems and needs, the community decided to “disconnect itself from the outside world”, opting out of new development projects from 2002–2005.

One of the most important tasks during this sabbatical period was a comprehensive survey of every household in the *Tambon* to identify problems, causes and solutions as well as to explore the true needs of the community. The survey was conducted with help from the village health volunteers and other agencies including the Rajabhat Kanchanaburi University, Bank for Agriculture and Agricultural Cooperatives and the Provincial Public Health Office. The survey aimed to collect data from every household in relation to income, expenses, debts, savings, problems and needs. Although half of the respondents did not complete the financial questions, collected data showed debt was the biggest problem in the community. Many households had more debts than income and the community suffered tens of millions of baht of deficit every year.

Once debt was identified as the cause of suffering, it was obvious that debt reduction would improve the situation and bring back some happiness. The only way to achieve this, however, must be done by the community taking control of the situation with their own hands. This led to a collective decision to make *Nong Sarai* a debt-free community and to deal squarely with the debt situation, particularly the informal “shark loans” with exorbitant interest rates.

Before the community “reconnected” itself to the outside world in 2006, a large-scale workshop was organised with participation by community leaders and academics, aiming to analyze the problems and come up with the community’s own approach to development. The conclusion was that

*Nong Sarai* must become comprehensively self-managing in all aspects including economy, social issues, health, education and values. One leader stated that, “*Nong Sarai* declared that it must turn itself into a virtual ‘country’, that is, a comprehensive self-managing community.”

## Reduce expenses, increase savings and eliminate debts

One way to reduce debt is to stimulate savings. In the beginning, it was thought that piggy banks would encourage savings. Two thousands piggy banks were distributed to villagers with a campaign for each person to save three baht per day. The campaign failed, however, because most villagers said that they did not have any money to save. The strategy was then modified to aim at savings from cutting expenses rather than from incomes, resulting in increased savings.

Meanwhile, groups were formed for synergetic activities. One example was the “community savings institute” which acted as a cooperative, whereby every household paid a 400-baht membership fee whilst receiving welfare benefits in time of childbirth, sickness, senility and death in the family. In addition, savings accounts received higher than bank interest rates. Most importantly, members could secure a sum of money to pay off shark loans, allowing many to finally free themselves from debt. Loans could also be secured for investment and other necessities such as home repairs. At present, *Nong Sarai* savings institute is going strong with almost 50 million baht worth of savings in accounts.

As the survey indicated that the community spent several million baht for drinking water and fertiliser, the community set up a fertiliser factory



and drinking water factory which sold to community members at affordable prices. The fertiliser factory helped reduce farming-related expenses and even the use of chemical fertiliser. Today, *Nong Sarai* farmers use 40–50% less chemical fertilisers than before and the community aims to reduce the amount further by 10% every year. Furthermore, the community has also set up a rice market to buy rice from members, preventing exploitation by rice mill owners.

## Human development, values development

Expense reduction, savings and freedom from debt helped relieve some burden from the shoulders of *Nong Sarai* community members, but they did not automatically experience increased happiness. The community's strategy to increase happiness was human development through various activities. Many groups have been formed, 93 at last count, for this purpose. These groups can be categorised into five, namely: financial groups, welfare groups, health groups, occupational groups, and human and

environment development groups. These groups all work in tandem and have a common requirement that every members must be saving and keep a household expense account.

Another method that the community focused on is the strengthening of youth and children (by the human and environment development groups), especially regarding education. With coordination between the families, temples and schools and with financial support from the Tambon Administrative Organisation, the communities developed the “local culture” course now being taught in every school in *Nong Sarai*.

To achieve values development, the community has written a community Constitution with a “community of well-being” strategy. It defines different values with specific indicators for monitoring and evaluation. The original nine values have been expanded to 23 with 64 indicators (see Table 1). In order to encourage subscription, each individual can collect points in their account. Once they reach a certain level, these points can be banked on for securing a loan from the community savings institution, if desired. For example, a person who

has achieved 15 values can borrow up to 10, 000 baht, 18 values 15, 000 baht and 23 values 20, 000 baht, all without collateral or guarantors. There is also no interest if the loan is paid back in full within one year. Up to present more than 300 households have borrowed and paid back their loans in this manner with a zero default rate. This is how values are rewarded in a concrete manner by the community.

The interest-free loan, however, is not the aim of the “Values Bank” project. Instead, the real objective is to promote values development for the happiness of the individual, family and community, in line with the goal of human development and happiness. Most importantly, this project allowed the community members to know each other, not only from appearance, but from actions. The com-

munity has, in effect, created a social mechanism for members to monitor each other’s actions.

## Achievements and shortcomings

After almost ten years of intensive self-management, *Nong Sarai* community has witnessed successes in several areas, while other issues seem to require more time to attain. The leaders agreed that the well-being of members have increased due to debt reduction. Shark loan debts, which stood at 20 million baht or more, according to the incomplete survey, have completely disappeared through the mechanism of the community financial institute. Remaining debts are only those secured with formal institutions such as the BAAC (approximately 100 million baht at present).

Table 1. Values and indicators in *Nong Sarai’s* constitution on community wellbeing

Values	Indicators
1. Good leaders/ followers	Good thought, speech, actions which benefit oneself, family, community and country (to be certified) 2. Integrity, determination, transparency. 3. Sacrifice, decisiveness and responsibility
2. Good health	Good physical health with effective disease prevention/control and patient care. 2. Good mental health, freedom from stress and depression (age-appropriate care) 3. No body odour. 4. Clean clothes. 5. Clean house, both inside and outside, according to criteria. 6. Participate in joint cleaning efforts at least 6 times per year. 7. Age/height/weight appropriate diet. 8. Regular exercise of 30 minutes or more.
3. Good profession	1. Lawful profession. 2. Adequate income (more than basic needs). 3. No unemployment (assessed by the community financial institution.)
4. Good organisation	1. Forming working groups which solve problems effectively. 2. Clear administrative structure with a board of committee. 3. Clear rules (assessed by Tambon community leaders.) 4. Approved by community.
5. Good welfare	1. Community has welfare funds. 2. Funds are mainly community managed 3. Inclusive of all community members and covering from womb to tomb. 4. Equal and fair access to all (assessed by a welfare fund)
6. Good family	1. No fights, no violence. 2. Family members share activities at least once a week. 3. Family members share at least three meals per week. 4. Family members share responsibility to provide.

**Table 1. Values and indicators in Nong Sarai's constitution on community wellbeing**

7. Unity	1. No fights in community. 2. Community members contribute in achieving collective responsibilities on time.
8. Good heart	1. Generous (donations to temples, schools, community, etc.) 2. Kindness, compassion, empathetic joy, self-detachment
9. Integrity	1. Make loan payments on time (assessed by funders and lending sources)
10. Learning	1. More than 90% literacy rate among those over 7 years old (assessed by leaders). 2. More than two topics for community learning (assessed by school working group.) 3. At least one community-based subject taught in schools.
11. Taking good care of family elders	1. Taking good care of parents (testimonies from at least two neighboring families) 2. Obedient to grandparents and other family elders
12. Law compliance	1. No criminal record. 2. Follow community rules (according to community records) 3. Follow group rules (according to group records)
13. Morality	1. Follow the Buddhist five precepts (transgressing not more than three in a given month). 2. Give alms to monks or make merits at least 12 times per year.
14. Sufficiency	1. No unnecessary expenses (keep expense diary and cut at least 5% of unnecessary expenses) 2. Conservation (lower electricity/water bills.)
15. Savings	1. More than 75% of Nong Sarai families save at least 20 baht per month with a savings groups. 2. At least 100 baht savings per month with the community financial institution. (assessed by the community financial institution.)
16. Patriotism.	1. Stand still at national anthem 2. More than 50% of households use community products more than 10% of all products
17. Democracy	1. Accept and comply with majority rule. 2. Respect and comply with meeting resolutions (assessed during community meetings). 3. Casting votes at elections of all levels.
18. Discipline	1. Queuing at least 80%. 2. Follow traffic rules (wearing helmets/seat belts). No violation records.
19. Punctuality	1. Arriving at meetings on time. 2. Arrive at work on time.
20. Refrain from drugs, gambling, and other vices	1. No narcotic drugs (meth, Ketamine, Ecstasy, heroine). 2. No smoking in public. 3. No drinking of alcoholic beverages while working or driving. 4. No gambling.
21. Cultured	1. Wais as greeting gesture 2. Respect elders 3. Participate in at least five traditional ceremonies per year.
22. Participation	1. Attend at least 8 community meetings per year. 2. Participate in at least 12 community activities per year.
23. Good environment	1. Reduce chemical use. 2. Grow vegetables for household consumption. 3. Separate garbage for recycling 4. Refrain from burning rice stubs after harvesting.

**Note:** Before these values can be collected in the “values bank”, they must go through assessment by relevant organisations, groups or community. The assessment takes place annually, using as much evidence and documents as possible, to ensure transparency and fairness.

Household income also has increased. Two years ago, the incomplete survey indicated that the community as a whole had an income of more than 200 million baht. The poorest Nong Sarai persons have an annual income of 48,000 baht, higher than the 2011 poverty line of 29,784 baht for rural communities in the Central region. These families also have access to the “Values Bank” if they pass the set criteria.

Nong Sarai community has become more peaceful. The only thefts which happen are committed by outsiders. There is no violent crime and no teenage motorcycle gangs. The only unwanted teen pregnancy occurred two years ago and an optimal solution was found. The number of drug users has also decreased from around 60 in 2006 to around 20. Some people still gamble on lottery and drink alcohol, but the problems are not as severe. More people now take a vow to refrain from drinking during the Buddhist Lent.

The overall health in the community has also improved. There are no longer attempted suicides. Ten years ago, 80% of farmers were found by blood tests to be at risk from residual toxicity. The proportion is now down to 20%, and none at dangerous levels. However, diet and exercise behaviour has not significantly improved. Out of about 3,200 residents or so, about 300 have hypertension, 100 diabetes, and 40 both. Senior citizens and children are well taken care of by the families and communities. One leader said, “Our seniors are being taken care of better than anywhere else with multiple funds. We are working very hard to take care of them.”

## Case Study 2

### Sangsan Nakhon Rangsit Community: A self-management urban community

Not far from downtown Bangkok, deep inside Rangsit–Nakhon Nayok Highway, is located the Sangsan Nakhon Rangsit community, recently formed by the former dwellers of four slums in the



Rangsit Klong Neung neighborhood. The two parallel rows of houses neatly lining up Soi (sub-street) 26/4 are made up of stand-alone houses and two-story buildings, resembling housing estates. They are homes to 199 households of more than 1,200 people, most of whom are vendors and laborers, while the rest are taxi drivers and garbage recyclers. The orderly image that can be seen today, however, was not planned by real-estate developer. Instead, it was entirely a product of community self-management.

## Before

Slums are common in many metropolitan areas around the world, not only in Bangkok but also in Jakarta and Manila. Slums share problems including degraded social and natural environments and dilapidated housings. Most dwellers don't own their houses or land. The former slum-dwellers of Rangsit area faced similar problems. In addition, they also suffered discrimination and contempt from outsiders and experienced risks in many areas of their lives.

## Slum ordeal

About ten years ago, the community came together to brainstorm on how to realise a common dream of owning their own houses and lands. The community recognised the near impossibility but at the same time realised that the only hope of their dream coming true lay in their own hands. Using the monthly meetings organised by the *Rangsit* municipality for slum dwellers as a starting point, the community made the steps to create what today is the *Sangsan Nakhon Rangsit* community.

From the municipality's advice, the community learned that the Community Organisations Development Institute (CODI), a public organisation under the Ministry of Social Development and Human Security, had a mission to support community organisations and networks in various areas, including housing. But the initial conditions for obtaining CODI support were that the community must be organised and hold a total savings of at least 10% of the desired land value.



These requirements posed a double challenge for the community. Firstly, to unify the four communities into one was almost impossible because members were from all over the country, making it difficult to build solidarity and working relationships. According to a community leader, in the beginning there were members from more than 50 provinces, before falling to 20 provinces after some resignations. In addition, because most of the population was low-income families struggling to make ends meet, people barely had time for meetings. To organise among these members was a great challenge.

*Secondly, it was even more difficult to stimulate consistent savings amongst members. Some required advice on how to cut expenses such as alcoholic drinks, cigarettes and lotto gambling. Others were discouraged by negative comments from outsiders that they would be cheated out of their savings.*

But with the determination to own their own homes and turn their living environments into a decent community for their *children's future, the community turned these challenges into an opportunity.*

## Big steps

The biggest step in the community's movement began with a household survey which aimed to build a database on members' ability to save. The leaders coordinated a community-wide self-evaluation of all household information such as dimensions of houses, number of family members, jobs, incomes, expenses, savings, debts and the motive for joining the project. The results were announced at the monthly internal community meetings. This process not only allowed collection of data but also pulled the community members closer towards more bonding and solidarity.

The savings period started in earnest in 2004. After a few years, the community accumulated a total of 5 million baht and eyed a 30-million-baht plot of 10 *rais* (about 4 acres) where the community is now located. As the savings exceeded the CODI's 10% requirement, the community applied and got approval for a loan. In order to receive the approved loan, the people also formed a cooperative which was legally registered in late 2006. Once the loan was transferred, the land was bought under the name of the cooperative in which all 199 households were members and made monthly payments for at least ten 10-baht shares.

The next challenge was the allotment of land both in term of size and location. After several meetings, the community reached an agreement that the land would be divided into plots of two different sizes, 40 square meters for each unit of two-story buildings and 60 square meters for each stand-alone house. Only households with higher incomes and larger families could apply for a 60-square meter plot. Each household must pay monthly installments of 1,000 to 2,400 baht for a period of 15 years to pay off the CODI loan through the cooperative.

Then there was the question of location. The community reached a consensus that members could form groups amongst themselves to choose their neighbours of choice. Then all the groups drew lottery on where their plots would be located. This method helped prevent later resentment amongst members.

After these solutions were found, members started building their own houses from their own individual savings or money. At present, most members have already moved into their new houses.

“ “Self-managing community” is a community in which members recognise their common problems and have faith that through the process of collective decision, learning and participation, these problems can be solved in solidarity and through participatory democracy. ”

### Making a community out of a village

Building houses in the same plot of land only makes a village, but not necessarily a community. There was still the need for organisation, especially for certain necessities such as electricity, tap water, roads, hygiene system, security and basic welfare needs.

The Sangsan Nakhon Rangsit community has learned through direct experience that certain arrangements such as those for electricity and tap water involve a lengthy and arduous process, during which they also have learned to work together with patience and understanding. This process has instilled a mindset of compassion and sharing in members so that even now the members spring up to volunteer for communal services without being asked. The community has also created a self-managed welfare fund to take care of all community members.

The community’s success is a result of a collective learning process and self-management through bonding and participation, led by a group of selfless individuals who worked with transparency and fair-mindedness.

Proud of their success, the community learned that the only reason their dreams had materialised

was because of their own determination and hard work. One community leader commented that, “If you want something, you have to earn it. If it’s beyond your ability, then you have to learn or ask for help. We did not succeed because we are better than other communities. Any community can achieve it, if they start to do it themselves.”

### Lesson learned

From these two case studies, we can define a “self-managing community” as a community in which members recognise their common problems and have faith that through the process of collective decision, learning and participation, these problems can be solved in solidarity and through participatory democracy.

These two examples share certain features, namely;

1. Each community seized on a problem which was the common concern of the majority of the community. *Nong Sarai* took on the problem of increased household debt by implementing a savings campaign and expense reduction, creating a community financial institute and initiating a “values bank” to improve communal values with the final goal of happiness for individual, family and

community. *Sangsan Nakhon Rangsit* took on the shared dream for home ownership to mobilise the community until the community had been approved a CODI loan to build their dream community.

2. Both communities have gone through the process of recognizing their own self-management capabilities to solve problems, which allows sustained collaboration to conduct further activities without surrendering to difficulties. This participatory process is an important tool to make community members realise their own potential to manage any kind of problems.

3. Both communities show important characteristics which are considered fundamental for community self-management. The most important characteristics are:

### 1. Collective learning

Collective learning is the most important factor present in these communities because it leads not only to awareness of problems faced by the community but also to a situation where problems can be solved by the community itself. In that sense, collective learning is a process to empower community members. The learning process needs not be formal, as it can be done through informal exchanges during community meetings (see below). The kind of learning that leads to awareness must be based on accurate and up-to-date information, which can be done by community members themselves, instead of researchers.

In these two case studies, the learning process happened through formal trainings, community surveys as well as learning from external sources. *Nong Sarai* not only learned from outside knowledge, but went so far as to “disconnect” themselves for three years in order to conduct an internal review of their own problems and needs. Once the problems

became clear, the community held a series of meetings to debate and brainstorm approaches to solve these problems. *Sangsan Nakhon Rangsit* also conducted a thorough community survey early on in order to identify the savings capability of each household. In addition, the leaders who received trainings from external organisations became secondary sources of knowledge for the rest of the community.

### 2. Community meetings

“Prachakhom” is the word that communities used to refer to community meetings for the purpose of discussing communal issues. Community meetings are an important tool for decision making and problem solving. These two communities regularly conducted community-wide informal meetings once or twice a month to give an opportunity for everyone to express their opinions and be heard. *Sangsan Nakhon Rangsit* also held meetings when some issues, no matter how small, could lead to misunderstanding. *Nong Sarai* have meetings going on almost every day, as there are as many as 93 activity groups. “Prachakhom” is also found in other communities such as Amnat Charoen’s *Tambon Puay* community, noted for its creation of own health constitution.

### 3. Broad-based participation

Participation is based on the recognition that every member can contribute to the discussion, and each contribution is important to the community. From an individual viewpoint, a member participates in the discussion because they believe that they have something to give to the community, however small it may be, and not because they are asked to participate. This belief comes from the collective learning process which allows each member to understand the community’s common problems and



goals. It also makes them enthusiastic to take part in problem solving. Regardless of motives, every person's participation is conducive to community self-management.

At *Nong Sarai*, most community members take part in multiple activity groups. Similarly, at *Sangsan Nakhon Rangsit*, members also participate in common activities such as community meetings and cleaning of roads and common areas.

#### 4. Bonding and solidarity

There are two main kinds of relationships in every community. Vertical relationships are based on hierarchy of power such as traditional seniority-oriented familial relationships and patronage systems. These are the more dominant kind of relationships in Thai society, despite their decline in importance in modern times. Horizontal relationships, on the other hand, are based on the principle of equality with common interests acting as a bond. Most academics believe that horizontal relationships are more conducive to participation in public affairs. However, despite differences, these two types of relationships need not come into conflict.

In the two case studies, *Nong Sarai* is a traditional rural community where most people are blood-related not only within one village but across villages. Moreover, people share a goal to increase happiness. *Sangsan Nakhon Rangsit*, on the other hand, has few such familial relationships because members come from many provinces. However, people bonded out of shared interest, namely, house ownership. Despite the different types of dominant relationships, there is no evidence that the two communities faced difficulties in organising their activities.

#### 5. Leadership

Leadership is another necessary factor for community self-management, just as for formal organisations. Community leaders can be formal or informal. In both communities, the leaders played very important roles in mobilizing the members and driving activities towards common goals through hard work, transparency, vision, fair-mindedness and patience.

Before *Nong Sarai's* attempt at self-management, collaboration between the Tambon Adminis-

# “ Many communities have capability and potential to manage their own affairs. There is no reason to hold back this evolution any longer. ”

trative Organisation’s elected executives and the village chiefs was not all smooth. It took a long time before these people could eventually work together. A leader commented, therefore, that the leadership factor is crucial. At *Sangsan Nakhon Rangsit*, the leader is well-respected due to hard work, sacrifice, patience and transparency.

## Conclusion From fundamentals to reform

This article aims to support the concept of a national reform strategy based on local community development as local communities are at the country’s foundation. The most appropriate approach to community development is by allowing community self-management, wherever ready, in areas of economy, social issues, education, equality, fairness, environment, natural resources and culture.

Community self-management can solve problems to the satisfaction of the community because nobody knows those problems better than the community people themselves. Self-managing communities are strong and self-reliant because community members learn from their own actions. These strengths are the community’s immunity against risks and threats. Community self-management is also sustainable because most members are rooted in their own communities for

good, in contrast with development by external agencies which have been shown by many examples to be unsustainable. If all local communities are capable of self-management, the country’s strength and security will also increase.

This concept or way of thinking is in line with the resolution of the 3rd National Reform Assembly, which supports community self-management, wherever ready, in all areas. It is also supported by the evidence that many communities have capability and potential to manage their own affairs. There is no reason to hold back this evolution any longer.

It must be admitted that there are still gaps among local communities. Some not only lack necessary resources but also the collective readiness to tackle their own problems and find their true potentials. In such cases, these communities need support from external agencies such as educational institutions and government and private organisations. This external help should play a role in helping community members realise that the power to manage community affairs lies in their own hands.

As they are the country’s foundation, a network of self-managing communities will be a strong driving factor for the reform of Thai society from the bottom up in the future.



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19 AjarnNhon (Surapong Kongjunteuk), director of Karen Studies and Development Centre, has been working as a monitor on the situation of Lower Klity people since the beginning. His activism finally led to the closure of Klity mine. He is also an NGO and academic representative in monitoring and investigating on the issue of lead contamination in Klity Creek.

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**8. Assistant teacher recruitment exam scandal: Reflection of Thai education system**

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5 Eight civil servants, namely: Mr. Shinnapat Bhoomirattana (secretary of Office of the Basic Education Commission-OBEC), Mr. Anant Ra-ngubtook (ombudsman of Ministry of Public Health, former deputy secretary of OBEC), Mr. KraiKestun (director of Office of Monitoring and Evaluation, OBEC and former director of Office Of Human Resource System and Legal Affairs Development, OBEC), and five inspection committees.

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13 ครูจบใหม่ 2.6 แสนสอบครูผู้ช่วยต้องส่งชื่อกับชื่อบริษัทเอกชนแม่พิมพ์เก่าถึง 65 ปี. 16 August 2013. Retrieved 27 February 2014, from Thaipost website : <http://www.thaipost.net/news/160813/77869>

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**9. Preah Vihear Temple Dispute (Continued)**

1 “ขิง” ยอมรับ “เขาพระวิหาร” เสียแก่กัมพูชา สิ่งผู้ว่าแจ้ง ปชช. สักก้อมือ. 1 January 2013. Retrieved 3 January 2014, from ASTV Manager Online website : <http://www2.manager.co.th/Travel/ViewNews.aspx?NewsID=9550000158946>

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**10. The disgraced monk Nen Kham and Thai Buddhism's crisis of faith**

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## 4 Outstanding Accomplishments for Health

### 1. Dr. Kraisdhonoré with international nutritionist award

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ประธานบอร์ด สกว. รับรางวัลสมาคมโภชนาการนานาชาติ. 22 November 2013. Retrieved 30 November 2013, from Thailand Research Fund website : [http://www.trf.or.th/index.php?option=com\\_content&view=category&id=34&Itemid=358](http://www.trf.or.th/index.php?option=com_content&view=category&id=34&Itemid=358)

### 2. Siriraj won thalassemia awards

'ศิริราช' คว้าวางวัล "ฮาล์สซีเมียโลก" ประเภทสถาบันโรคโลหิตจางฯ ดีเด่น. 4 November 2013. Retrieved 10 December 2013, from Matchon website : [http://www.matchon.co.th/news\\_detail.php?newsid=1383552733&grpid&catid=19&subcatid=1904](http://www.matchon.co.th/news_detail.php?newsid=1383552733&grpid&catid=19&subcatid=1904)

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## 4. Year of sports excellence

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## Special Issue for the Year

### Self-management communities: foundation of national reform

#### 1. Documents in Thai language

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Chattip Natsupa and Pornpilai Lerdwicha. 1998. *Thai Village Culture*, 2<sup>nd</sup> ed. Bangkok: Sangsan Publishing Company.

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1. Dr.Komatra Chuengsatiansup, Ph.D.	Society and Health Institute
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Thonglhor Boonhong, The former of Sub-district Headman of Tambon Puay
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Bancha Chanu, Chair of Small and Micro Community Enterprise of Mushroom and Pesticide Residue Free, Ban Hnongwha
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Thai Health Working Group  
March 2014

# The Process of Writing the Thai Health Report 2014

## 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 Four Outstanding Achievements

### Criteria for selecting the health issues

- Occurred in 2013
- Have a significant impact on health, safety, and security, broadly defined
- Include public policies with effects on health during 2013
- Are new or emerging
- Recurred during the year

**Four Outstanding Achievements** are success stories in innovation, advances in health technologies, and new findings that positively affected health in general.

### Procedure for ranking the issues

- A survey was conducted using a questionnaire listing significant issues in 2009 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 Steering Committee for the Thai Health Report Project made the final decision to approve the content.

## The special Issue

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. The contents were thoroughly checked for accuracy by academics and experts.
5. The report was revised in line with reviewers' suggestions.



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