

## **CIVIC PARTICIPATION IN THAI LEGISLATIVE REFORM**

### **Principle and Rationale**

The staging of the September 19, 2006 coup in Thailand led in due course to the preparation of yet another constitution, this time validated in a national *referendum* – a first for the country. The historic charter subsequently was promulgated as the Constitution of the Kingdom of Thailand, B.E. 2550 (AD 2007).

The new Constitution is marked by the introduction of significant changes aimed at enhancing the people's involvement in politics. It has provisions that give sweeping guarantee and protection for civil liberties and rights, and strengthen civic participation in national administration and monitoring of state powers. The newly-increased importance given to popular involvement in politics is intended as another anchorage for checks and balances against established political powers under the parliamentary system, exercised by the Legislature and the Executive. The hoped-for rise in public participation should give extra impetus to the courts and independent agencies to more diligently perform their policing duty so as to ensure integrity and justice for the common good.

To help fulfill the spirit of the Constitution with success, provisions are introduced to prescribe new legislation and amendments to existing laws in support of democratic development, as taught by lessons from the past. For instance, policy prescriptions were given in Chapter Five, Directive Principles of Fundamental State Policies, of the seminal 1997 charter, and yet some laws badly needed to be promulgated toward promoting democratic practices, particularly human rights and good governance.

Following the general election on December 23, 2007, the new Administration was urged to introduce legislative bills and amendments to existing laws. Past records indicated that many laws must be urgently enacted to help smooth a transition to democratic stability and better protection of civil rights. Section 303(1), for instance,

requires the Council of State (the Administration) to prepare or amend various major laws, including legislation on public participation, and to see to it that the urgent law reform be completed within a period of 1 year.

Public participation in legislation is guaranteed by the Constitution, as under Section 308 being complementary to Section 81(3). Under the provisions the government shall appoint a Law (Reform) Commission within a period of 90 days from the promulgation date of this Constitution. It is to study and make legislative proposals for new laws or amendments to existing laws. Further, within a period of one year from the promulgation date, the Law Commission shall prepare a law for the setting up of an independent law reform agency one of whose principal duties is to provide support to legislative initiative of the electorate.

Private-interest groups learned a very valuable lesson in the aftermath of the promulgation of the Constitution of the Kingdom of Thailand, 1997: civil society must take matters into their own hands with regard to legislative action and protection of civil liberties. All too often, the introduction of bills in the Parliament is subject to strong government pressure and tampering; or else, the Government itself faces intense lobbying by influential political and legal interests. No one denies that legislation is both science and art requiring high degrees of technical sophistication and refinement, and accordingly only a tiny proportion of the population is allowed to have any say during complex legislative process or to effect even minor amendments being planned.

The successful cases of the citizens having been encouraged to take part in legislation even indirectly are few and far between, a dismal situation the new Constitution has sought to redress. Technical challenges involving the process of legislative preparation present too formidable an obstacle to civic participation, particularly when citizens are given few opportunities to access professional organizations capable of giving them the right kind of support or having the potential to do so or providing technical backup and assistance on other aspects of legislation involved.

The Asia Foundation and King Prajadhipok's Institute conceived this project in order to encourage active participation of civic and social organizations in legislative reform process, and to render the kind of support and rallying for the passage of the bills in question in the National Assembly.

This project aims to encourage meaningful civic participation in legislative reform as stipulated under Section 303 of the Constitution and in accordance with the law on civic participation as outlined under Section 81(3).

## **Goals and Objectives of the Project**

### **Goals**

The civic sector participates and works with State authorities and politicians in legislative process toward the promotion of democratic processes and values.

### **Objectives**

- (1) To acknowledge civic participation in significant legislative reform as prescribed under Section 303;
- (2) To disseminate information and understanding of civic participation in legislative reform process as prescribed under Section 81(3).

### **Actions to Be Taken**

1. Meetings of experts and related persons are held to work out the criteria and guidelines for operating the project;
2. Appoint a working party for drafting 3 bills: a law on the people's petition for legislative proposals (initiative), a law on public participation in public policy, and a law on public participation in local government;
3. King Prajadhipok's Institute in conjunction with its network of its allies conducts public hearings of the people in all regions of the country;

4. Organize seminars to present and share its study findings to disseminate information which promotes learning through exchanges and participation of related persons from all sectors in Bangkok;

5. Organize activities to drum up support for policy and issues necessary for formulating and subsequent passage of the bills.

## **Part 1: Commissions to Be Appointed for Carrying Out the Project and Activities**

### **1. Commission for Public Participation in the Proposing of Legislation Project**

The Commission for the Public Participation in the Proposing of Legislation Project has the power to set the scope, criteria and guidelines on the project operation, to carry the project to completion, and to make sure the project objectives are being met as planned.

### **2. Commission for Public Hearings on Public Participation in the Public Policy Bill**

The Commission sets the criteria and methods of organizing public hearings, and to organize public hearing sessions, including studying, analyzing and synthesizing data obtained for use in introducing a draft bill on public participation in the public policy process.

### **3. Commission for Public Hearings on Public Participation in the Proposing of Legislation Bill**

The Commission has the power to set the criteria and methods of organizing public hearings, and to organize public hearing sessions, including studying, analyzing and synthesizing data for use in introducing a draft bill on public participation in the proposing of legislation.

### **4. The Commission for Public Hearings on Local Public Participation Bill**

The Commission has the power to set the criteria and methods of organizing public hearings, and to organize public hearing sessions, including studying, analyzing, and synthesizing data for use in introducing a draft bill on local public participation.

## **Part 2: The Scope, Criteria and Guidelines on Operating the Project on Public Participation in the Legislative Process**

The Commission for the Public Participation in the Proposing of Legislation Project has defined the scope, criteria and guidelines for the project, placing emphasis on finding ways to engage the people in legislative process. The goal is to invite participatory contribution in the consideration of proposed bills as prescribed under the Constitution, particularly the framing of laws relating to public participation.

In this regard, the Commission set the agenda for the study and introduction of 3 draft bills on participation. They are:

1. Law on Public Participation in Public Policy Process;
2. Law on Public Participation in the Proposing of Legislation;
3. Law on Public Participation in Local Level

Public hearing sessions shall involve members from all segments of the population and shall also study the bills proposed by other individuals and agencies. Three commissions are set up to oversee all aspects of the interactions within the scope, criteria and guidelines as defined above (see Part 1).

The public participation movement may be built up by constructing a systematic framework for authorizing participation in the legislative process through the issuing of handbooks, criteria or standards of holding public hearings. In this regard, information will be collected, advice given, and any obstacles or problems noted down, and the entire experience will be processed as documented case histories on public participation in considering the proposing of legislation or amendments. A handbook on the proposal of legislation by the people is also recommended.

The hearing of public opinions and framing of the Bills will most likely consist of 3 stages:

**Stage 1:** Public hearings of those involved and those affected directly;

**Stage 2:** Drafting of the Bills by experts, taking into consideration the people's feedback;

**Stage 3:** Subjecting the Bills to scrutiny by the people

Public hearing sessions must be open to the entire spectrum of the population, local government organizations, independent agencies, public sector, private agencies and academics who are regarded somehow as stakeholders. That way the draft proposal, or "bill," shall be thoroughly vetted by all of the individuals and organizations and sectional groups concerned right from the beginning. But care should be taken to maintain the right balance between agents or representative participants from the diverse sectors.

These public forums should spread out in all regions of the country, perhaps taking advantage of the services of such quasi-political agents as the Political Development Council and the civic centers for political development. Once the three draft Bills have materialized from the hearing sessions, another scrutinizing seminar shall be held to allow stakeholders from all sides to air their views and make final recommendations and revisions to the draft Bills so as to render their substance as complete as possible. And as such it will have the force of law binding on society as intended.

### **Part 3: Hearings of Experts and Population in the Regions including Holding Seminars to Share Opinions and Introduce the Proposed Participation Bills**

The organizing of hearings of experts and population in the regions, including a seminar to present summarized opinions and the proposed participation Bills shall comply with the scope, criteria and guidelines set by the Commission for the Public

Participation in the Proposing of Legislation Project. The affiliated commissions concerned have deliberated and come up with the content and procedure as follows:

## **1. The Public Participation in the Public Policy Process Bill**

The Commission, having convened and deliberated on the issues and scope of public policy, including the criteria, forms, methods, date and location for holding public hearings in the regions, reached certain conclusions and introduced the Public Participation in the Public Policy Process Bill. The Bill's content and results of the work accomplished are as follows:

### **1.1 Issues and Questions**

(1) What do you understand by “public policy”?

(2) What affair do you wish to participate in?

(2.1) Affairs in either national or local level.

(2.2) Economic, social and environmental affairs.

(3) How can the people participate?

(3.1) Become aware of information, express opinions and give recommendations.

To effect public participation, the government must prepare and disseminate documented information detailing its policy via various media channels, and open up channels for the people to voice their opinions and arguments in response to the policy and other alternatives.

(3.2) Participate in making decisions on policy and planning.

There are many forms of decision-making participation, e.g. representation at national level as of the Plant Variety Protection Commission, and the National Water Commission, via referendum and public hearing.

(3.3) Monitor, follow up and scrutinize policy-making process and policy implementation.

(4) Should there be a special agency handling participation in public policy? And if so, what type should it be?

(4.1) A national participation commission should comprise sectional representation from the public sector, private sector, academia, civil society, NGOs, and media, numbering from 9 to 11 members. Tenure lasts one term only, with just one-third of the membership working at full capacity.

(4.2) A provincial participation commission should comprise a similar representation as the national level, but is responsible for promoting and supporting public participation at provincial level, pursuing joint policy, and coordinating with the national participation commission.

(5) What sort of status should the agency (as proposed in (4)) have?

(5.1) Agency under the Prime Minister's Office,

(5.2) Independent agency,

(5.3) Newly-created agency under the National Assembly or the Government,

(5.4) Agency created under a Public Agency Act, e.g. Ban Phaeo Hospital,

(5.5) No need for a new organization, whereas a State agency responsible shall follow the procedure and action steps prescribed by the Consolidation Bill.

Nevertheless, no matter what form the supposed agency may assume, such an agency must be bound to the State one way or another and be held accountable either to the agency with jurisdiction over it or to the public at large.

(6) What status do you think a law on public participation in the public policy process should have?

It should be promotional in nature (as rules of salutary engagement), and yet, for it as a legal instrument to have the force of law in practice, should contain either of the following regulatory measures:



(6.1) that action is incorrect or incomplete from the start when it does not take effect and does not have the force of law;

(6.2) if and when judged incorrect, those in position of responsibility must be held accountable, subject to either administrative or disciplinary penal sanctions.

(7) Should a fund, in your opinion, be set up for the promotion and development of public participation, or perhaps there should be other sources of funding for the promotion of public participation?

(7.1) A fund should be created expressly for the promotion and development of public participation;

(7.2) No funding, but a clause may be included to allow acceptance of financial help from other funds or sources of financing;

(7.3) No funding, but a clause may be included to accept budget support from agencies concerned, e.g. local government organizations.

(8) What is the status of the law on public participation in the public policy process and how is it related to other organizations or laws?

(8.1) Environmental organizations under Section 67, paragraph 2;

(8.2) Political Development Council and Civic Political Development Funds under Sections 78(7) and 87(4);

(8.3) Law Reform Commission under Section 81(3);

(8.4) Other political organizations;

(8.5) Media.

(9) Other issues and suggestions.

In addition to the above items, in the course of the exchanges during the public hearing sessions, some major issues were raised during discussions, exchanges of opinions and recommendations: the scope of public policy and levels of participation in the public policy process.

## 1.2 Results of the Public Hearings

The following opinions and recommendations are gathered from the public hearing seminars held in the regions:

### (1) Meaning of “Public Policy”

Public policy covers all of the State policies which relate to and have an impact on the citizens as a whole and in such fields as economy, society, politics, environment, lifestyle and culture. They take the form of policies, action plans, projects or any activities originated and operated by the State, private sector or the people under the control and supervision of the State.

At the 11<sup>th</sup> public hearing seminar held at the Miracle Grand Convention Hotel, Bangkok, opinions were expressed on the Public Participation in Public Policy Implementation Bill of B.E..... Under Section 3 appears the following definition:

*“Implementation of public policy” is the enactment of rules or regulations by State agencies, making operation plans or execution of projects or activities by state agencies for the purpose of developing or meeting the needs of the economy, society, community or locality, and approval or granting or giving concessions under law which does not specifically require the State agency concerned to hold a public hearing.*

The majority of the seminar participants gave opinions and recommendations on the term “**public policy**”, in the same way as the public hearings of the people in the regions. Many people agreed that this law should be within the scope of the Sections 57 and 87(1), (2) and (3) of the Constitution. The people are given the following rights and participation activities:

- Participation in the determination of economic and social development policy and planning at both national and local levels;
- Participation in political decision-making and planning of economic and social development, including participation in the preparation and planning of public service projects;

- Participation in monitoring of state powers in all levels;
- The right to receive information, explanation and reasons from State agencies before the granting or operation of projects or activities that have an impact on the environment, health, quality of life, or any other important stakes affecting individuals or communities, and the right to voice one's opinions to agencies concerned to be used in the consideration of such matters;
- Participation in public hearing process, to be held by the State concerning all economic development planning, politics, and culture, expropriations of property, town planning, zoning of land use, and legislations likely to affect the high stakes or broad interests of the citizens. The hearings must be carried out extensively before any operation can take place.

The role of the people in the participatory process centers around participation in the administration of social policy or finding common ground with the State.

In addition, a definition or meaning of the term “public service” is also given to mean policy, plans, public services, or state projects aimed at development of the economy, society, community or locality, the enactment of rules or regulations by state agencies, and the approval, permitting or granting of concessions under law and deemed likely to have a huge impact on the community or locality.

## **(2) Scope of Public Policy**

**The citizens want to participate in all levels of public policy** – national and local. This is especially poignant because some community or communities will have to bear the brunt of public policy operation by State agencies, e.g. dam projects, power plant projects or mining projects.

**The citizens want to participate in all aspects of public policy** – economy, society, politics, environment, lifestyle and culture.

Because all public policy is intertwined with the citizens and inevitably has an impact on them, the citizens particularly the “stakeholders” or “those concerned” must

have a chance to work with the State agency from the inception of the public policy onwards. This involvement must extend over the entire process.

### **(3) Level, Form and Method of Participation**

The majority is of the opinion that public participation can occur at various levels:

- (1) Participating in information;
- (2) Participating in voicing opinions and recommendations;
- (3) Participating in operation;
- (4) Participating in decision-making;
- (5) Participating in follow-up, evaluation and monitor;
- (6) Participating in initiation, amendment or cancellation.

Nevertheless, the most prevalent **problems and obstacles** to public participation are:

- **Access to news and information** The disclosure of information is incomplete and inaccurate, depriving the citizens of intelligent information for participation. Or else the disclosure is done merely to meet legal obligation or regulatory requirement, without any intention to truly inform the citizens, or the information given out is one-sided and therefore misleading.

- **Public hearing to express opinions and proposals** The session is not open to the citizens, or the supposed open session is only so in appearance and does not actually permit any airing of opinions, or any opinions of the citizens are in no way integrated into real action, or the true “stakeholders” or “those affected” never participate in such sessions.

- **Follow-up, evaluation and monitor** The citizens are shut off from any monitoring activities, particularly local media who actively report on the operations of State agencies. Typically, they are barred from joining or broadcasting live Local Assembly meetings or meetings of local administrators. There is no disclosure of procurement, hiring or bidding information.

The problems cited above occurred mostly as defaults in the course of action rather than complications resulting from laws, rules or regulations.

Most people therefore want to **have the problems fixed** by instituting the issue of participation into legislation. More important, they want to see enforcement of the law so that the people can actually participate. The following proposals have been made:

- (1) Specific measures, mechanisms or guarantees are to be devised, aimed at leading truly to practical results. There must be clear-cut determination of the categories and types of information to be disclosed; the disclosure must be made prior to the holding of the public hearing seminar; and the information quality must be maintained - complete, accurate, speedy and timely.
- (2) Public hearings must be held, attended by stakeholders or those actually affected. Their opinions and proposals must be integrated into the public policy action. These public hearing sessions can be held, using a variety of channels, forms and methods chosen or adapted as convenient by the agency or practitioner concerned to suit the current circumstances.
- (3) The citizens must be given opportunities to follow up, evaluate and monitor the operation of state agencies to ensure transparency and confidence. These monitoring activities can employ a variety of methods both direct and indirect.
- (4) The standard public policy procedure is a never-ending one since the dissemination of information, public hearing, and the citizens' role in the follow-up, evaluation and monitoring of the public policy process has to be performed in this order with every public policy issue from its inception, decision-making, operation, down to the follow-up, evaluation and monitoring. And once the cycle has run its course of the entire public

policy process, it will be repeated again and again with all other public policy issues.

- (5) The citizens definitely want to have greater say in decision-making, operation and origination, including making changes in or cancellation of any public policy that will likely have a negative impact on them.

At the 11<sup>th</sup> seminar to hear public opinions on the Public Participation in Public Policy Operation Bill of B.E...., the majority of the participants expressed opinions similar to the those of the opinions seminars held in the regions: the citizens should be allowed active participation in all standard public policy matters relating to the economy, society, politics and environment. Their participation may take diverse forms, and all six levels of participation as described above are the standard modus operandi.

Besides, the seminar participants gave additional comments as follows:

- To make it more feasible for the law to be enacted and legally binding, the kind and extent of public participation should be fixed, confining it to serious and important matters only;
- “Stakeholders” or “those connected” must be clearly defined, either prescribed by the law or coming under the jurisdiction of the Commission;
- The Commission’s power to enact rules, regulations or criteria should follow a timeframe and be clearly defined by law as to its scope of authority;
- Healthy attitudes and potential of State officials and the citizens with respect to participatory affairs should be fostered.

#### **(4) Commission on Participation**

The majority proposed 3 levels of commissions:

- (1) National Commission on Participation
- (2) Provincial Commission on Participation
- (3) Community or Local Commission on Participation

The commissions must be composed of diverse sectional representatives of the public sector, academia and population, with the latter members dominating.

The 11<sup>th</sup> seminar produced came up with specific composition numbers. It was proposed that a commission be composed of a president and members no fewer than 11 or 13 in number. They are chosen from the three sectors – public, academia and population. The public members are representatives of the State agencies concerned with public participation; the academic members are specialists with direct experience in participation matters; and the population members consist of representatives of occupational groups, social groups and regional quotas.

Regarding its status, role and responsibilities, the Commissions, according to the majority opinions, should have autonomy in its operation and work in tandem with other agencies whose role is involved in promoting and pushing for public participation. The Commissions, however, have the power to arrange for some participatory activity directly.

The 11<sup>th</sup> seminar came up with the following proposals concerning the major role and responsibilities of the Commissions:

- (1) Set the criteria and details about operations, e.g.:
  - Criteria and methods of hearing opinions,
  - Form and method of conducting an impact and feasibility study on public policy course of action,
  - Criteria, methods and guidelines on determining “stakeholder” in public policy projects.

The enactment of regulations on hearing opinions, of course, will take into consideration participation of stakeholders or those directly affected and a proportion of general interested parties.

- (2) Ensure that rules are being followed as enjoined by the law.

- (3) Organize or arrange for public hearings with full public participation.

According to the Bill, public hearing and feasibility and impact study must be carried

out in order to yield a body of relevant technical findings, to be carried out by an independent agency or organization. In the case of inconclusive results, the Commission or its Office may step in to help manage the proceedings.

(4) Prosecute public policy cases. In addition to seeking compensation in civil suits, the Commissions may impose other sanctions. A balance should be struck between the operational efficiency of state officials and the protection of those affected from suffering excessive infringement of their rights.

(5) Offer opinions in aid of public policy decision-making.

The Selection Committee consists of various sectors, representatives of agencies or organizations concerned, and stakeholders of all hues. The Selection Committee sounds out and selects commissioners from the academia and civil society. The public sector commissioners are ex-officio members.

According to the 11<sup>th</sup> seminar, it was proposed that the Selection Committee consist of the chairman of the National Economic and Social Advisory Council, the president of the National Human Rights Commission, the president of the Civic Political Development Council, the chairman of the Community Organizations Council, the president of the Election Commission, the president of the National Anti-Corruption Commission, the chairman of the Federation of Thai Industries, the chairman of the Board of Trade, the president of the National Press Council of Thailand, and academic experts in public participation.

The selection criteria include direct involvement in or job responsibility for public participation in the case of public sector committee members, direct work experience in public participation in the case of academic members, while the civil sector include diverse group representatives who have an eminent role and a distinguished record in participatory activities.



An issue was raised as to whether government officials, local politicians, and private sector members should be allowed to join the Selection Committee or the Participation Commissions.

### **(5) Funding**

The activity of public participation needs funding which can be raised from government budget support, fees contributed by the agency responsible for the policy or project, and possibility of turning to other sources of funding.

The Public Participation in Public Policy Bill of B.E...., being the focus of the 11<sup>th</sup> public hearing seminar, does not explicitly authorize the setting up of funds, but mentions only the need for “funds and assets for operation,” whose source should not radically differ from other kinds of public funding. Still, the majority of the seminar participants agreed with the idea of setting up a fund, to be called “**Public Participation in Public Policy Process Fund**,” for use in general management in support of the mission of the organization, particularly in strengthening civic participation.

The seminar also discussed the issue of whether the funding support from local government organizations and international organizations should count as the fund revenue. The proposal for a revolving fund must be accounted for as to its necessity; further it must be kept in line with the discipline in fiscal and monetary policy of the country.

### **(6) Sanctions and Penalties**

There should be a penalty clause to truss up violators or nonconformists, thereby making the law legally binding on all concerned.

Nevertheless, at the 11<sup>th</sup> seminar, the issue was debated in earnest, concerning the penalty or other liability, including legal consequences for government units or officials. Deliberation on this matter should be based on achieving the balance between

the efficacy of enforcing the law and the principle of protection of the citizens' rights and participation.

There was another point of contention raised, about the nonfeasance of the parties concerned. An act of nonfeasance resulting in damage may in principle be redressed according to the law(s) of bureaucratic administration. But in the case of incomplete or incorrect action, the culprit (government unit) must be enjoined to correct its action accordingly. As to whether or not it may be subject to criminal, civil, disciplinary, or any other liabilities under this law, consideration of the spirit of this law should take top priority.

### **(7) Remedy for Wrongs Done**

If and when the public policy must be implemented after the citizens concerned have been given an opportunity to participate under the law, the government unit must do this one thing: announcement of the reasons for and necessity of going ahead. A complete summary of public hearing results must be given, together with an explanation of the issues opposed and information on the operational plan and steps of action to be taken. It must be made known to the general public.

In this regard, there must be preventive measures to forestall problems and lessen an impact, including the administering of fair remedial measures for damage incurred to those affected.

## **1.3 The Main Points of the Public Participation in the Public Policy Process Bill of B.E....**

In the aftermath of the public hearings held in the regions, the brainstorming of experts and State officials whose jobs relate to public participation activities, and consultations in the meetings of the Commission, the revised version of the Public Participation in the Public Policy Process Bill of B.E.... emerged. Here are the main points of the draft Bill:

### **(1) Scope and Status of the Law**

**(1.1) The Scope of the Law:** To be derived from the content of **Sections 57 and 87(1) and (2):**

*“Section 57: A person shall have the right to receive information, explanations and reasons from a government agency or, a State agency, a state enterprise agency or a local government organization prior to the approval or the operation of any project or activity deemed likely to affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning that person or the local community and shall have the right to express his opinions to agencies concerned, as additional feedback for consideration of the matter.*

*In planning social, economic, political and cultural development, or in undertaking expropriation, town and country planning, zoning and making by-laws likely to have an impact on the vital interests of the public, the State shall proceed to organize comprehensive public hearings prior to such operation.”*

*“Section 87: The State shall pursue the directive principles of State policies as relating to public participation as follows:*

*(1) to promote public participation in the determination of policies and plans for economic and social development at both national and local levels;*

*(2) to promote and lend support to public participation in political decision-making, the planning of economic and social development and the provision of public services.*

*Etc.”*

### **(1.2) Rights and Participation in the Public Policy Process**

The citizens’ rights and participation in the public policy process are acknowledged. State agencies have the duty to promote and encourage the citizens’ participation in the public policy process, using the following forms and methods as appropriate:

- (1) Dissemination of correct and adequate information to the people,
- (2) Public hearings of the people for information and opinions,

- (3) Public participation in the formulation or implementation of public policy,
- (4) Public participation in public policy decision-making,
- (5) Public participation in the follow-up and evaluation of the public policy,
- (6) Public participation in monitoring the exercise of power of State agencies,
- (7) Public participation in proposing or deliberating any changes to or the cancellation of public policy.

All operation by State agencies must follow the principles, standards or fundamental steps required by this law, including the basic principles of participation laid down by the Commission. State agencies may seek advice or recommendations from the Commission concerning the enactment of laws, rules or regulations, including the review, change or cancellation of rules or regulations of the agency.

## **(2) The Scope of Public Policy**

The scope and meaning of the term “public policy” are quite extensive, depending on what concept, theory, principle or even attitude and belief is being alluded to.

Still, the Commission finds it necessary to delimit and individualize the scope of public policy operation for various levels under this law, taking into consideration the constraints of context, circumstances, problems and urgent needs of the Thai society. They are:

- (1) Policy except those policy points declared by the Government to the National Assembly since in so doing the Government already is held accountable for its statement;
- (2) Plans at various levels, including

- (2.1) At national level, the Economic and Social Development Plan, Political Development Plan, and Strategic Plan except the National Administration Plan;
- (2.2) At regional level, provincial development plans;
- (2.3) At agency level, individual agencies' development plans, e.g. energy development plan, land development plan, agricultural development plan, and town plan;
- (2.4) Enactment of rules or regulations by state agencies;
- (2.5) Project or activity deemed to have an impact on the environmental quality, health and sanitary conditions, quality of life, or any other material interests.

All **localized public policy**, e.g. tambon development plan, including any project or activity considered likely to have an impact on the environmental quality, health and sanitary conditions, quality of life, or any other material interests at local level shall be dealt with in accordance with the law on public participation for local government organizations.

The **bureaucratic operational plans** by Government units do not fall within the scope of this law owing to the routine nature of the plans that can be carried out by the units under the framework of other laws.

In conclusion, the kind of public policy falling under this law shall strictly conform to the following definitions, meanings and provisions:

“Public policy” means the formulation of policy, economic and social development plan, political development plan, strategic plan, provincial development plan, State agencies' plan to develop the economy, society, community or locality, the enactment of rules or regulations by State agencies, including project or activity of State agencies likely to have an impact on the environmental quality, health and sanitary conditions, quality of life or any other material interests.

“Public policy process” means the origination, dissemination and reception of information, public hearing, joint decision-making, joint operation, joint follow-up and evaluation, and monitoring of public policy operation.

“State agency” means central government bureaucracy, regional government bureaucracy, state enterprise, and any other government agencies, excluding local government.

Further, the Commission has the power to set the scope, type, kind, and characteristics of public policy under the mandate of this legislative act.

### **(3) Commission on Public Participation in the Public Policy Process**

There shall be only the Commission on Public Participation in the Public Policy Process at national level. The structure and composition of the Commission are defined by its major authority and responsibilities, with a preponderance of the citizens’ representation, or specifically a proportion of 5 State commissioners against 8 citizens commissioners.

The Commission comprises a chairman and other commissioners, totaling 13 commissioners in all, as follows:

(3.1) Prime Minister or Deputy Prime Minister as deputized by the Prime Minister as the chairman,

(3.2) President of the Political Development Council or representative as commissioner,

(3.3) Director of the Bureau of the Budget or representative as commissioner,

(3.4) Permanent Secretary of the Prime Minister’s Office or representative as commissioner,

(3.5) One representative of local government organizations, to be chosen among themselves as commissioner,

(3.6) Experts with academic knowledge or specialty or experience in public participation, numbering 2 as commissioners,

(3.7) Representatives of the population sector who have knowledge or specialty or experience in public participation, numbering 6 as commissioners.

The commissioners in (3.6) and (3.7) are chosen by the Selection Committee. The secretary-general is the secretary of the Commission.

N.B.: The commissioners representing the State machinery (from 3.1 to 3.4) perform as part of their official functions and so may have some other agent deputize for them while the commissioners as per the items (3.5) to (3.6) perform in a personal capacity, whose functions thereof do not therefore bound them to the organization they belong to, and so for that reason they cannot have others deputize for them.

#### **(4) The Selection Committee for Commissioners on Public Participation in the Public Policy Process**

The Selection Committee comprises the Chief Ombudsman, president of the Human Rights Commission, and chairman of the National Economic and Social Advisory Council. The committee members choose among themselves the committee chairman. The secretary-general is the secretary of the Selection Committee.

The Selection Committee has the power to deliberate on the sifting and selecting of expert commissioners and civil commissioners. The Committee sets the criteria and methods of selecting expert commissioners and civil commissioners by deciding on such qualities as specialty, occupational field or organizational affiliation as appropriate. In order that the entire spectrum of the population sector is scoured and a good measure of practical flexibility prevails, no particular groups of the population sector are specified under the law and the decision is left entirely to the discretion of the Committee. Representation is of course sought in such civil groups as farmers, labour, civil society organizations, NGOs, private sector, service sector, professional organizations, and media. Consideration of balanced gender representation should also be factored in.

The criteria and practical guidelines on the process of the sifting, selection and appointment of the commissioners are:

- The sifting, selection and appointment of the commissioners shall be processed well in advance of the ending of the tenure for the sake of work continuity;
- The Prime Minister shall put his signature to the appointment of a commissioner who is the local government representative as per (3.5) and commissioners who are experts and civil representatives who pass the selection and appointment procedure executed by the Selection Committee as per (3.6) and (3.7);
- In the case of the Commission membership falling short of its designated quota, the remaining Commission may continue to perform its duties, except when the existing membership falls below the halfway mark of the full membership figure, in which case the selection and appointment process must be engaged so as to obtain the full membership appointment.

#### **(5) The Power and Duty of the Commission on Public Participation in the Public Policy Process**

The Commission's main duty is to set the criteria and guidelines, including the fundamental principles concerning public participation in the public policy process to help steer the State agencies' operation. This duty constitutes a policy-setting and guidance role rather than actually getting down to hands-on action or directly organizing public participation. The range of duties is as follows:

- (1) To promote public participation in formulating policy and economic and social development plans at both national and local levels;
- (2) To promote and encourage public participation in political decision-making, planning of economic and social development, including the provision of public services;



(3) To define the scope, type, kind and characteristics of public policy under this legislative act;

(4) To formulate the fundamental principles of public participation to help state agencies enact rules, regulations, and guidelines on or facilitate public participation in formulating public policy;

(5) To recommend revision of the enactment of laws or regulations by state agencies for the promotion of public participation in formulating public policy relating to such laws or regulations;

(6) To encourage and give advice to state agencies and officials about the promotion and encouragement of public participation in formulating public policy;

(7) To promote, encourage and inform the people or social organizations in order to strengthen, expand the network of and develop public participation;

(8) To give advice to or help the people in exercising the right to resort to court litigation in the case of State agencies failing to abide by the principles set by the Commission or denying the public a chance to participate in the public policy process. If and when deemed appropriate, the Commission may petition State agencies concerned, including exercising the right of litigation on behalf of the people;

(9) To submit an evaluation report of public participation in formulating public policy to the Cabinet for the record and dissemination to the public at least once a year;

(10) To appoint and oversee the performance of duties by committees, subcommittees, and working parties in fulfilling all of the tasks as appointed by the Commission;

(11) To carry out other duties as required by this legislative act or as dictated by other laws as being the duties of the Commission.

Once the Commission has set the fundamental principles of public participation, it must notify state agencies so that they will proceed to review, revise, amend, or cancel the existing rules or regulations in conformity with the fundamental

principles. In the case of doubts or problems, the State agency may seek consultations with the Commission.

In addition to the main duties as detailed in items (1) – (8) and supplemental duties as shown in items (9) – (11), the Commission has some other duties such as:

- Select and nominate a candidate for the post of secretary-general to the Prime Minister for appointment,
- Deliberate and vote to discharge or dismiss the secretary-general on account of misfeasance, corruption, misconduct or incompetence,
- Oversee the administration under the secretary-general,
- Determine the salary scale and other benefits due to the secretary-general.

To help it perform its role and duties successfully, the Commission has the power to subpoena documented evidence or persons to give a statement or explanation, and may ask to inspect or look at documents on location at any office or agency at will.

## **(6) Secretary-General**

(6.1) The secretary-general is appointed by the minister upon the nomination by the Commission and has a 4-year tenure, to be carried over two terms in office only.

Apart from leaving his office at the end of tenure, the secretary-general may vacate his office upon (1) death, (2) resignation, (3) disqualification or possessing forbidden qualities, (4) having material interests in a contract made with the Office or any enterprise done for the Office, and (5) dismissal by the Commission.

### **(6.2) Qualifications and Forbidden Qualities of the Secretary-General**

The qualifications in office include (1) Thai nationality, (2) aged no more than 60 years, and (3) full-time devotion to the Office.

The forbidden qualities include (1) disability or seeming disability; (2) bankruptcy or past bankruptcy through criminal offence; (3) part conviction resulting in a prison sentence whether the sentence has been carried out or not except for offence committed through negligence or petty offence or acquittal or outside a period

of suspended sentence or sentence judgement; (4) being a government officer with a permanent office or salaried position, government or state enterprise or other State agency or local government officer or employee; (5) being or once being a political official or political office-holder or local assemblyman or local administrator except having vacated the position for no less than one year; or (6) having been dismissed, discharged or relieved from government service, State agency, or state enterprise or private business firm on account of corruption or serious misconduct.

(6.3) The secretary-general is prohibited from having material interests in any contract with the Office or any activity done for the Office either directly or indirectly except share ownership for straightforward investment purposes in a legal entity having such material interests not exceeding the amount as stipulated by the Commission.

(6.4) The role and powers of the secretary-general include:

- Oversee officers or employees and be responsible for managing all affairs of the Office, with the deputy secretary-general helping with the official duty. The secretary-general is accountable to the Commission;

- Recruit, appoint, remove, promote, demote, cut salary or wage, impose disciplinary action on officers and employees, including dismissing officers or employees in compliance with the ordinances set by the Commission. In the case of deputy secretary-general, high-level executive, and internal inspector, however, approval must first be sought from the Commission;

- Issue operational regulations for the Office;

- Represent the Office in all external affairs.

#### **(7) Meeting Fees and Fringe Benefits**

(7.1) The meeting fees and other fringe benefits due the Commission and sub-committees follow the regulations set by the minister subject to the approval of the Ministry of Finance. “Minister” means the Prime Minister who enforces this law.

(7.2) The salary and other fringe benefits due the secretary-general follow the regulations set by the Commission.

**(8) Office** The Office is a State agency that is neither a government nor state enterprise unit, and is a juristic person.

### **(9) Statutory Penalty or Legal Consequence**

This Bill purports to promote and support public participation, and on this account there is no criminal punishment. Nevertheless, in order that the enforcement complies with its spirit it is provided that those who obstruct participation are liable to an administrative fine of no more than 20,000 baht.

Should there be, however, any action violating other laws, e.g. criminal law, civil law and law on administrative bureaucratic operation, including the examination of the lawfulness of the rules, regulations or the actions of a State agency, let that deliberation be in conformity with this law.

### **(10) Fund**

In the beginning there was a consensus that a so-called Fund for the Public Participation Process Development should be set up. But subsequent consideration of the pros and cons, and other impending contingencies, coupled with the financial and fiscal circumstances of the country, it was decided that no fund should be set up.

Still, it has been determined that a pool of funds and assets for the operation of the Office will be composed of (1) seed capital contributed by the State, (2) annual grant allocated by the Government as appropriate, (3) charity money or assets, (4) fees, stipends, compensation, service payments or other revenues from operation, or (5) interests or revenue accruing from the assets of the Office.

Overall, there is a budget guarantee in that the Government will directly make a budget allocation in sufficient amount to meet all the necessary expenses incurred in accomplishing the mission of the Office.

The system for providing the said funds and assets will be done in compliance with the discipline in fiscal and monetary policy of the country, subject to the principle of responsibility, transparency and monitoring as applying to budgetary spending. The submission of a budget to the Government must be accompanied by project or planning proposals, together with the budget figure desired. A report on its operation must also be prepared for disseminating to the public.

In conclusion, the spirit of this **Public Participation in the Public Policy Process Bill of B.E....** is solely focused on the promotion and support of public participation in the public policy process. It details the citizens' rights, freedom and participation while dictating the duty of State agencies in promoting and supporting civic participation through a variety of forms and methods as appropriate. The principal mechanism for advocating and propelling civic participation – of the meaningful kind - is the Commission on Public Participation in the Public Policy Process. It comes equipped with measures for promoting, supporting and helping both State agencies in their capacity as promoter and supporter of civic participation and the citizens in general.

## **Prominent Features of the Bill**

### **First Feature**

It is a **Consolidation Bill** on civic participation, aiming to promote and support participation in the public policy process. It has primacy, with a few qualifications, over other laws.

In the case of there already existing some particular law on participation and that law's criteria for public participation rating higher in standard than this law, let

that law prevail. But if that law's standard of participation is inferior, let the enforcement efforts be made through this law instead.

An exception is made in the case of local participation; it is to be governed by a law on public participation in local government organizations. There the criteria and mechanisms of public participation shall be set at local level, complying with and maintaining the standard of participation set by this law on public participation in the public policy process.

With this Consolidation Bill in use, the system for enforcement and interpretation shall achieve uniformity and is truly in the spirit of the law. It sets the legal framework for state agencies entrusted with the job of participation to realize the rigour of the law without fail because the law provides clear dictates and powers. In the past there was no direct legislation on civic participation even though numerous attempts had been made to draft and introduce such a bill to the Parliament.

### **Second Feature**

This law lays down the **fundamental principle of participation in the public policy process and the related practical procedure, steps and guidelines**, to be determined also by the Commission. In virtue of this, State agencies and the citizens, including the mechanisms concerned with participation may operate in full rigour of the law. Any negligence or misfeasance may then meet with protest and demand that the operation comply with the legal provisions.

State agencies may set the rules, regulations or methods or arrange public participation within its own internal framework so that they are able to perform their duty faithfully, comprehensively and appropriately as the case may be, this in compliance with the fundamental principles of participation in policy process. They may thereupon seek further consultations or advice from the Commission.

### **Third Feature**

The **balanced exercise of powers** in policy determination is achieved. That is to say, even though the Government and State agencies may have legitimacy in

promulgating public policy, this promulgation must involve public participation because the State entities are on principle bound to uphold the interests of the citizens and country as a whole, and shall not act in such a way as to have all manner of impacts on the citizens and community. Should they be required to implement public policy and therewith have an impact or cause damage, measures must be taken to provide fair remedies and compensation.

#### **Fourth Feature**

**Measures to support and help State agencies and the citizens** are provided for so that the enforcement of the law achieves maximum effectiveness and efficiency. They are:

(1) Consultations, advice and suggestions are given to State agencies in enacting or amending laws, rules or regulations, including giving support and advice on any operation for the purpose of promoting and supporting public participation;

(2) Accurate and sufficient information is disseminated to the citizens to effect quality participation, and the citizens are educated to strengthen, expand on the network of and develop public participation;

(3) Mechanisms should be devised to help the people who are affected by public policy operation by appointing citizens' rights (protection) officers to help with litigation matters.

#### **Fifth Feature**

This law sets down the **principles, procedure, methods and guidelines on participation** whereas the Commission has the power to determine the fundamental principles of participation. In order that the enforcement takes effect in practice, the forms and methods of participation at various levels are clearly set down as follows:

(1) Accurate and sufficient dissemination of information, as provided for under Sections 8(1), 12, 13, 14, 15, and 16;

(2) Participation in receiving information and public hearing, as provided for under Sections 8(2), 10, 12, 13, and 15;

- (3) Participation in formulating or implementing public policy (Section 8(3)), as provided for under Section 10;
- (4) Public participation in policy decision-making, as provided for under Sections 8(4), 12, 14, and 15 par. 2;
- (5) Participation in the follow-up and evaluation of public policy, as provided for under Sections 8(5), 10, and 17;
- (6) Participation in monitoring the exercise of powers by state agencies, as provided for under Sections 8(6), 17, and 18;
- (7) Participation in introducing or changing or canceling public policy, as provided for under Sections 8(7) and 17.

### **Sixth Feature**

The people may **participate in the public policy process throughout**, via diverse forms, methods and levels as appropriate. They are:

#### **1. Prior to giving approval to policy, the State agency must**

1.1 arrange for persons concerned to participate in the policy process most likely to affect the citizens and community before submitting it to those having the legal authority to give approval or consent;

1.2 prior to deciding to implement policy having an impact on the environmental quality, health and sanitary conditions, quality of life, or affecting the material interests of the people or community, the State agency must

(1) disclose information, explanations and reasons to the people or community affected for their information;

(2) organize public hearing and consultation with the stakeholders;

(3) take into account the public hearing results in policy decision-making and must avoid any operation having an impact on the environmental quality, health and sanitary conditions, quality of life, or affect the material interests of the people or community except that in the unavoidable case where public benefits take first priority. In the latter, preventive measures or suitable and fair measures for a



redress of grievances or compensation for impact caused by the policy must be put in place.

**2. In the course of implementing policy, the State agency must**

2.1 prepare a progress report on policy implementation for dissemination to the stakeholders, at least no less than once in a year;

2.2 be committed to acting in accordance with the announcement of its decision in policy implementation;

2.3 arrange for the people and community to participate in policy implementation as appropriate;

2.4 arrange for the parties concerned to participate in introducing or making changes in or canceling policy;

2.5 In the case of the parties concerned taking the view that the policy has an impact on the people and community and that a preventive measure or remedying measure or concrete action has yet to be taken toward solving the problem and ensuing impact, they are entitled to petition the State agency to consider taking such remedying measures. If the environmental quality, health and sanitary conditions, quality of life, or the material interests are severely impacted, the parties concerned may petition the State agency to review or drop the policy.

**3. After the policy implementation, the State agency must**

3.1 organize public hearing on its policy implementation;

3.2 arrange for the people and community to participate in the follow-up and evaluation of the policy;

3.3 Those affected by the policy implementation in excess of the conjecture announced by the decision have the right to petition the Commission to appoint citizens' rights protection officers and order them to start litigation.

The citizens' rights protection officers have the power to sue for damages on behalf of the petitioner who is entitled to have the lawyer's fee waived.

**Seventh Feature**

The **criteria for public hearings** are set as follows:

1. The people shall be provided with information or facts on
  - 1.1 the substance of the policy,
  - 1.2 the location, method, stage and period of the implementation,
  - 1.3 the reasons and urgency for the implementation,
  - 1.4 the impact of the implementation, both good and bad, including preventive or remedying measures in the case of probable adverse impact,
  - 1.5 the value analysis,
  - 1.6 any other details illuminating the understanding of the policy.

The Commission has the power to issue the guidelines for the State agency on providing information or facts for dissemination to the people.

2. Once the public hearing has been completed, the decision must be announced, together with the reasons, necessity, preventive or remedying measures, measures to solve the problems and impact, value of the public interest, and the most suitable choice made. The public disclosure is made so as to ensure public monitoring.

#### **1.4 Mobilizing and Rallying to the Support of the Bill**

To mobilize support and rally to the cause of the Public Participation in the Public Policy Process Bill of B.E...., the Commission has organized activities, since the inception of the project, to raise an enthusiastic awareness and drum up support for the Bill. The activities were held jointly with the staging of public hearing seminars in the regions to which the local media including community radios, local newspapers and public sector media based in the regions were invited.

For the middle portion of the project publicity, conclusions based on the past hearings were presented to both seminars and the Commission meetings to finalize the results of the seminars, conclusion and consideration of the proposed Bill. Focus was placed on the usage of the mainstream media and wide-open media, particularly the

Parliament Radio and websites, including [www.kpi.ac.th](http://www.kpi.ac.th), [www.kpi2.org](http://www.kpi2.org), and [www.kpi-participation](http://www.kpi-participation), and the associated links such as [www.pub-law.net](http://www.pub-law.net).

The end portion of the project saw the presentation of a summary of public hearings and seminars, and explanation of the substance of the Bill, publicized through the mainstream media including the Parliament Radio, newspapers, TVs, and websites.

The additional rallying for the Bill has been staged through the institutions concerned such as the National Economic and Social Advisory Council, Political Development Council, Parliamentary Committees, and political parties. The dissemination of information and the essence of the Bill has been extended to individuals and units in the public and private sectors and private-interest groups, with invitation for them to enlist in the expanding network for the purpose of advancing the cause of the Bill.

## **2. The Initiative Bill**

The Commission held a meeting to determine the issues, criteria, forms, methods, including the date, time and venue for staging public hearing sessions in the regions. It also sought to finalize the results of public hearings towards the drafting of the Initiative Bill. The points of importance are as follows:

### **2.1 Issues and Questions**

#### **(1) Criteria for launching the initiative**

- Eligible voters of no less than 50 names or NGOs
- Initiators of the bill coming from diverse backgrounds so that no single group dominates the initiative. Other occupational groups or interest groups including academics should be allowed to take part.
- Submit the vital points, detailing the principle and reasons, scope, and expected benefits to self and the people.

#### **(2) Scope of the initiative**

- Must not be bills dealing with monetary and fiscal matters, taxation and tariffs, national security, international relations, justice process, or restructuring of State units.

#### **(3) Members of the House of Representatives endorse the bill in order to**

- Help with the screening of the legislative proposal, reining it in within the prescribed scope.

#### **(4) Screening, giving opinions, and helping with the drafting**

- Units concerned help screen and give opinions, e.g. the bill relating to rights and freedom to be vetted by the National Human Rights Commission, or the bill relating to social concerns to be vetted by the National Economic and Social Advisory Council, helping also with the drafting process.
- Other State agencies or NGOs to help with the drafting.

- If the recommendation is against the proposal, explanations should be given, and no legislative proposal on the same matter may be made within a period of 1 year.

(5) Collection and screening of the signatures

- The initiators of the bill gather signatures with the final tally meeting the legal requirement.
- Screening of the signatures is done by the Secretariat of the House of Representatives or the Election Commission.
- The correct signature roll once approved is sent to the House of Representatives for consideration. In the case of incorrectness or the signatures falling short of the requisite number, it must be sent back for gathering additional signatures until the requirement is met or the wrong is corrected.

(6) Consideration of the bill in the National Assembly

- The President of the Assembly tables the proposal at the meeting Assembly and orders a specific date for discussion (legislation meeting is scheduled for 1 day/month).
- The parliamentary committee shall consist of members of the House of Representatives (who give endorsement to the bill) and one third of petitioners of the bill.
- Publicize and listen to public opinions, setting a period of ...days for the hearing.
- Forms of dissemination and public hearing (for meaningful public participation and exposure to media publicity over a period of 60 days).

(7) State support

- Drafting of the bill
- Collecting signatures

- Consideration in the National Assembly
- Dissemination and public hearing

(8) Revision of bill initiated by the people

- Usual procedure for revising the bill
- Special procedure, e.g. public hearing

After the first public hearing session, the Commission gave consideration to the **Initiative of Bill B.E.....** The ten major issues are as follows:

1. The law reform organization provides help to the petitioners in producing the draft bill and an explanatory note and gives comments on the bill and the explanation in accordance with the organization's procedural prescriptions. The operation is to be completed within 60 days after the request for help is filed (Section 8).

2. The petitioners may request support to meet the cost of launching a petition from the civic political development fund in accordance with the criteria, methods and conditions set by the Executive Board of the civic political development fund (Section 9).

3. The President of the National Assembly has the power to issue the regulations on safe-keeping and handling of the documents relating to the legislative petitioning (Section 10).

4. Eligible voters may gather as many as the requisite 10,000 petitioners for the proposing of legislation and with it submit to the President of the National Assembly a bill together with an explanatory note and details giving the names, addresses, signatures, and ID of the petitioners and initiating agents, according to the code set by the President (Sections 11 and 12).

5. The President of the National Assembly shall complete a scrutiny of the petition within 30 days. In case the signature list is incomplete or incorrect, the initiating agents must be notified of the error so as to have it corrected within 90 days. If the matter cannot be completed within the prescribed time, the President will order that the petition be struck off (Section 13).

6. In case the legislative petitioning proceeds correctly according to the rules, the President of the National Assembly shall announce the name list of all the petitioners by posting a notice at provincial town halls, Amphoe (district) administrative offices, municipality offices, tambon administration organization offices, offices of village heads, and densely-populated community districts where the petitioners maintain their house-register residence. The President shall set the criteria for determining densely-populated community district (Section 14).

7. Eligible voters numbering 100 may sign a petition requesting the Election Commission to arrange the collection of signatures for the proposing of legislation campaign, to be submitted through the chairman of the provincial election commission in the province where the petitioners or initiating agents take up residence. The petition is filed together with the bill and an explanatory note (Section 16).

8. The Speaker of the House of Representatives sets an agenda for consideration of the bill, taking into account the speed and continuity of the bill consideration. Those who may be affected by the bill and the general public must also be given participation (Section 21, par.2). In the initial stages, the Commission proposed a “special assembly day” for consideration of public-initiated bills.

9. The Speaker of the House of Representatives arranges a public hearing for those affected by the bill and the general public on a large scale. At the very least the bill and public hearing must be publicized via the information and communications network system of the House of Representatives (Section 21, par.3).

10. The Speaker of the House of Representatives sees to it that the results of public hearing are given proper consideration during the debate of the bill in the House of Representatives up until the voting in the third reading (Section 21, par.4).

## **2.2 Results of Public Hearing**

The presentation of the public hearing seminars consists of two parts. The first part summarizes the results of the 1<sup>st</sup>-6<sup>th</sup> seminars focusing on the bill itself and

providing the main points. The second part summarizes the results of the 7<sup>th</sup> seminar discussing the conclusions, opinions and recommendations on the Initiative Bill of B.E.... section by section.

### **First Part: Results of the 1<sup>st</sup>-6<sup>th</sup> Seminars**

The majority of the seminar participants gave their consent to the principles and spirit of the Initiative Bill of B.E...., aimed at expediting the process of the people's petitioning for legislation. The law contains measures and mechanisms for the prevention and solution of problems and obstacles encountered during past attempts by the people at launching legislative initiative.

The majority agreed in principle with the following 10 main points forming the heart of the bill. Additional comments and suggestions were proffered to make its content more solid and complete, for the purpose of truly facilitating the process of people's petitioning for legislation. It is also expected that State agencies shall provide constructive help and support for the citizens' fight for their civil rights and participation.

(1) Consent was given to the provision that the law reform organization helps petitioners in preparing the draft bill and an explanatory note, or gives helpful comments on the bill and an explanatory note in accordance with the organization's own criteria and methods of operation. The criteria and methods, however, must not impede the people's petitioning process. This stage should be completed within a period of 60 days from the submission of the request (Section 8).

There was concern that the criteria and methods of the law reform organization may not really favour or help the people, and that is why Section 8, par.3 clearly provides that those criteria and methods must not stand in the way of the people's petitioning for legislation. It is hoped that this extra guarantee shall help to overcome the problem somehow.



The 60-day completion requirement imposes quite a burden because before one can draft a bill or critique it one needs to spend some time doing study and research on the subject first. Besides, should one fail to complete it within the time limit, he may be held accountable and face disciplinary action as well.

(2) Consent was given to the provision that the petitioners are entitled to apply for financial support to meet the cost of the collection campaign from the civic political development fund in accordance with the criteria, methods and conditions set by the Executive Board of the civic political development fund as announced in the Government Gazette (Section 9).

There was concern over various matters. For example, conditions or constraints may be unduly imposed so as to prevent the people from receiving the financial support. The requirement that the financing availability be announced in the Government Gazette will keep the people aware of its existence, a helpful step to a certain extent. This information must be widely publicized to ensure that the general public are aware of the availability.

This guarantee should be clearly prescribed in the same way as the promise clause of help and support from the law reform organization. The term “conditions” may in fact be struck off, or there should be a provision that the criteria, methods and conditions of the Executive Board of the civic political development fund must not impede the people’s petitioning for legislation.

The criteria and methods of support should be made explicit, particularly with reference to those entitled to support who are a juristic person or some ordinary individuals forming themselves into a group, for instance.

(3) Consent was given to the provision that the President of the National Assembly has the power to issue the regulations on the safe-keeping and handling of documents relating to petitioning for legislation (Section 10). This is to ensure that all the documents are handled properly and systematically, placed under the meticulous

care of authorized personnel and forming a valuable vault of cases for future study and reference on petitioning for legislation by interested parties.

(4) Consent was given to the principle and methods of petitioning for legislation (Sections 11 and 12), in accordance with the spirit and principle outlined in the Constitution. They are designed to be simple and do not require a mountain of back-up documents as in the past, when there had been so many headaches in practice and excessive cost involved.

There was therefore general support for the provision that up to 10,000 names are required to complete a petition of initiative. The bill must affirm and uphold the principles outlined in Chapter 3, Rights and Liberties of the Thai People and Chapter 5, Directive Principles of Fundamental State Policies.

The proposed piece of legislation must contain chapters or sections so clearly worded as to show what the purpose of this legislation is, and to set whatever criteria and methods of practice in conformity with the law. It is accompanied by an explanatory note explaining the principles of the bill, reasons for making the legislative proposal, and an analytical note of all the main points and issues involved.

The documents used as identifying evidence in support of the legislative petition, in addition to lists of names, addresses and signatures, should include duplicates of the ID cards of the petitioners and initiating agents to show correctness and transparency, and substantiating evidence to boot (in support of the right of petition). These requirements, already kept to a minimum for practical expedience' sake, are further backed by budget assistance to meet the expense of collecting signatures.

Once the right of petition has been made easy to exercise, backed by myriad forms of assistance, measures must be devised to prevent and punish unscrupulous operators who may abuse the right for dishonest or illegitimate ends. The "initiating agent" also must be clearly characterized, to forestall any untoward incidents in the

future linked to the agents who will be required to give clarifications and to the Select Committee who has the mandate to vet the bill as provided under the Constitution.

(5) Consent was given to the timeframe for various stages of the process: Upon the President of the National Assembly receiving the petition for legislation, a scrutiny must be completed within 30 days; in case the name list is incomplete or incorrect, the initiating agents shall be notified and given 90 days to correct the mistake; if the correction fails to be completed within the given period, the President will order the petition to be struck off (Section 13).

Since the President of the National Assembly does not control a database of eligible voters and therefore cannot perform the scrutinizing task himself, he will have to enlist the cooperation of other agencies, e.g. the Election Commission or the Department of Provincial Administration in checking the list. It should be determined which agency, and to what extent, is required to help the President of the National Assembly, and what period of time is most suitable, considered against the timeframe of the entire process.

(6) Consent was given to the case in which a petition for legislation fulfills all of the requirements and the President of the National Assembly proceeds to have the name list announced by posting the announcement at provincial town halls, Amphoe (district) administrative offices, municipality offices, tambon administration organization offices, offices of village heads, and densely-populated communities in those districts where the petitioners maintain their house-register residence. Filing an opposition petition against the legislative petition can be done within 20 days. The President of the National Assembly shall set the criteria for determining densely-populated community districts (Sections 14 and 15).

Nevertheless, some people expressed concern that posting announcements at various places may still be low-key spreading of the news and the people are still largely unaware of the initiative petition and fail to oppose it in time. It is recommended that more widespread channels of public announcement should be

exploited - Government Gazette announcement, registered mail with postpaid reply to the petitioners, various media, e.g. community radios, broadcast towers, provincial public relations, Parliament's website, web logs, including public postings in communities and villages.

A problem was raised concerning those entitled to put up opposition but who, not residing in the announcement area and therefore not knowing about the initiative, cannot declare opposition. It was proposed that an agent of opposition can act in their stead, as by someone from the same family.

(7) Consent was in principle given to the provision that one channel of filing the petition for legislation is through the Election Commission (Sections 16, 17 and 18). At least 100 eligible voters may sign and submit a petition to the Election Commission, calling on it to arrange a legislative petition campaign. In addition to the requirement that the submission is done through a provincial election commission in the province where the petitioners or their initiating agents take up residence, it should be amended to allow the submission to be made directly to the president of the Election of Commission as well. The idea is to offset the problematic possibility that the provincial election commission may not function in an aboveboard manner or drag their feet over the matter.

To expedite in practice the collecting of signatures for the proposing of legislation by the Election Commission, the following options were recommended:

- A timeframe for operation should be set for the Election Commission, and certain other bodies may pitch in to help with the collection of signatures, e.g. the Political Development Council;
- The role of the provincial election commission in handling the petition signing and public relations campaign should be enhanced;
- The locations for posting the announcement of petition signing for the proposing of legislation should follow the same pattern as the posting of the name list announcement so that opposition may be mounted against it.

(8) Consent in principle was given to the provision that the Speaker of the House of Representatives gives priority to speed and continuity in setting the agenda for bill deliberation and debates, including the participation of those affected by the bill and the general public (Sections 21, par.2).

In the initial stages, the Commission proposed a “special assembly day” for consideration of public-initiated bills, to which some participants agreed. The idea was to arrange one day in a week for this consideration. In practice it calls for an amendment of the rules of order with respect to calling an assembly for the deliberation of a proposed bill. It was also suggested that the deliberation of public-initiated bills should be placed first on the agenda for each session.

For the sake of clarity and practical effectiveness, a definition of the term “those affected by the bill” should be given.

(9) Consent was given to the provision that the Speaker of the House of Representatives holds public hearings of those affected by the bill and the general public on a large scale. At the least, the bill and public hearings must be disseminated via the information and communications network of the House of Representatives (Section 21, par.3).

To enhance the effectiveness and efficiency of public hearings, it was further suggested that the criteria and conditions for holding public hearings should be set in clear terms, allowing for a clearly-set timeframe for the hearings, that is both sufficient and suitable for those concerned and those affected. This consideration extends to other laws as well.

The channels of disseminating the bill and public hearings should be more diverse and accessible to the people than the existing one because the communications network system of the House of Representatives provides an only outlet, thereby severely limiting the people’s access. As for public hearings, the procedure should be made flexible enough to allow the choice of a most suitable method, as the case may be.

(10) Consent was given to the provision that the Speaker of the House of Representatives brings the results of public hearings to bear on the deliberation of the bill in the House of Representatives prior to the voting in the third reading (Section 21, par.4). It was suggested that the summary of the public hearings should be tabled for discussion prior to the second reading, as it is during these early sessions that the House members shall go over the bill section by section in the course of the exchanges and debates on the merits and demerits of the bill.

Whenever a bill is deemed to have an impact on a community, particularly those bills proposed by various interest groups, the opinions of the community must be aired and listened to. Decision must be made as to whether and to what extent their concerns will be acted upon and influence the deliberation.

Even though the House of Representatives has the power to deliberate on and pass the bill, the provision that the results of public hearings are integrated into the House debates will keep the deliberation in tune with the public's true wishes. At the same time the decisions of the House of Representatives will be rooted in sound principles and rationality, explicable and based on complete and solid data. Most important, the spirit of the public-initiated bill shall be deservedly respected. At the same time the general public have become aware and informed, having joined in expressing their opinions on the bill. They know that this law shall govern the public in general and throughout the country, and not just those people who jointly signed the petition for the proposing of legislation.

## **Second Part: Results of the 7<sup>th</sup> Seminar**

### **1. Name of the Bill**

“Initiative Bill of B.E....”

### **2. The Results of the Seminar, section by section:**

**Section 4:** The definition of “Eligible voter” should make it clear if the term covers those eligible voters who temporarily lose their right after failing to vote in a

general election, or those losing their right through a court injunction. Under the Constitution, an “eligible voter” means also a “person whose voting right is withdrawn and a person who fail to cast his vote in an election.” It should therefore, for clarity’s sake, stipulate “an eligible voter whether losing his right to vote or not,” for instance.

The seminar agreed that the right belongs to eligible voters in accordance with the spirit of the Constitution.

**Section 8:** The seminar proposed these points:

- 1) The number of eligible voters required for petitioning the law reform organization under Section 81(3) of the Constitution should be cut to less than 100;
- 2) It should be clearly specified whether or not the 100 eligible voters who petition the law reform organization under Section 81(3) of the Constitution for help with the drafting of the bill must be the very people who are the petitioners for the proposing of legislation.
- 3) The 60-day period allowed under Section 8, par.2 for the law reform organization to help with the drafting of a bill as requested by the people is too short, considering that some law can be difficult and complex, or several drafts must be produced simultaneously. Analysts suggested that the objective of the 60-day drafting period is intended as providing a boundary of operation within which the law reform organization under Section 81(3) of the Constitution must learn to manage its task.
- 4) The screening process for the proposed bill should be outlined. Section 8 provides that the law reform organization has the duty to help with the format, drafting and juristic method, forming the core of commentaries by the law reform organization, but steers clear of overriding the initiators’ intention.

**Section 9:** The phrasing “The eligible voters may request financial support to meet the expense...” is changed to “The process of petitioning for legislation under

this act shall receive financial support from the civic political development fund as per its regulations.”

**Section 10:** In the case of the safe-keeping of documents it should be clearly stated that if the draft proposal does not receive approval it will be returned to the petitioners for their own reference, and thus the safe-keeping burden will not fall on the House itself.

In Chapter 2 the phrasing “petition for the proposing of legislation” is changed to “consideration of the bill in the National Assembly.”

**Section 11:** Should there be amendments made to Chapters 3 and 5 of the Constitution that change the content somehow, this “Initiative Bill of B.E....” may be affected accordingly, on account that it is passed in accordance with the Constitution.

**Section 12:** The term “duplicates of I.D. cards” of the petitioners is changed to “duplicates of I.D. cards or other evidence as prescribed under the organic law on the election of members of the House of Representatives and nomination of members of the Senate” with regard to the petitioners.

**Section 13:** The first paragraph contains an erratum “ninety days,” which is changed to “thirty days.” It was suggested the 30-day period for the examination of submitted documents relating to the petitioners is too short because the petitioners will invariably tender documents in volume bigger than specified.

Paragraph 2 should also contain the instruction that in striking off the petition all of the submitted documents be returned to the petitioners.

**Section 14:** The name list of petitioners is to be announced via the House’s communications network system.

**Section 15:** Other channels of expressing opposition should be increased, e.g. via those designated by the President of the National Assembly, who may be provincial governors, for instance.



**Section 18:** When the submission of other evidence in place of I.D. cards is permitted, the inspection procedure of the National Assembly as prescribed in Section 12 should be rewritten to correspond to each other.

**Section 21:** A new paragraph should be added to the first paragraph, marked off as Paragraph 1/1:

“If the proposed bill is concerned with money matters, the President of the National Assembly shall submit the matter to the Prime Minister for endorsement, who must finish this endorsement within 60 days. If the endorsement has not been forthcoming within the given period, it is assumed that the bill has already received the endorsement of the Prime Minister.”

In Paragraph 2, there is a slight change in the original phrasing from “the setting of a deliberative agenda for the bill proposed by...” to “the setting of a deliberative agenda for deliberating on the bill proposed by...”

In Paragraph 3, it should be specified clearly that public hearings must occur in the course of the deliberation of the Select Committee and the bill is to be deliberated in the second reading.

### **2.3 The Main Points of the Initiative Bill of B.E....**

The public hearings as discussed in the heading 2.2 above have been analyzed and summarized by the Commission, who made certain amendments to the Initiative Bill of B.E.... The final version contains the following salient features:

#### **1. Principle and Rationale for the Proclamation**

One of the pillars of the Constitution of the Kingdom of Thailand, B.E. 2550 is the protection of civil rights and freedom, as by providing for realizing the public role and participation in the State’s administrative affairs and exercise of powers, in concrete terms.

In this direction the Constitution provides that no less than 10,000 legislative constituents (eligible voters) have the right to make a legislative proposal, according to Chapters 3 and 5, to the National Assembly for its consideration. The proposed bill shall be prepared correctly in accordance with the standard forms and contain the principle and explanatory rationale, divided into chapter, part and clause (section) in serial order. The Law (Reform) Commission is entrusted with helping the people with drafting the bill and composing an explanatory note attached thereto. It is to give all manner of recommendations and support to the public for making legislative proposals (Sections 163, 81(3) as germane to 308).

In deliberating on the bill, the House of Representatives and the Senate must permit the agents (representatives) of the petitioners to explain before their assemblies the principle of the bill and to be represented in the Select Committee appointed for the bill consideration in the proportion of no less than 1 to 3.

In summary, the Constitution sets down the principle and measures to better promote and support the citizens in exercising the right to make legislative proposals with real efficiency and effectiveness. They are:

- Slash the number of eligible voters required for making legislative proposals from the precious 50,000 persons to a mere 10,000;
- The initiating agents are permitted to explain the principle of the bill and the entire Select Committee must be represented by the petitioners at no less than the 1:3 proportion;
- The civic law reform commission must help the people with drafting the bill and an explanatory note attached thereto, including providing advice and support for the process of bill preparation.

Nevertheless, although the Constitution has promulgated the principle and measures to solve the problems of making legislative proposals relating to the numerical requirement of petitioners, financial support for the preparation of the bill and an explanatory document, and to facilitate the process of deliberation of the Select

Committee and the National Assembly, there is still necessity for the enactment of an organic law that prescribes the principle and procedure, including methods and procedure to be observed in connection with the process of making legislative proposals and the deliberation of the people-initiated bill.

## **2. The Spirit of the Initiative Bill of B.E....**

Promotion and support will be given to eligible voters in easily exercising their right to sign a legislative petition, and to ensure that the exercising of the right truly produces a practical effect. Mechanisms and measures of providing technical and budget support will be included, together with the criteria and guidelines for action for the sides concerned with either the legislative petition or deliberating on the proposed bill, favoring on the whole the citizens' right to sign a legislative petition with ease. At the same time the bill aims to create a right balance in protecting the wishes of petitioners and the public opinions as a whole, particularly those likely to be affected by the bill as well as the general public.

## **3. The Main Points (of the Initiative Bill of B.E....)**

### **3.1 The Initiative Bill of B.E.... has 22 sections, divided into:**

#### **Chapter 1: General Provisions**

#### **Chapter 2: Deliberation of the Bill in the National Assembly**

##### **Part 1: Legislative Proposals for Deliberation in the National Assembly**

##### **Part 2: Petition for the Proposing of Legislation by Eligible Voters**

##### **Part 3: Petition for the Proposing of Legislation under Management of the Election Commission**

##### **Part 4: Presenting the Bill for the Deliberation in the National Assembly**

### **3.2 The Substance of the Bill**

(1) Those entitled to sign a legislative petition must be “eligible voters” on the date of the signing. According to this act, an eligible voter means a person entitled to vote in a general election for the House of Representatives under the Constitution of the Kingdom of Thailand and must not be serving a period of political disqualification (Section 6 as germane to Section 4).

**(2) Two channels of access to starting the legislative petition**

(2.1) No less than 10,000 eligible voters sign a petition for the proposing of a legislative bill, to be submitted directly to the President of the National Assembly (Section 12);

(2.1) No less than 100 eligible voters petition the Election Commission to arrange for a petition for the proposing of a bill, to be submitted directly to the President of the Election Commission or via the president of a provincial election commission (Section 16).

The petition for the proposing of a bill according to the headings (2.1) and (2.2) above must be accompanied by a draft bill, together with an explanatory note and the name list of petitioners.

**(3) Arranging a legislative petition by the Election Commission**

Upon receiving a petition, the President of the Election Commission must announce to eligible voters in all of the provinces as to what law is being put on the table. Alternatively, eligible voters may sign a legislative petition to be submitted to a provincial election commission or those designated by the provincial election commission in accordance with the methods, and time and location requirements prescribed. The period of petition signing shall not be less than 90 days from the date of announcement (Section 17).

Eligible voters wishing to sign such a petition must submit a duplicate of their I.D. cards or duplicates of other officially-issued documents attached with a photo and I.D. number to the provincial election commission or those designated by the

provincial election commission. If judged to be an eligible voter, that person may accordingly file a legislative petition for proposing a bill (Section 18).

**(4) Measures or mechanisms of technical and financial support**

(4.1) 100 or more eligible voters may request the law reform organization or the Law Reform Commission for help with the preparation of a bill and an explanatory note, or giving comments on a draft bill and its explanatory note. The Law Reform Commission must complete its task within 90 days from the date of request (Section 8).

The criteria and methods of making a request and the process of giving support to the legislative petition shall conform to the regulations set by the Law Reform Commission, and yet the process must not impede the support due the people's legislative petition.

(4.2) Eligible voters may request financial support for meeting the expense of launching a legislative petition from the civic political development fund in accordance with the criteria, methods, and conditions set by the civic political development fund as announced in the Government Gazette (Section 9).

**(5) Documented evidence in support of the initiative (Section 12)**

In signing a legislative petition, the eligible voter and the initiating agent must show evidential proof of his name, address, and signature with a duplicate of his I.D. card or a duplicate of other officially-issued documents attached with a photo and I.D. number. The submission of the identifying details shall be in accordance with the regulations set by the President of the National Assembly.

**(6) The submission of the bill and an explanatory note (Section 11)**

The legislative proposal by eligible voters for the deliberation in the National Assembly must take the form of a bill referencing the principles outlined in the Constitution's Chapter 3 on the rights and freedom of the Thai citizens, or Chapter 5 on the directive principles of fundamental State policies. The content must be clearly divided into sections that show what the purpose of the legislation is and how the

criteria and methods of practical action are in conformity with the law. Attached with the bill is an explanatory note to this effect:

- (6.1) Principle of the bill,
- (6.2) Reasons for the proposing of the bill,
- (6.3) Analysis of the substance of the bill.

(7) The President of the National Assembly has the power to issue regulations on the safe-keeping and handling of all the documents relating to the petition for legislation. The well-managed collection of the documents shall be the database for future reference and utilization (Section 10).

(8) Upon receiving the petition for the proposing of a bill, the President of the National Assembly must complete its examination within 45 days from the date of receipt. In case there is found any error or that the number of signatures for the legislative proposal falls short of 10,000 names, the initiating agents shall be notified in writing and asked to make any necessary correction or to proceed with the collection of more signatures to complete the numerical requirement within 90 days from the date of notification. If the operation fails to be completed within the time limit, the President of the National Assembly shall order it to be stricken off (Section 13).

(9) If and when the petition for legislation is found to follow the rules completely and correctly, the President of the National Assembly shall announce the name list of the signing petitioners by posting the roll at provincial town halls, Amphoe municipality offices, tambon administrative organization offices, offices of village heads, and densely-populated community districts where the petitioners maintain their house-register residence. Those who do not sign the petition roll but whose names appear on the roll announcement may petition against the legislative petition to the President of the National Assembly or the person designated by the President to have their names struck off the roll within 20 days from the date of announcement. The President of the National Assembly has the power to set the criteria for determining densely-populated community district (Sections 14 and 15).

(10) In case the President of the National Assembly is of the opinion that the proposed bill relates to money matters, the President will forward the bill to the Prime Minister to seek his endorsement within 30 days from the date of receipt of the bill. The Prime Minister is required to deliberate on the bill without delay, taking into consideration the importance of the people's petition for the legislative proposal (Section 21).

(11) In setting the agenda for deliberation of the people-initiated bill, the President of the National Assembly shall take into account the speed and continuity of the House deliberation, as well as the participation of those who may be affected by the bill and the general public (Section 22, par.1).

(12) In deliberating on the people-initiated bill, the President of the National Assembly shall arrange for public hearings to hear those who may be affected by the bill and the general public on a large scale. At the least the bill must be disseminated and public opinions heard via the communications network system of the House of Representatives (Section 22, par.2).

(13) The President of the National Assembly shall summarize the results of public hearings of those who may be affected by the bill and the general public, to be presented for discussion during the second reading of the House deliberation (Section 22, par.3).

#### **4. The Salient Features of the Initiative Bill of B.E....**

The spirit of the Initiative Bill of B.E.... consists in the promotion and support given to the eligible voters wishing to exercise with ease their right to sign a legislative petition, and that this exercise truly has a practical effect. Mechanisms and measures of providing technical and budget support are built into the bill, including the criteria and guidelines on action for the sides concerned with either the legislative petition or deliberating on the proposed bill, favoring on the whole the citizens' exercising their right of petition with ease. At the same time the bill aims to create a right balance in protecting the wishes of petitioners and the public opinions as a whole, particularly

those likely to be affected by the bill as well as the general public. The importance of the spirit of the law has already been shown in the Main Points above.

The 3 salient features of the bill are:

**First, full support and help are to be provided for the citizens' petition for legislation through the setting of criteria and measures of providing technical and budget support and cutting down unnecessary steps, e.g.:**

(1) The law reform organization or the Law Reform Commission helps with the preparation of the bill and an explanatory note, or giving comments on the bill or its explanatory note. In this direction, the Law Reform Commission must complete its mission within 90 days from the date of receipt of the request (Section 8).

(2) The civic political development fund gives financial support to meet the expense of launching the legislative petition (Section 9).

(3) In signing a petition for the proposing of a bill, the documented evidence required include either the duplicates of I.D. cards or the duplicates of other officially-issued documents, attached with a photo and I.D. number and the details giving the names, addresses and signatures (Section 12).

(4) In petitioning for a legislative petition campaign, it should be submitted directly to the President of the Election Commission or to the president of a provincial election commission (Section 16).

**Second, public hearing activities are encouraged and the popular views are taken as serious fodder for consideration of legislative bills in the Legislature. The purpose is to afford better balance to the protection of wishes of the petitioners and the general electorate, particularly those standing to be affected by the proposed bills.**

(1) The Speaker of the House of Representatives arranges public hearings to gather the views of those likely to be affected by the bill and the general public on a large scale. At the least, the bill must receive wide dissemination and public hearings



are shown via the communications network system of the House of Representatives (Section 22, par.2).

(2) The Speaker of the House of Representatives sent the summary of public hearings of those likely to be affected by the bill and the general public to the House of Representatives for its consideration during the second reading (Section 22, par.3).

In response to the Constitution laying down the principle of protecting the wishes of initiative petitioners, the initiating agents will explain the principle of the bill and be represented in the Select Committee in the proportion of no less than 1 to 3.

**Third, an operational timeframe for preventing and solving any delay problems concerning implementation and consideration of the proposed bill, e.g.**

(1) The law reform organization shall follow through with the request within 90 days;

(2) The President of the National Assembly shall complete the examination of the petition signing and attached documents within 45 days. If there are any errors found, the initiating agents shall be notified and the collection of additional signatures must be completed within 90 days;

(3) Let those who do not sign the petition but whose names appear on the petition register their complaints against the petition within 20 days;

(4) The President of the National Assembly shall send any bill that in his opinion is concerned with money matters to the Prime Minister within 30 days from the date of receipt of the bill for his endorsement.

In certain cases there can be no time limitation imposed on the action involved, as done above. Prudent judgement should then be exercised to suit the needs of the occasion. For instance,

(5) In setting the agenda for consideration of the proposed bill, the President of the National Assembly shall take into account the speed and continuity, and participation of those who may be affected by the proposed bill and the general public.

(6) In giving endorsement to a bill concerned with money matters, the Prime Minister shall take into account the speed and importance of the popular initiative as a whole.

## **2.4 Mobilizing and Rallying to the Support of the Bill**

In mobilizing and rallying to the support of the Initiative Bill of B.E...., the Commission has organized activities, since the inception of the project, to raise an enthusiastic awareness and drum up support for the Bill. The activities were held jointly with the seminars for hearing public opinions staged in the regions to which the local media including the community radios, local newspapers and public sector media based in the region were invited.

In the middle stage of the project, conclusions based on the past hearings were presented to both seminars and the Commission meetings to finalize the results of the seminars, conclusion and consideration of the proposed Bill. Focus was placed on the usage of the mainstream media and wide-open media, particularly the Parliament Radio and websites, including [www.kpi.ac.th](http://www.kpi.ac.th), [www.kpi2.org](http://www.kpi2.org), and [www.kpi-participation](http://www.kpi-participation), as well as the associated links such as [www.pub-law.net](http://www.pub-law.net).

In the final stage of the project a summary of the Initiative Bill of B.E.... was disseminated via the usual mainstream media, that is, the Parliament Radio, websites, and newspapers. A press conference was held, attended by 10 reporters from 8 newspapers.

In summary, the mobilization of support to and rallying to the cause of the Bill was done via the mainstream media and local media, that is, (1) radios, (2) television, (3) newspapers, and (4) websites.

In addition, the rallying to the support of the Bill received cooperation of the following related agencies:

### **(1) Political Development Council**

(1.1) The Political Development Council voted for the Initiative Bill of B.E...., as canvassed by King Prajadhipok's Institute for support and help with publicity and

the collection of signatures. The Council agreed to consider the issue of providing financial support to meet the expense of petitioning in order to draw up the related regulations on reimbursement under the Civic Political Development Fund.

(1.2) The dissemination of the Bill and the collection of signatures for the petition

The Political Development Council rallied its members and collected signatures together with duplicates of their ID and house registers as evidence. It printed the Bill with a print-run of 16,500 copies for distribution. A total of 898 eligible voters signed the petition, but 274 persons had yet to submit complete documents as evidence (this data updated to June 26, 2009). Once a total of 10,000 signatures have been collected, the Political Development Council shall submit the initiative to the National Assembly.

## **(2) Law Reform Commission**

A subcommittee to consider the Initiative Act, appointed by the Law Reform Commission, made a comparative study of the proposed Initiative Bill of B.E.... drawn up by the King Prajadhipok's Institute. The main features of the Bill were presented to the Law Reform Commission for reporting to the Cabinet.

## **(3) National Assembly**

The background to the Initiative Bill of B.E.... and a draft copy were sent to the House of Representatives and the Senate for their information and joining the petition campaign in support of the Bill. It is also to lay the groundwork for subsequent consideration of the Bill in the National Assembly.

## **(4) Political Parties**

The background to the Initiative Bill of B.E.... and a draft copy were sent to the Democrat Party as the core member of the coalition Government, through the members of the House of Representative whose civic participation records are evident and who are prominent members of the party. They are Mrs Ratchadaporn Kaewsanit, Mr. Pramual Empia, and Mr. Niphit Intharasombat.

### **(5) Others**

The background to the Initiative Bill of B.E.... and a draft copy were sent to persons, public and private sector agencies, and various sectors of the population as an invitation to them to join in the mobilization and rallying to the cause of the Bill both formally and informally.

## **3. Public Participation in Local Administration of the Local Government Organization Bill**

### **3.1 Issues and Questions**

The Commission has determined the issues, questions, criteria, forms, and methods, including date, time and location for holding focus group discussions for the purpose of having the experts brainstorming relevant ideas. The meetings used Chapter 14, Local Government, Sections 285-287 of the Constitution of the Kingdom of Thailand as the pivotal framework of reference and thinking. The following are the scope and issues involved:

#### **(1) Petitioning for Local Ordinances**

##### **(1.1) Number of Petitioners for Local Ordinances**

- The number of eligible voters required before they can petition for local ordinances is **one fifth** of the entire electorate of the local government organization district.

- In case one-fifth of the electorate of the Local Government Organization district numbers more than **3,000 persons**, at least 3,000 voters of the electorate may make a legislative petition for local ordinances.

### **(1.2) Subjects and Issues for Petitioning as Local Ordinances**

The citizens can petition for local ordinances **only in those matters under the jurisdiction of the Local Government Organization**. At first the Local Assembly will examine the proposed matter or ordinances to determine if they come under the jurisdiction of the local government organization and accordingly may or may not be processed into ordinances. **The Assembly shall notify the citizens if the ordinances can be issued or not within 30 days.**

### **(1.3) The Process of Petitioning for Local Ordinances**

The citizens may submit the **principle and reasons** only and need not draw up a complete draft of proposed local ordinances. It is the duty of the Assembly to take up from there. There is no requirement that the Assembly has to complete its consideration within a given period of time. The petitioners must be **allowed to explain their principle and reasons in the Assembly** and the citizens may be invited to join a committee appointed to consider the local ordinances. Further there is no need for setting a period of time within which a repeat petition may be made in the case of the ordinances failing to materialize as the issue does not pose too much of a problem.

## **(2) Recall of Local Assemblymen and Local Administrators**

### **(2.1) Grounds for Recall**

- The grounds for recall (removal from office) of political office-holders at national level under Section 270 of the Constitution will be adapted for usage.

- The provincial governor shall be the judge of primary grounds.

- In case the petition voters or the administrators or Assemblymen who are facing recall oppose the governor, they may **file a petition against the decision to the Administrative Court** within 15 days and the court shall pass its decision within 30 days. The court's decision is final.

## **(2.2) Size of the Electorate**

- For an electorate **smaller than 100,000**, there must be **no less than one fifth** of the electorate of the legislative district;
- For an electorate **bigger than 100,000**, there must be **no less than 20,000 signatures** of the electorate of the legislative district.

The requirements are in accordance with Section 164 of the Constitution which provides that no less than 20,000 voters may file a petition to the President of the Senate for setting in motion in the Senate the removal of persons specified under Section 270 from office.

## **(2.3) Constituency and Local Government Organization as Basis for Recall of Local Administrators (Presidents of Local Government Organization) and Local Assemblymen**

**Constituency** (or legislative district) forms the boundary for recall. Only registered or eligible voters in that constituency have the right of petition of recall against a person they elect to office.

## **(2.4) Suspension of Local Assemblymen or Local Administrators When Voters File a Petition of Recall to the Governor**

Local Assemblymen or local administrators named in a petition of recall must **suspend his duty** the moment the voters petition the provincial governor to start recall action and shall remain in that capacity until the process of recall has run its course. Appointees shall fill their positions in an acting capacity.

## **(3) Public Participation in Administration under Local Government Organization**

### **(3.1) Areas of Administration under Local Government Organization for Public Participation**

The wishes should be stated in noncommittal terms, without heavily going into detail so that the law can be made flexible for each local government organization and the issuing of regulations does not contravene this law. As specified in the provision,

**“The Local Government Organization must promote public participation in administration or activities managed by the Local Government Organization and deemed likely to affect the welfare or living conditions in the locality, taking into account also the independence of action of the Local Government Organization. Various regulations binding on the Local Government Organization must also be reviewed to promote increase in public participation, at least every 3 years. The review is the responsibility of the Department of Local Administration, with the Association of the Local Government Organization joining in as well.”**

### **(3.2) Access to Information**

There is no need to cull passages from the Official Information Act and graft them onto this law if only for reasons of unnecessary repetition. Besides, the Local Government Organization is already abiding by the provisions of the information statute. A passage, however, was added to the effect that the Local Government Organization must broadcast the meetings of the Assembly to the public via suitable channels or formats. The Local Government Organization must yearly report to the public its operations with regard to budget preparation, expenditure, and operational results of the past year so that the people can participate in the monitoring and overseeing of local administrative affairs.

### **(3.3) Public Hearings**

#### **(3.3.1) Matters for Public Hearings**

The matters for sounding out public opinions and sentiment must be those likely to have an impact on the livelihood of local people in vital areas and under the jurisdiction of the Local Government Organization.

#### **(3.3.2) Initiators of Public Hearings**

Two channels of initiating public hearings are open: (1) the electorate and stakeholders of the Local Government Organization district, and (2) the Local Government Organization who runs the project or the Local Government Organization controlling the area where the project is to be implemented.

#### **(4) Local Referendum**

##### **(4.1) Matters for Referendum**

The matters or issues for referendum voting must be those likely to have an impact on the livelihood of local people in vital areas and under the jurisdiction of the Local Government Organization. Already they had undergone public hearings and yet remain an unresolved controversy.

##### **(4.2) Initiators of Referendum**

There are 4 possible channels for initiators to launch referendum action:

- The citizens file a petition to the Local Government Organization with the endorsement of the administrators.
- The administrators initiate a referendum for cases under their jurisdiction.
- The administrators initiate a referendum with the endorsement of the Assembly for cases under the jurisdiction of the Assembly.
- The Assembly initiates a referendum with the endorsement of the administrators for cases under the jurisdiction of the administrators.

##### **(4.3) Organizer of Referendum**

The Local Government Organization organizes a referendum under the supervision of the Election Commission.

##### **(4.4) Referendum Vote Considered Binding on Decision**

The vote which counts as final in a referendum must come from the majority of the electorate and must number more than half of the votes cast in that referendum.

#### **3.2 Results of Public Hearings**

The public hearings held in the regions produced the following major results:

##### **(1) Petitioning for Local Ordinances**

###### **(1.1) Number of Petitioners for Local Ordinances**

Consent was given to the Commission's recommendation that one fifth of the electorate of the Local Government Organization district may petition for local



ordinances. If one fifth of the electorate of the Local Government Organization district number more than 3,000 voters, at least 3,000 voters may petition for local ordinances.

### **(1.2) Matters or Issues for Petitioning as Local Ordinances**

Consent was given to the Commission's recommendation that a petition for local ordinances can be filed only for matters **under the jurisdiction of the Local Government Organization**. In the initial stage the Assembly shall check if the matter or ordinances proposed are under the jurisdiction of the Local Government Organization as regards the issuing of the ordinances. **The Assembly must explain to the people if it has the power to issue the ordinances or not within 30 days.**

### **(1.3) Process of Petition for Local Ordinances**

Consent was given to the Commission's recommendation that the people need only propose **points of principle and reasons**, rather than a complete draft of the proposed ordinances. It is the job of the Assembly to pick it up, and there should be no time constraint put on the Assembly concerning the deadline of the completion of the ordinances. Petitioners must be given an opportunity to present their case, regarding principle and reasons in the Assembly. They may also be invited to join a committee appointed to consider the ordinances. No period of time should be set before a repeat petition can be made in the case of the ordinances not being passed.

## **(2) Recall of Local Assemblymen and Administrators**

### **(2.1) Grounds for Recall**

Consent was given to the Commission's recommendation that the grounds for recall of national political office-holders under Section 270 of the Constitution be modified for local usage. The provincial governor shall be the judge of primary grounds. In case the petition voters or the administrators or Assemblymen who are facing recall oppose the governor, they may **file a petition against the decision to the**

**Administrative Court** within 15 days and the court shall pass its decision within 30 days. The court's decision is final.

### **(2.2) Size of the Electorate Required for Petition of Recall**

Consent was given to the Commission's recommendations on recall:

- For an electorate **smaller than 100,000**, there must be **no less than one fifth** of the electorate of the legislative district;

- For an electorate of **more than 100,000**, there must be **no less than 20,000 signatures** of the electorate of the legislative district.

### **(2.3) Constituency or Legislative District of the Local Government Organization as Basis for Recall**

Consent was given to the Commission's recommendation that constituency be used as a basis for recall action.

### **(2.4) Suspension from Duty upon Petition of Recall**

Consent was given to the Commission's recommendation that the local Assemblymen or local administrators be suspended from duty when voters petition the provincial governor to start recall action. Appointees shall fill their positions in an acting capacity.

## **(3) Public Participation in Administration of the Local Government Organization**

### **(3.1) Areas of Administration under Local Government Organization for Public Participation**

Consent was given to the Commission's recommendation that only wishes should be stated so that the law can be made flexible for each local government organization and the issuing of regulations does not contravene this law. As specified in the provision, **"The Local Government Organization must promote public participation in administration or activities managed by the Local Government Organization and deemed likely to affect the welfare or living conditions in the locality, taking into account also the independence of action of the Local**

**Government Organization. Various regulations binding on the Local Government Organization must also be reviewed to promote increase in public participation, at least every 3 years. The review is the responsibility of the Department of Local Administration, with the Association of the Local Government Organization joining in as well.”**

### **(3.2) Access to Information**

Consent was given to the Commission’s recommendation that there be no need to cull passages from the Official Information Act and graft them onto this law. A passage, however, was added to the effect that the Local Government Organization must broadcast the meetings of the Assembly to the public via suitable channels or formats. The Local Government Organization must yearly report to the public its operations with regard to budget preparation, expenditure, and operational results of the past year so that the people can participate in the monitoring and overseeing of local administrative affairs.

### **(3.3) Public Hearings**

Consent was given to the Commission’s recommendation that matters for sounding out public opinions and sentiment must be those likely to have an impact on the livelihood of local people in vital areas and under the jurisdiction of the Local Government Organization. Two channels of initiating public hearings are open: (1) the electorate and stakeholders of the Local Government Organization district, and (2) the Local Government Organization who runs the project or the Local Government Organization controlling the area where the project is to be implemented.

### **(4) Local Referendum**

Consent was given to the Commission’s recommendations.

**(4.1) Matters for Referendum must be those likely to have an impact on the livelihood of the people in vital areas and under the jurisdiction of the Local Government Organization. Already they had undergone public hearings and yet remain an unresolved controversy.**

**(4.2) Initiators of referendum** can resort to the following 4 channels:

- The citizens file a petition to the Local Government Organization with the endorsement of the administrators.
- The administrators initiate a referendum for cases under their jurisdiction.
- The administrators initiate a referendum with the endorsement of the Assembly for cases under the jurisdiction of the Assembly.
- The Assembly initiates a referendum with the endorsement of the administrators for cases under the jurisdiction of the administrators.

**(4.3) Organizer of referendum** is the Local Government Organization under the supervision of the Election Commission.

**(4.4) Referendum Vote Considered Binding on Decision** The vote which counts as final in a referendum must come from **the majority of the electorate** and must **number more than half of the votes cast** in that referendum.

### **3.3 The Main Points of the Public Participation in Local Administration of the Local Government Organization Bill**

The spirit of the Public Participation in Local Administration of the Local Government Organization Bill of B.E.... consists in the following vital points.

#### **3.3.1 Sources of the Draft Bill**

Public participation forms an essential ingredient of effective and efficient local administration under the Local Government Organization. Local citizens must be given ample opportunities for determining the direction of developments that are in harmony with their livelihood. It is also in the spirit of the Constitution of the Kingdom of Thailand, B.E. 2550 to promote the citizens' active involvement in local administrative affairs as well as decentralization of the Local Government Organization structure, forming a solid foundation of national democratic government. Sections 285-287 in Chapter 14 lays down the principle and mechanisms for public participation:

**Section 285:** *If eligible voters in a local government organization district consider that a local assemblyman or local administrator of that local government organization district should no longer hold office, they have the right to vote for the removal of such person from office. The number of eligible petitioners, rules and procedures for petition, scrutiny, and voting shall be in accordance with legal provisions.*

**Section 286:** *Eligible voters in a local government organization shall have the right to petition the president of the local assembly for consideration of the issuing of local ordinances.*

*The number of petitioners, rules and procedures for petition and scrutiny shall be in accordance with legal provisions.*

**Section 287:** *People living in the locality have the right to participate in the administration of the local government organization. The local government organization shall arrange for public participation.*

*In the case where action of the local government organization will substantially affect the life and living conditions of the local people, the local government organization must inform the people in detail and for a reasonable period of time before taking any action. In the case deemed reasonable or requested by eligible voters in the locality, public hearings must be held prior to that action, or the people shall be allowed to go to the polls in a referendum in accordance with legal provisions.*

*Local government organization shall prepare a performance report on budget, expenditure and year-round performance for public disclosure so that the people can participate in the examination and supervision of the performance of the local government organization.*

*For the budget preparation of a local government organization in paragraph three above, the provisions of Section 168, paragraph six, shall apply mutatis mutandis.*

The above provisions, which mandate various aspects of public participation in local government, are the sources and framework for the drawing up of the Public Participation in Local Administration of the Local Government Organization Bill of B.E....

### **3.3.2 Reasons for Combining the Mechanisms for Participation under One Law**

Sections 285-287 makes it plain why participatory mechanisms should be put together under one law. As we can see, disparate acts of participation are already dealt with by several laws, for example, Recall of Members of Local Assembly or Local Administrator Act of B.E. 2542, Petition for Local Ordinances of B.E. 2542, Official Information Act of B.E. 2540, Ministry of Interior Regulations on Making Development Plans of Local Government Organization of B.E. 2548, and Prime Minister's Office Regulations on Public Hearings of B.E. 2548. That is why, for the sake of simplicity and convenience to the people and local government organization alike, various mechanisms for public participation are put together under one law.

### **3.3.2 The Main Points of the Bill**

#### **(1) A Central Committee Oversees Public Participation in Administrative affairs of the Local Government Organization**

Under this Bill, a committee for decentralization is entrusted with the job of overseeing standards of public participation in administrative affairs of the Local Government Organization. Because of the current proliferation of agencies or organizations whose work relates to local government organizations, no more organization or agency need to be set up. The committee for decentralization has a direct role in overseeing the standards governing local government organizations. It determines plans and stages of decentralization as part of a structural distribution grid that already exists.

#### **(2) Petition for Local Ordinances**

This Bill proposes lowering of the number of eligible voters required for petitioning for local ordinances from not less than half of the number of eligible voters of the Local Government Organization district to not less than one fifth of the voters of the district. Or, not less than three thousand eligible voters of the Local Government Organization district, in case one fifth of the voters of the Local Government Organization district number more than three thousand, may petition the president of the Local Assembly to get the Local Assembly to consider and issue local ordinances which come under the jurisdiction of the Local Government Organization. It is hoped that petitions for local ordinances come about primarily owing to the efforts and initiative of the people. With large local government organizations like the Bangkok Metropolitan Administration, city municipalities and town municipalities constantly expanding in size, there is a distinct possibility that the scheme will grow and become common practice.

In addition, the act of filing a petition for local ordinances does not translate into actual ordinances immediately, but will have to undergo a procedure involving consideration in the Assembly. The conditions therefore should favour ease of making a petition by the people. Besides, the petitioners need only propose points of principle and reasons for bringing the ordinances into force without having to produce a complete draft of the ordinances. As to consideration in the Assembly, the president may ask the initiating agents or petitioners to give further clarification or explanation of the facts involved and to join the amendment committee in deliberating on the local ordinances proposed by the people.

### **(3) Methods of Public Participation in the Administrative affairs of the Local Government Organization**

The current situation is crammed with related regulations. Therefore under this Bill, the committee for decentralization is responsible for revising rules and regulations which are in force on local government organizations and deal with public participation, taking into account the independence of action of the Local Government

Organization, increase in decentralization, and promotion of public participation in ever-rising degrees.

Another point of importance in the Bill is that the Local Government Organization shall meet the minimum standards of providing access to public participation or expression of opinions concerning such administrative affairs of the Local Government Organization as local development planning, budget preparation, local assembly meetings, determination of general criteria for tax evaluation, and other matters as prescribed by law or ministerial regulations. Each local government organization is free to determine the most suitable forms of participation itself.

In addition, it is prescribed that the Local Government Organization must give to the people detailed information on its planned action before actually proceeding to carry it out, in case that action will likely have a serious impact on the people and community, be it in environmental quality, natural resources, health or livelihood of the people in vital areas. Public hearings must also be held before deciding to go ahead with the action. The Local Government Organization must weigh up the public hearing results and use them as a basis for deciding on what action is to be taken. The Local Government Organization must provide preventive measures or measures for providing a redress of grievances or compensation for impact that are suitable and fair to the affected.

In organizing public hearings the Local Government Organization must equip the people with information or facts throughout and over a sufficient period of time before staging the hearing sessions. This information should consist of: 1) crucial action, 2) location, methods, stages and period of operation, 3) reasons and necessity for operation, 4) impact of operation, both good and bad, including preventive measures or solutions in the case of probable adverse impact, 5) value analysis in view of the impact, and 6) any other details sufficiently to illuminate understanding of the operation of the Local Government Organization.

#### **(4) Local Referendum Voting**



This is an entirely new topic never before written into the Constitution (or rather *any* constitution). As its meaning goes, a local referendum is an electoral device for decision-making that gives power to the people in vetoing bad legislation or deciding what course of action to take. The referendum result is binding on the decision of the administrators. A referendum can be initiated through 3 channels: 1) local administrators, 2) not less than half of the members of the Local Assembly filing a petition, or 3) not less than one fifth of the eligible voters of the Local Government Organization district likely to face an impact of the action of the Local Government Organization or not less than three thousand persons, in case one fifth of the number of eligible voters of the Local Government Organization district number more than three thousand, with the endorsement of the Local Assembly on a vote of not less than half of all the members of the Local Assembly. In the case of provincial government organizations and the Bangkok Metropolitan Administration, the number of petitioners for referendum will be in compliance with the prescriptions of the committee for decentralization.

The need for the Assembly approval is due to the complications involved in staging a referendum, which is likely to call for a sizable budget to meet the expenses involved in making polling arrangements and others. The screening by the Assembly will help to determine if the area of dispute is of importance to truly warrant referendum action. That is to say, the dispute must have a direct bearing on environmental quality, natural resources, health, or livelihood of the local people in vital areas, and it has gone through public hearings and yet remains unsolved or violently controversial. This law has provisions concerning those matters on which no referendum can be staged: they are approval or disapproval for individuals, race, religion and national security.

Just as in public hearings, referendum polling must be preceded by the dissemination of detailed information on the procedure. In case the referendum results in decision to implement the winning vote, which then has some sort of impact in the

aftermath, the Local Government Organization must be responsible for providing redress for the affected, and not only with money at that.

For the referendum vote to be final under this law, there must be more than half of the entire electorate of the Local Government Organization district going to the polls, and the winning vote comes from the majority of the voters casting their ballots. If the voters at the polls number no more than half of the electorate, the referendum result will be dropped.

#### **(5) Recall of Local Assemblymen and Local Administrators**

Under this Bill, it is proposed that the number of eligible voters who can file a petition of recall of any local Assemblymen or local administrators be lowered. The following simple criteria for determining the required proportion are used:

- (1) For an electorate of no more than fifty thousand, there must be in the petition no less than one fifth of the eligible voters of the Local Government Organization district;
- (2) For an electorate of fifty thousand or more but no more than five hundred thousand, there must be in the petition no less than ten thousand voters of the Local Government Organization district;
- (3) For an electorate of fifty thousand or more but no more than one million, there must be in the petition no less than fifteen thousand voters of the Local Government Organization district;
- (4) For an electorate of one million or more, there must be no less than twenty thousand voters of the Local Government Organization district.

The highest requirement of 20,000 voters in a petition of recall of local Assemblymen or local administrators is intended to parallel a recall of national political office-holders.

Another point of importance is the revised vote of recall. That is to say, there must be more than half of the eligible voters of the entire electorate of the Local Government Organization district casting their ballots, and these votes must number no

less than three fifths of the eligible voters who cast their ballots. Under the previous law, the votes at the polls must number no less than three fourths of the eligible voters who cast the ballots.

Another added feature similar to a petition for local ordinances is concerned with the requirement that in the case of a recall not going through, a lapse of at least one year must be allowed to pass before the same grounds for recall can be used in a repeat petition.

#### **(6) Performance Report to the People**

The Local Government Organization is required to give an annual performance report to the people. It must cover the following topics: (1) Budget preparation. At the least it must give a comparative itemizing of revenue estimate and real revenue, expenditure estimate and real expenditure of each item, including saving deposit and loans. (2) Itemizing of expenditure by group or type of expenditure incurred, details of fixed expenses and investment expenses of each item, itemizing of revenue from saving deposit and loans, including expenses incurred as salary, wage, remuneration, and reward, (3) Results of operation of projects, procurement and hiring, managing of buying and employment contracts, taxation, complaints, corruption, civil and criminal and administrative lawsuits, violations, and assumpsit. (4) Results of performance certified by the Office of the Auditor General of Thailand, or other monitoring or independent agencies which are finalized for any particular year. The Local Government Organization must make available this report within three months from the end of the fiscal year.

The Local Government Organization shall hold a conference of the people to present an annual performance report so that the public can in person participate in monitoring and overseeing the administration of the Local Government Organization.

### **3.4 Mobilizing and Rallying**

To mobilize and rally to the support of the Public Participation in Local Administration of the Local Government Organization Bill of B.E.... the Commission

arranged activities to raise an enthusiastic awareness and drum up support for the Bill. The activities were held jointly with the staging of public hearing seminars in the regions. News and information on the project implementation, summaries of public hearings and debates on the Bill were disseminated via the wide-open media. They are the Parliament Radio, newspapers, and websites, namely [www.kpi.ac.th](http://www.kpi.ac.th), [www.kpi2.org](http://www.kpi2.org), and [www.kpi-participation](http://www.kpi-participation), and the associated links such as [www.pub-law.net](http://www.pub-law.net).

The mobilizing and rallying to the cause of the Bill was also done with all forms of local government organizations' cooperation, State agencies, and private sector organizations whose operation relates to local government organizations joining them as board members. It will in due course be presented for the support of the committee for decentralization.