

Central Government Intervention to Local Government Organizations:
The case study of Parknum Samutprakarn and Kalasin Municipalities
การแทรกแซงของรัฐบาลกลางต่อองค์กรปกครองส่วนท้องถิ่น กรณีศึกษา เทศบาล
เมืองปากน้ำสมุทรปราการ และเทศบาลเมืองกาฬสินธุ์

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ABSTRACT

This study has the following four objectives 1. To examine the nature of intervention in local administrative organizations through public policy, 2. To determine the implications of central government intervention with regards to contents and execution of the local administrative development plans, 3. To investigate the patterns of local administrative adaptation in response to central government intervention; and 4. To study local administrative organizations' problems and obstacles, and identify recommendations that may be useful to management of municipalities' affairs. The time frame of this research is from the fiscal year 2011 – 2013. The researcher focuses on two forms of qualitative research: 1) documentary research such as theoretical concepts, legal framework, and academic documents in foreign countries and Thailand and 2) in-depth interviews of elected administrators such as mayors, chief government officials and municipal assembly members, including the president of the municipal assembly. The researcher's findings lead to the following response to the four objectives.

Regarding the first objective, the research reveals that the public policy during Prime Minister Yingluck Shinawatra's premiership is consistent with the directive principles of fundamental state policies in accordance to the Constitution of the Kingdom of Thailand. Despite the fact that such public policy is beneficial to the state, official mandates issued by the Ministry of Interior and the Department of Local Administration to local government organizations can be considered a drawback and regarded as intervention on the administrative rights of local government organizations. Such practice contradicts the principle of local

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governance, which states “local administrative organizations should have the liberty to manage its own region in accordance to the law,” and goes against various legal documents such as the State Administration Act, B.E. 2534, the Municipality Act, B.E. 2496, and the Determining Plans and Process of Decentralization to Local Government Organization Act, B.E. 2542. These public policies allow the central government to excessively control and oversee local government organizations and limit local government organizations’ abilities to earn revenues on their own.

As for the second objective, the research discovers that (1) impacts on budget: both municipalities were slightly affected, because only one percent or two million Baht of the two hundred million Baht annual budget were used to satisfy government intervention; (2) fiscal impacts: The two municipalities were greatly affected because the central government retains its authority on revenue collection and distributes such earnings to local administrations in the form of subsidy and revenue share from government agencies, totaling approximately 80 percent of the annual revenue. The remaining 20 percent comes from local administrators’ own effort; (3) impacts on the execution of municipal development plan: both municipalities were greatly affected by official mandates issued by the Ministry of Interior and the Department of Local Administration, which provide a directive for local administrative organizations to carry out public policy projects. In addition, the research suggests that Park Num Samut Prakarn Municipality has been influenced by informal political intervention. For instance, central government politicians commanded the municipality to enlist community members to participate in political events from time to time. Such informal intervention puts the municipality in an uncomfortable position, because the activities are not included in the municipal development plan.

Concerning the third objective, the research indicates that there are two scenarios the municipalities used to adapt to government intervention. In the first scenario, both municipalities are able to make proper adjustments in accordance to public policies set forth by the government without obstructing such policies. In the second scenario, municipalities are not able to properly adjust their perspective and mentality to government intervention because such intervention lowers the municipal expense budget by the amount that could have been spent on additional public service.



Keywords : Central government intervention, Local government Organizations, Municipality

บทคัดย่อ

การวิจัยเรื่องนี้ มีวัตถุประสงค์การวิจัยรวม ๔ ประการ คือ (๑) เพื่อศึกษาการแทรกแซงองค์กรปกครองส่วนท้องถิ่นผ่านแนวนโยบายของรัฐ (๒) เพื่อศึกษาผลกระทบต่อเนื้อหาสาระและการปฏิบัติงานตามแผนพัฒนาขององค์กรปกครองส่วนท้องถิ่นจากการแทรกแซงของรัฐบาล (๓) เพื่อศึกษาลักษณะแนวทางการปรับตัวขององค์กรปกครองส่วนท้องถิ่นจากการแทรกแซงของรัฐบาล และ (๔) เพื่อศึกษาปัญหาและอุปสรรคพร้อมข้อเสนอแนะขององค์กรปกครองส่วนท้องถิ่น อันเป็นประโยชน์ในการบริหารงานของเทศบาล ในด้านระเบียบวิธีวิจัย ผู้วิจัยใช้ระเบียบวิธีการวิจัยเชิงคุณภาพ จากการวิเคราะห์ข้อมูล ทำให้ผู้วิจัยได้ข้อค้นพบ (Findings) เพื่อตอบวัตถุประสงค์ทุกข้อสรุปได้ดังนี้

๑) นโยบายรัฐบาล (สมัยที่นางสาวยิ่งลักษณ์ ชินวัตร เป็นนายกรัฐมนตรี) นับเป็นนโยบายที่สอดคล้องกับแนวนโยบายพื้นฐานแห่งรัฐ ตามรัฐธรรมนูญแห่งราชอาณาจักรไทย พุทธศักราช ๒๕๕๐ ทุกประการ และเป็นนโยบายที่ดี แต่การที่มีหนังสือสั่งการของกระทรวงมหาดไทยและกรมส่งเสริมการปกครองส่วนท้องถิ่น ซึ่งสั่งการลงไปยังองค์กรปกครองส่วนท้องถิ่นนั้น นับเป็นข้อเสีย นับเป็นการแทรกแซงก้าวล่วงอำนาจอิสระในการบริหารขององค์กรปกครองส่วนท้องถิ่น ซึ่งขัดหลักแนวคิดทฤษฎีที่ว่า “องค์กรปกครองส่วนท้องถิ่นมีอำนาจอิสระในการบริหารงานที่เป็นไปตามระเบียบกฎหมายที่กำหนดไว้ และยังมีกฎหมายที่สำคัญหลายฉบับ ได้แก่ พ.ร.บ.ระเบียบบริหารราชการแผ่นดิน พ.ศ. ๒๕๓๔ พ.ร.บ.เทศบาล พ.ศ. ๒๕๔๖ พ.ร.บ.การกระจายอำนาจแก่องค์กรปกครองส่วนท้องถิ่น พ.ศ. ๒๕๔๒ ในการควบคุมกำกับดูแลท้องถิ่นมากเกินไป และกระจายอำนาจในด้านการจัดหารายได้ด้วยตนเอง ที่ยังอยู่ในระดับน้อยมาก

๒) ผลกระทบด้านงบประมาณ ทั้ง ๒ เทศบาลดังกล่าว ได้รับผลกระทบน้อย เพียงร้อยละ ๑ หรือเงินงบประมาณ ๒ ล้านบาท ของงบประมาณประจำปี ๒๐๐ ล้านบาท (๒) ผลกระทบด้านการคลัง ทั้ง ๒ เทศบาลดังกล่าวได้รับผลกระทบมาก เพราะรัฐบาลรวมศูนย์อำนาจในการจัดหารายได้ไว้เป็นส่วนใหญ่ แล้วจัดสรรรายได้ให้แก่ท้องถิ่นในรูปแบบของเงินอุดหนุนและเงินรายได้ที่หน่วยงานของรัฐจัดเก็บ แล้วแบ่งให้ท้องถิ่น รวมทั้งสิ้นประมาณ ร้อยละ ๘๐ และให้ท้องถิ่นจัดเก็บเองเพียงร้อยละ ๒๐ ของเงินรายได้ประจำปีงบประมาณทั้งสิ้น (๓) ผลกระทบต่อการปฏิบัติงานตามแผนพัฒนาท้องถิ่น ทั้ง ๒ เทศบาลดังกล่าวได้รับผลกระทบมาก โดยหนังสือสั่งการของกระทรวงมหาดไทยและกรมส่งเสริมการปกครองส่วนท้องถิ่น สั่งการให้ท้องถิ่นปฏิบัติงานตามโครงการที่ระบุไว้ในหนังสือสั่งการตามแนวนโยบายของรัฐ นอกจากนี้ ยังพบว่า เทศบาลเมืองปากน้ำสมุทรปราการได้รับผลกระทบจากการแทรกแซงทางการเมืองแบบไม่เป็นทางการด้วย เช่น นักการเมืองระดับชาติสั่งให้เจ้าตำหน่งไปร่วมชุมนุมหรือร่วมทำกิจกรรมทางการเมืองอยู่บ่อยครั้ง ทำให้เทศบาลอึดอัด เพราะเป็นกิจกรรมที่ไม่มีอยู่ในแผนพัฒนาเทศบาล

๓) การปรับตัวของเทศบาลมี ๒ ลักษณะ ได้แก่ ลักษณะที่ ๑ การปรับตัวได้ดีในการปฏิบัติงานของทั้ง ๒ เทศบาล เพื่อเป็นการสนองนโยบายของรัฐบาล ไม่ให้มีการขัดนโยบายของรัฐเกิดขึ้น ส่วนในลักษณะที่ ๒ การปรับตัวไม่ได้ดีในด้านความรู้สึกหรือด้านทัศนคติเนื่องจากการแทรกแซงของรัฐบาลทำให้งบประมาณรายจ่ายของเทศบาลลดลง เพราะถูกเบียดบังไป แทนที่จะได้นำเงินรายได้ดังกล่าวไปจัดทำบริการสาธารณะได้มากยิ่งขึ้น

สำหรับข้อเสนอแนะ ประการแรก ข้อเสนอแนะเชิงนโยบาย ได้แก่ (๑) รัฐบาลควร ยกเลิกการแทรกแซงองค์กรปกครองส่วนท้องถิ่น ในรูปแบบของหนังสือสั่งการหรือด้วยวาจา โดยเฉพาะอย่างยิ่งจากกระทรวงมหาดไทยและกรมส่งเสริมการปกครองส่วนท้องถิ่น ที่สั่งการลงไปยังองค์กรปกครองส่วนท้องถิ่น ควรปล่อยให้องค์กรปกครองส่วนท้องถิ่นมีอำนาจอิสระในการพิจารณาสั่งการการปฏิบัติงานตามแนวนโยบายของรัฐที่เห็นว่ามีเหมาะสมแก่ท้องถิ่น (๒) ควรปรับปรุงแก้ไขระเบียบกฎหมายว่าด้วยการเงินการคลังท้องถิ่น เพื่อให้ท้องถิ่นมีอำนาจในการจัดการรายได้เพิ่มขึ้น เพื่อท้องถิ่นจะนำเงินรายได้ไปจัดบริหารสาธารณะได้มากยิ่งขึ้น ประการที่สอง ข้อเสนอแนะเชิงวิชาการ ควรให้มีการประชาสัมพันธ์ เผยแพร่ และการศึกษาอบรมให้ความรู้ในเรื่องสำคัญ ได้แก่ (๑) แนวคิดทฤษฎีการกระจายอำนาจให้แก่องค์กรปกครองส่วนท้องถิ่น (๒) ขอบเขตของการแทรกแซงองค์กรปกครองส่วนท้องถิ่นโดยฝ่ายบริหาร (รัฐบาล) ฝ่ายนิติบัญญัติ (รัฐสภา) และฝ่ายตุลาการ (๓) แนวนโยบายของรัฐ กฎหมาย และระเบียบที่เกี่ยวข้องกับการแทรกแซงองค์กรปกครองส่วนท้องถิ่น เช่น บุคคลเป้าหมาย ได้แก่ ฝ่ายบริหารและฝ่ายสภาขององค์กรปกครองส่วนท้องถิ่น เจ้าหน้าที่ของหน่วยงานภาครัฐทั้งราชการส่วนกลาง ส่วนภูมิภาค และส่วนท้องถิ่น ให้ได้รับความรู้ ความเข้าใจ และปฏิบัติตามแนวนโยบายของรัฐได้อย่างถูกต้อง

คำสำคัญ : การแทรกแซงของรัฐบาล, องค์กรปกครองส่วนท้องถิ่น, เทศบาลเมือง

1. Background and Importance of the Problems

In B.E. 2542(1999), the legislative body passed a law to decentralize executive power and give local government organizations power to govern. Through Section 16 of Determining Plans and Process of Decentralization to Local Government Organization Act, B.E. 2542 (1999), the Committee on Decentralization to Local Government Organization, to be chaired by the Prime Minister, was established with 16 different roles and power. Most important are its power to (1) establish decentralization plan to empower local governments and action plans to be approved by the Cabinet and National Assembly and (2) determine duties shared between central government and various local governments in provision of public service system. According to Section 16, with regards to provision of public services, the law specifies that “The City of Pattaya and Sub-district Administrative



Organization shall have power to systematize the public services for the benefit of local communities as follows: (1) establish local self-development plan ... (31) other activities for the benefit of local communities announced by the Committee”.

In conjunction to this, the Ministry of Interior passed a regulation called Regulation on Establishment of Development Plan for Local Government Organization, B.E. 2548 (2005), which empowered local municipalities to create their own development plans, but these plans and their respective implementation procedures must comply with the guidelines set by the ministry under its Regulation on Creation and Cooperation of Local Government Organization, B.E. 2546 (2003). The regulation specifies three types of development plan for local government organizations. The first type is strategic development plan. It is a long term development plan, involving local government’s plan to improve social and economic conditions through strategic planning and development in local government organization. Ultimately, strategic development plan aims to show vision, duty, and goal for future development, in line with Thailand’s National Economic and Social Development Plan, provincial development plan, and district development plan. The second type of local government development plan is called three-year development plan. It is a “rolling plan”, which involves implementation and evaluation process on a yearly basis. This three-year plan leads to process for creating annual budget for local government organizations, and municipalities use these development plans to come up with their annual budget, expenditure, and supplementary budget. Essentially, local governments would bring up the three-year plan to plan the budget needed; the process involves careful planning as well as participants from local citizens. Lastly, the third type of development plan is action plan, which is the actual activity of the local government organizations. It involves details on future development projects and projects that have been implemented in each region during a fiscal year. This way the public would know the types of projects that have taken place.

Government policies can be found in many areas including: 1) the Constitution of the Kingdom of Thailand, B.E. 2550, 2) government’s stated policies, 3) the Eleventh National Economic and Social Development Plan B.E. 2555 – 2559 (2012 – 2016), and 4) Determining Plans and Process of Decentralization to Local Government Organization Act, B.E. 2542. Besides these four areas, there may be other laws and regulations, which specified government policies as well. Ultimately,





these lead to channels for intervention of government policies on local government organizations. The legislative body may intervene through passing of laws/acts that may neutralize effective of local government organization. Examples of these includethe Decentralization Act, B.E. 2542, the Municipality Act, Budget Procedures Act, and various regulations on regional finance. In addition, the executive branch may intervene onlocal government organization through its usual course of managing the state affairs under the rules and regulations enacted by the legislative body. Its influence can be felt though its management of central administration as well as regional offices. Lastly, the judicial branch may intervene through enforcement of laws and regulations pertaining to local government organizations, such as the Act on the Determination of Powers and Duties among Courts, B.E. 2539 (1996). Given these three channels, however, it is more likely that intervention on local government organizations comes from the executive branch, namely through government's implementation of policies. These may include through implementation of 1) policies on drug prevention and suppression, 2) policies on supporting Royal Development Projects or projects following Sufficient Economy philosophy, 3) populist policies including welfares for the elderly, 4) projects to preserve important national institutions, 5) policies to prevent and reduce traffic accidents during holidays, 6) policies supportingcommunity welfare funds, 7) policies promoting Thailand's Local Cooperative to Protect Green Area, 8) policies for city planning, etc. These various policies create both positive and negative impacts, and essentially affect the governance of municipalities, which in turn directly influence the implementation of municipal development plans.On the same note, Ministry of Interior's Regulation on Establishment of Development Plan for Local Government Organization, B.E. 2548 directs that local government organizations set their fiscal and supplementary budget based on the expense needed to carry out their respectivethree-year plan and must lay out plans for reforms to achieve their goals. These actions have led to lack of independent governance among local government organizations and affected the spending of regional budget, which is already limited. All in all, however, government intervention may have both positive and negative spillover to various regions and the country as a whole.

The current problem of government intervention on development planning of local government organizations inspires the researcher to research local





government organizations at municipal level, a level represented by large organizations with various responsibilities. Specifically, the researcher aims to uncover whether intervention is committed through government policies by the actors within the executive branch, including the government and the central and local agencies, and possibly within the legislative branch through enactment of legislations.

2. Research Objectives

There are four important research objectives as follows:

- 1) To study intervention on local government organizations through public policy
- 2) To study the impacts of intervention on the contents of development plans and on plan's implementation
- 3) To investigate the patterns of local government adaptation in response to central government intervention through public policy
- 4) To study local government organizations' problems and obstacles, and identify recommendations that may be useful to management of municipal affairs

3. Research Methodology

The research is conducted based on the theoretical frameworks of centralization of power, decentralization of power, local governance, New Public Management approach, and by examining case studies of interventions on local government organizations in England, Japan, South Africa and France, as well as related researches.

This research prioritizes the qualitative method. Important sources include:

- 1) Document research, which can be categorized into two types. (1) Primary sources, such as conceptual and theoretical writings on the decentralization of power to local government organizations based on domestic and foreign experience; documents, memorandums and conference minutes, such as annual municipal budget bill on expense for the fiscal years of 2011 to 2013, municipal development plan and execution plan for the fiscal year of 2011 to 2013; announcements or mandates from the Ministry of Interior; memos and executive order from Provincial Office for Local Administration (Group of Local Promotion and Development); and executive mandates from the Department of Local





Administration of the Ministry of Interior. (2) Secondary sources, such as news, interviews, analyses, and documents from academic seminars as well as other related research documents.

2) In-depth interviews from key informants, such as mayors, presidents of the municipality assembly, municipal clerks, deputy municipal clerks, directors of the finance division, and directors of research and policy planning division. The units of analysis in this research include:

(1) Park Num Samut Prakarn Municipality, which is located in Bang Mueang Sub-district, Samut Prakarn District, Samut Prakarn Province. It is approximately three kilometers away from the Samut Prakarn District Office. Park Num Municipality has recently been elevated from Bang Mueang Sub-district organization to the Park Num Samut Prakarn Municipality. The researcher believes that Park Num Samut Prakarn Municipality would represent city municipalities, town municipalities, and sub-district municipalities near Bangkok's perimeter.

Key informants include the Mayor of Park Num Samut Prakarn Municipality (Mr. Siri Chanhuab), the Municipal Clerk of Park Num Samut Prakarn Municipality (Mr. Pakapong Pojchalongsil), the Director of the Finance Division (Mrs. Wasinee Meknitikul), and the Director of Research and Policy Planning Division (Mrs. Wansa Jane-ariwongse).

(2) Kalasin Municipality, which was established by the Royal Decree of Kalasin Municipality, Maha Sarakham Province, B. E. 2480 (1937) on the March 14, 1937 to be called "Kalasin Municipality, Maha Sarakham Province." Previously 4.04 square kilometers, the municipality had requested to expand to 16.96 square kilometers in 1981, which was granted by a royal decree on September 27, 1982. Currently, the Kalasin Municipality can be separated into three districts with 18 municipal assembly members. The researcher views that the Kalasin Municipality would represent city municipalities, town municipalities, and sub-district municipalities in up-country regions.

The important informants include the Mayor of Kalasin Municipality (Mr. Jaruwat Boonperm), President of Municipal Assembly (Mr. Kosit Theerakul), Municipal Clerk of Kalasin Municipality (Mr. Chalong Karnlert), Acting Municipal Clerk of Kalasin Municipality/Deputy Municipal Clerk (Mrs. Ubonrat Pieakjumpa), Director of Finance Division (Mrs. Ubonrat Pieakjumpa), Director of Research and Planning





Division (Mr. Apiwat Pakitung), and the Head of Planning and Budgeting Department (Master Sergeant First Class Somchai Somanusnanon).

The researcher spent 24 months from October 2012 to September 2014 to acquire qualitative research materials through interviews, document research, and related researches. In terms of research methodology for the in-depth interviews, the researcher utilizes open-ended questions.

4. Research Conclusion

The outcome of the research can be separated into three main points in accordance to the following research objectives: 1) to examine the nature of intervention on local government organization through public policy; 2) to study the impacts of intervention on the contents of development plans and plan's implementation; and 3) to investigate the patterns of local government adaptation in response to central government intervention.

4.1 Intervention on Local Government Organization through Public Policy

The study on the procedure and process of interventions on local government organization through public policy reveals important implications regarding the procedure and process of interventions, which can be summarized as follows:

Intervention on local government organization in Thailand can be classified into three types: (1) legislative intervention; (2) administrative intervention; and (3) judicial intervention.

In the case of legislative intervention, legislators issue laws such as constitutional laws and related acts. For instance, the Municipal Act, B. E. 2496 is an important legal document which clearly establishes the appropriate process and procedure for intervention on local government organization in the form of municipality, by giving authority to provincial governors to oversee city municipality and town municipality as well as empowering the chief district officer to oversee sub-district municipality.

The Regulation on Receiving, Disbursing, Depositing, Maintaining, and Auditing of Funds for Local Government Organization, B.E. 2541, issued by the Ministry of Interior, establishes the appropriate process and procedure for intervention on local government organizations by delegating authority to the Permanent Secretary of the Ministry of Interior, provincial governors, chief district





officers, and deputy district officers as the head of sub-district. The regulation gives the power to interpret and to resolve issues to the permanent secretary of the Ministry of Interior; the power to conduct regional inspection to provincial governors, chief district officers, and deputy district officers and auditor general; and the power to approve annual budget expense of local government organizations to provincial governors and chief district officers.

The official mandates of the Ministry of Interior is considered a form of intervention on local government organizations through public policy, in which case the Ministry of Interior implements public policy under the direction of the Prime Minister. The Minister of Interior or the Permanent Secretary of the Ministry of Interior or the Director-General of the Department of Local Administration will issue the official mandate from to regional administrative organizations, through provincial governors. Then, provincial governors would issue an order by referencing the official mandate of the Ministry of Interior to be issued to local government organizations.

From 2011 to 2013 there have been multiple official mandates from the Ministry of Interior. This indicates that the procedure and process of intervention on local government organization through public policy, by the Ministry of Interior, plays an important role in regulating and overseeing every form of local government organizations. The Ministry of Interior implements public policy by issuing official mandates which can be regarded as a form of intervention on local government organization through public policy, among many other forms of interventions. The researcher would like to present the analysis of such intervention in the form of official mandates.

The outcome of this research indicates that the municipality often receives mandates from the Ministry of Interior to operate in accordance to government's policies even though such policies are not included in municipal development plan, which should have originated from the needs of local citizens. The researcher discovers that local government organizations often receive order to operate in accordance to policies, which are mandated in a top-down manner. Examples include setting budget for: (1) policies on supporting Royal Development Projects; (2) policies on drug prevention and suppression; (3) projects to preserve important national institutions; (4) policies promoting Thailand's Local Cooperative to Protect Green Area; (5) policies for city planning; (6) policies to prevent and reduce traffic





accidents during holidays; (7) policies supporting community welfare funds; and (8) policies on supporting projects following Sufficient Economy philosophy. All of these suggest misappropriation of resources and create a direct impact on implementation of municipal development plan.

4.2 Impacts of Government Intervention on the Contents of Local Government Organizations' Development Plans and Plan's Implementation

Interventions on the contents of development plans and plan's implementation in Kalasin Municipality and Park Num Samut Prakarn Municipality have important implications.

In the case of strategic planning for the three-year development plan of Kalasin Municipality, the municipality attempts to develop strategies that are in line with public policy, provincial development plan, local development plan, and community development plan in the following ways:

1) Attempts to adjust municipal development plan to be consistent with government policies and provincial development plan, which are abstract in nature and are implemented annually. These policies include: (1) policies on supporting Royal Development Projects; (2) policies on drug prevention and suppression; (3) projects to preserve important national institutions; (4) policies promoting Thailand's Local Cooperative to Protect Green Area; (5) policies for city planning; (6) policies to prevent and reduce traffic accidents during holidays; (7) policies supporting community welfare funds; and (8) policies on supporting projects following Sufficient Economy philosophy.

2) In the case that projects are mandated by the central government and are inconsistent with the municipal development plan, the municipality would approve funding from the reserve funds in cases of emergency, such as the project to address natural disasters like flood and drought and the project to create conscience on the institution of monarchy. This is a necessary step to solve urgent issues; these reserve funds is set at approximately 1 million Baht annually.

3) The project to address problem of illicit drugs is part of the public policy and tremendously impacts the execution of municipal development plan, because it is the most challenging project, given the difficulty of the issue. The municipality must consistently comply with such policies on an annual basis, because it affects the performance and evaluation of the municipality contest.





4) The most drastic government policy to affect the municipality is the policy to increase college graduate salary to 15,000 Baht and vocational degree holder salary to 9,000 Baht without funding from the state, so the municipality has a burden to back pay from the beginning of the fiscal year onwards.

5) Another factor that affects the contents and execution of municipal development plan is the revenue share from government agencies or government subsidies to the municipality. When the central government is unable to obtain sufficient revenue due to problems of national economy such as the floods in 2011 and 2012, the financial aid to the municipality will be delayed. However, while there is adverse impact on plan's implementation, the municipality would make sure that public infrastructure projects would continue. These include building of roads, bridges, drainage, water supply, and electricity, and projects to fund cultural festivities like the Loy Kratong Festival, Buddhist Lent, and Song Kran Festival. Such projects cannot easily be dismissed because they directly impact the voting results of local administrators, elected by the residence. Thus, local leaders pay much attention to these types of projects in order to be reelected.

4.3 Patterns of Local Government Organization Adaptation in Response to Central Government Intervention

After examining patterns of adaptation of the municipality to central government intervention from interviews of local administrators and municipal assembly leaders of Kalasin Municipality, it is evident that the Kalasin Municipality has the following methods of adapting to government interventions: 1) adjustment of budget due to budget limitations and the lack of central government funding for increasing the salary of those with a Bachelor's degree to receive 15,000 Baht monthly salary and vocational degree holder salary to receive 9,000 Baht, done through cutting the budget and changing the status of some employees to contractor status; 2) policy alignment with government policy by arranging and including such policy in advance in the three-year municipal development plan and annual municipal budget expense because such projects have to be carried out annually, such as the Royal Development Projects and projects to address illicit drug; and 3) Municipal adjustment by taking government policy, provincial policy, and municipal policy into consideration in order to make a coherent policy to be written into the three-year municipal development plan and annual municipal budget expense. While most projects are abstract in nature, public infrastructure





projects such as roads, bridges, drainage, water supply, and electricity are concrete projects based on public demand and are not subjected to government intervention.

On the other hand, the Park Num Samut Prakarn Municipality adapts to central government intervention in the case of annual mandatory projects such as projects to honor and celebrate the His Majesty the King's birthday and illicit drugs prevention projects. The municipality makes adjustment without waiting for official mandates by specifying such projects in the municipality development project and annual municipal budget expense in advance.

Despite the fact that the principle of decentralization of power to local authorities gives autonomy to local government organizations, the law regulates that the provincial and district administrators maintain authority over local administrative organizations within the region. Each year, the central government orders local administrators to proceed with projects which are not written in the plan. Such orders depend on the political climate and local administrative organizations must abide by such orders. For instance, central government politicians orders the municipality to enlist citizens to participate in campaign events, in which case the municipality has to pay for all the expenses while the province would exempt some financial regulations to permit the utilization of reserve funding as a special case. The municipality must adapt by responding to the central of government, otherwise it will face adverse consequences in various forms.

5. Discussions

This research is conducted with the three following objectives: (1) to study the nature of intervention on local government organization through public policy; (2) to study the impacts of intervention on the contents of development plan and on plan's implementation; (3) to investigate the patterns of local government adaptation in response to central government intervention. In the following section, the researcher would like to discuss the findings of a case study on Kalasin Municipality and Park Num Samut Prakarn Municipality.

From exploring this topic, the researcher is able to distinguish patterns of interventions on local government organizations through public policy into four forms: (1) legislative intervention; (2) administrative intervention; (3) management





intervention; and (4) fiscal intervention. The researcher would elaborate on these four types of interventions below.

First, legislative intervention refers to the procedure by which the government transforms important laws into government policies and utilizes such policies to amend laws and regulations in order to justify government policies and provide necessary legal backings for implementations. Thus, the researcher perceives that intervention on local government organizations through public policy can be considered as a form of legislative intervention.

Second, administrative intervention takes place when the law allows administrative authority to central and regional government agencies such as the Ministry of Interior, the Department of Local Administration, province and district administrations. It appears that there are multiple legal documents granting such powers such as State Administration Act, B.E. 2534, and Municipality Act, B.E. 2496. The State Administration Act prescribes that “provincial governors and chief district officers have the responsibility to oversee the administration of local government in accordance to the law.” This can be regarded as administrative intervention on local government organization through public policy. As such, administrative intervention measures are utilized in order to bring policies to fruition.

Third, management intervention occurs when the central government orders central and regional government agencies to intervene in the management of local government organization in order to guarantee the compliance of government policies, resulting in local government organization lacking the freedom to manage its own affairs. Such practice contradicts the principle of local governance. The research reveals that central government agencies implement public policies through passing of official mandates issued by the Ministry of Interior and the Department of Local Administration to provincial governors and chief district officers, respectively. These official mandates are passed on to local administrative organizations in order to include government policies into the three-year development plan and annual municipal budget expense. Once the municipal assembly approves the budget proposal and presents involved authorities to provincial governors and chief district officers in each case, the budget proposal becomes effective.

The research findings suggest that there is high degree of management intervention through use of official mandates by central and regional government.



Thus, management intervention should not occur and should remain under the discretion of government policies, which grant autonomy to local administrations, in accordance to the principle of local governance that “local government organizations should have the liberty to manage its own region.”

Fourth, fiscal intervention defines an instance in which the government issues fiscal policies by relying on current regulations or amending regulations in order to cater to government fiscal policies. The level of fiscal intervention on local government organization through public policy appears to be extensive. This can be observed in the following examples: (1) Project to provide financial aid to the municipality, and (2) the revenue share from government agencies or government subsidies to the municipality. Since local administrative organizations receive approximately 80 percent of its annual budget from the central government financial aid and earning shares from central and regional government agencies, the remaining 20 percent of the annual budget comes from local government earnings.

The researcher views that the central government should restructure its fiscal policies at the local level by adjusting certain regulations to increase the capacity of local government organizations to be able to collect higher revenues on their own, while the government only provides financial aid in the form of subsidy.

Regarding the second objective, the research outcomes suggest that the four forms of government intervention on local government organizations through public policy do not significantly impact the contents of the municipal development plan, as the municipality uses only one percent of its budget to satisfy such intervention. However, such forms of intervention drastically affect the implementation of municipal development plan due to the impacts of fiscal and management interventions. It can be considered that these interventions affect not only local perception but also local mentality that government intervention through public policy sharply contradicts the principle of local governance which states, “local administrative organizations should have the liberty to manage its own region.”¹

Regarding the third objective, in terms of local adaptations to government intervention through public policy, local government organizations are able to

¹Personal interview Boonperm Jaruwat, Mayor of Kalasin Municipality, 5 March 2013 and 8 May 2014.



make adjustments given that the administrative intervention is sanctioned by the regulation which grants provincial governors and chief district officers the power to command and oversee local administration. Local administrative organizations must effectively adjust to central government intervention; otherwise they risk being accused of defying public policies. Such actions may bring adverse consequences to the local organizations.²

In the perspective of the researcher, the outcomes of this study correlate with other academic findings. These findings are discussed below:

1. The findings from Thanet Charoenmuang (2001, pp. 122-126) which concluded that “there is too much intervention on municipalities by the central administration, especially through the legislative angle. This results in municipalities having limited scope of authority but too many responsibilities, without adequate funding. Generally, central government intervenes through three policy channels: on administration, on finance, and on management. And, it is from such intervention that leads to the problem of ambiguous relationship between state and local governments, resulting in operational gaps.”³

2. The outcomes of the study titled, “The Relationship between the State and Local Government Organization: Case Study on the Control through Use of Official Mandate on Local Sub-district Administration in Mae Onn Area, Chiang Mai,” indicated that the Department of Local Administration of the Ministry of Interior is a central government apparatus that issues official mandates to sub-district administrative organizations through the provincial governor and the chief district officer who pass such official mandates to the province and the district, and subsequently, to be directed to the sub-district administrative organization. This practice poses an obstacle to the management of sub-district administrative organizations and contradicts the principle of decentralization of power to local authority.⁴

² Personal interview, Chanhuab Siri, Mayor of Park Num Samut Prakarn Municipality, 22 April 2014.

³Charoenmuang, T, **Karn Pok Klong Suan Tong Tin Kub Karn Boriharn Jud Karn Tong Tin: Eek Mi Ti Khong Ar Ra Ya Tum Lok [Local Administration and Management : Another Dimension of World Civilization]**, 2nd ed, (Bangkok : Kobfai Publishing Project, 2010).

⁴Gavijong, A, “Kwam sum phan ra whang rat kub ong korn pok klong suan tong tin: ko ra ni suek sa kam kuab kum duay vi tee sung kam phan nung sue ratchakarn soo ong kam bo ri



3. The research of the National Institute of Development Administration (2003), titled “Jurisdiction and Relationship among Local Government Organizations, Central Government, Regional Administration, and Interrelations among Local Government Organizations,” intended to clarify the jurisdiction of central, regional, and local government organizations to avoid overlaps and provide direction for future responsibility transfers. The study concluded that “relationship among central government, regional administrative organizations, and local administrative organization should be restructured to enhance integration and efficiency at the central, provincial, and local levels. Most importantly, local administrative organizations are national entities that cannot be separated from the state and still rely on the state’s budget. Hence, local administrative organizations must fulfill their responsibilities to the central government by carrying out the mandatory tasks of local administrative organizations. The state is obliged to oversee local administrative organization in accordance with the Constitution.” Although this study does not explicitly mention intervention on local government organizations, the researcher believes such intervention to be present. The degree of intervention depends on the distribution of responsibilities and whether or not the relationship among central, regional, and local administrative organizations permits such opportunity for intervention.⁵

6. Recommendations

From conducting this research, the researcher is able to compile recommendations as follows.

1) Laws pertaining to local government organizations should be amended to exclude phrases or clauses that contradict the Constitution, which is the highest law

harn suan tum bon nai ampur mae oon chungwad Chiang Mai” , **Thesis**, (Faculty of Social Science : Chiang Mai University, 2012).

⁵National Institute of Development Administration, “Rai ngarn vi jai ruaung korb ked um naj nar ti lae kwarm sum phan ra whang ong korn pok klong suan tong tin kub ratcha karn bor ri harn suan klang lae suan pumi park lae ra whang ong korn pok klong suan tong tin duay kun aeng ta lord chon roob bab lae ka nard ti mor som kong ong korn pok klong suan tong tin nai pra tet thai lem” , **Research Report**, (Bangkok : National Institute of Development Administration, 2003).



of the nation. For instance, the Constitution uses the phrase “regulate and supervise local administrative organizations” (Section 282 of the Constitution of the Kingdom of Thailand, B.E. 2550). However, multiple acts still use the phrase “control and supervise local administration” (Section 57(7) and Section 65(4) in the State Administration Organization Act, B.E. 2534). Hence, the phrase “control and supervise” should be replaced with “regulate and supervise.” Moreover, other laws that contradict the principle of decentralization of power and local governance should be amended accordingly.

2) The central government should minimize intervention on local administrative organizations, especially intervention through official mandates that calls for cooperation on policies or projects that are not part of local government’s responsibilities in accordance to the law. Such intervention may contradict the intent of local governance which allows the local citizens to take part in administration as a juristic person within the local administration instead of the regional administration.

3) For projects or policies that the government deems to be appropriate or require cooperation from local government organizations due to their close ties with the community, the central government should allocate sufficient financial aid to local government organizations to execute such projects, instead of assigning such projects without providing an adequate budget.

4) The central government budget allocation to local administrative organizations should reach at least 35 percent in accordance to the law, in order to provide sufficient funds to local administrations to proceed with the municipal development plan. Moreover, the law should enable local government organizations to participate in a larger scope of tax collection in order to fund projects under the municipal development plan.



BIBLIOGRAPHY

(I) Thesis

Charoenmuang. T. Karn Pok Klong Suan Tong Tin Kub Karn Boriharn Jud Karn Tong Tin: Eek Mi Ti Khong Ar Ra Ya Tum Lok [Local Administration and Management : Another Dimension of World Civilization]. 2nd ed. Bangkok : Kobfai Publishing Project, 2010.

Gavijong. A. “Kwam sum phan ra whang rat kub ong korn pok klong suan tong tin: ko ra ni suek sa karn kuab kum duay vi tee sung karn phan nung sue ratchakarn soo ong karn bo ri harn suan tum bon nai ampur mae oon chungwad Chiang Mai” . **Thesis**. Faculty of Social Science : Chiang Mai University, 2012.

National Institute of Development Administration. “Rai ngarn vi jai ruaung korb ked um naj nar ti lae kwarm sum phan ra whang ong korn pok klong suan tong tin kub ratcha karn bor ri harn suan klang lae suan pumi park lae ra whang ong korn pok klong suan tong tin duay kun aeng ta lord chon roob bab lae ka nard ti mor som kong ong korn pok klong suan tong tin nai pra tet Thai Lem” . **Research Report**. Bangkok : National Institute of Development Administration, 2003.

(II) Personal interview

Boonperm Jaruwat. Mayor of Kalasin Municipality. 5 March 2013 and, 8 May 2014.

Chanhuab. Siri. Mayor of Park Num Samut Prakarn Municipality. 22 April 2014.

