

The consequences of institutional interplay and density on local governance in northern Thailand

By Po Garden, Louis Lebel, Fasai Viseskul, Nathan Badenoch, Charunee Chirangworapat, and Manoch Prompanyo

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Email: po@sea-user.org OR louis@sea-user.org

Unit for Social and Environmental Research, Faculty of Social Sciences, Chiang Mai University, Chiang Mai 50200, Thailand

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* The footnotes in this working draft of the paper are reminders to the co-authors about work that is not completed. They will all be dropped in the final version.

1 Introduction

Social order in Thailand today is an ongoing product of a long history of administrative, political and cultural evolution. The administrative hierarchy of provinces, districts, sub-districts and formal villages and their corresponding leadership roles has in been existence, with some variations, for about a century. Democratic institutions have been filtered and shaped through their interplay with the monarchy, religious and military institutions. At the turn of the 19th century King Rama V undertook major administrative reforms, but even these drew strongly on elements of prior social organization. Throughout the past century bureaucrats and politicians at various levels have vied for access to natural resources and control of public budgets. Local government was viewed by the centre as instruments of implementation rather than local empowerment (Arghiros 2002). For several decades, business and community leaders have also been building their own networks, and links to authorities with power, so that today governance at local levels is very much an outcome of interplay between formal state and other institutions such as NGOs, business firms, and traditional or religious institutions..

The last decade has been something of a flowering of democratic processes. Since the overthrow of the 1992 military coup led by General Suchinda Thailand has pursued a series of political reforms with the stated goal of broadening public involvement and strengthening democracy (Arghiros 2002; Ockey 2000; Puntasen 1997; Rajchagool 2002). Previously appointed positions are now elected, local government bodies have been given greater administrative freedom and control over budgets, and mechanisms to improve accountability of authorities and the transparency have been introduced. Judicial and legal reforms have been instigated, a new constitution produced. Some government services have been privatized. Much of the reforms have been placed under the umbrella term of *decentralization* though their actual consequences for distribution of power need piece-by-piece scrutiny. At the same time non-government organizations, the media and communities have increasingly engaged in political deliberations with little reference to these political reforms. Social movements and networks have grown in number, size and influence. Governance¹ is no longer perceived as the sole purview of governments, and representation through elections the only way to influence public policy.

As elsewhere the rise of non-state actors and institutions claiming a role in governance has led to locally asked questions in Thailand about their legitimacy and their impact on the political reform process. How does the entry of party politics into more local tiers of government affect their operations and relationships with central government?

Are the interests, rights and needs of minorities and other disadvantaged groups better represented than before, or not? Has access to, and meaning of, citizenship changed? What goods and services is the state now providing and what has it given up to the private sector? How has this affected access and quality of services for disadvantaged groups? Has the public domain expanded? In addition, there is the question that will advanced our understanding in a more global context: are the capacities of relatively new local government bodies, for example, being undermined by the creation of alternative consultation processes by other branches of government or non-state actor driven dialogues?

To address these kinds of questions we have chosen as our focal level the *Tambon* or sub-district in the Thai administrative system and how its roles and functions have changed and how it relates to levels above and below it. We adopt a comparative approach exploring changes in several Tambons in northern Thailand. Our thesis is that the impacts on local governance of decentralization and other reforms is not a direct outcome of the changes in formal political institutions, but rather the outcome of how these changes interact with other local institutions both formal and informal. Large differences in economic and political activity among Tambons are indicative of large variation in institutional density. * At the same time the quantity and quality of natural resources like water,

* If we are going to persist with this concept, should define AND later measure.

forests and soil for cultivation vary widely. Under these conditions we hypothesize that the impacts of state political reforms on local governance will vary with institutional density and the consequent opportunities for interplay (Lebel 2005; Young 2002).

A large portion of this paper discusses interplay between the provincial government, their networks and the newly created local government agency, the Tambon Administrative Organization (TAO). This is a result of our observation that non-state actors and provincial government network are intertwined. Commonly, NGOs access a village through provincial government representatives, the headman or the puhyaiban and uses this network in participatory approaches or use the headman directly as the coordinating person. We recognize also that many NGOs and other institutions do create networks entirely separated from the headman's coordinated ones; and it will be address in subsequent papers. In addition, a headman or a TAO counselor is not a person's full time job. Often they are entrepreneurs whose daily routine is more engaged in business networks. That too deserves more attention. This paper deals with an important feature in the Thai decentralization process that, this time around, the headman, and the Kamnan, the representatives of provincial government, are no longer the ones calling all the shots at a village level.

The main body of this paper is organized in four major sections. First, we describe how decentralization has actually unfolded. Second, we assess the impacts of institutional density and interplay on local governance. Third we explore the implications for democracy with an emphasis on representation, citizenship, and public domain. In the forth section, we concluded that density and interplay positively shapes local governance.

Other refs: (Supreeyaporn 2000; Suriyakul-Na-Ayudthya 2000)

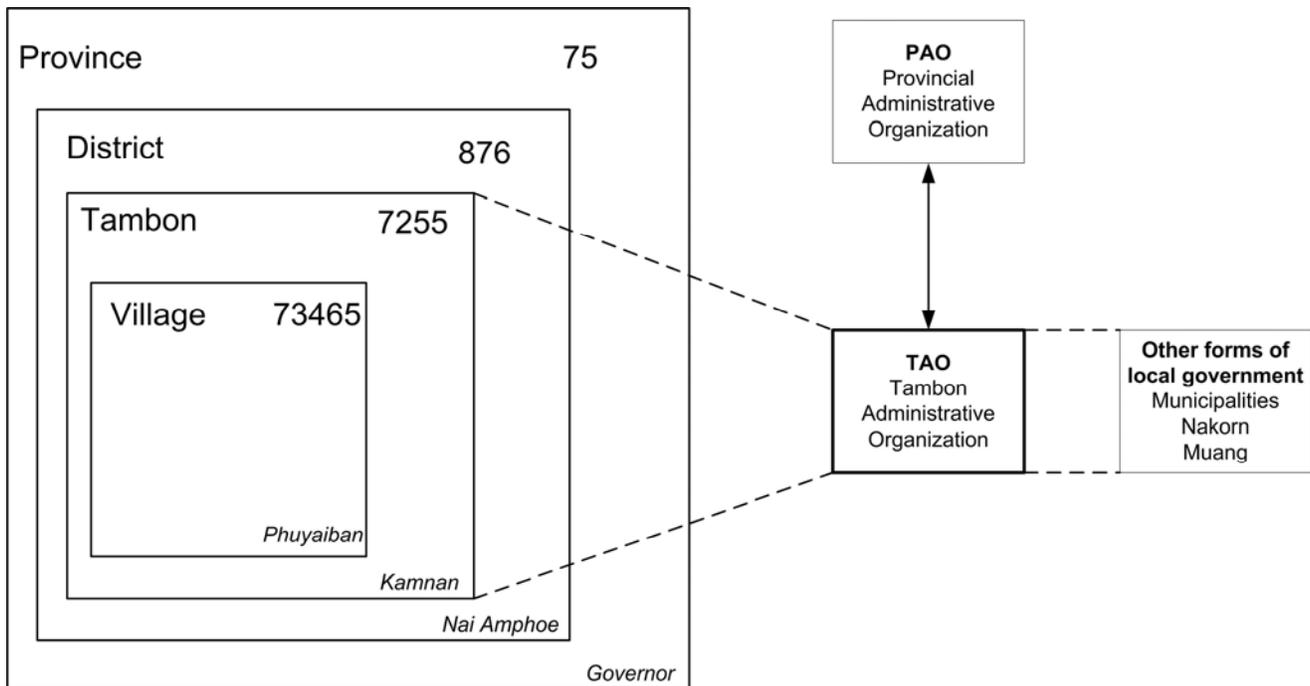
2 Decentralization and political reform

In this section we introduce the main organizations, roles and institutional relationships influencing local governance and how they have changed with decentralization and related political reforms. The tambon is our focal level of interest in the administrative hierarchy. To understand it, however, we need look at how it relates to organizations and procedures below and above.

2.1 An administrative hierarchy

The Thai bureaucracy is organized conventionally around sector- and function-specific line agencies and an area-based administrative hierarchy. The changing distribution of authority and responsibility, and accountability relationships, in this hierarchy is the main focus of this paper. Tambon's sit at level above villages but within districts and provinces (Figure 1).

Figure 1. Schematic representation of the area-based administrative hierarchy in Thailand. Figures are numbers of those jurisdictions (as of Nov 2005).



About two-thirds of the 63 million Thai citizens in 2005 lived in a village, an entity formalized in the Thai Administrative Act of 1914. According to that law, a “*puhyaiban*” or headman is the only formal representative of that village. Through a switch away from being an absolute monarchy to a form of democratic rule that had slipped in and out of dictatorships the *puhyaiban* has remained the formal head of a village. Until very recent change that fixed the term to four years a *puhyaiban* has been a lifetime commitment. He could be selected or elected. In Northern Thailand a very small and a very rural village may have about 50 households and a population of about 200 people, a large village close to a paved road or city centre may have 300 hundred households or more and a population in the thousands.

Approximately 10-20 villages make up a Tambon or a sub-district. This administrative unit head for the most part of our history is a “*kamnan*” and had been the highest ranking local representative that the Thai state government recognize in rural areas. A Tambon traditionally does not have a formal office in most areas. A *kamnan’s* house is where a citizen may have to stop by to get a signature of approval before going to any real dealings with Thai state officials. A Tambon will be the administrative area in focus in the last wave of decentralization that started with 1997 constitution, the legislation that is the backbone of the Thai modern democratic reform.

About ten Tambons make up an Amphoe, or a district. A Nai-Amphoe or district officer is the formal head in this administrative unit. He is a career administrator in Thai provincial government and always has a degree in political science. His day-to-day operation includes coordinating the central government policy implementation with all the line agencies and his network of Kamnan and Puhyai Ban. An Amphoe has been the smallest unit in rural areas where a citizen would find most of the state government service outlet. It is where a citizen would get his or her identity card, land title, and most likely there is a high school, a hospital equipped for a minor operation, a police station, and a bank, most probably the Government Savings Bank or the Bank of Agriculture and Cooperatives. An area of an Amphoe, in most places, a radius from the district office, or a Thiwarkarn Amphoe, that a citizen could get there and back in one day on an ox cart.

About 10 Amphoes make up a Province. Currently Thailand has 75 provinces. In most places it covers a radius that a citizen could get there and back in one day with a motorized vehicle. In most cases a citizen or a business does not have to go further than a province to get the remaining part of

Thai government public services: jails, juridical courts, a driving license and matters concerning smaller natural resource concessions or fees. A province is headed by a provincial governor. Outside of Bangkok, the capital, and Pattaya, a sea-side urban resort and an experiment in local government of an urban area, the Provincial Governor is the key man in Thai sub-national administration.

It is anticipated that by 2009, the completion of the transition phase in the decentralization process, according to the current decentralization law of 1999 (BE 2542), much of the services available at the Amphore level will be transferred closer to home. These include over-the-counter dealing with the government agencies and enterprise such as paying utility bills, taxes, and getting new identity cards. At a deeper level, it is expected that more development planning and coordinating function will be delegated down from the provincial level. Citizens will have more say at the Tambon level about matters concerning town planning and infrastructure building. In addition, environmental and natural resources concerns could be addressed at a neighborhood or a landscape level. It will be an effort to see this final phase of the transition through. However, we are seeing people much more engaged in local politics and local politicians in turn are more demanding in their questions towards line agencies and provincial government.

2.2 Tambon focus

Prior to 1994 there has been several attempts to improve coordination and management function at the subdistrict or Tambon. Government officials and citizens have met in commission form and in council form, but the experiments have not been successful. Eventually, the 1994 Tambon Council and Tambon Administrative Organization Act made all existing Tambon Councils legal entities and raised those that possessed financial capability to be TAOs. In 1999 the original act was revised to bring it more closely in line with the 1997 Royal Thai Constitution. Tambon administrative Organization becomes fully functional.

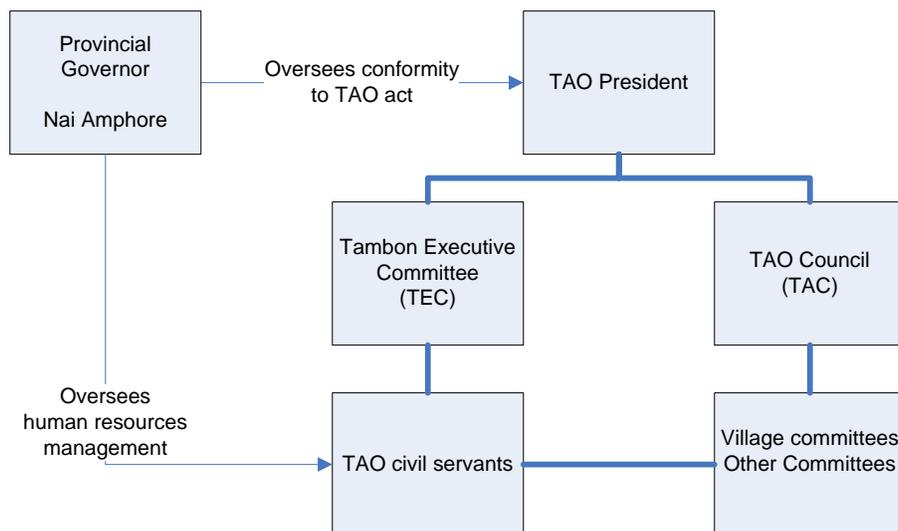
Under the new version, the TAO Council consisted of two members from each village. In unusual cases, if a TAO had only one village or two villages, an equal number of representatives from each village must add up to six councillors to make a legal Tambons council. The structure of TAO is divided into two branches (Figure 2): an executive branch, Tambon Executive Council (TEC) and a legislative branch, Tambon Council (TAC). TAO President (Nayok OrBorTor) chairs the executive council and members include the two of his vice-presidents. TAC meets regularly twice a year but not more than four times a year for regular meetings. It can ask for NaiamPhoe's permission for irregular meetings if something beneficial or harmful abruptly comes up.

The TAC task is primarily to deliberate and approve draft Tambon development plans regulations and budgets prepared by TEC. TEC is responsible or administering TAO activities and planning. TEC meets weekly. TEC works closely with TAO staffs that are in charge of day-to-day operations.

TAO staff members are permanent local civil servants performing routine tasks whose salary are paid from the TAO's own budget. However, it is important to note that that matters concerning human resources management such as a transferring post, promotion, or pay raised is oversaw by the Nai Amphore and his superior Provincial Governor. The internal division of the TAO civil servant's office includes at least two sections. The office of the TAO secretary ("Palat OrBorTor"), others section, depending on the size of the TAO, always includes financial and construction divisions but may also have divisions dealing with education, health care, tourism and so on.

Downward accountability has improved with the TAO chief executive and members are elected. However, the small-budget TAO still depend much on the financial support allocated from central government via district officer. That means they still need to answer to and comply with queries and tasks suggested or assigned from the top down process.

Figure 2: TAO administrative chart



Lastly, a TAO also include a number of committees that shares a same set of members with its council. These include village committees that are set up to manage TAO venture such as a child care center or an infrastructure project. It also include the TAO Planning committee and other various forms of working committee. This committee form enables inclusion of village members and local officials to participate in the management of a TAO.

Five tambons in Chiang Mai and Lamphun provinces in northern Thailand were selected for more detailed study. They span a huge range of institutional densities (Table 1).

Table 1. Selected indicators of institutional density and basic characteristics of five TAO jurisdictions in northern Thailand.

TAO	Population	Land Area (km ²)	Number of taxable business	Number of temples	Registered community groups [‡]	Total income (millions of Thai Baht, 2004)	Proportion of independent income [§] (%)
Nakien	7,759	337	0	2	0	15.4	31

[‡] Will need to explain in text

[§] Proportion of income from TAO own collection and share from taxes that other government agencies collect to government grants and subsidies which are considered less independent

Wawee	21,820	359	2**	2	n/a	15.0	780
Mae Soi	8,562	87	10585	14	110	10.3	72
Suthep	17,615	27	624	13	5930	43.158.3	7957
Ban Klang	7,365	22	?	?	?	?	?

Nakien and Wawee are situated entirely on the Royal Forestry Department property. Part of Mae Soi is lowland and it shares border with national parks. Suthep and Bangklang are on the edge of provincial seat. Suthep shares border with a national park.

Nakian is one of the least developed TAO in Thailand. Most of the citizens are Karen and government officials, particularly, the teachers, regard the post as one of the toughest in the country. Typhoid fever and motor cycle accidents on steep seasonal roads are there main fear. Economy consists mostly of agriculture - traditional upland rice and currently on the increase, cabbages, tomatoes, and free range livestock. Nakien is located in a natural reserve none of its citizens have formal land title.

Wawee TAO office was the Thai-German development headquarter, a small wooden structure now over crowded with government officials. They are building a larger office in hope that as decentralization progress they will have more work to do. Tambon Wawee has diverse mix of ethnic groups: Haw Chinese, Northern Thai, Lahu, Akha and Karens. Wawee plans to be a popular tourist destination in Chiang Rai Province. On the higher part of the Tambon tourism potential is f well developed. Tea, coffee, and orange orchards are its main export. However, most of the people in Wawee remain under the poverty line.

Mae Soi is on a rural high-way. It could be considered as typical lowland Tambon. Fruit orchards such as mango and logan are the main agricultural activity follow by shallots and garlic, chilies, and soy bean and paddy rice.

The Chiang Mai International Airport is one the biggest business in Suthep Tambon. Located on the edge of Chiang Mai city it borders Doi Suthep – Pui National park. The real-estate values are high but some villages in the park remains poor. Ban Klang is the richest Tambon in Northern Thailand because it has an industrial estate zone.

Original semi-structured interviews were conducted in each of the five tambons from late 2005 – mid 2006 to compliment some of our earlier work on watershed networks and TAO activities.^{††} In addition District officers and senior administrators in Ministry of Interior and Ministry of Environmental and Natural resources including responsible forest protection agencies were also interviewed. Laws and institution perceived by local actors as relevant were reviewed as well as their historical background. Some of the key findings from these primary interviews and documents are reported in the following sections.

2.3 Representing villages

The view from below is that recent changes are positive and fundamental. “*Now we feel that we are in much better control of what happens to our village*”, said the *Puhyaiban* of Baina, a village in Nakien. Political reform and decentralization were widely supported in the villages we visited during this research.

** Should be 2 -5 more possible errors in TAO planning document- will correct by next draft.

Democracy has deepened with greater representation and public engagement. There are more politicians and more members of the public voting in local elections.

By the time we completed this research there had been three elections in Nakien. The first round was not competitive because villagers would assign someone in the village to attend the council. By the third round the elections were competitive and the voters turnout was over 80 percent. The younger generation, largely in their 30s that had gone to work or study in the larger cities had come back to their villages to take on new leadership positions. In many cases they won the election over older folks who have traditionally been opinion leaders in their village.

Nationally, the number of politicians soared. Over 6,700 TAOs was established in less than half a decade and there are now over 134,614 TAO representatives representing about 43 million people (1:3,000) in the Tambon local government system- the largest sub-national system in the country. During election, with several candidates competing to be TAO councilors, it became difficult to avoid some discussion in a village about what to do with the neighborhood.

The huge expansion in representation has generated a wave of democratic euphoria and spawned secondary industries. In the academic word, political science departments have experienced a surge in popularity. Book stores are filled with text books on local governance and administration. The head of Suthep TAO is a veteran local politician. Although he is in his 50s, he is going back to school: *“now I have an office with staff half my age all with bachelor degrees. I need to know if the next thing I said is legal.”* He believes that one of the biggest problems with leadership in local government is that they are not fully exercising their legal power according to the law. They still accept too many directions and decisions from the Nai Amphoe rather than their constituents.

The reforms have also significantly altered village-level representation and roles.

In the past the Puhyaiban was the only point person who NGOs, and government officials contact to implement their project. When a government agency wanted to implement a project the line agency would go through Puhyaiban. He would, in turn, pick who would get to be employed as labor in that project; who would get paid to protect state forests from fire; where the water pipes would go; and where the roads would be first paved. He used that to build his power base to resolve dispute and keep peace and order in a village. Keeping a sense of security has been a crucial role of a Puhyaiban and it still is in most areas in our research where police do not have the capacity to respond to emergency calls. Not surprisingly, men with mafia-like reputations carry titles of Puhyaiban or Kamnan.

Now there are two elected TAO officials per each village in addition to the head of TAO that is elected every four years in a Tambon-wide election. The Puhyaiban and two TAOs representatives now have to work together in a village. Decentralization at a village level could be viewed as an attempt to separate policing from development.

Village committee structures, however, works to keep some important development coordination and environmental governance roles with the Puhyaiban. Ministry of Interior regulations assign the Puhyaiban and his assistants as chair and members of their committees automatically. A degree of freedom is given to additional members of this committee. These committee run meeting or organize activities for line-agencies, for example, health, fire management, occupational training, women's groups and social welfare. Health volunteers (Or Sor Mor), for example, go out in groups to control mosquitoes all over the villagego out in groups taking measures to prevent the spread of mosquitoes. . In exchange they get training, free lunches and learn how to make better use of government healthcare programs. Committees view TAO as another source of funding.

Another law, the Village Development and Self-Protection Act 1979 (BE. 2522²) creates more formal and persistent committees with regular but modest funding linked to the Tambon and District administrations. The law was designed to help curb the ideology of communism from infiltrating into villages. When a Puhyaiban has to draft villagers into committees or for voluntary work with line agencies it can be hard to draft members from outside so quite often they end up drafting their own

friends and relatives. Viewed from outside this is sometimes mistaken for distributive bias, unfair treatment, or nepotism.

The introduction of distinct TAO representatives to villages has generated heated debate about redundancy, terms and roles of the both the Puhyaiban and Khamnan. On 26 May 2003 the Thai cabinet commissioned a study using, a Bangkok based Prapoklau Institute, to look in the problem and they made controversial recommendations that the two positions should not be elected but appointed by a panel and approved by the provincial governor³. The argument was made that the Puhyaiban and Kamnan were representative of the provincial government (not the village). On 10 February 2004 the debate reaches the cabinet meeting again. Another bigger study was commissioned this time by sending out questionnaires through Nai Amphoe's all over the country.

By 2005 the dilemma was sorted out and the law changed. The Puhyaiban is to be elected for a term of four years. With the progressive eroding of Puhyaiban's power many are resigning their positions to become TAO members. The Puhyaiban exercises his power in the village while TAO representatives exercise his power in the TAO council. That means any TAO projects has to pass a participatory meeting in the village that only the puhyaiban can call and give his signature of approval 4to be in the TAO 3-year development plan. TAO representatives can approve it or veto it in the council. Getting the funding for the project that he may have promised to a village is a different ball game.

2.4 Playing at higher levels

Above TAOs there are a number of policy pathways that enables TAO projects to meet their funds. Some TAOs are able to receive more shares of government taxes or are able to collect more of their income than others; a number of their projects are readily funded. However, a TAO has to observe that their development plan is in line with the development plan of the province and that the province has to make a plan that answers to the national development plan. Configurations of formal planning and coordination mechanisms are continuing to be tweaked. The vision is towards a management system where options are transparently laid on the table the best possible way could be reasoned and selected.

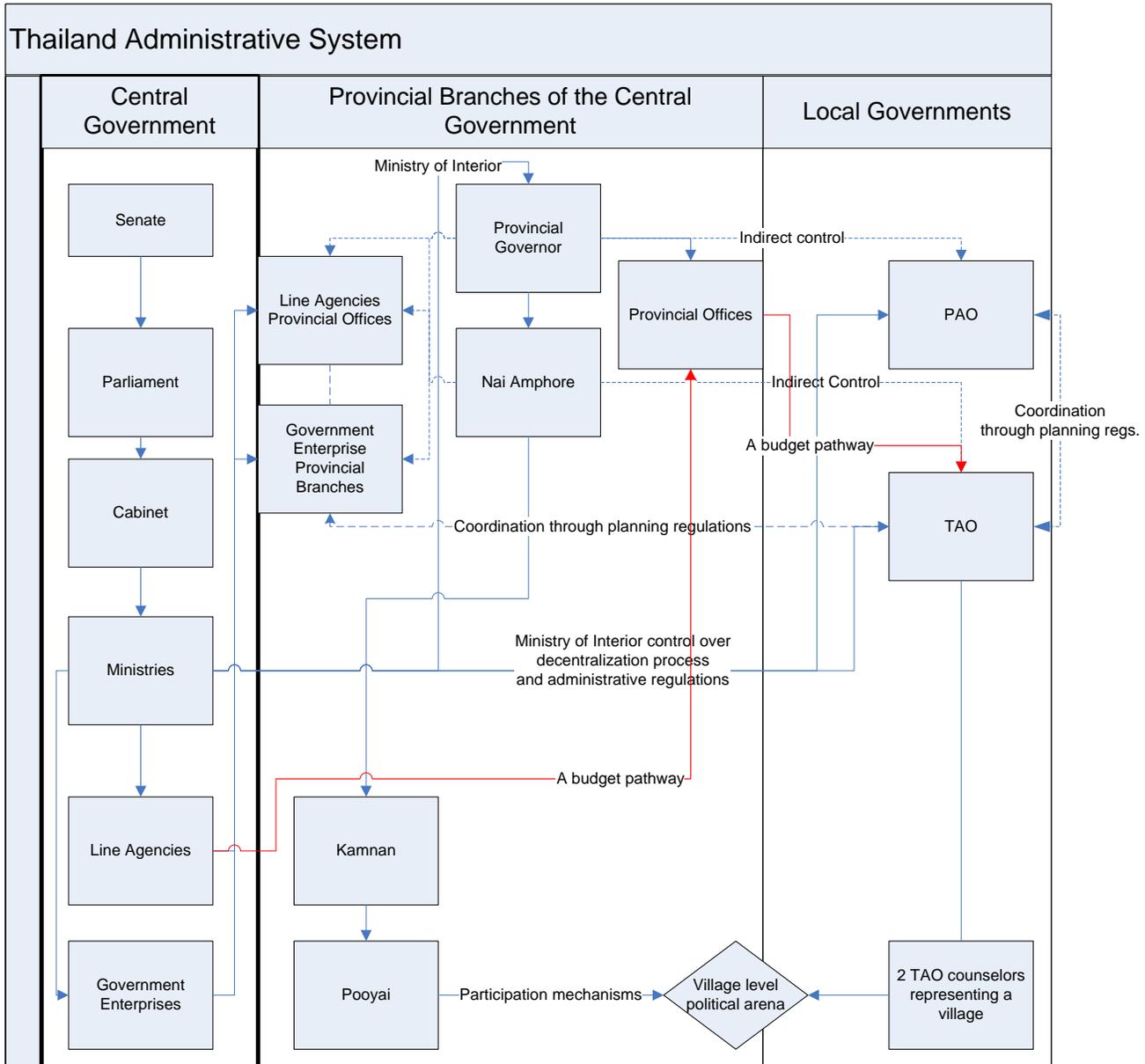
In addition there are legacies about how line agencies do things and achieve results. Environmental agencies, for example, rely on Provincial Governor to coordinate and implement their projects. The Provincial Governor and Nai Amphoe often have too much on their hands and according to their regulation they have to act only when a matter is overwhelmingly in the public interest. Media and activism thus can play a key role.

Although a number of tasks that environmental agencies could transfer to TAO in a hope that minor environmental issues could be dealt with without having to hit the newspaper, a TAO secretary observe that the environmentally related functions that are likely to get transferred are things that has a lot of activity but not a lot of money involved such as fire control, and weed control in water ways while activities that has money such as facility building in parks, and dredging projects are going to remain in line agency control.

Line agencies expenditures going to the provinces often stop at the provincial budget office (Figure 3). The budget is often late and often not enough and a degree of prioritization has to be done. A small reservoir in Omkoi for example that was conceived to help irrigate an area that government a government agency The money came from ADB to build a number of reservoirs in Chiang Mai but by the time it arrives, which is years after the construction cost have soared and some reservoir was not going to build with that that budget. On the project document a government official wrote "Money arrives but no sponsor". If it was going to build a phone call from a minister, or an MP would have to be made to the governor. Science further complicates the story that there was not enough water going to that potential storage in the first place. In the mean time a coffee plantation company that rented land wonders why the planned reservoir that was promised to them is not there. The

ambiguity lessens the political pressure that the company could muster up. TAO is now another potential source of funding.

Figure 3: A system in transition, over 160 agencies will have to turn over some of their responsibility to TAO. Financial systems and accountability systems are also adapting. From the bottom up view of a TAO councilor the system looks to be riddle with uncertainty and ambiguity.



A legal advisor to the provincial office noted that relationships of bureaucratic offices and officials are by and large governed by the Thai administrative law systems, “citizens are under the laws that says what they can not do; however civil servants are governed by laws that say what they can do. So legally speaking they should not do anything beyond their job description,” but further stress on the system include the bureaucratic reforms that accompanied the decentralization reform, consequence of 1997 constitution. The legal aspects have been slow to keep up but government actors have to continually negotiate their responsibilities to make the system work. “Connections and

relationships,” a Ministry of Interior administrator gave advice on how to get promoted quickly, “*driven by a civil servant who has a strong will to accomplish what is good for the public.*” The system depends on both informal and formal channels to function with a degree of tolerance to abuse and risk to corruption.

3 Density and Interplay

In this section we assess the impacts of institutional density and interplay on local governance. We do this by looking at how the new reforms interact (or not) with certain key local institutions outside the mainstream Thai administrative system.

3.1 Exploring ambiguities

Today’s administrative laws evolved from foundations a 100 or more years ago when, in rural areas, the only government officials likely to be present may be the Puhyai and the Kamnan. The law feature a language that appeal more to sensibility rather than precision of legal technicality. The 1914 administrative law section 27-1 defined the role of Puhyaiban in a friendly language:

“A puhyai ban has a duty to do what he can to uphold peace, happiness and enjoyment (kwam suk kwam sumran) of the members of his village. If appropriate, Pooyai should consult his friends and Kaman....”

The aim was to articulate what natural leaders do. Going back to 1892, when the first modern administrative law was being drafted King Rama V articulated the spirit of the administrative reform that it should be as close to the traditional legacy as possible ^{##} His officials then conducted an experiment Tambon Ban Kor, Bang Pa-in, Ayutthaya province in Thai central region. The official, Luang Tasajitwijarn gathered approximately ten land owners to a near by temple and ask them to decide who should be the Puhyaiban. He then gathered ‘an appropriate amount’ of Puhyaiban (about ten plus or minus according to geographical suitability) and asked them to elect a Kamnan. To sanctify the deal, he asked the abbot of the first temple in that Tambon to give his blessing. Popularly known as the Ban Kor experiment, it became the bases of the 1897 (BE 2440) administrative law. It was used for 17 years before Rama the VI made some refinement and promulgated the 1914 (BE 2457) law that shapes Thailand administratively today.

On paper, the introduction of rules and regulations itself should not necessarily lead to an increase in institutional density and redundancy accept where there was no rules at all, if what happened was that the new ones replaced the old. In practice our observations in rural tambons suggest that the overlaying of new institutions on top of the old, for example, to manage water, forests and other natural resources, maybe a more common process than outright replacement, even as gaps in other areas remain. The resulting interplay of institutions, disconcerting perhaps to those desiring legal exactness, is not necessarily “bad” or “good” in terms of practices. It depends. On the one hand it may lead to more locally adaptive solutions. On the other it can lead to ambiguities that are exploited by the powerful.

Northern Thai villages, particularly the old ones, have a temple as its center and committees have been set up to look after the temple even before the Puhyaiban institution was established. In addition, a tradition of ‘party’ volunteers that take turn helping out at weddings and funerals is long established. To an extent this has formalized into women’s group that is organized by the Puhyaiban’s village committee. The assimilation into village administrative system seems to be without any conflict.

^{##} Praya Amart Montri (BE 2495), Ruang Mahatthai, cited in Karn Buriharn Rachakarn Suan Poomipak. P. 354

On the other hand, In Wawee the head of TAO who is Lahu, an ethnic minority, said that traditional tribal ways have eroded and *“There is no way to go forward but with modern politics,”*^{ss}. Religious networks and political reform have taken their toll on traditional governance in Lahu villages.

A PAO representative from Omkoi district lamented the loss traditional tribal institutions: *“before we could take care of our own, if some one is really out of line he could be buried.”* With the increase presence of law, *“it has been harder to keep peace”* he said. In his view, there is now a power vacuum in the village: traditional sanctions no longer work and the state does not have the capacity to enforce its law. Village justice can be crude. We heard of a story in Wawee of a drug addict who stole things got his house dismantled and the village ganged up on him to turn him in jail. In another village another man was shot dead in his house by a consensus. The crime went uninvestigated.

In Nakien, a Karen traditional group of elders headed by a ‘Tung Kao’ preceded the Puhyaiban committees. They enforced traditional rules on village planning. Normally, the Tung Kao duty is clearly separated from matters to do with Thai state. Overlay but no interplay. Occasionally, however, conflicts arise, for example, when the TAO wanted to pipe water from a stream belonging to one village to another. Traditionally, water sources are not to be diverted to *** another village. In these cases it is up to the Puhyaiban, Kamnan, TAO councilors, or TAO staff to convince a Tung Kao. There is no established procedure. When one could not convince a Tung Kao another tried. A Tung Kao is a conservative force and it communicates through folk-lore. However, the head of TAO said that Tung Kao is a reasonable person and words are that spirits can be persuaded when there is convincing arguments that in light of increasing demand and rainfall variety there is enough water for the village every year. The Tung Kao could not however stop villagers from sabotage of the water pipe.

Ambiguity is a feature of Thai administration and politics and occurs at both low and high institutional density.

TAOs in forested areas or that border protected forest often rely on informal relationships with forest officials to make deals when making roads to improve a village access or to resolve squatting or encroaching issues with the line agency responsible for that area (Garden et al. 2005). Relaxed attitudes to tenure and tenancy have been an agency strategy to try to get villagers and TAOs to help out with other management responsibilities, like fire control. Royal Forest Department, however, can sometimes withhold infrastructure building by threatening to confiscate heavy machinery from TAO contractors.

If this negotiation fails at the informal level and turn in to a more legal dispute. Thailand’s main environmental legislation The Environmental Quality Act BE 2535 In its implementation and enforcement, relies heavily on the provincial government system, the Provincial Governor, Nai Amphore with the Puhyaiban and Kamnan to be key ‘local person’ in resolving land and water distribution conflicts.

Ambiguity does not apply only to issue concerning actions of an official or an office, it also apply to the identity itself. As we saw earlier there has been much debate about the Puhyaiban: is he an elected official or a state employee? The BE 2457 law is ambiguous. Section 13 somewhat specify a process that is similar to how the first Pooyai Ban was chosen according to the Thai administrative law. A Nai Amphor, a Kamnan and a Pooyai Ban have to organize a meeting for the citizens in that village. The majority of citizens who come to the meeting could vote in secret or publicly. Once voted, the Nai Amphor has to report to the provincial governor and the Pooyai is legally deputized. A

*** I chose this wording rather than “shared”. I think more accurate here. Check.

Nai-Amphoe is considered traditionally and culturally in rural Thailand as a highly powerful individual. It is probable that he could maintain a high degree of control over the process to ensure that he could get the most suitable person for the job. To the flexibility of the law, often it could be argued both ways that a Puhyaiban is a selected government official or the elected one.

From the perspective of the Nai-Amphoe he is both a legitimate leader of his village and also his helping hand. The Nai Amphoe pays him a modest salary and call meetings as though he was one of his staff. The Nai Amphoe works with “his” Puhyaiban through his Kamnan or directly. *“The closer we are to having Puhyaiban as legitimate leaders of their people, the easier the work of governing”* said a former Nai Amphoe, and now provincial governor. Thai law gives the Puhyaiban the power to arrest people, but also enough leeway to resolve disputes as he sees fit.

3.2 Navigating gridlocks

In the urban-rural periphery changes to institutional density are more a result of existing rules becoming relevant or new rules being added to handle novel situations arising in development. Institutional density rises and is high because economic, social and political activities are dense, generating conflicts, contracts and collaborations. A key barrier to decentralized solution-seeking projects has been coordination failures. In this case we might describe interplay as dysfunctional.

This is particularly apparent for enforcement and implementation of environmental rules and regulations. There are too many agencies with overlapping mandates. Authority, power and accountability rarely match responsibilities to manage natural resources. To keep a river clean for example, one agency may have a control of a dam to determine the minimum flow. Another agency can only monitor water quality in the river. Another one can monitor sewage discharge from factory. Royal forestry Department may control the slope running into a river, however, if it wants to improve it by terracing it has to go to another agency. In addition, one wonders if the planning of the activities has to come from the river basin organization.

There are laws that were made specifically for environmental and natural resource use and conservation. In addition, there are sections in other various law that is useful for environmental and natural resource management. Udumsak Sinthipong (2004) counted 60 of these act alone without including any ministerial regulations used to enforce the act⁵. The result is that implementation and enforcement becomes unmanageable with many agencies having to work together let alone trying to negotiate transfer of responsibility to local governments.

The problem is perhaps even greater at high institutional densities. In Table 1 we highlighted how wealthier urban TAOs had a lot more “independent” revenue than remote rural TAOs. In practice this did not translate directly, as you might expect, into greater autonomy, because the activities of many major businesses and line agencies were hard to know beforehand. The head of Suthep TAO put it humbly as “walking blind”.

A high density TAO has more money at its disposal and also a legacy of infrastructure that has been put in place without their control. The Lamphun Industrial Estate is a jewel in the Chiang-Mai Lamphoon urban corridor and it now is the location of Tambon Ban Klang, the richest TAO in Northern Thailand.

The idea that makes Ban Klang what it is today started in the national development plan number 4. It was concocted by NESDB, a government think tank in Bangkok. The Thai state government made a policy to decentralize its industry base to the provinces to distribute income to rural areas and to create jobs to slow down migration into the capital, Bangkok. The government targeted Chiang Mai, Lampang, and Lamphoon for this development.

In 1977 (BE 2520) a study proposed Lamphoon to be the most suitable site for an industrial estate. From that report and from its own geographical evaluation, in 1983 (BE 2526) The Industrial Estate of Thailand chose an area of 1,788 rai on the side of Highway 11 that runs between Chiang Mai and

Lampang between Km. 69-70 as its site. The initial investment was 358 million baht and in about a decade expanded 24 folds to 8.5 billion baht. The investment came from Japan (52.3 percent), Thailand (29.8 percent), Thai joint venture with other countries (3.3), Switzerland 3.7, Australia 1.2, US 0.9 and other countries such as Korea, Israel, and India 7.6.

The legislation that made it all possible was the Board of Investment Promulgation 1/2526 that divided Thailand into investment zones: 1 in Bangkok and vicinity, 2 the Thai central planes, and 3, anywhere else in the country.

According to Chuan Leekpai, the Prime Minister at the time, on July 25 1994 he called this legislative measure "The history of tax reduction and a historical moment in giving special rights in investors in Thailand. BOI privilege included tax and custom reduction on imported industrial machinery, income tax omission from companies, free duties on raw material, and especially for zone three investors, transportation, electricity, and water costs can further be deducted.

Originally, Lamphoon Industrial Estate was going to be agricultural related because Lamphoon economy was based on agriculture but investors were not interested. To the horror of many citizens, it became metal, plastics, and electronic industrial estate instead. The citizens did not have their say. In early 1990s neighboring villages and different Tambons started to find toxic waste in their back yard. There are disputes concerning the health and safety issues of workers in the industrial estate and Water quality in Mae Kuang the river that passes through the estate deteriorated (*Original source: Sarn Lanna april 2537 page 22*).

Citizen groups began to form^{†††}. In 1991 Puhyaiban lodge formal complaints to Provincial Council, a predecessor for of Provincial Administrative Organization. But there was no action. They then lodge complaints to the line agencies directly, the provincial health office and the provincial industry regulation office. By 1993 a group of 50 people from along Mae Guang River took to the street and lodge another complain to the provincial governor and in 1994 Parents and Teacher Association of the province primary school took another complaint directly to the national environmental board. The result was a denial from the industrial estate office. However, they did install additional sewage treatment system, a ten million baht jet aerator from the US.^{†††}

At present TAOs have been established in the area but the water quality problem in Mae Kuang still persists. However, fisherman said the industrial estate is no longer the culprit. There is another factory up stream. The problems involved any TAOs, line agencies, as well two provincial systems. Maekuang is an irrigated area and the factory in question urges that agricultural run-offs and community waste water must also be considered as a pollution source. The fisherman however said the problem is less severe but wonders if the outcome could be improved but says the problem persisted more than a decade and is likely to be endless.

3.3 Switching channels^{§§§}

Faced with poorly coordinated line agencies, ambiguous relationships, and informal institutions that may still over rule those on paper, those interested in getting things done for local areas have no option but to play several and switch-and-change strategically.

From the perspective of a lobby group trying to get things done in a village, they have a few political actors to reckon with. The first hurdle it to make sure that there is a plan or a project somewhere in a

^{†††} Sunee Malikamal 2001

^{†††} will further develop this section

^{§§§} A figure to illustrate specific set of alternative channels for a development project might be valuable here.

Tambon development plan. If it has strong connection to a provincial, regional, and national plan- all the more chances that the project will get funded. Particularly if it is in an area where national policy makers decided that it is a priority or it has funds from line agencies ready.

A village has two TAO representatives who will arrange cooperative schemes or compete against other village for a Tambon level funding. The Amphoe will have a PAO representative to direct funds through the PAO system. About two Amphoes will share a member of parliament. An MP will have his connection through his political party network with heads of line agencies. For every two MPs a citizen could elect a senator at the provincial level.

Theoretically speaking a senator's job is to oversee the MPs in his area. A senator is not allowed to have political affiliation with any political party, (but it is legal to have family connection with the MP). Theoretically speaking senators should be a moral leader, a non-politician who through their career develops a good reputation for his work for the society- often through being head of NGOs. This group of politicians forms a vertical network of politicians that is crucial to bringing in resources to develop a place.

From the bureaucracy side village committees through Puhyai and Kamnan can bring the matters up to A nai Amphoe and Provincial governor will help direct fund from line agencies through the provincial government mechanisms. Business leaders also have an important role in their facilitation and support for politicians and the lobby groups if the outcome is mutually beneficial for the business.

Kamnan and Puhyaiban make links with state politicians. A Puhyaiban being the point man closest to the people also has links to national politicians that steers the course of the central government. During election time, from a parliamentarian point of view, getting the support from a Puhyai or a Kamnan makes it easier to win an election. That politician may belong to a political party that may head the Ministry of Interior, the employer of the District Officer or other line agencies that have budget for the area.

After election a member of parliament has to deliver what he promised to the Kamnan and Puhyaiban, strengthening both his chance to get re-elected and to strengthen the Puhyai and Kamnan power. This path way however, Kowitz Puangngarm 2005⁶ saw it as harmful to the decentralization process. Member of parliaments have away of manipulating the development funds that they directly control, or channeling funds from line agencies to their area and tells the people that it was either their own money or a favor that only the MP have the power to grant, taking credit away from the TAO.

A view from the bottom up is to use which ever ways work. Through budgets delays and uncertainties often a small project through different channels gets duplicated. A small road or small reservoirs are often poorly coordinated in the past but from a village perspective having two roads separated by a meter wide irrigation dish or two reservoirs is better than none at all. Decentralization brings more channels to get budget but duplication of projects are likely to be less through more formalize planning mechanisms at local levels.

Fiscal decentralization through the administrative hierarchy, however, is a double-edged sword. With better coordination top-down programs may become easier to implement through local government. Thus when the Department of Water Resources decide to implement a completely top-down project like installing water works in every villages in Thailand, it did so by pushing ear-marked funds to TAOs thereby forcing them to do it****.

**** more details on this at later version.

4 Implications for democracy and justice^{†††}

Greater representation, more engaged citizenship and expanded public domain count for little if the outcome and prospect for disadvantaged groups remains unchanged or bleak. In the context of local governance in northern Thailand this means, first and foremost, looking at how the new democratic institutions are improving the welfare and opportunities for politically or economically disadvantaged communities and in particular women and ethnic minorities.^{†††}

4.1 Representing: women and ethnic minorities

There are still serious problems with representation in local governance arenas. Very few women run for or get elected as TAO representatives. Female “Puhyaiban’s”, as implied by the term itself, are unheard of. But as a promising Thai governance scholar tellingly put it *“I am a guy, is there a problem with that?”*

Women are very poorly represented in TAO structures and when do manage to get elected are often expected to carry out traditional roles of serving refreshments and cleaning the dishes (Arghiros 2002; Kittitornkool 2005).

Women are also under-represented or excluded from stakeholder consultations and committees. International and domestic projects, by using current administrative structures, reproduce their gender biases (e.g. Resurreccion et al. 2001)

In the uplands language and culture are still barriers, but the signs are that progress at local levels is much more impressive than at higher levels. Although Nai Amphoe’s may respect tribal way of life it can be difficult to organize meetings to get leaders elected. Elders as traditional leaders may feel that being a Puhyaiban or TAO representative^{§§§§} is a threat to traditions. More importantly the prospect may not even arise because the most legitimate leaders don’t speak or understand Thai the language of administration. Most villages end up electing someone who can deal with the Thai government officials.

Weddings, funeral, and temple fairs are traditional places where politicians meet their constituents. Often the chairs, the tent, and essential party-wear will bare the name of the politician who donates them- either through his own money or government funds. Before the previous election, tents in Omkoi district have a name of the PAO representative on them. However, the current PAO representative is now a Christian Karen who does not attend fairs at Buddhist temples. Lowland business committee in Karen majority Omkoi are some what disturbed. For the first time as well that the Kamnan of Omkoi is a Karen; and a ‘lowland’ Thai has to go to an ‘upland’ official to get his signature for a Thai identity card. Overall ethnic minorities are much better represented by the local government system than at other higher administrative levels.

4.2 Engaging: the local school

Thailand has more local politicians and elections than ever before. People are curious what TAOs can do for them.

People in our study tambons were starting to explore what decentralization really means for local governance.

In one telling example, Wawee, a mother of two in a Masur village wonders why her child cannot read after spending four year in a nearby public school. NGOs, intergovernmental organizations and UNESCO have been active at promoting education. There are many successes and failure in each programs but the picture at large is that the intervention is not enough for every children. Word

Vision has been busing students from her village to better schools. But the program is not big enough to cover everyone.

She observes that the attendance problem in the local school has more to do with teachers than the students. She asked a TAO representative what could be done because she knows her Puhyaiban cannot do anything. There is enough flexibility in the law for it to take control of a large segment of public service, if the line agencies and the provincial government were willing to give them up. Teachers' nation-wide, however, have protested against transferring schools to local government jurisdictions. They question that this would improve education for children. One of the dynamic that is pushing this decentralization forward is her question: "*what could we do to our neighborhood that we could never do before.*"

The Thailand Education Act BE 2542 section 6 gives school a responsibility to ensure that the students have enough nutrition to develop their bodies and minds. The government answers to the law by providing "*nutritional supplement (milk)*" to schools nation wide. The decentralization committee transfers the responsibility of buying and providing milk to TAOs while it still finances the program. It was a contested decision and the decentralization committee was taken to the administrative court. The committee won and the case was dropped. The reason in the ruling however, has a tremendous implication****.

The plaintiff took the decentralization committee to court because it authorizes the government to transfer funds to local governments to buy *nutritional supplement (milk)* even thou buying milk is not a local government policy. In short the government is forcing TAOs to do what it did not plan to do. The judges say the centralization committee did the right thing because it helped TAO provide a public service which is within its mandate and the transfer of the funds helped close the financial gap between the local government and the state government- that year the goal was 22.19 percent of overall government income which is within the mandate of the decentralization committee. The judges also went on to say that the government can finance with earmarked funds TAOs to achieve the country's development agenda as long as the TAO has a freedom to select other projects that it want to do. That said the burden of buying milk is TAOs' responsibility and the mother of two could complain about milk to her TAO representatives but nothing as complicated as illiteracy.

4.3 Financing: needs and agendas††††

The milk program was a clear success story. When the locals know the milk man, the milk arrives regularly. However, the flexibility of how a TAO could spend funds from government agency is further challenged. The Ministry of Environment and Natural Resources also tested the 'freedom' issue for TAO to implement policy. This time a TAO did actually make a plan to do something and the line agency could decide how it's done. The ministry set up a fund to support TAOs to deal with environmental problems. A TAO has to propose for funding from the National Environmental Board who would make decision if the project is going to be funded and by how much before sending a provincial level action plan together with the funds to a provincial budget office to make further decisions before the fund is transferred to the TAO. The administrative judges thought the ministry did the right thing by looking at the proposals first before earmarking its fund.

From TAO representatives and professional staff perspective sometimes the earmarked fund poses a problem. Once they actually get the money from a line agency to do something, they will have to use it accordingly (the milk case) and if they ask for money from line agencies to achieve a particular policy they may not be able to decide how or when to do it (the ministry on the environment case). In Omkoi there is a village that each house was equipped with solar electricity system even though the villagers were concerned more about getting enough clean water, "*in fact, at about the same cost,*

**** The central administrative court ruling black number 108/2546 red number 678/2547 cited in Nantawat Boramanan p. 261

they should get us a motorcycle. It means jobs; education if the kids could get to school, and life if sick people could get to a hospital," said Veedae Fahgang a father who had lost his first born on delivery at the village.

In Nakien, there are looms sitting in the back of the TAO office. No women in the village have time to weave for a market that does not exist. There was a plan to buy machinery that turns bamboo into small baskets for export. However, bamboo is scarce in Nakien. In Wawee, there is village with half dug reservoir while the government has its own plan on how to build a village water system. The list goes on and on and for each unreasonable spending, there are TAO representatives who has to explain to their neighbors how it happened.

These cases illustrate is that through the financial mechanisms the state government could very much maintain control over much of the 35% of the overall income that it has to give to the local government. The fund that has to go only through the planning and coordination committees is then what the TAO could collect on their own. Head of TAOS said comparatively the planning committees are generally supportive of what they want to do.

4.4 Planning: for uncertainly ####

In all areas of planning, but particular, for natural resources and the environment decentralization reforms are being "recast" in technical or scientific terms, and so take them away from the domain of local politics.

The Ministry of Interiors regulations on "Making and Coordinating Development Plan for Local Administration" attempts to formalize and legalize the relationships between the politicians and the bureaucrats to bring resources to a place. One of the underlying consensus about how or why should this planning be improve is to take politics out of the decision making process and to replace it with 'principal of scientific management' where all options could be laid on the table and one best solution could be prioritized for the next budget year.

According to the regulation BE 2546 version, the tambon three-year plan is the document that has all the projects that TAO could do, fund or search for funding from other government agencies. In prior version of the regulation a TAO used to have a five year plan as well but that became impractical because the plan out last the administration which has a term of four years. It was a big blow to a hopeful notion that there should be some continuity through planning that last longer than a local government administration. In this 3-year plan, projects could be added and removed according to the TAO council headed by the head of TAO. The plan is revolving. TAO council prioritizes the projects from the three year plan to a one year plan and finances it annually.

The regulations main concern is to coordinate development projects from the provincial level down to the Amphoe and to a tambon level according to the national development plan. It does this by creating a joint provincial government and local government planning organization at different levels. The Planning Organization at each level consists of two committees, one to do the planning itself and the other is the working committee to support the planning committee. Members include some of the subordinates of the offices represented in the first committee.

The main complaints over the planning process are that line agencies have too much freedom in dictating what must be done. The sub-text of that complaint is that TAO has to spend its precious budget to procure product and services from contractors connected to MPs or MP's political party according to nationally set policy and through provincial government echelons. Some ideas work better in some places but a TAO leader observed that approved budget comes through TAO and goes back to people connected to politicians in Bangkok.

The mechanics of the process, which is called 'influencing', or cheenum in Thai commonly, as perceived at the local level start with Nai-Amphoe advising TAOs personally by talking to the council

or through his Puhyaiban, Kamnan or through his relationship with the TAO deputy, who he has an indirect control over. He gets the project in to the planning mechanism and the politicians get the funds and the contractor ready through the line agencies. The policy puzzle is completed. Although it looks on paper as if the central government does what the TAOs want, in actuality the process is completely reversed. §§§§§

The planning of the 3-year operation plan for a local government involves its council and six other committees. The result is a document a size of a telephone book that the council could work with to decide what to do next year. Once the decision is made with projects in this plan- a TAO project is funded immediately. The more money a TAO has, the thicker the book. However, if the TAO decides to go to line agencies directly to get the project that it wants to do but has no money of their own to do it- talking to other ministries could take years in the budgeting process.

“It’s partly a knowledge issue. If we had left a bag of cement and some gravels at the village, someone could have filled a pot hole without all that paper work” said head of Suthep TAO.

4.5 Living: with the outcomes*****

Remote upland tambons get special treatment. Here most of the people in the upland do not have proper land title and the land is mostly owned by the state, chiefly the Royal Forestry Department (RFD). TAO in the forests and watershed areas such as Nakien and Wawee are deprived of land taxes that TAO could collect on their own. Land taxes usually are cheap but in areas where there are no taxable businesses, the income is important.

In Thailand, this issue of formal land rights ambiguity is not exclusive to the upland or the ethnic minorities. It is estimated that about 12 million people or 20% of the country’s 56,000 villages are located within forest reserves.⁷ What sets the upland context apart is the discriminatory treatment, clearly articulated in the third and final phase (2002-2006) and the final phase of the upland development plan that the area: *“The area is inhabited by ethnic people whose language, beliefs, and way of life is different from the majority of the Thai people. The land itself is difficult to access and a large area of it borders other countries. As a consequence, this area is difficult to govern. It is a refuge to illegal immigrants and a base for trafficking illegal narcotics.”*⁸

Unlike the rest of the country, this plan and the tradition of upland governance is shaped by policies for suppression of narcotics and communist insurgencies in the past; given that many upland areas are also parts of sensitive or strategic national borders, it also gives a level of legitimacy for Thai military forces to help out with governance and development issues.

The plan called for an end to itself in 2006 because access condition and decentralization process is likely to end the need for it and the upland is likely to be governed through ‘*normal administrative channel*’. A senior official in the Ministry of interior who has experienced part of his career in the upland outpost asked, ‘*why has the normal administrative system failed in the first place?*’ He added that the serious threat to an administrator’s career and the place alike comes from the above. The threat is isolation from the state government agencies and representatives.

A political answer is that the MPs and the Senators are nowhere to be found to direct the resources to most places in the upland in the first place. The little resources that came then have to be negotiated at the Amphoe level. He argued that amphoe administrator needed ‘special instruments’ to govern the development of the upland. The special instruments cover everything from helicopter rides, car, trucks, and fuel, to meetings and meeting places or alternative platforms to foster a rough mutual vision of change.

The upland development plan has an affect on institutional density. It provided both the will and the means for government agencies to direct their funds and attention to an otherwise forgotten area.

Ministries form committee in the upper echelon to direct their line agencies in a province to coordinate among each other in meetings chaired by the Nai amphore. Omkoi, the poorest district in Chiang Mai in some ways have benefited from this special arrangement. The mutual visions of change among government officials have been to develop Omkoi into a place where people could live with the forest. This idea forms an ideological basis in which local government and provincial government interact.

The recent history of Tambon Nakien in Om Koi District illustrates some of the livelihood security and environmental conservation dilemmas associated with rural development in remote areas. +++++ An agriculture extension officer came to be stationed in a village. The Puhyai had to build him a house. He introduced many new plants such as coffee and macadamia. None of it was a commercial success. When he left they cut down his coffee field to build a community learning center. Solar powered phone was installed at the Puhyai house. Government officials came for more frequent visits. Sometimes there are participatory meetings, sometimes they were not but generally the officials establish what they have to do in a village anyway.

For a while sales of timber was a good business. Opium plantation becomes more difficult because soldiers would come in with helicopters or trucks to destroy their fields. The land owner side of the story is that traditional agriculture becomes more difficult because labor is harder to find. Younger people have to go to school and labor prices shoot up because more people are able to find work outside the village. Recently the Royal Forest Department took away some of the rotational farming and fallow areas.

Contract farming opportunities arrives when land is accessible by truck. However, villagers without land prefer to work in town if they have a choice. From the district office there is an overwhelming consensus that Omkoi district holds a large area of good forest and the development of the place should be a compromise between wellbeing needs and biodiversity conservation needs. Perhaps, through the convenience of policy implementation this result in an active effort to withhold infrastructure particularly a road that will connect Omkoi to Tak that will reduced hundreds of kilometers of distance to the main cash crop market just outside of Bangkok. The view is that contract farming is the worst threat to the forest because it encourage more clear cutting.

TAOs are in a difficult position. They can use the little money that they got for infrastructure development but the Royal Forestry Department threatens seizure of heavy machinery from the TAO contractors. *“Development means options for ways in which we could make a living. Currently, roads could provide that option”* said a respected Karen headman. When better roads come, in many instances, the best way to make a living is to plant cabbage, *“It is a shame to cut down all those trees. But you tell me, is coffee or any other forms of agro-forestry better?”* The headman has a field in which he tested ideas proposed by NGOs such as coffee, macadamia, and variation of multiple cropping arrangements, but when it comes to cash in a way that fits his capital market - he said- it is still cabbages and tomatoes.

Community leaders and businessmen are confident that the stretch of road linking Omkoi to Bangkok is going to be built one way or another. For the time being a seasonal dirt road is maintained by ‘volunteers’.

The debate shapes by this institutional interplay resulted in a policy implementation choice that is somewhat awkward. Withholding infrastructure is considered a buying time option. In terms of development path way a district officer considered a low road option. He said that many TAO representatives are cash crop growers and given no supervision at all means more of the place will turn into cash crop fields and not a place where people can live with forests. Upland and Lowland farmers alike are looking for the most profitable ways to do agriculture. Turning away from

traditional agriculture means there is fewer jobs in a village and vice versa. Less labor availability within a family and in a village also makes it harder to engage in traditional agriculture. He said that if more research institutions and more agricultural firms and financial institution could work together, a high road option could be explored- a commercially viable agriculture alternatives that is acceptable to the forestry department and culturally suitable for the people.

5 Conclusion

Representation, citizenship and public domain are in part shaped by interplay among institutions rather than a simple function of the presence or form of particular state democratic institutions like free elections and media, multiple parties and independent judiciary. In this study we found evidence for several different kinds of mechanisms (Table 2).

Table 2. Principle mechanisms by which changes in institutional density and interplay modify measures of democracy as part of decentralization reforms. #####

Mechanism	Explanation or illustration
Multiplying channels	Creating alternative bureaucratic and political channels to get needed development activities done even when some redundant ones fail to perform.
Vertical linkages	Brings resources and budget to a place. Negotiate top down policy and bottom up needs to a better upcome.
Adaptive interplay	Interplay - Flexibility – local interpretation
Multiplying politicians	Expanded representation and engagement.....

In Thailand the administrative area-based hierarchy above and below the Tambon level of local government has a long history. Decentralization and other political reforms have transferred some fiscal, planning and implementation responsibilities downwards. Parallel changes in shifting from appointed to elected officials and the presence of numerous committees have broadened public engagement in shaping development even in remote rural areas. Thailand has more local politicians and elections than ever before. People are curious what TAOs can do for them. The problem is that line agencies in the central government have been able to employ planning procedures and regulations to maintain almost complete effective control of the direction of public works and investments. What looks like bottom-up is still top-down. What looks like an election of an independent representative turns out to be the key link with the bureaucracy and its contracting budgets.

At the same time we acknowledge that the immediate capacities and resources of local government organizations are often very modest relative to the technical challenges of monitoring, assessing and exploring management options and carrying them out. Local leaders and committee members need to be able to draw on expertise from elsewhere. Decentralization does not mean going it alone, but must involve an on-going capacity to call on specialized resources from other places and levels in the administration.

From an administrative perspective the critical procedural question is: How could a TAO get the money to do what it wants to do quickly and how could it avoid doing something inappropriate even though the line agencies have the money in place?

Our research indicates that the vertical linkage by formal committees and informal network of politicians and bureaucrats is important to bring resources to a place. More institutions and interplay is likely to strengthen this link. The existence of alternative political institutions and processes results in creative competition for citizens and service delivery. Decentralization can help consolidate rather than undermine local democracy.

Competition for funding through building networks with line agencies could be a problem. What we found, however, is that impacts at the grass root village level are likely to be small: there is no exclusion clause that a village member have to be in one or another. Networks offer meeting places and if the network does not have resources village representatives can just join another one.

Improving dual accountability at all levels remains the central challenge in the political reform process. Without it building up further layers of democratic institutions is unlikely to produce much real gains. Thus, according to Wawee TAO secretary Thai identity card services should also be transferred to the TAO, but there is little chance that the Amphoe will delegate that responsibility. Almost a decade into the decentralization process, TAOs could no longer be described as organization in infancy. *****A popular analogy among government officials working in the TAO puts in human form. It is a child old enough to play with matches. Given the right opportunity it could burn down a house or start helping out in the kitchen.

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¹ By governance we mean the structures and processes by which societies share power. Governance includes laws, regulations, discursive debates, negotiation, mediation, conflict resolution, elections, public consultations, protests and other decision-making processes. Governance is not the sole purview of the state through government, but rather emerges from interactions of many actors. It can be formally institutionalized or expressed through subtle norms of interaction or even more indirectly through influencing agendas and shaping contexts in which actors contest decisions and determine access to resources.

² Prarachabanyat rabieb boriharn mooban asa pattana lae pongkan toi-eng BE 2522

³ (Cabinet decision on Puhaiban (<http://www.thaigov.go.th> ข่าวที่ 02/10-1วันที่ 10 กุมภาพันธ์ 2547)

⁴ This is an important phrase and it needs to be clearer. Reword.

⁵ page 56

⁶ (Karnpokkrong Thongthin Thai p. 368) – we probably need a short clause about who this guy is to help the reader...

⁷ Sahlee Bugna, Giacomo Rambaldi. “A review of the protected area system of Thailand.” ASEAN Biodiversity, July – September 2001.

⁸ Rationale of Master Plan for community development, environment, and narcotic plants control (3rd phase, 2002 -2006).