INSTITUTIONAL CHANGE IN LEGISLATURES:
THAILAND’S HOUSE OF REPRESENTATIVES 1979-2002

by

Aaron M. Stern

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(Political Science)
in The University of Michigan
2006

Doctoral Committee

Assistant Professor Allen D. Hicken, Co-Chair
Professor Jennifer Anne Widner, Princeton University, Co-Chair
Professor John C. Campbell
Professor Linda Y. C. Lim
For Mom, Ying, Anya, and Arin
Acknowledgements

I would like express my sincere thanks to a number of people who made this dissertation possible.

At the University of Michigan, my doctoral committee members – Allen Hicken, Jennifer Widner, John Campbell, and Linda Lim – all provided excellent comments, guidance, and contacts that made the entire dissertation process easier and more fruitful.

Many members of Thailand’s parliament gave of their time and resources during my data collection efforts. I would like to thank all of them. In particular, the assistance of Chanchai Chairungruang and Kriang Kaltinan in the House of Representatives was invaluable for gaining access to a wide variety of other House members and documents. Uthai Pimchaichon, former President of the National Assembly, provided the letter giving me official access to the parliament. Taworn Saenniam, former Chairman of the House Committee on Justice and Human Rights, permitted me to attend meetings of his committee. Sombat Rattano and Ittidate Gaewluang offered their time at the parliament and facilitated trips to their districts for data collection. Adisorn Piengkes, Panintr Pakkasem, and Burhanuddin Useng all had good information to offer about the inner workings of the House. Narisorn Thongtirat was always prepared to give advice and facilitate my efforts in every way.

Senator Udorn Thantisunthorn permitted me the unusual opportunity to attend meetings of a joint House-Senate committee vetting an important draft law. Uwe Solinger was a wonderful source of information on activities in the parliament.

A number of House committee staff members provided many opportunities for informative exchanges. Prasob Bussaracum, Gowit Thammanuchit, Chinsak Putivisutisak, and Sawaeng Chusri deserve mention in this regard.

A varied array of permanent House Secretariat staff members made my dissertation possible. The staffs at the parliament library deserve the greatest thanks for
their dedicated support. Nisa Luangthongkum and Sunida Boonyanoon require the most thanks for the many hours they spent locating documents, contacting people, and probably other tasks about which I never heard. Samart Kumpiranont of the Committee Division, Dr. Buranaj Smutharaks (Secretary to the Leader of the Opposition), and Jirawan Chaipanich (Director of the Museum of Parliament) all made important contributions to my work.

At Chulalongkorn University in Bangkok, my greatest thanks goes to Dr. Chaiwat Khamchoo for his assistance in arranging my affiliation with Chulalongkorn University’s Faculty of Political Science and facilitating my official entry into the parliament. Dr. Amara Pongsapich, Dr. Aram Siriphan, Dr. Surat Horachaikul, Dr. Giles Ji Ungpakorn, and Dr. Khien Theeravit were always ready to speak with me about my research and provide useful documents. Sunisa Sukkhee provided documents and moral support. I extend my special appreciation to Dr. Chaiyand Chaiyaporn for the many opportunities he created for me to have open discussions about Thai politics.

King Prajadhipok’s Institute generously provided me with a research grant that allowed me to stay in Thailand for an additional five months and complete important data collection. Dr. Thawilwadee Bureekul and Dr. Michael Nelson receive my thanks for their support of my work and comments on it.

James Klein, the Director of the Asia Foundation’s office in Thailand, was always accessible and a very useful source of information about the parliament’s history.

The Thailand-United States Educational Foundation (TUSEF) supported me as the recipient of a Fulbright-Hays Doctoral Dissertation Research Fellowship. Dr. Pimon Ruettrakul, TUSEF’s former director, and Ms. Siriporn Sornsiri gave their support to me in many ways. Beni at the University of Michigan’s International Institute expertly handled the administrative aspects on the US side.

My wife Anchalee left her home in Thailand to accompany me on the long doctoral journey in much colder Michigan. Her love, support, advice, words of wisdom, and encouragement enabled me to finish the program. She made Ann Arbor a home for us, not just a stopping point along a career path. Our children Anya and Arin, oblivious to the minutiae of Thai parliamentary politics, were a source of joy. Like Anchalee, they taught me many things I could never learn from a dissertation. The goodness and counsel
of the Venerable Phra Payungsak Sattindharo helped me and my family through those periods when a person asks himself/herself what is important in life. I respectfully thank him and the temple for spiritual guidance. And these acknowledgements would be incomplete without the deepest and most copious thanks and appreciation for my mother who supported me in so many ways throughout my doctoral program. The whole endeavor would have been impossible without her and I am glad that she and my stepfather Arnulf Zweig have the chance to celebrate my graduation and entry into the “real” world.
# Table of Contents

Dedication ............................................................................................................................ ii
Acknowledgements .............................................................................................................. iii
List of Tables ......................................................................................................................... vii
List of Figures ....................................................................................................................... viii
Chapter 1: Theory, Justification, and Methodology ......................................................... 1
Chapter 2: Standing Committees in Thailand’s House of Representatives ...................... 47
Chapter 3: Making Laws in Thailand’s House of Representatives .................................... 83
Chapter 4: The Administration of Thailand’s House of Representatives ......................... 131
Chapter 5: Conclusion ......................................................................................................... 152
Appendix ............................................................................................................................... 163
Bibliography ......................................................................................................................... 196
List of Tables

Table 1.1: Measuring Changes in Thailand’s House of Representatives………………..38
Table 1.2: Measuring Factors with Potential Impacts on Thailand’s
    House of Representatives………………………………………………………...39
Table 1.3: Summary of the History of Thailand’s House of Representatives…………...41
Table 1.4: Comparison of Basic House and Senate Responsibilities and Rights..........45
Table 2.1: Standing Committees in the House of Representatives
    1979, 1992, and 2001…………………………………………………………...181
Table 2.2: Matters Considered by House Standing Committees, 1993-2002……………57
Table 2.3: Some Issues Considered Often by the House Committee on
    Local Administration………………………………………………………….....58
Table 2.4: Setting the Meeting Agenda of a House Standing Committee,
    April 2002………………………………………………………………………184
Table 3.1: Summary of the House’s Work on Draft Laws, 1979-2001………………...185
Table 3.2: Number of Different Versions of Laws Considered before
    Parliamentary Approval, 1979-2001 (selected years)...............................186
Table 3.3: Public Interest Organizations in Thailand, 1989……………………………186
Table 3.4: Business and Professional Associations in Thailand, 1982 and 2005………188
Table 4.1: Components of Administrative and Technical Support in Legislatures………131
Table 4.2: Official Budget for Thailand’s National Assembly, 1980-2003……………149
List of Figures

Figure 1.1: Organization of the House of Representatives.................................44
Figure 3.1: Basic Law-Making Process in Thailand’s Parliament.............................88
Figure 3.2: Constitutional Changes with an Impact on the Law-Making Process
in Thailand’s National Assembly, 1979-2002...........................................107
Figure 3.3: Proportion of House Members with a Business Background,
1979, 1988, and 2001..............................................................................110
Figure 3.4: Growth of Non-Profit Sector in Thailand, 1943-2001.........................187
Figure 4.1: Basic Organizational Structure of the Secretariat of the House of
Representatives (as of 2000)....................................................................194
Figure 4.2: Basic Organizational Structure of the Secretariat of the House of
Representatives (as of late 2002)...............................................................195
Chapter 1
Theory, Justification, and Methodology

I. Introduction

A number of countries in Southeast Asia have become more democratic in recent years, Thailand, Indonesia, and the Philippines being the clearest examples. There is much debate about how democratic these countries have become (see Jones 1998) and the shift towards more democratic practices has taken many forms. Having a nationally-representative body, accountable to voters and with some substantial influence over the direction of national policies, is a key element in democratization. Legislatures – elected freely, fairly, and with some regularity – fulfill this role. If legislatures are an important element of democratization, knowing what contributes to changes in legislatures helps explain how democratization – and political development more broadly – occurs.

This dissertation focuses on two forms of legislative activity: the process of making laws (defined here as acts or bills requiring direct legislative approval, not ministerial regulations) and the work of legislative committees. What factors have the most impact on the rules and norms legislators use to formulate, amend, and approve/reject laws? What factors have the most impact on efforts by legislative committees to bring citizens’ interests into government decision-making processes and to influence how decisions are made? What makes a legislature evolve from a purely rubber-stamp body to one with notable legislative powers?

The principal legislature chosen to address these questions is Thailand’s National Assembly, its national parliament. An analysis of the evolution of Thailand’s House of Representatives (the “lower” chamber in the bicameral parliament) from 1979-2002 sheds substantial light on the process of legislative change. Thailand has experienced a gradual process of democratization since 1979, highlighted by a gradual reduction in the military’s role in government, greater understanding of policy issues by Thai citizens, and
an increased willingness by Thais to organize themselves and push for policy changes. Thailand’s general path of democratization reflects that of many other countries outside the advanced industrial democracies. Yet the activities of legislatures in these countries, and the forces that would produce legislative reforms, are poorly understood.

Recent research supports the contention that a strong legislature contributes to a stronger democracy (Fish). Legislative strength supports democratization in various ways. The legislature can serve as a check on abuses of power by the executive branch, particularly through amendments to legislation or more forcefully through no-confidence motions. An effective legislature also translates broad national preferences into concrete policy outcomes such as laws and government budgets. Therefore, if democracy is a normative objective, understanding how legislatures grow stronger is critical to understanding and promoting democratization. The Thai case illustrates legislative change and the explanations for these changes in this dissertation.¹

The Thai case focuses on three puzzles. The first puzzle concerns standing committees in the House of Representatives.² Committees are where the majority of legislative work takes place and standing committees are active and consistently present in all legislative sessions. Every House MP serves on at least one standing committee and standing committees are one of the most accessible channels for ordinary citizens to become involved directly in a legislative process. Standing committees have grown in number and their staffing levels have increased. Yet they are reviewing fewer draft laws than in the past and have seen almost no increase in their formal powers of executive oversight since 1979.

The second puzzle concerns how the House has grown more involved in the process of making laws. As Thailand continues to shift from relying on agreements based on personal trust between individuals towards “arms length” contracts with legal documentation, laws approved by the parliament have come under greater scrutiny. The

¹ The Thai case applies mainly to legislatures with predominantly parliamentary characteristics. I adopt Strøm’s statement that “parliamentary government is a system of government in which the prime minister and his or her cabinet are accountable to any majority of the members of parliament and can be voted out of office by the latter” (Strøm 2000, 265)

² Standing committees are “permanent” committees in the sense that they operate throughout the legislative session and generally reconvene after new elections following a House dissolution. In contrast, the House creates extraordinary committees to perform a particular task (typically to vet draft laws). An extraordinary committee is dissolved once it completes its assigned task.
trend towards using laws as instruments for making national-level policies has expanded. Thais from diverse social strata pay closer attention to the provisions of laws and their implementation. Substantial political reforms in the current constitution (promulgated in 1997) contributed little to the increase in the parliament’s law-making powers. The question of what has produced the changes in the area of law-making requires digging deeper than constitutional modifications to account for broader elements of political change.

The third puzzle focuses on the administration of the House; the support services that enable a legislature to function well (e.g., research, meeting scheduling, etc.). The administration of the House is important because it determines the efficiency of House activities. The timely provision of documents to MPs, well-managed meeting facilities, and a reliable computer network are some of the elements of a well-run legislature. A supportive legislative administration fosters the improved availability of legislative information to MPs, the media, and the people affected by legislation. The changes in standing committees and law-making have not been accompanied by changes in the administration of the House. More resources have been devoted to increasing the numbers of temporary staff for committees and individual members of parliament (MPs) than for supporting the permanent staff of the Secretariat of the House of Representatives. Since it is reasonable to hypothesize that increased numbers of committees and law-making activities would be associated with increased permanent administrative support, it is necessary to explain the reasons for the lack of increases in this support.

To address these three puzzles, the dissertation concentrates on three explanatory factors. The first factor is the electoral system. Thailand experienced a total reform of its electoral system for the House in 2000 when it shifted from a system of multiple-member districts to a system combining single-member districts with proportional representation (closed party lists). Ostensibly this reform was meant to put less emphasis on pork-barrel style constituency services provided by MPs, and more emphasis on national policy-making. Multi-member districts were viewed as promoting a focus on constituency services because candidates (sometimes from the same party) used such services to distinguish themselves from one another and earn votes. Party-lists were intended to remove a substantial proportion of MPs (100 MPs out of 500 total in the House) from the
burdens of catering to a particular geographic constituency, freeing them to engage in broader policy concerns. In fact, the electoral change had very little impact on either standing committees or the law-making process. Standing committees continue to focus on providing constituency services. The increased numbers of standing committees and staffing resources devoted to committees support the provision of constituency services. Party-list MPs in the House tend to act as trouble-shooters for their parties, typically addressing issues in particular provinces and drumming up voter support.

The second factor is political party leaders and party factions. Party and faction leaders have remained strong during 1979-2002. Winning enough seats in the House to be part of a government coalition requires a substantial financial investment. Party and faction leaders are almost always the main financiers of these election campaigns. These leaders aim to recoup their investments by obtaining lucrative cabinet positions. In addition, shifting factional alliances and the common practice of MPs switching political party membership (up until recently) have created an expectation among MPs that they will not need to stay in the opposition coalition for long periods. Therefore, the emphasis on obtaining cabinet positions (and the desire to maintain the benefits associated with those positions) thwarts efforts to strengthen standing committees and the House administration. This emphasis has limited, though not fully quelled, the increased involvement of the House in law-making.

The third factor is the expansion of interest groups and civil society organizations in Thailand. The numbers of such groups, their levels of activity, and the range of policy concerns they cover have all grown since 1979. Their demands have become more regional and national in scope, meaning that the traditional forms of constituency service offered by MPs are less appropriate to satisfying these demands. Regional and national policy priorities often require new laws or substantial amendments to existing laws. Consequently, interest groups have become more active in the law-making process, both by pushing from outside the House and by participating directly in House legislative processes such as submitting draft laws and sitting on the extraordinary committees that vet nearly all draft laws. These groups tend not to work in direct partnerships with MPs; e.g., providing information to an MP with strong connections to the constituency represented by a group. They are much more likely to push their agendas on resistant
MPs, MPs who are more inclined to focus on constituency and internal party/faction concerns than on the broader policies these groups wish to see enacted.

This interest group element is the dissertation’s key finding. The expansion of interest groups and civil society organizations in Thailand explains the greatest amount of variation in House legislative activities during 1979-2002. Pressure from these groups is the one factor that has successfully overcome the more “traditional” characteristics of the House: focus on cabinet positions, stress on providing constituency services, etc. The changes in the House, particularly regarding law-making, have been gradual but significant and would not have occurred without the determination of such groups to influence policies such as forest management and health care provision.

Moreover, the growth of interest group activity directed at the parliament highlights a general difference between the legislative environment in “developing” countries like Thailand and in advanced industrialized countries. In the advanced industrialized countries, civil society organizations are not only stronger; they are closely connected with and often directly integrated into the political party system. Thus England has its Labor Party, German corporatism incorporates major interest groups (peak associations) into policy debates, and Japan’s Liberal Democratic Party has close connections with groups promoting agricultural and construction interests. In contrast, civil society organizations in Thailand are weaker and their connections with political parties are less well-established. All major Thai parties lack an ideological base founded in the interests of a substantial social group. These parties predominantly center on the personal appeal (and financial assets) of their leaders. Thailand lacks a major political party that has emerged from an identifiable regional or national group such as factory labor or the pro-environmental lobby. In terms of political development and democratization, the growing willingness and ability of interest groups to push on the parliament indicates an initial but fundamental shift in party politics and public policy formation towards a political system that takes citizens’ interests into account more directly in national-level policy making.

From a practical standpoint, the story of interest groups in Thailand suggests some lessons for programs intended to strengthen legislatures. Organizations supporting legislative strengthening efforts such as the World Bank and the US Agency for
International Development will have greater success if they directly incorporate the needs and desires of interest groups into their programs. It is not enough to improve a parliament’s library and online services for tracking the progress of legislation, and then expect people to take advantage of these changes or expect the changes to be lasting. These organizations need to ask what interest groups want from the legislature, then have group representatives participate in the strengthening programs. If interest groups are driving legislative development, it is incumbent on donor organizations to harness the energy of these groups in systematic ways that improve legislative capabilities and provide groups with the information and resources they need to participate effectively in legislative processes.

I collected the majority of the data for this dissertation during field work in Thailand (September 2001 – January 2002). Funding for the period September 2001-September 2002 came from a Fulbright-Hays Doctoral Dissertation Research Fellowship administered through the University of Michigan. During October 2002-January 2003, I received funding from King Prajadhipok’s Institute (www.kpi.ac.th), a research and training institute under the auspices of the National Assembly of Thailand.

The period 2001-2002 will receive greater weight in the analysis for two reasons. First, this was the only period where direct observation of House activities was possible. Second, the period after the elections in January 2001 was the first opportunity to see the impact of changes in the parliament produced by the promulgation of a very progressive constitution in 1997. That constitution remains in force and mandated major reforms in the electoral system, the creation of autonomous organizations to monitor and sanction government officials and politicians, and other significant changes. Therefore, my analysis is partly a “before and after” story based on the current constitution.

II. Scholarship on Legislatures

A. Defining the Term Legislature

There is some debate about the use of the term “legislature” and how to define it, though many scholars assume readers know what a “legislature” is. The Oxford English Dictionary (dictionary.oed.com) states that a legislature is “a body of persons invested with the power of making the laws of a country or state.” For Shugart and Carey (1992),
the term “legislature” implies that making laws is the institution’s primary function, something not true in many cases. For example, the main function could be the formation and dissolution of governments; the passage of laws by members of the institution is a simple formality under careful control of the executive branch of government. I will use the term legislature to refer to whatever body has primary responsibility in a distinct geographical area (a country or a sub-unit such as found in countries with federal systems of government) for approving legal statutes.

Within the term “legislature” there is a further distinction between predominantly parliamentary and predominantly presidential systems. Thailand falls solidly into the category of a parliamentary system.  

B. The Changing Significance of Legislatures

In the early literature on legislatures, scholars devoted the vast majority of their attention to the United States Congress and the British parliament. Legislatures in most other countries, especially outside of the advanced industrial democracies, received almost no consideration in mainstream political analyses. There were often good reasons for this disregard, mainly because these bodies had few powers, little continuity in terms of how frequently they convened, and suffered from a lack of public support for and understanding of their activities. Even when writing about legislatures in North America and Europe, the “decline of legislatures” stance introduced by Lord Bryce in 1921 influenced scholarship on legislatures for many years after its publication. For Lord Bryce, legislative decline includes the following: less eloquent members of parliament (MPs), reduced levels of education and social status among MPs, less attention paid to legislative proceedings by people outside the legislature, and lower general respect for the legislature (Lord Bryce, 50-53).

The view of legislatures as “in decline” changed in the 1960s. The change arose due in part to many countries becoming independent of their colonial rulers and the push to set up more representative and accountable government institutions. Legislatures were

---

3 See footnote 1. Presidential systems have a legislature chosen independently from the president and executive branch. There are variations across legislatures in different countries and time periods and the lines between what is parliamentary and what is presidential sometimes become blurry. Duverger’s 1980 article on semi-presidentialism first explicitly addressed this issue. Cox and Morgenstern discuss this point for Latin American legislatures (Cox and Morgenstern, 464-465). Also see Shugart and Carey (1992).
seen as key political institutions to meet these goals and efforts grew to create new legislatures or invigorate colonial-era bodies with legislative responsibilities. A substantial increase in the number of countries undergoing significant democratization – labeled the “third wave” (Huntington 1991) – helped to maintain interest in the organization and effectiveness of legislatures from the mid-1970s through the 1980s.

Scholars and policy analysts responded to decolonization and the third wave with an outpouring of research on legislatures and legislative politics (Blondel 1973; Kornberg 1973; Kornberg and Musolf 1970; Loewenberg 1971; Mezey 1979; Olson 1980). This new scholarship started to question the validity of the Bryce perspective. Many studies suggested that legislatures, especially parliaments, had more power than their image as “rubber-stamp” bodies indicated (Loewenberg, 12-13; Blondel, 104 and 142; Packenham, 93).

These authors tried to explain how economic and social changes made legislatures influential in government policy making but the evidence for this was weak. Olson’s 1980 overview of legislatures concluded that industrialization (and rapid economic growth) during the 1960s and 1970s created complex problems best addressed by executive branches with their superior expertise and resources. Olson also noted how entities other than the legislature, chiefly political parties, became key players in selecting cabinets, interacting with the electorate, and mobilizing support for policies (Olson, 446-447). Obler (1981) questioned whether the stability of political systems rested heavily on the existence and functioning of legislatures.

After a lull in comparative work on legislatures during the 1980s, a new group of scholars began to address legislative politics more rigorously. The new work produced by these scholars clarifies the role of legislatures in political systems, provides better explanations of how legislatures behave under various conditions, and questions whether the “decline of legislatures” conclusion still applies. The new scholarship has four strains.

See Mezey 1983; Stultz 1968.
First, a group of academics made major new efforts to study European parliaments. The most valuable benefits of their studies is how they specify the mechanisms by which parliaments operate and under what conditions parliaments have a significant impact on government policy-making. Parliamentary characteristics, such as the structure of party coalitions and the strength of parliamentary committees, can have a considerable impact on government policies.

Second, many scholars (including the European scholars mentioned above) have applied models – mainly developed in studies of the US Congress – and newer methodological techniques to other legislatures. The use of these methods has supplied a more solid theoretical basis for identifying the strengths and weaknesses of different legislatures, based on different institutional arrangements within legislatures and different political conditions in which legislatures must operate. The scholars of Western European parliaments have latched onto more formal models, often using principal-agent theory, as a way to understand what affects the powers and behavior of these parliaments. Morgenstern (2002) characterizes Latin American legislatures as “reactive” but far from powerless, despite the formidable constitutional powers granted to nearly all presidents in Latin American countries. Studies on coalition politics in parliamentary democracies provide evidence that legislators have significant impacts on government policies through the review of legislative bills (Martin and Vanberg 2005).

Third, work on legislatures in emerging democracies has started to surface, correcting major imbalances in the comparative legislative literature and shedding light on the processes by which legislatures develop. Work on African legislatures (Barkan

---

5 The relevant publications include edited volumes (Doring 1995; Longley and Davidson 1998a; Doring and Hallerberg; 2004), and a themed issue of the European Journal of Political Research (May 2000) organized by Torbjörn Bergman, Wolfgang C. Müller and Kaare Strom.

6 One useful contribution of principal-agent theory has been a clearer case for the influence of voters in analyses of legislative politics. As voter preferences become more capricious, party leaders considering a major legislative change like a cabinet reshuffle may have to account for the opinions of voters as much as legislators. Party leaders cannot afford to ignore voters, their ultimate principals (Strøm 2000, 283-284). Sophisticated modeling methods have highlighted the important role of legislatures in the formation and dissolution of governments (Huber 1996; Laver and Shepsle 1996; and see Strøm’s 1998 review article). Using more conventional statistical methods, one study concluded that “[D]ictatorships with legislatures are about half as likely to experience civil war than non-institutionalized dictatorships” (Gandhi and Vreeland, 18).

7 Reactive legislatures essentially have powers to veto, block, or delay legislation originating with the executive branch. They propose little legislation, or have little success passing whatever legislation they propose.
2005; Barkan et al. 2004; Hatcher, Ndulo and Slinn) and Russia’s Duma (Remington and Smith) notes that these bodies have typically moved beyond their rubber-stamp status under authoritarian political systems. The same scholarship catalogs an array of obstacles to further legislative strengthening. For example, the “pressures of patron-client politics” found in many emerging democracies create strong incentives to focus on providing constituency services and not on the “collective functions of legislatures, which when performed effectively, contribute to the autonomy and relative power of the institution” (Barkan 2004, 2). Such functions include ways of fostering public participation in legislative processes, accounting for the preferences of evolving civil society groups. This branch of the comparative scholarship on legislatures is in its infancy and indicates how the process by which a legislature becomes stronger remains weakly understood.

Fourth, international donor organizations like the World Bank and the US Agency for International Development have demonstrated a growing interest in “legislative strengthening.” This usually translates into assistance with administrative aspects of legislative activities such as improving the services at parliamentary libraries, the creation of electronic databases of legislative information, etc. The perceived need to hold powerful executive leaders more accountable, combined with the difficulties posed by having a weak civil society as the main means of ensuring accountability in many countries, motivate much of the donor efforts.8

In sum, from a period where Bryce’s “decline of legislatures” perspective held sway, scholars and other have provided evidence of a shift towards a more nuanced understanding of the role of legislatures in government decision-making. The literature shows that in many areas, such as government formation and dissolution (confidence votes), amending draft legislation, and supervising implementation of government policies, legislatures exert substantial influence. This raises the question of the source of this increased influence. While more methodologically rigorous scholarship might take some of the credit for revealing this increased influence, it is much more likely that something has altered legislative politics.

C. Factors Explaining Legislative Development

Scholars of legislatures have applied three broad, systematic frameworks for analyzing changes in legislatures: the theory of disjointed pluralism, veto-player theory, and principal-agent theory. Schickler’s disjointed pluralism framework has the advantage of highlighting and parsing out the multiple causes behind most changes in legislatures. Its major disadvantage is the difficulty applying it to parliamentary systems.\(^9\) Veto-player theory, most closely associated with Tsebelis, offers useful and concrete ways of thinking about when changes are more likely to occur; i.e., the likelihood of change. It says little about the potential direction of the changes or the magnitude of the changes. Principal-agent theory’s key advantages are the guidelines it offers for identifying key players in any process of change and specifying how these players (e.g., political parties, voters, government ministers, legislators, etc.) interact with one another. Scholars who have used principal-agent theory to analyze parliamentary systems in Western European countries (Strøm 2000; Müller) often do not use the theory to analyze changes in these parliaments. However, it is the most practical of the three frameworks described in this paragraph for thinking about legislative changes.\(^10\)

Principal-agent theory rests on the notion that there is a principal – an individual, group, or organization – who delegates a task to an agent. Whether and how the agent performs that task, and the principal’s knowledge of the agent’s behavior and control over the agents behavior, are the central concerns of the theory. In legislatures, delegation can take a variety of forms: from voters to legislators, from legislators to cabinets, from legislators to civil servants, from party leaders to legislators, etc. The problems that can arise with delegation to agents stem from principals selecting inappropriate or ineffective agents, agents willfully acting against the principal’s wishes, or principals lacking enough information about what agents are doing. The value of the principal-agent framework as a way to understand legislative change grows out of the procedures and organizational arrangements principals use to limit these delegation problems. While principal-agent theory has not been used to explain legislative change

---

\(^9\) “Disjointed pluralism should also apply to other legislative bodies, except where an electoral or constitutional system fosters strict party discipline” (Schickler, 268).

directly, it gives some indications of how principals and agents might react when the circumstances surrounding their relationship to one another change.

The literature on the US Congress addresses the question of legislative change more than the comparative legislative literature. However, there are substantial differences between the US Congress and parliaments in countries which are not advanced industrial democracies. In particular, the lower degree of party discipline in the Congress, the presence of the US two-party system (relative to the coalition governments common in many countries), the peculiarities of the US electoral system, and the diverse and powerful interest groups that lobby members of Congress all make it difficult to apply findings from the US case to parliaments such as Thailand’s. In addition, the Congress has exercised substantial powers over its own procedures and rules since its establishment, more than typically found in parliamentary systems.

Some scholars believe the Congressional literature has much to offer when analyzing parliamentary systems such as Thailand’s. It is sometimes possible to adapt the general methods used to analyze the Congress for studies of other legislatures. However, the hypotheses used in the Congressional literature are rarely applicable to parliamentary systems. The literature on parliaments is a much more fertile place to seek guidance and hypotheses applicable to the Thai case. The literature explicitly analyzing the evolution of parliaments and how they change under certain circumstances is limited. Yet the general comparative legislative literature gives important guidance about the factors which impact change in legislatures such as Thailand’s.

For overviews of the Congressional literature, see Polsby and Schickler or Shepsle and Weingast (1994). Other than Schickler, some important analyses of change in the Congress include Gamm and Shepsle, Weingast and Marshall, and Davidson and Oleszek.

For example, Thailand has a constitutional provision that grants legislators the right to determine their own legislative procedures. Section 191 of the current constitution of Thailand: “The House of Representatives and the Senate have the power to make the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the powers and duties of each standing committee, performance and quorum of committees, sittings, submission and consideration of bills and organic law bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders, codes of ethics of members and committee members, and other matters for the execution of this Constitution.”

For example, Shepsle (2000).

For example, Huber has used modeling techniques associated with work on the US Congress by Krehbiel and others to analyze the French National Assembly.

There are attempts to assess changes in the British parliament (Crick 1964; Hibbing 1988; Drewry 1989). Though it mainly concerns presidential systems, the growing literature on legislative reforms in Russia and
For example, the comparative literature on parliaments frequently examines the relationship between the legislature and the executive branch. With the British parliament’s “Westminster” system in mind, one scholar wrote the following:

“Ultimately, the fact remains that the logic of parliamentary reform is that of ‘Catch 22’: the reassertion of Parliament’s power is dependent upon the fragmentation of the executive’s power, but the centralization of power in the hands of government effectively means that it alone has the capacity to sanction the diffusion necessary for the rejuvenation of the legislature” (Judge 1981, 191).

Yet there are substantial variations in the balance of power between parliaments and the governments they help to form, variations that occur over time in a single parliament and cross-national variations. Even in Britain, Norton (1980) has argued that the increase in government backbench resistance to executive control during the 1970s had impacts beyond the 1970s. In Germany, legislators have some notable powers to amend draft legislation at the committee stage but accomplish much less in debates during plenary sessions. With the end of Francisco Franco’s rule in Spain in 1975, Spain’s parliament had a rare opportunity to increase its powers relative to the executive. However, a number of factors, particularly the combination of a closed-list proportional representation system of elections and political parties with oligarchic leadership structures, left the Spanish parliament with only mildly greater powers (see Soto). After a military coup and new constitution in Turkey during 1960-1961, the instability of coalitions in Turkey’s parliament, the rise of various extremist parties, and a growing labor movement made maintaining executive control over the parliament significantly more difficult. A military coup in 1980 ended much of the political disarray and placed power firmly in a military-led executive until elections in 1983.

Overall, the scholarly literature suggests two factors with identifiable impacts on institutional changes in legislatures, particularly parliamentary systems: i) political parties and election systems; and ii) interest groups. There is some overlap between the factors but the categorization is not purely heuristic.

formerly communist nations in Eastern Europe is worth noting (Remington and Smith; Carey, Formanek, and Karpowicz).
1. Political Parties and Election Systems

Changes in election systems can affect legislatures in ways beyond altering which parties control the legislature (and the executive branch in parliamentary systems). The distinction between legislators elected via party-lists under proportional representation and those elected from single-member constituencies can be important. Party-list members prefer institutional arrangements which foster more centralized decision-making in the hands of party leaders. Constituency members prefer less centralized arrangements which allow them to “pursue issues of concern to local constituencies” (Remington and Smith, 551). A single-member constituency system will tend to expose legislators to direct pressure from interest groups more than a proportional representation system. If party discipline is not very strict, a single-member constituency legislator will have more incentives to manipulate legislative rules and procedures to meet the demands of groups in his constituency.

The reference to party discipline in the previous paragraph requires elaboration. Lupia and McCubbins (1994) developed a model using principal-agent theory which suggested that less disciplined parties create more incentives for legislators to act independently and seek out information that would benefit them. Legislators may see a period of decreased party discipline as an opportunity to make procedural or other changes so that they can act on these incentives, even when party discipline increases. For example, a period of weak party discipline may allow legislators to push through rules changes which give MPs more control over amending draft laws. Parliamentary systems are typically associated with strong party discipline. Yet there are cross-national and temporal variations in degree of this discipline and the areas of legislative activity in which party discipline shows up most prominently. Discipline may be strong in floor votes of the chamber and weaker in committees amending draft laws. In the Thai case up until 2000, party discipline was generally strong when measured in terms of MPs voting with their parties on the House floor. However, it was common for MPs to change their party membership, both during the heat of House election campaigns and when elections seemed quite distant.
Pushing the consideration of party activities further, it may be that the incentives legislators to act independently increase with rising numbers of “informed, adversarial” players seeking information (Lupia and McCubbins 1994, 373-374). This refers particularly to the number of parties in a government coalition and numbers of factions within parties. The key questions concern the impact of changes in coalitions of political parties on legislatures. While coalitions are important for presidential systems, they are particularly critical in parliamentary systems because the survival of a government often depends on how the members of a ruling coalition forge agreements amongst one another. To put the issue in simple terms, if there is a strong and unified coalition of parties controlling the legislature, the coalition leaders will have the power to change legislative institutions. The desirability of such changes depends on whether the controlling coalition sees its legislative powers as too weak relative to the opposition, and the probability that the coalition will lose power. The desirability also depends on how much the controlling coalition believes its own reforms could come back to hurt its members if the coalition loses power and becomes part of the opposition. If the coalition in control is fragile, making a decision becomes a more difficult balancing act between the interests of the coalition members. Party leaders are likely to become more involved in decision-making because they have more potential influence over the final outcomes. However, greater involvement by party leaders in decisions about legislative rules, procedures, and organizations does not mean the likelihood of change increases. Keeping in mind Tsebelis’ (1995) veto-player theory, fragile coalitions mean more parties have veto-power over decisions and more veto-players leads to a reduced probability of change.

2. Interest Groups

Interest groups have “the job of translating the interests of different segments of society into political demands, and bringing these demands to bear in the policy-making process” (Almond, 273). I narrow this definition to exclude registered political parties.

---

cliques within government ministries/departments, groups of powerful families (typically tied together by marriage), individual companies, and overly-general assemblages such as “the business community” or “labor.” Therefore, an interest group has all of the following characteristics: i) it is a well-defined organization whose members are formally allied to one another for some stated purpose; ii) it is not a member of the legislature or executive branch and has no explicit aim to join the legislature or the executive; and iii) it has some level of activity in the process of formulating, approving, and/or implementing public policies.

The tenets of principal-agent theory point toward the possibility that interest groups will sometimes have the incentive to push for reforms in the organization, rules, and procedures used by the legislature. There are various studies that consider how principals can use third parties to help them monitor agents’ behavior. Lupia and McCubbins (2000) discuss this in terms of the knowledge the principal has about the agent’s activities and how the “testimony of a third party” such as a non-profit environmental group or a media source can add to the principal’s knowledge (Lupia and McCubbins 2000, 295). The information gained from this third party (assuming it is reliable and the principal is aware of biases in the source) may enable the principal to make changes in its relationship with the agent which better serve the principal’s objectives.\footnote{In a similar vein, legislators can closely connect particular interest groups represented by the legislative majority with a policy. These interests will monitor the implementation of that policy and relieve the legislator of the monitoring burden (Cox and McCubbins 2001, 60).}

The incentives for an interest group to seek organizational and procedural reforms depend on a number of factors. If a group focuses on politics and legal issues broadly, as opposed to specific policy areas such as military issues or religious concerns, “legislative reform” is likely to be part of its platform. In established democracies and countries still consolidating their democracies, these types of groups are a regular and often very active feature of the political landscape.

In Britain, organizations such as the Hansard Society and Charter 88 work directly on reforming the Houses of Parliament. Scholars usually presume that strong party discipline and a strong executive tend to make cabinet members and government ministries the focus of interest group pressure much more than the parliament. Even so,
interest groups often lobby quite actively when standing committees consider legislation. Back-bench committees of MPs with a strong interest in a particular subject/sector are sometimes influential. They have easier access to ministers and hold regular meetings with business, industry, and other groups. Factional conflicts within the governing majority can make these committees more powerful. MPs do not get much research and administrative support so they may be receptive to lobbying efforts from well-organized and informed parties (Grant, 69-75). These factors played a role in what some view as the most significant institutional reform in the House of Commons in recent decades: the establishment of select committees (see Jogerst).

A wide range of groups from the ideological spectrum have chimed in during a 2005 debate over whether the US Senate should change the rules regarding filibusters of nominations to the federal judiciary. More pointedly, one study of the US Congress found evidence that interest group connections with committees helped stymie the House Committee Reform Amendments of 1974:

Members and staff threatened by H. Res. 988 were able to mobilize a number of outside allies in protecting their domains. Along with relevant executive agencies and clientele groups, many congressional committees and subcommittees were enmeshed in ‘subgovernments’ which monopolize policy areas through mutually beneficial relationships. Jurisdictional realignment threatened some of these relationships. As one journalist explained, ‘Carefully nurtured contacts with key congressmen and their aides, as well as years of selective campaign contributions, will all come loose when a new, unfamiliar committee takes jurisdiction.’ (Washington Post, Apr. 29, 1974, A2) When importuned by their congressional allies, these groups, especially elements of organized labor, fought aggressively to protect their established alliances, even upon occasion at the risk of foregoing new alliances that ultimately might have proved fruitful. The Select Committee underestimated the tenacity of the subcommittee-clientele alliances and was unable to stimulate an effective ‘inside-outside’ alliance of its own to overcome the opposition” (Davidson and Oleszek, 55).

---

18 See Babington and Murray. For a general discussion of the filibuster, see Binder and Smith.
Unlike countries such as Britain and the US with well-developed interest groups, Thailand and other nations with a recent history of authoritarian government have different interest group structures. In one interpretation (Pye), interest groups in countries undergoing democratic consolidation may act more as “protective associations” than as “pressure groups”: “That is, their activities are concentrated on protecting their members from the consequences of governmental decisions and the political power of others. They do not seek to apply pressure openly on the government in order to influence positively the formation of public policy” (Pye, 480). Interest groups have a history of shying away from efforts to influence the law-making process and focus more on the enforcement of laws and implementation of government programs. Interest groups tend to be fragmented and provincial in how they conduct their political activities. They very rarely form large coalitions and alliances because the government elite would likely view this as a major challenge to its authority and react adversely.

Yet interest group structures and activities in Thailand and similar countries are undergoing substantial changes that have potential impacts on legislative politics. With the exception of some single-country studies, the comparative literature on the participation of interest groups and civil society organizations in legislative processes is very thin. In the Thai literature on interest groups, nobody has followed up on Laothamatas’ important study of business associations. Researchers in Thailand have focused on the expansion of non-governmental organizations that do not directly represent commercial business concerns. While non-governmental organizations are an important part of the story, trade and business associations represent companies with substantial economic power and corresponding potential to influence public policy.

Based on a broad reading of the comparative legislative politics scholarship and studies on the development of civil society organizations, it is reasonable to hypothesize about some trends in the relationship between the development of interest groups and changes in legislative institutions in non-advanced industrial democracies. There are two possibilities worth considering.

---

19 His book was published in 1992 but he collected the data for his doctoral dissertation in the late 1980s.
20 See Banpasirichote; Vichit-Vadakan. Prominent Thai academics such as Niti Eosriwong and Seksan Prasertkul have also produced a wide variety of work on Thai non-profit groups.
First, drawing on the ideas in the principal-agent literature on legislatures, the expansion of interest groups creates more possibilities for partnerships between legislators and a wider variety of interest groups. Such partnerships offer interest groups another channel for influencing government policies and offer legislators more information about government activities. Legislators may also nurture such relationships, building up a “constituency” of interest groups which gives them increased sway in executive oversight efforts. Institutional changes such as stronger committees or improved staffing resources could emerge from these relationships. Most studies along these lines have focused on committees in the US Congress (e.g., McCubbins and Schwartz). Analyses of committees other than those in the US Congress have found they have limited but sometimes significant powers (see Longley and Davidson 1998b; Shaw; Stratmann and Bauer).

Second, growth in the number, variety, and “professionalization” of interest groups can lead to a greater use of legislative processes (particularly law-making) to further the policy objectives of these groups. Laws are sometimes vehicles for extensive changes in national policies. As interest groups become more numerous and sophisticated in their understanding of the impacts of government policies, their attention to the law-making process may increase as they look for ways to influence the foundations of government programs. Law-making processes are almost always drawn-out affairs involving numerous steps and powerful players inside the government and legislature. As a result, a successful effort to shape the provisions of a draft law and ensure its passage (or to prevent the enactment of a draft law) requires extensive resources sometimes unavailable to individual interest groups. If interest groups develop effective alliances based on national issues, the probability that these groups can and will have an impact on the law-making process will increase.

---

21 Professionalization refers to factors such as whether the organization operates using only volunteers or has paid staff, the stability of its funding, the stability and activeness of its membership, etc.

22 Admittedly, this is a simple story and the influence of interest groups on the law-making process will depend on a number of factors, particularly the receptiveness of legislators to increased interest group lobbying and the reactions of the executive branch. There are also questions concerning the extent to which interest groups and other civil society organizations are autonomous of the government. Jones argues that civil society in East and Southeast Asia has not expanded as quickly as some people expected, mainly because the growing middle classes in these countries values stability over change. This allows governments to make small concessions to civil society groups while maintaining its grip on key political institutions such as the legislature.
D. Changes in Legislatures Outside the Developing World: Some Findings

This section highlights some key aspects of legislative changes in three countries outside the developing world: Britain, Italy, and Canada. The types of changes correspond to the areas on which this dissertation focuses: standing committees (Britain, Italy), law-making (Canada, Britain), and legislative support services (Britain). The choice of countries rests on two factors. First, these were the only countries for which adequate secondary research was available on these areas of legislative change. Second, they are all parliamentary systems and thus broadly comparable to the Thai case. The details of the analyses for each country are in the Appendices. The goal of this section is to present more concrete findings about the reasons why changes in legislative institutions occur and to describe the process of such changes.

The most notable difference between the Thailand’s parliament and the cases of Britain, Italy, and Canada is the absence of interest groups as a key explanatory factor in the non-Thai cases. Coalition politics, entrepreneurial members of the legislature, and other factors explained the changes in the non-Thai cases. This reflects the more developed state of civil society in countries like Britain where interest groups are closely connected with political parties and parties often represent specific national interests such as organized labor. These connections mean that interest groups tend to operate more within political parties that have seats in the legislature, as opposed to pushing their agendas from outside the legislature as is more prevalent in Thailand. The close integration of interest groups with political parties will temper the scope of legislative changes since a ruling party or coalition will generally resist strengthening the legislature in a parliamentary system. That tempering effect will tend to be less pronounced if the impetus for change comes from outside the parliament, though the scope of the changes will depend heavily on the power and persistence of the groups.

1. Committee Reforms

In 1979, Britain introduced “select committees” in the House of Commons. Unlike “standing committees” which predominantly look at draft laws and dissolve one their assigned task is complete, select committees focus on a particular area of
government policy and only cease to operate after a House dissolution. Italy had a major reform of parliamentary procedures in 1971 which included reforming committee powers. Committees gained the right to conduct investigative hearings on issues chosen by the committee. The reforms also allowed committees to draft and adopt resolutions concerning government policies.

The expansion of British committees was far from a numerical exercise designed to give MPs committee seats, a hallmark of the Thai case resulting from a greater emphasis on constituency work than in Britain. The House of Commons committee reforms involved a party taking power with a strong reform agenda (because it had been out of power for so long). The Thai and British cases are broadly similar in that at least some MPs in each parliament had an interest in contributing to policy-making, though this is much more prominent in the British case. Also, in the Thai case there does not appear to be any trend towards MPs believing their influence over policy had declined. Perhaps the most significant difference between the Thai and British cases is the distinction between Thailand’s history of coalition governments since 1979 and Britain’s long-standing two-party system. Though “a peculiar set of circumstances and predilections” helps explain the boost given to the infant select committee system in 1979, the shifts in policy between Labor and Conservative governments are more pronounced than the shifts associated with changes in different coalition governments in Thailand. Thus, when Labor took over the British government in 1964, the mood was ripe for changing a wide range of Conservative government policies, including internal parliamentary procedures. In addition, decreasing levels of party identification in Britain may have contributed to an attitude among MPs that participating in policy-making in a parliamentary forum other than the highly-politicized Commons floor was more attractive than strictly following party dictates.\(^{23}\)

Under this rationale, MPs would have supported select committees because such committees enabled anyone – government or opposition MPs – to scrutinize government policies outside of party meetings. To analyze this argument in detail is beyond the scope of this dissertation. The more important point is that Thailand did not experience any declines in party identification during 1979-2002

\(^{23}\) Clarke and Stewart (1984) have documented the decline in party alignment in Britain during the period of the select committee reforms.
and only started to see an increase in party identification with the rise to power of the ruling Thai Rak Thai Party. The party identification argument – however reliable in other settings – does not apply in the Thai case.

There is a striking contrast between the Thai and Italian cases. In Italy, the increased level of oversight activity by committees derives from reforms and behavioral changes by MPs with roots inside the Chamber. The 1971 reforms did not arise because of a major public outcry about parliament’s behavior and most likely had their genesis within the Chamber itself. The same logic applies to the increased amount of time committees started devoting to executive oversight and “policy” issues as opposed to vetting draft laws. MPs seem to have decided unilaterally that such oversight had become more worthwhile and changed committee agendas accordingly. The modestly increased level of committee activity in Thailand arises from the increased demands placed on committees from sources outside the House. There is little evidence that Thai MPs engaged in internal debates about parliamentary procedures and sought ways of consciously modifying committee behavior. Such debates and perhaps even an Italian-style reform may occur someday, though this was not possible under the control of the House currently exercised by Thai Rak Thai and former Prime Minister Thaksin.

2. Law-Making Reforms

Canada’s House of Commons passes a series of reforms to the Standing Orders governing law-making during the 1980s to the mid-1990s. MPs gained additional powers to review legislation submitted by the government and to propose their own draft laws. The Canadian reforms were notable, though not major in that the executive branch maintained its key control the law-making process. The British reforms were highly marginal changes that essentially did nothing to strengthen the House’s role in law-making.

When comparing the Thai, Canadian, and British cases, the themes of party discipline and executive dominance are unavoidable. These are common aspects of nearly all parliamentary systems and create the greatest barriers to reforming the law-making process. The most significant differences between these three cases concern the more substantial role of interest groups in pushing for reforms.
Though interest/pressure groups in Thailand are not as well-developed as in Canada and Britain, they are far from absent in Thai law-making. In the Thai case, interest groups have broadly influenced the law-making process without explicitly attempting to reform that process. In Canada, interest groups have mainly reacted to changes within the legislature regarding law-making. Only one major interest group actively pushed for parliamentary reforms during the key reform period of the 1980s: the Business Council on National Issues. And even the Council was most concerned about the parliament’s lack of influence in the budget process, not legislative power more broadly construed (Robertson, 2). Britain’s Hansard Society is active in all areas of parliamentary reform and has been a constant presence in reform debates since the 1970s. With the small exception of Charter 88 (an independent British organization pushing for a written constitution and bill of rights), the Hansard Society is the only organization which gives priority to law-making reforms. Yet the Hansard Society – and interest groups more generally – can take little credit for the changes in the law-making process in Britain’s House of Commons.

3. Legislative Support Services Reforms

When comparing the factors contributing to changes in legislative support services in the Britain and Thailand, the contrasts outweigh the similarities. There are two broad similarities, though. First, in both cases the MPs themselves propose and push for changes. This is not surprising since a miniscule number of British citizens will know anything about or have any noticeable interest in esoteric topics like the qualifications of legal research staff in the House administration. Second, in both cases leaders in the executive branch resist reforms in legislative support services since such reforms potentially make the House stronger; for example, by increasing the number or qualifications of staff working on behalf of MPs. The key barrier is the executive branch’s control over the legislature’s budget allocation, even where the legislature must approve its own budget allocation. The Thai and British Houses have had only minimal and incremental success in obtaining budget increases, despite increasing demands on MPs which justify many types of budget increases.
With respect to the contrasts, in Britain (and Canada) political parties have published platforms with statements about parliamentary reform. While these statements generally do not contain details about reforms in legislative support services, efforts to institute changes in legislative support services feed off of and mesh with the broader ideas about parliamentary reform. For example, the British Labor Party has stated that in the area of parliamentary reform, the labor party has “enhanced scrutiny, transparency and accountability though select committees, more bills in draft form, using the power of the internet, more sensible working hours, better access and educational material for the public.”

In Thailand, political parties have only started widely disseminating their platforms in the past five years and none of these platforms discusses reforming the parliament. Discussions about changing legislative support services do not derive from party positions and are confined to internal House debates, motivated mainly by the personal preferences of MPs interested in such changes.

In addition, the process of changing legislative support services has almost always been more open and accessible in Britain. In Britain, the various committee and commission reports on House administrative reforms are not confidential and usually available online. Transcripts of debates about administrative reforms are easy to locate and read. Any substantial organizational or budgetary changes to the House of Commons administration are preceded by detailed reports and debated on the House floor. If a committee of MPs (or a commission supported by MPs) issues a report with recommendations for changes to the House administration, the executive branch will issue an official response. At least one official who represents (or at least fully understands) the executive branch’s position on the recommendations will interact directly with MPs, often in House plenary sessions. In Thailand, primary information sources about legislative support services reforms (e.g., the minutes of committee meetings) are difficult to obtain. Debates about such reforms rarely occur on the House floor and the House research service has never produced a document analyzing potential areas for improvements in the House Secretariat. The most readily available sources of information are academic reports or Masters theses but with one exception (see Chotiya and Na Nakorn) these are only available in the Thai language. Even staff from the House

Secretariat has difficulty obtaining information about decisions that directly affect them. The most recent and major instance of this was the 2002 reorganization of the House Secretariat’s organizational structure. This change took place with very little consultation of Secretariat staff and only a small group of people knew when the change would occur and how it would affect their employment responsibilities.

III. The Significance of the Thai Legislature

There are three reasons why an analysis of Thailand’s parliament will be of value to understanding legislative politics in Thailand and legislative development broadly. First, since 1979 there is little doubt among scholars of Thai politics that the parliament has become a key player in Thai politics. Starting with Riggs (1966), many people depicted Thailand as a “bureaucratic polity,” essentially meaning a political system in which there are no substantial groups or institutions present to challenge the influence of the government administration. High-level government bureaucrats and high-ranking military officers formed alliances to manage the country (and often to serve their own financial interests). Since 1979, when the parliament became stable, elected politicians have steadily eroded the power of bureaucrats and military leaders. Based on research conducted during the late 1980s, Laothamatas made a strong case for abandoning the label “bureaucratic polity” for Thailand. Arghiros (2001) argues that parliament has become more powerful as the rewards for obtaining a position as a political appointee have risen. Election to the House became a common path to earning a political post, particularly starting in the late 1980s (Arghiros, 3).

The House of Representatives (the only elected chamber until 2000) has become the main arena in the process of forming governments and has often been the proximate cause behind the fall of governments. The two most common causes of government dissolution in Thailand during 1979-2002 were the government coalition’s failure to get enough votes in the House on a draft law supported by the government; and one or more

---

25 Prior to 1979, the Thai parliament had only brief moments of significant influence (Morell 1974; Mezey 1973).
26 The stability of the parliament rests mainly on the fact that Thailand has experienced only one military coup since 1979, the takeover by the National Peacekeeping Council (a five-member military junta) in February 1991. From 1932 (when Thailand changed from an absolute monarchy to a constitutional monarchy) to 1979, the parliament was dissolved directly by military coups seven times.
political parties withdrawing their support for the government coalition in the House. The fact that in some cases a disagreement over a draft law instigated the government’s fall indicates the growth in importance of laws and the parliament as the key venue for debating and approving laws. There is now greater public scrutiny of the legislative process and sometimes fierce debates about proposed legislation concerning education reform, restructuring of the civil service, medical practice, and other issues. A growing array of non-governmental organizations, along with various business and professional associations, are paying closer attention to the parliament than in the past.

Second, the choice of Thailand contributes to the comparative literature on legislatures. Work on legislatures in countries still making transitions to or consolidating democracy offsets the dominance of studies focusing on the US Congress and a few other legislatures in advanced industrial democracies such as England’s House of Commons and Japan’s Diet. Thailand shares some characteristics found in other countries whose legislatures have received little scholarly attention. For example, Indonesia and Thailand both experienced heavy military involvement in politics, high rates of economic growth during the 1980s and 1990s, and major economic problems during the Asian financial crisis of 1997-1998. South Korea also had strong military involvement in politics until the late 1980s, along with high levels of growth through most of the 1990s. For both countries, these factors had substantial impacts on the structure and activities of their legislatures.

The Thai case also addresses a gap in the research on how legislatures change in response to significant changes in their environments; e.g., the changes brought on by rapid economic growth, reforms in other major government institutions, or economic and political crises. Scholars often take the institutional environment as given and analyze

---

27 Various scholars have noted the dominance of Congressional studies in the legislative literature (see Kiewiet, Loewenberg, and Squire 2002). One response has been to use theories developed in the Congressional literature to examine other legislatures (for example, the analyses of Latin American legislatures in Morgenstern and Nacif).

28 Turkey and Spain are somewhat different cases, due to the complex relationship between Islam and secular government institutions in Turkey (see Yavuz); and the legacy of Francisco Franco’s dictatorship and integration into the European Union in Spain. Yet there are still useful comparisons to make with these two countries since both their legislatures have experienced changes arising in part from democratization and a reduced military role in politics.
what sort of laws and policies emerge when the players in these situations interact.\textsuperscript{29} A subset of the comparative literature focusing on “legislative institutionalization” began to address the question of legislative change but had little success providing answers.\textsuperscript{30} The analysis of Thailand augments a more recent and valuable body of work (Huber 1996; Weingast and Marshall 1988; Schickler; Diermeier and Myerson 1999).

Third, there is a convenient methodological reason for looking at the Thai case: a partial natural experiment produced by political changes formalized in the current constitution, promulgated in 1997. Some major constitutional provisions affecting the parliament include:

- Changed the electoral system for members of the House of Representatives from multiple-member districts to a system with a combination of single member districts and proportional representation
- Changed the Senate (upper chamber) from a completely government appointed to a popularly elected body
- Instituted a process under which 50,000 eligible voters can submit a petition to pass a law drafted by the petitioners
- Added clauses that make switching political parties more difficult.
- Required that the Prime Minister be a member of the House of Representatives before assuming office.
- Formed a series of autonomous bodies with various oversight powers (Constitutional Court, Administrative Court, National Election Commission, National Counter Corruption Commission)

The clear “before and after” delineation of a number of these constitutional reforms make an analysis of the impacts of these changes easier to track.

### IV. Explanations for Legislative Changes Eliminated from the Thai Case

In the Thai case, a number of factors have little or no explanatory power in an analysis of the parliament. This section justifies the exclusion (or minimal consideration) of these factors from the analysis in later chapters.

\textsuperscript{29} This is the usual approach of formal modeling, a technique most often found in analyses of the US Congress but now appearing more in analyses of Western European parliaments. Some examples include Huber (1996); Morelli (1999); Baron and Diermeier (2001).

\textsuperscript{30} Polsby (1969) wrote the most influential work on legislative institutionalization. Comparative efforts followed (Sisson 1973; Hibbing 1988). Hibbing and others (particularly Judge 2003) showed the serious weaknesses in the institutionalization approach.
First, there are few indications that ethnic, racial, and religious divisions have had a significant impact on parliament’s activities. Despite some regional linguistic differences, Thailand is relatively homogenous ethnically (compared to, for example, regional neighbors Malaysia and Indonesia) and predominantly Buddhist. The small Muslim minority (2 to 4 percent of the population) concentrated in the South spawned a separatist movement that failed to stop the well-advanced integration of the South into the political and economic mainstream of Thai society. The recent violence that has plagued some areas of the South is essentially confined to three provinces and has led to changes in Thai government policy. Yet there is no evidence that this violence, or Muslim-based factionalism in the Thai party system, has had a noticeable impact on parliamentary practices. The most public of the ethnic/religious divisions in the House has been the “Wadah” faction of Wan Muhammad Noor Matha, a minister in a number of governments and a former President of the Parliament during late 1996 to early 2000. Wadah has been involved in various cabinet-level disputes but these disputes have concerned particular policy areas in arenas outside of the parliament.

In addition, the large ethnic Chinese immigrant population and their descendents are very well-integrated into Thai politics and economics. The anti-Chinese discrimination that played a major role in Thailand’s economic and social policies decades ago (see Skinner) has almost totally dissipated. Parliamentary factions or groupings founded on Chinese ethnicity have not existed since 1979 and may never have existed. Nearly all conflicts involving various small minority groups, often lumped under the moniker “hilltribes” or “highlanders,” have been peaceful and local in scope, almost never swelling into major political issues.

Second, the decentralization of managerial and revenue-collections powers to local governments, as mandated by the current constitution, only started in 1999. While various locally-elected organizations now exist, they have little autonomy from the central government and possess almost no powers to collect revenues for local projects. The government of Prime Minister Thaksin Shinawatr has attempted to keep power centralized and to aggrandize his powers. Perhaps in 10-20 years, decentralization may affect the role of the parliament; e.g., by changing the types of constituency work in which members of the House engage or the types of people recruited to the parliament.
But decentralization’s effects are too young and weak to warrant using it to account for changes in the parliament’s activities.

Third, most analysts concur that during the past few decades Thailand has had substantial media freedom compared to other Southeast Asian countries (Pongsudhirak). One well-experienced journalist wrote that Thailand’s financial crisis in 1997 spurred the news media to show their “journalistic teeth” in the form of a greater willingness to investigate and publicize official misconduct and corruption (Tasker, 25). Despite these findings, there is little or no evidence that media coverage of the House has changed in ways that would substantially affect the House. 31 My own search of newspaper archives indicates that the main change in newspaper coverage of the parliament has been increased coverage of the Senate, mainly a result of the Senate’s shift from being all-appointed to all-elected by popular vote. Essentially, the Senate has become more active so the news media must devote extra attention to Senate activities. In addition, the printed news media have leaned away somewhat from reporting on personal scandals, political feuds, and no-confidence motions towards reporting on the progress of draft bills. Yet both these changes are media responses to changes in the parliament, not cases of media coverage altering the behavior of House members or Senators. McCargo (2000) has noted the weakness of Thai newspaper reporting on the parliament, making a strong case for his assertions that investigative journalism is weak, politicians and their associates/allies own or control many prominent newspapers, and reporters at the House tend to wait for stories to come to them instead of seeking out newsworthy material.

Fourth, the current constitution established a number of autonomous government organizations. These organizations – particularly the National Counter-Corruption Commission, the Constitutional Court, and the National Election Commission – have a mandate to oversee the legislature, cabinet, and civil servants. One reasonable hypothesis is that an increase in the activities of these autonomous government bodies would spur House members to make some institutional changes in the parliament. For example, parliament (especially the opposition) might want to seek partnerships to promote more detailed oversight of the executive branch, especially because these autonomous

31 Of course, media coverage does influence how members of parliament behave and what issues they take up. I am only claiming that there has not been any significant variation in media coverage of the parliament during 1979-2002 which would have a noticeable impact on my dependent variable.
organizations are not under political party control and possess powerful tools for overseeing the executive. On the other hand, members of parliament may view these organizations as a threat to their ability to covertly influence the allocation of government resources. A major reason for the creation of the autonomous organizations was to reign in the corrupt and self-serving behavior of elected politicians and their close associates. However, these organizations were very recent creations at the time of the field work for this dissertation: they did not become significantly active until 1999-2000. I may have arrived in Thailand too early to assess their impact.

Yet what has emerged since my field work is how the Thai Rak Thai party has successfully marginalized the National Counter-Corruption Commission, the Constitutional Court, and the National Election Commission. Phongpaichit and Baker (2004) described the weakening of these organizations, the upshot of which is that government coalition MPs feel considerably less threatened by such organizations and opposition MPs have fewer incentives to work with these organizations to influence parliamentary activities. The dominant electoral victory of the Thai Rak Thai party in the 2005 House elections – it captured 377 of 500 House seats – helps to ensure that these organizations will remain weak for the foreseeable future.

V. Methodology
A. Areas of Analysis

There is a “unit of analysis” issue behind studies of legislatures. Huber (1996) believes that most scholars “anthropomorphize parliaments,” meaning they treat parliaments (or legislatures more generally) as individual units with distinct preferences. He claims there is a strong tendency to treat entire parliaments as independent variables, a risky practice because legislatures embody such a complex array of preferences and particular institutional arrangements such as upper/lower chambers, committees, caucuses, etc. He advocates treating institutional arrangements within parliaments as independent variables, where an institutional arrangement could be an organization (e.g.,

32 Such activities are sometimes corrupt or illegal; thus, the fear of an organization like the National Counter-Corruption Commission or the National Election Commission.
33 On a more theoretical level, the hypothesis involves the literature on veto players in the legislative process (Tsebelis 1995; Cox and McCubbins, 32-33).
a committee) or a procedure (e.g., rules that restrict the ability to propose amendments to legislation). I adopt Huber’s advice. Though I will consider arrangements within the Thai parliament which are not as specific as Huber’s – he focused on two French parliamentary procedures: the package vote (vote bloquée) and the confidence vote procedure – they are specific enough to avoid Huber’s accusation.

The following three chapters of the dissertation are devoted to an analysis of three aspects of institutional changes in Thailand’s parliament, specifically the House of Representatives. First, the

1. The structure and activities of House standing committees
2. The rules and procedures governing the submission, debate, and passage/rejection of draft laws/statutes
3. The organization and activities of the permanent House administration and other legislative staff

The dissertation omits some elements of parliamentary activity to limit the scope of the dissertation and account for the availability of adequate data. First, there is not a study of the selection of House leaders. Information about the selection of the sitting Presidents of the House and of the Senate at the time of my field work was difficult to acquire because of the political sensitivity of the selection process. For example, party meetings of the ruling Thai Rak Thai party were closed to outside observers and my repeated attempts to interview the deputy president of the House were always rebuffed. Second, I have not examined the House’s role in reviewing and approving the national government budget. Most of my attempts to obtain information about the budget process – particularly to observe meetings of the committee formed annually to review the government’s proposed budget – failed. Though MPs and civil servants from government agencies take the budget process seriously, the changes MPs make in the budget are almost always minimal. What may be more important to MPs than the potential for changing the budget is the information about upcoming programs and budget allocations they can obtain during deliberations about the budget. An MP with strong connections in government ministries can often influence the implementation of government programs, sometimes for personal financial benefit but sometimes as a way
of rewarding his supporters or directing resources to his constituents to build up electoral support.

Third, the House regularly conducts questioning ("interpellation") of cabinet members. I will not scrutinize changes in the questioning procedures, mainly because questioning is typically seen as political posturing and has changed little in style or substance during the 1979-2002 period. Some newspaper accounts and conversations with MPs indicate that House members have grown more “on point” and less rambling in their questioning of ministers but to substantiate this claim would require a content analysis of questioning that would present formidable data collection and analysis problems. Fourth, I will not consider no-confidence motions and voting procedures. This decision is purely to limit the scope of the dissertation since no-confidence motions and votes have been a consistent feature of the Thai parliament since 1979 and contributed to a number parliamentary dissolutions and elections during the 1980s.

B. Data Collection

First, my broad philosophy in data collection was the use of a variety of sources and methods of data collection. The idea of institutional change covers a variety of dimensions and requires an approach covering an array of angles. For example, understanding change in parliamentary committees could involve discussing changes in the number of committees, the composition of committees, committee mandates, the process of selecting committee members, rules for committee deliberations, the types of issues that end up on the committees’ agendas, etc. If analyses based on different data sources arrive at similar conclusions, my confidence in the final results will increase.34

Second, there was a frequent lack of readily available information about many aspects of the Thai House. Consequently, I attempted to select information sources based on diversity to get a more comprehensive picture of activities in the House. For example, since I could not get access to the minutes from meetings of a wide variety of House standing committees, I chose to observe the meetings of what I considered to be three standing committees with quite different mandates. This is not ideal – for example,

34 “The more evidence we can find in varied contexts, the more powerful our explanation becomes and the more confidence we and others should have in our conclusions” (King, Keohane, and Verba, 30).
diversity does not ensure that I get an accurate sense of the overall “distribution” of activities – but it was usually the only option available.

Third, participant observation was one of the few alternatives available for getting a sense of how the parliament operates and obtaining information that was otherwise unavailable. A series of Thai scholars and people connected with the parliament strongly advised me not to conduct a survey of members of the legislature, based on the assumption that responses would contain too many half-truths or inaccuracies to use in any assessment. My experience in the House nearly always confirmed these scholars’ views. I decided not to conduct a formal survey of legislative staff. I expect that such a survey would have had a low response rate and information of very questionable accuracy, given the strong indications that many employees were hired based on personal or family associations with House members (making staff quite sensitive to such information collection efforts). I had a pithy statement in mind during my work: “Go where you are driven; take what you are given; and when in doubt, be quiet” (Fenno, 68).

Fourth, I was constantly concerned about how my activities as a participant observer affected the people under observation, what Campbell and Stanley call “reactivity.” Simply being seen walking with a particular politician immediately created associations in other’s minds between myself and that politician. One committee chairman even referred to me as an “advisor” to the committee, completely untrue officially or otherwise. The main way I addressed this problem was by following Fenno’s advice, as well as associating with a diverse array of politicians, administrative staff, committee staff, and others in the parliament.

Fifth, Thai elected representatives (as well as other representatives elsewhere) are very conscious of their personal image and the public face of the parliament. I had to be aware of jeopardizing my dissertation since House members and Senators are an elite group in Thailand and a number of people with whom I interacted could have quickly had me deported if they believed I was doing something strongly against their individual interests or the interests of the parliament. I will keep all names of elected representatives and others at the parliament anonymous.

35 Hall developed a method that relies heavily on a survey instrument administered to legislative staffers in his research on committees in the US Congress. In the Thai case, even a substantially modified version of this method would be difficult to administer and give less reliable results than Hall’s work.
I intended to look at the activities of the legislature during its meetings in Bangkok so I took only five trips to see how members of parliament interacted with their constituents.36 These trips were to get a better feel for the activities of House members in their constituencies, not to perform a systematic investigation of constituency services. One reason for my lack of emphasis on constituency visits was that potential informants were wary of speaking with me, particularly because House members are sometimes quite powerful in their districts. In addition, I became a campaign device a number of times, a “novelty” that made the MP look better in the eyes of his constituents. The shift from being an observer to being a participant was expected, though sometimes unavoidable. It is what Bositis has called “role intrusiveness” (Bositis, 336-338). I had to weigh my “intrusiveness” (and the bias it created in the situations I observed) against the loss of access I would likely experience if I did not accede to the desires of the politicians and candidates with whom I was affiliated.

My access to the parliament came through the generous assistance of the Chairman of the Committee on House Affairs. I obtained a letter from the President of the National Assembly, Uthai Pimchaichon, to enter the parliament complex and have access to facilities such as the Library of the National Assembly. I also obtained separate letters from the Chairman of the Committee on House Affairs and the Chairman of the House Committee on Local Administration to observe committee meetings. For the House Committee on Justice and Human Rights and an ad hoc joint House-Senate committee considering a draft law on local government elections, I received unwritten permission from the chairman of each committee to attend meetings.

To obtain a broad picture of the House (and to a lesser extent the Senate), I used a variety of sources and methods of data collection. First, I engaged in extensive participant observation. I watched full House sessions from a viewers’ gallery above the main floor but access was quite restricted and note taking not allowed (though this rule was not strictly enforced). I observed full House sessions mainly to get a better feel for the activities on the floor and to understand in more concrete terms the headings I saw in my reviews of weekly House agendas (e.g., questioning of ministers, affirming the

36 For a good description of the politics of constituency services, see Arghiros.
minutes of previous House meetings, etc.). Since the parliament had its own radio station, I listened to live broadcasts of House and Senate meetings frequently.

More fruitful were the committee meetings I was permitted to attend: the Committee on House Affairs (internal House administration issues and the activities of the Secretariat of the House of Representatives), the Committee on Local Administration (local government concerns and a counterpart to the Department of Local Administration in the Ministry of Interior), the Committee on Justice and Human Rights (broadly construed mandate and no counterpart within the government administration), and an extraordinary joint House-Senate committee considering a bill on popular elections for certain local government bodies.  

I took copious hand-written notes at all these meetings since official meeting minutes were not always available and subject to revision by committee members. Committee members wishing to make comments “off the record” also had the right to tell the stenographers in the meeting room to stop taking notes or tape-recording (audio) the proceedings. House committee meetings were one of the best places to see how the interests of individual constituents and organized interest groups entered into the House and how House members handled these concerns. These meetings were also forums for executive oversight.

I obtained many documents during committee meetings: memos, documents submitted as evidence by citizens petitioning the committee, policy reports, etc. The most valuable documents were copies of the minutes of past meetings, almost impossible to obtain through the House Secretariat. On a few occasions, the permanent committee staff requested that I not remove certain documents from the meeting room; I complied.

My access to committees created many opportunities for informal conversations, a Fenno style “soak and poke” form of data collection. In the majority of cases, these opportunities yielded more useful information than formal interviews. People were often more voluble and less wary in informal settings such as lunches, small-talk before the start of meetings, etc. I did not take notes during such conversations but wrote down ideas, quotes, etc. as soon as possible after the end of the conversation. I had substantial informal conversations with members from various political parties, advisors and

---

37 I was unable, despite repeated inquiries, to observe meetings of the annually-formed ad hoc committee to review the budget requests of government agencies.
assistants to members, House administrative staff, and government officials within the parliament. Some of these conversations took place outside of parliament; e.g., during visits to constituencies, at restaurants, etc.

I conducted 21 open-ended interviews with lists of questions tailored to each interviewee. I did not interview constituents, particularly in the constituencies of any politicians with whom I was acquainted. I took all interview notes by hand. The interviewees included (among others) members of the House, two judges of the constitutional court (one a former Senator and the other a former academic in the field of political science), the Secretary General of the Council of State (a legal advisor to the Office of the Prime Minister), various faculty members from academic institutions, representatives of non-governmental “development” organizations, and a few executives of consulting firms that work closely with the government.

I assembled a mixture of documentary evidence beyond the papers distributed at committee meetings. There are many reports commissioned or published by the Secretariat of the House, typically by university academics but also by members of the House administration. The Secretariat publishes a quarterly journal with articles by parliament staff, qualified outside authors, and on occasion MPs. Masters theses about the parliament written by Thai students at Thai universities are common and sometimes yielded useful information, particularly about parliamentary practices in the past. These Masters theses are far more descriptive than theoretical and always written in Thai. I arranged to pick up a copy of the full House meeting agenda weekly from the House Secretariat. Throughout my research, an increasing number of Thai laws (in Thai and in final form) became available on the parliament’s website and the website of the Council of State. House meeting regulations from various periods, House budget figures, and other documents from parliaments during the 1980s and 1990s were available through the efficient and invaluable services of the staff at the parliament library.

I compiled datasets about legislation and House members using two types of documentary evidence: official summaries of House legislative activities and directories of House members. One dataset is a summary of House legislative activities from 1979-2001. I generally have data about the names of draft bills, who sponsored/initiated draft bills, status of draft bill in the legislative process, and if a draft bill passed. The second
dataset contains background information on all members of elected Houses (nine total) from 1979-2002 (n=3407). The variables include the member’s name, time period of the House session, age, gender, education (type of highest degree, subject of highest degree, location of institution where highest degree granted), province from which elected, party, previous experience in government (local and national levels), and previous employment experience (limited data). Additional variables show if other family members also served in House, if a member ever served at the ministerial level, if a member ever served as a political appointee not at the ministerial level, if a member served in local government, the parties under which a member has served in the House, and the seniority of members.

I followed three pieces of draft legislation: i) a law to reform the administration of the Secretariat of the House of Representatives; ii) a law to change election rules for provincial councils and some other locally-elected bodies; iii) a law to allow limited control by local communities of the forests in their areas. These cover the three ways a law can be submitted to the House: by the cabinet, by a group of at least 20 House members, or by a petition process requiring 50,000 signatures of Thai citizens of voting age. I have draft texts with markups of each law, notes from committee meetings on two laws, a series of newspaper articles on the draft laws, and information from interviews. For further draft laws, obtaining the text of draft laws with markup was difficult. The House Secretariat lacked a central repository for these draft laws and no system for locating what MP or other government body possessed the most up-to-date draft law text.

C. Measurement of Variables: General Comments

There are two types of variables to measure: the characteristics of change (dependent variable) and the factors believed to contribute to (or impede) the changes (independent variables). I will explain the specific measurements used in each of the following three chapters. Table 1.1 summarizes the variables and their measurement.
Table 1.1: Measuring Changes in Thailand’s House of Representatives

<table>
<thead>
<tr>
<th>Components of Change</th>
<th>Key Measurements</th>
<th>Main Data Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure and activities of House standing committees</td>
<td>• Numbers/types of committees</td>
<td>• House meeting rules</td>
</tr>
<tr>
<td></td>
<td>• Committee powers (official and unofficial)</td>
<td>• Participant observation</td>
</tr>
<tr>
<td></td>
<td>• Characteristics of committee members</td>
<td>• Committee documents</td>
</tr>
<tr>
<td></td>
<td>• Participation of interest groups during meetings</td>
<td>• Interviews/conversations</td>
</tr>
<tr>
<td></td>
<td>• House meeting rules</td>
<td>• Database of member characteristics 1979-2002</td>
</tr>
<tr>
<td></td>
<td>• Participant observation</td>
<td>• Reports and Masters theses</td>
</tr>
<tr>
<td></td>
<td>• Committee documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Interviews/conversations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Database of member characteristics 1979-2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Reports and Masters theses</td>
<td></td>
</tr>
<tr>
<td>Submission, debate, and passage/rejection of draft legislation</td>
<td>• Amount of legislation passed</td>
<td>Constitutions</td>
</tr>
<tr>
<td></td>
<td>• Sources/sponsors of legislation</td>
<td>Official summaries of House sessions</td>
</tr>
<tr>
<td></td>
<td>• Time needed to pass legislation</td>
<td>Participant observation</td>
</tr>
<tr>
<td></td>
<td>• House amendments of draft laws</td>
<td>Committee documents</td>
</tr>
<tr>
<td></td>
<td>• Issues covered by legislation (vs. cabinet resolutions)</td>
<td>Texts of laws (draft/final)</td>
</tr>
<tr>
<td></td>
<td>• Attention given to draft legislation by interest groups and the general public</td>
<td>Reports and Masters theses</td>
</tr>
<tr>
<td></td>
<td>• Extent and form of contacts between House members and people outside the House</td>
<td>Articles from news media</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Extraordinary committee reports</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cabinet resolutions</td>
</tr>
<tr>
<td>Organization and activities of the permanent House administration and other legislative staff</td>
<td>• Organizational structure of Secretariat of the House</td>
<td>House Secretariat documents</td>
</tr>
<tr>
<td></td>
<td>• Backgrounds of administrative and legislative staff</td>
<td>House meeting rules</td>
</tr>
<tr>
<td></td>
<td>• Administrative/legislative staff duties</td>
<td>Research and seminar reports</td>
</tr>
<tr>
<td></td>
<td>• Administrative and legislative staff hiring process</td>
<td>Participant observation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Committee documents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interviews/conversations</td>
</tr>
</tbody>
</table>
Table 1.2: Measuring Factors with Potential Impacts on Thailand’s House of Representatives

<table>
<thead>
<tr>
<th>Factor</th>
<th>Key Measurements</th>
<th>Main Data Sources</th>
</tr>
</thead>
</table>
| Electoral system and party structures | • Activities of party list members vs. constituency members  
• Change in electoral system  
• Strength of parties in House  
• Degree of party discipline  
• Composition of and changes in House party coalitions | • Constitutions  
• Reports and Masters theses  
• Academic publications  
• Participant observation  
• Interviews/conversations  
• Database of member characteristics 1979-2002 |
| Interest groups             | • numbers of interest groups  
• types of interest groups  
• issues pursued by interest groups  
• forms of lobbying by interest groups | • Academic publications  
• 1987 and 2002 data on registered associations in Thailand  
• Thai masters theses  
• Websites of interest groups  
• Participant observation  
• Interviews/conversations |

E. Analysis Methods: General Comments

The analysis in the dissertation consists mainly of narrative accounts backed up by quantitative data. Very few forms of data collected as part of my fieldwork are amenable to statistical analysis beyond simple correlations and cross-tabulations. For example, since detailed records about committee activities were only available for the period starting in 2002, a statistical analysis of what issues committees considered or the final disposition of items on committee agendas is not possible. In the case of draft legislation, the main obstacle arises from inconsistencies in the availability of data for different years, making it difficult to use statistical techniques to get an overall picture of changes since 1979.

Since I am focusing on the Thai case, I could be accused of having too many variables chasing too few cases. I can only partially resolve this problem, especially since analyses of legislatures (and my dissertation topic in particular) often require accounting for a wide range of factors. I have partially addressed the “small n” problem by reducing the number of explanatory variables based on the existing literature and my field research. Since the dissertation covers nine distinct incarnations of the House of
Representatives, it is possible to treat each of the nine Houses from 1979-2002 as individual cases to gain more leverage.\textsuperscript{38}

VI. General Background on the National Assembly of Thailand

Thailand’s parliament is officially called the National Assembly. The history of the Thai parliament starts in 1932 with the coup d’état that transformed Thailand from an absolute monarchy to a constitutional monarchy. The legislature remained a unicameral body until just after World War II when it became bicameral with the advent of the Senate in addition to the existing House of Representatives. Since then, it has alternated between being unicameral and bicameral. Elections for the House of Representatives have often used a multi-member constituency system. One province was typically regarded as the constituency and the number of members from each constituency was based on the province’s population. Until the 1997 constitution, the Senate was always appointed, based on the desires of whatever group dominated the government at the time. Since Thailand has experienced numerous military coups since 1932, the Senate has often consisted of appointees from the military or sympathetic to the military leadership. Table 1.3 contains a brief overview of Thailand’s legislative history up to the present (2005).

\textsuperscript{38} There are two drawbacks to this approach: i) the additional number of cases remains small relative to the number of variables under consideration; and ii) the new “cases” are not independent from one another (King, Keohane, and Verba, 222).
### Table 1.3: Summary of the History of Thailand’s House of Representatives

<table>
<thead>
<tr>
<th>Dates</th>
<th>Constitution in Effect at the Time</th>
<th>Main Characteristics</th>
<th>Proximate Reason for Dissolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 Jun 1932-9 Dec 1933</td>
<td>1932 constitution</td>
<td>Unicameral House of Representatives with 70 appointed members</td>
<td>Election mandated by constitution</td>
</tr>
<tr>
<td>9 Dec 1933-9 Dec 1937</td>
<td>1932 constitution</td>
<td>Unicameral House of Representatives with 78 appointed members and 78 members elected by local government officials</td>
<td>Election mandated by constitution</td>
</tr>
<tr>
<td>9 Dec 1937-11 Sep 1938</td>
<td>1932 constitution</td>
<td>Unicameral House of Representatives with 91 appointed members and 91 members elected by popular vote</td>
<td>Government failure to comply with House resolution on bill concerning government budget</td>
</tr>
<tr>
<td>12 Nov 1938-15 Oct 1945</td>
<td>1932 constitution</td>
<td>Unicameral House of Representatives with 91 appointed members and 91 members elected by popular vote</td>
<td>House rejection of government-sponsored bill on war criminals</td>
</tr>
<tr>
<td>6 Jan 1946-8 Nov 1947</td>
<td>1932 constitution and 1946 constitution</td>
<td>Unicameral House of Representatives with 96 appointed members and 96 members elected by popular vote (changed to bicameral system in May 1946)</td>
<td>Elections mandated by 1946 constitution</td>
</tr>
<tr>
<td>24 May 1946-8 Nov 1947</td>
<td>1932 constitution and 1946 constitution</td>
<td>Bicameral; House of Representatives with 178 members elected by popular vote; Senate with 80 members appointed by House</td>
<td>Military coup</td>
</tr>
<tr>
<td>18 Nov 1947-29 Nov 1951</td>
<td>Interim constitution and 1949 constitution</td>
<td>Bicameral; House of Representatives with 120 members elected by popular vote; Senate with 100 appointed members</td>
<td>Military coup</td>
</tr>
<tr>
<td>26 Feb 1952-25 Feb 1957</td>
<td>Amended version of 1932 constitution</td>
<td>Unicameral House of Representatives with 123 appointed members and 123 members elected by popular vote</td>
<td>Elections</td>
</tr>
<tr>
<td>26 Feb 1957-16 Sep 1957</td>
<td>Amended version of 1932 constitution</td>
<td>Unicameral House of Representatives with 123 appointed members and 160 members elected by popular vote</td>
<td>Military coup</td>
</tr>
<tr>
<td>18 Sep 1957-20 Oct 1958</td>
<td>Amended version of 1932 constitution</td>
<td>Unicameral House of Representatives with 121 appointed members and 186 members elected by popular vote</td>
<td>Military coup</td>
</tr>
<tr>
<td>3 Feb 1959-20 Jun 1968</td>
<td>1959 Interim constitution</td>
<td>Unicameral House of Representatives with 240 appointed members</td>
<td>Elections mandated by 1968 constitution</td>
</tr>
<tr>
<td>4 July 1968-17 Nov 1971</td>
<td>1968 constitution</td>
<td>Bicameral; House of Representatives with 219 members elected by popular vote; Senate with 164 appointed members</td>
<td>Military coup</td>
</tr>
<tr>
<td>Dates</td>
<td>Constitution in Effect at the Time</td>
<td>Main Characteristics</td>
<td>Proximate Reason for Dissolution</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16 Dec 1972-16 Dec 1973</td>
<td>1973 interim constitution</td>
<td>Unicameral National Legislative Assembly with 299 appointed members</td>
<td>Reaction to street protests in October 1973</td>
</tr>
<tr>
<td>26 Jan 1975-12 Jan 1976</td>
<td>1974 constitution</td>
<td>Bicameral; House of Representatives with 269 members elected by popular vote; Senate with 100 appointed members</td>
<td>No-confidence motion</td>
</tr>
<tr>
<td>26 Jan 1976-6 Oct 1976</td>
<td>1974 constitution</td>
<td>Bicameral; House of Representatives with 279 members elected by popular vote; Senate with 100 appointed members</td>
<td>Military coup by Administrative Reform Party</td>
</tr>
<tr>
<td>22 Oct 1976-20 Nov 1976</td>
<td>1976 constitution</td>
<td>Unicameral Advisory Council to the Prime Minister Performing the Duties of the National Administrative Reform Assembly; 24 appointed members</td>
<td>Decision by coup leaders to change composition of legislature</td>
</tr>
<tr>
<td>22 Apr 1979-19 Mar 1983</td>
<td>1978 constitution</td>
<td>Bicameral; House of Representatives with 301 members elected by popular vote; Senate with 225 appointed members</td>
<td>House rejects resolution on constitutional amendment</td>
</tr>
<tr>
<td>22 Apr 1983-1 May 1986</td>
<td>1978 constitution</td>
<td>Bicameral; House of Representatives with 324 members elected by popular vote; Senate with 243 appointed members</td>
<td>House rejects Emergency Decree to amend the Land Transport Act of 1979</td>
</tr>
<tr>
<td>27 Jul 1986-29 Apr 1989</td>
<td>1978 constitution</td>
<td>Bicameral; House of Representatives with 347 members elected by popular vote; Senate with 260 appointed members</td>
<td>Opposition in government coalition to a bill concerning copyrights</td>
</tr>
<tr>
<td>24 Jul 1989-23 Feb 1991</td>
<td>1978 constitution</td>
<td>Bicameral; House of Representatives with 357 members elected by popular vote; Senate with 267 appointed members</td>
<td>Military coup by National Peace Keeping Council</td>
</tr>
<tr>
<td>22 Mar 1992-20 Jun 1992</td>
<td>1991 constitution</td>
<td>Bicameral; House of Representatives with 360 members elected by popular vote; Senate with 270 appointed members</td>
<td>Reaction to street protests in May 1992</td>
</tr>
<tr>
<td>13 Sep 1992-2 Jul 1995</td>
<td>Amended 1991 constitution</td>
<td>Bicameral; House of Representatives with 360 members elected by popular vote; Senate with 270 appointed members</td>
<td>Palang Dhamma Party pulls out of government coalition</td>
</tr>
<tr>
<td>Dates</td>
<td>Constitution in Effect at the Time</td>
<td>Main Characteristics</td>
<td>Proximate Reason for Dissolution</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>3 Jul 1995-27 Sep 1996</td>
<td>Amended 1991 constitution</td>
<td>Bicameral; House of Representatives with 391 members elected by popular vote; Senate with 270 appointed members</td>
<td>Lack of support for Prime Minister from government coalition parties</td>
</tr>
<tr>
<td>17 Nov 1996-6 Jan 2001</td>
<td>Amended 1991 constitution and 1997 constitution</td>
<td>Bicameral; House of Representatives with 393 members elected by popular vote; Senate with 262 appointed members up to March 2000 when popular elections for 200-seat Senate held</td>
<td>Elections mandated by 1997 constitution</td>
</tr>
<tr>
<td>26 Jun 2001-6 Jan 2005</td>
<td>1997 constitution</td>
<td>Bicameral; House of Representatives with 500 members elected by popular vote; Senate with 200 members elected by popular vote</td>
<td>House dissolved after serving maximum four-year term. Election held 6 February 2005</td>
</tr>
<tr>
<td>23 Mar 2005-Present</td>
<td>1997 constitution</td>
<td>Bicameral; House of Representatives with 500 members elected by popular vote; Senate with 200 members elected by popular vote</td>
<td>Still serving</td>
</tr>
</tbody>
</table>

Note: Inconsistencies in the dates arise from events such as military coups; and from balancing the need to create a readable table against the mercurial nature of legislative structures in Thailand. The elected and appointed parts of many National Assembly terms start and end at different times. Certain categories of members sometimes continued to serve even after new elections expanded the National Assembly’s membership. For more details, see: Secretariat of the National Assembly, 37-59. Sources: Pajonwarapong and Pajonwarapong (1999); Secretariat of the National Assembly (1992).

The organizational structure of the parliament has changed over time but for the period of focus in this dissertation (1979-2002), the structure has remained fairly stable. Except for the unicameral period in 1991 when a military junta called the National Peacekeeping Council ruled Thailand, Thailand has had a bicameral parliament consisting of the House of Representatives and the Senate. Each chamber elects its own president and deputy presidents to preside over plenary sessions and manage the administration of the two chambers. The President of the Senate was the President of the National Assembly until a change in the 1992 constitution which designated the President of the House of Representatives as the President of the National Assembly. Members of the House elect the Opposition Leader, generally the head of the largest opposition party. The President of the National Assembly leads the Secretariat of the National Assembly,
an organization of civil servants that manages the administrative and technical operations of the parliament. It is currently split into separate bodies: the Secretariat of the House of Representatives and the Secretariat of the Senate. Figure 1.1 outlines the basic structure of the House leadership and Secretariat:

Figure 1.1: Organization of the House of Representatives

Source: Parliament Junior Website. 
http://www.parliamentjunior.in.th/eng/about/chart.asp (accessed 30 May 2005)
Since Thailand is a constitutional monarchy, the King of Thailand has the ultimate authority to convene meetings of the parliament, dissolve the House, approve all laws, issue emergency decrees, approve treaties, and declare war. In practice, the King of Thailand performs these duties on the advice of the Council of Ministers (the cabinet) and only in very rare circumstances will not act upon the cabinet’s advice. In addition, it is possible for the parliament to override the King if His Majesty refuses to approve legislation such as laws, declarations of war, etc.

Since 1979, the basic responsibilities and rights of the House of Representatives, the Senate, and their respective members have been as follows:

Table 1.4: Comparison of Basic House and Senate Responsibilities and Rights

<table>
<thead>
<tr>
<th>Area of Duty or Right</th>
<th>House of Representatives</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selecting the government leadership</td>
<td>Elects the Prime Minister</td>
<td>N/A</td>
</tr>
<tr>
<td>Removing the government leadership</td>
<td>Can hold no-confidence votes against the Prime Minister and/or cabinet members</td>
<td>Cannot propose no-confidence debates.</td>
</tr>
<tr>
<td>Joint House-Senate plenary sessions</td>
<td>House members and Senators have equal powers</td>
<td>House members and Senators have equal powers</td>
</tr>
<tr>
<td>Submitting draft laws</td>
<td>Can submit draft laws</td>
<td>Cannot submit draft laws</td>
</tr>
<tr>
<td>Debating and voting on draft laws</td>
<td>Considers draft laws before the Senate. Can override Senate vote.</td>
<td>Considers draft laws after the House. Cannot override the House. Can amend or reject draft laws from the House.</td>
</tr>
<tr>
<td>Committees</td>
<td>Selects members of House committees in plenary sessions.</td>
<td>Selects members of Senate committees in plenary sessions.</td>
</tr>
<tr>
<td>Questioning of cabinet members</td>
<td>Can question any cabinet member in a House session</td>
<td>No right to question ministers except under special circumstances</td>
</tr>
<tr>
<td>Constitutional amendments</td>
<td>Can propose constitutional amendments</td>
<td>Cannot propose constitutional amendments, unless during a joint House-Senate plenary meeting.</td>
</tr>
<tr>
<td>Rule of parliamentary procedure</td>
<td>Drafts and votes on its own rules and regulations</td>
<td>Drafts and votes on its own rules and regulations</td>
</tr>
</tbody>
</table>

VII. Plan of the Dissertation

The dissertation has five chapters. Chapter One (this chapter) introduces the topic and key arguments, reviews the scholarship on legislatures, and provides an overview of the data collection and data analysis process. Chapters 2, 3, and 4 are empirical analyses containing the core of the dissertation. Each of these chapters contains analyses of qualitative and quantitative data with a substantial ethnographic bent. Chapter 2 considers changes in the organization and activities of standing committees in Thailand’s House of Representatives. Chapter 2 asks why standing committees have grown in number and their staffing levels have increased, even as they are reviewing fewer draft laws and have not gained official powers relative to the executive branch. Chapter 3 investigates the process of proposing, drafting, amending, debating, and passing/rejecting laws (acts of parliament), focusing on the House of Representatives. It considers the increased power of the House in law-making and how factors beyond the major political reforms of the current constitution account for this shift away from “rubber-stamp” status. Chapter Four studies changes in the activities of the administrative and research support services provided to members of the House of Representatives. Why has the shift away from the House’s former “rubber-stamp” status not been accompanied by improved legislative support services, other than increased numbers of temporary staff? Chapter 5 summarizes the findings from the dissertation, considers the Thai case in light of the comparative literature on legislatures, and suggests areas for extending the analysis of Thailand’s parliament and other legislatures.
Chapter 2:  
Standing Committees in Thailand’s House of Representatives

I. Introduction

Committees are bodies of two or more persons appointed or elected for a special function. They are a key element of all legislatures and perform an array of tasks: vetting the details of draft legislation; reviewing the efficiency, effectiveness, and fairness of government programs; investigating important issues of immediate and major public concern; pursuing of evidence in cases of illegal or unethical behavior; and other matters. Committees range from the potent US Congressional committees with budget and subpoena powers, to the feeble bodies found in some legislatures that rarely meet and have no effective powers of oversight or ability to demand documents and testimony. Given the variety of functions committees serve and their spectrum of powers, there are many factors that can influence the composition, roles, and powers of committees.

This chapter studies some of the factors having a potential impact on the structure and activities of standing committees in Thailand’s House of Representatives, the lower chamber of Thailand’s bicameral national parliament. In Chapter 3, I consider extraordinary House committees. Standing committees are “permanent” committees in the sense that they operate throughout the legislative session and generally reconvene after new elections following a House dissolution. The House forms extraordinary committees to perform a particular task (typically to vet draft laws). An extraordinary committee is dissolved once it completes its assigned task.

Committees, particularly standing committees, deserve attention for a number of reasons. First, in Thailand’s House and nearly all other regularly-functioning legislatures, committees conduct the majority of the legislative work. By dividing the array of legislative tasks – reviewing legislation, investigating government programs, assessing the government budget, etc. – among committees, legislatures complete these tasks more efficiently and quickly than if they had to be performed in unwieldy plenary
As a corollary to this first point, the strength of committees – typically measured terms of the ability to alter government programs (including budget allocations) and amend legislation – gives strong indications of the legislature’s strength overall. The powers of the US Congress, by consensus seen as the world’s strongest legislature, are most evident from the activities its potent committees.

Second, standing committees in Thailand’s House have been one of the most consistent House institutions since 1979, in that the House has formed standing committees which have met recurrently and produced various outputs (resolutions, reports, etc.). This consistency makes standing committees ideal for understanding how the House has evolved over time. Third, standing committees have historically been the main channel by which citizens have participated in legislative processes. An analysis of standing committees is one of the best ways to see how members of parliament (MPs) and citizens interact in a formal setting, and how MPs translate the preferences of citizens into legislative outputs.

Stability has been the hallmark of House standing committees. Committee powers to penalize government agencies, change budget allocations, and obtain testimony and evidence from government officials have changed very little since 1979. For example, committees are now allowed to issue official resolutions but government agencies are under no obligation to obey those resolutions. The norms of committee meetings and official meeting procedures are very similar now to what they were in the 1980s. The characteristics of committee interactions with individuals and groups outside of the parliament have changed little during 1979-2002. The typical interaction takes place in a meeting closed to public or media view, consisting of exchanges between individuals presenting various sides of a small-scale (i.e., not national) issue.

---

1 Krehbiel (1991) developed a theory which questions the existence of committees primarily as forums for trading between legislatures. In this “informational perspective” on legislative institutions, a key reason why the legislature forms committees is to obtain gains from specialization by committee members. Committees (along with particular rules regarding their behavior) promote members’ specialization in particular policy areas, giving the legislature as a whole a better sense of what impacts the policies it enacts will have. Others have expanded on or probed the informational perspective, including Cox and McCubbins (1993), Sinclair (1994), Diermeier (1995), and Baron (2000). Krehbiel revisited his own arguments in his 1997 article.
Yet some aspects of committees have changed. The number of standing committees has grown substantially since 1979: from 16 in 1979 to 21 in 1992 to 31 as of 2002. Standing committees are reviewing draft laws less often, having passed that responsibility over to extraordinary committees. The House expanded the number of paid committee staff as well.

I consider a number of factors that could explain these changes. The factors include the general expansion of issues confronting the House since 1979, election system reforms in 2001, and the evolution of interest groups. The evidence points to the continued importance of constituency services as the key driver for both the stability and the transformation of standing committees. Individual Thai citizens have demonstrated an increased willingness to bring issues to the parliament and committees are the most accessible channel available to them. This helps explain the growth in the number of standing committees, the trend towards reviewing draft laws less (in favor of constituency work), and the desire for more committee staff to handle the workload.

However, interest groups continue to shy away from using standing committees to further their policy objectives. The change in the election system to include MPs elected under a system of proportional representation with closed lists would seem to point towards more consideration of national policy issues (including the review of draft laws which typically have a national scope) and staffing changes designed to provide the expertise needed to address national policy issues. The election system reforms have had no impact on standing committees in either the review of national policies and draft laws or the levels of committee staff.

This chapter starts by reviewing the scholarly literature on legislative committees, highlighting the factors influencing changes in legislative committees. I follow with a detailed description of House standing committees during 1979-2002, and an analysis of why some elements of standing committees changed while other remained stable. The chapter ends with a brief conclusion.
II. Accounting for Changes in Legislative Committees

A. General Comments on Committee Powers

As a general rule, committees in parliamentary systems, especially Westminster-type systems with strong executives and collective responsibility in their cabinets, tend to be weak relative to the executive branch. There are various reasons for this weakness. First, the party or coalition of parties holding the majority in the legislature will attempt to ensure its own members control key committees. Parties and coalitions may shift the responsibility for drafting and amending legislation into forums outside the legislature that they can dominate. Second, legislators on committees often have few skills in drafting legal texts and are ill-equipped to devise detailed provisions to constrain civil servants (USAID 2001, 14). This is particularly true in countries outside the advanced industrial democracies. Third, government ministries often have more resources for collecting and analyzing information than legislative institutions. One scholar claimed that other than the US Congress, “the staff for committees are few, largely clerical, and mostly ‘borrowed’ from administrative agencies” (Olson 1980, 273). While this probably less true than it was 20-30 years ago, small groups of committee staff cannot compete with ministerial muscle. Since committees typically have some oversight powers over executive branch agencies, these agencies will be reluctant to share information and expertise except under unusual circumstances. Fourth, committees where the members have low levels of specialized knowledge regarding public policies will tend to be weaker. Members will lack knowledge needed to challenge effectively the expertise of ministries or other groups involved in law-making or government oversight.²

² See Cox and McCubbins (1994) for the power of parties over committee activities in US Congress. Even Krehbiel --whose “informational perspective” on Congressional institutions de-emphasizes the role of parties in committees – notes that the legislative majority typically has the power to change committee powers, amend committee voting rules, and approve most or all committee assignments. Comparing committees in 18 western European legislatures Mattson and Strøm mainly found “arena” committees, forums for “grand-standing which enjoy little or no deference from the floor” (Mattson and Strøm, 109).
³ A lack of specialization sometimes results from unclear and overlapping committee jurisdictions. Coordination problems across committees can arise that consume committee resources and make them less effective. When committee seniority does not confer increased powers to senior members, the incentive to specialize decreases (Krehbiel 1991, 95).
B. Expanding Legislative Agenda

A growing legislative agenda may lead to an increased number of committees, or at least more frequent use of the existing committees. The legislature responds to the greater workload created by the expanded agenda by shifting more legislative responsibilities to committees. This is an extension of the ideas about why committees exist in legislatures, particularly as a way to handle a complex set of legislative tasks that would take up far too much time in plenary sessions.

In the Thai case, the question becomes how the legislative tasks are allocated among the two key types of committees found in the House (i.e., standing and extraordinary committees). There are three basic scenarios for the allocation: i) the substantial majority of the new tasks are assigned to standing committees; ii) the substantial majority of the new tasks are assigned to extraordinary committees; and iii) the duties are divided roughly evenly between the two types of committees. A further question is what form the new tasks take, mainly whether the tasks directly involve law-making or involve other concerns such as problems with the implementation of existing government programs. In 1979, Thai House standing committees both vetted draft laws and addressed concerns voiced by constituents about existing government programs. Extraordinary committees typically focused on vetting draft laws only. Therefore, the prediction is therefore that unless there is a substantial increase in resources devoted to law-making for standing committees, a legislative agenda with more law-making work would lead to greater use of extraordinary committees for vetting draft law. Standing committees would focus more on constituency concerns, especially if constituency obligations escalate.

C. Election System Reforms

Some research suggests that the electoral system affects committee activities. Cox and McCubbins (2001) speculate that in the presence of greater personal voting for legislators, legislative rules are more likely to decentralize decision-making power to

---

4 See Shaw (1979) page 407. One scholar asserted that the British House of Commons created a new set of “Select Committees” because many MPs believed that while government spending and programs had grown rapidly, their ability to scrutinize these expenditures and programs had barely changed (Jogerst, 93).
committees and away from party or government leaders (Cox and McCubbins 2001, 37). Similarly, Stratmann and Bauer (2002) find that legislators elected through Germany’s first-past-the-post system are members of committees that service their geographically based constituency more than legislators elected through proportional representation whose committees tend to service the party constituencies (not necessarily geographically based). A system with multimember districts (and no closed-list system for selecting candidates) is more likely to lead to personal voting based on a candidate’s personal reputation (Carey and Shugart 1995, 430). In sum, the shift in Thailand from a multimember district election system to the current mixed system for House elections (single-member districts plus proportional representation) creates a possible shift away from personal voting (Hicken forthcoming). This shift can translate into less use of committees for addressing particularistic constituency concerns and a tendency for committee decision-making to fall more directly under the influence of party leaders.6

D. Growth of Interest Groups

Research on interest groups and the tenets of principal-agent theory indicate some potential impacts of changes in interest group behavior on committees. In the area of committee oversight of executive branch agencies, growth in the number, variety, and “professionalization” of interest groups can lead to a greater use of legislative processes to further the policy objectives of these groups.7 This growth may foster more interactions between legislative committees and such groups. These interactions offer interest groups another channel for influencing government policies. In turn, legislators can rely more on interest groups to provide information about government activities. Legislators on committees may nurture their relationships with particular interest groups, building up a “constituency” of interest groups which gives them increased sway in

---

5 Personal voting here refers to votes in elections based primarily on the personal characteristics of the candidate, especially what tangible benefits the candidate can bring to the people in his/her district. Personal voting is in contrast to voting based on a preference for the candidate’s party (if any). In addition, committees with large numbers of members (e.g., Italian Chamber of Deputies) and frequent membership turnover are less likely to develop autonomy (Shaw 1979, 416).

6 Katz and Sala found that a change in the US voting method for members of Congress resulted in increased personal voting. In turn, this contributed to changes in committees, particularly an increased incentive to specialize in particular policy areas important to their constituents.

7 Professionalization refers to factors such as whether the organization operates using only volunteers or has paid staff, the stability of its funding, the stability and activeness of its membership, etc.
executive oversight efforts. Institutional changes such as stronger committees or improved staffing resources could emerge from these relationships. Most studies along these lines have focused on committees in the US Congress. Analyses of committees other than those in the US Congress have found they have limited but sometimes significant powers (Longley and Davidson 1998; Shaw 1979; Stratmann and Bauer 2002).

III. Describing House Standing Committees during 1979-2002

House standing committees during 1979-2002 have shown a combination of stability and change. Some aspects of House standing committee structure and activities have changed:

- The number of standing committees has increased
- Standing committees have shifted away from reviewing the text of draft laws
- The number of standing committee staff paid for by official funds has increased

However, stability has been more prevalent during 1979-2002:

- Standing committees have vague and overlapping mandates
- Standing committee powers have not increased to any significant extent
- Interest group interactions with and use of standing committees remain minimal
- Standing committees have problems obtaining testimony and evidence
- Meeting procedures and behavioral norms in standing committee meetings have changed little

A. The Number of Committees

The history of Thai parliamentary committees starts with the genesis of the parliament in 1932. Section 6 of the provisional constitution of 1932 stated that the new parliament had the power to appoint committees to consider any matter brought before the full parliament. In 1932, the parliament formed what was in effect the first standing committee: the Committee to Review the Minutes of Meetings. This was not treated as a

---

8 For example, McCubbins and Schwartz discuss how “fire-alarm oversight” promotes the involvement of individual citizens and interest groups in notifying Congress about “violations” of Congressional goals by executive branch agencies. Ainsworth reviews the scholarship on lobbying in Congress, emphasizing how members of Congress structure Congressional institutions (such as committees) in response to the characteristics of interest group activities.

9 The literal translation of the constitutional provision is “sub-committee.” This is probably because Thai constitutional language treats plenary sessions of parliament as “committee” meetings.
permanent committee, though it became one as time passed and most incarnations of the Thai parliament have had such a committee. By 1934, there were five committees present in the parliament and by 1971, there were seven committees (Suwannamongkon, 2-1 – 2-3). The available historical documentation does not indicate what committees existed before the 1970s. In 1944, the parliament passed a resolution to form a committee to scrutinize the national budget (Patamasukon, 540). By 1979, there were 16 standing House committees, increasing to 23 in 1992 and 31 by 2001 (see Table 2.1). Committees had 19 members each in 1979, decreasing to 17 members starting in 1992 and remaining at this level currently.

B. Types of House Committees

The distinction between standing and extraordinary committees first appeared in the 1932 constitution (section 43). It is unclear how the two kinds of committees played their roles in the early days of the parliament, though it appears standing committees were used more frequently for considering draft laws than they are now. In 1979 House committees in the second reading stage of the House law-making process considered 80 of the 103 draft laws submitted to parliament (78%). Of these 80 draft laws, House standing committees vetted 38 (48%) and House extraordinary committees vetted 42 (52%).

In 1994, for the over 300 draft laws on the House agenda, only 44 made it to the second reading stage. Of these 44 draft laws, the full House vetted 25 (57%), House standing committees vetted 3 (7%), and House extraordinary committees vetted 16 (36%). The Secretariat of the House has not published similar data for years beyond 1994. My observations of the House in 2002 strongly suggest that standing committees rarely review draft laws and leave this responsibility to extraordinary committees.

A highly-experienced advisor to the House Secretariat referred to standing committees as “petition committees.” He meant that standing committees investigate grievances with the implementation of government programs brought to their attention by

---

10 The initial House law-making process consists of three readings. In the first reading, the full House approves or rejects the principles of the draft law. In the second reading, the House assigns a committee to consider any amendments to the draft law. The full House then accepts or rejects the committee’s recommendations. In the third reading, the full House debates and votes on the draft law. The law-making process will receive detailed coverage in the next chapter.

11 The data cited in this paragraph come from Secretariat of the House of Representatives (2000).
constituents, media reports, and other sources of information. This is an accurate description of the majority of work conducted by standing committees during the past decade and the remainder of this chapter will focus on this form of House oversight of executive branch agencies.

C. Committee Jurisdictions and Issues Considered by House Standing Committees

Regarding the officially-stated jurisdictions of House standing committees, there is no evidence until 2001 that House meeting rules or other legal documents designated the areas on which individual committees would focus. Up to 2001, only the name of the committee indicated on what economic, social, and political issues members would devote its resources. The 2001 House meeting rules provide brief statements describing the responsibilities of each committee. These descriptions are in most cases very broad and do not provide much guidance beyond what the name of the committee already indicates. Four examples of these descriptions are shown below (author’s own translation of the Thai original):

- Committee on Local Administration: “Responsible for investigating or studying any matter concerning the administration of state affairs, the development of the civil service, and the behavior of government officials.”
- Committee on Military Affairs: “Responsible for investigating or studying any matter concerning the military and the protection and maintenance of national security.”
- Committee on Commerce: “Responsible for investigating or studying any matter concerning trade, export, customs, licensing, copyrights, and registration with respect to both tangible goods and intellectual property.”
- Committee on Industry: “Responsible for investigating or studying any matter concerning the promotion of industry, including the impacts of industrial activities.”

While these descriptions apply to the House during the 2002-2005 session, many informal conversations with various MPs strongly indicate that jurisdictional boundaries have never been strong among House standing committees. To paraphrase a statement by

---

12 Appendix 1 of Suwannamongkol (2000) has more detailed descriptions of the jurisdictions 23 House standing committees as of 1997. However, he does not appear to cite his source so it is unknown whether he used an official document unavailable to me or whether he devised an unofficial division of labor among the committees.
one committee chairman the author heard: “We can take up whatever issue we want.” This is not much of an exaggeration.

The descriptions show the potential for overlapping issues across multiple committees and this has been a problem as the number of committees has risen and the number of committee meetings increased. Data on such jurisdictional conflicts were simply not available and few MPs were willing to discuss these issues in anything beyond the broadest terms. One five-time MP with experience on a number of standing committees noted the lack of committee coordination and blamed it on two factors: vague official jurisdictions and the absence of any organization in the House Secretariat to coordinate the assignment of items to the agendas of meetings held by different committees. Conversations between me and staff members of the committee divisions of the House Secretariat revealed that there is also no system for coordinating testimony given by the same witness to different committees. At a number of committee meetings I observed, members had to re-arrange the meeting agenda to enable a witness to finish giving testimony for another committee. That witness would then make his way to the committee meeting with the re-arranged agenda and respond to queries from MPs and other legislative staff. The House acknowledged this problem by adding a provision to the House meeting rules in 2001. That provision states that if an issue spans the mandate of multiple House committees, the House can form an extraordinary (ad hoc) committee consisting of the President of the House, Chairman of the House Affairs Committee, and Chairmen of the other relevant House committees to resolve any divergences. The House has never formed such an extraordinary committee.

Jurisdictional issues become more complicated when the analysis moves from official committee mandates to what committees put on their agendas. Committee meeting agendas have become more crowded and the variety of issues considered has increased. Before the 1980s, House standing committees rarely met, considered few issues of importance, and had few powers.\textsuperscript{13} House standing committees became more active during the mid to late 1980s\textsuperscript{14} MPs were looking for mechanisms to get the government administration to respond to their requests since the administration had not

\textsuperscript{13} Interview with James Klein, Director, The Asia Foundation (Thailand), 23 February 2004.
\textsuperscript{14} Interview with Suwit Khunkitti on 25 February 2004. He is an eight-time MP, former committee chairman, and was Deputy Prime Minister at the time of the interview.
been very responsive previously. The question of the government’s responsiveness to committee activities aside, evidence from official summaries of House sessions published by the House Secretariat show that committees by the 1990s had become quite active. Table 2.2 indicates that the committee system was “functioning” quite well during the 1990s and through 2001.

Table 2.2: Matters Considered by House Standing Committees, 1993-2002

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Administration</td>
<td>42</td>
<td>22</td>
<td>30</td>
<td>45</td>
<td>42</td>
</tr>
<tr>
<td>Agricul. and Cooperatives</td>
<td>57</td>
<td>30</td>
<td>27</td>
<td>56</td>
<td>33</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>31</td>
<td>37</td>
<td>12</td>
<td>37</td>
<td>12</td>
</tr>
<tr>
<td>Public Health</td>
<td>33</td>
<td>16</td>
<td>9</td>
<td>14</td>
<td>16</td>
</tr>
</tbody>
</table>

Note: Excludes committee consideration of draft laws. This amounted to approximately 1% of the matters taken up by all four committees over the period covered by Table 2.2. Source: Official summaries of House sessions by the Secretariat of the House of Representatives.

A deeper look at the Committee on Local Administration’s meetings illustrates the sorts of jurisdictional overlap that regularly occurs across House standing committees. Table 2.3 shows the kinds of cases that appeared most often on the Committee’s agenda, based either on how many meetings the committee devoted to a case or the number of times the committee considered a particular genre of case. The variety of issues covered is notable and for many of these issues there are other House standing committees addressing the same types of issues. The 1993-2002 period always had a committee to consider environmental issues, the House Committee on Justice and Human Rights, and a committee ostensibly for monitoring whether government expenditures are being used as intended. The expansion of the committee system in 2001 created even more jurisdictional overlap, especially with the creation of the House Committee for the Prevention and Suppression of Corruption. A reading of the issues taken up by the Committee on Justice and Human Rights and the Committee for the Prevention and
Suppression of Corruption shows strong similarities with the Committee on Local Administration’s agenda.

Table 2.3: Some Issues Considered Often by the House Committee on Local Administration

<table>
<thead>
<tr>
<th>Type of Issue Considered</th>
<th>Period of Committee Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land appropriation, land title disputes, etc.</td>
<td>1993-94 X 1997-98 X 2001 X 2002 X</td>
</tr>
<tr>
<td>Forest use, environmental issues</td>
<td>X X X X</td>
</tr>
<tr>
<td>Conduct of police officials</td>
<td>X X X</td>
</tr>
<tr>
<td>Government contracts and bidding</td>
<td>X</td>
</tr>
<tr>
<td>Improper behavior of local government officials</td>
<td>X X X</td>
</tr>
<tr>
<td>Organizational changes in government agencies, transfers/dismissals of government officials</td>
<td>X X X</td>
</tr>
<tr>
<td>Natural disasters, building collapses, etc.</td>
<td>X</td>
</tr>
<tr>
<td>Road, building, and infrastructure construction</td>
<td>X X X</td>
</tr>
<tr>
<td>Smuggling goods, trafficking in persons, etc.</td>
<td>X</td>
</tr>
</tbody>
</table>


The proximate cause of the jurisdictional overlap is the lack of an effective system in the House Secretariat for coordinating committee activities. Yet an equally important factor is the way in which members of standing committees decide what gets on the meeting agenda. For one standing committee which will remain anonymous, I had a unique opportunity to observe a committee meeting during which the members made many determinations about what issues to consider for future meetings. Table 2.4 (see Appendix) summarizes the decisions made at that meeting. Though detailed information for other committees is unavailable, preliminary evidence suggests that few if any House committees—past or present—have developed systematic methods for determining meeting agendas.

The process of having an item get onto the agenda typically starts from a person with a grievance contacting the committee or a committee member proposing an issue for the agenda. All submissions to the committee must be in writing and handwritten personal letters sent by petitioners to the committee staff or members were common.
issue proposed by, or at least supported by, a committee member has a much higher probability of getting on the agenda than a case submitted solely by a person with a grievance. As Table 2.4 indicates, the only issue among the 25 listed to be put on the agenda was a direct request by an MP; and not even an MP on the committee. The ultimate authority for determining what ends up on the committee agenda rests with the committee chairman. This was true for all three standing committees the author observed. Usually, the chairman will not reject a committee member’s request. If the chairman proposes the inclusion of an issue on the committee agenda, the committee will only resist the proposal under unusual circumstances. If an issue is “hot” in the media or in political circles, committees will be wary of putting it on the agenda unless the members believe they can exercise enough control over the proceedings that it does not hurt their interests or cause the a “loss of face” in terms of lower public confidence in the House.

Small-scale issues or individual grievances dominate the items that committees typically consider in their meetings. Committees sometimes consider national policy concerns directly but it is more likely that they will scrutinize narrow issues or individual situations. These issues and situation may often have underlying connections to national policy debates but committee meetings do not serve as key forums for debates on national policies.

For example, one committee in 2004 considered a complaint concerning the eligibility of some citizens to vote in one district of one province (Thailand has 76 provinces). Committee members focused on an out-of-date housing registry as the source of the voting problem. The housing registry determines in what electoral district a person is entitled to vote. Questions and comments by committee members raised the strong possibility that the nationwide housing registry maintained by the Ministry of Interior has substantial errors. However, the committee did not pursue the topic of systematic errors in the national registry and focused all its efforts on that particular district’s housing registry. Most likely, committee members from the government coalition did not want to

---

15 I only saw this occur once. Committee members commented that the objecting member “was ordered” by a leader of his faction, apparently to make a statement for the official committee record. The objection to the chairman’s request had no known impacts on the future work of the committee and the chairman showed little concern about the incident.
take on the Ministry of Interior which is headed by a powerful member of the majority party in the coalition. A detailed investigation of the national voting registry would require a major investment of time and political capital but would have few potential benefits for individual members of the committee.

To understand more about ways in which committees addressed specific issues, it is helpful to consider the following three case studies from House standing committees.

1. Committee Case Study 2.1: Trespassing on a Forest Reserve

This case involved a plaintiff working directly with a committee member from the province (hereafter referred to as “province N”) in which the alleged problems occurred. The plaintiff claimed that accused illegally blasted and then mined an area designated as a national forest reserve. The plaintiff also claimed that one of his employees was shot dead by an employee of the accused. These accusations were lodged as separate complaints to the police and assigned different case numbers. Thus, there were two parallel cases to consider: trespassing on a forest reserve and an unresolved murder.

The committee summoned the following people to testify: the plaintiff, police officials, the governor of province N, Department of Forestry officials from province N, and officials from the Ministry of Industry in province N. The governor did not testify but sent a memo. The memo stated that the accused is related by marriage to the plaintiff (plaintiff is the younger brother of the accused person’s wife), the plaintiff and accused were partners in the firm that was given permission to blast and mine, and the plaintiff decided to leave the partnership to pursue other business opportunities. The accused agreed to pay the plaintiff six million baht (approximately US$150,000) as a compromise payment. In written and oral testimony, the plaintiff (or his associates) referred to the accused as an “influential local person,” a synonym for a local mafia figure and strongly associated with corruption and illegal activities. He believed that local residents were afraid to approach authorities about the trespassing because of fears for their safety.

The committee focused more on the trespassing case than the murder. The committee member working with the plaintiff stressed that the committee should not

---

16 All the information in Committee Case Study 2.1 comes from materials collected by the author at committee meetings during 2002.
consider the murder case directly, concentrating instead on the claims of illegal encroachment. A memo to the committee, written most likely by someone from the Committee Division of the House Secretariat, stated that the Minister of Agriculture and Cooperatives had granted mining rights to the accused. The accused had the right to obtain rock suitable for cement production and approximately 24 percent of the granted area was in national reserve forest where such activities are generally not permitted. The memo concluded that if blasting and mining took place outside of the permitted area, there were grounds for taking further legal action. However, if mining occurred as specified under the resolution, there was no basis for legal action. The accuser provided copies of key documents concerning the granting of mineral rights.

A variety of police officials, and provincial- and district-level officials from the Ministry of Agriculture and Cooperatives investigated the trespassing case and murder. Various officials called to testify did not appear, citing the need to attend events with members of the royal family.17 While some of these actions were standard practice by these agencies, there were strong indications that the influence of the committee member working with the plaintiff led to more detailed scrutiny than normal. The various investigations found evidence of “wrongdoing.” In particular, officials from the Office of Geological Resources in province N and from the Ministry of Industry in province N found evidence that mining had occurred outside the legally permissible area. However, a Forestry Department official says his department is still investigating whether encroachment took place. Apparently, there was a problem with boundary markers for the forest reserve area. The plaintiff asserted that even with all the investigations, the accused continued to blast and mine as before, essentially operating with impunity.

Two committee members asserted that the company accused of encroachment bribed officials in the Department of Mineral Resources. Another committee member disputed the testimony of a Department of Mineral Resources official who claimed that he saw no encroachment when he visited the area. The member held up photos of the area and asks how this could be true when the photos showed “obvious” encroachment. The official responded that he visited the area before the encroachment occurred.

17 Thais accord a very high level of respect to the King of Thailand and members of the royal family. Citing the need to attend an event which members of the royal family will attend is a legitimate and frequently-cited excuse for not testifying at a committee meeting.
Committee members later visited province N. They convinced local officials from the Office of Geological Resources to issue and order halting all mining for 60 days. The committee also told local officials to initiate efforts with higher-level officials to withdraw the permission to mine, based on provisions in the Law on Minerals (1967). Officials from the Office of Geological Resources sent a memo to the head of the Ministry of Industry in province N recommending that the mineral concession be revoked by the issuing ministry if further investigation confirmed that the accused mined outside the concession area. Police officials and Department of Forestry officials placed fencing and barbed wire around the forest reserve area to prevent further trespassing. Back in Bangkok at the parliament, the committee issued a resolution calling upon the relevant government departments to cancel the accused company’s mining rights. Departments are not bound to take action on House standing committee resolutions.

In the end, the main driver behind this case was the committee member from province N, an MP with strong connections to the ruling Thai Rak Thai party and high-level officials in province N. He knew the accused and was aware of the past activities of the accused. From his perspective, the case looked bad for his province and he staked some of his reputation on being able to neutralize the activities of the accused. He and the rest of the committee had to exercise care because corruption involving government departments was potentially involved in granting the mining rights. Even so, this case had the advantage of legal and regulatory credibility. There was substantial evidence of encroachment on the forest reserve and media coverage of the issue also helped committee members sustain the attention of government officials.

2. Committee Case Study 2.2: Building a Pedestrian Bridge/Overpass

This case involved an informally organized group of people in a district of Bangkok who wanted a pedestrian bridge/overpass constructed over a major roadway. The Bangkok Metropolitan Administration declined to construct the bridge, citing city

---

18 There was no evidence that the accused was a member of or supporter of a rival party or faction. However, there were indications that the accused had considerable influence in his district of province N and that the committee member was under pressure to use the situation as a method to reduce this influence.

19 All the information in Committee Case Study 2.2 comes from materials collected by the author at committee meetings during 2002.
regulations and technical considerations. Some residents in the area petitioned the committee to get the bridge constructed. The crux of the case was whether the city should make an exception to its rules about the minimum required distance between pedestrian bridges (200 meters). The bridge desired by the petitioners would have been too close to an existing pedestrian bridge.

At the first meeting devoted to this case, 8-10 Thai citizens from the area of the proposed bridge attended. Committee members frequently used the phrase “for the people” (peua brachachon) and displayed a clear bias towards the petitioners. This first discussion of the case ended with a committee member suggesting that the city government waive the regulations about the required distance between pedestrian bridges.

At the next meeting where the pedestrian bridge case was on the agenda, approximately 10 residents from the area attended. The committee chairman ended up apologizing to them because officials from Bangkok who were initially scheduled to testify on that day had to postpone to the following day. This delay did not cause any clear dissatisfaction among the residents.

At the next meeting, approximately 15 members of the community attended. One representative of the Bangkok Metropolitan Administration attended, an official from the Bangkok Governor’s office. Committee members put pressure on the Bangkok official, in part to make a good impression on the residents. In the chairman’s view, most important issue was to meet the people’s needs. Some committee members used the phrase “nong deuat rawn” when referring to the community members. This essentially translates as “angry little people.” As the discussion progressed, the fact emerged that a member of the committee lived in the area of the proposed bridge. It is very likely that members of this community approached him for assistance with lobbying the Bangkok government. Curiously, this committee member’s constituency was very far from Bangkok and his Bangkok residence was where he stayed when in the capital for parliament meetings or other affairs. Even so, as an MP he could not easily refuse a request for assistance from his Bangkok neighbors.

The committee lacked any formal budget or other power over the Bangkok Metropolitan Administration, other than the right to request that officials testify. There
may have been private meetings between committee members and Bangkok officials to which I had no access. However, in the official environment of the committee meeting room, members could only press the Bangkok official to propose building the bridge, requesting that he suggest this to his superiors in a “personal capacity.”

3. Committee Case Study 2.3: Selecting a Site for a New Parliament Complex

The most prominent and important issue I witnessed in committee meetings concerned the debate over and search for a location to move the parliament. This case has a history extending back at least to when Marut Bunnag was president of the National Assembly (September 1992 – May 1995), continuing through the presidencies of Booneua Prasertsuwan (July 1995 – September 1996) and Wan Muhammad Noor Mahta (November 1996 – November 2000). Over the course of the 1992-2000 period, 11 sites received serious consideration as potential locations for a new parliament complex. Some sites were in Bangkok and some in provinces adjacent to Bangkok. Out of the 11 sites, 10 belonged to government agencies, the military, or the Crown Property Bureau. Each site had problems that made it unsuitable for a new parliament: too far from Bangkok, too expensive to move existing occupants, posed technical problems for construction, etc. As a result, the effort to build a new parliament and move from its existing location (managed by the Crown Property Bureau) never progressed beyond the discussion stages. Proposals to make significant structural changes to the existing parliamentary buildings and grounds would have required the Crown Property Bureau’s approval. This option never received serious consideration.

The idea of locating a new site for the parliament resurfaced in 2002 in the meetings of one House standing committee. It arose in part because of proposals to move the entire House Secretariat due a growing lack of space in the existing parliament.

---

20 The information in Committee Case Study 2.3 comes from materials collected by the author at committee meetings during 2002, as well as media reports on the issue.
21 The Crown Property Bureau (www.crownproperty.or.th) manages the company shareholdings and real estate assets of the Royal Family. The Royal Family has extensive real estate holdings in Thailand (mainly Bangkok) and substantial (in some cases controlling) shareholdings in major Thai companies such as Siam Cement and Siam Commercial Bank.
22 This lack of consideration may have resulted from a reluctance to negotiate with the Crown Property Bureau, an organization closely associated with the highly-revered King of Thailand. There were also rumors that some officials wanted to replace the parliament with another tenant which would run a job training facility.
complex. Though the proposals to move the House Secretariat and the parliament are connected, this discussion will only consider the proposal to move the parliament.

The push for a new parliament in 2002 came from two main sources: a small group of MPs and the President of the National Assembly (also President of the House of Representatives). The President proposed to the Prime Minister that the government select a location for construction of a new parliament. The Prime Minister delegated responsibility to Deputy Prime Minister Chavalit Yongchaiyud in his capacity as chairman of the Committee to Facilitate Structuring of Government Centers. The Committee to Facilitate Structuring of Government Centers delegated responsibility to the National Economic and Social Development Board, a government organization with very limited sway over cabinet and ministerial decisions. Around the same time, the President delegated responsibility for locating potential sites for new parliament to a House standing committee. The President formed a working group to survey MPs, Senators, and parliament administrative staff to see what they wanted in a new parliament. He formed another working group to locate potential sites for a new parliament complex. He also suggested to the House committee that some Senators be invited to participate in the process of selecting a new site. The parliamentary procedures regarding such a move were unclear, though committee members stated there was some contact between MPs and Senators regarding the planned new parliament.

The figure submitted to the government for building a new parliament as part of the budget approval process for 2003 was one billion baht (approximately US$25 million). This was submitted to the Office of the Budget and reviewed by the Extraordinary House Committee to Examine the National Budget of Thailand 2003. It is unclear who prepared this budget, how those people arrived at the figure of one billion baht, and what would be the cost breakdown for the total budget figure.

Committee members expended a substantial amount of time in their efforts to locate potential sites for a new parliament. Committee members visited a number of potential sites for a new parliament, including an air force base next to Don Muang International Airport in Bangkok, an army base called Sanam Pao in Bangkok, a large corrections facility in Bangkok, and a large plot of land owned by the State Railway of Thailand in Bangkok. Each site had problems which made it impossible to use. In some
cases, military officials were reluctant to cede control of their land to the parliament. In other cases, compensating existing residents and tenants would have made the parliament prohibitively expensive. For a few weeks, the land owned by the State Railway looked promising but resistance by the State Railway authorities, competition for that parcel of land from other influential organizations, and the need for the Prime Minister’s approval created too many obstacles.

The committee heard testimony from a number of people who formally proposed building the new parliament on land in areas adjacent to Bangkok. An MP (not a committee member) from Nakhon Pathom province west of Bangkok proposed using an ostensibly vacant plot owned by the Ministry of Agriculture and Cooperatives. Documents presented at the committee meeting revealed that the land was not vacant and there were already plans to rent it to a cooperative. Another MP introduced a representative from a company in Samut Sakhon province southwest of Bangkok who stated that his company would donate land for a new parliament complex. The committee resolved that a committee member should announce the proposed donation, mainly in the hopes that it would spur further proposed donations.

Meanwhile, Uthai Pimchaichon, the President of the National Assembly, had been active in the quest for a site. He invited the Prime Minister to visit three potential sites, including one in Lopburi province, approximately 100 kilometers from central Bangkok. The President supported moving the parliament to Lopburi, stating that the current complex crowded and that traveling to Lopburi would not be inconvenient (Stern interview with Pimchaichon). One committee member claimed the Prime Minister was concerned that Lopburi was too far from Bangkok. Another member declared that a parliament located outside of Bangkok would require about five years to design and construct.

The views of Senators and the House Secretariat leaders complicated the search process. While a House committee had taken the lead in the search effort, there was no allied search occurring in the Senate. While MPs and Senators held ad hoc meetings to discuss relocating the parliament, these meetings were infrequent and the two chambers did not establish a formal method for exchanging information and making decisions. One

23 The Prime Minister did not join this trip due to health problems.
advisor to the committee commented that the Senate would resist efforts to move the parliament. The General Secretary of the House of Representatives had concerns about how the potential parliament relocation would affect her staff. The House Secretariat had formed its own committee to seek a site and the General Secretary testified in a committee meeting that the House Secretariat was unsure how to proceed until the committee decided how it wanted to address the relocation situation.

In the midst of these search activities, the cabinet issued the following resolution on 8 October 2002: “The Council of Ministers [cabinet] approves the resolutions of the Committee to Facilitate Structuring of Government Centers as follows:…..Approve the use of State Railway of Thailand land in Chatujak district for construction of a new National Assembly because it covers a large area and is likely to be less costly than army land in Dusit district.” A committee member expressed his concern that the committee had lost its leading role in the site selection process. Even so, the resolution was notable for its lack of detail, especially the absence of any budget allocation for land purchase or construction and any time-frame for the proposed move. Soon after the cabinet resolution, the Prime Minister delegated authority over the new parliament site search to Deputy Prime Minister Korn Dabaransi. Though the President continued supporting Lopburi as the best site, the involvement of Deputy Prime Minister Korn significantly diminished the influence of the committee and other interested parties.

MPs not involved in the site selection process gave the impression that they had few worries about parliament relocating any time soon. In an informal conversation with an MP during April 2002, the MP said that the parliament should not move anywhere because it makes more sense to renovate or tear down and rebuild existing parliament structures. He thought the Crown Property Bureau should not object to this option and that the main problem is finding the money. In his view, some members of the House were looking for corrupt opportunities to make money from changes to the parliament but this was not necessary since there are many other ways for an MP to make money other than messing with an important institution like the parliament. Another MP said in an informal conversation on 14 November 2002 that all the discussions about constructing a new parliament mean nothing because the government has not approved the budget necessary to purchase the land and pay for construction.
Two broad observations emerge from these three cases of committee work. First, committees have little influence over public policies. Even in the case of the pedestrian bridge – essentially pitting a national-level committee against a municipal authority – the committee had no way of instilling confidence in citizens that the Bangkok authorities would construct the bridge. Second, an issue with substantial political or budgetary impacts may start in a committee but the committee will not end up as the key forum for debate on the issue. The situation in province N evolved into a party-driven pursuit where the committee followed the lead of the committee member from province N. The construction of a new parliament was a budgetary issue and the committee had no power over the appropriations process. Once the cabinet became involved, even the President of the House had almost no sway over the selection process for a new parliament site.

D. How Committees Obtain Information

Thai constitutions have granted House committees the right to obtain certain kinds of information as part of their work. Based on section 43 the 1932 constitution, House committees had the right to consider any matter under the House’s purview and could solicit testimony from any person. The constitution of 1974 (section 161) was the first one to state that parliamentary committees had the right to request testimony or documents from any source in the performance of its duties. Thailand’s constitutions beyond 1974 incorporated this change. Section 189 of the current constitution reads:

“The committees under paragraph one have the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study.

In the case where the person under paragraph two is a Government official, official or employee of State agency, State enterprise or local government organization, the Chairman of the committee shall notify the Minister who supervises and controls the agency to which such person is attached in order to instruct him or her to act as prescribed in paragraph two, except that, in the case of the safety or benefit of importance to the State, it shall be deemed as a ground of an exemption to the compliance with paragraph two.”
On 15 September 1988, the House approved a rule change that allowed committees meet and summon people for testimony even when the House not in session.

House standing committees have consistently had problems getting testimony from desired sources. Higher-level officials summoned by committees make excuses and send subordinates to testify. These subordinates are often technical staff with expertise in a particular area but who lack any effective authority to initiate, cancel, or significantly change agency programs. When higher-level officials testify (e.g., a provincial governor, a director of a government department, etc.), they usually arrive with a small entourage of lower-level officials who carry documents, provide information in support of the higher-level official’s testimony, make phone calls, run errands, etc. There are no prescribed penalties for failing to answer a summons from a standing committee.

The willingness of higher-level government officials to testify seems to depend on the influence wielded by the chairman or on the political connections of a committee member. In addition, committee members may have less interest in the official testimony provided by witnesses than the unofficial statements made in conversations before or after meetings. Government officials were sometimes more forthcoming when they knew their comments would not go on record. MPs often asked witnesses to provide information about issues unrelated to the meeting agenda: upcoming programs, plans for budget allocations, the status of investigations, etc. Thus, aside from the possible benefits of committee activities, MPs could use their access to people giving testimony to get information for their individual advantage. MPs sometimes submitted requests for assistance in their districts to high-level officials who came to parliament to testify.

This section suggests that a committee’s power to call witnesses to testify may be less valuable to the committee than it is to individual members. The committee becomes a formal method of bringing in people to provide information but the most valuable information does not emerge during the meetings themselves.

E. Committee Staffing and Expertise

From 1979 to 2000, House standing committees relied on permanent civil service staff from the House Secretariat for administrative, research, and other technical support.
The House meeting rules from 2001 changed this system of support by allowing committees to temporarily appoint advisors, experts, researchers, and a committee secretary from members of the public. The House provided a budget to each committee to pay a minimal salary/stipend to these temporary staff, no more than about 8,000 baht/month (approximately US$200) for the most prominent position of committee secretary.

Temporary committee staff can come from either the government or the private sector. Committee advisors and experts are allowed to be current officials in the government civil service or employees of state-owned enterprises. This is one important area of interaction between the government administration and the House.

Every committee staff member (non-permanent) with whom I spoke in detail about their reasons for becoming staff members indicated that they were not hired based on their expertise in particular policy areas. Sometimes such experts were relatives, sometimes they were simply affiliates of a committee member, sometimes they were aspiring to higher political positions and wanted to have some official status in the House, and sometimes they were indebted to a committee member in some way. Though data are not available on committee staff turnover, indications from attendance at committee meetings and conversations with committee staff indicate that turnover is high.

Temporary committee staffs have different and overlapping functions. Some provide advice on policy issues where MPs do not have good knowledge of the policies or where MPs do not have time to acquire such knowledge on their own. Some serve as a useful source of information or other services to House members; a path for influencing a limited range of government policies. Some are political protégés who join to become part of the political process in the House and learn about it, with the eventual aim of running for elected office. One person affiliated with the House Secretariat told me that some temporary staff appointments are in name only; the salary paid to the advisor, expert, or researcher is given back to the House member.
IV. Explaining Change (and Stability) in Thai House Standing Committees

A. Explaining the Increased Number of Standing Committees

The most compelling explanation for why the number of committees increased from 1979 to 2002 was the need to expand the total number of committee positions such that each MP would have a seat on a standing committee. In 1979, the House had 16 committees with 19 members each and the House had 301 seats. With 301 House seats, the number of committee seats (16 committees x 19 seats/committee = 304) was just enough to allow each MP to be a committee member. As the number of House seats increased (due primarily to population increases), there were not enough committee positions available. By 1992 the House had 360 seats and the gap between the number of MPs in the House and the number of committee positions available became untenable. By increasing the number of committees to 23 and the number of members in each committee to 17, the House ended up with a total of 391 standing committee seats. In 2000, the House had 393 MPs but after the 2001 election this jumped to 500, based on provisions of the new (1997) constitution. The expansion of the committee system to 31 committees with 17 members on each committee meant the House had a total of 527 committee seats.

The more fundamental question is why the House enables each MP to have a committee membership. Like most legislatures, the Thai parliament follows a tradition of formal equality of its members. Preventing certain members from having a committee assignment would snub this tradition and create opportunities for the disadvantaged MPs to complain publicly, drawing unwanted attention to the House. In addition, many MPs will see practical value in committee work. Committees are not powerful but they offer access to government officials and others brought into testify. Committees are one of the few parliamentary forums where members of different parties work directly with one another. Committee meetings usually tone down the partisan rhetoric that characterizes debates on the House floor and provide occasions for MPs to discuss issues, sometimes over lunch after a meeting. A committee title looks good to constituents and helps indicate that the MP is “doing something” in parliament.

Electoral dynamics matter as well. Even before the changes in the system of House elections implemented in 2001, Thailand experienced a shift towards greater rural
electoral power. Winning rural votes became absolutely necessary to control power in
the House and huge sums of money were made and poured into winning districts that had
previously taken a back seat to districts in and around Bangkok. Constituency work by
MPs, already a substantial responsibility for MPs in rural districts, became even more
important to ensuring electoral victory. In this situation where MPs were cultivating
personal votes from constituents, standing committees became a useful device for gaining
stature and bringing issues (however minor) onto committee agendas for political
mileage. Access to these benefits rested on having committee membership so MPs had
the incentive join standing committees.

The electoral reforms unleashed by the current constitution have not dented the
demand for committee positions because they have done almost nothing to reduce the
importance of cultivating the personal vote and devoting significant attention to
constituency services. The provisions of the current constitution meant that in 2001
elections shifted from a multi-member district system to a German-style combination of
single-member districts and proportional representation (closed list). PR with a closed
party list tends to reduce the likelihood of personal voting (Carey and Shugart 1995).
Hypothetically, the presence of MPs elected under PR would tend to make committees
less important as a device for servicing constituents. MPs elected under Thailand’s PR
system do not obtain seats based on personal voting, meaning they have far fewer direct
directions, the broader, nationwide support for a political party would drive the actions of party-list MPs.

This rationale about PR systems does not apply well to the Thai case. Interviews
and conversations with MPs, interviews with people outside of the parliament, and
participant observation of party-list MPs indicate that although party-list MPs do not have
a geographically-based constituency of voters, they mainly engage in activities closely
connected to particular constituencies. Party-list MPs perform tasks for the government
or for their political party. These tasks include attending events sponsored by fellow
party members, responding to specific requests for assistance from local government
officials or others, and indirectly campaigning for electoral support in areas where the

24 This shift and its impacts have been well-documented by Phongpaichit and Baker, as well as by McVey’s
edited volume.
opposing party has the constituency seat in the House. These activities dovetail well with the work of standing committees in many cases. For example, all standing committees have a domestic travel budget for trips to speak with constituents and hold committee meetings outside of the parliament complex in Bangkok. With a little planning and the participation of prominent MPs (often party-list MPs) or political appointees (who are often party-list MPs before resigning their House seats to take up positions in the executive), these committee trips can easily become effective vehicles for seeking voter support and publicizing the work of particular MPs or future candidates in House elections. Party-list MPs can also use committees to assist in responding to requests for assistance from local government officials, though they are more likely to bring such matters before party committees and senior civil servants than House (or Senate) standing committees.

B. Explaining Why Standing Committees are Reviewing Fewer Draft Laws

Standing committees are reviewing and amending fewer draft laws for two main reasons: i) changes in the size and complexity of the legislative agenda facing the House; and ii) the continued importance of constituency service provision by MPs.

There is little doubt that a wide array of changes in Thai society have led Thailand’s parliament to face a more complex and diverse set of demands. The Thai economy grew rapidly – 5.9 percent average annual GDP growth during 1979-2002 – and the accompanying changes in the nation’s industrial structure, average levels of education, forms of labor force participation, views about social norms such as pre-marital sex, etc. have been deep. Data on Thai non-profit organizations shows major growth in the numbers of trade associations, other registered associations, and registered foundations, particularly during the mid-1980s and mid-1990s (Institute of Social Research, 177). Groups such as the Assembly of the Poor, a loose alliance of rural dwellers who have pressed the government to solve problems with issues such as rural land use and environmental degradation, have become much more active in debates about government policy (Phongpaichit and Baker 2002, 408-414). Protests against or in favor of various government policies became more common, especially during the mid-to-late 1990s. Charles Keyes, a highly-respected scholar of rural Thailand, said that Thai village
life has fundamentally changed. Villagers are more willing to challenge the “government-led development agenda” and are making more “nuanced” choices in response to government programs that affect their lives. 25 Thailand held elections for all 10 Houses during 1979-2002, except for the appointed unicameral parliament during March 1991 – March 1992. Most observers have viewed these elections as free and fair and MPs could not ignore constituents’ demands because their re-election depended on constituent support. Thailand’s fragmented and generally weak party system led to substantial amounts of personal voting in House elections, meaning MPs constantly sought ways of directing government largesse into their districts.

The expansion and increasing sophistication of the legislative agenda has come in the form of greater interest in law-making and more demands by constituents seeking ways to improve government services or address specific needs (e.g., resolving problems with corruption by local government officials). Anecdotal evidence indicates that most committees have seen a notable increase in the number of grievances submitted by constituents ranging from farmers to business people to local government officials to civil servants. 26 Interviews and conversations with MPs revealed that most of them were “busier” with committee work than they had been in the past. Sometimes this was a source of grumbling; too much committee work became a burden. In addition, data from summaries of House sessions during the 1990s indicate that standing committees considered fewer draft laws than in past parliaments without reducing the total number of items on their agendas. In 1979, standing committees vetted 38 percent of the laws promulgated. In 1985, this fell to 18 percent in 1985, rose slightly to 21 percent in 1990, and fell to 12 percent in 1994. 27 The data suggest that other issues, particularly grievances, replaced the consideration of draft laws.

25 This is from a presentation at the 8th International Conference on Thai Studies, held in Nakon Phanom, Thailand during 9-12 January 2002. Charles Keyes spoke on 10 January 2002.
26 Systematic data on the number of letters, grievances, petitions for restitution, etc. sent to standing committees were unavailable. Materials prepared as part of training for officials in the parliament’s administration in 1987 refer to standing committees accepting grievances from members of the public and the substantial presence of “local issues” on meeting agendas (Secretariat of the House of Representatives 1987). One author asserted that addressing grievances from members of the public was an “important” part of committee work but did not provide statistics to indicate how much of the committee’s time such grievances consumed (Puangtawai, 35).
27 These data were calculated from Secretariat of the House of Representatives (2000).
The increase in standing committee activities centered on addressing problems with existing government policies, not on developing new policies. As case studies 2.1, 2.2, and 2.3 help to show, committees do not drive the formulation of public policy. Instead, they react to existing policies. In an environment awash in a myriad of complaints about government programs and increased knowledge of government rules and procedures, people sought a variety of methods for solving the problems they saw. Committees were one outlet for political participation, a way to bring an issue more prominently into the political process with a minimal investment of time and money. Organizing a protest or obtaining access to a high-level government official often required much more effort than petitioning a House standing committee with a letter or meeting with the local MP. Thus, it is not surprising that standing committee activities increased.

Therefore, though standing committees became more active, the ended up reviewing fewer draft laws and devoted more of their energies to addressing grievances as “petition committees”. By default, the House increasingly assigned law-making tasks to extraordinary committees. There are two main reasons for this new division of labor among House committees. Even if members of standing committees had requested the substantial increase in resources necessary to effectively vet draft laws and handle constituent cases simultaneously, they would not have received adequate resources due to continued executive branch control of the House budget. In addition, in an environment where providing constituency services remained very important to the electoral fortunes of MPs, the grievance work of standing committees had more tangible benefits for MPs than vetting draft laws. Vetting draft laws is often a process steeped in technical details of little or no interest to an MP attempting to direct government resources to his/her constituents. Very few laws provide benefits that MPs can use when pursuing voter support. Typical House MPs – not in House or party leadership positions – see few ways to gain political mileage from law-making and will see more advantages to grievance work.
C. Explaining Increased Staffing at House Standing Committees

The changes in legislative staffing receive further treatment in Chapter 4 about the House administrative apparatus. The anecdotal evidence suggests that increasing the House budget to allow hiring of more standing committee staff was a concession by government coalition leaders to rank-and-file MPs. Essentially, MPs sought additional resources to support their own interests and political leaders granted them additional resources in a way that did not increase House influence over the executive branch. Political leaders saw this concession as a way to keep MPs happy without creating any threats to their powers. MPs were pleased because they had individual control over the hiring process and did not have to adhere to particular hiring criteria.

Some MPs desired ways to bring trusted individuals into official standing committee processes, people who would give them useful advice. Some MPs saw the increased staffing allowances as a good method for establishing clear connections between official House business and on-the-ground constituency concerns. In bringing constituency-based grievances to a standing committee, it was helpful to have a person associated with the committee who understood the situation in the district. In some cases, MPs were clearly cultivating protégées, introducing their associates into the House as a way to educate them about House processes, give them some official credentials, and assist them with building up their political networks.

D. Analyzing the Reasons for the Stability of House Standing Committees

Other than the powers held by the executive branch in parliamentary systems, there are two other reasons why standing committees have been relatively stable legislative institutions in Thailand since 1979. The first reason is that the expansion of interest groups in Thailand has not translated into increased interest group attention to standing committee work. The second reason is that political entrepreneurs who sought changes in standing committees were stymied.

Political entrepreneurs played a role in fostering the increased activity of standing committees. During the 1980s, people like Suwit Khunkitti and Chai-anan Samudavanija
promoted a series of reforms in the House.\textsuperscript{28} They received support from organizations such as the Asia Foundation and the Konrad Adenauer Foundation. Though the bulk of these efforts focused on improving the skills and efficiency of the parliament administration, a few projects focused on strengthening House standing committees. These efforts had one minor success: enabling committees to issue resolutions.\textsuperscript{29}

Resolutions are not binding on government officials. For example, a resolution stating committee support for the construction of a training center for unemployed citizens does not obligate the Ministry of Labor and Social Welfare to take any action. Resolutions only put an official stamp on a statement of the committee’s preferences. Given the political climate at the time (i.e., the 1980s), it is likely these entrepreneurs would have succeeded in further reform if their work had continued. However, key reformer Suwit Khunkitti was “diverted” from his endeavors by the need to manage conflicts within his political party faction.

While I argue elsewhere in this dissertation that the evolution of interest groups has caused changes in the law-making process, interest group interactions with House standing committees have developed little since 1979.\textsuperscript{30}

Interest groups rarely seek the assistance of standing committees, mainly because these committees have so few powers to pressure government departments into taking action. Committees discuss a wide range of issues for which influential interest groups exist but when such a group seeks to influence the formulation or implementation of a government program, it has a variety of more potentially fruitful channels to pursue. Laothamatas reported that contacts between trade associations and parliamentary committees and individual MPs were “seldom” in 1987 (Laothamatas 1992, 112-113). Well-established interest groups at the national level – such as the Thai Bankers

\textsuperscript{28} Suwit Khunkitti is a long-serving MP who has held a variety of political positions, currently Minister of Information and Communication Technology. Chai-anan Samudawanija is a prominent and highly-respected academic.

\textsuperscript{29} This information comes from a conversation with Suwit Khunkitti, at that time a Deputy Prime Minister, on 25 February 2004.

\textsuperscript{30} I refer back to the definition of interest groups provided in Chapter 1: Interest groups exclude registered political parties, cliques within government ministries/departments, groups of powerful families, individual companies, and overly-general assemblages such as “labor.” An interest group has all of the following characteristics: i) it is a well-defined organization whose members are formally allied to one another for some stated purpose; ii) it is not a member of the legislature or executive branch and has no explicit aim to join the legislature or the executive; and iii) it has some level of activity in the process of formulating, approving, and/or implementing public policies.
Association or the Federation of Thai Industries – will work directly with high-level cabinet officials and civil servants. Foreign interest groups – for example, foreign Chambers of Commerce or Greenpeace – will adopt similar tactics.

Smaller-scale interest groups at the municipal, district, or provincial level – the brick-manufacturers’ association described by Arghiros is a good example – may have good connections with higher-level government officials in Bangkok. Yet they are more likely to work with government officials in their province (e.g., district chiefs) or their local MP. The willingness to approach the local MP suggests that these MPs might bring the concerns of these groups onto committee meeting agendas. However, there are three reasons this is unlikely to occur. First, the weak policy-influence of committees means that a non party-list MP under pressure from important interest groups in his constituency will use other lobbying paths before turning to a committee for assistance. Second, many MPs will not wish to put such interest group concerns into an official forum like a committee meeting. This is to avoid revealing information about sensitive dealings between the MP and members of the group. Preventing leakages of information about such dealings to other MPs (and potentially to the media) has become more important to many MPs because of increased public scrutiny of elected politicians and monitoring by official organizations such as the National Counter Corruption Commission.

Third, the most likely action an MP will take when approached by a local interest group is to use his personal or party-based connections with senior MPs, government officials, and cabinet-level officials (including ministers). One MP described the process in 2002 as follows. Interest groups, either officially registered organizations or temporary informal assemblages of constituents, would approach her with a problem. She would contact local government officials and prepare any documents necessary to address the problem. For example, a local agricultural group seeking to speed up repairs of an irrigation system damaged by flooding would require a memo requesting assistance from the relevant government agencies. She would make sure these documents were submitted through the proper official channels. Every week, she and a group of MPs from the same party and same region of the country would have lunch with a cabinet minister. MPs would inform the minister and his staff about problems in their constituencies. The minister would use his powers to expedite solutions; essentially, he
would put the documents at the top of the pile to give them priority treatment. Numerous interviews with MPs and their staff corroborated this type of story, offering variations on a basic theme: the use of MPs’ networks to promote their interests.

I observed only one case in which a well-established interest group directed its energies toward a standing committee. The details of this case are instructive.

1. Committee Case Study 2.4: A Trade Association Seeks Committee Assistance

A trade association (hereafter referred to as the Association) requested assistance from a House standing committee because it had not benefited from a cabinet resolution. The cabinet resolution was intended to provide government assistance to companies in the construction contracting industry. The cabinet also formed the Committee to Consider the Rules for Government Assistance to Members of the Construction Industry and Others Conducting Work Under Government Contracts Injured by the Currency Adjustment of 1997 (chaired by the Deputy Minister of Finance). This Committee to Consider the Rules – established no later than November 1998 – issued a set of standards for deciding how to aid companies with government contracts to provide construction and other services. The Association extensively monitored the implementation of the cabinet resolution and provided a detailed account of its activities to the committee. The Association found that there were a number of sections in the resolution that government agencies never implemented. In addition, different agencies the Association contacted provided conflicting and confusing information about what had been implemented and what could be implemented.

The Association’s case was a last-ditch effort. It could not get the assistance it requested from other government agencies so it approached the committee. For example, the Association had unsuccessfully appealed to the Office of the Budget in 2001, asking the government not to assess financial penalties against construction companies for not completing government contracts on time.

At committee meetings, Association representatives noted that the 1997 financial crisis in Thailand was still having a substantial impact on the construction industry so

---

31 The information in Committee Case Study 2.4 comes from materials collected by the author at committee meetings during 2002.
government assistance was still necessary. They submitted a set of memos showing the history of the Association’s efforts to obtain assistance. The memos indicated what were the key agencies and people involved: i) the Minister to the Office of the Prime Minister; ii) the Office of the Budget; iii) the Committee to Consider the Rules for Government Assistance to Members of the Construction Industry and Others Conducting Work Under Government Contracts Injured by the Currency Adjustment of 1997. The Association’s submissions included copies of memos sent between the Office of the Council of Ministers (the cabinet), the Office of the Budget, and the Office of the Prime Minister. There was also a Working Group on Strategies to Revive the Property and Construction Sectors, headed by a Deputy Prime Minister. This working group had participants including other cabinet members, some high-level civil servants (e.g., permanent secretaries of ministries) and representatives of organized interest groups in Thailand. The Association had already made a proposal to the Working Group. The Working Group accepted the proposal but it was unclear to the Association why the government had not implemented the Association’s recommendations.

At committee meetings, representatives of the Association, officials from the Office of the Prime Minister and the Ministry of Finance, the Office of the Budget, and a representative from the Council on Thai Industries (a private-sector organization) testified. A Ministry of Finance official said that the Ministry had resolved not to make certain expenditures suggested by the Association for reviving the construction industry and paying contractors on government projects. The Association was not aware of the Ministry’s resolution. In addition, the Association wished to receive direct financial support from the government in the form of returning fines paid by construction companies with government contracts. A representative from the Office of the Budget testified that it was not correct to return these fines.

Attendance at the committee meetings concerning the Association’s case was higher than usual for that committee. Reactions by committee members varied but all of them supported the Association’s efforts. One committee member wanted to avoid having this issue brought up for last minute questions to a minister in a House plenary meeting. He preferred putting pressure on the government officials called into testify at
the committee meeting as a way of keeping the issue out of the public eye. Another committee member said he would contact the Office of the Prime Minister to ensure the Association’s proposal received higher priority when preparing the cabinet meeting agenda. Yet another committee member said he would use the Association’s proposal to the Working Group as the basis for a new agenda item on an upcoming cabinet meeting agenda. He would do this in a personal capacity, not as a representative of the committee.

In the end, a committee member with high-level political connections stated that he would consult with a Deputy Prime Minister to resolve the case because the committee could not do more for the Association than what had already been done. He told the Association to re-submit their appeal to the government after he had consulted with the Deputy Prime Minister. If this did not help, the Association could submit further documents to the committee.

Committee Case Study 2.4 helps explain why increased demands on the parliament have not been directed very much at committees, implying that these greater demands are not a factor in the expansion of the number of committees. The Association approached the committee only after exhausting other possible avenues of policy influence, most likely because committees have almost no formal powers over government agencies. Yet the Association’s leaders may have calculated that the committee would give them a sympathetic review, especially because many MPs have business backgrounds in construction contracting. In addition, the final resolution to the Association’s case involved the use of a personal connection between an MP and a cabinet member. These connections are a staple of interest group efforts to influence public policies. MPs frequently serve as intermediaries between citizens and high-level decision makers so working through a committee may be unnecessary if it is possible to identify an influential MP and approach him directly.

---

32 Barring a vote to make a House plenary session secret, all House meetings are open and broadcast live on the parliament’s radio station. House standing committee meetings are almost always closed to the media, unless the chairman grants the media permission to observe.
VI. Conclusion

This chapter considered explanations for changes and stability in standing committees in Thailand’s House of Representatives. It focused mainly on the factors contributing to three changes: i) an increase in the number of standing committees; ii) standing committees shifting away from reviewing the text of draft laws; and iii) an increase in the number of standing committee staff paid for by official funds.

The key theme running through the chapter was the importance of constituency work by MPs and how this has contributed to the three changes. Constituency work has remained an important aspect of an MP’s obligations, despite the increasing importance of the House’s law-making role. It has helped to drive the increased number of standing committees and the greater use of extraordinary committees for vetting draft legislation (leaving constituency-related concerns to the standing committees). It has had a less important role in the increases in standing committee staffing but the additional staff associated with committees contribute to committee work addressing grievances from voters.

Explaining the lack of change in many aspects of standing committees – especially the absence of any increase in formal committee powers to influence budget allocations, punish government officials, amend draft laws, etc. – mainly concerns the power of the executive branch in parliamentary systems. It also has to do with the lack of interest group attention to standing committees, in contrast to the increasing attention such groups are paying to law-making (see Chapter 3). Without external lobbying pressure, there is little impetus for standing committee reforms.
Chapter 3:
Making Laws in Thailand’s House of Representatives

I. Introduction

This chapter will consider how the parliament makes laws, whether there have been any significant changes in the Thai law-making process since 1979, and what might have caused these changes. It gives extra weight to the period since the promulgation of Thailand’s current constitution in 1997. The current constitution mandated major changes in the structure of the parliament, the system of elections, monitoring of government activities, and many other aspects of the Thai political system. Focusing on the law-making process in the House of Representatives (the larger and more powerful chamber of Thailand’s bicameral parliament), I will argue that parliament has some static institutions and procedures, alongside some important changes that have received less attention. These changes have various origins, most often associated with the provisions of the current constitution. The key driver of these changes is the growth of Thailand’s interest group community (“civil society”). The growth of Thailand’s interest groups provided the demand for change. Moreover, interest group activities have made the most substantial contributions to the shift away from parliament as a rubber-stamp body to a one with some independent capacity to influence how laws are made.¹

The number of interest groups in Thailand has expanded steadily since 1979, spurred by a variety of factors which include the increasing sophistication and size of the Thai economy, a decline in the authoritarian exercise of political power by the Thai military, growing levels of education, and technological advances in communications and transportation which have facilitated the aggregation of similar interests across the country. The interest group structure has also grown more diverse. Business and trade

¹ Polsby (1975) distinguishes between arena legislatures and transformative legislatures. Arena legislatures are formalized settings for the interplay of significant political forces; members debate issues without making important decisions. Transformative legislatures have an independent capacity to influence how laws are made and frequently exercise this capacity (Polsby 1975, 275-280). Thailand’s parliament is a transformative legislature in its infancy.
associations cover a wider array of industries and professions. Groups which promote environmental conservation hardly existed in 1979; now they operate in every province and have strong connections with major international environmental organizations.

Interest groups have become more “professional” in their operations. They increasingly hire full-time staff to manage publicity, membership, fundraising, research, and advocacy work. Their funding has increased and comes from a greater variety of sources. They use more sophisticated technology and marketing techniques to promote their causes. Moreover, interest groups have demonstrated a growing willingness to lobby the government and voters on major public policy issues. Since 1979, these groups have organized more demonstrations and protests, arranged more forums for bringing together policy makers and group members/supporters, and used the media and internet to push their views more aggressively.

Beyond the evolution of interest groups in Thailand, the general tenor of policy advocacy has shifted gradually towards a focus on national issues. It was once typical for people to claim that Thai laws were mainly designed to benefit particular sectors or political parties, and that little could be done about the self-interested behavior of political leaders. Those statements about self-interested laws still arise but it is increasingly common to hear a different perspective: that laws are a useful tool for making policies of benefit to the nation as a whole. Interest groups have latched onto this trend and promoted the notion that well-crafted legislation can address problems of concern to broad swathes of the Thai population. As a result, interest group attention to the parliament as a law-making body – with the power to propose, amend, and ratify laws – has grown. It is now common for a wide range of interest groups to contribute very actively to debates on proposed new laws (or amendments of existing laws). Debates during the last 5-10 years about dam construction, universal health care, and education reform have occupied greater national and interest group attention.

Interest groups have become more directly involved with the House law-making process. They have led campaigns to propose new laws and pushed to get them on the House agenda. They have used new provisions of the constitution and other forms of pressure to lobby House MPs through extraordinary committees, private meetings, media campaigns, issuing policy research, and demonstrations/protests. The provision of
information to MPs is less important for influencing law-making than are concerted efforts to build up broad-based support among voters for particular laws. The key objectives for interest groups are to get key issues onto the official House agenda, then consistently and persistently persuade MPs that there are electoral consequences from failing to satisfy the demands of these groups. Given the increased public attention to law-making as an instrument for national policy, and the expanded role interest groups are playing in influencing voters’ preferences, MPs ignore interest groups lobbying at their peril. MPs are most likely may to support a amendment to a draft law favored by an interest group, or communicate to party and faction leaders that they are under pressure from such groups to pass particular laws. An MP may even be able to associate himself/herself with a popular law, using this association as a method of currying favor among voters. This is less likely to occur than attempts to curry favor using particularistic constituency service. However, as the victory for the Thai Rak Thai Party in 2001 demonstrates, the promotion of national policies such as universal health care and debt relief for farmers has substantial appeal to voters.

Looking beyond interest group dynamics, political scientists have given a lot of thought to how certain kinds of legislative rules and bodies function (for example, on committees see Shaw). They have given much less attention to studying how these rules and bodies change; how they adapt to new conditions. This is especially true for legislatures other than the US Congress, by far the most studied legislature in the scholarly literature. Like Thailand, many other countries in Asia have experienced rapid transformations of their societies and the impact of these transformations on legislatures is not well-understood. The general literature on legislatures suggests that legislatures change very slowly. Yet changes do occur, sometimes substantial ones and even in legislatures know for their attachment to traditional practices such as the British Houses of Parliament. This chapter contributes to an understanding how such changes occur.
II. Background and Data Sources
A. An Outline of the Thai Law-Making Process

Currently, the official process by which parliament proposes, debates, and passes laws reflects the provisions of the constitution. There are three ways to propose a draft law: i) the cabinet submits the law to the House; ii) members of the House sponsor a draft law; or iii) a group of 50,000 eligible voters submits a signed petition to the President of the National Assembly (the official name of the parliament) accompanied by a draft law. The petition method first appeared in the current constitution. From 1979-1997, only House MPs and the cabinet could propose draft laws for inclusion on the House agenda.

The idea for a piece of draft legislation submitted by the cabinet typically originates in a government ministry, though how these ideas emerge and move to the top of a ministry’s agenda remains poorly understood in Thailand. A government agency typically forms a “task force” or “working group” to decide on the contents of a draft bill. These groups normally consist of agency officials and sometimes include outsiders such as academicians or members of policy research organizations (Stern interview with Sopchokchai). Political parties and politically-connected business interests can have significant impacts on efforts to forge draft legislation (King Prajadipok’s Institute 2001, 29). However, the evidence for how political parties and business interests exercise this influence in the legislature is mainly anecdotal. What appears true since 1979 is that a draft law originating in a government ministry will undergo extensive consideration by various executive branch bodies before the cabinet submits it to the parliament.

Political parties will generally review draft laws originating with House members before submitting those laws for inclusion on the parliament’s meeting agenda. However, draft laws sponsored by House MPs have a variety of problems. Law drafters tend to use old legislation as boilerplate without properly updating the original content. Draft laws submitted by MPs often contain errors. The way House MPs categorize draft laws sometimes makes it difficult to distinguish between new legislation and amendments to existing legislation (King Prajadhipok’s Institute 2001). In addition, opposition parties may submit draft legislation as a way to ensure their ideas get on

---

2 For a perspective on the complexities of “agenda setting” in the United States Congress, see Kingdon.
meeting agendas and receive some consideration by the parliament, even if they know such legislation is doomed to fail.

Since 1979 and in most previous constitutions, the House considers all draft laws before the Senate, using three “readings” (rounds). In the first reading, the House approves or rejects the principles of the draft law. In the second reading, the House assigns a committee (usually an extraordinary committee) to consider any amendments to the draft law. The House then accepts or rejects the committee’s recommendations. In the third reading, the House debates and votes on the draft law. If the House approves the draft law, it sends the law to the Senate where a similar three-reading process occurs. If the Senate does not amend the draft law and approves it in the third reading, the draft law is submitted to the prime minister. If the Senate has amendments, it submits the amended draft law to the House. The House can accept the Senate’s amendments but if it does not, it is necessary to form a joint House-Senate committee to resolve the differences between the two versions of the law. If the House and Senate cannot resolve their differences, the draft law is removed from the official legislative agenda and the House must wait at least 180 days before considering such legislation again. If the House reconsiders and approves the draft law with an absolute majority after the 180 day period, the House can submit the draft law to the prime minister for promulgation.

The President of the National Assembly sends draft laws approved by the parliament to the Prime Minister, who then submits them to the King. If the King assents to the draft law, the law comes into force upon its publication in the Government Gazette. If the King does not assent to the draft law, the parliament must vote on the draft law again. If a joint House-Senate plenary session votes in favor of the law with at least a two-thirds majority of the total parliament membership, the draft law is sent to the King again. If the King does not give his assent within thirty days, the law is published in the Government Gazette and comes into force anyway.

Figure 3.1 outlines the elements of the Thai law-making process in the parliament.
There are variations on this basic outline of the law-making process that have existed since 1979. The cabinet can issue an emergency decree to ensure public safety or national economic security, or avert a public calamity. The cabinet can also issue an emergency decree for a law on taxes, duties or currency which requires urgent and confidential consideration. Emergency decrees require parliament’s approval, though the
The cabinet can issue them when parliament is not in session. The cabinet can also issue royal decrees, typically to cover detailed concerns such as when a new law will come into effect, forming a new government agency, or delineating the particular areas where a law will apply (The Nation 18 February 2003). The prime minister can designate a draft law as a “money law.” According to section 169 of the current Constitution, a money law is one covering any of the following four areas: i) taxes or duties; ii) the allocation of the government budget; iii) government loans; and iv) currency. Deciding whether a draft law is a money law generally occurs before its submission to the House. This highly flexible designation (nearly all draft laws could be designated as money bills) gives the prime minister more than the usual amount of power over the law-making process. If the House approves and the Senate then disapproves of a money law, a House vote in favor of the money law (i.e., absolute majority votes in favor) means the money law goes directly to the Prime Minister for approval, bypassing the Senate. The critical issue is how to determine what constitutes a money law since the criteria outlined in the constitution are very broad.

B. Data Sources

The scholarship on the law-making process in the House is nearly all in the Thai language. Some of the exceptions are Morell, Mezey, and Ruland et al. A few doctoral theses about the parliament written by Thai scholars at American universities (e.g., Puntularp) have not covered the law-making process. The key Thai-language publications consist of some Masters theses, reports commissioned by and/or published by the Secretariat of the House of Representatives, and reports and papers by Thai academics. Publications of the King Prajadhipok’s Institute – a research and training institution under parliamentary auspices – were especially useful.

---

3 Sections 218-220 of the current constitution describe the issuance and approval of emergency decrees.
4 In an interview with the author, one prominent and highly-experienced House member described one instance in which a House member in the government coalition attempted to justify designating one draft law as a money law. This coalition MP argued that per diem payments for a new committee created by the law – a budget allocation of a few thousand dollars at most – were enough to warrant making the draft law a money law. While this technically fall within the bounds of the constitutional language, it is far more likely that this MP sought a way to expedite the creation of the committee by making the draft law easier to pass.
III. Describing Changes in the Law-Making Process

This section will describe what aspects of the Thai law-making process have changed during 1979-2002. What emerges from the description is an overall sense that the parliament “matters more” than it once did. In other words, the House has evolved beyond its former “rubber-stamp body” image to become a chamber with substantial, albeit frequently limited, powers over the law-making process. Section IV will discuss what is behind these changes in the law-making process. Section III is mainly intended to outline the various facets of the dependent variable in this chapter: changes in how laws are drafted, submitted, debated, amended, and approved in the House of Representatives.

A. Factors Excluded from the Analysis of the Law-Making Process

It is helpful to note what the phrase “law-making process” does not cover for purposes of this dissertation. The law-making process refers to the process by which laws (“acts of parliament”) are drafted, proposed, debated, amended, and passed or rejected. I will not discuss much of the work performed by House standing committees. These committees are mainly “petition committees” (see Chapter 2). This means they consider specific grievances submitted by constituents or civil servants and attempt to resolve those grievances. A typical case might involve a citizen or small group of citizens claiming illegal action by government officials in their area. Committees resolve such claims on a case-by-case basis. Committee members rarely use the committee to push for major changes in government policy, or as a platform to propose new laws or amend existing laws.

Second, I will not depict the details of constituency work by House members. In Thailand, the distinction between the services provided to constituents and laws is usually clear. Constituency service refers to House members finding ways to provide tangible government resources (roads, low-cost agricultural inputs, assistance after a damaging flood, etc.) to constituents in a limited geographic area. Law-making typically does not provide such tangible benefits, or at least not benefits for which a House member can plausibly take credit in front of voters. Laws tend to be national in scope, though there
are exceptions such as laws passed to establish new institutes of higher education in particular areas.

Third, I will not discuss the Senate’s role in detail. The current Constitution reformed the Senate structure and some of its functions. Before 2000, whatever group or coalition of parties controlled the government would appoint the entire Senate, subject to the King’s approval. Starting in 2000, all Senators were elected by popular vote in single-member districts for 6-year terms. Since the Senate must consider all draft laws that receive House approval, major changes in the Senate’s structure and the characteristics of Senators have potential effects on law-making.

Observers of Thai parliamentary politics may feel omitting the Senate from the analysis is a mistake. Even so, the argument for not giving the Senate more attention rests on the finding that as of 2002 the reformed Senate had far less impact on the law-making process than most observers had envisioned. The current constitution closely followed past constitutional precedents for the procedures used to move draft laws between the House and the Senate, as well as to resolve differences between the House and Senate versions of a draft law. As a result, the current Senate’s impact on law-making resembles its long-established pattern of delaying the passage of draft laws and amending House-approved versions of draft laws.

In some cases, the current Senate has mustered enough political willpower to stall draft laws approved by the House, sometimes for years (for example, see the description of the Community Forest Law later in this chapter). However, it rarely turns out that Senators are acting independently, particularly independently of the preferences held by major political parties. More often they are serving as proxies for influential interests. In the past, Senators were often proxies for military interests, especially since many Senators were active or retired military officers. Current Senators typically serve as proxies for non-military interests, particularly the Thai Rak Thai Party as will be explained more below. Thus, the Senate is worthy of some attention but it is not enough of a key factor in the law-making process to warrant a detailed analysis. To understand
the Senate’s behavior requires looking at factors outside the Senate much more than within the Senate.\(^5\)

In addition, Senators can only serve one term and cannot be associated with any political party. This ostensibly gives Senators independence from capricious electoral politics and the dictates of party leaders. A Senator considering a draft law has more opportunities to act on his/her conscience or based on objective criteria than a House MP. Yet a Senator who wishes to continue in national politics after the six-year term ends has few options beyond seeking a House seat. Such political ambitions have opened the door to influence by the ruling Thai Rak Thai Party and many Senators have quietly allied themselves with Thai Rak Thai. “But once the Thaksin government consolidated its power in mid 2001, it gradually built an effective majority in the Senate, signaled by the election of Sahat Pintuseni as deputy speaker in August 2002” (Phongpaichit and Baker 2004, 174). This situation exhibits strong shades of the past when Senators almost always sided with the government leadership that had appointed them.

The current constitution stipulates that 20 Senators can request that the Constitutional Court consider whether any law violates provisions of the Constitution. From 1998 (when the Constitutional Court came into existence) to the end of 2002, the Constitutional Court decided 167 cases, approximately 20 percent of which concerned the constitutionality of laws. In only one case (decided in 1998) did the Constitutional Court rule that a law was in violation of the provisions of the Constitution.\(^6\) Senators with objections to laws could almost always muster the 20 sponsors (out of a total Senate membership of 200) necessary to petition the Constitutional Court. Yet from 1998-2002, this was an almost futile exercise.

---

\(^5\) The Prime Minister also has legislative tools at his disposal for overriding the Senate if he deems it politically palatable. The cabinet can issue an emergency decree to maintain national, ensure public safety or national economic security, or avert public calamity (see sections 218-220 of the current Constitution). The cabinet can also issue an emergency decree for a law on taxes, duties or currency which requires an urgent and confidential consideration. Emergency decrees require parliament’s approval, though the cabinet can issue them when parliament is not in session. The cabinet can also issue royal decrees, typically to cover detailed concerns such as when a new law will come into effect, forming a new government agency, or delineating the particular areas where a law will apply (The Nation 18 February 2003).

\(^6\) The Constitutional Court publishes its rulings on its website: www.concourt.or.th
Thus the differences between older incarnations of the Senate and its current incarnation differ too little in terms of law-making to treat the Senate reforms as a significant change in the law-making process.

Fourth, I will not consider the annual government appropriations budget process in the House. Strictly speaking, the budget process is part of law-making because the main budget is presented as a pair of draft laws and voted on as such. However, the budget process operates under many different rules and circumstances that make it quite distinct from the typical law-making process (Samudavanija 1971; Dragansirinon).

B. Changes in How Laws are Proposed and Drafted

During 1979-1983, the House had 301 members: 234 members from 13 political parties and 67 independent members. Only the cabinet and members of the House could propose draft laws. Submission of a draft law required 20 members to co-sponsor the legislation. The cabinet consistently proposed more draft laws than House members. Draft laws proposed by the cabinet were much more likely to receive parliamentary approval than draft laws proposed by House members (see Table 3.1 in the Appendix). Ministry officials wrote the text of draft laws, except for some of those submitted by House members. The House had an ample number of members with a background in law (12.3% graduated with law degrees), though very few members graduated with more than a BA. The government did not have a legislative agenda, an indication previous to the opening of parliament as to what laws would receive priority consideration.

With regard to proposing and drafting laws, there are two important differences between the situation in the early 1980s and later periods up to 2001. Table 3.1 shows that starting in 1993 – the period after popular street demonstrations in May 1992 had led to the end of a military-dominated government – House members started to submit much larger numbers of draft laws. Unlike the earlier period, the number of laws proposed by House members was often substantially larger than the number proposed by the cabinet. Many of the draft laws proposed by members were nearly identical to the versions submitted by the cabinet. MPs usually submitted these alternative versions as procedural devices to push for amendments to specific sections of the government’s version, to get
partial credit for the legislation, or to delay passage of the government version.\(^7\)
Members often lack experience in legal drafting. Legislative staff – either within the
House administration or hired directly by members – rarely possess the expertise needed
to produce viable alternatives to cabinet versions. Even so, the increased number of
“private member” draft laws is notable, especially since members had the opportunity to
submit such laws in pre-1993 parliaments.

In addition, the current constitution introduced a new way to propose legislation: by
popular petition. Essentially, members of the public can collect the signatures of 50,000
eligible Thai voters in support of a draft law, and then submit the list of signatures and
text of the law to the President of the parliament. This provision (section 170 of the
constitution), an attempt to inject a healthy dose of “political participation” into the
parliamentary system, is unusual by international constitutional standards. Some groups
have already used it to get draft laws on the House agenda, most notably the Community
Forest Law which will receive further treatment later in the chapter.

House MPs have also shown more willingness since the mid-1990s to write and
promote draft laws originating in the House, not the cabinet. Table 3.1 shows that this
willingness has not translated into an increased number of House-initiated laws receiving
parliamentary approval. Yet MPs are more prepared than in the past to devote their
resources (e.g., legislative staff time) to write and promote draft laws. One instructive
example of these efforts to push favored legislation the National Assembly of Thailand

1. Case Study: National Assembly of Thailand Administration Law

In 1975, the National Assembly passed two laws with Royal assent: the
Organization of the National Assembly of Thailand Administration Law; and the
National Assembly of Thailand Administration Law. During 1974-1975, the parliament
was a very active and important political institution because protests in 1973 had led to

\(^7\) In terms of seeking amendments, typical legislative procedures in the second House reading (the
extraordinary committee review) involve taking all versions of the draft law under consideration, using the
government’s version as the lead version. So there is some room for the language in an alternative version
of a draft law to end up in the draft law when it comes up for consideration in the third House reading. The
effort to obtain partial credit stems somewhat from MPs looking for ways to plausibly claim in speeches or
other forums that they sponsored substantive legislation.
elections and a retreat (albeit temporary) by the military from its usually heavy-handed role in Thai politics. The 1975 law gave the parliament administration a clear structure with a Secretariat of the National Assembly managing all aspects of legislative support services (e.g., meeting management, the parliament library, record keeping, financial accounting, etc.). The parliament passed various amendments, almost all minor, to the National Assembly of Thailand Administration Law in 1978, 1988, 1992, 1995. In 1990, the House Standing Committee on House Affairs proposed upgrading the Secretariat of the House of Representatives to the same level as a ministry. This proposal would have required major amendments to existing laws and made no progress. In 1992, the most significant amendment to the Organization of the National Assembly of Thailand Administration Law and the National Assembly of Thailand Administration Law split the Secretariat of the National Assembly into two separate units: the Secretariat of the House of Representatives and the Secretariat of the Senate.

There were two general motivations behind efforts to pass a new law superseding the National Assembly of Thailand Administration Law and the National Assembly of Thailand Administration Law. Some people believed that the parliament was an independent organization with the right to manage its budget, hiring, and operations in accordance with the constitution and relevant laws, not under the ambit of cabinet resolutions, orders from the Prime Minister, and ministerial regulations. They wanted a new law to explicitly state the parliament’s independent status in order to give the parliament a firmer basis for exerting control over its activities. This was particularly true for the parliament’s budget which always came under heavy review from other government bodies during the annual appropriations process. Others viewed weaknesses and inefficiencies in the parliament administration as so deeply-engrained that only a fundamental shake-up of the House and Senate Secretariats could lead to significant improvements. Such a shake-up would have to include a reorganization of the

---

8 See Bangkok Post 7 May 1990. Suvit Khunkitti, currently the Minister of Information and Communication Technology and a political entrepreneur with many ideas about reforming the House administration, was chairman of the Committee at that time.

9 Thai constitutions have not explicitly referred to the House as an independent or autonomous organization. Section 182 of the current constitution simply states that the House is “vested with the power to control the administration of the State affairs.”
administrative structure, along with a new system determining accountability for
decisions made within the two Secretariats.

The key document forming the basis of the proposed law was a detailed study of
the House and Senate Secretariats published by King Prajadhipok’s Institute in 2000.
This report detailed all previous and current problems with the provision of legislative
support services in Thailand, past efforts to address these problems, and an extensive set
of recommendations for future improvements. The final chapter of the report included
the text of a draft law incorporating these recommendations, apparently written by the
anonymous team of researchers who produced the report. A group of House MPs,
supported by at least one official in the House Secretariat, modified the draft law text and
submitted it as a draft law for House consideration.

The Administration of the National Assembly of Thailand draft law superseded
all previous laws concerning the administration of the parliament. It reduced the
potential for politically-motivated interference in the parliament administration by now
requiring House or Senate floor approval for many types of changes within the House and
Senate Secretariats. It removed permanent staff of both Secretariats from the
government’s civil service system. It mandated the creation of a House of
Representatives Administration Committee (and a matching Senate committee) with
members including the head of the House opposition and chairmen of all House standing
committees. The Committee, a totally new body, had responsibility for monitoring and
approving all aspects of the Secretariat’s operations.

As of mid-2005, the parliament had not passed the Administration of the National
Assembly of Thailand draft law. This is the fate of nearly all such laws proposed by
House members. Though the story of the draft law’s journey through the legislative
process had some unusual twists, it illustrates the law-making process at a level of detail
never revealed in official descriptions of the process. In particular, the story helps to
show the involvement of government organizations outside of the parliament in the
process.

In late 2001, a group of House MPs from five political parties – Thai Rak Thai,
New Aspiration (which later merged with Thai Rak Thai), Democrat, Chart Pattana, and
Chart Thai – signed papers sponsoring the first version of the draft law. This cross-party
support was unusual and a product of efforts by members of the House Standing Committee on House Affairs. After the law’s sponsors submitted the draft text and paperwork necessary to get the draft law on the House meeting agenda, it was up to the Prime Minister whether to designate it as a money law. At this point, the next step would have been to send the draft law to the cabinet and the Office of the Prime Minister for their review, following which it would end up at the Council of State for further consideration. After accounting for the Council of State’s recommendations, the draft law would receive consideration by the Coordinating Committee of Government Parties (i.e., government whips) before being formally submitted to the House for a first reading. However, an unexpected development discovered in May 2002 made these next few steps impossible.

Since the draft law proposed major changes to the Senate Secretariat, the President of the House sent a copy to the Senate for comment. This meant the Senate had access to the text before the House had even considered the draft law. Instead of commenting on the House version, the President of the Senate sent different version of the draft law back to the President of the National Assembly: a version which amended four sections of the House’s original text. The President of the National Assembly submitted the Senate’s version to the Prime Minister for consideration by the cabinet in December 2001. This December submission included the stipulation that if the cabinet approved of the Senate version, this version would take on the status of a draft law submitted by the cabinet.

The Office of the Prime Minister sent the draft law to Ministry of Finance, Office of the Permanent Secretary to the Prime Minister, the Budget Office, the Office of the Civil Service Commission, and the Office of the State Audit Commission for their review. Each of these government organizations had comments and suggestions about the draft law. The Ministry of Finance wanted to be consulted during the determination of salary and wage levels for parliament administrative staff. The Ministry wanted to ensure that the expenditures of the House and Senate Secretariats fit with the national budget and broader government policy priorities. Office of the Permanent Secretary to the Prime Minister was particularly concerned that “announcements,” “regulations” or “orders” issued by the President of the National Assembly would not have the same legal
force as those issued by the government administration. The Budget Office commented that if the House and Senate Secretariats had the same status as agencies within the government administration, their budgets should fit with the interests of these agencies. The Budget Office wanted the House Administration Committee and the Senate Administration Committee to each have a member from the Budget Office because these Committees would set various salary and wage scales for parliament officials. The Office of the Civil Service Commission requested that pay scales in the parliament administration reflect those of other government agencies. The Office of the State Auditor had no comments, other than stating it agreed with the principles of the draft law.

After making amendments to the draft law based on the comments by these five bodies, the cabinet issued a resolution on 30 April 2002 approving the principles of the draft law. The cabinet issued a resolution approving of the Senate version, despite the existence of the much different House version which it had not seen. The cabinet also sent the Senate version to the Council of State for review.

The existence of the two versions of the draft law raised a variety of problems. One key problem was the differences between the two versions. The Senate version changed some provisions of existing laws concerning parliament administration but the House version explicitly revoked all existing laws concerning the House and Senate Secretariats. The two versions had divergent provisions regarding the issuance of announcements and regulations by the House or Senate Secretariats. They even had different names. In summarizing the dissimilarities between the two versions, an advisor to the Committee on House Affairs said the following (translation from Thai): “Think of the House Secretariat as a house. The House version of the bill knocks down the house and totally rebuilds it. The Senate version just redecorates the interior.” While probably an exaggeration (the House is a locus of much verbal hyperbole), the differences were beyond minor.

Another problem was the potential for a breach of constitutional provisions about the submission of draft laws. For some MPs, the submission of the Senate version to the Office of the Prime Minister looked like the Senate had proposed a new law, a violation

---

10 The Senate version was entitled “Law on the Regulation of the Parliament Administration” (author’s unofficial translation).
of Articles 169 and 170 of the constitution.\footnote{Under Articles 169 and 170, only House members, the cabinet, and groups with a petition signed by at least 50,000 eligible voters can propose new laws.} From the perspective of MPs supporting the House version, this presented an opportunity for getting the Senate version off the legislative agenda. A final problem was the possibility that the Senate version would eventually wind up on the House agenda as a cabinet-sponsored draft law. This was the most pressing issue for the House version’s supporters because a draft law with cabinet sponsorship had a higher chance of parliamentary approval than one sponsored by a group of House MPs.

Among the House version’s supporters, a very active debate arose regarding how to proceed. Some MPs suggested withdrawing the two versions of the law and resubmitting a new version after House-Senate consultations. Another MP advocated convincing the President of the National Assembly to withdraw the Senate version for “further review,” ostensibly meaning that this version could somehow be amended to resemble closely the House version. Another suggestion was to go directly to the Prime Minister to request the withdrawal of both versions, following which sponsors in the House would simply re-submit the House version.

Determining what bodies had the highest probability of resolve the problems was central aspect of the debate since there was no simple solution to the problem of the two conflicting versions. A number of powerful bodies and organizations in the government had become involved in considering the draft law. Securing their approval for a major step such as withdrawing a draft law was critical to getting the House version (or something closely resembling the House version) back on the House agenda. The Prime Minister and cabinet held the most power in the story but they were highly unlikely to take quick action, given the many other pressing items on their agendas. The Coordinating Committee of Government Parties (i.e., government whips) was much more accessible and useful, particularly because its main duty was to coordinate support for legislation across parties in the House. One person suggested working with the Senate Standing Committee on Senate Affairs but this did not occur, mainly because that Committee apparently had no input in the drafting of the Senate version. The President of the Senate was a more fruitful target for sponsors of the House version. The
Committee on House Affairs seemed like a natural choice since key supporters of the House version were Committee members. However, the Committee on House Affairs was weak (like all standing committees) and had almost no sway in the law-making process. Some MPs believed officials from the House Secretariat could help but the author had the strong impression from testimony given by some House Secretariat personnel that these officials were reluctant to become involved. This is not surprising since the House Secretariat had almost no clout with executive branch organizations. Moreover, the draft law itself would seriously transform the power structure of the House Secretariat so opinions within the House Secretariat about its benefits were divided.

In the end, a government whip supportive of the House version initiated efforts to have the House version approved by the cabinet. With his help, the government whips considered the House version during a July 2002 meeting. Representatives from the Ministry of Finance, Council of State, and Office of the Civil Service Commission attended this meeting. A Ministry of Finance official testified that some of the funding provisions in the House version were unclear. The Council of State official noted the existence of the House and Senate versions, though apparently did not have any recommendations about how to resolve the issue of the conflicting versions. The whips recommended holding a meeting between the Chairman of the House Committee on House Affairs, the relevant government agencies, the Council of State, and representatives from the Senate to figure out what to do about the two versions. In an August 2002 meeting, the government whips approved a resolution to hold a meeting between representatives from the parties sponsoring the draft law, the Council of State, the House Secretariat, the Senate Secretariat, the Committee on House Affairs, the Ministry of Finance, and the Office of the Budget. The whips (in unclear language) gave responsibility for handling the conflict to the Committee on House Affairs. In response, one MP commented that coordinating with all these organizations to obtain a consensus about a draft law to put on the House agenda would require six months. By that time, the Senate version could have progressed deep into the parliament agenda and norms of courtesy between the House and Senate would make any unilateral removal of the Senate version from the agenda difficult. There was also a sense that such a removal would
upset some Senators, creating the potential for publicity about the circumstances behind
the draft law which its supporters in the House viewed as highly undesirable.

The House approved the principles of a draft law that apparently represented a
compromise between the House and Senate versions. Since the Senate cannot submit
draft laws for parliament’s consideration, there were four very similar versions of the law
sponsored by four political parties which the House considered as a cluster: Thai Rak
Thai Party, Democrat Party, Chart Thai Party, and Chart Pattana Party. The four versions
were all designated as money laws in April 2003, particularly because they involved
changing the levels of compensation of government officials. An extraordinary House
committee in the second House reading of the draft law submitted its report to the full
House in April 2004. The report sat on House agenda and made no progress because the
House meeting agenda was consistently changed to give various other draft laws earlier
consideration. A major reason for its lack of progress in the House was that in late 2004,
MPs and party managers increasingly devoted their resources to House elections held in
February 2005. In addition, the law had no constituency to support it beyond a small
group of House MPs and selected senior members of the politically weak House
Secretariat. When the newly-elected House held its first meetings in March 2005, the law
lapsed from the House meeting agenda. The executive leadership, political parties, and
groups outside the parliament were neither in favor nor opposed to the law. They simply
had other priorities and made no effort to push the law any further.

The final chapter in this law-making story remains to be written but the saga as
described above illustrates two key points. First, MPs have a variety of mostly subtle
methods available for ensuring a draft law gets on the House agenda. The case of the
National Assembly of Thailand Administration Law shows a number of them: using
whips, multiple meetings with the President of the National Assembly, meetings with
ministry officials, etc. Without these efforts by MPs the law may not have gotten on the
agenda and would almost surely have never proceeded past the first reading in the House.
Executive branch leaders, even in authoritarian governments, may consider detailed
requests from individual legislators as a safety valve for preventing legislators’
dissatisfaction from becoming a significant threat (Blondel, 102). In the case of the
National Assembly of Thailand Administration Law, the push by the Law’s supporters
was helped by the limited scope of the law. The Law affected a small group of people and lacked the political sensitivity of a major piece of legislation like the Community Forest Law. In situations like this, securing the government’s “benevolent neutrality” can sometimes help push a draft law through the legislature (Searing 1987, 438).

Second, the case of the National Assembly of Thailand Administration Law illustrates an area where the House has made only incremental progress in overseeing the executive branch since 1979: budget concerns. Until the late 1980s under Prime Minister Chatichai Choonhavan’s government, a law initiated by MPs with any notable budgetary implications had little hope of getting on the agenda in a way that would ensure it received attention from MPs or the executive branch. The House’s budgetary influence began to change when power shifted in favor of the House under Chatichai’s administration and MPs saw more opportunities to influence expenditure decisions. Yet these opportunities typically did not involve the law-making process and were often corrupt attempts to influence the implementation of budgets already approved under existing laws. Given the major turf battles between ministries and their often overlapping jurisdictions, MPs continued to face a complex ministerial morass when exercising such influence. The case above shows that this ministerial recalcitrance remains an important obstacle to MPs lobbying for a draft law. Nearly all laws will have budgetary implications and MPs must overcome formidable bureaucratic obstacles – particularly from the Ministry of Finance – to ensure the passage of a favored law. Even in the case of the National Assembly of Thailand Administration Law which had minor budgetary impact, most of the reservations about the law which executive branch officials mentioned concerned budget issues.

C. Changes in How Laws are Debated, Amended, and Approved/Rejected

Perhaps the best way to consider how the process of debating, amending, and approving or rejecting draft laws has changed is to distinguish between “official” changes and other forms of change. Official changes refer to codified alterations of the rules concerning the law-making process: constitutional provisions, House meeting regulations, etc. Other forms of change are not written down and have more to do with
the areas such as who becomes involved in lobbying for particular laws or styles of debate.

The official changes have mostly resulted from the passage of new constitutions or constitutional amendments. First, in 1992, a new constitutional provision made the President of the House of Representatives the President of the parliament, instead of the President of the Senate as required by previous constitutions. The legislative impact of this modification has been limited. The President only exercises special powers over legislative processes in unusual situations. In addition, he almost never acts unilaterally on major legislative issues, independently of the preferences of the government leadership and/or the majority of the members of the House and Senate. Yet some people view the change as important – at least symbolically – because it shifted control of the parliamentary debate process towards the elected House and not the appointed Senate (seen as closely allied with the government leadership).

Second, up to 1992, the typical session of parliament lasted 90 days and there was only one session per year. A constitutional amendment passed in 1992 increased the number of sessions to two: a general ordinary session and a legislative ordinary session. The current constitution maintained the two-session idea but specified that each session would last 120 days. The significance of the change is that longer and more frequent sessions (ostensibly) allow legislators to consider more legislation, or at least to consider legislation more carefully. Even so, the data in Table 3.1 strongly indicate that this change has not made the passage of draft laws initiated by House members more likely to pass than draft laws submitted by the cabinet.

Third, prior to the current constitution, any draft law that had not received parliamentary approval lapsed at the end of the session of parliament (i.e., after a dissolution of the House). Reconsidering such legislation required starting the law-

---

12 For example, before the creation of the Constitutional Court, there was a less –powerful and infrequently-used Constitutional Tribunal which ruled on the constitutionality of laws. The 1992 Constitution (the first amendment of the 1991 Constitution) stipulated that the President of the parliament was the chairman of the Tribunal. Thus, the President of the House gained increased influence over decisions about the constitutionality of laws approved by his own chamber. The creation of the independent Constitutional Court in the current Constitution addressed this curious situation.

13 House MPs can only initiate no-confidence motions against the cabinet or individual cabinet ministers during the general ordinary session. Legislative ordinary sessions are reserved for deliberating draft laws (Rüland et al., 45).
making process from the beginning with (re)submission of the draft law to the House. The current constitution allows for draft laws from one session to receive continued consideration in the following session, without restarting the law-making process. Section 178 of the current constitution stipulates that the cabinet must request that the draft law be placed back on the parliamentary agenda. A joint House-Senate session must approve this request. If the approval does not come within 60 days of the new House session beginning, the law fully lapses.

Fourth, the 1997 House Meeting Regulations banned the use of visual aids (charts, posters, etc.) during plenary sessions unless permitted by the President of the House. This was mainly a reaction to the behavior of a few prominent politicians who drew attention to themselves by using such aids.¹⁴ Fifth, section 190 of the current constitution states that any draft law involving children, women, the elderly, or the disabled requires a committee in the second reading with one-third of its members from private organizations that work with these populations. The 2001 House Meeting Regulations specify further who makes up the total committee membership: at least one-third from private organizations relevant to the legislation, maximum one-sixth from people proposed by the cabinet, and the remainder from House members in proportion to the distribution of party strength in the House.

The “unofficial” changes in the process of debating, amending, and approving/rejecting draft laws are generally more significant than the official changes. First, Table 3.2 (see Appendix) shows that there was a growing trend (until the current government) of having multiple versions of draft laws under consideration simultaneously in the House. Often, the cabinet will submit a draft law to the House, after which both opposition and government members of parliament (MPs) will propose alternative versions of the same legal text. In rare cases, the cabinet will submit its version of a law in response to a version initially proposed by MPs. A non-cabinet draft law may be almost exactly the same as or quite different from the cabinet version. MPs are more likely to propose alternative versions to the cabinet’s draft law when the law involves elections to national or local government positions, changes to local government

¹⁴ The main target of this change may have been Samak Sundaravej. This former 8-time House MP and the leader of the defunct Prachakorn Thai Party is well-known for his colorful oratorical skills.
regulations, establishing new government educational institutions, and rescinding directives from previous military-run governments. In other words, issues of direct concern to MPs in their districts (or for which an MP feels he can earn some easy credit, such as establishing a new university in his district) get the most attention from MPs. If a law proposed by the cabinet concerns a very important and highly-publicized area, the opposition in the House will nearly always propose an alternative version. This last type of behavior by the opposition has not changed since 1979.

In cases where there are multiple versions of the same draft law, the House will normally pass a resolution enabling simultaneous consideration of all versions at once, making the cabinet version the lead version. The presence of multiple versions gives a rough indication of how MPs are participating in the law-making process because it hints that the different provisions in these versions have to be accounted for when MPs debate and amend laws. Knowing how much difference the consideration of multiple versions makes is a separate question. Without detailed information from the extraordinary parliamentary committees that consider these draft laws in detail (particularly the proceedings of committee meetings and copies of the various versions of draft laws), it is difficult to determine how much influence House members exercise in the law-making process. Unfortunately, these kinds of documents were not available to me except for some laws considered by the most recent parliament starting in 2001. As an aside, it is worth noting that for the 2001 parliament, there were no laws passed for which more than three versions of the draft law were considered. The Thai party system has consolidated from a series of mid-sized and small parties, becoming dominated by two large parties (Thai Rak Thai and the Democrat Party) and a series of small parties. Thus, the number of parties offering alternative versions of draft laws has declined.

Second, there has been a gradual shift towards increased involvement in the law-making process by a more varied set of groups, particularly groups who are not part of the government. Generally, before 1980, debates over laws ended up as struggles between different political parties and party factions within the government, where these different groups had very strong ties to particular government ministries. The process of passing a draft law looked like a bureaucratic turf war, driven both by the particular interests of the government agencies involved and the personal interests of political
leaders. In nearly all cases, the key debates did not take place in the parliament and parliament served as a forum to officially validate decisions made in other venues. If representatives of groups outside the government were involved in the law-making process, their involvement was limited to a very small number of powerful groups or individuals with specific sectoral interests such as banking. Few detailed descriptions of pre-1980s law-making are available but Morell’s account of an unsuccessful attempt to amend the Criminal Procedure Code during 1969-1971 gives a good sense of the situation then (see Morell, 548-559).

In the 1980s and 1990s, the law-making process still had extensive involvement by ministerial officials but a broader range of interest groups became more involved. Debates about laws became more open as they gradually moved into parliamentary forums like committees. One example of this is the passage of the Social Welfare Law, considered during 1988-1990 and approved by Parliament in 1990. Sirikhundh describes the story behind the Social Welfare Law in his Masters thesis (see below for the detailed account of the law’s passage).

The 1990s started to demonstrate clearly how interest groups, particularly from the non-profit sector, could influence the law-making process. One prominent politician noted that the most effective way for an interest group to influence the passage of legislation was to contact the relevant government ministry directly. However, simply securing government support of a draft law did not ensure the law’s passage. It was still necessary to monitor the House and Senate to make sure the bill passed with its key provisions intact (Stern interview with Abhisit Vejjajiva, Deputy Leader of the Democrat Party, 4 January 2002). The Community Forest Law epitomizes the changes in the legislative environment. While certain provisions of the current constitution played an important role in the circumstances surrounding this law, broader changes in the political environment were equally significant.

D. Summary of Changes in Changes in the Law-Making Process

To reiterate, this section suggests that the House has evolved beyond its former “rubber-stamp body” image to become a chamber with substantial, albeit frequently
limited, powers over the law-making process.\textsuperscript{15} That conclusion emerges from the combination of constitutional and non-constitutional changes communicated in the section. Figure 3.2 summarizes the changes in the law-making process due to changes in constitutional provisions.

Figure 3.2: Constitutional Changes with an Impact on the Law-Making Process in Thailand’s National Assembly, 1979-2002

<table>
<thead>
<tr>
<th>Type of Change</th>
<th>Source of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow submission of draft law by popular petition</td>
<td>Current constitution</td>
</tr>
<tr>
<td>President of the House is President of the National Assembly</td>
<td>1992 (1\textsuperscript{st} amendment)</td>
</tr>
<tr>
<td>Increase annual sessions of parliament from one to two</td>
<td>1992 (2\textsuperscript{nd} amendment)</td>
</tr>
<tr>
<td>Increase length of sessions of parliament</td>
<td>Current constitution</td>
</tr>
<tr>
<td>Uninterrupted consideration of draft laws allowed after House dissolution</td>
<td>Current constitution</td>
</tr>
<tr>
<td>House extraordinary committees considering draft laws involving children, women or the elderly must have members from outside the House</td>
<td>Current constitution</td>
</tr>
</tbody>
</table>

Source: Various Thai Constitutions

The three changes which result from factors beyond modifications to constitutional language are as follows:

- An increase in the number of draft laws submitted for House consideration
- A decrease in the activities of House standing committees with regard to reviewing draft legislation
- Increased participation in the law-making process by a wider array of organized interests in Thai society

\textsuperscript{15} This conclusion generally fits with ideas expressed by other scholars of Thailand’s parliament (Rüland et al., 71; Arghiros 2001, 2).
IV. Explaining Changes in the Law-Making Process

A. Factors that Explain Little of the Variation in the Law-Making Process

Before considering what has contributed most to the changes in the law-making process in the Thai parliament, there are some commonly-mentioned factors which have contributed little or nothing to these changes.

1. Characteristics of MPs

While analyses of the parliament have noted changes in the characteristics of MPs, a detailed analysis of member characteristics from 1979-2002 reveals minimal changes in members’ backgrounds. MPs have become more educated but the quality of the institutions from which MPs receive their degrees has not improved to any noticeable degree. In addition, there is a trend towards obtaining more “generalist” degrees in subjects such as political science, public or development administration, and business administration. Specialized knowledge among MPs has grown little since 1979. This is true despite an increase in the number of MPs who have served as political appointees (ministers, deputy ministers) and in other political capacities (mainly as assistants to political appointees). Closer formal connections between MPs and government ministries have not translated into greater policy expertise mainly because MPs shift to different positions frequently and do not have a good incentive to gain expertise in a particular area such as public health or environmental conservation.

The seniority of MPs – as measured by the number of times they have been elected to the House – has fluctuated somewhat during 1979-2002. The data only show a mild trend towards members being re-elected more often, a product of the fact that parliament has been less subject to the dissolutions associated with military coups. In years when the House has experienced a substantial influx of first-time MPs, the new MPs have generally been younger and more educated than their senior colleagues. Even so, no analyst of Thai politics has claimed that these factors (age and education) altered parliamentary politics appreciably. My own analysis of the parliament in 2002 concluded

---

16 In particular, Phongpaichit and Baker (2002) and various authors in McVey’s edited volume discuss the rise of new provincial politicians, sometimes referred to as jao paw or “godfathers.”
that first-time MPs quickly learn from more senior MPs and perpetuate existing practices in committee meetings and plenary sessions.

There have been analyses about the rising role of business people in the parliament’s development (see Upayokin and Kanchanawong; McVey) but the notion that the House has become much more populated by business people since 1979 needs reconsideration. Having a large proportion of MPs with a business background is not something new to the House. People with extensive business experience – often in very lucrative fields – have been a major part of the House membership since 1979 and before. The rise of “money politics” during the 1980s and 1990s (characterized mainly by ever more expensive election campaigns) did not necessarily lead to a major influx of business people into the House. From the mid-1970s to the early 1980s, a substantial number of MPs were Bangkok-based business people. From about 1983 to the late 1980s, MPs with a business background from rural areas grew to dominate the Bangkok-based MPs with a business background (Phongpaichit and Baker 2002, 356). Thus, MPs with the resources to compete in the new political environment were already present in significant numbers before the rise of money politics. And many of them thrived politically, even as the growing economy created more opportunities for new blood to enter the political elite.

Figure 3.3 is an attempt to assess the extent to which MPs with a “business” background populate the House. “Business” refers to activities performed in the private sector intended to make a profit. Business means owners and major shareholders/partners, not MPs who simply worked for a company such as a commercial bank branch. It shows three categories: i) MPs with clearly-identifiable business interests; ii) MPs who claim to be “businessmen” but for whom information about their business background was not available; and iii) MPs without business interests or for whom no information was available about their business backgrounds.

The data show that having a large proportion of MPs with a business background is not new to the House. People with extensive business experience – often in lucrative fields – have been a major part of the House membership since 1979, if not before. The rise of “money politics” during the 1980s and 1990s (characterized by ever more expensive election campaigns) did not necessarily lead to a major influx of business people into the House. MPs with the resources to compete in the new political
environment were already present in significant numbers before the rise of money politics. And many of them thrived politically, even as the growing economy created more opportunities for new blood to enter the political elite.

Figure 3.3: Proportion of House Members with a Business Background, 1979, 1988, and 2001

Source: Author’s own dataset.

Curiously, the data in Figure 3.3 indicate a reduction in the number of MPs with a business background in the current House. In the current Thai political environment where the country’s richest person, Thaksin Shinawat, has become prime minister, this may seem incongruous. These data are most likely an underestimate of the actual number of MPs with backgrounds in business because Figure 3.3 cannot capture some
important aspects of what constitutes a business background. For example, data on the kinds of profit-making business in which MPs engage are not readily available and data from 1988 have a disproportionate weight in Figure 3.3.\textsuperscript{17} Also, there is no distinction between a person who started in business and later entered politics vs. a person who started as a politician or government official and used official powers to start conducting business. My interactions with MPs from all parties revealed that many of them have strong affiliations with family-run businesses and sometimes large real estate holdings. However, current constitutional provisions and laws prevent MPs and cabinet members from having ownership stakes in any company doing business with or receiving certain kinds of benefits from the government. Given the Thai government’s deep economic reach, this means the majority of businesses once owned by politicians has been transferred to family members and close associates. The MP may still effectively control or strongly influence these businesses but will keep this fact secret to avoid public outcry and possible investigation by the authorities, especially the National Counter Corruption Commission.\textsuperscript{18}

2. Parliament Administration

The administrative and research support services provided to House members have been weak, despite many efforts to reform the Secretariat of the House of Representatives (see Chapter 4 for more details). In comparison to the various government ministries, the House Secretariat has less expertise and fewer financial and informational resources. The employment of personal or committee staff by MPs is frequently based on personal connections and not dispassionate assessments of skills and legislative needs. A number of influential people with ideas for reforming the House Secretariat became involved in other major projects (“diverted” in the words of one prominent and long-time observer of the parliament) before they could see many of their ideas implemented. Other than the

\textsuperscript{17} Data were most available in 1988.
\textsuperscript{18} All members of the parliament and cabinet officials must submit detailed statements of their business interests and assets to the National Counter Corruption Commission. The statements submitted by MPs are not available unless associated with legal proceedings. As section 293 of the constitution states: “The account of the persons holding other positions [i.e., not cabinet ministers] shall not be disclosed to any person unless the disclosure will be useful for the trial and adjudication of cases or for the making of a decision and is requested by the courts or the State Audit Commission.”
introduction of new technology (particularly personal computers) and a few organizational modifications, the House Secretariat changed little during 1979-2002.

3. Presence of Party-list House Members

The current constitution’s introduction of proportional representation and “party-list” MPs was intended (among other things) to create a group of MPs not beholden to the demands of a specific geographic constituency. These party-list MPs would be able to focus on broader policy issues of the sort addressed by laws and improve the quality of debates on and amendments to draft laws. The House achieves this aim much less than the constitutional drafters envisioned. When asked what role party-list MPs play, academic experts and MPs essentially give the same response: party-list MPs perform tasks for the government or for their political party. These tasks include attending events sponsored by fellow party members, responding to specific requests for assistance from local government officials or others, and indirectly campaigning for electoral support in areas where the opposing party has the constituency seat in the House. In sum, a party-list MP’s main responsibilities often do not encompass the law-making process.

4. Media Coverage

Most analysts concur that during the past few decades, Thailand has had substantial media freedom compared to other Southeast Asian countries (Pongsudhirak). This has only changed recently under the Thaksin administration as some parts of government and a few of Thaksin’s key allies have curtailed these freedoms (Phongpaichit and Baker 2004, 149-155). Yet there is little or no evidence that media coverage of the House has changed in ways that would substantially affect the House.\textsuperscript{19} My own search of newspaper archives indicates that the main change in newspaper coverage of the parliament has been increased coverage of the Senate, mainly a result of the Senate’s shift from being all-appointed to all-elected by popular vote. In addition, the printed news media have leaned away somewhat from reporting on personal scandals, political

\textsuperscript{19} Of course, media coverage does influence how members of parliament behave and what issues they take up. I am only claiming that there has not been any significant variation in media coverage of the parliament during 1979-2002 which would have a measurable impact on how laws are proposed, debated, amended, and approved.
feuds, and no-confidence motions towards reporting on the progress of draft bills. Yet both these changes are media responses to changes in the parliament, not cases of media coverage altering the behavior of House members or Senators. McCargo (2000) has noted the weakness of Thai newspaper reporting on the parliament, making a strong case for his assertions that investigative journalism is weak, politicians and their associates/allies own or control many prominent newspapers, and reporters at the House tend to wait for stories to come to them instead of seeking out newsworthy material.20

5. Autonomous Organizations

The current constitution created a number of autonomous organizations with a mandate to monitor and sometimes sanction the parliament, cabinet, and civil servants. For purposes of this chapter, the key organization is the Constitutional Court because it has the authority to review the constitutionality of any piece of legislation. A review of decisions made by the Court (www.concourt.or.th) has summaries of nearly every Court decision since 1998) indicates that the Court has almost never found that a Thai law under parliament’s consideration violated provisions of the constitution. This was the case even before charges arose that the Thaksin administration had gained control of the Court by arranging to fill vacant positions with complacent judges (Phongpaichit and Baker 2004, 175-176).

20 It might be tempting to claim that very recent media coverage of the conflict between major Thai media mogul Sondhi Limthongkul and Prime Minister Thaksin in late 2005 has shaken the core stability of Thai Rak Thai’s absolute parliamentary majority (see: http://www.nationmultimedia.com/specials/sondhi/; http://www.manager.co.th). The logic behind this analysis would be that media coverage of the parliament has changed substantially under Thaksin because of successful government efforts to quell media criticism of Thai Rak Thai and the Prime Minister. Under this logic, Sondhi is reacting forcefully and with notable success against the government’s efforts to control the media. Even so, the government’s control of the media has had little impact on law-making because the government leadership is far less focused on the media’s coverage of parliament than it is on corruption allegations at the cabinet level and personal condemnation of Thaksin. In the same vein, Sondhi has concentrated his fire on Thaksin and certain cabinet members, not on the parliament.
B. Explaining Variations in Thailand’s Law-Making Process

1. Interest Groups as a Key Factor

This section argues that the development of interest groups (and civil society more broadly) in Thailand since 1979 has increasingly influenced how the parliament makes laws. While Thailand is far from the pluralist interest group environment characteristic of American-style law-making, there is general agreement that Thailand has moved to something substantially different from the “bureaucratic polity” described by Riggs. 21

As one scholar wrote: “Since the late 1970s organized business has advised, initiated, transformed, or blocked important economic policy and legislation of the government” (Laothamatas 1992, 152). The increasing level of activity among interest groups (such as business associations) has transformed the legislative process in the parliament gradually. In addition, interest groups remain more likely to lobby in executive branch forums than in the legislative arena, a general characteristic of parliamentary systems. Even so, there is ample evidence that any group wishing to ensure the passage (or demise) of a particular draft law must expend resources in the parliament. The House is no longer a rubber-stamp body and its emergence from this designation has been slow but sure.

2. General Changes in Thailand’s Interest Groups

The history of interest groups in Thailand since 1979 has been described and analyzed elsewhere (Pongsapich and Kataleeradabhan; Institute of Social Research; Laothamatas 1992; Phongpaichit and Baker 2002, 397-403; Simpkins, 256-259; Suwannarat). There are a few areas worth highlighting. Table 3.3 (see Appendix) summarizes the only comprehensive data available about no-profit civil society organizations in Thailand. It demonstrates a 28% increase in the number of such groups between 1989 and 2001. 22

Figure 3.4 (see Appendix) demonstrates the steady rise in the number of trade associations formed annually since 1979. Figure 3.4 also shows that the number of registered associations has always grown positively since 1979. The data in Table 3.4 indicate a 68% increase in the number of business and professional

---

22 Table 3.3 has some curious results; e.g., a decrease in the number of business and trade associations from 1989 to 2001. This results from data collection and classification differences between the surveys used to collect these data.
organizations between 1982 and 2005, a rough estimate of the expansion of such associations in general. The overarching point is that there has been a substantial expansion of various interest groups with potential concerns about the content of laws and the speed at which the parliament approves laws

3. Evolving Interest Group Influence in Law-Making

Constitutional changes have had some impacts on law-making but broader trends in the development of Thai civil society have had more profound impacts than constitutional language.  Constitutional changes have created paths for changing law-making but effective utilization of these paths depends heavily on the behavior of interest groups. For example, the constitutional provision that allows 50,000 eligible voters to submit a petition to place a draft law on the House agenda is a significant new element of the law-making. As the Community Forest Law demonstrates (Makarabhirom, 59) obtaining 50,000 signatures requires a substantial organizing effort that can only be carried out by a well-organized group with adequate funding (or at least a very motivated member base). Carrying out the 50,000 signature provision requires an established civil society organization. To cite another example, section 190 of the constitution stipulates that any draft law involving children, women, the elderly, or the disabled requires a committee in the second reading with members from private organizations that work with these populations. This promotes the importance of interest groups since such groups (especially non-profit groups) are the key resource from which the House would draw committee participants. A stronger interest group community opens the possibility for having a greater impact on the law-making process through designating more laws as “involving children, women, the elderly, or the disabled” and better lobbying in committee meetings and other parliamentary settings.  

23 Explaining the reasons behind the changes in the constitutions is a beyond the scope of this dissertation. Key primary data on the debates that took place over provisions in the current constitution are available in a database compiled by The Asia Foundation and King Prajadhipok’s Institute: Database for Thailand’s Constitution Drafting Assembly Records, Constitution of the Kingdom of Thailand B.E. 2540 (1997). Bangkok, Thailand: 2002.

24 Admittedly, the various obstacles impede the effective participation of private organizations in such committees. The President of the House is responsible for determining whether a draft law contains “important” provisions concerning children, women, the elderly, or the disabled. Yet there are no guidelines for deciding what is “important” and the process by which the President of the House renders decisions is not transparent. Historically, committees in the second reading often have civil servants as
The remainder of this section of the dissertation focuses on the House of Representatives and assesses the two propositions mentioned at the beginning of this section (Section IV) concerning increased involvement by interest groups in the law-making process.

During the early and mid-1980s, very few interest groups spent resources working with the House when seeking to influence the passage of a law. Business association became more “aggressive” in their involvement with the drafting of new laws but these lobbying activities occurred within the government departments that wrote the laws, not in the House (Laothamatatas 1992, 114). Non-governmental organizations had little political influence and all such civil society organizations operated in the shadows of the politically-powerful Thai military. Bangkok had the vast majority of organized associations and interest groups in Thailand. Groups in rural areas tended to be organized under military or bureaucratic auspices. For example, village councils were under the Ministry of Interior and the army controlled groups of Village Defense Volunteers all over the country (Samudavanija 2002, 120-121). Thai villagers rarely sought changes in existing laws or new laws. The typical House MP served as an intermediary between the villagers and civil servants or powerful politicians. The MP’s role was to direct government largesse into the district. The substantial amount of money, knowledge, and expertise needed to ensure the passage of a favorable law made using the law-making process as a problem-solving mechanism unattractive to villagers and MPs. Networks that brought together villagers with similar concerns (e.g., dam construction, low prices for agricultural products) had not grown strong. The collective resources required to push for changes in a major document like a law did not exist.

As noted earlier in this chapter, the situation showed signs of change in the late 1980s. The election of 1988 saw Chatichai Choonhavan assume the premiership and his coalition government quickly began to shake up the political system. Government ministers shifted the balance of power away from government civil servants and tried to...
do the same with the army. This put more control over government decision-making into the hands of politicians with strong connections to the House and business interests. At the same time, Prime Minister Chatichai adopted more liberal policies towards social groups. “Labour organization and peasant protests emerged for the first time since the repression of 1976” (Phongpaichit and Baker 2002, 370). The combination of these changes provided the first inklings that people would pay more attention to the House’s role in debating, amending, and approving laws. The case of the Social Welfare Law of 1989 is instructive. 25

Prime Minister Chatichai’s Chart Thai party, allied mainly with the Social Action and Ekkapap parties, formed the government coalition. Soon after taking office, he publicly promised to pass a law on social welfare and to form a new Ministry of Labor and Social Welfare to implement the social welfare legislation and other programs. In May 1989, five different versions of a draft law on social welfare appeared on the House meeting agenda. The cabinet’s version became the primary one.

In the second reading, the House formed an extraordinary committee of 27 members and gave it 15 days to suggest amendments and issue a report to the full House. The extraordinary committee presented an amended version substantially different from the cabinet’s version of the draft law. The committee’s version covered more conditions, mandated a larger contribution by the government to support implementation of the law, and proposed forming a committee of representatives from employers, workers, and the government to oversee the implementation of the law. The committee chairman was a senior MP from the Social Action party without the strong connections to large business interests characteristic of most cabinet members at the time. The Minister of Interior, an MP from Chart Thai with major business interests in key Thai industries, voiced his objections to various amendments proposed by the committee. His objections echoed those expressed by other major Thai employers that they would have to pay large sums to the government for social welfare programs if the committee’s version passed. A number of those Thai employers were important contributors to Chart Thai. Publicly, the Minister expressed his worry that the committee’s amendments would greatly increase government social welfare spending.

25 This account is based on Sirikhundh pages 181-197.
Labor organizations protested in front of the parliament complex in support of the committee version and suggested further changes in support of workers. Meanwhile, a conflict between the Minister of Interior and the Deputy Minister of Interior arose because of the Prime Minister’s proposed creation of a Ministry of Labor and Social Welfare. The creation of this new ministry would mean transferring the social welfare program mandate out of the Ministry of Interior. Since the Deputy Minister of Interior was close to many employer groups and had business associations with companies sending Thai contact labor abroad, he had a strong interest in becoming the Minister of Labor. The new ministry’s potentially large budget attracted him as well. On 13 July 1989, the full House resumed debate on the draft law. In response to pressure from the Minister of Interior, the ostensibly neutral President of the House and a number of MPs allowed debate on an unrelated draft law to consume the entire meeting on that day. This was essentially a delaying tactic on the part of opponents to the committee version of the draft law. After additional debate, on 27 July 1989 the House approved a version which had some elements of the committee’s amendments but more strongly resembled the initial cabinet version.

Two elements of the story behind the Social Welfare Law’s passage are notable. First, the law-making process became more open to public scrutiny. While some lobbying surrounding the Social Welfare Law occurred outside of public view in government offices, party headquarters, etc., business and labor groups made public announcements and held protests about the law. Parliament had to respond to the increased attention directed its way by making House debates more public and providing more information about parliamentary procedures. Second, the activity of business and labor groups in the House debate about the Law was substantial. It was not possible to rely only on lobbying of cabinet officials or government agencies to ensure the law had the desired provisions.

From the mid-1980s to the early 1990s, increasingly well-organized and numerous rural interest groups put more pressure on the House. Yet there were many problems in this evolving relationship. Frequently, government officials saw members of labor and farmers’ groups, and the MPs that worked with these groups, as “self-promoting,” “trouble-makers,” or “the third hand” (a reference to communism; Pitsuwan). The
“carnival” atmosphere outside of the parliament complex did not contribute to respect for and increased willingness to work with the House. During 1986-1988, some protestors burned the effigies of MPs who aroused their ire (Suksamran). There was a general feeling that the groups seeking to work directly with the House were unprofessional; lacking expertise, well-trained staff, good marketing skills, etc. (Chetchotiros and Pitsuwan).

By the early 1990s, Thailand’s civil society had made progress. Well-organized networks of rural non-governmental organizations were soliciting funding, organizing protests, putting pressure on government officials at the local and national levels, and seeking alternatives to purely government-led programs to improve rural life. The events in May 1992 and other factors promoted more rapid growth of rural interest groups. By the end of December 2001, national-level survey data indicate that rural participation in civil society organizations was substantially higher than urban participation (Albritton and Bureekul, 10-11). With the increasing sophistication of these rural groups, their ability to influence the law-making process began to grow. In general, civil society organizations became more knowledgeable of the law-making process, legal language, and the techniques used by government bureaucrats in the process.26 Perhaps more importantly, their willingness to become involved in law-making also grew. Rural groups were now exchanging information much more and understanding that rural people all across Thailand faced many similar problems, particularly those involving access to land and the use of natural resources such as rivers and forests.27 It became clearer to some of these groups that coordinated action was often more effective than separate efforts across the wide expanse of rural Thailand.

In addition, attitudes towards law-making among many organizers in non-governmental organizations had evolved by the time the current constitution was promulgated in 1997. Before the 1990s, nearly all Thais viewed the passage of a law as the formalized expression of whatever small group or person held political power. Laws embodied the preferences of these individuals, not the broader preferences of the population (or at least large proportions of the population). In the 1990s, the language

27 See Jumbala and Mitprasat for details. Also Phongpaichit and Baker (2002) pages 403-408.
about laws changed noticeably. Political activists and civil society group leaders increasingly referred to laws as “public policies” or documents containing rules and rights that reflected the wishes of “the people.” The passage of the current constitution – often referred to as the “people’s charter” – was the pinnacle of such efforts to bring the “public” back into public policy making. Such success fostered an attitude that people outside of the political elite could substantially influence changes in the law-making process. Even if current politics has not met the high expectations held by many Thais after the promulgation of the constitution, the belief that the passage of laws is not only the exclusive preserve of high-level politicians in the executive branch motivates a great deal of interest group activity in the House.

The Assembly of the Poor, a loose-knit coalition of mainly rural groups, was initially the most public face of the coordinated effort to influence government policies. Other groups with weaker connections to rural interests became involved even more directly in the tricky and drawn-out process of law-making. The Women and the Constitution Network, a coalition of 35 organizations, has participated in various House and Senate committees considering draft laws and contributed to amendments to draft laws; for example, a law to allow a Thai woman to keep her maiden name after marriage. It has also interacted with the Council of State, a government body under the auspices of the cabinet which acts as a legal advisor to the executive branch. The Council reviews all draft legislation considered by the House and often recommends amendments. House and/or Senate committees considering draft laws will often invite a representative from the Council of State to participate in meetings to provide legal expertise in areas such as proper legal language and avoiding conflicts with existing laws.

Beyond rural groups and non-governmental organizations, business associations (e.g., the Thai Banker’s Association or the Thai Federation of Industries) and professional groups (e.g., the Lawyers’ Association of Thailand) have experienced substantial growth in the number of organizations and their levels of activity in lobbying for favored government policies. Laothamatas’ work has guided much of the scholarship on Thai business associations. He notes that while contacts between representatives of associations and the executive branch are much more prevalent than contacts with House committees, the associations do not ignore the House (Laothamatas 1988, 458). He
indicates that business associations participate more in formulating legislation, lobbying for/against legislation, and testifying on important issues in the House. Other studies only suggest the connections between House members and business associations. Arghiros (2000) studied a district-level association of brick manufacturers in Ayuthaya Province. He concluded that this association’s involvement in politics occurred mainly at the level of the provincial council. Connections between provincial councils and House MPs are often quite strong. Since 1979, 20-30 percent of all MPs have held positions in local government, often as members of provincial councils. Ueda studied entrepreneurs in Nakhon Ratchasima Province. His work indicated that when the term business association includes unregistered groups of influential business people, the involvement in parliamentary politics is substantial, particularly during House elections.

The rest of this section will describe two recent examples of how interest groups have interacted with the House in efforts to influence the passage of laws. These cases of interest group influence capture both the progress these organizations have made in influencing law-making and the limitations of their power in swaying members of the House.

Perhaps the most enlightening example concerns the Community Forest Law. This law is intended to set the legal parameters for management of designated forest areas by people living in those areas. Though under supervision by some government agencies, local people will have substantially more autonomy over forest management than in the past. The law is the product of a loose alliance between liberal academics, non-governmental organizations working on environmental issues, and many rural communities. It was submitted under the new constitutional provision allowing 50,000 eligible voters to submit a draft law for consideration by the parliament. This “people’s law” was a direct response to a much-criticized draft law written mainly by officials from the Royal Forestry Department in 1996. The people’s version emphasized the role that

28 The percentage comes from the author’s own database on the backgrounds of House MPs.
29 It is unclear whether this translates into a concern with the law-making process. Ueda mentions that “economic legislation” is of significant interest to provincial business people but he does not offer any examples of how provincial businessmen in Nakhon Ratchasima influenced such legislation.
30 Another example of interest group influence on law-making is the passage of the law to form Thailand’s National Human Rights Commission (Klein 2002). The case of the 2002 amendments to the Minerals Act of 1967 illustrates a failed effort by community groups and environmental organizations to overcome business interests in the government.
local communities, not the government, could play in managing forests in their areas in a sustainable manner.

The Community Forest draft law’s supporters collected enough signatures by late 1999 to submit the draft law to the President of the House of Representatives. The draft law was put on the House agenda in mid-2000 and by November 2000, there were six different versions of the law on the House agenda with various sponsors: one from the cabinet, one from the Democrat party (leading opposition party), one from the New Aspiration party, one from the Chart Thai party, one from the Chart Pattana party, and one submitted using the petition process. The draft laws passed the first reading in the House, after which parliament was dissolved to prepare for new elections under the provisions of the new constitution.

The new House session began in June 2001 and the House soon took up consideration of the Community Forest Law again. The various versions of the draft law passed the first House reading. In the second reading, an extraordinary House committee spent much of October 2001 examining the provisions of the draft law, after which the full House approved a draft which was essentially a slightly amended version of the draft submitted by popular petition. The main amendments the extraordinary committee made concerned the sources of funding for the development of community forests and associated organizations. On 7 November 2001, the House gave its final approval and sent the draft law to the Senate.

After passing the first reading in the Senate, Senators also formed an extraordinary committee to examine the draft law’s provisions. Senators arranged study trips to various parts of the country and solicited opinions from a variety of sources, though non-profit organizations had already performed much of this background research and data collection. The Senate committee significantly amended the draft law, making it harder for some groups to be eligible to manage a community forest and placing more limits on how to manage approved community forests. In March 2002, Senators rejected the House version of the draft law and overwhelmingly approved the extraordinary Senate committee’s amendments.

31 Note that these parties refer to the 1996-2001 House.
Senators gave a number of reasons for approving the amendments, most of which focused on fears that the House version created too many opportunities for abuse of community forests (see Hongthong). The Senate’s actions led to protests in front of the parliament complex and substantial media attention in the Thai and English-language news media. If the Community Forest Law had been a money law, the House could have quickly overridden the Senate with a vote of more than half the total House membership, a clear option for the ruling government coalition. However, House records indicate that it was not designated as a money law and parliamentary procedures required the formation of a joint House-Senate committee to resolve differences between the versions approved by the two chambers. The joint committee could not resolve these differences, despite concerted pressure from the non-profit community. The draft law lapsed and the constitution requires waiting 180 days before resubmitting such legislation.

The Community Forest Law faded from media attention and there was no further significant legislative movement on the Law until late 2004. In December 2004, a joint House-Senate extraordinary committee met again in an attempt to resolve differences between the House and Senate versions. The key point of contention centered on whether the Law would allow the designation of community forests in protected forest conservation areas. While some groups advocated prohibiting human activities in these sensitive ecological zones, others pointed to data suggesting that community management of these areas had prevented further environmental degradation. Soon after a national election and the formation of a new House in February 2005, various groups – mostly non-governmental organizations – pushed to have the Law placed back on the parliamentary agenda. A joint House-Senate session approved putting the Law back on the agenda and the key negotiations over the Law’s provisions remained in a reconstituted House-Senate extraordinary committee. As of December 2005, this joint committee had not resolved the conflict and there were protests in front of parliament (The Nation 14 December 2005).

Despite it various setbacks, the Community Forest Law demonstrates a number of newer characteristics of interactions between interest groups and the House. First, the House accepted the petition-based version of the law and made few amendments to it. The version that emerged from the Royal Forestry Department did not receive favorable
treatment and the House seemed to have made its decisions based more on the version that had support outside of the parliament than the version with bureaucratic support. MPs responded to the pressure placed on it by a wide array of groups at the local, regional, and national level who advocated greater local autonomy in forest management. Second, a number of these groups working with communities in forested areas sought ways to influence the passage of the law. They found this required learning more about parliamentary procedures. The information these organizations gained from meetings in parliament, testimony given to members of parliament, and other interactions with MPs slowly spread to the people working with these organizations. The twisted legislative path taken by the Law has taught many people much more than they previously understood about parliamentary procedures and working with MPs. Third, beyond protests in front of the parliament and the Government House (which houses the Office of the Prime Minister and other key executive branch agencies), the lobbying efforts in support of the Law were more public than in the past. Supporters, and some opponents, sought publicity for their efforts. This was unlike the more discrete lobbying outside of the parliament (typically in the cabinet or in government ministries) that had characterized earlier attempts to influence the passage of legislation.

A second example of recent House interactions with interest groups is the National Health Security Law. Under former Prime Minister Chuan Leekpai, the government established National Health System Reform Commission in May 2000. This Commission’s mandate was to draft a law for the overall management of Thailand’s health care practitioners and organizations (Ministry of Health, 435). The drafting process had limited input from some interest groups but the more substantial public comment on the draft law came through a series of public hearings organized by the Ministry of Public Health once the draft had been completed. There were five such hearings, one in each region of the country (Bangkok, the Central Plains, the North, the South and the Northeast). The last hearing was in August 2002.

In March 2001, Senator Jon Ungpakorn and a group of non-governmental organizations concerned with public health issues submitted their own draft law to the President of the parliament, using the 50,000 signature petition process. This draft law did not make it onto the House agenda before the House officially took up consideration
of the National Health System Reform Commission’s version starting in April 2002.\textsuperscript{32} The House made minor changes to the draft law and approved it for consideration by the Senate. Beyond the public hearings just noted, there was at least one public meeting at the parliament complex in March 2002 to express views on the law.

By August 2002, the battle lines had been drawn over the passage of the National Health System Reform Commission’s version. Articles 9, 10 and 11 of the law mandated merging existing health funds, such as the Social Security and Civil Service Medical Benefits funds. This drew noted opposition from labor groups. “For labour unions, opposition was voiced on the ground that there are loopholes in the bill for the government to divert money from the social security fund, which salaried workers and employees contribute to, to the central fund that will manage the national healthcare system under the proposed legislation.” (The Nation 25 December 2005). Articles 44 and 45 spurred even greater objections from interest groups supporting medical practitioners, particularly the Medical Association of Thailand. These two articles indicated that the government would force doctors to pay the costs of successful malpractice claims against doctors in government hospitals. Various leaders in the medical community noted that doctors in government hospitals and clinics typically face poorer working conditions than their colleagues at private hospitals. These conditions increased the probability of errors for which doctors might in appropriately be held accountable. Some doctors threatened to perform “defensive medicine,” meaning they would order patients to have many expensive tests and procedures to ensure cover themselves against any potential mistakes in diagnosis and treatment. Under low-cost government health insurance schemes, this had potentially harmful budget implications. In August 2002, the Medical Association of Thailand held meetings to plan opposition to the law (The Nation 26 August 2002). In September 2002, about 700 doctors from all over the country meet in Bangkok for the same purpose (The Nation 23 September 2002). The Physicians Group for Medical Care, an association of doctors from state hospitals, strongly opposed the law.

\textsuperscript{32} There are many ways in which opponents to a petition-submitted draft law can delay its consideration in the House. Various ministries and the Office of the Prime Minister can request to examine the draft law, the President of the parliament can place it far down on the weekly meeting agenda, etc. Relative to the Community Forest Law, the extent of organized interest group support for this petition version was weak, facilitating opponents’ efforts to prevent it from getting on the House agenda.
Around the same time, various non-governmental organizations, coordinated mainly through the Foundation for Consumers, held a public meeting in support of the law, particularly the sections on medical malpractice liability. Many of the people connected with this meeting were involved in the petition-based version of the law submitted to the parliament in 2001. These efforts to lobby for the law’s passage also included groups representing disabled populations, such as the Foundation for Disabled Children.

Lobbying efforts by all these interest groups took a variety of forms, including meetings with House MPs and Senators, testifying at House and Senate meetings, bringing government officials to meetings organized by these groups, meeting with leaders of various political parties, and issuing press statements. When the draft legislation moved onto the Senate’s agenda in July 2002, lobbying efforts focused increasingly on Senators. Based on recommendations from the extraordinary Senate committee that vetted the House-approved version of the law, the Senate voted to cut the provisions regarding malpractice liability in favor of doctors. When the law returned to the House agenda, House MPs voted for the version it had sent to the Senate previously, rejecting the Senate’s amendments. The vote margin (314 to 38) was enough to override the Senate’s amendments (The Nation 10 October 2002). The law came into force on 11 November 2002.

The law’s passage hardly ended the conflict and doctors at government hospitals and clinics continued to threaten using “defensive medicine” unless the parliament amended the malpractice provisions. Opponents of these provisions began claiming that then Minister of Public Health Sudarat Keyuraphan had promised that the government would push for amendments favorable to the opponents. Supporters of the law remained active in lobbying and even submitted a new version of the petition-based law in May 2004 when they became frustrated that their previous had not made it onto the House agenda. In the end, the government moved towards caving into pressure from the doctors’ groups when the House approved amendments that reduced the liability of doctors in cases of malpractice or medical negligence. At the time of writing, all sources indicated that the amendments had not received full parliamentary approval.
The case of the National Health Security Law confirms the role of interest groups in influencing the passage of legislation at the parliamentary level. Even if the government remained a key target for lobbying by groups favoring and opposing the law, lobbying aimed at House MPs and Senators played a key role in the debate. In a reflective essay on the law, the Foundation for Consumers stated: “It is natural in the process of passing laws that the law is amended in the cabinet, the Council of State, and the six readings in the parliament.” (Foundation for Consumers). This is an indirect way of pointing out that ensuring a law embodies the preferences of a group requires monitoring and if necessary applying pressure at all steps in the law-making process. In addition, like the case of the Community Forest Law, interest groups used the submission of a petition-based draft law to push the parliamentary process in a favored direction. Unlike the case of the Community Forest Law where the key locus of contention was between non-governmental organizations and government agencies, the key locus in the health law case involved consumer groups against medical professionals. The government appeared willing to accede to the most effective lobbying effort between these two sides. This suggests the initial emergence of a more plural interest group system in Thai politics, though far from the pluralism associated with many aspects of American law-making.


The main finding of this section – and this chapter – is that interest groups have played the most substantial and sustained role in influencing the process by which Thai laws are drafted, proposed, debated, and approved. Interest groups have opened more elements of law-making procedures to public scrutiny and pushed lobbying efforts into forums such as extraordinary committees which received little attention before the 1980s. Thailand’s party system has strengthened since the promulgation of the current constitution and some interest groups, particularly representing private sector businesses, predominantly lobby party leaders and prominent members. Party-based lobbying outside the parliament has not precluded increased lobbying within the parliament. Some groups, most often in the non-profit realm, sometimes find the House is a more accessible and effective lobbying channel than parties or even the executive branch ministries. The
recent constitutional changes have played a role and in some cases have opened doors for increased interest group participation in legislative processes (most notably through the 50,000 signature petition process). Yet only organized interest groups have the resources to take substantial advantage of these constitutionally-mandated opportunities. Even under current Prime Minister Thaksin, acknowledged as indifferent and sometimes hostile to many interest groups (especially non-governmental grassroots organizations), interest groups may not win all legislative battles but they have a clear impact that goes substantially beyond what they were capable of accomplishing in the recent past.

The changes in the law-making process over the period 1979-2002 have been gradual and not momentous. This observation fits with the comparative legislative literature, especially with parliaments. The slow pace of change is partly due to the inherent characteristics of parliamentary governments based mainly on Britain’s Westminster system. Political power through parties and expertise on public policy issues mainly resides in the executive branch. Strong party discipline, made stronger through new provisions in the current constitution, limits the extent to which MPs will push their own legislative agendas. Yet an equally important obstacle to changes in past law-making practices is the fragmentation of Thailand’s interest groups. The fragmentation among business and trade/professional associations appears in various ways: firms are not required (or even encouraged) to join peak associations, industries are allowed to have multiple representative associations, and government interference in these associations is usually minimal (Laothamatas 1992, 92-94). Despite a substantial increase in number of manufacturing sector workers, the Thai labor movement has not come close to forming strong labor unions.33 Ungpakorn has noted that Thai non-governmental organizations, especially those doing rural or grass-roots organizing (e.g., the Assembly of the Poor) rarely unite except in loose coalitions behind a very specific issue. They also show almost no inclination to form a political party as a path to influencing government decision-making. As a result of all these forms of fragmentation, political leaders can temper the influence of interest groups in the law-making process.

---

33 Employment in industry as a percentage of total employment increased from 10 percent in 1980 to approximately 19% by 2000. Data from the World Bank’s World Development Indicators. (devdata.worldbank.org/dataonline/). Also see Christensen and Sianwalla for an analysis of the economic and political implications of increases in the industrial labor force as of the early 1990s.
House MPs do not face powerful peak associations in business, a potent labor movement, or cohesive (and well-funded) grass-roots movements that can sustain the heavy lobbying pressure to ensure the passage of significant laws.

V. Conclusion

While changes in the law-making process in Thailand originates from a variety of sources, the activities of civil society organizations (NGOs, non-profit public interest organizations, business associations, etc.) have had the most substantial impacts on law-making. These organizations have only recently become more involved in formal legislative processes. As respect for laws in Thailand grows, their participation will likely expand as well. The growth of collective action by members of various interest groups is a product of the effectiveness of such action, as opposed to uncoordinated individual requests characteristic of most interest group lobbying of the parliament up to now. Laws are an attractive target because they offer the chance to institute national-level changes in a manner which is harder to amend than a ministerial regulation or cabinet resolution.

The slow pace of change in the legislative process is not surprising for a number of reasons. Thailand’s parliamentary system, like most such systems, promotes a very strong executive branch and relatively strong party discipline when considering draft laws. Various factors, especially the current constitution, reduced the number of viable political parties and helped to create the dominant Thai Rak Thai Party which holds 375 of 500 House seats. The Thai Rak Thai Party has shown little interest in promoting the work of most interest groups, particularly NGOs, preferring to market itself as the most direct way for citizens to obtain access to government resources. Broad social interests such as labor have shown almost no enthusiasm for forming a political party to counter the business-oriented parties that have dominated the political system since the late 1980s.

---

34 Party discipline, the ability of party leaders to control the behavior of their members when making political decisions, has often been weak in some respects in Thailand, particularly frequent party switching by incumbent MPs. However, in the House, MPs almost without exception vote the same way as MPs from the same party.
In comparative perspective, it might seem reasonable to expect that changes in the parliamentary procedures of a country outside the group of advanced industrial democracies would differ notably from those in countries such as Canada and Britain. Countries like Thailand are still undergoing major political and economic transformations uncharacteristic of the more stable advanced industrial democracies. As unconsolidated democracies, countries like Thailand have more room for substantial political reforms, more opportunities to establish new institutions and implement new processes. The current Thai constitution is a good example of an attempt (only partially successful) to overhaul large swathes of the Thai political system.

Yet one hallmark of the legislative changes in three countries covered by this chapter is the gradual and marginal nature of these changes. The transformation of Thailand’s law-making process goes beyond that of Canada’s (and certainly Britain’s) but not to a significant degree. The beginning of this chapter noted that scholars performing comparative legislative analysis have observed that legislatures change slowly. The findings in this chapter support this notion. The types of law-making (and other legislative) reforms and the causes of reform can differ widely across countries but for a variety of reasons that vary by country and time period, legislatures are not prone to major changes over short periods. Even in the Thai case – where the constitution altered the structure of Thailand’s two chamber parliament, implemented an entirely new election system, and created a series of autonomous organizations with political oversight powers – many aspects of the House of Representatives have changed little if at all.
Chapter 4:
The Administration of Thailand’s House of Representatives

I. Introduction

This chapter concerns the administrative and technical support provided to members of the House of Representatives. It examines how the provision of this support has changed during 1979-2002 and what factors have contributed to these changes. Administrative and technical support encompasses various areas (see Table 4.1).

Table 4.1: Components of Administrative and Technical Support in Legislatures

<table>
<thead>
<tr>
<th>Area of Support</th>
<th>Services Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background information and</td>
<td>• Libraries and similar repositories of printed materials (books, journals, newspapers, policy</td>
</tr>
<tr>
<td>documentation</td>
<td>reports, legislative summaries, general reference publications, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Electronic databases (especially of draft legislation, legislative meeting agendas, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Search, retrieval, and delivery services for documentation</td>
</tr>
<tr>
<td>Research</td>
<td>• Research reports, issue summaries, background papers, etc. as requested by members of legislature</td>
</tr>
<tr>
<td></td>
<td>• Assistance with drafting of legislation</td>
</tr>
<tr>
<td>Financial</td>
<td>• Budgets, accounting, financial reports</td>
</tr>
<tr>
<td>Publications</td>
<td>• Printing and distribution of reports, legislative summaries, draft law texts, minutes of</td>
</tr>
<tr>
<td></td>
<td>meetings, newsletters, etc.</td>
</tr>
<tr>
<td>Administrative/Clerical</td>
<td>• Meeting scheduling</td>
</tr>
<tr>
<td></td>
<td>• Meeting management (vote counting, roll calls, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Auditing</td>
</tr>
<tr>
<td></td>
<td>• Human resources and personnel management</td>
</tr>
<tr>
<td>Computer</td>
<td>• Network setup and maintenance</td>
</tr>
<tr>
<td></td>
<td>• Technical management of online resources</td>
</tr>
<tr>
<td>Communications</td>
<td>• Domestic public relations</td>
</tr>
<tr>
<td></td>
<td>• International relations</td>
</tr>
<tr>
<td></td>
<td>• Management of broadcast media (radio ad television)</td>
</tr>
<tr>
<td></td>
<td>• Content management of publicly-accessible internet sites</td>
</tr>
<tr>
<td>Security and maintenance</td>
<td>• Security and guard staff</td>
</tr>
<tr>
<td></td>
<td>• Cleaning, repairs, grounds maintenance</td>
</tr>
<tr>
<td></td>
<td>• Food services</td>
</tr>
</tbody>
</table>
The main finding in this chapter is that administrative and technical support services provided to MPs changed little during the 1979-2002 period. The most substantial reform was to allocate a budget for House MPs and House committees to hire more temporary staff members, as opposed to strengthening the capabilities of the permanent House staff who serve regardless of how the House membership changes. This requires explanation since it does not fit well with the overall contention in this dissertation that the parliament has moved beyond its former “rubber-stamp” role in the political system. The House has ostensible control over its internal affairs so MPs have the opportunity and incentive to improve the administrative and technical support services in many ways: better computer services, more efficient provision of documents, higher-quality policy research services, even better food at the cafeterias. The question is what prevents MPs from making such changes, or what accounts for the lack of motivation among MPs for such reforms.

Changes in administrative and technical support have occurred very slowly, sometimes not at all, for a number of reasons. The key factors consist of the strength of the executive branch (a characteristic of most parliamentary systems) and the heavy focus of party leaders on obtaining cabinet positions. MPs favor their personal staff and temporary staff over the permanent staff for a variety of reasons, particularly the importance of personal/temporary staff in constituency work and the benefits of having a loyal group surrounding the MP.

The broad justification for considering legislative support services rests on their contribution to democratic politics. There is a greater danger in democratizing countries such as Thailand that the shift to place power in the hands of representative and political institutions with clear accountability (e.g., freely and fairly elected legislatures) will reverse, causing power to fall into the hands of more authoritarian leaders and non-transparent executive bodies. The strengthening of legislatures, in part through improving legislative support services, reduces the probability of such a reversal.

While the support services provided to members of legislatures receive little attention in academic work on legislatures, the quality of such support has significant impacts on legislators’ abilities to effectively address the needs of constituents, monitor
the activities of the executive branch, and provide information to constituents and others concerning the status of important legislation. The provision of efficient, timely, and cost-effective support to legislators means all legislators have equal access to the information and services they require to work effectively. Mismanaged meeting scheduling for committees can delay the consideration of issues of pressing concern to constituents and prevent legislators from hearing testimony from key government officials in a timely manner. Bad quality research and legal advice in drafting legislation can contribute to inappropriate provisions in draft laws and extend the law-making process when such provisions are amended. Not having quick access to accurate information can hamper legislators in key legislative proceedings such as motions of no-confidence, impeachment hearings, and committee inquiries into unethical or illegal behavior by government officials and others. More broadly, people outside the legislature may view weak legislative support services as a sign of overall legislative inadequacy; or their experiences working with the providers of these services will lead them to calculate that the value of working directly with the legislature is too high relative to using other channels to influence government policies. Either of these would contribute to the reduced significance of the legislature in policy-making.¹

From the perspective of democratizing countries, Miller, Pelizzo, and Stapenhurst wrote:

“In these countries, the legislature needs free (of government influence) and reliable information to understand government choices, decisions and policies; to assess whether they are valuable or not and, if not, to criticize them and propose policy alternatives. Not surprisingly, legislatures’ inability to keep governments accountable for their actions often reflects legislatures’ lack of independent information or the inability of parliamentarians to process available information. If the only

¹ This chapter does not take a stance on the normative question of who benefits most from improved legislative support services. Good-quality support services help legislators operate more effectively in the competitive world of government policy-making. Good services also reduce the costs of collecting, analyzing, and using information for political parties and other groups with a stake in the outcome of legislative proceedings. On the other hand, appointed politicians in ministries and civil servants may see legislators armed with accurate information and good-quality analyses as a challenge to their authority, or at least as a more formidable competitor in the policy-making process. The resources devoted to legislative support services may also duplicate the existing capacities in government agencies, political parties, think-tanks, etc.
information available is provided by the government, or if the legislature is unable to understand the available information, then the legislature cannot question in any substantive way the content of government choices, decisions and actions” (Miller, Pelizzo, and Stapenhurst, 2).

II. Research on Administrative and Technical Support in Legislatures

The comparative research on legislative support services is quite limited. The literature contains publications about legislatures in general which include brief analyses of legislative support services: Loewenberg and Patterson (179), Blondel (1973), and Olson (1980). There are also specific analyses of support services, often focusing on a particular country or set of countries: Baaklini (1975), Ryle (1981), Blischke (1981), and Campbell and LaPorte (1981). The publications focusing directly on improving the quality of legislative support services have come from international organizations and national government agencies providing foreign assistance: Miller, Pelizzo, and Stapenhurst (2004), International Development Group (2001; a report produced for the US Agency for International Development), and Kingham (2003). This literature raises some important points regarding the factors with the potential to change the quality of legislative support services.2

There is an important distinction often inadequately clarified in the literature between permanent legislative staff and staff hired directly by members of the legislature. Permanent legislative staffs are generally hired using an impersonal process that does not depend on the preferences of any single individual; e.g., an objectively-assessed exam given to all applicants for a position, a committee which must decide who to hire, etc. These permanent staffs tend to have the status of government civil servants, or at least benefits associated with civil servant positions, especially a high degree of job security. Staff hired directly by legislators serve at the discretion of the member and their employment fortunes rest much more with the member than with impersonal processes. Even if the government ultimately pays the salaries of such staff, the member decides who to hire (or fire) and what duties these staff must perform. These differences between permanent staff and members’ staff have an impact on what explains changes in each

2 The Thai-language publications on the parliament administration were well-summarized in King Prajadhipok’s Institute (2000). Chotiya and Na Nakorn (1994) is the only know publication in English.
type of staffing. A major shift in the characteristics of the members of the legislator is likely to have a more substantial impact on members’ staff than on the permanent staff since the latter tend to be much more insulated from changes in member preferences. The degree to which members must address localized constituency concerns or major changes in the size of constituencies will affect the need for and desired qualities of members’ staff more than permanent staff. Legislators who view the provision of constituency services as critical to their re-election may want increased staffing levels, a larger budget for hiring staff, and/or staff with different kinds of skills for handling constituent concerns.

For purposes of this chapter, I will only examine permanent legislative staff and legislative staff chosen directly by legislators and paid for directly by the legislature’s official budget. The chapter will not consider staff hired using the legislators’ personal funds; i.e., staff whose job security, remuneration, and job responsibilities are not defined or protected under legislative rules. An analysis of all personal legislative staff (broadly defined) would be very difficult, mainly because without a clear delineation between “official” and “unofficial” staff, the analysis of staffing in a country like Thailand would easily extend into murky and sensitive areas such as legislators’ relatives, vote-canvassers, and guns-for-hire. A study of these “unofficial” staff is possible but would require a different research design than I used in this dissertation. Consequently, any further reference to “personal staff” or “personal legislative staff” excludes these “unofficial” staff.

The power structure within the membership of the legislature may have an impact on the provision of support services. One general hypothesis is that opposition and minority parties do not have access to the resources in the executive branch so they are more likely to support a stronger legislative staff (Baalkini, 227). In parliamentary systems, the degree to which the opposition lacks such access will depend on the dominance of the ruling party or coalition. A highly dominant ruling party will be associated most with a lack of access and potentially greater efforts by the opposition to improve the support services available to them in the legislature. Morgan (1976)

---

3 In particular, it would require spending a great deal more time in the constituencies of a wide variety of electoral districts. These districts are where such unofficial staff spend most of their time and effort.
hypothesized that having a large number of parties in the legislature would increase the demand for improved support services. This is ostensibly because in the competition for influence over government decisions, all parties would seek better information and analysis to gain the advantage in policy debates.

A serious problem with this logic is that the consistently two-party US Congress has by most accounts the best quality legislative services in the world. In addition, leaders of political parties, including opposition parties and coalitions, may see few net benefits in pushing for improved legislative services. Changes in legislative services may require obtaining broad political support, especially if the changes require passing new or amended legislation, and the political capital required to earn such support probably has substantial opportunity costs. Party leaders may wish to invest their resources into strengthening similar services within the party or by cultivating associations with outside sources of information and analysis such as universities, research institutes, and associations.

Furthermore, if improving the quality of legislative support services is tantamount to strengthening the legislature, party leaders who believe they have an opportunity for future control of the executive branch will be wary of promoting such improvements. Enhancing the ability of legislators to oversee the executive will only present an additional challenge to those in control of the executive, regardless of whether the political system is predominantly parliamentary or presidential.

The characteristics of legislators may have an impact on how much legislators use legislative support services and the demand for improvements in these services. A high rate of turnover in the legislature may lead to large numbers of new members who rely on legislative staff, both permanent and personal staff, for guidance and information. These new members may lobby for changes in the provision of support services (Baalkini, 228). However, as noted in the previous paragraph, such lobbying entails a cost-benefit calculation by legislators and new members may prefer to use their limited political capital for other pursuits. New members have other sources of guidance about legislative
procedures and information as well, particularly more senior politicians and the staff or advisors from their political parties.\textsuperscript{4}

There is a more general argument about the relationship between a country’s level of social and economic complexity and what resources legislators require to understand social and economic changes. Increasing social and economic complexity places greater demands on legislators when serving the needs of more diverse and sophisticated constituents and interest groups. Legislators need to rely more on their personal staff and/or on the permanent legislative staff to keep up with these demands, with the expectation that staff levels of expertise will develop in tandem with the evolving demands. The social and economic changes may increase calls by individuals and interest groups for information about legislative proceedings as the legislature debates and votes on important draft laws and other forms of legislation. The demands from these various sources put pressure on all legislative staff to professionalize. Professionalization in this case refers to having a reasonably clear division of labor, adequate remuneration for employment, enough working space, expertise on a wide variety of policies, the timely provision of information and analyses, and knowledge of the equipment required to perform work tasks.

There are two caveats to this argument about the impacts of social and economic changes. As suggested earlier in this section, legislators have various forms of information and expertise on which they can draw other than the permanent staff of the legislature and members’ personal staff. This means that while there may be pressure on these types of staff to professionalize, there is pressure on other sources of information and expertise to professionalize as well. If these other sources (e.g., the staff of political parties) become more professional, the impetus for improvements in legislative support services decreases. In addition, with regard to the professionalization of personal

\textsuperscript{4} One corollary argument is that low legislative turnover will foster pressure for changes in the provision of support services. A legislator who feels more secure about getting re-elected will feel more secure in pushing for changes in the provision of support services, especially since such changes may require multiple legislative sessions to achieve. This line of reasoning depends heavily on the motivations of individual legislators and whether these legislators see more value in improving the quality of services provided by permanent staff or their personal staff. Since permanent staff have one quality of a collective good (i.e., universal availability to all members), a group of legislators will need to see clear net benefits accruing to them before pushing for such improvements. Alternatively, these legislators will need to be altruistic, not a quality typically associated with elected politicians.
legislative staff, legislators must balance potential staffers’ knowledge and skills against the degree to which they can trust these staff and assume they will remain loyal. Trust is an important element in hiring personal staff in any legislature. Yet it is particularly salient in Thailand where major shifts in political allegiances are common (especially party-switching) and ambitious staff can quickly evolve into political competitors.

III. Legislative Support Services in Thailand
A. Description of Legislative Support Services in Thailand

When the parliament was established in 1932, its leaders formed the Secretariat of the National Assembly to perform all the administrative duties associated with the parliament’s operations. A single Secretary-General of the National Assembly managed the Secretariat, reporting directly to the President of the National Assembly. The administrative duties included tasks such as meeting scheduling, maintaining records of parliamentary proceedings, and financial accounting. In 1975, parliament enacted the Organization of the National Assembly of Thailand Administration Law. The new law added additional duties to the Secretariat: providing data, library services, and research assistance to members of parliament (Foreign Relations Division, 35).

In September 1992, parliament and the King of Thailand approved amended versions of the Organization of the National Assembly of Thailand Administration Law and the National Assembly of Thailand Administration Law (originally enacted in 1975). These amendments split the Secretariat of the National Assembly into two bodies: the Secretariat of the House of Representatives and the Secretariat of the Senate. Each Secretariat was assigned very similar responsibilities for its respective chamber of the parliament and the division continues to this day. This chapter will focus on the Secretariat of the House of Representatives, hereafter referred to as the House Secretariat.

The House Secretariat has experienced various changes to its organizational structure which have had little or no impact on the main duties of the House Secretariat and the efficiency with which it has carried out these duties. During 2000, the organizational structure of the House Secretariat was as depicted in Figure 4.1 (see Appendices). In September 2002, an order from the President of the National Assembly reorganized the House Secretariat as depicted in Figure 4.2 (see Appendices).
The remainder of this section will describe the operations of the House Secretariat, indicating what has changed in the Secretariat’s provision of services during 1979-2002.

1. Administrative and Clerical Services

Tracking changes in how the House Secretariat provides essential administrative and clerical services – financial accounting, document filing and storage, procurement of supplies, etc. – was difficult, mainly because the changes were all incremental. The key transformation of administrative and clerical services – the introduction and increased use of computers – has been very gradual; a series of equipment purchases, software upgrades, staff training sessions, etc. Histories of the parliament (e.g., Patamasukon) and other publicly-available records naturally do not discuss events at this level of detail. Therefore, the information about changes in administrative and clerical services, as well as much of the information in other parts of this chapter, comes from the author’s own use of the House Secretariat’s services, observing Secretariat staff at work, and conversations with staff members from various divisions.

From the perspective of a person seeking information about the House’s legislative activities, some fundamental aspects of the Secretariat’s work have been quite static since 1979. The Secretariat has not developed a centralized system for tracking draft legislation, either on paper or electronically. The latest versions of draft legislation on the House agenda are sometimes stored at the Meeting Division, sometimes with permanent staff from the offices handling the administration of House committees, and sometimes in other locations. Finding the latest text of a draft law (other than in a meeting of an extraordinary committee considering that law) may require a certain amount of detective work.\(^5\) The House Secretariat previously published summaries of individual House plenary meetings weeks, sometime months, after those meetings took place. This has improved substantially with the use of computers and better coordination with Secretariat staff managing the parliament’s web servers. Until quite recently, the full proceedings of plenary meetings (i.e., the text of speeches and debates) often required

\(^5\) I do not base this comment on my personal experience only. Professor Titipan Chueaboonchai, Dean of the Faculty of Law, Chulalongkorn University, made similar comments at a seminar entitled “The Intentions of Thai Legislation” held in the Kurusapa Conference Hall, Bangkok on 16 September 2002.
six months for the permanent staff to prepare and disseminate. Other documents such as
the minutes of House committee meetings (both standing and extraordinary committees),
reports issued by committees, and documents or materials presented as evidence in House
meetings are typically difficult to obtain. Documents from committee meetings
sometimes ended up on the desks of permanent staff and sometimes came into the
possession of MPs’ personal staff. Conversations with permanent staff revealed that the
parliament lacks adequate storage space and rents part of an office building in Bangkok
to archive documents. A number of these staff members stated that retrieving a
document from that building is difficult, even for Secretariat staff.6

There have been some efforts to reform administrative practices, mainly during
the 1980s. Outside donors supported unsuccessful projects to make information about
the status of various forms of draft legislation available electronically. Interviews with
people involved in these projects claimed that the failure was due mainly to a lack of
commitment from the House Secretariat staff. According to a few accounts, staff
members were afraid of being held accountable more easily for their actions. One
foreign donor in Thailand was involved in some of the projects but more recently shifted
its focus to the Council of State. The Council of State is under the Office of the Prime
Minister and serves as a legal advisor to the Prime Minister..7 The reasons for the shift in
focus are unclear but the Council of State was apparently more receptive to reforms. It
now makes extensive information available on its website, including: full texts of laws
past and present, the status of laws still under parliament’s consideration, analyses of
laws and legal issues, and even an online question-and-answer board in which Council
staff respond to queries about legal issues from members of the public.8

---

6 As of late 2005, it is encouraging to note that the House Secretariat has put an increasing number of
documents online, including draft laws with markup for amendments and memos regarding the status of
various types of legislation. The system still has notable problems – in particular it is difficult to access –
but it is an important step in making the legislative process more transparent.
7 The Council of State plays an important role in the consideration of draft legislation and reviews nearly
all draft laws on the parliament’s agenda. Chapter 3 contains more details about the Council of State’s role
and activities.
8 A substantial amount of information is available through the Thai Law Reform Commission, an
organization under the Council of State created by the Order of the Prime Minister No. 46/2544 dated 12
2. Research Services

The House Secretariat employs a small, full-time staff of researchers whose function is to provide background analysis and recommendations to House members on draft laws and other issues of concern to MPs. This research capability originated in 1975 after the promulgation of changes to the key laws governing the administration of the parliament. Based on searches of documents in the parliament’s library, conversations with House staff, and observations of various forms of House meetings, the evidence suggests that the House’s research capabilities have developed very little. Very few research reports or analyses from House staff are available in the library or via the parliament’s website. While MPs sometimes requested information from the library staff, this information was usually factual and requests for original analyses on specific topics seemed rare or non-existent.\(^9\) MPs were much more likely to rely on members of their personal staff, non-permanent staff members employed under the auspices of standing committees, civil servants, and academics for legal and policy analyses. The parliament’s publications division sometimes prints research reports produced by academics, parliament staff, or MPs. There is no apparent system for tracking what has been published, developing plans for what to publish in the future, disseminating the publications, or editing manuscripts. Ultimately, the permanent research staff are in a bind. Not only do MPs rarely utilize their services, MPs have developed ways of getting the information and analyses they desire from other sources. MPs see little incentive to strengthen parliament’s research capabilities in any lasting way.

One area of activity for research in the House was work on parliamentary institutions and procedures. Starting in the 1980s, various staff members and others closely associated with the parliament pursued Masters Degrees and wrote theses, articles, and reports about the parliament, based on their knowledge of the parliament and access to sources of information. Montri Rupsuwan, currently the Secretary-General of the Secretariat of the Senate, produced work in this mold (see Rupsuwan 1987). This sort of work on reforming parliamentary practices was rarely commissioned by MPs and typically did not provide MPs and others interested in legislative affairs with information.

\(^9\) One former Senator with strong academic credentials I interviewed in February 2002 referred to MPs as “lazy” for failing to commission research.
about the particular issues under consideration by the parliament (e.g., health care, water resources, etc.).

3. Hiring and Staff Expertise

The House has two categories of official staff as described earlier in this chapter: permanent staff and staff hired temporarily with the direct approval of MPs. Within the second category, there are staff hired using public funds provided to each individual MP and staff hired using funds allocated to House standing committees. It is very likely that the House Secretariat experienced a modest increase in the total number of staff from 1979 to 2002, though the increase did not keep pace with the growth of the number of MPs (301 members in 1979 to 500 members now; a nearly 40 percent increase). Increases in the numbers of temporary staff have filled the gap between the growth in the number of MPs and the growth of the permanent House staff. It is unclear how many personal staff MPs were allowed to hire using public funds in 1979. By 1995, the House budget provided each MP with funds to hire three people to help with whatever duties the MP assigned. By 2001, the budget allowed each MP to hire five people. In addition, in 2001 the House approved changes in the House Meeting Rules allowing House standing committees to hire staff from members of the public or civil service. Standing committees could hire such staff under the following titles: advisors, experts, researchers, and “committee secretary.”

While the number of staff members MPs and committees can hire increased, the criteria for making hiring decisions and the characteristics of these staff changed very little since 1979. A long-time advisor to the House estimated in late 2001 that 80 percent of MPs’ personal staff consisted of either immediate family members or relatives. He also indicated that this was a long-standing hiring practice. Given the sensitivity of this statement, it was impossible to systematically verify the percentage. Yet there was a consensus among the many people I asked about this topic that the majority of MPs’ personal staff are family members, relatives, or close acquaintances. The use of family members, relatives, and close acquaintances probably stems in part from Thai social

---

10 Data on changes in the numbers of permanent staff over time or the budget allocations for permanent staff salaries were unavailable.
obligations to support “one’s own” and in part from the need to hire trustworthy staff in a highly competitive (even deadly at times) political environment. Most of these staff work in the constituencies, helping MPs maintain and increase voter support by addressing constituents’ grievances, organizing campaign events, soliciting funding, and managing constituency visits by MPs. Due to a lack of space in the parliament complex and a lack of expertise by such staff about parliamentary processes such as the passage of laws, few personal staff work in the parliament. The House has not offered training for personal staff, though organizations such as the Asia Foundation and King Prajadhipok’s Institute have sponsored training sessions.

As for non-permanent House standing committee staff, my attendance at committee meetings gave me ample opportunities to understand this development in House employment practices. While some temporary committee staff had expertise in the jurisdictions covered by committees, expertise was not the main criterion in hiring decisions. Sometimes such staff were relatives of MPs and sometimes they were simply business affiliates or political supporters of MPs. Sometimes they aspired to higher political positions and wanted to have some official status in the House, and sometimes they were indebted to a committee member in some way. Though data were not available on committee staff turnover, evidence suggests that committee staff turnover was high.

Committee staff had different and overlapping functions. They provided advice on policy issues when MPs lacked an understanding of issues. They served as a useful source of information or other services to House members. This was particularly the case when the staff member was an active civil servant in a government ministry or state-owned enterprise. Some people joined committees to become part of the political process in the House and learn about it, with the eventual aim of running for elected office or obtaining access to influential politicians. A few committee staff with whom I interacted seemed to have no motivation for their service beyond a general interest in politics. Some people suggested that committees made a few appointments in name only; the

11 Regarding the availability of space, only House officials (President, vice-Presidents, Head of the Opposition) and standing committee chairpersons have offices.
12 Some staff members had borrowed money from an MP, or received financial support from an MP. Other staff obtained jobs or employment promotions with an MP’s assistance.
salary paid to the advisor, expert, or researcher was channeled back to the committee for unknown uses. I did not find evidence of this behavior.

The passage of the current progressive constitution in 1997 created substantial optimism about the political system and spurred a group of very motivated and well-qualified people joined the permanent staff of the House Secretariat. Most of these individuals encountered many more obstacles than they expected: few incentives to change existing work practices, a lack of understanding of modern technology and management methods, and the absence of active support from MPs to push for improvements in the Secretariat. The optimism died down and after a few years, a significant proportion of these staff members resigned and entered the private sector, often taking legal jobs.

B. Explaining the Absence of Changes in Legislative Support Services

Overall, the analysis in Section II suggests that many factors weigh against changes in the provision of legislative support services. The Thai case fits with this tendency for such services to evolve slowly, if at all. Even so, the factors inhibiting changes differ in some meaningful ways from those emphasized in Section II.

Any major improvements in the House Secretariat’s efficiency would enhance the House’s ability to oversee the executive branch, amend draft legislation submitted by the cabinet, and other such challenges to executive power. Therefore, these changes would require substantial political support. Despite changes in the structure of Thailand’s party system since 1979, there are no signs that party leaders would encourage or acquiesce to House Secretariat reforms. Up until the consolidation of Prime Minister Thaksin’s control over the House (punctuated by his Thai Rak Thai Party’s major election victory in February 2005), power in the House rested with a small group of very powerful party leaders and financiers. To quantify this power, consider how many MPs assumed cabinet positions during 1979-2001. My database on the characteristics of House members shows that 35.5 percent of all cabinet positions were held by members who served four or more times in the cabinet during 1979-2001. Members who served four or more times made up only 17.1 percent of MPs who held any cabinet position during 1979-2001. These data indicate that less than one-fifth of all MPs held more than one-third of all
cabinet posts. Since members of this parliamentary elite – along with many of their political associates – shifted around positions in the executive branch, they saw no reason to invest in efforts to improve the House Secretariat.

In addition, these House power-brokers monitored the activities of less senior MPs and other prominent figures, checking to see if rising political stars had any plans to make changes in House institutions such as the Secretariat. The power-brokers could not easily eliminate such potential challengers because the Thai political system had many opportunities to switch parties or find new political patrons. The most effective way to address such challengers was to divert them to areas where they could not pursue reforms of House institutions. This clearly occurred with the small group of people who advocated House Secretariat reforms during the 1980s. It also occurred in a more subtle fashion after the promulgation of the current constitution in 1997. The optimism surrounding the new constitution created an atmosphere conducive to political reforms and some prominent people involved in the constitutional drafting process started creating the groundwork for House Secretariat reforms. The rise of the Thak Rak Thai Party quelled this reform-minded atmosphere, particularly by making political futures increasingly dependent on remaining on good terms with Thai Rak Thai leaders. Ambitious advocates of parliamentary reforms moved into positions where they became closely tied to executive branch preferences or too busy to pursue parliamentary reforms.

There is no evidence that the strength of the opposition in the House or the number of parties in ruling coalitions had an impact on the likelihood of changes in legislative support services. From 1979 to early 2001, there were 25 different arrangements of ruling coalitions across nine elected Houses. The number of parties in these ruling coalitions ranged from a low of 4 to a high of 7, with an average of 5.4 parties per ruling coalition over the 1979-2000 period. The number of parties in the opposition ranged from 3 to 11, with an average of 6.2 parties in the opposition during 1979-2000. Despite these wide variations in government coalition and opposition sizes, there is no pattern to indicate a link between a larger opposition and a greater push for changing legislative support services. In fact, these wide variations indicate one reason why the link does not exist. Party leaders essentially aimed to secure cabinet seats. The

---

13 These calculations are based on Pajonwarapong and Pajonwarapong, 146-171.
regular occurrence of cabinet shuffles and MP party-switching meant that these leaders had various chances to obtain cabinet posts. Efforts to strengthen the House took low priority when potentially lucrative cabinet positions were within reach.

Like many Westminster-type parliamentary systems, the opposition is typically very weak in Thailand. More importantly, even in periods when the opposition was very active and relatively more effective in its criticisms of the ruling coalition (e.g., during Prime Minister Chavalit Yongchaiyudh’s government in 1996-1997), opposition leaders invested almost no effort to reform the House administration. Instead, they aspired to far more valuable targets of cabinet positions and/or winning House elections. Improvements in the House Secretariat would not further these aims because they tend to benefit MPs from most if not all parties. Thus, opposition MPs did not pursue such improvements. In addition, the most significant push to change legislative support services in the past decade has occurred since Prime Minister Thaksin took power in 2002. Under his rule, the opposition has been particularly weak. Yet in 2002 the President of the House issued an order changing the entire organizational structure of the House Secretariat (see Figure 4.1 and Figure 4.2). In late 2001, a group of MPs from the government and opposition coalitions sponsored a law that completely overhauled the House and Senate Secretariats’ power structure and accountability mechanisms. Though that law has fallen off the House meeting agenda, it made significant progress in the legislative process, reaching the second reading in the House.

As described earlier in this chapter, the only significant change in hiring practices for House Secretariat staff and legislative staff since 1979 was to increase the number of legislative staff hired by MPs using government funds, and to enable standing committees to hire temporary staff. Official documents tracing the debates behind and motivations for these changes were inaccessible. Conversations with MPs and legislative staff, along with observations of interactions between MPs and legislative staff, provide enough evidence to form some plausible explanations. The most plausible reason is that the House has become more influential in the political system and MPs can make more demands that political appointees in the executive branch cannot ignore. As noted in many sections of this dissertation, the House’s powers are still weak in many areas and party discipline is strong enough that MPs cannot make excessive demands (e.g., legally
requiring civil servants to implement resolutions issued by standing committees). Yet MPs often ask for small-scale changes which party leaders often grant; thus, the budget allowances enabling increased staff hiring under direct control of MPs and standing committees. Even when such benefits are equally available to government and opposition MPs, the government leadership would risk alienating its fundamental base of support in the House by ignoring such requests.

Another less significant reason for the change in hiring practices is the inability of MPs to keep up with the growing number and complexity of issues they must handle. A combination of increased economic complexity in Thailand (particularly an increasingly specialized and non-agricultural labor force), rapid changes in information technology, and higher numbers of educated and knowledgeable citizens are placing more difficult demands on the government. Large numbers of such demands require changes to laws, or concern issues of immediate concern to large swathes of voters. MPs must pay attention to these demands but have received little support from civil servants or permanent House Secretariat staff when seeking information and policy options. The ability to hire staff members at government expense addresses this lack of support. However, earlier parts of this chapter suggest that such hiring has not solved the problem of MPs’ inability to keep pace with economic and technological changes. The skills of many staff hired by MPs do not match the policy issues MPs regularly confront. In part this is due to the balance MPs must strike between staff expertise and appointing trustworthy people. It also arises from the difficulties in attracting qualified staff. Not only is the pay quite low (approximately US$200-$300 per month), few people are attracted to the highly-political environment of the House.

The discussion in the previous two paragraphs raises a broader question: why have major social and economic changes in Thailand had so little impact on the provision of legislative support services? The answer has two parts: i) internal characteristics of the House have placed obstacles in the way of reforms; and ii) other organizations have responded to the demand for more information about the House’s activities and operations. I have essentially covered the main internal obstacles to change in this

---

14 This question, in turn, is one small facet of the major debate about the impact of social and economic changes on political institutions. For the Thai perspective on this debate, see Girling (1984), Samudavanija (2002), and Phongpaichit and Baker (2005).
chapter (and indirectly in other chapters). It is only worth adding that an inadequate budget has not been a significant obstacle to changes in the House Secretariat. While detailed budget breakdowns for the House were not accessible (see Table 4.2 for changes in the total House budget over time), Secretariat staff and MPs involved with the administration of the House almost never complained about budget problems or discussed hindrances to more efficient House operations in terms of a lack of funds. A key report on the history of reforming the Secretariat (King Prajadipok’s Institute 2000) described a wide array of problems and inefficient work practices, most of which did not have their roots in budget shortages (e.g., lack of coordination across different divisions of the Secretariat, unclear division of labor across different divisions, weak support for Secretariat activities among MPs and high-level civil servants, etc.). That report mentioned budget inadequacies a number of times but other concerns – such as overlapping and redundant duties across divisions – received much more attention. The report recommended increasing budget allocations in some areas as a way to address certain problems but did not treat increased allocations as a panacea. The report gave the impression that key challenge was to use the existing budget more efficiently.
Table 4.2: Official Budget for Thailand’s National Assembly, 1980-2003

<table>
<thead>
<tr>
<th>Year</th>
<th>House-Senate Combined</th>
<th>House Only</th>
<th>Senate Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>228,900</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1981</td>
<td>290,300</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1982</td>
<td>114,437,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1983</td>
<td>161,840,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1984</td>
<td>178,387,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1985</td>
<td>183,452,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1986</td>
<td>180,212,800</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1987</td>
<td>191,146,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1988</td>
<td>242,823,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1989</td>
<td>265,772,800</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1990</td>
<td>496,660,400</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1991</td>
<td>586,005,100</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1992</td>
<td>512,651,900</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1993</td>
<td>595,015,400</td>
<td>206,482,900</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>719,309,800</td>
<td>222,673,900</td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>989,532,000</td>
<td>260,564,900</td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>1,102,122,100</td>
<td>288,596,500</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>1,349,932,500</td>
<td>293,466,000</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>1,147,302,000</td>
<td>257,211,300</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>1,120,586,800</td>
<td>255,981,400</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>1,088,539,600</td>
<td>270,480,000</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>1,140,409,800</td>
<td>368,111,000</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>1,841,585,000</td>
<td>700,887,000</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>1,902,000,000</td>
<td>802,301,100</td>
<td></td>
</tr>
</tbody>
</table>

Note: All figures in Thai baht
Source: Budget documents from the National Assembly Library on Thailand.

As to the role of organizations other than the parliament, as noted above the Council of State (under the Office of the Prime Minister) has developed a publicly-accessible system for tracking a wide array of legislation and obtaining the text of most laws in force. The news media has played a minor role in providing detailed information about activities in the House. However, media reports sometimes spur strong (typically short-lived) interest in House activities and motivate interested people to seek information about the House.
A more subtle but important source of information about the House is non-governmental organizations (NGOs). Many NGOs work on issues requiring an understanding of legislative processes, or at least access to reliable information about House activities. The ability of NGOs to have an effective impact on public policy depends on having timely and accurate information. Their effectiveness also depends on how they disseminate information to existing supporters and raise awareness of key concerns among potential new supporters. Thailand’s active and widespread networks of NGOs collect and supply a large amount of information about the House (and political institutions more generally) to an audience spanning social strata from landless agricultural workers to high-society Bangkok urbanites. NGOs use a broad array of methods to provide information: press reports, seminars, websites, demonstrations, training sessions, research and policy reports, etc. Therefore, out of necessity NGOs perform tasks which fall more appropriately under the mandate of the House Secretariat. In effect, the work of NGOs has taken some of the pressure off of the Secretariat to reform, particularly in the area of providing information and research about legislation and House operations.

IV. Conclusion

Three general observations emerge from the analysis in this chapter. First, legislative support services in Thailand have changed slowly. This is despite substantial changes in Thailand’s economy and political system that have made improvements in the provision of such services attractive to various groups of people and organizations. There are a number of reasons for the lack of change in these services. One explanation for this rests on the strength of the executive branch over the legislative branch. The executive leadership will have little incentive to see a stronger legislature, even in the case of relatively small-scale changes in areas concerning legislative support services. Since the strong executive is characteristic of most parliamentary systems, this explanation fits well with comparative literature on legislative politics. Another explanation rests on the particularly bruising political battles that occur in pursuit of cabinet positions. The

---

15 The discussion of the Community Forest Law in the chapter on law-making demonstrates this type of NGO activity.
development of “money politics” and the increasing expense of elections made obtaining lucrative cabinet positions the dominant goal of political parties starting in the late 1980s. Politicians invested their resources in cabinet posts, not in the legislature. MPs with little or no hope of obtaining positions in the executive branch would sometimes advocate successfully for marginal improvements in legislative support services. In addition, there was little incentive for a government in power to push for improved legislative support services when those services would tend to benefit the House opposition as much as the government coalition.

Second, a corollary to the previous paragraph is that MPs have favored personal and temporary staff above the permanent staff of the House Secretariat. The continued importance of constituency work to the majority of MPs induces MPs to rely on personal and temporary staff due to their greater familiarity with the concerns facing constituents and the greater degree of trust MPs place in these type of staff. This situation explains much of the reason why the most substantial change in legislative support services has been the provision of additional funds for MPs and House committees to hire temporary staff. The expenditure is minor in light of the overall government budget, pleases MPs, and does not create any notable change in the House’s powers relative to the executive branch.

Third, few people, even MPs, view lobbying actively for improvements in legislative support services in the House as valuable use of their resources. While a small group of MPs recently attempted to reform the House Secretariat, they could not muster enough support among the broader House membership to succeed. Since the 1980s, no major political figure (i.e., a party leader or a person with substantial experience as a government minister) has taken up the challenge of pushing through any reforms. In Britain, the open debates about improving administrative services in the House and common perception among MPs that reforms were long overdue spurred a number of changes. This type of open debate – and perhaps candid griping by MPs – has not characterized the situation in Thailand’s House of Representatives. Though the two parliaments have many similarities, the political environments in which they operate differ substantially in key areas.
Chapter 5:
Conclusion

I. Introduction

This chapter starts with a summary of the main findings of the dissertation concerning the three major aspects of the House of Representatives in Thailand’s National Assembly: House standing committees, the law-making process, and legislative support services. It follows with discussions of the implications of this research for Thai politics and for the comparative study of legislatures and other political institutions. It ends with suggestions for conducting further research.

II. Summary of Main Findings
A. Committees

Stability has been the hallmark of House standing committees. Committee powers to penalize government agencies, change budget allocations, and obtain testimony and evidence from government officials have changed very little since 1979. For example, committees are now allowed to issue official resolutions but government agencies are under no obligation to obey those resolutions. The norms of committee meetings and official meeting procedures are very similar now to what they were in the 1980s. The characteristics of committee interactions with individuals and groups outside of the parliament have changed little during 1979-2002. The typical interaction takes place in a meeting closed to public or media view, consisting of exchanges between individuals presenting various sides of a small-scale (i.e., not national) issue.

Yet there have been three significant changes in the structure and activities of House standing committees during 1979-2002. First, the total number of standing committees has increased, from 16 in 1979 to 23 by 1992 and 31 as of 2001. Second, standing committees are reviewing draft laws less often, having passed that
responsibility over to extraordinary committees. Third, the number of official committee
staff members, with remuneration paid using the official committee budget, has
increased. Starting in June 2001, standing committees received funds to temporarily
appoint paid advisors, experts, researchers, and one committee secretary from members
of the public.¹

I considered a number of factors that could explain these changes: the general
expansion of issues confronting the House since 1979, election system reforms in 2001,
and the evolution of interest groups. The evidence points to the continued importance of
constituency services as the key driver for both the stability and the transformation of
standing committees. Individual Thai citizens have demonstrated an increased
willingness to bring issues to the parliament and committees are the most accessible
channel available to them. This helps explain the growth in the number of standing
committees, the trend towards reviewing draft laws less (in favor of constituency work),
and the desire for more committee staff to handle the workload. However, interest
groups continue to shy away from using standing committees to further their policy
objectives. The change in the election system to include MPs elected under a system of
proportional representation with closed lists would seem to point towards more
consideration of national policy issues (including the review of draft laws which typically
have a national scope) and staffing changes designed to provide the expertise needed to
address national policy issues. The election system reforms have had no impact on
standing committees in either the review of national policies and draft laws or the levels
of committee staff.

B. Law-making process

Thailand’s law-making process has experienced a series of changes, divisible into
official and unofficial changes. Official changes refer to codified alterations of the rules
concerning the law-making process: constitutional provisions, House meeting
regulations, etc. Unofficial changes are not written down and have more to do with the

¹ There is arguably a fourth change in standing committees: an increased level of member expertise
regarding the issues under the committee’s mandate. However, as explained in the chapter on standing
committees (Chapter 2), the increased expertise is slight at best.
areas such as who becomes involved in lobbying for particular laws or styles of debate. The official changes include the following:

- Allowing submission of draft laws by popular petition process, requiring 50,000 signatures from eligible voters.
- Increasing the number of annual sessions of parliament from one to two
- Increasing the length of sessions of parliament
- Uninterrupted consideration of draft laws allowed after House dissolution
- House extraordinary committees considering draft laws involving children, women or the elderly must have members from outside the House

The unofficial changes are as follows:

- An increase in the number of draft laws submitted for House consideration
- A decrease in the activities of House standing committees with regard to reviewing draft legislation
- Increased participation in the law-making process by a wider array of organized interests in Thai society

The official changes originate with Thai constitutions, either amendments to existing constitutions or entirely new constitutions. The second amendment of Thailand’s constitution in 1992 led to the increased the number of parliament’s sessions. The remaining four changes are new provisions in Thailand’s current constitution, promulgated in 1997.

This dissertation hypothesized that an expanding number of increasingly active interest groups might foster stronger partnerships between these groups and House members. These partnerships could affect law-making in various ways. In particular, these partnerships could foster exchanges of information between MPs and interest group representatives about draft laws. MPs could also promote the concerns of particular groups in debates and committee decisions about draft laws. The dissertation offered a second hypothesis which de-emphasized the role of partnerships and stressed the ways in which interest groups push and lobby the parliament to pass and/or amend laws. Growth in the number, variety, and “professionalization” of interest groups would lead to a greater use of legislative processes (particularly law-making) to further the policy objectives of these groups. More intensive lobbying by interest groups, particularly lobbying by alliances of such groups, would alter the behavior of MPs and the norms
associated with law-making. Unlike the partnership hypothesis, this second hypothesis involves persuading an often recalcitrant House membership to pay attention to the demands of groups with only weak associations with these members.

A key finding of this research is that the activities of interest groups have had a deeper and probably more lasting impact on the law-making process than the constitutional changes. The extension of legislative sessions was intended to enable more detailed consideration of draft laws, mainly in response to a more complex legislative agenda. Yet there is almost no evidence that the extension of House sessions has changed the tenor of debates, MPs’ voting habits, the number of laws passed, etc. The constitutional provision enabling 50,000 eligible voters to submit a draft law via a petition created an important new form of political participation. Even so, the successful use of this petition mechanism requires a substantial level of organization to gather the necessary signatures and meet the many conditions required by the law governing the mechanism. So far, only well-established interest groups have successfully placed such petition-based draft laws on the House agenda. The constitutional change that brings in representatives of organizations working with women, children, and the elderly to extraordinary committees vetting draft laws will only have a lasting impact if the MPs on these committees see a reason to pay attention to these representatives. This attention depends on much more than the expertise these representatives bring to the committee. It depends primarily on whether these people represent the interests of groups with sufficient political influence.

Moreover, the second hypothesis explains much more of the change in the law-making process than the first hypothesis. Partnerships between MPs and interest groups are not driving decisions and procedures concerning laws in the House. If such partnerships arise, they tend to be fleeting and/or entail only small groups of MPs. When House MPs seek information about government policies and actions, they use their associations with their political parties and with government officials. To accomplish anything of substance in the House, interest groups must push from the outside, lobbying consistently and using a variety of methods (e.g., testifying at House meetings, getting media exposure, holding demonstrations in front of the parliament complex, etc.). The increasing number of groups willing to pursue such lobbying, the growth in the
sophistication of this lobbying, and the broad alliances across different groups that have emerged for some issues have all had impacts on law-making in the House. From a time when the executive branch drove the entire law-making process and participation from outside the parliament was minimal at best, the process has evolved to adjust to the demands of a more diverse, active, and experienced set of groups in Thai society. In 1979, it was normally possible to ignore the House in a campaign to promote a favored draft law. By 2002, despite the power of the Thai Rak Thai-led government coalition, ignoring the House risked seeing the favored draft law amended unfavorably, delayed extensively, or rejected.

C. Legislative Support Services

Legislative support services in Thailand have changed slowly. This is despite substantial changes in Thailand’s economy and political system that have made improvements in the provision of such services attractive to various groups of people and organizations. There are a number of reasons for the lack of change in these services. One explanation for this rests on the strength of the executive branch over the legislative branch. The executive leadership will have little incentive to see a stronger legislature, even in the case of relatively small-scale changes in areas concerning legislative support services. Since the strong executive is characteristic of most parliamentary systems, this explanation fits well with comparative literature on legislative politics. Another explanation rests on the particularly bruising political battles that occur in pursuit of cabinet positions. The development of “money politics” and the increasing expense of elections made obtaining lucrative cabinet positions the dominant goal of political parties starting in the late 1980s. Politicians invested their resources in cabinet posts, not in the legislature. MPs with little or no hope of obtaining positions in the executive branch would sometimes advocate successfully for marginal improvements in legislative support services. In addition, there was little incentive for a government in power to push for improved legislative support services when those services would tend to benefit the House opposition as much as the government coalition.

Second, a corollary to the previous paragraph is that MPs have favored personal and temporary staff above the permanent staff of the House Secretariat. The continued
importance of constituency work to the majority of MPs induces MPs to rely on personal and temporary staff due to their greater familiarity with the concerns facing constituents and the greater degree of trust MPs place in these type of staff. This situation explains much of the reason why the most substantial change in legislative support services has been the provision of additional funds for MPs and House committees to hire temporary staff. The expenditure is minor in light of the overall government budget, pleases MPs, and does not create any notable change in the House’s powers relative to the executive branch.

Third, few people (even MPs) view lobbying actively for improvements in legislative support services in the House as valuable use of their resources. While a small group of MPs recently attempted to reform the House Secretariat, they could not muster enough support among the broader House membership to succeed. Since the 1980s, no major political figure (i.e., a party leader or a person with substantial experience as a government minister) has taken up the challenge of pushing through any reforms. In Britain, the open debates about improving administrative services in the House and common perception among MPs that reforms were long overdue spurred a number of changes. This type of open debate – and perhaps candid griping by MPs – has not characterized the situation in Thailand’s House of Representatives. Though the two parliaments have many similarities, the political environments in which they operate differ substantially in key areas.

III. Contribution to a Better Understanding of Thai Politics

The analysis of Thailand’s House of Representatives sheds light on the current state of Thai politics. Most prominently, it is a commentary on the process of consolidating Thailand’s democracy. Why do some people believe the process has stalled under the current government; and why are there reasons to believe Thailand will not fall back into authoritarianism?

The finding that constitutional changes have not been the driving force in parliament’s development reflects what has occurred in Thai politics generally. Many of the people that drafted and supported the principles of Thailand’s current constitution – by far its most progressive constitution to date – believed that it would usher in increased
accountability of the government and greater political participation. They have discovered that ensuring such accountability and participation rests on much more than constitutional language. Such reforms depend on people being informed of their rights, being willing to exercise such rights, and having groups and organizations to promote such rights and aggregate people with similar preferences. Thailand’s interest groups – or its civil society more broadly – have contributed significantly to promoting the principles in the constitution. However, the current government has achieved great successes in controlling the news media, slowing the process of decentralizing power to local authorities, and restraining the efforts of autonomous organizations responsible for monitoring government actions.

A key reason for the Thaksin government’s success in these efforts has been its ability to neutralize or co-opt a wide variety of interest groups. This ability stems from the low level of development of Thailand’s interest group community. The fragmented character – both geographic and issue-based fragmentation – of interest groups structures (particularly in the non-profit sector) has facilitated his government’s efforts. Thailand is just starting to see the formation of interest groups with active national memberships, full-time professional staff, and regular campaigns to lobby the government openly on specific policies. An organization such as the American Association of Retired Persons in the United States or the Trades Union Congress in Great Britain will take years to form in Thailand. In addition, while a number of major business groups have been brought into the government through their affiliation with the Thai Rak Thai Party, key groups that could be a viable check on the government’s power are not directly integrated into the political process through political representation in the House. This is especially the case with labor in the manufacturing sector, a large cluster of people with no near-term prospects for serving as the basis of a political party that could win House seats.²

Yet while democratization may have slowed in Thailand, it has not stopped. This dissertation demonstrates how gradual and unidirectional changes have occurred in the House, moving it beyond the type of forum where politicians debate with one another but

---
² Industrial labor as a proportion of Thailand’s total employment increased from 10 percent in 1980 to 19% in 2000 (World Bank World Development Indicators). Thailand’s National Statistical Office (www.nso.go.th) reported that there were 3,878,251 people employed in Thailand’s manufacturing sector in 2002.
Thailand’s House still embodies many “old” facets of Thai politics; for example: an emphasis on constituency work over national policy-making, political parties heavily dependent on the personal appeal and financial resources of their leaders, and a lack of transparency. Yet the House in 1979 does not look the same as the House in 2002.

In a similar vein, current Thai politics look quite different from past circumstances. Many critics of the current Thaksin government have noted its authoritarian tendencies, an inclination towards greater control of the media, recentralizing administrative power, a lack of transparency in decision-making, and a low tolerance for criticism of its policies. Until the government of Prime Minister Chatichai Choonhavan took power in the late 1980s, these sorts of authoritarian tendencies characterized nearly every Thai government since the creation of the country’s constitutional monarchy in 1932. Even so, Thailand’s democratic progress means the current government rests on a foundation quite different from that of its authoritarian descendents. Thaksin’s government has held power under two consecutive free and fair elections, civilian rule has fully replaced military domination of every government institution, and jailing or exiling prominent government critics are no longer viable options. The Thai authorities can slow the trend towards giving increased powers to local officials and quell the critical fervor of its opponents in the non-profit community and academic through legal and regulatory means. Yet this does not change the overall direction of Thai politics towards greater public participation, stronger accountability for government actions, and more transparency in government decision-making. At the time of writing, critics of the government have organized a major anti-government (predominantly anti-Thaksin) campaign involving large-scale demonstrations, prominent media coverage, and strong rhetoric. Whether this campaign leads to the current government’s fall is less important than the fact that it is underway and impossible for the authorities to suppress without severe political backlash.

IV. Contribution to Comparative Legislative Literature

This dissertation makes a series of small contributions to the comparative legislative literature. First, it helps reduce the imbalance in the literature between studies
of legislatures in the advanced industrial countries and legislatures elsewhere. The dominance of work on the US Congress is not surprising, given its position as the world’s most powerful legislature. Major new work on western European parliaments has emerged since the mid-1990s but studies such as this dissertation help make the examination of legislative institutions more comparative by not limiting the scholarship to rich countries with consolidated democracies. Past scholarship on comparative legislatures regularly noted that the imbalance and lamented the lack of adequate “theory” in the legislative literature. Even if the search for a grand theory of legislative institutions is probably misplaced, the imbalance impedes the refinement of promising middle-level theories and hypotheses applicable to a broader range of legislative institutions.

Second, there are important political implications for studying legislatures outside of the advanced industrial countries. Even if legislatures have not taken the lead in most transitions to democracy, such transitions place representative institutions such as legislatures in a more central role in the overall political system. The basic transition from a rubber-stamp body to an institution which (at the minimum) holds meaningful confidence votes and amends draft legislation has occurred in many countries. The Thai case strongly suggests that the expansion of research on legislatures in countries that have recently emerged from authoritarian political system is warranted as a way to understand the political future of these countries.

Third, the Thai case illustrates the key role that interest groups without direct political representation in the legislature can play in the legislative development of countries other than the advanced industrial democracies. In advanced industrial democracies, interest group structures are already well-developed and their partnerships and interactions with the legislature are well-established. Interest groups are often deeply integrated into political parties with seats in the legislature. As a result, the explanations of reforms in standing committees and law-making processes from Canada, Britain, and Italy showed almost no external interest group influence on these reforms. When considering how legislatures in countries like Thailand (i.e., still consolidating their democracies; recent authoritarian pasts) evolve, the characteristics of interest groups may be just as important as the characteristics of electoral systems and party systems. This is
not to deny the connections that exist between interest group dynamics, choices of
election methods, and the transformation of political parties. This dissertation mainly
suggests that in countries like Thailand where party systems have historically been weak,
interest groups deserve special consideration when attempting to understand changes in
legislative institutions.

Lastly, section III of this chapter makes a case that the changes in the House
reflect the changes and the current state of democratization in Thailand. The term
“reflect” does not mean that Thailand’s House has been a driving force in Thailand’s
democratization. The House (as well as the Senate) has rarely assumed a leadership role
in democratization. At almost every major juncture in Thailand’s political history since
1979 – especially the violent suppression of anti-government street protests in May 1992
and the passage of current constitution in 1997 – the House has shown little inclination to
become openly and strongly involved. This characteristic of the Thai House fits well
with the general comparative finding that parliaments are usually not major actors in
transitions to democracy. Others players such as the military, semi-autonomous
government bodies, charismatic leaders, etc. tend to take the lead (Liebert 1990, 14).
This is despite the existence of historical junctures in many countries where the
legislature could have taken a major role in the movement towards more democratic
politics.³ Hypothetically, there are a number of ways in which legislatures can make
substantive contributions to democratization (Liebert 15-19). However, like most other
legislative chambers, Thailand’s House has not made such contributions.

V. Areas for Further Research

There are a number of areas where further research is warranted in the Thai case.
The methods used by interest groups, especially groups representing large private sector
business interests, to influence legislative processes needs further study. This would
require covering a broader set of issues and laws and obtaining access to a wider variety

³ For example, after the death of General Franco in Spain in the late 1970s, the Cortes (Spain’s parliament)
was in an unusually good position to take control of the debate and decision-making about the country’s
future. However, for a variety of reasons including electoral reforms and a lack of transparency in the
Cortes’ activities, the Cortes did not assume this key role (Liebert 1990, 7). The politically savvy former
Spanish Prime Minister Adolfo Suarez has received more credit for Spanish democratization than the
Cortes (see Linz and Stepan).
of committees, particularly extraordinary committee vetting draft legislation. The ideal research plan would include access to meetings of political parties, though in the Thai context this would be difficult to obtain.

There is a lack of information about how interest groups have developed in Thailand. No scholar has written a comprehensive political analysis focusing on these groups, much less a history of Thai civil society. Such an analysis would clarify the relationship between interest groups and the development of parliamentary politics. The systematic collection of data associated with such an analysis will facilitate cross-national comparisons with the Thai case. Information concerning professional/trade associations such as The Lawyers’ Association of Thailand or The Medical Council of Thailand would be valuable since these groups have generally grown more active in lobbying on public policy decisions.

Given the imbalance in the comparative literature on legislatures noted in section IV of this chapter, cross-national studies of legislatures outside the advanced industrial nations are warranted. A focus on how interest groups interact with and lobby legislatures would be particularly valuable as a way to understand whether some of this dissertation’s key findings extend to other national legislatures. Such studies have strong potential for incorporating principal-agent theory, adapting existing formal models of the interactions between interest groups and legislatures to better fit the conditions found in legislatures outside the advanced industrial nations.
Appendix

Case Studies on Legislative Changes Outside of the Developing World
1. Select Committees in Britain’s House of Commons

From a comparative perspective, the expansion of the committee system in Britain’s House of Commons is the best-studied case in a parliamentary system. In 1979, Britain introduced “select committees” in the House of Commons. Unlike “standing committees” which predominantly look at draft laws and dissolve once their assigned task is complete, select committees focus on a particular area of government policy and only cease to operate after a House dissolution. Therefore, they are similar to standing committees in Thailand’s House.

The expansion of the select committee system has a quite different and more public history than the Thai case.\(^1\) The idea of reforming the House of Commons grew more powerful in the mid-1960s when various MPs started more openly to voice their frustration with their lack of influence over government policy. After a long period of relegation to the opposition, a Labor Party government assumed power. There was a general economic malaise in Britain and public levels of esteem for parliament had fallen. The Labor government had a strong reform agenda and various MPs made motions to change parliamentary procedures. In this environment, the first few select committees emerged and began to challenge the government in a few policy areas. The government limited the powers and activities of these committees but the stage was set for the wider expansion in 1979.

The issue of parliamentary reform arose again in the late 1970s for a variety of reasons. First, many MPs from the government and opposition grew to feel the government was failing to provide key information about policies to House MPs; for example, a House-led investigation into problems in the British Steel Corporation. Many MPs believed that while government spending and programs had grown rapidly, their

\(^1\) Most of the information about the history of Britain’s select committees comes from Jogerst (1993).
ability to scrutinize these expenditures and programs had barely changed. Second, some MPs claimed that low public esteem for parliaments resulted partly from the House’s weak influence over the government. Third, select committees had been in the House since the mid-1960s and a number of MPs in the late 1970s had served on them. These MPs looked favorably on select committees. A Select Committee on Procedure developed a set of recommendations during 1977-1978 and when a Conservative Party government took over in 1979, the new government supported key Select Committee on Procedure recommendations.

The select committee reforms of 1979 took place under “a peculiar set of circumstances and predilections” (Jogerst, 107). The opposition Labor Party had made promises about parliamentary reform and the Conservatives supported these reforms in part as a way to take away any potential momentum in Labor’s favor. Norman St. John-Stevas, the new Leader of the House, supported reforms and pushed for their adoption within the Conservative Party. Fortunately for him, many Conservative MPs supported the reforms anyway. “The influx of new members with more ‘professional’ attitudes toward their parliamentary duties, coupled with the experience of minority government and its wider scope for independent and dissenting action for most of the post-1970 period, contributed to the widespread sense of dissatisfaction with the conventional backbench supportive role in the House” (Jogerst, 109).

The idea of a select committee posting was attractive to some MPs for various reasons. Some government backbench MPs viewed select committees as one of the only forums for them to participate in and potentially influence government policies. This is in contrast to behaving as passive party loyalists in the hopes of obtaining a ministerial appointment. Searing’s (1987) detailed analysis of the motivations of MPs lends credence to the belief that many MPs had an interest in contributing more to policymaking.

2. Committee Reforms in the Italian Chamber of Deputies

Like Thailand, Italy has a bicameral system, consisting of the Chamber of Deputies and the Senate. I will only study standing (permanent) committees in the
Chamber of Deputies because the Chamber corresponds most closely with Thailand’s House of Representatives.

There are some substantial differences between Thai and Italian politics in general. Italy is a republic with a federal system while Thailand is a constitutional monarchy with a unitary system. The military has played no meaningful role in Italian politics since the end of World War II. Up until the early 1990s, Thailand experienced regular military coups and military officers played a prominent role in the parliament and executive branch. There are other differences with more direct potential impacts on how standing committees operate and what forces promote changes in committees. Italy has had one constitution since 1948. Though it has been amended 13 times, it has been a stable framework for Italian politics. Thailand has had 15 constitutions since 1932 and the current constitution represents the most significant break from past constitutional patterns. For Chamber of Deputies elections, Italy used a system of proportional representation in a set of 31 districts until 1993 when a major electoral reform changed this to a mixed system of single-member districts and proportional representation (Katz 1995). Elections for Thailand’s House used a system of multimember districts until 2001 when the government implemented a new system combining single-member districts and close-list proportional representation. While both Italy and Thailand have had many governments consisting of unstable coalitions of parties, Italian parties have been stable, often had clear ideological roots (until recently), and nearly always had the Christian Democratic Party as the dominant government coalition party. Thailand has had mostly unstable parties until very recently, almost no identifiable ideological differences between major parties, and no dominant party like the Christian Democratic Party. In addition, until the end of the Cold War, Italy had a meaningful split between left-leaning parties (mainly the Communist Party) and right-leaning parties such as the Christian Democratic Party (D’Onofrio 1979, 61-73). Thailand’s government and military violently suppressed the Communist Party of Thailand and it never had a formal political role, especially in the parliament.

There are differences between the behavior and powers of Italian and Thai standing committees. One important difference is that Italian committees continue to consider substantial numbers of draft laws while Thai standing committees now consider
very few draft laws (having passed this task onto extraordinary committees). The Chamber does not have ad hoc committees used to examine and amend draft laws. While taking the law-making responsibilities of Italian committees into account, I will focus on the details of committee work in executive branch oversight to fit with the work most associated with Thai committees. The other major difference is the substantially greater powers possessed by Italian committees. Della Sala (1993) referred to two key committees – the Budget and Planning Committee and the Constitutional Affairs Committee – as “gatekeepers” in the legislative process because of their ability to delay or prevent the passage of many kinds of draft laws. Committees must examine all draft laws and in some cases have the power to approve laws directly without the necessity of holding a vote in the full Chamber of Deputies.  

Despite all these differences, the Italian case provides a useful comparison with Thailand. Italy had a major reform of parliamentary procedures in 1971 which included reforming committee powers. The reforms moved the parliamentary agenda from being under the government’s power to a unanimous decision by the Conference of Parliamentary Group Leaders. “The Conference included representatives of all the recognized groups in Parliament and provided only observer status for the government” (Della Sala 1993, 160). Committees gained the right to conduct investigative hearings on issues chosen by the committee. The reforms also allowed committees to draft and adopt resolutions concerning government policies.

The Thai House has never pursued such conscious reforms and changes in Thai committees have emerged more from reactions to changes in the political environment than from premeditated actions. Yet it appears as though the evolution of Italian committees has as much to do with gradual reactions to the political environment as with the conscious reforms on 1971.

The 1971 reforms were designed to enhance parliament’s powers, including committee powers of oversight. Some changes in committee behavior stemming from the reforms were delayed until the late 1970s when the Communist Party in parliament began using committees to monitor the government (Della Sala 1993, 171). The

---

2 There are some limitations on the approval power of Italian committees. Committees cannot directly approve constitutional amendments, electoral laws, laws delegating legislative power to the government, ratification of treaties, or budget and expenditure laws (D’Onofrio, 75).
Communist Party was not part of the government but it (and its allies) had enough seats in the Chamber to use its clout in committees. This clout had its foundations in the granting of agenda power to the Conference of Parliamentary Group Leaders. The Conference required unanimous approval of the legislative agenda, giving ample opportunity for the Communist Party to exercise influence.

Seemingly unrelated to the 1971 reforms, Italian committees in the 1970s were working increasingly on executive oversight instead of vetting draft laws. They scheduled more meetings focusing on existing government policies and reduced the time spent on each individual draft law. A reduction in the amount of legislation sent to committees is not the reason for this shift. Della Sala’s (1993) tentative conclusion is that MPs in the Chamber may have felt committees were a useful way to get information from the executive. He also notes a trend starting in the 1960s towards less committee time devoted to considering draft laws and more devoted government oversight (Della Sala 1993, 169). The coherent use of committees to seek information about government policies and scrutinize the government began in 1966 when the Committee on Home Affairs held hearings on local government finance (D’Onofrio, 92). Despite the shift towards oversight work, as of 1979 standing committees still spent substantial amounts of time considering draft legislation and could not heavily pursue other kinds of agenda issues. The distribution of committee seats was (and still is) in direct proportion to the distribution of seats in the Chamber so the majority group of government MPs was reluctant to critique its own leaders in the executive. In addition, MPs could set up a “committee of enquiry,” a non-permanent committee of MPs to investigate any issue. This is a less significant curb on vetting draft laws than the reluctance of government MPs to scrutinize their own leaders. Committees of enquiry are not common because they require the opposition and some elements of the government coalition to join forces to accumulate enough votes to create the committee.

Another limitation on changes to Italian committee behavior unrelated to the 1971 reforms concerns the provisions of Italy’s constitution. Some key provisions of committee work are written in the constitution and the difficulty of amending the constitution reduces the likelihood of major changes in Italian committees. For example, the right of committees to approve laws without a vote on the Chamber floor is contained
in Article 72 of the constitution. The Italian constitution has been amended 13 times since its promulgation in 1948 but none of these amendments directly concerned the structure and powers of parliamentary committees.\(^3\) Thailand has a history of abrogated, re-drafted, and amended constitutions. Even so, constitutional provisions concerning Thai standing committees have always been broad and government leaders have not seen fit to make any significant changes to the powers of standing committees since the constitution of 1932, the year Thailand became a constitutional monarchy.

3. Reforming the Law-making Process in Canada’s House of Commons

The lively debates associated with various efforts to transform “standing procedures” in the Canada’s House of Commons helped create a large enough body of publicly-available documents on which to base an effective analysis.\(^4\) Parliamentary procedures in Canada come from four sources. First, the Constitution and some laws determine some basic parliamentary rules such as what constitutes a quorum in the House and what type of majority (simple) is needed to pass legislation in the House. Second, there are Standing Orders, rules governing most of the House’s activities: how long a member may speak during a debate, how members can submit draft laws, how questioning of government ministers during House plenary sessions operates, etc.\(^5\) The House develops and votes on these rules which stay in effect until the House votes to change or abolish them. Third, there are some traditional practices, behavioral norms used by members of the House but not contained in the Constitution, laws, or Standing Orders. Fourth, Speakers of the House sometimes must make rulings, essentially interpretations of existing House rules.

Standing Orders are the most prominent, detailed determinants of the law-making process in the House. House Standing Orders with regard to law-making underwent a series of changes from the 1980s to the mid-1990s. The choice of the 1980s to mid-1990s stems from the availability of information about the Canadian case and because the time period coincides well with the period covered by the Thai case (1979-2002).

\(^3\) The information about the Italian constitution comes in part from the International Constitutional Law Project managed by Berne University, Switzerland: http://www.oefre.unibe.ch/law/icl/it__indx.html
\(^4\) The best source is the Canadian parliament’s official website: www.parl.gc.ca.
\(^5\) There are also “Special Orders,” typically exceptions to or temporary waivers of existing rules, adopted by unanimous consent of the House membership.
Before the 1970s, proponents of reforms in the House aimed to streamline procedures. In part this was in response to the increasing complexity and volume of issues addressed by the Parliament. It was also the result of “the frustrating experience with successive minority governments and the exceedingly long and acrimonious debate over the adoption of a national flag” (Schmitz, no page number). Some of the reforms included time limits on speeches by MPs, time limits on consideration of draft laws, and reductions in the time allowed for private member business (Robertson, 2). In addition, Prime Minister Pierre Trudeau (held office April 1968 – June 1979 and March 1980 – June 1984) greatly strengthened the information and staffing resources in Prime Minister’s office, often at the expense of parliament (D’Aquino, Doern and Blair, 14).

By 1980, a number of people within the House and from political parties had started advocating for reforms that would give House members more independence from control by the executive branch. Many of these reforms directly concerned the process of debating, amending, and passing draft laws, though the changes to the House’s Standing Orders encompassed a wide array of legislative activities (e.g., whether to broadcast committee meetings, provisions for debates on emergency matters, etc.). This description of the changes made in the Standing Orders concentrates on law-making.

In May 1982, the House formed a special committee to consider changes to the Standing Orders and Procedure of the House. The special committee – the Lefebvre Committee – recommended reducing the size of House standing committees and allowing standing committees to require a government response to reports approved by such committees. The House adopted these changes provisionally in December 1982.

In December 1984, the House approved the formation of a seven-member Special Committee on the Reform of the House of Commons (known commonly as the McGrath Committee). It first approved a report adopting many of the Lefebvre Committee’s recommendations. A third report approved by the McGrath Committee in June 1985 made further recommendations (Robertson, 5):

---

6 Private member business refers to draft laws, motions, and other legislative matters originating directly from members, as opposed to cabinet ministers.
7 Unlike the Thai case, standing committees in Canada’s House review nearly all draft legislation and can amend draft laws.
• Make the standing committee structure more closely match the structure of government departments
• Enable committees to obtain information from government departments more easily
• Move the scrutiny of draft laws from standing committees to specially-appointed legislative committees
• Limiting votes on draft laws as “confidence motions” only to matters of central important to the government’s legislative agenda (Atkinson and Thomas, 230)\(^8\)
• Allow draft laws submitted by House members to include more provisions for collecting and spending government funds; also making it easier to pass such laws\(^9\)

By February 1986, the House had approved the following changes to the Standing Orders:

• Facilitate the approval of draft laws originating with House members
• Make the standing committee structure match the structure of government departments
• Enable committees to obtain information from ministries more easily. This included granting committees the power to “undertake studies and make recommendations gained without being directed to do so by the House” (Boudria et al., no page number).
• Move the scrutiny of draft laws from standing committees to specially-appointed legislative committees. Special legislative committees would have members from all political parties (Boudria et al., no page number). The opposition would have direct input into the selection of legislative committee chairmen (Schmitz, no page number).

The authority of parliamentary committees stems from the adoption of their reports by the House. Prior to the adoption of the McGrath committee recommendations, committees could deal only with the matters referred to them by the House. They could not undertake studies or make recommendations.

---

\(^8\) Confidence refers to the government leadership treating all major votes on draft legislation as votes on the House majority’s continued support of the government leadership. House rejection of a draft law is tantamount to asking the government, or at least the minister responsible for the law, to resign.

\(^9\) Previously, any House member proposing a law had to make sure that it did not involve the expenditure of public money. Such laws could only be sponsored by a minister in the House of Commons. (Library of Parliament, 17)
In 1991, the Striking Committee (a House standing committee) and the Government House Leader proposed further revisions to the House’s Standing Orders. The House Leader’s recommendations received more attention and a number of them regarding the law-making process:

- Greater restrictions on a single member blocking certain types of motions from being considered
- Reduced the length of the House session from 175 to 134 days
- Revision of procedures for selecting draft laws from House members (“private member bills”), especially through the creation of a new Standing Committee on House Management
- Allowed some draft laws to be reviewed by standing committees instead of the specially-appointed legislative committees

The House adopted these proposals in April 1991, though with vigorous dissent from the House opposition and what one paper called “considerable parliamentary uproar” (Atkinson and Thomas, 431).

The House passed a final set of amendments to the Standing Orders in February 1994. The Standing Committee on Procedure and House Affairs (the successor to the House Management Committee) had responsibility for examining procedures regarding members statements, special debates, electronic voting, the conduct of “private member” business initiated by individual MPs, anomalies or technical inconsistencies in the Standing Orders, and measures to achieve more direct participation by citizens, including citizens' initiative (Milliken, no page number) The key change with regard to law-making was to enhance the power of committees. A committee was allowed to review a draft law before the second reading in the legislative process. This meant that committees had more time to consider and revise draft laws. Committees were also allowed under certain circumstances to draft a law then submit it for consideration by the parliament.

---

10 Canada’s basic law-making process resembles Thailand’s. In the first reading, the House votes on the overall principles of a draft law. In the second reading, a standing committee (or some other designated House committee) looks at the law line by line and is allowed to make amendments. The committee writes a report on the draft law which the full House considers, followed by the third reading in which the House holds a restricted debate (no amendments allowed) before passing or rejecting the law.
Analyses of the specific debates behind each of the three periods of reform (1986, 1991, and 1994) are thin in the Canadian literature. Even so, it is clear that the motivations for reform across the 1980s and 1990s were very similar. Essentially, the 1991 and 1994 reforms on House Standing Orders were follow-ups to the seminal 1986 changes, part of the same process and with many of the same participants. Therefore, I will treat the reform process across the entire 1986-1994 interval collectively, commenting on particular differences between the three periods as necessary.11

During the 1980s, a key motivation among supporters of House procedural reforms was to make the House more effective. “The committee wanted to liberate the private member from party discipline and restore Parliament to a place of prominence in the political system” (Atkinson and Thomas, 430). In the words of one MP, the House should legislate and not merely “ventilate” (Schmitz, no page number).12 Members of parliament were the most active supporters of procedural reforms and frequently claimed that they had broad public support for such reforms. They based this claim on the belief that people realized their elected representatives in the House had become less powerful than the prime minister over the previous few decades and that the imbalance of power hurt Canadian democracy in some fundamental (albeit vague) way. For MPs, procedural reforms in the House, particularly regarding the process of debating and passing laws, was one way to “revitalize” parliamentary democracy.

While public concern about the ineffectiveness of the House was real, it did not take the form of specific complaints or proposals about changing the behavior of the House. In Canada and most of the world, few citizens entertain interests that clearly represent policy demands, few people have thought-out, consistent, and firmly held positions on most matters of public policy, and large proportions of citizens lack the instrumental knowledge about political structures, processes, and actors that they would

11 The only caveat to this line of reasoning is that Prime Minister Brian Mulroney’s (September 1984 – June 1993) Progressive Conservative Party lost badly to the Liberal Party in 1993 when Jean Chrétien became Prime Minister. Even so, the tenor and rhetoric of the debates about legislative reforms changed little from 1993 to 1994.
12 The “ventilation” vs. “legislation” distinction reflects Polsby’s distinction of between “arena” and “transformative” legislatures. Arena legislatures are formalized settings for the interplay of significant political forces. Members hear and debate issues but do not make important decisions. Transformative legislatures possess an independent capacity to influence how laws made and frequently exercise that capacity (Polsby 1975, 277).
need to communicate policy demands or expectations if they had any (Wahlke 1990, 101). Public dissatisfaction with the performance of politicians provided some general pressure for political changes but not the specific changes under consideration here.

Ultimately, the key catalyst for the reforms in the law-making process was the election of Brian Mulroney’s Conservative Progressive Party. He had a notably more accommodating style of leadership than his predecessor Pierre Trudeau (Nossal, 78). His Progressive Conservative Party embraced a varied coalition of MPs and maintaining this coalition required making concessions (or at least promises). These two factors combined with dissatisfaction among many government backbench MPs with the sidelining of parliament under Trudeau. In 1985, the McGrath Committee put the views of these MPs into the formal legislative process and the House adopted a number of the Committee’s recommendations. In 1985, the opposition essentially went along with the reforms since they did not give any notable advantages to the government MPs at the expense of opposition MPs. The 1991 changes to the law-making process fostered greater opposition resentment because the changes gave clear advantages to Mulroney’s party (e.g., making it harder for a single member to block certain types of motions). Yet by 1991 Mulroney was under growing political pressure to resolve festering conflicts within his coalition and improve his deepening unpopularity with Canadian voters. The changes were mainly designed to hasten the legislative agenda, a goal which some leaders of Mulroney’s Progressive Conservative Party apparently thought would slow the decline in public support for the party.

It is much less clear what led to the changes in the House’s Standing Orders in 1994. The most likely explanation is a major influx of first-time members: 208 out of 305 MPs had not been elected previously.¹³ This was the largest group of first-time members for Canada’s House in the period after World War II and it created an unusually fertile environment for changes in a variety of areas, including legislative procedures. MPs seem to have seized on a set of reform proposals for the Standing Orders – especially strengthening House committees’ role in law-making – that had appeared in

¹³ These figures come from the Canadian Parliament’s website: http://www.parl.gc.ca/common/SenatorsMembers.asp?Language=E
various past reports by parliamentary bodies and other sources.  

Prime Minister Jean Chrétien was a highly-experienced politician who knew how to manage the legislature well. Yet he had to make some concessions to an enthusiastic group of reform-minded new MPs.

In conclusion, the changes in the Canadian House’s law-making process were mostly at the margins. To this day, House members and other advocates of strengthening the parliament’s role in law-making have failed in their efforts to overcome the fundamental obstacles to such changes. Party discipline was (and still is) very strong in Canada and whips coordinated closely with the executive branch leaders to ensure MPs maintained the party line in major parliamentary votes. The tendency to treat nearly all votes in the House as confidence motions in the government made passing even minor legislation difficult (Manning, no page number). The Prime Minister and his cabinet, along with senior civil servants, believe the onus of initiating and drafting new laws rests with them almost exclusively. With the exception of calls for reforming Canada’s electoral laws, reforming of the legislature gets little attention from the public or the mass media. Prime Minister Mulroney faced major issues which took precedence over House affairs: the North American Free Trade Agreement and large budget deficits to name two.

Interest group activities do not explain the changes in the House’s Standing Orders. Interest group activities in the House have increased substantially since the 1970s. Yet this increased activity results in part from interest groups reacting to changes in House procedures, especially regarding House committees (Pross, 69). For the most part, Canadian interest groups have reacted to changes in the political system, not led the call for reforms or lobbied in support of political reforms. With few exceptions, they are far less motivated to change parliamentary procedures than they are in manipulating the existing procedures to their advantage in specific policy areas or economic sectors.

4. Reforming the Law-making Process in Britain’s House of Commons

Like Canada’s House of Commons, Britain’s House of Commons has experienced periodic debates recently about reforming the law-making process. These reform efforts

---

14 For example, the Business Council on National Issues – an organization composed of the chief executive officers from about 150 leading Canadian companies – recommended referring more draft laws to parliamentary committees for scrutiny and sometimes revision (D’Aquino, Doern, and Blair, 86-87).
have resulted in even fewer changes to the law-making process in the British House than in Canada’s House.

An overview of some key reports advocating changes to the law-making process (i.e., to strengthen the House’s role in scrutinizing and amending draft laws) encapsulates the recent history of the debates. In 1991, the House of Commons’ Select Committee on Sittings of the House (the Jopling Committee) issued a report recommending changes in the scheduling of House plenary meetings in order to process draft laws more quickly. In November 1992, the Hansard Society published its report Making the Law which made much more extensive recommendations to strengthen the House’s role in the law-making process.\(^{15}\) In July 1997, the Select Committee on Modernization of the House of Commons issued its first report, drawing partially on the Hansard Society’s 1992 report. In July 1999, the leader of the opposition Conservative Party, William Hague, formed the “Norton Commission” (named after chairman Lord Norton of Louth). The Norton Commission, a mixture of MPs, former cabinet ministers, academics, and journalists, issued its “Report on Strengthening Parliament” in July 2000. In September 2002, the Select Committee on Modernization of the House of Commons issued another report entitled “Modernisation of the House of Commons: A Reform Programme.” This report focused on further changes to the scheduling rules for House plenary sessions.

Despite an array of recommendations for changing House law-making procedures, the House approved very few substantive modifications. In December 1994, based on the Jopling Committee’s recommendations, the House approved changes that added an additional day (Wednesdays) for plenary sessions and greatly reduced the probability of the House having meetings extend beyond 10:00 pm (Sear July 2002, 25-26).\(^{16}\)

In October 2002, the House adopted a suggestion by the Select Committee on Modernization of the House of Commons to allow MPs to submit a motion to have a draft law “carried over” to the next session. This meant the next House session could

---

\(^{15}\) The Hansard Society is an independent organization promoting improvements in the United Kingdom’s parliamentary democracy. www.hansardsociety.org.uk

\(^{16}\) Sear describes a further series of changes in meeting times and locations for House plenary sessions, scheduling of committee meetings, and the timing of questions addressed by MPs to cabinet ministers. These changes had little impact on the law-making process.
continue its consideration of the draft law without having to resubmit it and start the entire formal legislative process in the House over again (Sear December 2002, 5-6).

While it is possible to explain some key factors motivating the limited changes in the law-making process in the House, it is equally important to elucidate why the changes were so minimal.

The changes in “sitting hours” for House meetings stem from a combination of sources. An increasing number of women became members of the House: 9.2% of the total House membership after the 1987 election, 18.2% after the 1997 election, and 17.9% after the 2001 election (House of Commons Information Office, 6). These women MPs, with the support of some male colleagues, advocated more “family-friendly” meeting scheduling. The Leader of the House in 1994, Tony Newton, announced that the government leadership supported the change in sitting hours. Since previous House Leaders had successfully argued against a large number of changes to law-making procedures suggested by MPs and others, the government’s support was critical to the passage of the scheduling adjustments. The reasons behind the executive branch’s support for the changes are unclear. Most likely, the relatively minor character of the change, plus avoiding backbench discontent and potential bad publicity (i.e., looking like an archaic institution instead of a modern organization equitably meeting the needs of its members) spurred the support.

The change to allow draft laws to be “carried over” to the next session was the mainly the product of pressure from the Select Committee on Modernization of the House of Commons. The House established the Select Committee on Modernization in 1997. The Leader of the House called for the establishment of the Select Committee and it received quick (if cautious) support from the opposition Conservatives and Liberal Democrats (Winetrobe October 1997, 13-15). It issued reports in 1998 and 2002 which recommended allowing the carry-over procedure. The Select Committee on Modernization had support from the Hansard Society which sponsored an assortment of

---

17 For example, the Liaison Committee of the House of Commons consists of all the chairmen of the House of Commons Select Committees. The Liaison Committee produced two reports in 2000 that focused on the powers of Select Committees in the House but had strong overtones for broad supervision of the executive by the parliament. The executive branch rejected nearly all its recommendations for legislative reforms in law-making (See Winetrobe December 2000).
reports, seminars, and press releases to put pressure on the government to implement parliamentary reforms.

The debate about reforming the law-making process grew in importance after the Labor Party won control of the House in 1997. Previously, debates about procedural reforms only resulted in changes at the margins; e.g., changing the timing of debates on draft laws. The deeper imbalances between the power of the House and the executive branch in controlling the flow and content of draft laws were always mentioned by MPs but never given serious consideration by party leaders and the cabinet. The Labor Party’s manifesto in 1997 contained sections explicitly calling for legislative reforms. The Liberal Democrat Party’s manifesto also described a platform for parliamentary reforms.

Yet the reasons why Britain has seen so few reforms in House law-making procedures show why even a reform-minded party such as Labor would only pass minor changes to House procedures. First, like nearly any parliamentary system, the people in the executive branch leadership will not willingly give up their hard-earned powers to the legislature. The Westminster-type parliamentary system gives the cabinet dominance over the initiation, drafting, submission, scheduling, and voting on draft laws. Party discipline and the aspirations of many MPs to obtain positions in the executive branch keep government backbench agitation for major changes in House procedures to a minimum. Second, rules, traditions, and internal norms in the House are often strong. Even first-time, reform-minded MPs quickly become socialized into these practices, dampening their enthusiasm for making changes. Party leaders understand the power of these rules and norms and selectively encourage their use as a way of keeping their MPs in line. Third, predicting the effects of changes in parliamentary procedures is tricky and the intended results of the changes may work against the people who advocated them. For example, the House created “special standing committees” to help review draft laws and reduce the House floor time spent on certain laws. Yet many MPs see these special committees as causing delays in the law-making process (Winetrobe 1997, 24).

5. Reforms in the Administration of Britain’s House of Commons

The most useful comparative case for understanding changes legislative support services in a parliamentary system is Britain. Other than the US Congress, no other
legislature has made an adequate collection of primary and secondary sources on legislative support available for research and analysis.

I will not describe the structure and functions of the House of Commons administration and staffing in detail. This information is readily available from many sources, the best being the Parliaments of the United Kingdom website (http://www.parliament.uk). The starting point for the analysis here is the period after 1978 when the House of Commons Administration Act was promulgated. This law gave the House its first systematically organized administrative structure.

Since 1978, most changes in British legislative support services have been incremental, minor administrative and technical responses to the changes of demands by MPs for more modern office space and equipment, the need to place key parliamentary records into electronic form, and other requirements to enable the parliament to manage its affairs with a modicum of efficiency and effectiveness. Tracking such changes would be a very time-consuming research effort and tedious to the reader. It is better to focus on some key changes in the provision of support services and explain what contributed to those changes.

One a key turning point was the creation of House Select Committees, particularly during the late 1970s.\(^1\) In 1978, the House Select Committee on Procedure took up the question of improving staff research and support for Select Committees. Though the House did not give the Committee a mandate to cover legislative support services for the House as a whole, the attempt to increase staffing and other resources available to MPs had strong overtones for House oversight of the executive branch. The Committee made a forceful case for giving Select Committees the right and financial resources needed to hire full-time staff and advisors (Jogerst, 101-102). Select Committees now have such full-time assistance, though committee staff are not under direct committee control since they are hired through the Committee Office, part of the permanent House administration. The executive branch went along with the desire by MPs to increase staffing resources for House Select Committees, most likely because this concession to MPs did not notably increase the powers of Select Committees relative to

\(^{18}\) See the earlier chapter on committees in this dissertation for information about the origins of Select Committees.
the executive. In addition, backbench MPs expended a great deal of effort to create the Select Committee system and an attempt by the government leadership to give these committees almost no resources would have elicited significant backbench dissatisfaction.19

A second turning point occurred in 1990 when Sir Robin Ibbs led a commission to investigate the operations and management of the House of Commons administration. The commission’s report made many recommendations, mainly to strengthen financial control and accountability (House of Commons Information Office, 4). The House debated and approved the commission’s recommendations in January 1991. These recommendations included granting the House full control over its own expenditures (especially concerning buildings and maintenance), creating new management positions, and centralizing financial control mechanisms.

In 1998, the House of Commons Commission (the key body overseeing the management of the House administration) appointed a team to review the results of the Ibbs reforms. This team submitted the Braithwaite Review of Management and Services to the House in 1999.20 The team noted that the implementation of the Ibbs recommendations had mostly succeeded and suggested some further changes, especially improving internal House communications in areas such as providing better information about the roles of the different parts of the House administration and ways for MPs to suggest improvements in legislative support services. The House debated and approved the Braithwaite Review’s recommendations in early 2000.

One key reason for the passage of the Ibbs recommendations was the “sustained and increasing pressure from Back-Benchers on both sides of the House for better accommodation and services” (Department of the Official Report, statement by Mr. A. J. Beith).21 No MPs disagreed with the premise of the Ibbs report that legislative support services required significant improvements. The debate focused on how best to provide such services. Many MPs in the debate felt the Ibbs report did not go far enough in

---

19 The earlier dissertation chapter on committees provides a more detailed explanation of why these committees were allowed to arise and secure funding for staffing and other resources.
20 The full report is at http://www.publications.parliament.uk/pa/cm199899/cmselect/cmhccom/745/contents.htm
21 In the words of one MP: “It is absurd to expect hon. Members to work, as they do, in corridors, cubbyholes or cleaning cupboards, particularly with the new pressures that have been placed upon them over the years” (Department of the Official Report, statement by Mr. Michael Jopling).
giving the House control over its administrative affairs and budget. The executive branch relinquished some powers to the House – most prominently control over the expenditures from the House administration’s budget – but it would have given up substantially more had the more militant voices in the debate won the day.

The other key reason is that the Ibbs recommendations had the support of the Leader of the House Mr. John MacGregor. Sitting between a recalcitrant executive branch and clamoring MPs, MacGregor helped to obtain executive branch support for the Ibbs recommendations. Though the recommendations did not fundamentally alter the balance of power between the executive and legislative branches, extracting even small concessions from the executive leadership and high-level civil servants to improve legislative support services has always been difficult in Britain. There are numerous comments from MPs in the Hansard (the official record of House plenary proceedings) that illustrate the barriers to administrative changes in the House. ²² Having a Leader of the House sympathetic to the working conditions faced by backbench MPs from all parties was important.

²² To quote one MP during the House’s review of the Ibbs recommendations: “Reference has been made to the phase 1 Parliament street building. It may be frustrating to hon. Members, and it is certainly frustrating to me as I have been involved since its inception, that it has taken nearly eight years to get to the present stage. It is a miracle that it ever happened at all. We worked very hard under the able chairmanship of the late John Silkin to pull together the details, to get the proposal through the House, to wrap it all up and get it out to contract, but the dead hand of Treasury kept interfering and we had to cut back on this and that” (Department of the Official Report, statement by Mr. Mr. Colin Shepherd).
Table 2.1: Standing Committees in the House of Representatives: 1979, 1992, and 2001

<table>
<thead>
<tr>
<th></th>
<th>1979</th>
<th>1992</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agriculture and Cooperatives</td>
<td>House Affairs</td>
<td>House Affairs</td>
</tr>
<tr>
<td>2</td>
<td>Transportation</td>
<td>Youth, Women, and the Elderly</td>
<td>Children, Youth, Women, and the Elderly</td>
</tr>
<tr>
<td>3</td>
<td>Finance, Banking, and Financial Institutions</td>
<td>Sports</td>
<td>Sports</td>
</tr>
<tr>
<td>4</td>
<td>Foreign Affairs</td>
<td>Agriculture and Cooperatives</td>
<td>Agriculture and Cooperatives</td>
</tr>
<tr>
<td>5</td>
<td>Military Affairs</td>
<td>Transportation</td>
<td>Transportation</td>
</tr>
<tr>
<td>6</td>
<td>Local Administration</td>
<td>Finance, Banking, and Financial Institutions</td>
<td>Consumer Protection</td>
</tr>
<tr>
<td>7</td>
<td>Science, Technology, and Energy</td>
<td>Foreign Affairs</td>
<td>Money, Banking, and Financial Institutions</td>
</tr>
<tr>
<td>8</td>
<td>Culture and Society</td>
<td>Religion, Arts, and Culture</td>
<td>Review the Minutes of House Meetings</td>
</tr>
<tr>
<td>9</td>
<td>Education</td>
<td>Military Affairs</td>
<td>Foreign Affairs</td>
</tr>
<tr>
<td>10</td>
<td>Economy</td>
<td>Tourism</td>
<td>Police Affairs</td>
</tr>
<tr>
<td>11</td>
<td>Public Health and the Environment</td>
<td>Local Administration</td>
<td>Tourism</td>
</tr>
<tr>
<td>12</td>
<td>Social Welfare and Labor</td>
<td>Energy</td>
<td>Prevention and Suppression of Illicit Drugs</td>
</tr>
<tr>
<td>13</td>
<td>Industry</td>
<td>Justice and Human Rights</td>
<td>Justice and Human Rights</td>
</tr>
<tr>
<td>14</td>
<td>Examine Secret Government Expenditures</td>
<td>Labor and Social Welfare</td>
<td>Natural Resources and the Environment</td>
</tr>
<tr>
<td>15</td>
<td>Review the Minutes of House Meetings</td>
<td>Science and Technology</td>
<td>Military Affairs</td>
</tr>
<tr>
<td>16</td>
<td>Consider Making Public the Minutes of Closed House Meetings</td>
<td>Follow-up on Resolutions of the House of Representatives</td>
<td>Monitor the Administration of the Government Budget</td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>Education</td>
<td>Local Administration</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>Economy</td>
<td>Prevention and Suppression of Corruption</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>Public Health</td>
<td>Energy</td>
</tr>
<tr>
<td>20</td>
<td></td>
<td>Environment</td>
<td>Political Development</td>
</tr>
<tr>
<td>21</td>
<td></td>
<td>Industry</td>
<td>Economic Development</td>
</tr>
<tr>
<td>22</td>
<td></td>
<td>Monitor the Results of Government Budget Expenditures</td>
<td>Commerce</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>Consider Making Public the Minutes of Closed House Meetings and Review the Minutes of House Meetings</td>
<td>Follow-up on Resolutions of the House of Representatives</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
<td>Labor</td>
</tr>
<tr>
<td>25</td>
<td></td>
<td></td>
<td>Science and Technology</td>
</tr>
<tr>
<td>26</td>
<td></td>
<td></td>
<td>Religion, Arts, and Culture</td>
</tr>
<tr>
<td>27</td>
<td></td>
<td></td>
<td>Education</td>
</tr>
<tr>
<td>28</td>
<td></td>
<td></td>
<td>Social Welfare</td>
</tr>
<tr>
<td>29</td>
<td></td>
<td></td>
<td>Public Health</td>
</tr>
<tr>
<td>30</td>
<td></td>
<td></td>
<td>Communications</td>
</tr>
<tr>
<td>31</td>
<td></td>
<td></td>
<td>Industry</td>
</tr>
</tbody>
</table>

Source: Summary of the Work of the House of Representatives [various issues; in Thai]
Meeting Procedures

The meeting procedures of House standing committees have experienced some minor changes since 1979. In 1997, the House meeting rules added provisions making a meeting quorum requirement of one-third of the membership. The rules also added a provision requiring at least half the membership to be present for voting on a committee resolution. A change in the 1997 rules made it possible for the committee to postpone testimony if a person summoned did not attend the meeting, as opposed to the past obligation to drop the agenda item associated with the testimony from the agenda entirely. Lastly, House meeting rules in 1979 assessed financial penalties against MPs who failed to attend committee meetings. The 1992 regulations removed these penalties, though anecdotal evidence strongly suggests that these financial penalties were not normally enforced.

Other than these revisions to the meeting rules, there is little evidence of significant changes in basic committee meeting practices since 1979. At the beginning of a meeting, Committee members receive a folder prepared by permanent House Secretariat staff. This folder contains the meeting agenda and various documents pertinent to the agenda items. It is rare for members to have access to or look over the documents in the folders before the day of the meeting. When the meeting ends, members typically leave the folders behind.

It has been common practice for a significant proportion of the committee membership – sometimes more than half – to have a formal committee title. There is only one committee chairperson, but there are usually multiple deputy chairpersons, spokespersons, advisors, secretaries, and/or assistant secretaries. Only the chairperson has formally defined duties associated with his position. This has been the case since at least 1987 (Secretariat of the House of Representatives 1987).

According to newspaper reports, attendance at committee meetings has been a regular problem and there are few signs that this had changed as of 2002. Committee meeting often started late due to the lack of a quorum. Delays could last as long as 30 minutes.

A typical House standing committee meeting starts with general announcements, followed by a review of the minutes of the previous meeting. Members can request
changes or corrections to the minutes, including deleting text, adding text, or editing existing text. The meeting agenda then turns to a set of specific cases/grievances and usually ends with the introduction of any further matters committee members wish to raise not already on the agenda. During meetings, a member can request to the chairman that his comments be off the record and not recorded by stenographers. I never witnessed a chairman refuse such a request. The chairman has a strong influence over the meeting agenda, can designate a member to serve in his stead temporarily, can close a meeting at any time, and has more privileged access to people brought in to give testimony.

Though all committee meetings have stenographers in attendance, minutes of committee meetings can be hard to obtain, even for an MP, unless a person is present at the meeting(s) in question. The release of the minutes is at the discretion of the chairman. There is a standing House Committee to Review the Minutes of House Meetings but this committee focuses on plenary sessions of the House. Minutes of committee meetings are not kept in a central location in the main parliament complex.

The main theme emerging from this discussion of meeting procedures is the lack of readily-available information about the work of House standing committees, both for members of the public and MPs. Despite the limited powers of committees, gaining an understanding of how they address issues is difficult. This lack of information may exacerbate the continued weakness of committees. A forum where information is lacking will dissuade broader participation in that forum, further reducing the chances that standing committees can emerge as key arenas for important national policy debates.
### Table 2.4: Setting the Meeting Agenda of a Standing Committee in the House, April 2002

<table>
<thead>
<tr>
<th>Proposed Issue/Case</th>
<th>Committee Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wife of complainant received poor medical treatment in a government hospital</td>
<td>Not referred to the House Committee on Public Health because “they might send it back to us.” Sent to Ministry of Public Health</td>
</tr>
<tr>
<td>Illegal action by government official while digging a pond</td>
<td>Sent to governor the province</td>
</tr>
<tr>
<td>Problems with implementing Law on Municipalities (1963) in Mukdahan province. Concerns mayor of Mukdahan municipality.</td>
<td>Sent to Ministry of Interior</td>
</tr>
<tr>
<td>Report on government television channel caused problems for complainant’s company</td>
<td>Referred to House Committee on Consumer Protection</td>
</tr>
<tr>
<td>Dereliction of duty by Lampang provincial administration</td>
<td>Committee member will investigate further and report back to the committee.</td>
</tr>
<tr>
<td>Illegal action by local government official in Chonburi province</td>
<td>Sent to governor of province</td>
</tr>
<tr>
<td>Person protesting his removal as municipal council member</td>
<td>Unknown</td>
</tr>
<tr>
<td>Harassment by police officer who filed a false report that complainant possessed and sold illicit drugs</td>
<td>Sent to provincial officials</td>
</tr>
<tr>
<td>Illegal action by provincial police official in Ang Tong province. Concerns misuse of a bank account.</td>
<td>Sent to provincial officials</td>
</tr>
<tr>
<td>Illegal action by official in the Department of Local Administration, Ministry of Interior</td>
<td>Unknown</td>
</tr>
<tr>
<td>Complainant has a problem obtaining a rental payment on a house in order to pay a loan from financial institution</td>
<td>Committee staff told to find out what government agency most involved have that agency inform the committee.</td>
</tr>
<tr>
<td>Problem issuing documents to complainant concerning land rights. Concerns land in a national forest reserve area.</td>
<td>Sent to provincial officials in Land Department</td>
</tr>
<tr>
<td>Illegal action by police in Prae province</td>
<td>Sent to provincial officials</td>
</tr>
<tr>
<td>Illegal action by member of municipal council in Surin province. Concerns road construction problems.</td>
<td>Sent to provincial officials</td>
</tr>
<tr>
<td>Police official has complaint about his superior concerning illegal gambling by police officials.</td>
<td>Sent to Crime Suppression Division of the Department of Police</td>
</tr>
<tr>
<td>Illegal action by police officers in a district of Bangkok. Concerns a police raid on complainant’s house.</td>
<td>Committee staff told to obtain more information</td>
</tr>
<tr>
<td>Damages from government’s agency’s slow service provision. Complainant wants agency to return money owed to him.</td>
<td>Sent to Department of Corrections</td>
</tr>
<tr>
<td>Urgent motion to consider protests by various community groups. Submitted by House member not on the committee (prominent member of the opposition Democrat Party). Concerns attractiveness of Thailand for investment.</td>
<td>Accepted by committee for consideration</td>
</tr>
<tr>
<td>Request to form committee to consider failure of Pathum Thani provincial governor to handle disposal of refuse.</td>
<td>Sent to governor of province</td>
</tr>
<tr>
<td>Complaint that provincial police officials are doing nothing about gambling near the complainant’s residence.</td>
<td>Sent to governor of province</td>
</tr>
<tr>
<td>Problems with mayor and officials in Buriram province</td>
<td>Sent to governor of province</td>
</tr>
<tr>
<td>Problems with complainant’s employment transfer</td>
<td>Need more information to make a decision</td>
</tr>
<tr>
<td>Illegal action by provincial police official in Roi Et province</td>
<td>Need more information to make a decision</td>
</tr>
<tr>
<td>Problems with construction of a water supply pipe</td>
<td>Need more information to make a decision</td>
</tr>
<tr>
<td>Illegal action by Nakorn Sri Thammarat municipal council</td>
<td>Need more information to make a decision</td>
</tr>
</tbody>
</table>

Source: Documents distributed at committee meeting and author’s observation of meeting.
Table 3.1: Summary of the House’s Work on Draft Laws, 1979-2001

<table>
<thead>
<tr>
<th>Year</th>
<th>Laws submitted through:</th>
<th>Laws approved by Parliament and submitted by</th>
<th>Total draft laws passed</th>
<th>Second House reading by:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cabinet (% submitted)</td>
<td>Cabinent (% approved)</td>
<td>House members (% approved)</td>
<td>Full House</td>
</tr>
<tr>
<td>1979</td>
<td>97 (94%)</td>
<td>97 (98%)</td>
<td>2 (2%)</td>
<td>99</td>
</tr>
<tr>
<td>1980*</td>
<td>31 (61%)</td>
<td>29 (94%)</td>
<td>2 (6%)</td>
<td>33</td>
</tr>
<tr>
<td>1981</td>
<td>31 (97%)</td>
<td>31 (97%)</td>
<td>1 (3%)</td>
<td>32</td>
</tr>
<tr>
<td>1982</td>
<td>35 (61%)</td>
<td>34 (81%)</td>
<td>8 (19%)</td>
<td>42</td>
</tr>
<tr>
<td>1983</td>
<td>32 (78%)</td>
<td>32 (86%)</td>
<td>5 (14%)</td>
<td>37</td>
</tr>
<tr>
<td>1984*</td>
<td>51 (86%)</td>
<td>50 (100%)</td>
<td>0 (0%)</td>
<td>51</td>
</tr>
<tr>
<td>1985*</td>
<td>25 (56%)</td>
<td>24 (92%)</td>
<td>2 (8%)</td>
<td>28</td>
</tr>
<tr>
<td>1986</td>
<td>53 (88%)</td>
<td>53 (96%)</td>
<td>2 (4%)</td>
<td>55</td>
</tr>
<tr>
<td>1987*</td>
<td>82 (77%)</td>
<td>81 (88%)</td>
<td>11 (12%)</td>
<td>93</td>
</tr>
<tr>
<td>1988</td>
<td>41 (87%)</td>
<td>41 (100%)</td>
<td>0 (0%)</td>
<td>41</td>
</tr>
<tr>
<td>1989</td>
<td>18 (62%)</td>
<td>18 (90%)</td>
<td>2 (10%)</td>
<td>20</td>
</tr>
<tr>
<td>1990</td>
<td>47 (68%)</td>
<td>47 (100%)</td>
<td>0 (0%)</td>
<td>47</td>
</tr>
<tr>
<td>1991**</td>
<td>136 (100%)</td>
<td>136 (100%)</td>
<td>0 (0%)</td>
<td>136</td>
</tr>
<tr>
<td>1992**</td>
<td>118 (99%)</td>
<td>118 (99%)</td>
<td>0 (0%)</td>
<td>119</td>
</tr>
<tr>
<td>Jun 1993-May 1994</td>
<td>54 (17%)</td>
<td>261 (83%)</td>
<td>36 (97%)</td>
<td>37</td>
</tr>
<tr>
<td>May 1994 – May 1995</td>
<td>98 (29%)</td>
<td>245 (71%)</td>
<td>43 (98%)</td>
<td>44</td>
</tr>
<tr>
<td>Jul 1995 – Jun 1996</td>
<td>75 (31%)</td>
<td>164 (69%)</td>
<td>17 (100%)</td>
<td>17</td>
</tr>
<tr>
<td>Jun 1996 – Jun 1997</td>
<td>44 (33%)</td>
<td>91 (67%)</td>
<td>2 (100%)</td>
<td>2</td>
</tr>
<tr>
<td>Jun 1997 – May 1998</td>
<td>104 (53%)</td>
<td>94 (47%)</td>
<td>74 (99%)</td>
<td>75</td>
</tr>
<tr>
<td>Jun 1998 – May 1999</td>
<td>146 (62%)</td>
<td>90 (38%)</td>
<td>51 (100%)</td>
<td>51</td>
</tr>
<tr>
<td>Jun 2000 – Nov. 2000</td>
<td>72 (43%)</td>
<td>94 (57%)</td>
<td>26 (96%)</td>
<td>27</td>
</tr>
<tr>
<td>Feb. 2001 – Nov. 2001</td>
<td>93 (27%)</td>
<td>250 (73%)</td>
<td>28 (100%)</td>
<td>28</td>
</tr>
</tbody>
</table>

* There are small discrepancies involving the total number of draft laws passed by the parliament. For some bills, the cabinet submitted one version and House members submitted various other versions. In some cases, it is unknown which version served as the basis or primary version of the final law.

** Parliament was appointed by a military-led government during much of 1991-1992.

Table 3.2: Number of Different Versions of Laws Considered before Parliamentary Approval, 1979-2001 (selected years)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>1 version</th>
<th>2 versions</th>
<th>3 versions</th>
<th>4 or more versions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>98</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1980</td>
<td>30</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1981</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>18</td>
<td>7</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>1990</td>
<td>38</td>
<td>6</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>1994</td>
<td>28</td>
<td>7</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>2001</td>
<td>20</td>
<td>5</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>


Table 3.3: Public Interest Organizations in Thailand, 1989

<table>
<thead>
<tr>
<th>Type of Organization</th>
<th>Year</th>
<th>1989</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural and Recreational</td>
<td></td>
<td>3017</td>
<td>1870</td>
</tr>
<tr>
<td>Education and Research</td>
<td></td>
<td>693</td>
<td>1140</td>
</tr>
<tr>
<td>Health</td>
<td></td>
<td>61</td>
<td>286</td>
</tr>
<tr>
<td>Social Services</td>
<td></td>
<td>187</td>
<td>1938</td>
</tr>
<tr>
<td>Environment</td>
<td></td>
<td>153</td>
<td>86</td>
</tr>
<tr>
<td>Development and Housing</td>
<td></td>
<td>476</td>
<td>224</td>
</tr>
<tr>
<td>Civil Rights and Advocacy</td>
<td></td>
<td>313</td>
<td>612</td>
</tr>
<tr>
<td>Philanthropic Intermediaries</td>
<td></td>
<td>300</td>
<td>411</td>
</tr>
<tr>
<td>International Activities</td>
<td></td>
<td>45</td>
<td>12</td>
</tr>
<tr>
<td>Business and Professional</td>
<td></td>
<td>1086</td>
<td>885</td>
</tr>
<tr>
<td>Religious</td>
<td></td>
<td>n/a</td>
<td>942</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>237</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6568</td>
<td>8406</td>
</tr>
</tbody>
</table>

Figure 3.4: Growth of Non-Profit Sector in Thailand, 1943-2001

Note: Vertical axis shows the number of new associations/foundations/organizations for each year.
Source: Institute of Social Research, 177
<table>
<thead>
<tr>
<th>1982</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association of Chemical Traders</td>
<td>Allergy and Immunology Society of Thailand</td>
</tr>
<tr>
<td>Association of Thai Industries</td>
<td>Advertising Association of Thailand</td>
</tr>
<tr>
<td>Association of Thai International Trading Companies</td>
<td>Advertising Sign Producer Association</td>
</tr>
<tr>
<td>Automotive Industry Association</td>
<td>Air-Conditioning Engineering Association of Thailand</td>
</tr>
<tr>
<td>Bangkok Chinese Importer and Exporter Association</td>
<td>Animal Husbandry Association of Thailand</td>
</tr>
<tr>
<td>Bangkok Medicine Traders Association</td>
<td>Association of Domestic Travel, Thailand</td>
</tr>
<tr>
<td>Bangkok Motion Picture Exhibition Association</td>
<td>Association of Finance Companies</td>
</tr>
<tr>
<td>Bangkok Rice Millers Association</td>
<td>Association of Investment Management Companies</td>
</tr>
<tr>
<td>Bangkok Shipowners and Agents Association</td>
<td>Association of Landscape Architects</td>
</tr>
<tr>
<td>Bangkok Traders Association</td>
<td>Association of Private Power Producers</td>
</tr>
<tr>
<td>Cattle Trade Association of Southeast Asia</td>
<td>Association of QC Headquarters of Thailand</td>
</tr>
<tr>
<td>Chalerloke (Markets) Dealer Association</td>
<td>Association of Securities Companies</td>
</tr>
<tr>
<td>Chinese Tea Merchant Association</td>
<td>Association of Siamese Architects</td>
</tr>
<tr>
<td>Cosmetic Importers and Traders Association</td>
<td>Association of Thai Computer Companies</td>
</tr>
<tr>
<td>Credit Foncier Trade Association</td>
<td>Association Of Thai Computer Industry</td>
</tr>
<tr>
<td>Crops Producers and Trade Promotion</td>
<td>Association Of Thai Computer Industry</td>
</tr>
<tr>
<td>Association</td>
<td>Association Of Thai Computer Industry</td>
</tr>
<tr>
<td>Druggists Association</td>
<td>Association of Thai Concrete Product Industry</td>
</tr>
<tr>
<td>Feedmill Association of Thailand</td>
<td>Association of Thai Software Industry</td>
</tr>
<tr>
<td>Fish Sauce Factories Association</td>
<td>Association of Thai Steel Industry</td>
</tr>
<tr>
<td>Gems and Jewelry Traders Association</td>
<td>Association of Thai Textile Bleaching, Dyeing, Printing and Finishing Industries</td>
</tr>
<tr>
<td>General Insurance Association</td>
<td>Association of Thai Travel Agents</td>
</tr>
<tr>
<td>Housing Business Association</td>
<td>Automotive Industry Association</td>
</tr>
<tr>
<td>Insurance Brokers Association</td>
<td>Bangkok Chinese Importer And Exporter Association</td>
</tr>
<tr>
<td>Jeweler’s Association</td>
<td>Bangkok Chinese Importer And Exporter Association</td>
</tr>
<tr>
<td>Jute Bags Association</td>
<td>Bangkok Ship Owners And Agents Association</td>
</tr>
<tr>
<td>Liquor Dealers Association</td>
<td>Business Software Alliance in Thailand</td>
</tr>
<tr>
<td>Lottery Dealer Association</td>
<td>Call Center Industry Association</td>
</tr>
<tr>
<td>LP Gas Trader Association</td>
<td>Chemical Business Association</td>
</tr>
<tr>
<td>Manufacturers Association</td>
<td>Chemical Society of Thailand</td>
</tr>
<tr>
<td>Match Industry Association</td>
<td>Chinese Association in Thailand, Chonghua</td>
</tr>
<tr>
<td>Mekong Whiskey Distributors Association</td>
<td>Community Pharmacy Association (Thailand)</td>
</tr>
<tr>
<td>Mineral Industry Association</td>
<td>Computer Association of Thailand</td>
</tr>
<tr>
<td>Ngow Kim (Hardware) Association</td>
<td>Consortium of Medical Specialties Training Institutions of Thailand</td>
</tr>
<tr>
<td>Oil Trader Association</td>
<td>Consulting Engineers Association of Thailand</td>
</tr>
<tr>
<td>Overseas Chinese Construction Association</td>
<td>Consulting Engineers Association of Thailand</td>
</tr>
<tr>
<td>Pattani Traders Association</td>
<td>Cosmetic Manufacturers Association</td>
</tr>
<tr>
<td>Pattaya Resort Association</td>
<td>Costume Jewelry Association</td>
</tr>
<tr>
<td>Pawnhop Association</td>
<td>Council of Thai Architects</td>
</tr>
<tr>
<td>Pharmaceutical Dealers Association</td>
<td>Dental Association of Thailand</td>
</tr>
<tr>
<td>Phuket Tourist Business Association</td>
<td>Dental Council of Thailand</td>
</tr>
<tr>
<td>Phuket Traders Association</td>
<td>Design &amp; Objects Association</td>
</tr>
<tr>
<td>Press Distributors Association</td>
<td>Druggists Association</td>
</tr>
<tr>
<td>1982</td>
<td>2005</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Rural Trade Association</td>
<td>Engineering Institute of Thailand</td>
</tr>
<tr>
<td>Sawmills Association</td>
<td>Environmental Engineering Association of Thailand</td>
</tr>
<tr>
<td>Siam International Mining Association</td>
<td>Ergonomics Society of Thailand</td>
</tr>
<tr>
<td>Sign Manufacturing Association</td>
<td>Federation of Design and Construction Services of Thailand</td>
</tr>
<tr>
<td>Small Industries Association</td>
<td>Federation of National Film Association of Thailand</td>
</tr>
<tr>
<td>Songkhla Province Tourist Industry Association</td>
<td>Federation of Thai Capital Market Organizations</td>
</tr>
<tr>
<td>Sporting Trade Association</td>
<td>Federation of Thai Industries</td>
</tr>
<tr>
<td>Sugar Traders Association</td>
<td>Federation of Thai Printing Industries</td>
</tr>
<tr>
<td>Tanning Industry Association</td>
<td>Feed Stuff Users Promotion Association</td>
</tr>
<tr>
<td>Tea Producers Association</td>
<td>Franchise &amp; Thai SMEs Business Association</td>
</tr>
<tr>
<td>Thai Agricultural Merchants Association</td>
<td>Fujian Association of Thailand</td>
</tr>
<tr>
<td>Thai Auto-Parts Manufacturers Association</td>
<td>General Insurance Association</td>
</tr>
<tr>
<td>Thai Bankers Association</td>
<td>Gold Traders Association</td>
</tr>
<tr>
<td>Thai Battery Trade Association</td>
<td>Hazardous Substances Logistics Association</td>
</tr>
<tr>
<td>Thai Contractors Association</td>
<td>Herbal Products Association</td>
</tr>
<tr>
<td>Thai Cosmetic Manufacturers Association</td>
<td>Home Builder Association</td>
</tr>
<tr>
<td>Thai Electrical Products Trade Association</td>
<td>Housing Business Association</td>
</tr>
<tr>
<td>Thai Fertilizer and Agricultural Marketing Association</td>
<td>Illuminating Engineering Association of Thailand</td>
</tr>
<tr>
<td>Thai Fertilizer Producer Trade Association</td>
<td>Industrial Designers Society of Thailand</td>
</tr>
<tr>
<td>Thai Finance and Securities Association</td>
<td>Information Technology Press Club</td>
</tr>
<tr>
<td>Thai Fishmeal Producers Association</td>
<td>Institute of Certified Accountants and Auditors of Thailand</td>
</tr>
<tr>
<td>Thai Fluorite Association</td>
<td>Institute of Internal Auditors of Thailand</td>
</tr>
<tr>
<td>Thai Food Processing Association</td>
<td>Insurance Brokers Association</td>
</tr>
<tr>
<td>Thai Formed Glass Dealers Association</td>
<td>Investor Club Association</td>
</tr>
<tr>
<td>Thai Furniture Industries Association</td>
<td>Iron and Steel Institute of Thailand</td>
</tr>
<tr>
<td>Thai Garment Manufacturers Association</td>
<td>IT Network Association</td>
</tr>
<tr>
<td>Thai Glass Dealers Association</td>
<td>IT State Enterprise Club of Thailand</td>
</tr>
<tr>
<td>Thai Handicraft Promotion Trade Association</td>
<td>Japanese Association in Thailand</td>
</tr>
<tr>
<td>Thai Hotels Association</td>
<td>Jute Bags Association</td>
</tr>
<tr>
<td>Thai Ice Cream Manufacturer Trade Association</td>
<td>Landscape Architects Association</td>
</tr>
<tr>
<td>Thai Industrial Promotion Association</td>
<td>Lawyer Association of Thailand</td>
</tr>
<tr>
<td>Thai Jute Association Bangkok</td>
<td>Lawyers Council of Thailand</td>
</tr>
<tr>
<td>Thai Jute Mill Association</td>
<td>Lighter Owners Association Thailand</td>
</tr>
<tr>
<td>Thai Lac Association</td>
<td>Lingual Orthodontics Association of Thailand</td>
</tr>
<tr>
<td>Thai Leather Association</td>
<td>Marketing Association of Thailand</td>
</tr>
<tr>
<td>Thai Life Assurance Association</td>
<td>Medical Association of Thailand</td>
</tr>
<tr>
<td>Thai Magnetic Tape and Record Dealers Association</td>
<td>Medical Technologist Association of Thailand</td>
</tr>
<tr>
<td>Thai Maize and Produce Traders Association</td>
<td>National Fisheries Association of Thailand</td>
</tr>
<tr>
<td>Thai Marine Products Association</td>
<td>Nationwide Press Distributors</td>
</tr>
<tr>
<td>Thai Mining Association</td>
<td>Neurological Society of Thailand</td>
</tr>
<tr>
<td>Thai Monks Bowls Manufacturers Association</td>
<td>New Zealand Society (Thailand)</td>
</tr>
<tr>
<td>Thai Motion Pictures Producers Association</td>
<td>Northern Handicrafts Manufacturer and Exporters Association</td>
</tr>
<tr>
<td>Thai Niello and Silver Ware Association</td>
<td>Occupational Medicine Association of Thailand</td>
</tr>
<tr>
<td>Thai Orchid Exporter Association</td>
<td>Oil Industry Environmental Safety Group Association</td>
</tr>
<tr>
<td>Thai Orchid Growers and Traders Association</td>
<td>Organization of English Teachers in Thailand</td>
</tr>
<tr>
<td>1982</td>
<td>2005</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Thai Packing Association</td>
<td>Petroleum Institute of Thailand</td>
</tr>
<tr>
<td>Thai Pharmaceutical Manufacturers Association</td>
<td>Pharmaceutical Producers Association</td>
</tr>
<tr>
<td>Thai Pharmacies Association</td>
<td>Pharmacological and Therapeutic Society of Thailand</td>
</tr>
<tr>
<td>Thai Photographic Dealers Association</td>
<td>Photo Business Association</td>
</tr>
<tr>
<td>Thai Plywood and Veneer Association</td>
<td>Photographic Society of Thailand</td>
</tr>
<tr>
<td>Thai Printing Association</td>
<td>Poultry Promotion Association of Thailand</td>
</tr>
<tr>
<td>Thai Pulp and Paper Industries Association</td>
<td>Professional Tourist Guide Association Thailand</td>
</tr>
<tr>
<td>Thai Real Estate Association</td>
<td>Psychiatric Association of Thailand</td>
</tr>
<tr>
<td>Thai Retailers Promotion Association</td>
<td>Publishers and Booksellers Association of Thailand</td>
</tr>
<tr>
<td>Thai Rice Dealers Association</td>
<td>Purchasing and Supply Chain Management Association of Thailand</td>
</tr>
<tr>
<td>Thai Rice Exporter Association</td>
<td>Real Estate Association</td>
</tr>
<tr>
<td>Thai Rice Mills Association</td>
<td>Real Estate Broker Association</td>
</tr>
<tr>
<td>Thai Rubber Traders Association</td>
<td>Reporters' Association of Thailand</td>
</tr>
<tr>
<td>Thai Shipbuilder and Repairs Association</td>
<td>Rice Exporters Association</td>
</tr>
<tr>
<td>Thai Shipowners Association</td>
<td>Rotary Club of Thailand</td>
</tr>
<tr>
<td>Thai Shoe Manufacturers Association</td>
<td>Royal Automobile Association of Thailand</td>
</tr>
<tr>
<td>Thai Silk Association</td>
<td>Safety and Health at Work Promotion Association (Thailand)</td>
</tr>
<tr>
<td>Thai Soap and Detergent Manufacturers Association</td>
<td>Sawmills Association</td>
</tr>
<tr>
<td>Thai Stationers Association</td>
<td>Securities Analysts Association, SAA</td>
</tr>
<tr>
<td>Thai Steel Bar Industry Association</td>
<td>Siam Metal Association</td>
</tr>
<tr>
<td>Thai Sugar Factories Association</td>
<td>Smart Exporter Club</td>
</tr>
<tr>
<td>Thai Sugar Manufacturers Association</td>
<td>Society of Automotive Engineers - Thailand</td>
</tr>
<tr>
<td>Thai Synthetic Fiber Manufacturers Association</td>
<td>Software Asset Management, SAM</td>
</tr>
<tr>
<td>Thai Tapioca Flour Industries Trade Association</td>
<td>Soyabean Meat Traders and Importers Association</td>
</tr>
<tr>
<td>Thai Tapioca Products Factory Association</td>
<td>Soybban and Rich Bran Oil Processor Association</td>
</tr>
<tr>
<td>Thai Tapioca Trade Association</td>
<td>Speciality Coffee Association of Thailand</td>
</tr>
<tr>
<td>Thai Textile Manufacturing Association</td>
<td>Sports Goods Trade Association</td>
</tr>
<tr>
<td>Thai Timber Exporters Association</td>
<td>Sugar Industry Trade Association</td>
</tr>
<tr>
<td>Thai Tourism Association</td>
<td>Tanning Industry Association</td>
</tr>
<tr>
<td>Thai Tourist Industry Association</td>
<td>Telecommunications Association of Thailand</td>
</tr>
<tr>
<td>Thai Trader Association</td>
<td>Thai Agricultural Merchants Association</td>
</tr>
<tr>
<td>Thai Transporter Association</td>
<td>Thai Agro-Chem Business Association</td>
</tr>
<tr>
<td>Thai Vegetable and Fruit Exporter Association</td>
<td>Thai Airfreight Forwarders Association</td>
</tr>
<tr>
<td>Thai Weavers Association</td>
<td>Thai Appraisal Foundation</td>
</tr>
<tr>
<td>Thai Weaving Industries Association</td>
<td>Thai Association of Orthodontists</td>
</tr>
<tr>
<td>Thai Weight and Measurement Devices Dealers Association</td>
<td>Thai Astronomical Society</td>
</tr>
<tr>
<td>Thai Wheat Products Trader Association</td>
<td>Thai Auto - Parts Manufacturers Association</td>
</tr>
<tr>
<td>Thai-Japan Tourist Association</td>
<td>Thai Bankers Association</td>
</tr>
<tr>
<td>Timber Exporters and Importers Association</td>
<td>Thai Broadcast Journalists Association</td>
</tr>
<tr>
<td>Timber Merchants Association</td>
<td>Thai Broiler Processing Exporters Association</td>
</tr>
<tr>
<td>Tin Plate Container Manufacturer Trade Association</td>
<td>Thai Business Consultant Association</td>
</tr>
<tr>
<td>Tobacco Association</td>
<td>Thai Ceramics Association</td>
</tr>
<tr>
<td>Tobacco Association of Lampang Province</td>
<td>Thai Chapter - ACM, the Association for Computing Machinery</td>
</tr>
<tr>
<td>Tobacco Wholesalers Association</td>
<td>Thai Coffee Exporters' Association</td>
</tr>
<tr>
<td>1982</td>
<td>2005</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Trade and Contracting Promotion Association</td>
<td>Thai Contractors Association</td>
</tr>
<tr>
<td>Transportation Association</td>
<td>Thai Cosmetic Manufacturers Association</td>
</tr>
<tr>
<td>Underwriters Association</td>
<td>Thai Direct Selling Association</td>
</tr>
<tr>
<td>Union Textile Merchants Association</td>
<td>Thai Druggists' Association</td>
</tr>
<tr>
<td></td>
<td>Thai Ecotourism &amp; Adventure Travel Association</td>
</tr>
<tr>
<td></td>
<td>Thai Electrical and Mechanical Contractors Association</td>
</tr>
<tr>
<td></td>
<td>Thai Electrical Contractors Association</td>
</tr>
<tr>
<td></td>
<td>Thai Embedded Systems Association</td>
</tr>
<tr>
<td></td>
<td>Thai Federation for Information Processing</td>
</tr>
<tr>
<td></td>
<td>Thai Feed Mill Association</td>
</tr>
<tr>
<td></td>
<td>Thai Fertilizer And Agricultural Marketing Association</td>
</tr>
<tr>
<td></td>
<td>Thai Fertilizer Producers Trade Association</td>
</tr>
<tr>
<td></td>
<td>Thai Fishmeal Producers Association</td>
</tr>
<tr>
<td></td>
<td>Thai Food Processors' Association</td>
</tr>
<tr>
<td></td>
<td>Thai Footwear Association</td>
</tr>
<tr>
<td></td>
<td>Thai Foundrymen's Association</td>
</tr>
<tr>
<td></td>
<td>Thai Frozen Foods Association</td>
</tr>
<tr>
<td></td>
<td>Thai Furniture Industries Association</td>
</tr>
<tr>
<td></td>
<td>Thai Garment Manufacturers Association</td>
</tr>
<tr>
<td></td>
<td>Thai Gem And Jewelry Traders Association</td>
</tr>
<tr>
<td></td>
<td>Thai Gifts Premiums &amp; Decorative Association</td>
</tr>
<tr>
<td></td>
<td>Thai Home Economics Association</td>
</tr>
<tr>
<td></td>
<td>Thai Hotels Association</td>
</tr>
<tr>
<td></td>
<td>Thai Industrial Estate Association</td>
</tr>
<tr>
<td></td>
<td>Thai Industrial Promotion Association</td>
</tr>
<tr>
<td></td>
<td>Thai Institute of Banking and Finance Association</td>
</tr>
<tr>
<td></td>
<td>Thai Institute of Directors Association</td>
</tr>
<tr>
<td></td>
<td>Thai Institute of Electronics and Electrical Engineers</td>
</tr>
<tr>
<td></td>
<td>Thai International Freight Forwarders Association</td>
</tr>
<tr>
<td></td>
<td>Thai Jewelers Association of Thailand</td>
</tr>
<tr>
<td></td>
<td>Thai Journalists Association</td>
</tr>
<tr>
<td></td>
<td>Thai Leathergoods Association</td>
</tr>
<tr>
<td></td>
<td>Thai Licensed Customs Brokers Association</td>
</tr>
<tr>
<td></td>
<td>Thai Life Assurance Association</td>
</tr>
<tr>
<td></td>
<td>Thai Life Underwriters Association</td>
</tr>
<tr>
<td></td>
<td>Thai Logistics and Production Society</td>
</tr>
<tr>
<td></td>
<td>Thai Maize And Produce Traders Association</td>
</tr>
<tr>
<td></td>
<td>Thai Manufacturing Association</td>
</tr>
<tr>
<td></td>
<td>Thai Medical Informatics Society</td>
</tr>
<tr>
<td></td>
<td>Thai Merchant Association</td>
</tr>
<tr>
<td></td>
<td>Thai Motorcycle Enterprise Association</td>
</tr>
<tr>
<td></td>
<td>Thai National Shippers' Council</td>
</tr>
<tr>
<td></td>
<td>Thai Operating Room Nurses Society</td>
</tr>
<tr>
<td></td>
<td>Thai Optometry</td>
</tr>
<tr>
<td></td>
<td>Thai Orthodontic Society</td>
</tr>
<tr>
<td></td>
<td>Thai Overseas Fisheries Association</td>
</tr>
<tr>
<td></td>
<td>Thai Packaging Association</td>
</tr>
<tr>
<td></td>
<td>Thai Pharmaceutical Manufacturers Association</td>
</tr>
<tr>
<td></td>
<td>Thai Pilots Association</td>
</tr>
<tr>
<td>Year</td>
<td>Associations</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2005</td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td>2005</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Union Textile Merchants Association</td>
<td>227 organizations</td>
</tr>
<tr>
<td>Transportation Association</td>
<td></td>
</tr>
<tr>
<td>Warehouse Trade Association</td>
<td></td>
</tr>
<tr>
<td>135 organizations</td>
<td>227 organizations</td>
</tr>
</tbody>
</table>

Note: Excludes Chambers of Commerce.
Figure 4.1: Basic Organizational Structure of the Secretariat of the House of Representatives (as of 2000)

Source: Adapted from King Prajadhipok’s Institute (2000), pages 2-37 to 2-38
Figure 4.2: Basic Organizational Structure of the Secretariat of the House of Representatives (as of late 2002)

Bibliography


Jones, David Martin. "Democratization, Civil Society, and Illiberal Middle Class Culture in Pacific Asia." Comparative Politics 30.2 (1998): 147-69


Patamasukon, Prasert. *Forty Two Years of the National Assembly of Thailand (1932-1974)*. Bangkok: Secretariat of the National Assembly?, 197?. [in Thai]


Stern, Aaron. Interview with Uthai Pimchaichon, President, National Assembly of Thailand. 20 August 2002.


Suksamran, Nauvarat. “Come Thursday and it’s a carnival of MPs.” The Nation. 15 September 1988. page number unavailable.


